

TOWN OF OCEAN VIEW
TOWN COUNCIL WORKSHOP
YOU TUBE BROADCAST
October 26, 2021 @ 6:00PM

AGENDA

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Reddington called the meeting to order with the Pledge of Allegiance. Council Members Bruce White, Don Walsh, Tom Maly and Frank Twardzik were present. Town Manager Carol Houck, Finance Director Dawn Parks, Planning, Zoning and Development Director Ken Cimino, Police Chief Ken McLaughlin, Town Solicitor Dennis Schrader, and Town Clerk Donna Schwartz were also present. The meeting was held at 32 West Avenue.

2. ADOPTION of AGENDA

A motion was made by Council Member Maly, seconded by Council Member Walsh, to approve the agenda as presented. The motion carried unanimously 5/0.

3. NEW BUSINESS

Charter Review Committee Report.

Town Solicitor Dennis Schrader offered a brief background on the need for Charter Review. He stated that there is a clause in the Charter that requires review at least once every ten years. This year the Town Council appointed Council Member Maly, Former Mayor Curran, Finance Director Dawn Parks, and Town Clerk Donna Schwartz to the review committee. Town Solicitor Dennis Schrader lead the group, and his associate, Michelle Bounds, assisted as recording secretary to the group. Mr. Schrader said, prior to meeting the committee was provided with copies of the current Charter for review, and were asked to assemble comments, questions, and suggestions for when the group met on March 18, 2021. Further comments were again assembled for the meeting that took place on June 16, 2021.

Mr. Schrader noted that not all proposed revisions required action, such as the Town's Election Process, which is subject to 15 Del. C § 7550(b), which repealed the provisions of municipal charters and ordinances inconsistent with Chapter 75. All municipalities must follow Chapter 75 as election law guidance.

Mr. Schrader recommended the Council take action on the following six items:

1. Charter Section 2.103, Appointment and Removal of the Chief Financial Officer.
Recommended action: this item to be addressed by Council, with the options (1) continue the current process, (2) eliminate the Finance Director position and fill the position of Chief Financial Officer (CFO), (3) have the CFO appointed by the Town Manager subject to Council approval and compensated as determined by the Council, and further authorizing the Town Manager to appoint an acting CFO in the event of a vacancy until a permanent CFO is confirmed by Council.
2. Charter Section 2.106, Surety Bonds.
Recommended action: Adopt an ordinance requiring bonding for the Mayor, \$25,000, Mayor pro tempore, \$25,000, Town Manager, \$25,000, and the CFO (Finance Director), \$100,000, in amounts set out above and that the bonds be paid by the Town.

3. Charter Section 2.502, Election Districts.

Recommended action: The 2020 Census data will be coming available soon, the Council should consider addressing redistricting issues to "...reevaluate and reestablish the boundaries of the Council districts, if necessary to achieve substantial equality of representation as soon as practicable following the publication of each decennial census..."

4. Charter Section 3.108 Lapse of Unexpected Appropriations.

Recommended action: Finance Director and Solicitor submit an ordinance to Council for its consideration.

5. Charter Section 3.112, Revenues, Board of Assessment.

Recommended action: Council adopt an amendment to Code Section 5-3 to establish 3-year terms, with 2 term limits for Board Members.

6. Charter Section 5.101, Personnel System, Appeal Procedures.

Recommended action: Adoption of an ordinance conforming to Charter Section 5.101, including the Personnel Manual as the necessary rules and regulations and appeal procedures from decisions of the Town Manager.

4. OPEN DISCUSSION

Town Manager Carol Houck spoke regarding item #1, Chief Financial Officer. She said she preferred to maintain the title of Finance Director, as it is a more common title for local government. She also noted that this position should not be subject to Council approval. Mrs. Houck would like to continue the current process. She commented that she believes Town Council should not deal with personnel matters. Mayor Reddington stated that this can be achieved by selecting choice #1. Mrs. Parks noted that the Council can appoint the Town Manager as CFO, and the duties which are listed in the Charter are being done by the Finance Director. Mr. Schrader stated he objected to both, citing there is no independence of duties.

Mayor Reddington asked if there has ever been a CFO, and, suggested staying status quo. Mr. Schrader commented that the Charter says the Town "may" have a CFO, meaning it is not necessary. He stated that there was a CFO once, for a very short time. Mrs. Parks noted that she felt the Town was not following the Charter, and in her opinion, we should remove sections 2.103 and 2.104. Mayor Reddington stated he doesn't see a reason to change the Charter, as there would be no change to anyone's job duties. Mrs. Houck stated she was concerned that a Council in the future may want to involve themselves in personnel. Mrs. Parks said she was concerned that a Council could appoint a CFO who she would report to. Council Member Maly said things are running smooth and we should try and comply with the Charter, if it's not broken, don't try and fix it. The Council Members were all in favor of staying with choice #1, leaving things alone. The Charter section will remain unchanged.

Mr. Schrader commented on Item #2. He said all that is needed was to adopt an ordinance to pass the bonds. Mrs. Parks suggested that Town Manager and Finance Director be added to the list. Mr. Schrader moved onto Item #3, redistricting. He said the Town election of 2023 will probably be the first with reevaluating of the districts.

Mr. Schrader explained Item #4, and Mrs. Parks noted that this item can added to annual budget ordinance and be handled at budget time. As for Item #5, Board of Assessment, Mr.

Schrader suggested creating an ordinance to set up three-year terms and two-term limits for the Board of Assessment members.

Mr. Schrader moved on to Item #6. He said the personnel policy does not have any provision for an appeal to Council as stated in the Charter. Mr. Schrader said, this can be accomplished by resolution. The Council was in agreement with Mr. Schrader's solution.

5. **CITIZENS' PRIVILEGE**

none

6. **ADJOURNMENT**

A motion was made by Council Member Maly, seconded by Council Member White, to adjourn the meeting at 6:51pm. The motion carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz, CMC
Town Clerk