

TOWN OF SOUTH BETHANY TOWN COUNCIL ORGANIZATIONAL MEETING MINUTES MAY 30, 2015

CALL TO ORDER

Pursuant to Charter Section C-7, Mayor Pat Voveris called the May 30, 2015, Town Council Organizational Meeting to order at 10:00 a.m., followed by the Pledge of Allegiance to the Flag.

ATTENDANCE

PRESENT: Mayor Pat Voveris; Council Members Sue Callaway, George Junkin, Tim Saxton; New Council Members Wayne Schrader, Carol Stevenson, and Frank Weisgerber; Town Clerk Dee Burbage; and Administrative Assistant Pam Smith

SWEARING IN NEW COUNCIL MEMBERS

Town Clerk Dee Burbage swore in new Council Members Wayne Schrader, Carol Stevenson, and Frank Weisgerber.

Administrative Assistant Note 1: Mayor Voveris announced that Dee Burbage has been swearing in South Bethany Council Members for 31 years. The audience recognized Ms. Burbage's service with applause.

Administrative Assistant Note 2: Mayor Voveris presented each council member with an inspirational poem which she received from former Chief of Police Joe Deloach when she became Mayor. The poem was See It Through by Edgar Albert Guest.

APPOINTMENT OF MAYOR PRO-TEM, SECRETARY, AND TREASURER

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

A motion was made by Councilwoman Stevenson, seconded by Councilman Schrader, to accept Mayor Voveris' appointments. The motion was unanimously carried.

ADMINISTRATIVE MATTERS: CONSIDERATION AND POSSIBLE VOTE TO APPOINT GEORGE REESE, JR., AND JOSEPH P. PETITO TO THE PLANNING COMMISSION

Mayor Voveris stated that the Chairman of the Planning Commission, Richard Oliver, has recommended the appointments of George Reese, Jr., and Joseph P. Petito.

A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, to approve the appointments of George Reese, Jr. and Joseph P. Petito to the Planning Commission. The motion was unanimously carried.

ADOPTION OF RULES OF PROCEDURE

Motion: A motion was made by Councilman Saxton, seconded by Councilwoman Callaway, to accept the Rules of Procedure as presented in Council's meeting packet.

Discussion: Councilman Junkin stated that the Town Charter requires one reading for ordinances and the Rules of Procedures requires three readings for ordinances. Councilman Junkin said he has no problem with the words in the Rules of Procedures regarding ordinances. Councilman Junkin stated that he believes the Rules of Procedures should include rules on how Council does Charter changes. Councilman Junkin thinks Council should consider adding to the

Rules of Procedures the process Council should go through for a Charter change. Mayor Voveris said Council will take that up at a workshop meeting.

Vote: The motion was unanimously carried.

(The Town of South Bethany Rules of Procedure is attached.)

DISCUSSION AND POSSIBLE VOTE ON RESOLUTION REQUESTING THAT THE GENERAL ASSEMBLY AMEND THE SOUTH BETHANY CHARTER TO CHANGE SECTION C-7 (ORGANIZATION OF TOWN COUNCIL) ITEM B (DUTIES OF MAYOR) TO PERMIT CHAIRS OF COMMITTEES TO BE INDIVIDUALS WHO ARE NOT COUNCIL MEMBERS

Mayor Voveris stated that the language in the proposed Charter change was supplied by the Town Solicitor.

Motion: A motion was made by Councilwoman Callaway, seconded by Councilwoman Stevenson, to adopt the resolution requesting that the General Assembly amend the South Bethany Charter to change Section C-7 (Organization of Town Council) Item B (Duties of Mayor) to permit chairs of committees to be individuals who are not council members.

Discussion:

Councilman Junkin stated the following:

Agenda Item 6 – Adoption of Rules of Procedures

- Council has a very detailed procedure to modify the Town Code by Ordinance – three readings are required even though the Charter says it can be done in one meeting. I believe that this is good because it allows Council and the public time to consider the potential changes and impacts of the changes.
- I believe that we need a detailed procedure to also change the Charter, and I recommend that we develop such a procedure to add to our Rules of Procedure.

Agenda Item 7 – Relative to changes in the Charter

- As I said earlier I believe that Council should have more than one hour to consider and discuss a Charter change.
- This was on the last Town Council Agenda and removed when the Mayor realized that she did not have enough votes to get it passed. We could have at least begun discussions at that time.
- Now it is on this agenda to be considered by the New Council when 43% of the Council only have about 10 minutes of experience as being Council Members and there is no agenda item for public discussion and input.
- We have a Charter and Code Committee to help Council with developing Charter and Code changes. I believe we should get their inputs on other ramifications that we may not have had time to consider. (Administrative Assistant's Note: Councilman Junkin acknowledged that Council is not obliged to send Charter changes to the Charter and Code Committee.)

Mayor Voveris stated that whenever Council takes a vote she will ask for public comments before taking the vote.

Councilman Junkin said he has a problem with sending a Charter change to the State Legislature when Council has not thought about it very much.

Councilwoman Callaway said Council has had three years of experience with what is proposed in this Charter change. She stated that a non-council member has been chairing the Charter and Code Committee for three years and a non-council member has been chairing the Communications and Public Relations Committee for one year. Councilman Junkin said he is against that, and Council is violating the Charter. Councilman Junkin said the way Council got

around it was to say they are not standing committees. Councilwoman Callaway said all of the appointments of the chairs were approved by Council. Councilwoman Callaway said the appointments have been successful.

Councilman Junkin asked Mayor Voveris if she had private one on one discussions with the new Council Members relative to lobbying on how she believes they should vote on this issue. Mayor Voveris said no and added that when she met with each new Council Member she talked about the agenda and asked them if they understood what it was that was on the agenda. Mayor Voveris said she explained to them why she was bringing it forward – to engage more people in the community. Mayor Voveris said all of the new Council Members have voiced to her that they would prefer to join a committee and learn before becoming a chair in order to become a chair with experience.

Councilwoman Callaway stated that there could be situations or times when good people in the community don't have the ability to commit to Town Council but want to be actively engaged and take on a leadership role as a committee chair. Councilman Junkin said he thinks it is important that the committee chairs that are making recommendations for significant expenditures of town money be part of the Council.

Councilman Saxton stated that his preference would be that chairs be Town Council Members.

Councilman Schrader said in principle he does not have any concern with good qualified people heading up the committees. Councilman Schrader asked if the committees could commit money and resources. Councilman Junkin said they can't commit money and resources without Council approval.

Councilman Junkin said that with this proposed Charter change Council could have a committee with no Council Members on the committee.

Councilman Saxton said he has no problem with a qualified person being a chair of a committee. Councilman Saxton said what bothers him is the Council is operating outside of what the Charter says today. Councilman Saxton said he has no problem voting to approve the resolution if Council is willing to follow the Charter as it is currently written and when the change is approved by the State Legislature then Council can move forward with qualified people to chair committees.

Mayor Voveris said she will appoint a committee to create a policy on committees at the June Town Council Workshop Meeting.

Councilman Junkin inquired if Council is going to follow the current Charter at the June Town Council Workshop Meeting which is before the State Legislature approves the Charter change. Councilman Saxton said Council should follow the current Charter.

Public Comment:

Kent Stephan (46 S. Anchorage Ave.) – Spoke in favor of the proposed South Bethany Charter change.

Bob Amoruso (144 Petherton Dr.) – Spoke in favor of the proposed South Bethany Charter change.

Dick Oliver (410 Victoria Dr.) – Spoke in favor of the proposed South Bethany Charter change.

Mary Anne Stanton (161 Petherton Dr.) – Spoke in favor of the proposed South Bethany Charter change.

Jack Whitney (105 Boone Rd.) – Spoke in favor of the proposed South Bethany Charter change.

Jim Gross (1 S. 3rd St.) – Spoke against the proposed South Bethany Charter change.

Bob Buhner (504 S. Ocean Dr.) – Spoke in favor of the proposed South Bethany Charter change.

Tony Caputo (110 Brandywine Dr.) – Voiced concerns about amending the Charter on a very quick basis.

Lora Caputo (110 Brandywine Dr.) – Stated that the issue needs to be discussed more before approving the change.

Vote: The voting was as follows:

FOR THE MOTION: Mayor Voveris and Councilpersons Callaway, Saxton, Schrader, Stevenson, and Weisgerber

AGAINST THE MOTION: Councilman Junkin

The motion carried with a 6-1 vote.

DISCUSSION AND POSSIBLE VOTE TO DELAY THE APPOINTMENT AND APPROVAL OF COMMITTEE ASSIGNMENTS (CHAIRPERSONS AND COMMITTEE MEMBERS) TO THE JUNE 25, 2015, TOWN COUNCIL WORKSHOP MEETING

A motion was made by Councilman Junkin, seconded by Councilman Weisgerber, to delay the appointment and approval of committee assignments (chairpersons and committee members) to the June 25, 2015, Town Council Workshop Meeting. The motion was unanimously carried.

REVIEW 2015-2016 MEETING SCHEDULE

Mayor Voveris noted that she is proposing there be no scheduled December and January Town Council Workshop Meetings. She stated that if Council would need to schedule a meeting during that time they can. Councilman Junkin noted that the Town Council Workshop Meetings are scheduled for 2 p.m.

A motion was made by Councilman Junkin, seconded by Councilman Weisgerber, to accept the 2015-2016 Meeting Schedule as presented in the meeting packet. The motion was unanimously carried.

REVIEW ORGANIZATIONAL LIST

Council Members had the Organizational List in their packet and were asked to let the Administrative Assistant know if they had changes to their contact information.

ADJOURNMENT

A motion was made by Councilman Saxton, seconded by Councilman Schrader, to adjourn the May 30, 2015, Town Council Organizational Meeting at 10:45 a.m. The motion was unanimously carried.

PS:Organizational Meeting Minutes 5 30 15

Attachment: Rules of Procedure

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. Materials being brought forward at a meeting shall be made available in both electronic and hard copy format to all Council Members at least 24 hours prior to the meeting.
12. 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.

Adopted:	11/12/99	Amended & Adopted:	10/12/12	Adopted:	5/30/15
Amended:	11/12/04	Amended & Adopted:	6/1/13		
Amended & Adopted:	6/4/11	Adopted:	5/31/14		
Adopted:	6/2/12	Amended & Adopted:	8/28/14		

**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.