

**TOWN OF SOUTH BETHANY
TOWN COUNCIL ORGANIZATIONAL MEETING MINUTES
JUNE 1, 2013**

ATTENDANCE

PRESENT: Mayor Kathy Jankowski; Councilpersons Al Rae, Pat Voveris, Sue Callaway, George Junkin, Jim Gross, and Tony Caputo; Town Manager Melvin Cusick; Administrative Assistant Pam Smith; and Town Clerk Dee Burbage

CALL TO ORDER

Mayor Jankowski called the June 1, 2013, Town Council Organizational Meeting to order at 8:30 a.m., followed by the Pledge of Allegiance to the Flag.

SWEARING IN NEW COUNCILPERSONS

The Town Clerk swore in re-elected incumbents Jim Gross, Pat Voveris, and Al Rae and new Council Member Tony Caputo.

PUBLIC COMMENT

Barry Hecht (Son of Gerald Hecht 308 W. 6th St.) – Mr. Hecht stated that the Code Enforcement Constable told him he could not receive a building permit until the sail boat that has sat on the corner of the property for 30 years has been taken care of. The Code Enforcement Constable also mentioned something to Mr. Hecht about the trash can container. Mr. Hecht said the property is unsightly, and he is assuring Council that he is embarrassed about the property as it is now. Mr. Hecht has plans to fix up the property, but the Code Enforcement Constable is holding up the work permit based on the boat. Mr. Hecht said the Code Enforcement Constable has given him one month to deal with the boat. Mr. Hecht has asked the Code Enforcement Constable for two months. Mr. Hecht said he understands that the boat is dirty and unsightly, but it can still sail. During discussion Councilman Gross stated that the Council does not have the power to waive the Code. Mr. Hecht said he does not think the boat is in violation. Mr. Hecht said if the boat has a permit it can be on the property. Mr. Hecht said the boat is going to have a permit soon. After more discussion, the Town Manager said he would talk to the Code Enforcement Constable, but in the meantime the Town Manager advised Mr. Hecht to get the boat licensed and tagged. Mr. Hecht said he has not yet received a notice from the Code Enforcement Constable.

At 8:50 a.m. a motion was made by Councilman Junkin, seconded by Councilman Gross, to go into Executive Session to discuss a personnel matter in which the name, competency, and ability of individual applicants for the Code Enforcement Constable position will be discussed. The motion was unanimously carried.

EXECUTIVE SESSION – PERSONNEL MATTER IN WHICH THE NAME, COMPETENCY, AND ABILITY OF INDIVIDUAL APPLICANTS FOR THE CODE ENFORCEMENT CONSTABLE POSITION WILL BE DISCUSSED

Council went into Executive Session to discuss a personnel matter in which the name, competency, and ability of individual applicants for the Code Enforcement Constable position will be discussed.

RECONVENE ORGANIZATIONAL MEETING

At 9:20 a.m. a motion was made by Councilman Junkin, seconded by Councilman Gross, to reconvene the Town Council Organizational Meeting. The motion was unanimously carried.

CONSIDERATION AND POSSIBLE VOTE TO HIRE A NEW CODE ENFORCEMENT CONSTABLE

A motion was made by Councilman Junkin, seconded by Councilman Gross, that the Town hire Joseph Hinks for the Code Enforcement Constable position. The motion was adopted.

APPOINTMENT OF MAYOR PRO-TEM, SECRETARY, AND TREASURER

Mayor Jankowski appointed Councilwoman Callaway to serve as Mayor Pro-Tem, Councilwoman Voveris to serve as Secretary, and Councilman Caputo to serve as Treasurer.

A motion was made by Councilman Gross, seconded by Councilman Rae, to approve Mayor Jankowski's recommendations. The motion was unanimously carried.

ADOPTION OF RULES OF PROCEDURE

A motion was made by Councilman Junkin, seconded by Councilman Rae, that Council accept the Rules of Procedures with the following items added to the Rules of Procedure:

10. *Every committee chairperson will submit an electronic copy of their Town Council Regular Meeting Committee Report to the Administrative Assistant no later than the day of the Town Council Regular Meeting for the purpose of recording the report in the meeting minutes.*
11. *Public Comment Periods*
 - A. *Town Council Regular Meetings – Public comments will be heard during the Property Owners' Participation portion of the meeting, and public comments regarding agenda items will be heard after initial Council discussion and prior to any Council vote being taken.*
 - B. *Town Council Workshop Meetings – Public comments will be heard at the beginning of the meeting and at the end of the meeting as indicated on the meeting agenda.*

The motion was unanimously carried.

A motion was made by Councilman Junkin, seconded by Councilman Gross, that Council accept the Protocol Governing Absences from and Remote Access to Town Council Meetings as is. After discussion, a motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the Protocol Governing Absences from and Remote Access to Town Council Meetings as modified by Councilwoman Callaway as follows:

UNEXCUSED ABSENCES

- ❖ An absence shall be unexcused if a member has been absent ~~and/or remotely accessed~~ for a total of three or more times, whether excused or unexcused or consecutive or nonconsecutive, in the 12 months immediately preceding the absence ~~and/or remote access~~ currently being considered. This action shall be recorded in the minutes of the meeting. *Participation by remote access is not considered an absence. However, Council Members may exercise the remote access option not more than three times annually.*

ACTION

- ❖ When a member has accumulated a total of four (4) absences from ~~and/or access by remote access to~~ Regular Town Council Meetings or workshops in the past 12 months, the Council shall meet with that member and determine what appropriate action (such as requesting resignation from Council) to pursue.

The motion was unanimously carried.

The amended Rules of Procedure and Protocol Governing Absences From and Remote Access to Town Council Meetings are attached.

COMMITTEE ASSIGNMENTS

A motion was made by Mayor Jankowski, seconded by Councilman Junkin, that Council accept the following appointments:

Assawoman Canal and Trail

Councilman Rae – Contact Person

Community Enhancement Committee

Councilwoman Callaway - Chair

Budget and Finance Committee

Councilman Caputo - Chair

Canal Water Quality Committee

Councilman Junkin - Chair

Charter and Code Committee

Councilman Gross - Liaison

Communications and Public Relations Committee

Councilman Rae - Chair

Sea Level Rise (SLR) and Storm Surge (SS) Adaptation Committee

Councilman Junkin - Chair

Planning Commission

Mayor Jankowski - Liaison

Board of Adjustment

Councilwoman Voveris – Contact Person

The motion was unanimously carried.

A motion was made by Councilman Junkin, seconded by Councilman Rae, that the Charter and Code Committee is an ad hoc committee with John Fields as the Chair. The motion was unanimously carried.

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, that Council list Assawoman Canal and Trail, Planning Commission, and Board of Adjustment as areas of interest with Councilman Rae being responsible for the Assawoman Canal and Trail, Mayor Jankowski being the liaison for the Planning Commission, and Councilwoman Voveris being the contact person for the Board of Adjustment. The motion was unanimously carried.

Mayor Jankowski reminded everyone to go through the chair of the committee with any issues they may have regarding the committee.

REVIEW 2013-2014 MEETING SCHEDULE

Council amended the 2013-2014 Meeting Schedule by changing the December 26, 2013, Town Council Workshop Meeting to December 12, 2013. A motion was made by Councilman Junkin, seconded by Councilman Caputo, to accept the 2013-2014 Meeting Schedule as amended. The motion was unanimously carried.

REVIEW ORGANIZATIONAL LIST

Council reviewed the Organizational List. The Administrative Assistant will add Council assignments to the Organizational List.

ADJOURNMENT

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to adjourn the June 1, 2013, Town Council Organizational Meeting at 10:10 a.m. The motion was unanimously carried.

PHS:Organizational Meeting Minutes.6.1.13.Adopted 6.14.13

Attachments Town of South Bethany Rules of Procedure
 Town of South Bethany Policy Protocol Governing Absences From Town Council Meetings

TOWN OF SOUTH BETHANY
RULES OF PROCEDURE

1. Subject to the exceptions hereinafter set forth, ordinances shall be formally considered, and enacted only at regularly scheduled meetings of the Town Council as set forth in Section C-4 of the Town Charter, provided the proposed ordinance has been considered at three meetings of the Town Council.
2. Ordinances may be introduced at a regular meeting or workshop of the Town Council by any Town Council Member provided the proposed ordinance is filed with the Town Manager and Mayor at least ten (10) calendar days prior to the Town Council meeting at which the ordinance is to be introduced. The Town Manager shall cause the proposed ordinance to be typed, reproduced and distributed to the Town Council Members at least seven (7) calendar days prior to the Town Council meeting at which the proposed ordinance is to be introduced. Other items, such as resolutions, which require Council vote, must also adhere to the seven (7) calendar day notice requirement.
3. Notice of proposed ordinances, including a brief description of the ordinances, shall be published prior to the first reading at a regular Council meeting in one newspaper of general circulation and other printed media in forms readily available to all property owners and by means of the Town of South Bethany website.
4. The proposed ordinance may be considered and amended at any of its three readings at regular meetings of the Town Council. At the third reading, after all amendments have been considered, the ordinance shall be submitted for a vote with approval of a majority of the entire Town Council required for enactment.
5. Proposed ordinances, which are of such compelling nature that adherence to the regular procedure, as heretofore set forth, would adversely affect the health, safety, welfare and public peace of the Town or its inhabitants, may be considered and enacted at any special or regular meeting of the Town Council without regard to the provisions of this rule excepting Section 6, provided that not less than four (4) members of the Town Council are present and a majority of the entire Town Council to enact. This section of the rule shall be strictly observed.
6. Notice of the adoption thereof, by title and brief description of the ordinance, shall be published in one newspaper of general circulation, other printed media in forms readily available to all property owners and by means of the Town of South Bethany website.
7. The bottom of the signature page (last page) of the ordinance shall list the dates of the first, second and third readings; the dates and names of newspaper publications and date of public hearing for zoning chapter ordinances.
8. Excused absences of the Mayor and Councilpersons from regularly scheduled Council meetings shall require Council approval as specified in C-7, H, (2), (d) of the Charter and the most recently adopted *Protocol Governing Absences from and Remote Access to Town Council Meetings Policy*.
9. Every Councilperson may add items to any agenda by contacting the Mayor to do so (except for Item 2 above regarding ordinances).
10. Every committee chairperson will submit an electronic copy of their Town Council Regular Meeting Committee Report to the Administrative Assistant no later than the day of the Town Council Regular Meeting for the purpose of recording the report in the meeting minutes.
11. Public Comment Periods
 - A. Town Council Regular Meetings – Public comments will be heard during the Property Owners' Participation portion of the meeting, and public comments regarding agenda items will be heard after initial Council discussion and prior to any Council vote being taken as indicated on the meeting agenda.
 - B. Town Council Workshop Meetings – Public comments will be heard at the beginning of the meeting and at the end of the meeting as indicated on the meeting agenda.

**TOWN OF SOUTH BETHANY
POLICY**

PROTOCOL GOVERNING ABSENCES FROM AND REMOTE ACCESS TO TOWN COUNCIL MEETINGS

MEETINGS

The following procedure shall be followed:

- ❖ A member who will be absent from or remotely accessed to a regular Council meeting or workshop shall notify the Mayor or Town Manager as soon as possible before the meeting and give the reason for the absence.
- ❖ The absence or remote access shall be the first item on the meeting agenda.
- ❖ At the meeting, the Mayor shall announce the absence or remote access and the reason. The Mayor shall determine if the absence or remote access is excused or unexcused.
- ❖ The name of the absentee, and if the absence is excused or unexcused, shall be recorded in the minutes of the meeting.

EXCUSED ABSENCES OR REASONS FOR REMOTE ACCESS

Absences or remote access for the following reasons shall be excused/accepted:

- ❖ Illness
- ❖ Serious illness in the family or of a close friend
- ❖ Death in the family or of a close friend
- ❖ Attendance at funerals
- ❖ Attendance at graduations, weddings and religious ceremonies of a family member or close family friend
- ❖ Attendance at significant public performances by, or at award ceremonies honoring, a family member or close family friend
- ❖ Business trips or meetings required by superiors or customers or business events scheduled by others
- ❖ Interruption to travel or transportation which otherwise would have allowed attendance
- ❖ Accidents or Acts of God
- ❖ Other situations as determined by the Mayor on a case-by-case basis

UNEXCUSED ABSENCES

- ❖ An absence shall be unexcused if a member has been absent for a total of three or more times, whether excused or unexcused or consecutive or nonconsecutive, in the 12 months immediately preceding the absence currently being considered. This action shall be recorded in the minutes of the meeting. Participation by remote access is not considered an absence. However, Council Members may exercise the remote access option not more than three times annually.

ACTION

- ❖ When a member has accumulated a total of four (4) absences from Regular Town Council Meetings or workshops in the past 12 months, the Council shall meet with that member and determine what appropriate action (such as requesting resignation from Council) to pursue.

phs:Protocol Governing Absences Adopted 6.1.13
Revised 6/3/06 Town Council Organizational Meeting
Revised 6/2/07 Town Council Organizational Meeting
Revised 6/4/11 Town Council Organizational Meeting
Revised 10/12/12 Town Council Regular Meeting
Revised 6/1/13 Town Council Organizational Meeting