



MINUTES

**Town of Smyrna
Council Meeting
Bi-Monthly Meeting
Monday, October 2, 2023, 6:45 pm - 8:00 pm
Hybrid**

In Attendance

Danielle Pope; Dr. Corrine Upshur; Gerald Brown; Jason McNatt; Mary Bowers-Johnson; Michael Rasmussen; Robert Johnson; Tabitha Gott; Torrie James; Valerie Forbes; Walt Ruth; William Pressley

Not In Attendance

Sheldon Hudson

MEMBERS OF THE PUBLIC WILL BE PERMITTED TO PARTICIPATE IN THIS MEETING by teleconference by calling 1-301-715-8592 and entering Meeting ID number: 823 5791 0997

Passcode: 903404 or by visiting Join Zoom meeting at:

<https://us06web.zoom.us/j/82357910997?pwd=tBhFmCVogahVYdkB2d43PcobAC7sne.1>

1. 6:45 pm - Public Hearing:

Public Hearing Meeting called to order By Vice Mayor Rasmussen at 6:47 PM

- a. Application from Grantland Holdings, LLC to rezone a 0.10-acre parcel at the intersection of North School Lane and Mustard Lane (TM 1-17-01017-01-3800-00001) from R-2 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.
- b. Application from Stephenson Enterprises, LLC to rezone a 0.10-acre parcel at 20 North School Lane (TM 1-17-01017-02-1000-00001) from R-3 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.

2. 7:00 PM - Call to order – regular meeting

Meeting called to order by Mayor Robert Johnson

3. Pledge of Allegiance/Moment of Silence

Pledge of Allegiance and Moment of Silence led by Mayor Robert Johnson

4. Roll call

Present where: Gerald Brown, Valerie Forbes, Tabitha Gott, Robert Johnson, Corrine Upshur, William Pressley and Michael Rasmussen

5. Additions/deletions to published agenda

No additions or deletions.

A motion was made by Councilman Rasmussen to accept the agenda. The motion was

seconded by Councilwoman Gott and carried unanimously.

Move: Michael Rasmussen Second: Tabitha Gott Status: Passed

Yes: Robert Johnson, Valerie Forbes, William Pressley, Tabitha Gott, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

6. Consent agenda:

A motion was made by Councilman Rasmussen to accept the agenda. The motion was seconded by Councilwoman Gott and carried unanimously.

Move: Michael Rasmussen Second: Tabitha Gott Status: Passed

Yes: Robert Johnson, Valerie Forbes, William Pressley, Tabitha Gott, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

a. Corrected Minutes of 08/21/2023

A motion was made by Councilman Rasmussen to accept the consent agenda. The motion was seconded by Councilwoman Gott and carried unanimously.

Move: Michael Rasmussen Second: Tabitha Gott Status:

Yes: Robert Johnson, Valerie Forbes, William Pressley, Tabitha Gott, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

b. Council minutes of 09/18/2023

A motion was made by Councilman Rasmussen to accept the consent agenda. The motion was seconded by Councilwoman Gott and carried unanimously.

Move: Michael Rasmussen Second: Tabitha Gott Status: Passed

Yes: Robert Johnson, Valerie Forbes, William Pressley, Tabitha Gott, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

c. Executive session minutes of 09/18/2023

A motion was made by Councilman Rasmussen to accept the consent agenda. The motion was seconded by Councilwoman Gott and carried unanimously.

Move: Michael Rasmussen Second: Tabitha Gott Status: Passed

Yes: Robert Johnson, Valerie Forbes, William Pressley, Tabitha Gott, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

d. Police Department Report

A motion was made by Councilman Rasmussen to accept the consent agenda. The motion was seconded by Councilwoman Gott and carried unanimously.

Move: Michael Rasmussen Second: Tabitha Gott Status: Passed

Yes: Robert Johnson, Valerie Forbes, William Pressley, Tabitha Gott, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

7. Non-agenda Items:

a. Mayor & Council Members

Mayor Johnson Spoke about the budget process starting. The first will be the Capital Budget followed by the Operating Budget. He cautioned any spending over 50K will need to be explained. The budget will be gone over with Council and each Department Head. The Mayor thanked Jason for all his hard work getting Lake Como Woods paved and completed. He spoke about digitizing. FYI - The funds will be transferred out of the general fund yearly into a special revenue fund until it is completed. Jason informed Council that Ashland paving will start next week and will take about 1 week to complete. Mayor Johnson thanked Jason for staying on top of this project.

Councilwoman Gott spoke about the Veterans' Event on November 14. Once confirmation is received that the banners are complete. Opera House has been secured. Nominees are Pamela Anderson, Chip Thompson, Chuck Rankin, Allen Pressley, Danielle Young, Shaun Shannon and Ron Coty. They met a few weeks ago about the ORPT grants and ADA playground equipment for the 2023 grant money. The 2024 grant money can go towards renovating the ball fields. New fence, dugouts, etc. She stated the electric department receiving awards from the Navaho Nation for their participation.

Councilwoman Forbes has nothing about Shade Tree Commission. Stated scanning was going well with Doug and she will work with Travis to get the funds worked out for this project.

Councilman Rasmussen stated the next Pension Review Committee will be on October 26 at 8:30 AM

Councilman Pressley had nothing.

Councilman Brown commended Jake Mitchell on his attention to Lake Como Woods paving project. He brought up the subject of Locust Street, the phone calls he received and the health of the residence. He told Mayor Johnson that this is a political problem not a resident issue.

b. Police Chief

Chief James introduced his 3 new police officers - Amanda Aires and Sydney Smith who both graduated with awards in physical fitness.

8. Old business, including Discussions & Possible Action on the following items:

- a. Third Reading of Ordinance #014-23 to amend chapter 18 (buildings and building regulations), article XX (annual registration of vacant buildings and registration fees) to revise the vacant building registration fees and to make other housekeeping amendments.

The third reading of Ordinance #014-23, however, Barrett Edwards stated this should be the second reading of this ordinance. Before executive session, I spoke with Barrett about an email I received from him stating the first reading was 8/21 which would make the second reading 9/18 and the third reading 10/2/2023. After speaking with Barrett, he decided to make 10/2 the second reading and bring it before council for an actual third reading. Changes were made

A motion was made by Councilman Rasmussen to accept the changes to the original ordinance. The motion was seconded by Councilman Brown and carried unanimously.

Move: Michael Rasmussen Second: Gerald Brown Status: Passed

Yes: Robert Johnson, Valerie Forbes, William Pressley, Tabitha Gott, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

9. New Business, Including Discussion & Possible Action on the following Items:

- a. Town of Smyrna resolution #004-23 concerning the Annual Halloween Celebration.

A motion was made by Councilwoman Forbes to set Halloween to October 31st from 5 PM to 8 PM. The motion was seconded by Councilwoman Gott and carried unanimously.

Move: Valerie Forbes Second: Tabitha Gott Status: Passed

Yes: Robert Johnson, Valerie Forbes, William Pressley, Tabitha Gott, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

- b. Application from Grantland Holdings, LLC to rezone a 0.10-acre parcel at the intersection of North School Lane and Mustard Lane (TM 1-17-01017-01-3800-00001) from R-2 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.

A motion was made by Councilman Rasmussen to accept the application. The motion was seconded by Councilman Brown. Discussion was called for by Councilwoman Forbes in reference to the type of structure this will be. Barrett explained there are several other properties that will be coming before Council in the future.

A motion was made by Councilman Rasmussen to accept the consent agenda. The motion was seconded by Councilman Brown. Discussion was called for by Councilwoman Forbes in reference to the type of structure this will be. Barrett explained there are several other properties that will be coming before Council in the future.

Roll Call Vote:

Councilman Rasmussen - yes - In compliance with the 2020 comprehensive plan

Councilwoman Gott - yes - In compliance with the 2020 comprehensive plan

Councilwoman Forbes - yes - At the recommendation of staff

Councilman Pressley - yes - In compliance with the 2020 comprehensive plan

Councilwoman Upshur - yes - In compliance with the 2020 comprehensive plan

Councilman Brown - yes - In compliance with the 2020 comprehensive plan and staff recommendation

Mayor Johnson - yes - In compliance with the 2020 comprehensive plan and staff recommendation

Move: Michael Rasmussen Second: Gerald Brown Status: Passed

Yes: Robert Johnson, Valerie Forbes, William Pressley, Tabitha Gott, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

- c. Application from Stephenson Enterprises, LLC to rezone a 0.10-acre parcel at 20 North School Lane (TM 1-17-01017-02-1000-00001) from R-3 Residential to DR – Downtown Residential in the Town of Smyrna to comply with the 2020 Smyrna Comprehensive Plan.

A motion was made by Councilman Rasmussen to accept the application. The motion was seconded by Councilwoman Gott and carried unanimously.

A motion was made by Councilman Rasmussen to accept the application. The motion was seconded by Councilwoman Gott and carried unanimously.

Roll Call Vote:

Councilman Rasmussen - yes - At the recommendation of staff

Councilwoman Gott - yes - In compliance with the 2020 comprehensive plan

Councilwoman Forbes - yes - At the recommendation of staff

Councilman Pressley - yes - In compliance with the 2020 comprehensive plan and staff recommendation

Councilwoman Upshur - yes - In compliance with the 2020 comprehensive plan

Councilman Brown - yes - In compliance with the 2020 comprehensive plan and staff recommendation

Mayor Johnson - yes - At the recommendation of staff

Move: Michael Rasmussen Second: Tabitha Gott Status: Passed

Yes: Robert Johnson, Valerie Forbes, William Pressley, Tabitha Gott, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

10. Presentation and public comments (3 minutes)

1. Sharon Wright was very angry with Council because of the situation on Locust Street.

2. Sara Fuller shared with council the difficult living conditions she has to endure because of the neighbors at 407 Eagles Way. Mayor Johnson asked Doug and Chief James to speak with Sara about her situation.

3. Irene Strozkeski spoke about Locust Street and the potential risk of health conditions because of the odor.

4. A resident of Hickory Hollow addressed council in reference to the bad condition of the curbs and sidewalks. Mayor Johnson asked Jason if he could take a look at the curbs and sidewalks.

5. John Behrens spoke about the inaccessibility of fire apparatus to adequately reach his building if the Duck Creek Regional Library is built.

11. Other Council Business

None.

12. Executive session to discuss the sale or lease of real property. 29 Del. C. Sec. 10004(b)(2)

Mayor and Council went into executive session at 9:07 PM

A motion was made by Councilwoman Forbes to go into Executive Session. The motion was seconded by Councilwoman Upshur and carried unanimously.

Move: Valerie Forbes Second: Dr. Corrine Upshur Status: Passed

Yes: Robert Johnson, Valerie Forbes, William Pressley, Tabitha Gott, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

13. Possible action on matters discussed in executive session regarding the sale or lease of real property
14. Executive session to discuss the potential acquisition of real property. 29 Del. C. Sec. 10004(b)(2)

Mayor and Council went into executive session at 9:07 PM

A motion was made by Councilwoman Forbes to go into Executive Session. The motion was seconded by Councilwoman Upshur and carried unanimously.

Move: Valerie Forbes Second: Dr. Corrine Upshur Status: Passed

Yes: Robert Johnson, Valerie Forbes, William Pressley, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

15. Possible action on matters discussed in executive session regarding the potential acquisition of real property
16. Executive session to discuss personnel matters in which the names, competency, and abilities of individual employees will be discussed. 29 Del. C. § 10004(b)(9)

Mayor and Council went into executive session at 9:07 PM

A motion was made by Councilwoman Forbes to go into Executive Session. The motion was seconded by Councilwoman Upshur and carried unanimously.

Move: Valerie Forbes Second: Dr. Corrine Upshur Status: Passed

Yes: Robert Johnson, Valerie Forbes, William Pressley, Tabitha Gott, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

17. Possible action on personnel matters discussed in executive session
18. Executive session to hold a strategy session with respect to collective bargaining with a labor union. 29 Del.C Sec. 10004(b)(4)

Mayor and Council went into executive session at 9:07 PM

A motion was made by Councilwoman Forbes to go into Executive Session. The motion was seconded by Councilwoman Upshur and carried unanimously.

Move: Valerie Forbes Second: Dr. Corrine Upshur Status: Passed

Yes: Robert Johnson, Valerie Forbes, William Pressley, Tabitha Gott, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

19. Discussion and possible action on matter discussed in executive session regarding collective bargaining
20. Executive session to hold a strategy session involving legal advice or an opinion from an attorney-at-law, with respect to pending or potential litigation 29 Del. C. § 10004(b)(4)

Mayor and Council went into executive session at 9:07 PM

A motion was made by Councilwoman Forbes to go into Executive Session. The motion was seconded by Councilwoman Upshur and carried unanimously.

Move: Valerie Forbes Second: Dr. Corrine Upshur Status:

Yes: Robert Johnson, Valerie Forbes, William Pressley, Tabitha Gott, Michael Rasmussen, Gerald Brown, Dr. Corrine Upshur

21. Discussion and potential action on matters discussed in executive session involving pending or potential litigation

22. Adjournment

Meeting was adjourned at approximately 9:00 PM. Zoom was not turned back on after executive session. I was unable to document motions and times.

Posted on 09/25/2023 at 4:30 PM (1)

NOTE: This agenda as listed may not be considered in sequence. This agenda is subject to change to include additional items, including Executive Sessions, and/or deletion of items, including Executive Sessions that arise at time of meeting.