

**MINUTES OF THE MILLVILLE
TOWN COUNCIL WORKSHOP
November 27, 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 Manager Debbie Botchie, and Town Clerk Matt Amerling.

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.

4. NEW BUSINESS

- A.** Discuss and review Draft Ordinance 19-08. *Synopsis*: Ordinance 19-08 will amend the Town Code at Chapter 33, entitled “Planning and Zoning Committee.”

Town Manager Debbie Botchie stated this amendment to the ordinance will take the Town back to having a five (5)-member – at most nine (9)-member – Planning and Zoning Commission (P&Z). Ms. Botchie stated the reason the P&Z was changed three (3) years ago was because the Town was having a difficult time to get residents to fill vacancies and to be on the board, or the Town couldn’t get a quorum. Ms. Botchie stated these reasons are why the Town changed it so the P&Z would consist of the Town Manager, Town Code & Building Official, and a member of Council, as well as the Town engineer present. Ms. Botchie stated a few weeks ago, she let Council know she thinks it’s time more full-time Town residents, who are taking more of an interest in what the Town is doing as well as its growth, come back to serve and therefore revert the ordinance as it was formerly stated. Ms. Botchie stated she did some research and put in a few different scenarios in this ordinance. Ms. Botchie stated, on page two (2), there were things added such as two (2) members holding a term for three (3) years, two (2) members holding a term for two (2) years, and one (1) member holding a term for one (1) year, so they are staggered. Ms. Botchie stated Town Solicitor Seth Thompson added the language of a P&Z member “shall not otherwise hold Town elective office.” Ms. Botchie stated she asked Mr. Thompson if the P&Z could have alternates in case there was a member missing or a quorum couldn’t be fulfilled. Ms. Botchie stated the alternates could be herself and Town Code & Building Official Eric Evans because they are the ones who are acquainted with the applications which are being presented, they work with the applicant and/or developer; so she and Mr. Evans “know the application inside out.” Ms. Botchie stated aside from being an alternate, under normal circumstances, Mr. Evans, Town engineer Andrew Lyons, and Ms. Botchie would simply retain their advisory role, and P&Z would be on the dais. Ms. Botchie stated another option would be to have the Mayor, Town Manager, and Code & Building Official would not alternate into service and shall be an ex officio member of the P&Z, and while an ex officio member would have the powers of the

P&Z, they would not have a vote. Ms. Botchie stated the third option states the Mayor, subject to confirmation by a majority of the members of the Town Council, may appoint a person holding a Town elective office to be an ex officio member, and an ex officio member may discuss and comment before the P&Z but shall not have a vote.

Ms. Botchie stated she suggests the Council vote into this some language from the Town of Georgetown, which is any member of the P&Z who fails to attend seventy-five percent (75%) of the scheduled meetings of the P&Z in any twelve (12)-month period, without an excuse acceptable to the Chairperson, shall be deemed to have resigned and the vacancy shall be filled as herein provided for the original appointments. Ms. Botchie stated the P&Z is appointed by the Mayor and it needs to be confirmed by the remainder of Council. Ms. Botchie stated she did add some new stuff under “power and duties,” which will have the P&Z help work on the Comprehensive Plan update. Ms. Botchie stated the position on P&Z will also not be compensated, meaning no pay, but P&Z members will be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties vested in the P&Z. Ms. Botchie asked how Council would like to proceed in terms of having alternates or ex officio members. Ms. Botchie stated the alternates in the Town’s case would be Ms. Botchie – the Town Manager – and Town Code & Building Official Eric Evans. Ms. Botchie stated this is because it would be extremely difficult if the Town had alternates who came in last minute and they had no idea of what the plan for review is about. Ms. Botchie further stated if liaisons are on the board, they do not have a vote. Ms. Botchie stated the P&Z is a recommending body so “vote” really means a recommendation to Council.

Council Member Ronald Belinko stated if the Town is returning to a commission and looking for more residential input and involvement, that’s a step in the right direction; however, Mr. Belinko thinks a member of Council should not serve on the P&Z in any capacity. Mayor Bob Gordon stated as it is right now, anyone coming into Town to want to do any construction or building, will have to come in and sit with the Town Manager prior to any meetings. Mayor Gordon stated when it comes time for the P&Z meeting, the Town Manager and possibly the Code & Building Official can steer what the purpose of the meeting is without a vote on it, as well as making sure the plans follow Town Code. Mr. Belinko stated and therein lies the challenge for Council in wanting to get – and choosing – folks on the P&Z who are both interested in doing it, but also have some familiar knowledge on building and construction. Deputy Mayor Steve Maneri stated hopefully if the Town moves forward on this, Council can start reviewing applicants and seeing who has the most value to the Town. Ms. Botchie stated the process will be putting a notice in the newspaper to advertise the Town is looking for five (5) members of the P&Z. Mayor Gordon stated he doesn’t think the number of members needed should be included in the notice. Ms. Botchie stated the Town has to, it’s required to by law. Mayor Gordon stated his concern with putting the number in is that the Town may get five (5) people from all on the same block or in the same neighborhood, and those are all the Town gets. Mayor Gordon further stated another concern is making sure the individuals applying are qualified. Ms. Botchie stated the Town can put a number range of five (5) to seven (7) people in the notice, and as people each submit a letter of intent, those letters will be given a copy to each of Council so they may make a decision on who’s qualified; and the Town is looking for people that do have a background in construction, land use, etc. Mr. Maneri stated there a lot more people living

here now – about sixteen-hundred (1600) – so there should be a good with getting people with experience. Ms. Botchie agreed. Mayor Gordon stated his concern is evident in the one (1) attendee at tonight’s meeting and how most meetings garner very little attendance and public interest, if any. Ms. Botchie stated yes, it’s a gamble every time and there is no guarantee all seats will be applied for. Mr. Maneri stated if it didn’t work out, the Town may have to have a “plan B” which means keeping the P&Z the way it is now. Mr. Maneri stated he thinks with the amount of people there are, he would hope the Town would get many applicants. Mayor Gordon stated there will be many issues coming before the P&Z in the next few months so there will be a lot to learn and Mayor Gordon really wants to get individuals on P&Z who understand the site plans and keep up with what’s going on; and he also has a concern with having a Council member as a voting body on P&Z and also being a voting body on Council. Mr. Belinko stated the challenge is to get a person from each community and someone or two (2) people who aren’t in a community so that all factions of Town are covered. Town Clerk Matt Amerling stated the P&Z is like Council in that you can’t have too many people from development on P&Z because otherwise there won’t be a quorum, so that aspect prevents from having too many from the same place. Mr. Amerling stated he hopes Council spreads the news that – and Mr. Amerling considers – P&Z to be one of the most important steps in the process for the public to be a part of because it gives them their first viewing and say on matters which will go before Council before said matters get to Council, when there is more opportunity to speak up and get change. Ms. Botchie stated this is why, when she’s been on P&Z, they always hold public hearings, because the public gets a chance to have their say. Ms. Botchie stated another aspect that made a big difference in drawing more attendees was having the P&Z meetings at 2 p.m.

Mr. Maneri stated he thinks Ms. Botchie and Mr. Evans should be on the P&Z at the beginning because the Town does have so many items coming up, and if everyone coming on P&Z is new to it, the littlest thing may slip by, so it would behoove the Town to have those two on at the beginning. Mr. Belinko stated he could see the Town having some training sessions or meetings for the new incoming P&Z members. Mr. Maneri stated he would hate to throw anyone new “right into the fire” because the Town has a lot of upcoming projects up for review. Ms. Botchie stated yes, that wouldn’t be a problem. Mayor Gordon stated another consideration is to have Ms. Botchie on the dais at the beginning, for a time, before handing it over to the P&Z. Mayor Gordon stated a suggestion would be to have KCI Technologies representative Debbie Pfeil come in and train the new P&Z members. Ms. Botchie stated that can also be done, and hopefully, once the announcement for P&Z members is published, it can also be distributed by HOA presidents to their residents. Ms. Botchie stated the Town has eleven (11) HOAs and individual residents (with no community), so there should be a good pool to choose from.

Secretary Peter Michel asked, regarding the P&Z term limits, if Council can turn the three (3)-year limits to a maximum of two (2) years because he’s not sure anyone in the public would be interested in staying on P&Z for that long. Ms. Botchie stated she would hope a person would want three (3) years because sometimes it takes a while to get the feel of the job. Mr. Michel stated he understands but he thinks making the maximum two (2) years may pull in more responses from those unsure about serving. Ms. Botchie stated the Town had no problem with it when it was done a few years ago. Mr. Michel stated not until later (when the P&Z had to be reduced), but he understands. Mayor Gordon stated he would like to first see

how many people volunteer to do this and then part of the interview process can help seek out who's will to do what for how long. Treasurer Susan Brewer asked if the notice asking for P&Z members has to include the yearly terms. Ms. Botchie stated she knows when it comes to advertising for Council members, the Town does per Charter, but not for P&Z, so the terms are something that can be worked out during the organizational meeting. Mayor Gordon and Mr. Belinko stated it may make more sense to have P&Z on for two (2) years, rather than just one (1) or three (3). Ms. Botchie stated the reason the term limits are revolving (staggered) is because if five (5) P&Z members are finished in two years, or leave altogether, the Town has to start the process all over again for all five (5) member seats, leaving P&Z empty for a time. Council agreed term limits can be discussed when P&Z applicants come before Council.

Ms. Botchie asked how Council would like to proceed. Mayor Gordon and Council agreed they like the language from item "A," regarding alternates, on page two (2) as well as advertising a request of from five (5) people up to nine (9) people. All of Council agreed. Ms. Botchie stated since this does not require a public hearing, they can review it again for possible vote at the December 11 Council meeting.

B. Discuss and possible vote on amendments to the personnel manual.

Town Manager Debbie Botchie stated Town Financial Director Lisa Wynn and Ms. Botchie have for some time wanted to review the Town's employee personnel manual to better define terms such as "exempt employees" and "non-exempt employees." Ms. Botchie stated most of this is "clean-up" such as signing an authorization form when receiving the manual. Ms. Botchie stated she wanted to get clear about overtime pay and compensatory time off, and how that works. Ms. Botchie stated exempt employees do not get compensatory time, the Town doesn't pay overtime, and if an employee needs to work overtime, the employee can get compensated for time off. Ms. Brewer asked what an example is of a non-exempt employee getting compensatory time. Ms. Botchie stated Mr. Amerling is working at tonight's meeting. Ms. Brewer asked if Mr. Amerling is getting paid time-and-a-half. Ms. Botchie stated no, he doesn't get paid time-and-a-half or get paid at all, but, rather, Mr. Amerling gets compensatory time, so he can use the time he earns tonight as paid time off for a later date. Ms. Botchie stated the only time employees get paid time-and-a-half is if they work over forty (40) hours in one (1) week. Ms. Botchie stated Town Solicitor Seth Thompson has reviewed all of this and approved it. Ms. Botchie stated another change is to make it mandatory for employees to take a full thirty (30)-minute lunch break, rather than take a short break in order to get compensatory time.

Ms. Botchie stated compensatory time off also has to be approved, so someone can't come in at 8 a.m. and leave at 4:30 p.m. to get a half-hour of compensatory time. Ms. Botchie stated she cleaned up the funeral leave breakdown of how many hours are provided. Ms. Brewer asked, with regards to positive tests for alcohol in an employee, what happens if the second occurrence of testing positive for alcohol happens five (5) years and one (1) day? Ms. Botchie stated she's not exactly sure as she's never had to deal with any issues on alcohol, and the only thing cleaned up was the employee being suspended for thirty-seven-point-five (37.5) hours instead of forty (40) hours. Ms. Botchie stated if it were up to her, the second occurrence would be met with termination. Ms. Brewer agreed. Ms. Botchie stated it is at the

Town Manager's discretion, which falls under the disciplinary actions section in the back of the manual. Ms. Brewer stated, to her, it doesn't matter if it's five (5) years or two (2) days, there should be grounds for termination because the employee may be using Town equipment and someone could get hurt. Ms. Brewer stated her suggestion would be to just say the testing positive for alcohol is grounds for termination. Mr. Amerling stated he also thinks this type of thing is discretionary to the Town Manager based on the situation and what the person is going through, but it is better to make the change to Ms. Brewer's suggestion as it makes the terms more clear rather than how it sounded before, i.e., having to wait a certain amount of times and/or years. Ms. Brewer asked if anything like this (an employee testing positive for alcohol) has ever occurred during Ms. Botchie's time at Town Hall. Ms. Botchie stated no. Ms. Brewer asked if all prospective employees are drug tested. Ms. Botchie stated yes, as well as a background check.

Ms. Brewer motioned to approve the changes as discussed tonight for the Town's personnel manual. Mr. Michel seconded the motion. Motion carried 5-0.

5. CITIZENS' PRIVILEGE

Mr. Marshall Gevinson, of Seashore Park Drive, asked with regards to the P&Z Commission, how someone would apply for an open position once it is announced. Ms. Botchie stated the Town will advertise the positions in the newspaper and may send out an email notification to the development's homeowners' association (HOA) president to distribute to residents. Ms. Botchie stated once the resident has received notice, the resident must submit a letter of intent to Town Hall – via mail, email, or dropping off at Town Hall.

6. ANNOUNCEMENT OF NEXT MEETING –TOWN COUNCIL MEETING, DECEMBER 11, 2018.

Mayor Gordon stated the Town will also be hosting its annual Holiday Market on Saturday, December 8, from 9 a.m. to 1 p.m. Ms. Botchie stated Mr. Amerling has been working hard on the market, getting everything set up and put together, as well as organizing the gift baskets to raffle. Ms. Botchie stated all raffle ticket sale money will be donated to the Ronald McDonald House of Delaware. Ms. Botchie asked Mr. Amerling how many vendors will be at the market. Mr. Amerling stated there will be about thirty-one (31), thirty-two (32), and he has gotten a lot of great stuff to raffle.

7. ADJOURNMENT

Ms. Brewer motioned to adjourn at 7:47 p.m. Mr. Michel seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk