

TOWN OF SOUTH BETHANY TOWN COUNCIL WORKSHOP MEETING MINUTES JUNE 25, 2015
--

MEETING CALLED TO ORDER

Mayor Voveris called the June 25, 2015, Town Council Workshop Meeting to order at 2:00 p.m.

ATTENDANCE

PRESENT: Council Members Sue Callaway, George Junkin, Tim Saxton, Wayne Schrader, Carol Stevenson, Frank Weisgerber, and Mayor Pat Voveris; Town Manager Melvin Cusick; Chief Troy Crowson; Finance Director Renee McDorman; and Administrative Assistant Pam Smith

PUBLIC COMMENT PERIOD

There were no comments from the public.

ADOPTION OF MINUTES

- **Town Council Regular Meeting, April 10, 2015** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the April 10, 2015, Town Council Regular Meeting Minutes. The motion was unanimously carried.
- **Town Council Workshop Meeting, April 23, 2015** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the April 23, 2015, Town Council Workshop Meeting Minutes. The motion was unanimously carried.
- **Town Council Public Hearing – Ordinance 179-15, May 8, 2015** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the May 8, 2015, Town Council Public Hearing – Ordinance 179-15 Minutes. The motion was unanimously carried.
- **Town Council Regular Meeting, May 8, 2015** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the May 8, 2015, Town Council Regular Meeting Minutes as amended as follows: In the Charter and Code Committee Report, second paragraph, change "three years" to "two years" in sentence two and sentence four. The motion was unanimously carried.
- **Town Council Organizational Meeting, May 30, 2015** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the May 30, 2015, Town Council Organizational Meeting Minutes. The motion was unanimously carried.
- **Town Council Regular Meeting Devoted to FEMA Public Meeting Regarding Aspects of Preliminary FIRM (Flood Insurance Rate Map), June 12, 2015** – A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to accept the June 12, 2015, Town Council Regular Meeting Devoted to FEMA Public Meeting Regarding Aspects of Preliminary FIRM (Flood Insurance Rate Map) Minutes. The motion was adopted. Councilman Saxton abstained.

DISCUSSION AND POSSIBLE VOTE ON PROPOSED BUDGETARY GUIDELINES

Council had a copy of the Budgetary Guidelines which were approved by Council on January 23, 2014. The document showed the proposed changes to the guidelines. Councilman Saxton stated that the Town's auditors have reviewed the changes and they think the proposed draft is

better than the current guidelines. Councilman Saxton said the Town's auditors think it should be something very significant that causes the Town to do a budget amendment.

The proposed changes will allow the Town Manager and the Finance Director to move monies between line items in a fiscal year from \$2500 to \$10,000. The proposed changes also give very specific times to do a formal review (at six months and at 12 months).

In addition to the proposed changes, Council agreed to the following changes:

Section 3 Header: Change "Budget Officer" to "Town Manager".

Section 4.1, Third Sentence: Change "any line item budget" to "any budget line item".

Add the text highlighted in blue to Section 7.2:

7.2 *The Current Budget will be formally reviewed by the Treasurer and the Finance Director at the end of 6 months and 12 months of a Fiscal Year. A Budget Amendment will only be required for any line item expenditure that is greater than or anticipated to be greater than the Current Budget by \$10,000. Other line item expenditures with a variance of less than \$10,000 may be amended but are not required and are at the discretion of the Town Manager. For Revenues a Budget Amendment will only be required if the revised line item projection exceeds \$25,000. Revised revenue projections less than \$25,000 may be made at the discretion of the Town Manager. Budget Amendments may be brought to the Town Council that do not meet these 2 intervals or limits of authority described in this guideline at the discretion of the Town Manager.*

Section 8.2 Last Sentence: Capitalize the "b" in "budget Amendment".

Section 9.1, Item 2: Change the capital "A" in "Amendment" to a lowercase "a".

Motion: A motion was made by Councilman Junkin, seconded by Councilman Saxton, that Council accept the proposed guidelines changes including the changes above.

Discussion: Regarding Section 6 – Grants, Councilman Saxton explained that grants are fully vetted and approved by the Town Council prior to receiving a grant and does not need any other form of approval by the Town Council. Regarding a large donation the Police Department received recently, Councilman Saxton stated that in the future he believes the Town Council has a fiduciary responsibility to oversee how the donation is spent and the Town Council should be approving capital expenses.

Vote: The motion was unanimously carried.

DISCUSSION ON THE BUDGET AND FINANCE COMMITTEE DEVELOPING THE CAPITAL RESERVE POLICY IN CONJUNCTION WITH THE DEPRECIATION SCHEDULE

Council had a copy of the Town's depreciation schedule. Councilman Saxton gave background information on the capital reserve policy and the depreciation schedule in order to keep Council informed on what the Budget and Finance Committee will be working on. Council asked questions for clarification and a discussion ensued.

CONSIDERATION AND POSSIBLE VOTE ON HAVING ONE COUNCIL MEMBER ON THE BUDGET AND FINANCE COMMITTEE FOR FY2016

Mayor Voveris noted that on the Budget and Finance Committee page of the Town's website it states, "The committee is to be made up of two Council Members, including the Treasurer, the

Town Manager and the Finance Director (ad hoc members), and up to seven South Bethany property owners."

Mayor Voveris said for now she would like to change the statement to require one Council Member not two. Among the appointments she would like to make to the Budget and Finance Committee, Mayor Voveris said there are two South Bethany property owners that are CPAs. Mayor Voveris said everyone on Council has a job and no other Council Member had an interest in the Budget and Finance Committee.

Motion: A motion was made by Councilman Junkin, seconded by Councilman Saxton, that Council change the website to say "The committee is to be made up of at least one Council Member, the Treasurer, the Town Manager and the Finance Director (ad hoc members), and up to seven South Bethany property owners.

Discussion: Councilwoman Callaway disagreed with the approach and had the following concerns:

- Regarding continuity on the committee, Councilwoman Callaway said it is important to have a second Council Member on the committee to understand and internalize all of the nuances.
- The Budget and Finance Committee is the one committee that touches all operations, all committees, and all departments.
- Originally when the Budget and Finance Committee was established it was agreed that it was important to have two Council Members on the committee. Councilwoman Callaway thinks that has proven to be correct.

Mayor Voveris stated that this will be up for discussion once the committee to develop a policy for South Bethany committees is approved and the committee meets.

Vote: The motion carried with a 6-1 vote. Councilwoman Callaway voted against the motion.

COMMITTEE ASSIGNMENTS – APPOINTMENT AND POSSIBLE VOTE ON CHAIRPERSON AND COMMITTEE MEMBERS

Public Comment: Ed Bintz (302 N. Ocean Dr.) – Stated that last week he asked to join the Sea Level Rise (SLR) and Storm Surge (SS) Committee offering that he could have a role in beach erosion, beach replenishment, etc. Mr. Bintz said he was told that the SLR & SS Committee Chairman had already made his recommendation for committee members and that the committee appointments were being approved at this meeting. Mr. Bintz said he watches the bulletin board and gets the emails from the Town and he did not see anything soliciting committee members. (Later in the discussion Mayor Voveris and Councilwoman Callaway noted that in the spring the Commit for a Bit flyer was posted on the Bulletin Boards around town and the News Update was sent out frequently.) Mr. Bintz said his thought was that the committees were a volunteer thing where a person could just sign up and be welcomed on board. Mr. Bintz said he did not see anything on the Town's website restricting committee membership by number. Mr. Bintz said he is asking to be added to the committee. Councilman Junkin told Mr. Bintz that he would be uncomfortable having him on the committee because of the statements Mr. Bintz made last year regarding litigation. Mayor Voveris stated that she appoints committee members based on recommendation from the committee chair. After more discussion, Mayor Voveris told Mr. Bintz that she appreciates his comments but she is going to make the appointments based on the recommendation of the Chair.

- **Community Enhancement Committee**

A motion was made by Councilman Schrader, seconded by Councilman Junkin, to approve Mayor Voveris' appointment of Sue Callaway as Chair of the Community Enhancement Committee and to approve the following committee membership as recommended by Sue Callaway: Don Chrobot, Donna Farrow, Kathy Jankowski, Diann Nazarian, Bobbe Stephan, Kent Stephan, Carol Stevenson, Barbara Sears, Pat Weisgerber, Garnet Timbario, and Sue Callaway. The motion was unanimously carried.

- **Budget and Finance Committee**

A motion was made by Councilman Junkin, seconded by Councilman Schrader, to approve Mayor Voveris' appointment of Tim Saxton as Chair of the Budget and Finance Committee and to approve the following committee membership as recommended by Tim Saxton: Steve Farrow, Don Boteler, Christine Keefe, Ken Baker, Jay Headman, and Tim Saxton. The motion carried with a 6-1 vote. Councilwoman Callaway voted against the motion.

- **Canal Water Quality Committee**

A motion was made by Councilman Saxton, seconded by Councilwoman Callaway, to approve Mayor Voveris' appointment of George Junkin as Chair of the Canal Water Quality Committee and to approve the following committee membership as recommended by George Junkin: Al Allenspach, Jack Whitney, Dave Wilson, Ron Wuslich, Jay Headman, Frank McNeice, Joel Danshes, Tony Caputo, Wayne Schrader, and George Junkin. The motion was unanimously carried.

- **Charter and Code Committee**

A motion was made by Councilman Schrader, seconded by Councilwoman Callaway, to approve Mayor Voveris' appointment of John Fields as Chair of the Charter and Code Committee and to approve the following committee membership as recommended by John Fields: Bob Cestone, Wayne Schrader, Joe Hinks (a non-voting member), and John Fields. The motion was unanimously carried.

- **Sea Level Rise (SLR) and Storm Surge (SS) Committee**

A motion was made by Councilman Junkin, seconded by Councilman Schrader, to approve Mayor Voveris' appointment of George Junkin as Chair of the Sea Level Rise (SLR) and Storm Surge (SS) Committee and to approve the following committee membership as recommended by George Junkin: Frank Weisgerber, Jim Gross, Jay Headman, Frank McNeice, Dick Oliver, Dave Wilson, and George Junkin. The motion was unanimously carried.

- **Communications and Public Relations Committee**

Motion: A motion was made by Councilwoman Callaway, seconded by Councilman Schrader, to approve Mayor Voveris' appointment of Kathy Jankowski as Chair of the Communications and Public Relations Committee and to approve the following committee membership as recommended by Kathy Jankowski: Peter Bogetti, Sue Callaway, Don Chrobot, Lori Cicero, Donna Farrow, Joanne Flanders, Chris Keefe, Linda Lewis, Ann Long, Beryl Long, Lynn Masiello, Frank McNeice, Mary McNeice, Hugh Meade, Diann Nazarian, Sandi Roberts, Linda Raiford, Sandy Raymond, George Rosenberg, Barbara Sears, Bobbe Stephan, Kent Stephan, Todd Stevenson, Mike Tine, Frank Weisgerber, Pat Weisgerber, Kathy Wiblin, Ray Wiblin, and Kathy Jankowski.

Discussion: During discussion the following points were made:

Councilman Junkin said he has no problem approving the appointments in this meeting but he thinks the committee to develop a policy for South Bethany committees needs to address the size of a committee. Councilwoman Callaway said not everyone on the list meets the definition of a committee member – some of the people on the list are volunteers that are helping on an activity. Councilman Junkin said the Communications and Public Relations Committee has a lot of sub committees. Councilwoman Callaway agreed and said that is the only way the committee can work. Councilman Junkin agreed. Councilman Saxton stated that he does not believe having 29 people on a committee is an effective way to run a committee.

Vote: The motion carried with a 6-1 vote. Councilman Saxton voted against the motion.

DISCUSSION AND POSSIBLE VOTE ON APPOINTING CAROL STEVENSON AS TOWN COUNCIL LIAISON FOR THE PLANNING COMMISSION

A motion was made by Councilwoman Callaway, seconded by Councilman Schrader, to approve Mayor Voveris' appointment of Carol Stevenson as Town Council Liaison for the Planning Commission. The motion was unanimously carried.

ADMINISTRATIVE MATTERS – CONSIDERATION AND POSSIBLE VOTE TO REAPPOINT/APPOINT BOARD OF ADJUSTMENT MEMBERS

- **Martha Fields (Reappoint)**
- **Charlene Sturbitts (Appoint)**

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to approve Mayor Voveris' reappointment of Martha Fields and appointment of Charlene Sturbitts to the Board of Adjustment. The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE ON TOWN HALL USE POLICY

- **Draft Guidelines for Use of Town Hall Facilities**
- **Draft Application for Use**

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to approve the Guidelines for Use of Town Hall Facilities and Application for Use as presented in Council's packets with the following amendments to the Guidelines for Use of Town Hall Facilities (additions are **highlighted** and deletions ~~marked through~~):

- 2.2 Proposed Town activities to be conducted by Town employees, Town Council members and Town committees have priority over other Applicants in scheduling the Conference Room. The Applicant is responsible for the proper care and security of the Conference Room and Town property. The Applicant who may be representing themselves, or a group, must be a South Bethany property owner. ~~or resident known and accessible by the Town Manager.~~ The Applicant is to be present at the event and shall be responsible for personal liabilities and property damage while the facilities are being used.
- 2.3 Alcohol is not permitted to be sold. In general, commercial entities cannot be a ~~n~~ **User Applicant.**

The motion was unanimously carried.

DISCUSSION AND POSSIBLE VOTE TO APPOINT COUNCIL MEMBERS CALLAWAY, SAXTON, AND SCHRADER TO A COMMITTEE TO DEVELOP A POLICY FOR SOUTH BETHANY COMMITTEES

Council had the following documents in their meeting packet: 1) Memo from Mayor Voveris regarding Policy on Committees, 2) Bethany Beach Committee Guidelines, 3) Amended Resolution No. 139¹, A Resolution of the Commissioners of the Town of Dewey Beach, Delaware, Establishing Guidelines for Committees, Working Groups, and Task Groups, and Establishing Guidelines for Membership, 4) Creating a Policy for Committees Discussion Points for 6-25-15 TC Workshop by Councilwoman Callaway.

Motion: A motion was made by Councilman Junkin, seconded by Councilman Weisgerber, to appoint Council Members Callaway, Saxton, and Schrader to a committee to develop a policy for South Bethany committees. The motion was unanimously carried.

During discussion, the following points were made:

Referring to the Bethany Beach Committee Guidelines, Councilman Junkin said he does not think a staff member should be responsible for committee meeting minutes.

Councilman Junkin suggested that the committee to develop a policy for South Bethany committees ask the other committees to help them with the purpose and scope of their committee. Mayor Voveris agreed and said this should be a collaborative effort.

Councilman Schrader asked if the Town had a conflict of interest policy or ethics policy. The Town Manager said the policy is in the Personnel Manual. The Town Manager will check to see if the policy covers committees.

The committee agreed to bring the draft policy for South Bethany committees to a workshop within 90 days.

Councilman Saxton said the policy should identify and make very clear what are standing committees and what are ad hoc committees.

Councilman Junkin said he would like to have more than two weeks to get his meeting minutes done.

Mayor Voveris suggested that establishing a frequency of meetings would be a good talking point.

Councilwoman Callaway asked if meeting minutes and the report to Council should be two separate items. During discussion Mayor Voveris suggested that the Chair could appoint someone on the committee to take meeting minutes and the Chair can prepare the report to Council.

Council discussed the following point on Councilwoman Callaway's document: *No more than three Town Council Members may be present at any committee meeting.* Referring to Deputy Attorney General Ed Black's presentation to South Bethany on July 25, 2014, Councilman Junkin's understanding is that if four Council Members are at a committee meeting, the fourth Council Member cannot talk. Councilwoman Callaway's understanding is that you can't have four Council Members present at a committee meeting because that would be a quorum of Council. The Town Manager agreed and clarified his statement by adding "whether the Council Members talk or not". The Administrative Assistant stated that if Council has a quorum present at a committee meeting, a separate agenda for the Town Council should be posted.

PUBLIC COMMENT PERIOD

Ed Bintz (302 N. Ocean Dr.) – Inquired about the status of the Review of South Bethany 2015 Preliminary FIRM data report from the consultant (Taylor Engineering, Inc.) the Town hired on the FEMA question.

Mayor Voveris said the final report has been sent to the Town Council and it has been sent to South Bethany property owner Tim Shaw. Mr. Bintz asked if the Town was getting input from the consultant that some of the property owners hired. Mayor Voveris said no. Mr. Bintz asked why there was a rush to finalize the report. Mayor Voveris said it is not a rush to finalize it. She said the Town contracted for a service and the service was performed. The work the Town contracted for (the report) is done. Referring to the consultant that some of the property owners hired, Mr. Bintz asked if Council thought having input from another consultant would be valuable. Mayor Voveris noted that she had given the contact information for the consultant the Town hired to the consultant the property owners hired.

Mr. Bintz stated that when he looks at it from his nonscientific point of view and after taking a look at the fact sheet he asks why would assumptions for erosion and so forth in South Bethany be different than in Bethany Beach. Mr. Bintz said their beach is shorter and less room between the dunes and the homes. After Nor'Ida the erosion in Bethany Beach was equal or worse than the erosion in South Bethany. Mr. Bintz said if anything South Bethany seems better off than Bethany Beach. Mr. Bintz asked why South Bethany would have worse assumptions. Mr. Bintz said South Bethany's dune is growing and he thinks the beach is longer than it has ever been. Mr. Bintz said he hopes Council asks some of these questions.

Mr. Bintz asked if an appeal was on the table or was the consultant's report just information for general use. Mayor Voveris said the report was information for the Town. Mayor Voveris said if an appeal was warranted the consultant came forward basically citing that more analysis on overtopping would be needed.

Before adjourning, Councilman Saxton commented on the Treasurer's report. Councilman Saxton said going forward the Edmunds report will be cut out of the monthly report and will be supplied once a quarter. In order to make the report less confusing, Councilman Saxton stated that going forward the grants will be pulled out of the revenue in the report.

Councilman Saxton announced that the Town FY 2015 audit will start July 6.

ADJOURNMENT

A motion was made by Councilman Junkin, seconded by Councilman Saxton, to adjourn the June 25, 2015, Town Council Workshop Meeting at 3:35 p.m. The motion was unanimously carried.