

TOWN OF SOUTH BETHANY TOWN COUNCIL WORKSHOP MEETING MINUTES SEPTEMBER 28, 2017

MEETING CALLED TO ORDER

Mayor Voveris called the September 28, 2017, Town Council Workshop Meeting to order at 2:00 p.m.

ATTENDANCE

PRESENT: Councilmembers Don Boteler, Sue Callaway, Tim Saxton, Tim Shaw, Carol Stevenson, Frank Weisgerber, and Mayor Pat Voveris; Chief Troy Crowson; Finance Director Renee McDorman; and Administrative Assistant Pam Smith

ADOPTION OF MINUTES – SEPTEMBER 8, 2017, TOWN COUNCIL REGULAR MEETING

Motion: A motion was made by Councilmember Boteler, seconded by Councilmember Shaw, to accept the September 8, 2017, Town Council Regular Meeting Minutes.

Discussion: Councilmember Stevenson asked Councilmember Saxton if he feels certain that CPSM is going to follow the CPSM Work Order List of Objectives of Proposed Work. Councilmember Saxton said yes. Councilmember Saxton noted that the CPSM Work Order List of Objectives of Proposed Work will be posted on the Town 's website on the Town Council Meeting Agendas and Minutes page as an attachment to the September 8, 2017, Town Council Regular Meeting Minutes.

Vote: The motion was unanimously carried.

ADMINISTRATIVE MATTERS

- **Consideration and Possible Vote to Appoint Peter Bogetti as a Board of Adjustment Member**

Motion and Vote: A motion was made by Councilmember Saxton, seconded by Councilmember Shaw, to appoint Peter Bogetti as a Board of Adjustment Member. The motion was unanimously carried.

Administrative Assistant's Note: *At the October 13, 2017, Town Council Regular Meeting Mayor Voveris stated for the record that Council appointed Peter Bogetti to the Board of Adjustment until August 2019 which is the unexpired term of the Board of Adjustment vacancy created by an owner who moved.*

- **Consideration and Possible Vote to Reappoint Planning Commission Members Dick Oliver and Joe Conway**

Motion and Vote: A motion was made by Councilmember Shaw, seconded by Councilmember Saxton, to reappoint Planning Commission Members Dick Oliver and Joe Conway. The motion was unanimously carried.

ORDINANCES

- **First Reading of Ordinance 188-17, to amend the Code of the Town of South Bethany Chapter 145, Zoning, Article III, "Definitions", to allow home owners to enclose ground level space under their homes for storage and parking provided all requirements of Chapter 145, Article XIV are met and to allow home owners to install HVAC in enclosed ground level space under their homes provided all requirements of Chapter 145, Article XIV are met. (Tim Saxton and Don Boteler)**

Councilmember Boteler reviewed Ordinance 188-17.

Discussion: Council noted that the Code Enforcement Constable will require the property owner to sign a nonconversion agreement which must be notarized when the property owner files for the permit to enclose this space.

Councilmember Callaway asked for an explanation regarding the minimum ½ inch space requirement in § 145-3B. Councilmember Boteler stated that it pertains to the entry area and the Code Enforcement Constable is concerned that a crafty architect could exploit it if we didn't create a specific measurement. Councilmember Saxton agreed that it had been a problem in the past.

Mayor Voveris declared this the first reading of Ordinance 188-17.

- **Discussion and possible vote to amend Ordinance 188-17 for the Second Reading**

There was no vote to amend Ordinance 188-17 for the second reading.

- **First Reading of Ordinance 189-17, to amend the Code of the Town of South Bethany Chapter 20, Planning Commission, to change the date the Planning Commission is required to submit an annual report to the State of Delaware. (Tim Shaw)**

Councilmember Shaw reviewed Ordinance 189-17.

Mayor Voveris declared this the first reading of Ordinance 189-17.

- **Discussion and possible vote to amend Ordinance 189-17 for the Second Reading**

There was no vote to amend Ordinance 189-17 for the second reading.

- **First Reading of Ordinance 190-17, to amend the Code of the Town of South Bethany Chapter 17, Participation in Meetings by Remote Electronic Access, to change the way participation in remote electronic access is managed and to change the number of times participation in remote electronic access may be used annually. (Tim Saxton)**

Councilmember Saxton reviewed Ordinance 190-17.

Councilmember Shaw stated that a property owner asked him if this pertained to members of the public. Councilmember Shaw suggested adding language to the agenda clarifying that participation by remote electronic access does not pertain to the public.

Mayor Voveris suggested revising the chapter title to **PARTICIPATION IN MEETINGS BY REMOTE ELECTRONIC ACCESS FOR COUNCIL MEMBERS, COMMITTEE MEMBERS, AND COMMISSION MEMBERS**

Councilmember Callaway suggested adding "However" before "A majority" in § 174C. Councilmember Saxton agreed.

Mayor Voveris declared this the first reading of Ordinance 190-17.

- **Discussion and possible vote to amend Ordinance 190-17 for the Second Reading**

Motion and Vote: A motion was made by Councilmember Shaw, seconded by Councilmember Boteler, to revise the chapter title to **PARTICIPATION IN MEETINGS BY REMOTE ELECTRONIC ACCESS FOR COUNCIL MEMBERS, COMMITTEE MEMBERS, AND COMMISSION MEMBERS**. The motion was unanimously carried.

SECOND DISCUSSION AND POSSIBLE VOTE TO APPROVE REIMBURSEMENT FOR ADVANCED COURSE STUDIES FOR AN EMPLOYEE (PAT VOVERIS AND CHIEF CROWSON)

Mayor Voveris stated that Officer Loulou has made a request for financial assistance for a Master's degree study. Mayor Voveris stated that Chief Crowson has approved the request which is the first tier of approval per the Town of South Bethany Personnel Policy Manual and Employee Handbook. Mayor Voveris noted that the Town policy and the Police Department policy do not have a Master's degree program. The Town's policy does refer to formal educational courses directly related to the employee's ability to perform his or her assigned duties. Chief Crowson noted that the Town's policy does not specify what type of degree is eligible for financial assistance and he believes it is an ambiguous policy. Mayor Voveris stated that the police policy refers to Associate's and Bachelor's degrees. Mayor Voveris also noted that the Town's policy states that any eligible employee who wishes to apply for financial assistance must receive the approval prior to the commencement of the course.

Mayor Voveris stated that the Town does not have a position that requires a Master's degree.

Councilmember Shaw believes Officer Loulou's request is a benefit in the Town of South Bethany Personnel Policy Manual and Employee Handbook and she has every right to make the request. Councilmember Shaw said that if going forward Council wants to clarify the policy Council can do so, but at this point Council has to judge the decision on voting for this or not voting for this based on the words in the policy right now.

Mayor Voveris said the Town received HR expertise regarding which courses were directly related to the improvement of the employee's ability to perform his or her assigned duties for a patrolman of Officer Loulou's level. Two of the four courses meet the standard: 1) Criminal Justice Ethics, and 2) Managing Diversity.

Mayor Voveris said the Town does have a practice of budgeting for the coming year. Chief Crowson said he spoke with his predecessor and that was not done previously regarding educational assistance – it was added to the budget afterwards. There was not pre-approval and there was not a line item. Councilmember Shaw said going forward this has to be managed better. Councilmember Saxton agreed. Councilmember Saxton added that each department has their fringe benefits in their budget and each department manager when they submitted their budget took the risk that there wasn't going to be anyone to take advantage of this fringe benefit.

Mayor Voveris stated that cost is just under \$3,000. Mayor Voveris asked Chief Crowson if he would be pulling the money from either training or the Anna Panco Fund. Chief Crowson said what is left in the Anna Panco Fund is earmarked for building purposes. Mayor Voveris noted that the cost of Officer Loulou's academy training was paid for out of the Anna Panco Fund. Chief Crowson believes the funds in training are already spoken for. Chief Crowson believes that gas is one of the areas he could pull the money from as well as some other areas.

Councilmember Shaw noted that Officer Loulou has received numerous citations and recommendations over the last two years and seems to be an officer who is trying to do her job. Chief Crowson said Officer Loulou is about self-improvement and will go forward with this regardless of whether she is reimbursed or not.

Council discussed the Employee's Two-Year Obligation section of the policy. Councilmember Boteler noted that the policy doesn't specify sufficiently what it means. Chief Crowson agreed.

Council agreed that going forward Council needs to rethink the Educational Assistance policy and its purpose. Councilmember Saxton stated that there will be a recommendation from CPSM on the policy by the end of October. Councilmember Saxton said the recommendation will be simplistic or potentially a recommendation for not having this type of policy based on the needs and size of the Town.

Mayor Voveris stated that the Town offers extensive training to the Police Department, and including EMS training, Officer Loulou has had 296 hours of training in 2017.

Councilmember Callaway stated that if another educational assistance request comes again before Council approves a new policy, the Chief of Police needs to look at the Police Department budget and make a decision as to whether or not the department can afford the cost or not.

Councilmember Stevenson noted that the policy states that the cost "shall be paid by the Town upon successful completion of a pre-approved course." Mayor Voveris noted that the Town's policy states that successful completion of a pre-approved course is the receipt of a "C" grade, but the college requires a "B" grade. Councilmember Stevenson said the Town would need to see a final grade report before reimbursing the cost to the employee. Mayor Voveris agreed.

Motion: A motion was made by Councilmember Boteler, seconded by Councilmember Shaw, that the Town reimburse Officer Loulou if she receives Cs for the two courses (Criminal Justice Ethics and Managing Diversity).

Councilmember Saxton asked where the money is coming from, and he requested it be in the motion. The Finance Director said there is money in the Police Department current operating budget to cover the expenses.

Amended Motion: Councilmember Boteler moved, seconded by Councilmember Saxton, to amend the motion by adding "subject to the current operating budget in the Police Department covering the expense".

Vote: The motion was unanimously carried.

PUBLIC COMMENT PERIOD

Carol Stevenson (131 Henlopen Dr.) – Stated that the Communications and Public Relations Committee is proposing offering yoga classes and senior exercise and stretching classes in the Town Hall meeting room two to four nights a week and perhaps a Saturday morning class. The instructors will be the same as the Yoga on the Beach and Boot Camp instructors. The instructors are certified and insured. There will be no charge but donations will be accepted.

Councilmember Stevenson said per the *Guidelines for Usage of Town Hall Facilities by South Bethany Property Owners and Residents*, she will ask for approval from the Town Manager.

The Communications and Public Relations Committee will sponsor this activity.

It is a winter project.

Council agreed that the Finance Director needs to check with the Town's insurance carrier to make sure the instructors are covered in the Town Hall building.

Councilmember Shaw expressed concerns about health issues, sanitation issues, and smell – who is going to be wiping down the mats, and who is going to be sterilizing and cleaning things.

Councilmember Saxton expressed concerns about additional wear and tear on the meeting room from exercising.

Councilmember Boteler said he thinks it is a good idea because it encourages a culture of conditioning and health. Mayor Voveris believes it would fall under the healthy community section of the Comprehensive Plan.

Mayor Voveris asked Council to send any input to the Town Manager to consider.

ADJOURNMENT

A motion was made by Councilmember Boteler, seconded by Councilmember Saxton, to adjourn the September 28, 2017, Town Council Workshop Meeting at 3:10 p.m. The motion was unanimously carried.

phs:2017 09 28 Workshop Minutes Amended and Approved 10 13 17