

Council Meeting

Council Chamber, Smyrna Town Hall
27 S. Market Street Plaza, Smyrna, Delaware

February 2, 2026 – 6:45 PM

Agenda

1. 6:45 PM – Public hearing to consider a Conditional Use application from Telos Properties, LLC to construct two semi-detached dwelling units on an existing vacant lot in the CC – Central Commercial – District. The property is located at 27 E. North St, (TM 28-001.00-003) and is currently owned by T&D Developing, LLC.

Mayor Gott called the Public hearing to order at 6:44 PM. Town Planner, Jeremy Rothwell presented. He introduced Kyle and Tyler Nicholls, owners of Telos Properties LLC.

In summary, the application proposes to construct two semi-detached dwellings, similar to a duplex, at 27 E. North St, in the Central Commercial District. The zoning district prioritizes commercial uses, but permits residential homes, through a conditional use approval. In this case, the application would be in line with the area, as the property is surrounded on all sides, predominately, by residential properties. The Planning Commission unanimously recommended the approval, as well as staff. Per the Town's Code, a conditional use request cannot conflict with the comprehensive plan, cannot affect public health, safety, morals, or general welfare, and must have safeguards protecting surrounding property and neighborhood values.

Mayor Gott asked about the driveways. The issue on Main Street is that they are overlap on the sidewalk and when people park their vehicles, it blocks the walkway. Jeremy explained that that section of the Code was changed, and it is now required to have garages set back from the front of the house at a minimum of 12 feet. He discussed the approval process: Mayor and Council approves the conditional use/application. The sub-division of the parcel and the building permits for the semi-detached dwellings will be handled by staff. This is so that everything meeting the requirements; i.e. setbacks, coverage, and parking compliances.

Tyler Nicholls spoke next. His brother, Kyle, and he are the owners of Telos Properties. They are based out of Milford and build about 15 houses a year. They bought the property at a munition sale and although the property is zoned commercial, they felt that a residential would fit more into the area. They are strong supporters of homeownership, which is why they would like to sub-divide and sell the duplex to people looking to purchase a home. Their plan is a minimum width of 33 feet wide, which is similar to the 20 to 30 ft wide homes nearby. They also plan to set he homes further back, just a bit, to length the driveways and improve the overall design.

There were no questions or discussion from Mayor and Council.

Mayor Gott closed the public hearing portion of the meeting at 6:52 PM.

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

Mayor Gott called the regular meeting to order at 6:58 PM.

3. Pledge of Allegiance

Mayor Gott asked Chief Donner to lead the Pledge of Allegiance. This was followed by a moment of silence.

4. Roll Call

Councilman Drew, Mayor Gott, Councilman Johnson, Councilman Miles, Councilman Pope, and Vice Mayor Dr. Upshur were present

Councilman Olson was absent.

5. Additions/deletions to the published agenda

Councilman Pope motioned to accept the published agenda. Councilman Johnson seconded.

There was some discussion and Vice Mayor Dr. Upshur motioned to move item #10, public comment, after item #5, publish agenda, moving forward. Councilman Drew seconded the motion.

All were in favor. Motion passed to move item #10 to the #6.

6. Consent agenda

a. Council meeting minutes from 1/20/2026

Vice Mayor Dr. Upshur motioned to approve the 1/20/2026 minutes. Councilman Pope seconded. All were in favor. Motion passed.

7. Non-agenda items

a. Mayor and Council Members

Mayor Gott

- *Thanked staff for their dedication through the storm that was had, thanked the Smyrna Police Department, and thanked Torrie, Kathleen, and everyone who cooked for the staff. She mentioned that Town Manager, Torrie James, told her that if the staff have to be out, they needed to know that he was there and has their backs 150%.*
- *Talked about the grand opening that was held on Saturday, how everything, overall, has been a success, and the great comment that she received regarding the streets. She met with someone from Wilmington and they praised how well the staff cleared the streets.*

Vice Mayor Dr. Upshur

- *She has gotten so many compliments on everything the staff has done. She thanked them for their work in keeping the town safe and clean.*
- *Talked about Black History Month and the historic impact of the Divine 9.*
 - *These are historic Black fraternities and sororities that helped shape the Civil Rights Movement and continue to strengthen communities across the nation.*
 - *Their contributions include organizing voter registration drives, funding scholarships, marching for justice and equal opportunities.*
 - *Their legacy demonstrates that civic process comes from dedicated people working with purpose and faith.*
 - *She is a proud member of Sigma Gamma Rho Sorority, Inc. A sorority founded on the principles of sisterhood, leadership, and service. These value guide her work a Vice Mayor and her commitment to ensuring that every resident of Smyrna is seen, heard, and valued.*
 - *She is would like everyone to continue to honor the legacy by leading with courage, compassion, and a dedication to the common good.*

Councilman Pope

- *Thanked staff for their amazing work through the storm. He doesn't recall a storm where Delaware had gotten mostly ice. He understand that was what made it challenging.*
- *Spoke on the grand reopening of Smyrna Nutrition and encouraged everyone to stop in a support them.*
- *Wished all a happy Black History Month.*

Councilman Johnson

- *Thanked the staff who worked on the snow removal.*
- *Joked about groundhog Phil seeing his shadow and getting six (6) more weeks of bad weather.*

Councilman Drew

- *Thanked staff for their work on the ice.*
- *Thanked Smyrna Police for keeping the town safe.*
- *Talked about the Parks and Recreation Committee meeting. One of the objectives is to bridge the gap with the youth and getting them involved in the community.*
- *Talked about the grand reopening of Smyrna Nutrition. He said that the drinks are phenomenal and if people get a chance, they should visit.*

Councilman Miles

- *Thanked the staff for their hard work. He knows they worked long nights and it was cold.*

b. Police Chief

Chief Donner

- *Talked about the recruits and that they continue to do well.*
 - *There are two in Wilmington's academy who will graduate in 3.5 weeks.*
 - *There are two more who started in Dover's academy on January 11.*
 - *Mayor and Council has his report if they have any questions.*

c. Town Manager

Torrie James

- *Mentioned that Jason and the Public Works crew were amazing in handling the storm and thanked them.*
- *The Town applied for federal earmarked fund and will be receiving \$1.4 million.. This will help offset the cost for the water treatment facility.*
- *There are a few new implementations upcoming.*
 - *A new business license. This will be a sticker that will go in the window.*
 - *A new [phone] line for town emergencies. This was created so that the Police Department line is left open for police emergencies. This new line is in a beta test and was started when the storm came through. It worked well and he had some good conversations with residents.*
 - *There's more to come that he'll talk about as they are rolled out.*
- *Mayor and Council has his report and if they have questions let him know.*

Mayor Gott asked Chief Donner if the Police Department saw a decline in the calls that they would typically get. Chief Donner said yes, it was helpful. They are on board with this new line. There are only so many available and they need their lines open for police related emergencies.

Mayor Gott mentioned that, as someone who had her phone consistently ringing, it is important that all Councilmembers redirect residents to use the proper resources and tools. She moved on to the next topic, realizing that item #10 wasn't discussed even though it was motioned to be moved. She opened the floor to public comment.

8. *Presentation and public comments (3 minutes) [moved as motioned and approved in item #5]*

Pam Anderson – Asked about the emergency line. She called and left a message because she lost power. Town Manager Torrie James listed all the people it went to. Him, Walt [IT Manager], Jason [Asst. Town Manager], Jake [Public Works Director], and then the message was followed up to get the appropriate crews to go out. However, by the time he made the call, they [the crew] had already been notified and out. She asked if the line is supposed to be answered by a live person, or do people just leave a message. She did call the Police Department afterward. He explained that the Town is trying to get people to use the number and to understand that they may not always get a live person depending on the situation. The line is being monitored, and a phone tree is being worked on. The example is gave is if someone called and option 1 is for power outages. Eventually, it'll get people to the right department or person who is monitoring the line. He continued that staff were monitoring the line on Monday and then he took over when they went home. This is still in beta testing, but he confirmed again that her message was received. She wanted to know if the line will be for more than storm related emergencies, like the prompt said. Town Manager James said it will be. She just wanted to make sure she did the right thing and commented that it was a great job because the electric was back on in 45 minutes.

9. Old business, including discussion and possible action on the following items:

- a. N/A

10. New business, including discussion and possible action on the following items:

- a. Senior Citizen Tax Exemption form

Vice Mayor Dr. Upshur motioned to approve the Senior Citizen Tax Exemption form. Councilman Drew seconded. There was no discussion. All were in favor. Motion passed.

- b. Disability Tax Exemption form

- c. Mobile Home Placement Permit exemption list

Mayor Gott asked Town Solicitor Edwards if 10 b and c could be done at the same time. He said they could unless someone was going to vote or challenge one of them. They opted to vote on both together.

Councilman Pope motioned to approve the Disability Tax Exemption form and the Mobile Home Placement Permit exemption list. Councilman Johnson seconded. There was no further discussion. All were in favor. Motion passed.

- d. Set Appeals date & time

Mayor Gott asked for Town Solicitor Edwards' help on this item. She believes that three (3) of Council need to be appointed to the committee [Appeals Committee] and the meeting needs to be before the first meeting in April. Town Solicitor Edwards confirmed that the Appeals meeting is held before the first April meeting, which would be April 6th. Under the code, this is a fact finding, exploratory, committee, and has to be between two (2) and three (3) Council members. Usually, the time is around 5:30 PM or 6 PM and they will hear anyone who has any grievances with their assessments or additions to their assessments.

Mayor Gott asked who would like to be apart of the Appeals Committee. It'll be Vice Mayor Dr. Upshur, Councilman Miles, and Councilman Drew. There was discussion about the day and time and Town Solicitor Edwards reminded that it's usually before the first April Council meeting.

Mayor Gott announced the meeting will be 5:30 PM on April 6th.

e. Conditional use application from Telos Properties, LLC for 27 E. North St

Town Planner, Jeremy Rothwell, asked if they have any questions, but if not they have to provide reasoning for their votes.

Mayor Gott asked for a motion. Vice Mayor Dr. Upshur motioned to approve the application. Councilman Pope seconded. There was no further discussion. All were in favor. Motion passed. There was a brief reminder that they have to have individual votes. Town Solicitor Edwards said it was fine for them to do that now.

Councilman Miles – in favor because the evidence shows the application meets the standards required for the conditional use approval.

Councilman Drew – in favor because at the hearing it was noted that the property would not negatively impact the neighborhood properties, so this should fit well in the area.

Vice Mayor Dr. Upshur – in favor for the same reason as Councilman Miles.

Councilman Pope – in favor for the same reason as Councilman Miles.

Councilman Johnson – in favor because it was approved and recommended by the Zoning Commission.

Mayor Gott did not provide a vote reason.

11. Presentation and public comments (3 minutes)

Moved as per motion and approval in item #5.

12. Adjournment

Mayor Gott thanked everyone and ended the meeting at 7:20 PM.

Posted 1/26/2026 by 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.