

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MEETING MINUTES
OCTOBER 3, 2014**

MEETING CALLED TO ORDER

Mayor Voveris called the October 3, 2014, Town Council Workshop Meeting to order at 2:00 p.m.

ATTENDANCE

PRESENT: Council Members Sue Callaway, Tony Caputo, Jim Gross, George Junkin, Al Rae, Tim Saxton, and Mayor Pat Voveris; Town Manager Melvin Cusick; Finance Director Renee McDorman; and Administrative Assistant Pam Smith

APPROVAL AND VOTE OF THE AGENDA

A motion was made by Councilman Gross, seconded by Councilwoman Callaway, to approve the agenda. The motion was unanimously carried.

PUBLIC COMMENT PERIOD

There were no comments from the public.

DISCUSSION AND POSSIBLE VOTE ON FORMING A COMMITTEE TO DEVELOP A POLICY REGARDING COMPOSITION, ACTIVITY, ETC. OF TOWN COMMITTEES

Council had a packet of materials of committee guidelines of neighboring towns which Mayor Voveris had gathered during meetings she had with Mayors and Town Managers in June. Mayor Voveris believes Council should think about how South Bethany's committees are composed. Mayor Voveris suggested that the following be considered:

- The number of Council Members on a committee. (Mayor Voveris noted that when she was Treasurer she joined the Canal Water Quality Committee and at that time she believes there were five Council Members on that committee. For budget purposes, Mayor Voveris does not think it is appropriate for a committee's membership to include five Council Members.)
- A general policy on the frequency of meetings.
- Allowing a non-council member chair a committee. (Councilmen Junkin and Gross noted that the Town Charter requires committees to be chaired by a Council Member. Mayor Voveris stated that the Charter could be changed.)

Councilman Gross agreed that developing a policy or guideline, a committee guide, is a good idea, but he does not believe the policy needs to be as extensive as some of the examples in the packet. Mayor Voveris agreed.

Councilwoman Callaway noted that Council disbanded the Communications and Public Relations Committee, but there are still funded activities underneath that committee (the realtor event, the 4th of July parade float, the movie night, and the New Year's Day plunge). Councilwoman Callaway stated that in planning the budget there needs to be a place for these activities, and she believes this is a place a non-council person could play a role. Councilwoman Callaway thinks this needs to be addressed sooner rather than later. Councilman Junkin agreed because he does not think the Town should be having an activity if there is no committee in charge of the activity. Councilman Saxton agreed. Mayor Voveris suggested that they could be ad hoc activities. Councilmen Junkin and Gross said they could not be ad hoc activities if it involved spending Town money. Mayor Voveris noted that the funding was approved by Council. Mayor Voveris stated that the reason for disbanning the Communications and Public Relations Committee was that she did not have a Council Member to appoint to chair the committee. Councilman Junkin suggested that if Council does not have anyone that wants to take the lead then Council should discontinue those activities.

Councilman Gross said either that or move the activities elsewhere. Mayor Voveris suggested a sub committee within a committee, or the idea of someone who is not on Council chair a committee. Later in the discussion Councilman Gross said a non-council member could chair an ad hoc committee but not a standing committee. The Town Manager suggested appointing an ad hoc committee of another committee for the budgeted activities that are coming up. Mayor Voveris suggested a sub committee within the Community Enhancement Committee. The Town Manager added that when those activities are over the ad hoc committee ends. Councilman Gross agreed. Councilwoman Callaway stated that she is willing to create a sub committee of the Community Enhancement Committee that looks at events and activities. Councilwoman Callaway said she would be responsible to gather reports from the chairs of the activities and report back to Council. Council agreed to this. Mayor Voveris stated that Kathy Jankowski has come forward and asked to be involved in this and is willing to commit to two years. Councilman Saxton stated that he thinks it is fine to either have a sub committee or an ad hoc committee because Council did not have a Council Member step up to chair the committee this year, but next year Council has to find a way to make sure a Council Member takes responsibility for it because it is a standing committee.

Councilman Gross agreed to lead a committee to develop a policy regarding composition, activity, etc., of town committees. Councilwoman Callaway and Councilman Rae agreed to help. Councilman Gross will aim to bring the committee's recommendation to Council at the December Town Council Workshop Meeting. It was noted that the current committee information is on the committee pages of the Town's website. Councilman Gross said he will arrange a committee meeting later this month or early next month.

A motion was made by Councilman Junkin, seconded by Councilman Saxton, that Council form a committee chaired by Jim Gross with Sue Callaway and Al Rae as committee members to develop a policy regarding composition, activity, etc., of town committees. The motion was unanimously carried.

CHARTER AND CODE COMMITTEE UPDATE

Councilman Gross stated that at the last Charter and Code Committee meeting the committee asked for guidance from Council in the following areas:

– Advertising Signs

Councilman Gross stated that in a memo from Mayor Voveris on August 11 she stated that she had received complaints about the small advertising signs regarding property maintenance. Councilman Gross said it is the view of the Charter and Code Committee that Section 145-30B of the Town Code addresses that issue (The following signs are permitted in the R-1 District: Signs for maintenance, repairs, painting, or similar activities are allowed only when work is in progress. Signs shall be removed upon completion of work.) Councilman Gross said the Charter and Code Committee takes issue with the Town Manager's and Code Enforcement Constable's interpretation of this section of the code that property maintenance is an ongoing activity that continues on week after week, month after month. Councilman Gross said the intent, according to the people that drafted the ordinance, is that it would apply. Councilman Gross asked if it would not apply to lawn services or house cleaning services that have an agreement to work at the property every week. Councilman Rae mentioned signs for alarm system services.

Councilman Gross said the Charter and Code Committee's view is that this is not a real problem. Councilman Gross believes the Town should enforce the Code as intended or Council should amend the Code.

Councilman Rae expressed concern about restricting alarm system signs for which the intent is to say the home is protected by an alarm. Councilwoman Callaway believes alarm system signs are a different category. Councilman Rae added that property maintenance signs also imply that someone is keeping an eye on the property.

Council agreed that it has not been enough of an issue to change the Code.

– Fire Pits

Councilman Junkin said he thought Council previously agreed to include this subject in the upcoming Town survey.

Councilman Caputo asked what Bethany Beach's experience is with their policy regarding fire pits. The Town Manager said Bethany Beach has no data on enforcing their fire pit ordinance. Bethany Beach's building inspector has indicated to South Bethany's Code Enforcement Constable that enforcement of the ordinance has not been an issue.

Mayor Voveris believes that if the Town allows portable fire pits it should also allow permanent fire pits, but there has to be parameters in place.

It was noted that Bethany Beach's code on fire pits has setback requirements, distance from the building requirements, and diameter requirements. It was also noted that Bethany Beach's ordinance addresses grills.

Councilman Caputo asked what the consequences are of not having a policy. Councilman Gross said the Town could be found negligent if trees were to catch fire and houses were burned.

Councilman Saxton said fire pits in South Bethany worry him because one spark on pine needles can start a fire.

Councilman Rae noted that there are some double lots in town that could have a permanent fire pit. Councilman Junkin agreed and added that he does not see where a permanent fire pit could be put on a single lot without putting it in the setback.

Council suggested the following direction for the Charter and Code Committee:

- Draft an ordinance similar to Bethany Beach's ordinance regarding fire pits.
- Include a rule to control the position of fire pits (where fire pits can be in relation to the setbacks and the house).
- Include a rule to control the size of fire pits in town.
- Include separate requirements for permanent fire pits and portable fire pits. Keep permanent fire pits excluded from the setbacks. (It was noted that South Bethany already has a rule prohibiting structures in the setback and this would apply to permanent fire pits.)

DISCUSSION AND POSSIBLE VOTE REGARDING BUDGET AMENDMENTS

Council had a memo from Councilman Saxton regarding proposed budget amendments. Councilman Saxton said the first item is to account for the reduction for the refund the Town gave regarding trash from Hurricane Sandy. The second item is to move the Realty transfer tax monies to Fund 02 as a permanent change in the budget per the Town's auditor. The third item is in regards to Public Safety receiving a grant for FY 2015 Violent Crimes that was not budgeted and for which the money has been expended to purchase Tasers and car cameras. The fourth item was adding back in the \$10,000 for the East Side Rain Garden that did not get carried from the FY 2014 budget for the Canal Water Quality Committee. The fifth and last item is to separate out the retirement bonus to a separate line item.

A motion was made by Councilman Junkin, seconded by Councilman Gross, that Council accept Councilman Saxton's recommendation. The motion was unanimously carried.

DISCUSSION REGARDING THE BUDGETARY GUIDELINES

Councilman Saxton directed the Administrative Assistant to always refer to the Budgetary Guidelines as a guideline and not a policy because guidelines and policies are two different things.

Councilman Saxton noted that the Budgetary Guidelines allows the Town Manager to move monies up to \$2,500 a year within the budget but the total expenditure can't go over \$2,500. Councilman Saxton clarified that there is no definition of "material change to the budget" in the Budgetary Guidelines. Councilman Saxton said when the Town's auditor was here this year he made a comment that he feels a material amount that would require Council to do a budget amendment was \$20,000 to \$25,000. Councilman Saxton said Council can agree or disagree with that as a Council. Councilman Saxton said the Budget and Finance Committee is probably going to recommend to Council an amount around \$20,000 that would require Council to do a budget amendment.

Councilman Gross asked if the Budget and Finance Committee is going to develop a recommendation to the Council for what "material" is. Councilman Saxton said at the last Budget and Finance Committee meeting some of the members had concerns about the way the guideline was written. At that meeting Councilman Saxton agreed to go back and take a look at that particular guideline and come back with a recommendation of what "material" is and either put it in the guideline or do something else with that particular guideline.

Regarding budget amendments, Council discussed the guideline that gives the Town Manager the ability to move line items within a department up to \$2,500, and items greater than \$2,500 the Town Manager has to bring to Council to approve or disapprove. Councilman Saxton stated that he and the Town Manager have discussed this and if a line item goes over \$2,500 the Town Manager will bring it to Councilman Saxton's attention and they will bring it to Council. Councilman Caputo stated that the Town has exceeded the budget in a number of line items this year fiscal year. Regarding the FY 2014 Budget, Councilman Caputo stated that Council did not see a year end report. A discussion ensued. No definitive conclusions were reached.

In the end, Councilman Junkin stated that he has not heard a proposal to change the Budgetary Guidelines so they are still the guidelines in place. Councilman Saxton agreed. Councilman Saxton said the Budget and Finance Committee will review the guidelines and bring a recommendation back to the Council. Councilman Saxton said that the Budgetary Guidelines cannot be changed without Council approval.

COUNCIL DISCUSSION REGARDING THE FY14 AUDIT

Because she found Sombar & Company's Communication of Significant Deficiencies and Other Matters letter vague and lacking in specificity, Mayor Voveris stated that she had two questions that she would like to go back and ask the auditor: 1) Regarding allocation of duties among the Town staff, their direction on means to improvement would be helpful, and 2) Their opinion of the Town's use of the Edmunds software. Mayor Voveris stated that the auditors' communication implies they support this use but in conversations she has had with them they indicated the software was more than what the Town needs and the maintenance fees were excessive. During discussion it was noted that the maintenance fee for all three systems is \$9,000 a year.

After discussion it was agreed that Mayor Voveris would draft a letter to Sombar & Company, CPAs, P.A. which would include her two questions as well as an appendix containing the questions the Town submitted previously. Mayor Voveris will ask for a written response to all of the questions.

PUBLIC COMMENTS

There were no comments from the public.

MOTION TO GO INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER IN WHICH THE NAME, COMPETENCY, AND ABILITY OF INDIVIDUAL APPLICANTS FOR THE CHIEF OF POLICE POSITION WILL BE DISCUSSED

A motion was made by Councilman Junkin, seconded by Councilman Gross, that Council go into Executive Session to discuss a personnel matter in which the name, competency, and ability of individual applicants for the Chief of Police 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 CHIEF OF POLICE POSITION WILL BE DISCUSSED

Council went into Executive Session at 2:55 p.m. to discuss a personnel matter in which the name, competency, and ability of individual applicants for the Chief of Police position will be discussed.

At 4:00 p.m. a motion was made by Councilman Junkin, seconded by Councilman Gross, to go out of Executive Session. The motion was unanimously carried.

COUNCIL DISCUSSION AND POSSIBLE VOTE TO HIRE A NEW CHIEF OF POLICE

A motion was made by Councilman Gross, seconded by Councilman Saxton, that Council accept the recommendation of the Interview Committee for the employment of the Chief of Police for South Bethany at the salary recommended by the Interview Committee. The motion was unanimously carried.

A motion was made by Councilwoman Callaway, seconded by Councilman Junkin, that Council offer Lieutenant Crowson compensation of \$1,500 for services rendered as the Acting Officer in Charge during August and September 2014. The motion was unanimously carried.

ADJOURNMENT

A motion was made by Councilman Junkin, seconded by Councilman Gross, to adjourn the October 3, 2014, Town Council Workshop Meeting at 4:05 p.m. The motion was unanimously carried.