

**MINUTES OF THE MILLVILLE
TOWN COUNCIL WORKSHOP
February 23, 2016 @ 7:00 PM**

In attendance were Deputy Mayor Bob Gordon, Secretary Steve Maneri, Council Member Susan Brewer, Town Solicitor Seth Thompson, Town Manager Debbie Botchie, and Town Executive Assistant Matt Amerling.

1. CALL TO ORDER:

Deputy Mayor Gordon called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Deputy Mayor Gordon led the pledge of allegiance.

3. ROLL CALL

4. NEW BUSINESS

A. Applicant Forum for Vacant Council Seat

Synopsis: Town Council will be asking a series of questions to the three (3) residents who applied for the vacant Town Council seat.

Town Solicitor Seth Thompson stated every applicant will receive the same questions and will be given ninety (90) seconds to answer each question. Mr. Thompson asked the first question: Tell us about yourself, specifically why is it a good idea for the Council members to vote for you for the Town Council vacancy? What useful experience, knowledge, perspective, or combination thereof do you bring?

Mr. Tony Gough, of Coventry, stated he has been a Town resident for three (3) years, and have been in the area for twenty-eight (28) years, including living for twenty-five (25) years in Ocean City. Mr. Gough stated he was a member of the Board of Education for Frederick County, controlled a hundred-and-thirty (\$130) million-dollar budget, have a great interest in the community – and want to make sure the community survives and is well-planned. Mr. Gough stated he has observed the number of developments going up around the Town, there's been a lot of growth, and it will require some major changes to the services provided by the County. Mr. Gough further stated he thinks the Town should plan well with the communities around the Town and the County. Mr. Gough stated he retired from IBM, worked for Apple, and has been an independent consultant for years.

Ms. Linda Kent, of Coventry, stated she has been a resident for four-and-a-half (4 ½) years, retired from thirty-eight (38) years from help in physical education, athletic coordinator in charge of twelve (12) budgets, and employees including fields and so forth in the recreation part. Ms. Kent stated she is very happy the Town has used the transfer tax to purchase the park, and she would like to include activities for the youth as well as the adults. Ms. Kent stated she is also chairperson for the Millville volunteers and former market manager for the Town's

farmers market. Ms. Kent stated she would like to see the growth continue, but where possible to limit so the Town still does have open space for the townspeople.

Mr. Steve Small, of Bishop's Landing, stated he has spent his life in governments, in legislation, and in the politics which intertwine with them. Mr. Small stated he has served from a business standpoint as one (1) of a twelve (12)-member senior management committee of a two (2)-billion-dollar-a-year company. Mr. Small stated most of his career has been connecting to government, which began when he was a child in kindergarten, and has extended to the present day. Mr. Small further stated he has served in elected office at least three (3) dozen times, but nothing excites him as much as this does. Mr. Small stated Council has kept faith with its predecessors for almost a century, the Town did not grow, and he suspects the Town's residents were probably fairly happy with that. Mr. Small stated change and growth are not natural orders, and shortly after the turn of this century, the Council's predecessors noticed that change was coming whether they wanted it or not, and they decided to embrace it and to manage it. Mr. Small stated he hopes to be a part of the continuation of that fine tradition.

Mr. Thompson asked question two (2): What do you perceive as the three (3) most important issues or concerns facing Millville?

Ms. Kent stated one (1) would be the addition to the building so the Town would be able to have the State Police here on a regular basis; two (2) would be the improved zoning ordinances along Route 26 so the Town can guide the correct kind of industry/businesses to our area; and three (3) would be to improve the streetscape of the Town as well as improving on the park area and any other properties which may become available to the Town to allow us to provide the open space for people in the communities.

Mr. Small stated the Town had a tremendous year last year and he clearly thinks implementation of the steps Council took towards the park and the adjunct building – and will take – would be number one (1). Mr. Small stated at some point, Council will probably have the chance to exhale and do some of the not-so-pretty work which includes going back through ordinance review, which is necessary, and he would not rate it as number two (2) but more as number three (3). Mr. Small stated number two (2) is a mystery issue, one we won't know nor will we anticipate. Mr. Small further stated surprise is always an issue and how you respond to that is key. Mr. Small stated in the 1960 presidential election, the candidates argued about two (2) offshore islands of Quemoy and Matsu as the principal foreign policy matter facing the United States and no one has heard of those unimportant islands since, but there have been plenty of surprises which no one foresaw, and there should be no surprise for more challenges in the coming year.

Mr. Gough stated one (1) concern would be to monitor the planning and zoning, to ensure the development and growth be done in a planned manner, so the Town can conserve what it has and control the types of businesses coming in. Mr. Gough stated the second would be the park and he would love to see it expanded and provide a place for children to play. Mr. Gough stated the third concern would be he would like to see green space added to every development put into Town, so not only are buildings built but also make sure there are green shrubs, trees, grass added.

Mr. Thompson asked question three (3): Do you have an overall philosophy with regard to local government, whether in its legislative, quasi-judicial, or administrative functions? How closely should a candidate's political ideology and philosophy mirror those of the previous Council members?

Mr. Small stated as part of his experience he has worked closely with the National Association of Counties and the National League of Citizens, as well as the MFOA (Municipal Finance Officers of America). Mr. Small stated he saw what they had to struggle with and, for the most part, their approaches were not comparable to the ones this Council has had. Mr. Small stated he does not think that on this level the political philosophy is important, but he does think the political understanding of the citizenry is important. Mr. Small stated he is not an ideologue but is rather an extremist to the center, which is a pretty lonely place to be. Mr. Small stated he thinks pragmatism – as much as philosophy – will guide one in their decisions, and he doesn't think you need a philosophical barometer for the townspeople because you are them and he thinks Council has a finger on their pulse. Mr. Small stated he hopes Council will help him to reach the same spot.

Mr. Gough stated he thinks the political aspects of this environment are such that there has to be a lot of coordination between the various entities in this area. Mr. Gough stated he takes a look at South Bethany, Millville, Ocean View, Bethany, and there is a lot of growth and movement going on, so hopefully the municipalities can coordinate their efforts – regardless of political affiliations. Mr. Gough stated he thinks this is all about what we do for our community, and not about any political gains or expectations. Mr. Gough stated he thinks we need to do what's best for the Town of Millville, what's best for Sussex County, and what's best for the State of Delaware.

Ms. Kent stated she does not think overall politics comes into play, but she thinks it's working with the Council members for the best of the Town based on the State laws and then the County laws that come into play. Ms. Kent stated she doesn't think party politics should play a major part in our decision or what we do for the townspeople. Ms. Kent stated she thinks we need to be guided by what's best for Council, for the townspeople as a whole.

Mr. Thompson asked question four (4): How do you conceive the relationship between the Town Council and the Town Administration? How would you deal with any potential conflict between the two branches of government?

Mr. Gough stated he doesn't think there should be any conflict. Mr. Gough stated he was on the Board of Education and dealt with the County commissions, and it is always best if you have a friendly relationship in which you can discuss and come up with the best solution for everyone. Mr. Gough stated it is not necessary to be political and the worse thing to have happen is to have an agenda while on the Council and pursue that agenda regardless of what is good for the Town or the community. Mr. Gough stated you would want a person who is looking for the best solution to a problem for everyone involved in the Town, and agendas do not count.

Ms. Kent stated in her four-and-a-half (4 ½) years, she has only missed about four (4) meetings and she has never noticed or heard of a conflict between the Town Council and the administration. Ms. Kent stated they have had discussions and so forth, which are vitally

important, and she would hope that it would continue – to have those open discussions – and work hand-in-hand with each other for the betterment of the community.

Mr. Small stated the Town administration is excellent, the Council has chosen well, and he has met them and is very impressed by them. Mr. Small stated the administration is indispensable as implementers because they are full-time, and they are indispensable as preparation for legislation for similar reasons. Mr. Small stated he thinks Council would be mistaken to ignore – or to dismiss lightly – administration’s sound advice. Mr. Small stated, however, in the final analysis, the legislative decisions come down to the members of this Council, and they have to cast their votes as they feel – after consultation with each other and after weighing the advice and the information which has been given them by the administration. Mr. Small stated Council members are the elected officials, they do have a direct responsibility to the residents that is different than the administration.

Mr. Thompson asked question five (5): Suppose the Town Council faced a development proposal that meets all the Town and State regulations, yet a large number of citizens appeared before the Town Council to stop it. How would you decide how to vote?

Ms. Kent stated she would base her vote on guidance from Mr. Thompson as well as the laws and look at it as whether it would be beneficial towards the Town as a whole, or whether it would be a detriment to the community.

Mr. Small stated first, he would listen because the worse thing you can do is shut down the expression, sincerely felt by the Town residents. Mr. Small stated second, he would weigh what his fellow members of the Council and what the administration would advise, along with how important that decision be taken and be taken now, without working on something that might ameliorate (improve or enhance) the opposition. Mr. Small stated third, he thinks you have to choose your battles; there are battles in which the prudent thing – both as a matter of philosophy and of politics – is to step back and perhaps to evolve the issue some more. Mr. Small stated there are other times, however, when leadership requires that you move forward because the situation demands it, and if it puts you at peril, politically, you must be prepared to do that because the failure to do that is what we are now seeing at other levels of government. Mr. Small stated he does not think he expects to see that type of failure out of this Council.

Mr. Gough stated he would meet with the citizens to understand their complaint, identify the issues they present, have the Council review them and see if there is any legal basis to stop the development; and if there isn’t, then Council would have to meet and decide whatever action they would like to take on that issue. Mr. Gough stated you could table it, postpone it, or review it, but it is important to make sure you’re good from a legal standpoint first, then make a decision afterwards.

Mr. Thompson asked question six (6): The Delaware Code’s chapter on the Code of Conduct for State officials and employees applies to the Town Council members. Do you have any experience in handling duties of confidentiality and avoiding conflicts of interest?

Mr. Small stated yes, much of the work he did in the United States Congress and with the White House required those very things. Mr. Small stated much of what he did as a member of the leadership committee of the large company was sharply restricted as to what could be disclosed,

discussed or hinted at beyond the page by the FCC and other regulatory agencies. Mr. Small stated beyond that, however, he thinks the Town's confidentiality is owed simply as a matter of human courtesy, and he would aspire to meet all of those tests.

Mr. Gough stated yes, as previously stated, he was on the Frederick County Board of Education and they had thousands of employees where they had to review a lot of HR (Human Relations) cases, and coincidentally, his ex-wife was a teacher in the county, so he had to exempt himself from a lot of decisions because of that, so you have to carefully analyze the issue and make sure you take the proper action. Mr. Gough stated he was also a security officer for the United States Army for a long time, and has a lot of experience in keeping secrets. Mr. Gough stated he was also a manager for IBM and he had to do all of the HR responsibilities such as equal opportunity, evaluations, assessments, and you look at what you can and cannot do in a case of when someone is causing a problem.

Ms. Kent stated as far as confidentiality, she has already signed the form with the Town as an unofficial employee, and she has had the same issue with teaching, as well as keeping all the information confidential with her coaches, so she finds it vitally important that whatever is discussed stays within the room, etc., or within the Council.

Mr. Thompson asked question seven (7): A constituent calls you and says there are people speeding on their street and proposes a solution to solve the problem. How would you address this constituent's concern?

Mr. Gough stated currently, he would tell the citizen to contact the Delaware State Police, and ask to have an officer assigned with a speed trap to the area.

Ms. Kent stated she would suggest the same thing, but would also go one further and contact the Town Manager just so they would not be blindsided with any comments or complaints that "a Council person didn't take care of it and they pushed it off to the State Police." Ms. Kent stated the Town needs to be aware of it, but the State Police has the priority in that respect.

Mr. Small stated the Town has done a great deal to foster a cooperative relationship with the State Police, which has jurisdiction here; however, he thinks part of what we need is feedback, and if we begin to discover that the State Police – notified by our citizens – is observing what amounts to a pattern, a disobedience that is dangerous, then we need to start thinking about what our proposal to the State Police and DeIDOT might be, to prevent the occurrence of it happening in the future.

Mr. Thompson asked question eight (8): How do you stay informed about Town issues and what the Town Council is working on?

Ms. Kent stated the Town Manager notifies the Council by email or phone, and there is dialogue that way. Ms. Kent stated there can be no more than two (2) at one (1) time within any group, otherwise it's considered a quorum, which is illegal unless you're having a general Council meeting. Ms. Kent stated coming in to the Town, letting the Town Manager know that you're coming in to discuss something that may come up, and by emails and similar communication.

Mr. Small stated he can follow through the minutes put out by Council itself, or what is done and reported to by the press, but beyond that, the only way he can do it is to stop by here and ask questions, which will get him so far but often not far enough to extinguish a needless concern or to fire thoughts on bringing – as a member of Council or a member of the citizenry – a proposal to Council’s attention.

Mr. Gough stated he would monitor the newspapers, check the Town website, and if he has an issue, he would come in here and discuss it. Mr. Gough stated in addition to that, he would assume that the Town Manager would send out notes and minutes of the meetings. Mr. Gough stated he has not read the procedures but if he had an issue which needed review, he would call a meeting with Town Council and discuss the issue. Mr. Gough stated independent, we’re nothing, but together we’re everything.

Mr. Thompson asked question nine (9): Are you familiar with the Town Charter and Town Code? Have you thought about any legislation you are interested in seeing the Town Council enact, repeal or revise? If so, what is it? What would you propose?

Mr. Small stated yes, he has familiarity but not expertise. Mr. Small stated he doesn’t currently have any immediate proposal for change but he does have a suggestion which goes beyond that: the Town has done a very good job at tracking strategic expansion and he would propose the Town start at the other end – just as an instructive exercise – asking what is the furthest in any direction that the Town could go? Would it like to pursue that? Is it reasonable to pursue that? If not, what is the priority among that and guided by as far as we can reach? Mr. Small stated then we can limit it down to what order we want to reach in specific directions.

Mr. Gough stated he is not familiar with the Code or Charter, but he thinks there are issues related to the County’s overlay and the Town’s overlay in terms of regulations. Mr. Gough stated he would like to see some coordination between the County and the Town regarding construction, plat layouts, planned areas, and again he would like to see some green areas embedded in every development. Mr. Gough stated if you ever go down to Ocean City and look at the boardwalk, there are only two (2) trees on the boardwalk, so the entire boardwalk doesn’t have any piece of green, and we don’t want that to happen here.

Ms. Kent stated yes, she has read through the Code and Charter three (3) times, and she would like to see the people that own property here be able to have a vote – whether they live here part-time or full-time. Ms. Kent stated she knows that was proposed and she believes that is going forward and she does hope that comes to fruition. Ms. Kent stated as far as from one end of the Town to the other, we have a couple of places that have some growth and she thinks we need to work with any potential developers to enhance the growth but, at the same time, provide enough parkland, possibly at the far end of the Town so we can have more green space for the community.

5. PROPERTY OWNERS/AUDIENCE COMMENTS AND QUESTIONS

There were no comments.

6. ANNOUNCEMENT OF NEXT MEETING – TOWN COUNCIL MTG., WEDNESDAY, MARCH 9, 2016

Mr. Gordon stated due to lack of a quorum, the Town Council meeting will be pushed back to Wednesday, March 9, 2016, at 7 p.m.

7. ADJOURNMENT

Ms. Brewer motioned to adjourn at 7:38 p.m. Mr. Maneri seconded the motion. Motion carried 3-0.

Respectfully submitted,
Matt Amerling, Town Executive Assistant