

**MINUTES OF THE MILLVILLE  
TOWN COUNCIL WORKSHOP  
April 24, 2018 @ 7:00 PM**

In attendance were Mayor Bob Gordon, Deputy Mayor Steve Maneri, Treasurer Susan Brewer, Secretary Peter Michel, Council Member Ronald Belinko; Town Code & Building Administrator Eric Evans, Town Clerk Matt Amerling, and Town Finance Director Lisa Wynn. Town Manager Debbie Botchie was absent

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Gordon led the pledge of allegiance.

**3. ROLL CALL**

All Council members are present, but Town Manager Debbie Botchie is absent.

**4. CITIZENS' PRIVILEGE, VISITORS, PRESENTATIONS & APPOINTMENTS**

There were no comments.

**5. NEW BUSINESS**

**A.** Review and discuss the draft of Ordinance 19-01.

*Synopsis:* Ordinance 19-01 will add a restriction of discharging firearms and similar weapons within the Town of Millville, with the express exception for law enforcement officers performing official duties, as well as the justification defenses as codified in Title 11, Sections 462 through 471 of the Delaware Code.

Town Code & Building Official Eric Evans stated the Town had an incident of someone hunting in Millville by the Sea (MBTS) and there was a shot fired into someone's house at Bishop's Landing, and thankfully no one was injured. Mr. Evans stated when people have asked him if they can hunt in Town, he has stated there is no ordinance prohibiting it but it really isn't a good idea since this is a Town with not as much open space. Mr. Evans stated he proposed to create an ordinance to prevent the firing of firearms or weapons in the Town. Mr. Evans stated he went into General Code, which is where the Town's Code is located, and found that out of fourteen (14) towns in Sussex County on General Code, eleven (11) of them have this same type of ordinance where discharging of a firearm is prohibited in their respective Town limits, one exception of which being for Selbyville, which has rules of taking a hunting safety course, not being within one hundred (100) yards of a house, can't be near a road, etc. Mr. Evans stated 100 yards may not be far enough because he knows some hunters who can drop a deer one-hundred-fifty (150) to two-hundred (200) yards away with a shotgun. Mr. Evans stated with all of this in mind, he, Town Clerk Matt Amerling and Town Solicitor Seth Thompson drafted this ordinance. Mr. Evans stated the Towns who have the same ordinance are Milton, Bethany Beach, Georgetown, Rehoboth Beach,

Millsboro, Dagsboro, Lewes, Ocean View, Henlopen Acres, and South Bethany; Selbyville has the restriction he referenced, and the towns who do not have an ordinance are Fenwick Island, Dewey Beach, and Bridgeville. Mayor Bob Gordon asked if the basis of this ordinance is to protect the citizens of Millville, and not to mess with anyone's Second Amendment rights. Mr. Evans stated this doesn't affect anyone's Second Amendment rights; everyone has the right to carry, the right to have a firearm in their home, the right to go out and buy as many firearms as they want, the right to go out and target practice at a "target zone," and to go out hunting in Sussex County property. Mr. Evans stated this ordinance is simply to protect citizens from stray bullets flying around in Town, and people wander around the woods and don't know where they're at or how close they are in proximity to others. Mr. Evans stated when he spoke with Mr. Al Ruble, of MBTS, about the hunting on MBTS property, and Mr. Ruble confirmed the people who were known to hunt on MBTS property had been informed to stop.

Deputy Mayor Steve Maneri stated he spoke with Town Solicitor Seth Thompson to inquire about this ordinance because, right on the border of MBTS and County, people are always hunting there, and you can see where the hunters are, but Mr. Thompson stated we would have to speak to the Delaware State Police (DSP) about any incidents, but they can hunt as long as they're not on Millville property. Mr. Evans stated the one thing about this ordinance is he knows there will be people who complain and say they used to hunt all the time, but Mr. Evans stated he used to be able to do a lot of things all the time but times change and they will have to find another place to hunt. Mr. Maneri stated there isn't much big space in Millville anymore because most space is being built upon. Mr. Evans stated south of Peppers Corner has some wide open area and is very wooded, but that's about it. Mayor Gordon stated this item is just for discussion tonight and there will be a vote at a later date. Council Member Susan Brewer asked how the Town came up with the penalty fine amount. Mr. Evans stated if the fine is under one-hundred dollars (\$100), and the Town takes someone to court for under \$100, the person can't appeal the case to a higher court.

**B. Review and discuss the draft of Ordinance 19-02.**

Synopsis: Ordinance 19-02 will amend the Town of Millville Code at Chapter 155, entitled "Zoning," relating to Appurtenances, specifically omitting 155-17(C)7, Temporary Tents.

Town Clerk Matt Amerling stated this ordinance came about due to the Town reviewing its penalty fines and realizing that any such fine mentioned in the Town Code was with temporary tents. Mr. Amerling stated when staff looked closer at the ordinance, we realized this fine was outdated; this ordinance was introduced under another mayor, whose intentions were most likely to just make sure anyone using a tent for a big event was charged money. Mr. Amerling stated now that the Town has an event license required, said license sort of covers tents and most people use food trucks nowadays, so the event license takes over this section. Mayor Gordon asked if the event license has any restrictions on how long a tent can be erected like it does in this ordinance. Mr. Amerling stated no, the event license currently does not, but language can be added to

the application and permit. Mayor Gordon stated not having a restriction on how long a tent can be up can cause problems. Mr. Amerling stated his agreement but he also doesn't recall the last time a tent permit was applied for in Town; it was before Mr. Amerling's time of employment. Mr. Amerling stated the only reason people mostly use tents nowadays is for outdoor weddings, and Mr. Amerling doesn't think the Town will charge a person to have an event on their private property nor would the Town charge the property owner a tent permit fee. Mr. Amerling asked Mayor Gordon if he would like to have a specific amount of days to restrict how long a tent is erected. Mayor Gordon stated yes, otherwise people would stretch out the time and leave the tent up for a very long time. Mr. Amerling stated he could amend this ordinance to keep the tent entry in the Code, and only have a restriction on the amount of days the tent is kept up. Mayor Gordon agreed. Mr. Maneri stated he agrees there should be a limit on how long the tent is up, and he's thinking it should be ten (10) consecutive days because that gives the applicant some leeway. Mayor Gordon asked if seven (7) consecutive days would be better because he thinks 10 days is too long. Mr. Maneri stated 7 days is fine but if there is some kind of case-by-case where it may have rained for many days, the Town can review as needed, so it can be as authorized by the Town official.

Mr. Evans stated from what he found, because this ordinance falls under the Zoning chapter, it has to have a public hearing and be advertised as such. Mr. Amerling stated the Town could take the tent ordinance out of the Zoning chapter of the Code as proposed tonight, and instead enter the new proposed revision discussed tonight to the License chapter of the Code, which does not need a public hearing. Mr. Evans stated that would be his recommendation.

**C. Discuss and possible vote on amendments to the personnel manual, item #5-8, Sick Leave, and item #5-10, Vacation Leave – Secretary Peter Michel and Council Member Ronald Belinko**

Council Member Peter Michel stated he and Council Member Ronald Belinko were tasked at the beginning of April to research vacation leave and sick leave on our Town and other surrounding towns similar to its size and population. Mr. Michel stated the towns researched were Bethany Beach, Blades, Bridgeville, Dagsboro, Dewey Beach, Fenwick Island, Frankford, Greenwood, Milford, Milton, Ocean View, Seaford, and South Bethany. Mr. Michel stated the towns with police departments have separate leave from the administrative staff so he and Mr. Belinko didn't need to take that into consideration. Mr. Michel stated this proposal tonight is a good justification after reviewing the spreadsheet distributed to Council which showed what all the aforementioned towns have for their respective staff, and Millville is only half of what most of the other towns have, and what Millville is asking for is not a lot, it's not the maximum, but it's just enough to get the Town "up to snuff" with the other towns. Mr. Belinko stated in his short time on Council and working with the present staff, Mr. Belinko is impressed with the staff's knowledge, their work ethic, and when you look at the growth of the Town coming, the staff will have a tremendous increase in workload, the Town could have a tough flu season again – and because of that, some staff members had to take leave without pay because they used their

allotted sick leave time, and Mr. Belinko doesn't think it's fair. Mr. Belinko further stated he reads the newspaper and has noticed quite a few job opportunities for town managers, town clerks and finance folks for other municipalities, and Mr. Belinko would hate to see the Town lose any of the Town's staff who would get better benefits elsewhere. Mr. Belinko stated he thinks this personnel change is a great opportunity for this Council to take care of its employees, who are excellent workers.

Mayor Gordon stated he has been in Town Hall when there has been one (1) employee working, and this was due to a combination of people on vacation or being sick, and it "scares me to death" to have one person covering the entire Town Hall. Mayor Gordon asked if increasing sick leave and vacation will increase the amount of times to have no one on staff to be at Town Hall. Mayor Gordon asked if all of the Towns reviewed had police departments. Mr. Michel stated no. Mr. Belinko stated a lot of them do have police departments but they have a police chief who handles all of the administrative duties of the police department and the staff continues with their duties similar to what is done here. Mayor Gordon asked if the police department is separate from the Town administration. Mr. Belinko and Mr. Michel stated yes. Mr. Michel stated he would also think the Town Manager would prevent a situation where practically everyone takes off at the same time; and if that happened before, Mr. Michel is sure it wouldn't happen again. Mayor Gordon stated, with sick time, the Town was hit hard with the flu and it's difficult to take into account what could happen. Mayor Gordon stated the Town is fortunate to have the employees it has but Council would be setting a precedence which would change things for the future. Mr. Belinko stated when it comes to vacation time, the Town Manager would ensure not everyone took off at the same time and for the same length of time, and with sick time, when someone's sick, they're sick, there's no preparing or control for that. Mr. Belinko stated he's known some schools that have shut down due to half the staff having the flu. Mr. Belinko stated the Town can control the abuse of sick leave based on the evaluation process, so there is checks and balances to address Mayor Gordon's concerns, but Mr. Belinko and Mr. Michel would like to take care of the staff the Town has.

Ms. Brewer stated she has no problem with this proposal, and thinks it's a good retention and recruitment tool. Mr. Maneri stated he would like to get a little more information on this and discuss it more. Mr. Michel stated he does not understand Mr. Maneri's suggestion because Council has had the information spreadsheet since the first of the month. Mr. Michel asked if Mr. Maneri had reviewed the spreadsheet. Mr. Maneri stated yes. Mr. Michel stated all of the information is there. Mr. Belinko stated he and Mr. Michel were tasked to look into this matter, which they did, and they came up with what is before Council tonight, which they believe is the best solution when it comes to other towns. Mr. Maneri stated he would like to keep going on this and would not like to vote on it tonight. Mr. Belinko and Mr. Michel stated they would like to vote on it tonight. Mr. Belinko motioned to vote on this tonight. Mr. Michel seconded the motion.

Ms. Brewer asked what the vote is on tonight, whether it is just to vote on the item or to approve it. Mayor Gordon stated the vote is on whether to approve the item presented. Mayor Gordon asked if the new proposed vacation leave is by seniority. Town Finance Director Lisa Wynn stated it's based on how many years an employee has been with the

Town, but the current vacation leave is based on the same aspect (years of employment). Mayor Gordon asked how it is decided who gets off when a holiday like Christmas comes up and everyone wants off work. Ms. Wynn stated it's by first-come, first-serve and the Town Manager has to approve. Ms. Wynn stated the staff has not had any issues with the holidays as staff is pretty good at coverage and no one would request both Christmas and Thanksgiving off. Ms. Wynn stated she agrees with the checks and balances and thinks the Town should "keep a good eye on" who's requested off. Mayor Gordon stated his concern is if there is more time off given, it gives more opportunity for an individual to abuse it, and Mayor Gordon doesn't want Town Hall open with only one (1) person inside. Ms. Wynn agreed. Ms. Brewer stated it is up to the Town Manager to make sure that doesn't happen. Mr. Michel stated to remember the Town staff only gets half of what all other towns in the area get right now.

Ms. Brewer asked Mr. Michel why he is in a hurry to vote on this matter tonight. Mr. Michel stated because of the history of this Council, case in point being how long to decide on the Town Hall sign. Ms. Brewer stated this issue will not take that long. Mr. Michel stated that is what was said about the sign as well: "It won't take that long." Mr. Belinko stated if all the facts are before Council, what more is there to study? Mr. Belinko stated the data from all of the other towns was distributed to Council, Mr. Belinko and Mr. Michel made a recommendation to take care of the Town's employees so they don't have to work when they're sick and to reward vacation time with seniority, so Mr. Belinko doesn't understand what more there is to study, especially since this doesn't have to do with budget or monetary costs. Ms. Brewer stated she is not opposed to voting for it tonight, but if there is a Council person who wants more discussion, there should be more discussion. Mayor Gordon stated he knows the information on the spreadsheet had a lot of information from towns more north of here as well as having more residents, but Mayor Gordon would like to know about the other towns more like this size and population. Mr. Michel stated he and Mr. Belinko did look into the towns closer to here with the similar size and population, and Millville has the lowest vacation leave and sick leave out of those towns who border us and are nearby, and Millville's employees work just as hard as anyone. Mayor Gordon and Ms. Brewer agreed the employees work hard. Ms. Brewer stated an issue like this is critical when the Town Manager is not here and (legal) counsel is not here. Mr. Michel stated he received Town Manager Debbie Botchie's support. Mayor Gordon asked if this change to vacation leave would affect only one (1) or two (2) people this year. Ms. Wynn stated this year it would affect two (2) people. Mr. Maneri asked if the Town should add a condition that only so many people can take off at a certain time. Mr. Michel stated such a condition is the Town Manager's job. Mr. Maneri stated he doesn't want to see that there's only one person working in Town Hall because the Town is getting bigger, and now that Town Hall is no longer closed during lunch time for an hour, Mr. Maneri wants to make sure there's always someone at Town Hall to help the residents.

Mr. Michel stated there is a motion on the table and there should be a vote. Mr. Maneri stated for Council to vote. Motion carried 4-1.

## **6. CITIZENS' PRIVILEGE**

Mr. James Powell, of Burton Farm Road, stated he had concerns about Ordinance 19-01,

because he owns twenty-three (23) acres of property in Millville and his father owns twenty-five (25) acres which adjoins him. Mr. Powell stated he likes to go hunting, and if this ordinance passes, he won't be able to hunt on the property anymore. Mr. Powell further stated his property is on Roxana Road and Powell Farm Road, and if his privileges are being taken away, he'd like to know. Mayor Gordon stated no decision has been made this evening, but this will go to vote at a future meeting. Mayor Gordon stated this ordinance came about because someone shot from MBTS into a home in Bishop's Landing, and eleven (11) towns in the area have this same ordinance in place. Mr. Powell stated if the ordinance passes, he wants to know how to de-annex out of town because he was born and raised here, and he's been hunting on his land the entire time. Mayor Gordon asked if Mr. Powell's property was a part of MBTS. Mr. Powell stated it was at one time, but MBTS didn't come up with their share of money, so Mr. Powell it's his property now. Mayor Gordon stated the new Beebe medical center is coming to right near Mr. Powell. Mr. Powell stated yes, and the Town is taking privileges away from him. Mr. Powell stated he understands this kind of ordinance in a residential area, but he's not in a residential area right now. Mr. Evans stated the Town could review the ordinance again and see what can be done to make conditions such as hunting on your own property of a certain size as well as being two hundred (200) yards away from a house, which is in the State hunting guide. Mr. Amerling stated by putting in a restriction of only hunting on a parcel of a particular size, that helps reduce the amount usage in Town because there aren't many big parcels of land left in Town limits. Ms. Brewer asked Mr. Amerling if the Town received any written comments from the public on this matter. Mr. Amerling stated he did not, but he would like to thank Mr. Powell for coming in and voicing his opinion.

Mr. Amerling asked Council, for clarification regarding the vote on the personnel manual item, did Council vote to approve the amendments to the personnel manual, item #5-8, Sick Leave, and item #5-10, Vacation Leave. Mayor Gordon and Mr. Michel stated yes.

## **7. ANNOUNCEMENT OF NEXT MEETING – TOWN COUNCIL MTG., MAY 8, 2018**

## **8. ADJOURNMENT**

Ms. Brewer motioned to adjourn at 7:51 p.m. Mayor Gordon seconded the motion. Motion carried 5-0.

Respectfully submitted,  
Matt Amerling, Town Clerk