



**TOWN OF GREENWOOD
TOWN COUNCIL MEETING
100 W. Market St. Greenwood De. 19950
Wednesday July 10, 2024 6:00 p.m.
Meeting is live stream on Town of Greenwood Facebook**

CALL TO ORDER: Pledge of Allegiance

APPROVAL OF MINUTES :

1. Town Council Meeting Minutes June 12, 2024 Council Meeting

OLD BUSINESS

1. Sale of Surplus Items-Explorer and Trailer
2. Public Comment Guidelines revisions
3. Check signing process
4. Policy and Procedures
5. Employee Handbook pertaining to Flex Time

New Business:

1. Retention of employment attorney

Police:

1. Verbal Report-Chief Thomas

TOWN MANAGER REPORT

1. Verbal Report with recommendation to Council pertaining to employee timesheets
2. Financial Updates
3. Greenwood Day
4. Downtown Revitalization Project

Correspondence and Public Update on Town Business from the Mayor

PUBLIC COMMENT

The Public Comment portion of the Town Council Meeting affords members of the public the opportunity to share with the Town Council questions, thoughts, comments, concerns, and/or complaints regarding the Town. Anyone interested in addressing the Town Council will be given three (3) minutes to do so. The Town Council is sincerely interested in hearing from the public, but the purpose of public comment is for Council to listen to comments, and the Town Council is not required to answer questions or provide immediate responses to concerns raised during public comment. The council may take action on items only when duly noticed on an agenda.

EXECUTIVE SESSION: Executive session for strategy sessions and advice or opinion from an attorney-at-law regarding pending or potential litigation and to discuss personnel matters in which the names, competency and abilities of individual employees will be discussed and strategy sessions and advice or opinion from an attorney-at-law regarding pending or potential litigation 29 Del.C. §10004(b)(4).

POSSIBLE ACTION ON EXECUTIVE SESSION ITEMS

ADJOURNMENT

NOTE: AGENDA SHALL BE SUBJECT TO CHANGE TO INCLUDE ADDITIONAL ITEMS OR THE DELETION OF ITEMS WHICH ARISE AT THE TIME OF THE MEETING. [29 Del. C. Sec.10004 (e)(3)].

AGENDA ITEMS MAY BE CONSIDERED OUT OF SEQUENCE.

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on July 3, 2024 at least seven (7) days in advance of the meeting.

Town of Greenwood
Town Council Meeting Minutes
Wednesday, June 12, 2024

COUNCIL and STAFF PRESENT:

Mayor Marshall Kemp, Vice-Mayor Mike Moran, Secretary Donnie Donovan, Councilor Brenda Tallent, Town Manager Janet Todd, Police Chief Phillip Thomas, Town Clerk Carolyn Chisenhall, Solicitor Jamie Sharp.

CALL TO ORDER:

Mayor Kemp opened the meeting at the VFW with the Pledge of Allegiance at 6:00p.m.

APPROVAL OF MINUTES:

Motion to accept the May 8, 2024, Town Council Meeting minutes made by Vice-Mayor Moran, Seconded by Councilor Tallent. Unanimously APPROVED.

OLD BUSINESS:

- No bids were received for the 2018 Ford Explorer. Vice-Mayor Moran moved to reduce the minimum bid to \$10,500.00. Seconded by Secretary Donovan. Unanimously APPROVED.
- Mr. Sharp is drafting a check signing policy / resolution for the next meeting.

POLICE REPORT:

Chief reported on the police department's May training. They also performed a lockdown drill and Eddie the Eagle firearm safety demonstration at WECEC. The police department is still accepting donations and preparing for National Night Out, which will be held at the Greenwood Firehall on August 13 from 6-8p.m.

Councilor Jones was not in attendance, but Mayor Kemp read her request. At the last meeting, Vice-Mayor Moran asked the Chief about the number of complaints, and he replied that the number given includes property checks. Councilor Jones' statement was that she "would like to see the number of property checks broken out separately from the complaints". Chief Thomas said he doesn't think it's something that needs to be specifically spiked out.

Vice-Mayor Moran stated that a couple weeks ago, an issue that he had brought to the police department's attention was handled very quickly.

TOWN MANAGER REPORT:

- Mrs. Todd stated that all documents have been provided for the audit. Her verbal report included: in-town properties being sold at monition sales; the Planning Commission giving preliminary site plan approval to Wawa, contingent on other agency approvals; DNREC beginning sinkhole repair on Railroad Avenue July 1st; upgrades to streetlights and the ballfield; and civil penalties for failure to obtain building permits or certificates of occupancy (per Ordinance A-2).
- No bids were received for the 6x12 trailer. We received a \$17,500 bid for the 2012 Chevy. Vice-Mayor Moran moved to reduce the minimum bid to \$500.00 for the trailer, with the Council reserving the right to refuse or accept. It is being sold as is. Seconded by Councilor Tallent. Unanimously APPROVED. Vice-Mayor Moran moved to accept the bid of \$17500.00 for the Town truck. Seconded by Secretary Donovan. Unanimously APPROVED.
- GPS for the (4) Town vehicles was discussed. In October 2008, the Council voted unanimously to approve GPS systems, but it was never carried through. Vice-

Mayor Moran said we need to know where our cars are at all times. All Council members present participated in the discussion. The Chief stated that he doesn't feel GPS is needed and it is an expense that should be discussed with the budget. Vice-Mayor Moran moved to table it for now. Seconded by Secretary Donovan. Unanimous.

- A YTD financial report was presented and discussed.

NEW BUSINESS:

- Mayor Kemp read a letter from citizen Richard Hudson stating his appreciation for the online streaming of meetings and requesting that Council wear their microphones so they can be more clearly heard.
- Public Comment guidelines were discussed, and Mr. Sharp recommended that the Council formalize a policy by resolution. A sample document was presented, with Mr. Sharp asking for feedback from the Council before drafting a resolution.
- A motion was made by Councilor Tallent to appoint Mr. Sharp as the Town's solicitor. Seconded by Vice-Mayor Moran. A statement from Councilor Jones expressed her disagreement. All Council voting were in favor. APPROVED. Mr. Sharp accepted the position.
- Comp time / flex time was discussed, with Manager Todd asking if the Council wanted to amend the Employee Handbook to include flextime. Secretary Donovan could see flex time to avoid overtime, but not just to get time off. Mayor Kemp is not in favor of flex time and prefers standard shifts that may result in overtime because of concerns with possible lack of coverage. A motion was made to table the discussion by Mayor Kemp, Seconded by Councilor Tallent. TABLED.
- Rules and Procedures were discussed, with Mr. Sharp stating that they formalize standards and are usually adopted yearly at Council reorganization. A motion was made by Secretary Donovan to have Mr. Sharp present Council with a few examples to look over before the next meeting, Seconded by Vice-Mayor Moran.
- A zoning map correction of parcel 530-10.13-79.00 was discussed. Secretary Donovan made a motion to accept Resolution 2024-02, Seconded by Vice-Mayor Moran. Unanimously APPROVED.

PUBLIC COMMENT:

Hal Godwin asked if he could get a copy of payables and receivables from January 2, 2023, through today. Manager Todd told him that she received his FOIA request. Kelli Nuwer commented on the "Public Comment Introduction" document that was in the meeting packet.

EXECUTIVE SESSION:

Adjourned to Executive Session at 7:21p.m. with a motion by Secretary Donovan. Seconded by Councilor Tallent.

RETURN TO OPEN SESSION:

Returned to open session at 8:07p.m.

ADJOURNMENT:

Meeting adjourned at 8:08p.m.

Attested _____, Town Manager

PUBLIC COMMENT INTRODUCTION

This is the time for public comment. Speakers must register on a signup sheet at the door, or request to be heard online. If anyone present has not registered and wishes to speak do so now. *Title 29 Section 10004* requires The City to include on a meeting agenda a public comment period for the public to engage with the (Council) (Planning Commission) (Board of Adjustment) (Committee). The City can impose reasonable time, place and matter restrictions on the length of the public comment period and the amount of time for each comment.

By Resolution _____ the Greenwood City Council adopted a 15 minute comment period at the beginning of meetings allowing each person 3 minutes to speak unless that person represents a group in which case the mayor or chairperson may permit a longer comment time. The public comment period is to be used to address items not on the agenda or items which are on the agenda but do not have a designated public comment period. If there is an item on the agenda that permits public comment, those comments will be deferred until that time.

The speaker will be called to come to the podium to make comments and give their name and address, and then speak. The speaker shall remain polite, civil and respect the decorum of the public body. Comments shall be made to the chairperson and body as a whole and should not include insults, personal attacks, or offensive language. Comments should not include items that are confidential under the Delaware Code including personnel matters, matters only to be discussed in executive session or items not in the jurisdiction of the Town. Persons violating these restrictions may be asked by the Mayor or Chairperson of a public body to stop speaking and in extreme instances ask the speaker to leave the meeting. After a person has spoken, they may remain for the balance of the meeting or leave.

Audience members are asked to be courteous to speakers and refrain from cheering, jeering, or commenting while someone is speaking. Only one person may speak at a time. The meetings are being recorded and are online so people who cannot attend in person may listen to the meeting. Only matters on an agenda may be discussed or acted upon by Delaware law. Accordingly, the members of the public body will not have a conversation with the speaker or discuss the content of the comments. The time will be used to listen and if appropriate the speaker's concerns will be added to a future meeting agenda where the matter may be properly addressed, or if a matter commented upon is on the agenda, but not designated for public comment, it can be discussed by the body at that time.

GREENWOOD RESOLUTION NO. 2024-___

**A RESOLUTION TO ESTABLISHING A POLICY FOR THE SIGNING OF CHECKS
BY THE TOWN OF GREENWOOD**

WHEREAS, pursuant to Section 29(38) of the Charter of the Town of Greenwood (“the Town”), the Town Council of the Town of Greenwood (“Council”) is empowered to appropriate money to pay the debts liabilities and expenditures of the Town, or any part or item thereof, from any fund applicable thereat, and to transfer temporarily money from one fund to another fund of the Town in case of emergency;

WHEREAS, the Town maintains bank accounts (“Town Bank Accounts”) for the payment of debts owed by the Town and checks are issued from the Town Bank Accounts;

WHEREAS, the Town Bank Accounts currently have three authorized signatures: 1) the Mayor, 2) the Vice-Mayor, and 3) the Town Secretary;

WHEREAS, it is the intention of the Town that checks from Town Bank Accounts be executed by the Mayor and Vice-Mayor but the Council finds it necessary to establish a process by which those checks can be executed in the event the check signor is unavailable for an extended period of time or if a conflict of interest exists such that a check signor is unable to sign a check for the Town;

WHEREAS, the Council finds that it is in the Town’s best interest to establish a policy for the signing of checks from the Town Bank Accounts;

THEREFORE, be it resolved by the Town Council of the Town that the following policy for check-signing be established by the Town:

1. All checks issued by the Town of Greenwood shall be signed by at least two (2) members of Council in the following order of preference:
 - a. Town Mayor;
 - b. Town Vice-Mayor;
 - c. Town Secretary; and
 - d. Town Councilmember.
2. It is the intention that the checks should be signed by the Town Mayor and Town Vice-Mayor and that the Town Secretary and then Town Councilmembers would be authorized to sign the checks issued by the Town in descending order.
3. Copies of signed checks are to be provided to the Town Treasurer.
4. In the event a check signor has a conflict of interest or is unavailable due to an extended absence, the Town Treasurer will go to the next check signor as set forth in the order of

preference in Paragraph 1 above.

5. An “extended absence” shall mean a period of time lasting more than seven (7) days when a check signor is unavailable to sign checks due to travel, work, health, or other reasons.

6. A “conflict of interest” shall include checks which are written regarding a personal or private interest in a matter which tends to impair a person’s independence of judgment in the performance of the person’s duties with respect to that matter. “Matter” is defined as “any application, petition, request, business dealing or transaction of any sort.” A Councilmember has a personal or private interest if any decision with respect to the matter would result in a financial benefit or detriment to accrue to the Councilmember or a close relative to a greater extent than others similarly situated or if the Councilmember or a close relative has a financial interest in a private enterprise which would be affected by a decision on the matter to a greater or lesser degree than others similarly situated. “Close relative” is defined as “a person’s parents, spouse, children (natural or adopted) and siblings of the whole and half-blood.” When there is a personal or private interest, the Councilmember is to recuse from signing any checks from the Town Bank Accounts regarding said matter.

SYNOPSIS

This resolution sets forth a policy for the signing of checks by the Town of Greenwood.

This shall certify that this is a true and correct copy of the resolution duly adopted by the Town Council of the Town of Greenwood at a duly noticed and convened meeting at which a quorum was present on _____, 2024.

So certifies:

Attest: _____
Council Secretary

Mayor

City of Milford Board of Adjustment Rules of Procedure

Definitions

Chair - Presiding officer of the Board of Adjustment as voted on by a majority of the Board of Adjustment.

Code -- Zoning and Subdivision of Land Codes of the City of Milford.

FOIA – Freedom of Information Act

Meeting - The formal or informal gathering of a quorum of the member of the Board of Adjustment for the purpose of discussion or taking action on public business.

Board or Board of Adjustment - The Board of Adjustment of the City of Milford, Delaware.

Public Business - Any matter over which the Board of Adjustment has supervision, control, jurisdiction or advisory power.

Rule 1 – Name of Organization

1.1 The name of this organization shall be the Board of Adjustment of the City of Milford, Delaware, hereinafter referred to as the Board.

Rule 2 – Authorization

2.1 The Board of Adjustment of the City of Milford is authorized under Title 22, Delaware Code and City of Milford Charter, Article V, Section 5.14 and Chapter 230 of the City Code, Article VII.

Rule 3 – Officers

3.1 The officers of the Board shall consist of a chairman and a vice-chairman.

3.2 The first meeting of May shall constitute the annual organizational meeting of the Board.

3.3 The chairman of the Board is appointed in accordance with the City of Milford Charter. The members of the Board shall elect a vice chairman who shall preside at meetings when the chairman is not present.

Rule 4 – Duties and Responsibilities

- 4.1 The chairman, or in his absence the vice chairman, or in the absence of both, the acting chairman, shall preside at all meetings or hearings of the Board, decide all points of order or procedure, and perform all duties required by law, the zoning code or these rules.
- 4.2 The jurisdiction of the Board of Adjustment is as follows;
 - a. The Board shall hear and determine appeals from administrative decisions for variances in the case of peculiar and unusual circumstances which may be required by the City Council or law.
 - b. The Board shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made in the administration of Chapter 230 of the City of Milford Code.
 - c. The Board shall authorize, upon appeal in specific cases, such variances from the terms of Chapter 230 as will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship or exceptional practical difficulties and so that the spirit of the chapter shall be observed and substantial justice done.
 - d. The Board shall have the responsibility for the interpretation of Chapter 230 of the City of Milford Code.
- 4.3 The City Manager or designee shall conduct, at the direction of the Board, all official correspondence of the Board, send out all notices required by law and by these rules of procedure, keep records of each examination or other official action of the Board, perform all duties required by law, the zoning code and the rules of procedure.

Rule 5 - Meetings

- 5.1 All meetings and hearings of the Board, shall be open to the public.
- 5.2 Regular hearings of the Board shall be held on the second Thursday of each month at 10:00 a.m.
- 5.3 A quorum shall consist of two members appointed to the Board to transact business at all meetings and hearings. A vote of a majority of the members present at any meeting or hearing of the Board shall be necessary to carry a motion or to reverse or modify any order, decision, or determination of the director of the building department.
- 5.4 When a quorum is not present at any properly called meeting, any staff member of the Planning Department shall adjourn the meeting.
- 5.5 The order of business at all public hearings of the Board shall be as follows:
 - (a) Reading of the public notice for the application by the chairman or his designate;

- (b) Presentation of report by the appropriate city departmental officers if such is required;
 - (c) Presentation by representative or witnesses in favor of the application;
 - (d) Presentation by representative or witnesses in opposition to the application;
 - (e) Rebuttals, upon request and approval from the Board
 - (f) Close the Public Hearing
 - (g) Discussion of the application and record evidence by the Board
 - (h) Vote to approve, deny or defer the application
- 5.6 All witnesses that wish to testify before the Board shall testify under oath. The City Solicitor or Notary Public shall administer all oaths and shall have the authority to compel the attendance of witnesses at public hearings.
- 5.7 The applicant or appellant must appear in his own behalf or by counsel or other agent at the public hearing. Failure of the applicant or applicant's representative to appear at the public hearing will result in the ultimate denial of the application unless the applicant or representative notifies the Planning Department, by letter, within five days after the public hearing, of the compelling reasons why the applicant or applicant's representative was not present at the public hearing. If a new public hearing is granted by the Planning Department after failure of applicant or applicant's representative to appear at the scheduled public hearing, the applicant shall pay an additional filing fee before the scheduling of a new public hearing.
- 5.8 The Planning Director or designee shall be responsible for the preparation and contents of the agenda.
- 5.9 The agenda and packet for Board of Adjustment meetings shall be available to the members of the Board at least fourteen (14) days prior to the scheduled meeting.
- 5.10 Notice of matters to be heard by the Board shall be published in a newspaper of general circulation for the City of Milford at least fifteen (15) days before the date of the hearing and shall specify the date, place and times at which the application may be examined. The notice shall set forth the date, time and place of the public hearing and shall describe in a general way the nature of the application.
- 5.11 Each applicant and counsel or representative of record shall be notified of the date, place, and time of the public hearing at which their application will be heard.
- 5.12 A record of the entire proceedings at all public hearings shall be kept and summary minutes prepared for public use. Applicant or other persons interested shall have access to the Board hearings materials during normal business hours in the office of the City Clerk. Additional copies of the reports may be procured at the expense of the persons procuring the additional copies.

- 5.13 An application may be withdrawn at any time prior to a decision being made by the Board. The filing fee will be forfeited for any application withdrawn subsequent to the scheduling of the public hearing.

Rule 6 – Variances

- 6.1 An area variance shall be evaluated based on the following criteria;
- a. The Board should take into consideration the nature of the zone in which the property lies;
 - b. The character of the immediate vicinity and the uses contained therein;
 - c. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect such neighboring property and uses; and,
 - d. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to his efforts to make normal improvements in the character of that use of the property which is a permitted use under the use provisions of the ordinance.
- 6.2 A use variance shall be evaluated based on the following criteria;
- a. The property cannot yield a reasonable return when used only for the permitted use;
 - b. The need for the variance is due to unique circumstances and not general conditions in the neighborhood;
 - c. The use sought will not alter the essential character of the locality; and
 - d. All uses permitted on the land under the existing zoning are economically unfeasible.

Rule 7 – Appeals

- 7.1 Appeal from an action of the Planning Department must be filed in writing in the office of the City Clerk within 30 days from the date of the action of the Planning Department. The Board may, for good cause shown, enlarge the time for appeal from any act or omission to act of the Planning Department.
- 7.2 Filing of an appeal with the Board shall stay the order, requirement, decision, or determination appealed from and all matters related thereto. Upon application by any applicant aggrieved by the stay or any officer, department, Board or bureau, the Board of Adjustment shall hold a hearing and may revoke the stay upon showing of extreme hardship resulting from the stay.
- 7.3 Rehearing of any application shall not be permitted unless a petition is filed with the Board of Adjustment and with the City Clerk within 30 days after the filing of the Board's decision in the office of the City Clerk. The petition for rehearing shall contain the reasons for which the request for rehearing is being made. In the event the Board shall find that a petition for rehearing does not, in the Board's opinion, show that substantial change in facts, evidence, or conditions have occurred in regard to the prior application,

the petition for rehearing shall be denied. The cost of rehearing any application shall be the same as required for hearing the original application.

Rule 8 – Standards of Conduct

- 8.1 On each motion duly made and seconded, the presiding officer shall conduct a roll call vote.
- 8.2 When a member of the Board desires to speak, that member shall address the Chair and shall not proceed until recognized and granted the privilege of the floor. The Chair shall recognize the member of Board who is the first to address the Chair.
- 8.3 No member of Board shall interrupt another in debate without the consent of the other. To obtain such consent, the member shall first address the Chair.
- 8.4 If any member of the Board, in speaking or otherwise, transgresses the Rules of the Board, the Chair shall, or any member of Board may, call the errant member to order. When a member shall be called to order, that member shall not proceed without the permission of the Chair.
- 8.5 During public hearings, the Chair may set reasonable time limits on public comments. An individual may submit a written statement in lieu of or in addition to verbal comments. The written comments shall be made a part of the public record. The Chair may terminate or limit testimony which is irrelevant or unduly repetitive.
- 8.6 All interested parties will be permitted to speak; however, redundant or irrelevant testimony is discouraged and may be ruled out of order by the Chair. No one may present testimony without first receiving permission to speak from the Chair.
- 8.7 All testimony must be given at the presentation podium located in the front of the dais or other location appropriately designated.
- 8.8 During the presentation of an application or testimony to the Board, persons addressing the Board shall identify themselves by name and place of residence. No direct questioning or cross-examination of witnesses or applicants by anyone not a member of the Board will be permitted. All questions should be directed to the Board and the Board may direct the question to the appropriate person. There will be no rebuttal testimony or presentation by the applicant or by any party in support of, or opposition to an application, unless permitted or requested by the Board.
- 8.9 Any documents or exhibits which constitute a part of an individual's testimony must be submitted for inclusion in the public record no less than seven days prior to the meeting. No handouts are permitted during a meeting.

- 8.10 No applause or other disruptive behavior shall be permitted. No signs or placards shall be permitted at any meeting of the Board. Cell phones should be turned to vibrate, silent, or turned off.
- 8.11 Members of the news media shall conduct themselves in such a manner as to not be disruptive of the proceedings of the Board.
- 8.12 Persons attending Board of Adjustment meetings shall at all times conduct themselves in an orderly manner and follow the direction of the Chair. The Chair or other person designated by the Chair shall be responsible for ensuring that reasonable and appropriate dress standards and standards of conduct are observed at meetings of the Board.

Rule 9 – Formal Action and Decisions

- 9.1 All actions and decisions of the Board shall be considered in effect when written findings approved by a majority of the Board and filed in the office of the City Clerk. All actions and decisions will also be forwarded to the office of the City Clerk and other appropriate city departments and the applicant or applicant's representative shall be notified. All actions and decisions on any application or appeal to the Board shall be in the form of a written document. Such written document shall, where applicable, include findings of fact in support of a decision reached by the Board. Whenever the Board imposes any condition with respect to the granting of an application or appeal, such condition shall be stated in the order of the Board, and in the building permit and/or in the certificate of occupancy subsequently issued by the Planning Department. Such building permit and/or certificate of occupancy shall remain valid only as long as the condition or conditions upon which it was approved or the conditions imposed by the Board are adhered to. A building permit issued pursuant to an action of the Board shall be subject to any right of appeal.

Rule 10 – Court Review of Board Decisions

- 10.1 Appeals from a decision of the Board shall be taken in accordance with the Delaware and City of Milford Codes.

Rule 11 - Delaware Freedom of Information Act

- 11.1 All procedures of the Board shall comply with the Delaware Freedom of Information Act, as contained in Title 29, Chapter 100 of the Delaware Code, as amended. To the extent that any provision herein shall conflict with the provisions of the Delaware Freedom of Information Act, the more restrictive provision shall apply.

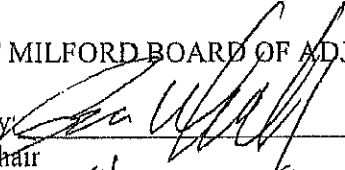
Rule 12 - Code of Conduct

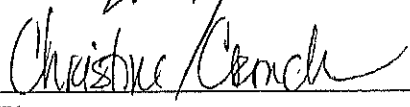
- 12.1 Members of the Board of Adjustment shall be subject to the Delaware State Employees', Officers' and Officials' Code of Conduct, as set forth in Title 29, Chapter 58, Subchapter I of the Delaware Code.

Rule 13 - Adoption and Effective Date

- 13.1 These rules as amended shall become effective December 14, 2017 upon adoption by a majority vote of all of the members of the Board of Adjustment.
- 13.2 These rules of procedure may be amended by action of the Board of Adjustment.

CITY OF MILFORD BOARD OF ADJUSTMENT

By: 
Chair

Attest: 
Secretary

City of Milford

Rules of Procedure of the Planning Commission of the City of Milford, Delaware

Definitions

Chair - Presiding officer of the Planning Commission as voted on by a majority of the Planning Commission.

FOIA - Freedom of Information Act

Meeting - The formal or informal gathering of a quorum of the member of the Planning Commission for the purpose of discussion or taking action on public business.

Planning Commission or Commission - The Planning Commission of the City of Milford, Delaware.

Public Business - Any matter over which the Planning Commission has supervision, control, jurisdiction or advisory power.

Rule 1 - Order of Business; Conduct of Meetings

1.1 The order of business at each regular Planning Commission meeting shall be as follows:

- Call to Order
- Approval of Previous Minutes
- Old Business
- New Business
- Adjournment

1.2 The procedure of the public hearing at each Planning Commission meeting shall be as follows:

- a) The Chair calls the public hearing to order.
- b) The Chair calls on the City Planner or designee to read or explain the City's public hearing procedure.
- c) The Chair identifies the application by name and number.
- d) The Chair calls for the City Planner or designee to establish the hearing has been advertised as required by law and provides explanation of the application.
- e) The Chair calls for the applicant or their representative to present the application.
- f) The Chair accepts testimony from all those who favor the application.
- g) The Chair accepts testimony from all those who oppose the application.
- h) The Chair accepts testimony from all those who neither in favor nor opposed to the application, but wish to provide relevant information.
- i) During the receipt of testimony, individual Commissioners may interrupt the person speaking from time to time in order to ask questions of clarification,

provided he/she receives permission from the Chair. Others may also wish to do so and will be given that opportunity after first receiving recognition from the Chair.

- j) Not more than one person may speak at a time.
- k) When everyone has had an opportunity to speak, the Chair declares the public hearing on the application closed.
- l) The Commissioners discuss the application based on the merits presented and the Chair will call for a motion.

Rule 2 – Voting Procedure

- 2.1 On each motion duly made and seconded, the presiding officer shall conduct a roll call vote. Each commissioner is required to give a reason for their vote.
- 2.2 The Recording Secretary shall announce each Commissioner's name and record their vote, concluding with the Chair, and announce the results.

Rule 3 - General Rules

- 3.1 In the absence of the Chair, the Vice Chair shall conduct the meetings. In the absence of the Vice Chair, the Planning Commission shall elect by a majority vote a member of the Planning Commission present to serve as the presiding officer.
- 3.2 The first regular meeting of May shall constitute the annual organizational meeting of the Commission.
- 3.3 Every attempt will be made to complete all business scheduled. In the event that the presentation of a scheduled agenda item takes longer than reasonably anticipated, the presentation may be postponed by approval of a majority of the Planning Commission members present. A motion to postpone a presentation shall include the date and time at which the remainder of the presentation will be heard.
- 3.4 Public notice and advertisement of meetings and public hearings shall comply with all applicable provisions of State law and City ordinances. In addition, notice of a public hearing shall be mailed to an appellant or applicant (or attorney or agent of the appellant or applicant as identified on the application).
- 3.5 The agenda and packet for Planning Commission meetings shall be available to the members of the Planning Commission at least fourteen days prior to the scheduled meeting.
- 3.6 The City Planner or designee shall be responsible for the preparation and contents of the agenda. Any member of the Planning Commission may place items on the agenda by contacting the City Planner or designee, in writing, prior to the posting of the agenda. Any other person may request to have items placed on the Planning Commission agenda by notifying the City Planner or designee, in writing; provided, however, that items

requested to be placed on the agenda that are not, in the opinion of the City Planner or designee, within the Commission's jurisdiction, or which do not meet requirements of notice or advertisement, will not be placed on the posted agenda.

- 3.7 Anyone may be represented at the hearing by legal counsel, although legal representation is not required.

Rule 4 – Attendance of Members of the Planning Commission at Meetings; Quorums

- 4.1 No member of the Planning Commission shall be absent from scheduled meetings or from other official duties without cause. When unable to attend a scheduled meeting, a member of the Planning Commission shall be responsible for notifying one of the following: the Planning & Economic Development Coordinator or the Recording Secretary.
- 4.2 The presence of no less than a simple majority of the members of the Planning Commission shall constitute a quorum.
- 4.3 When a quorum is not present at any properly called meeting, the members of the Planning Commission present shall adjourn.
- 4.4 If no members of the Planning Commission are present, any staff member of the Office of Planning and Zoning shall adjourn the meeting.
- 4.5 The Recording Secretary shall keep attendance records. Upon the absence of any member from three consecutive regularly scheduled meetings and/or six absences in a rolling calendar, the Recording Secretary shall notify the Planning Commission Chair who shall consider the removal of the member on the grounds of non-performance of duty. In the event the absences are by the Chair, the Recording Secretary shall notify City Council who shall consider the removal of the Chair on the grounds of non-performance of duty.

Rule 5 - Conduct During Meetings

- 5.1 When a member of the Planning Commission desires to speak, that member shall address the Chair and shall not proceed until recognized and granted the privilege of the floor. The Chair shall recognize the member of Planning Commission who is the first to address the Chair.
- 5.2 No member of Planning Commission shall interrupt another in debate without the consent of the other. To obtain such consent, the member shall first address the Chair.
- 5.3 If any member of Planning Commission, in speaking or otherwise, transgresses the Rules of the Planning Commission, the Chair shall call the errant member to order. When a member shall be called to order, that member shall not proceed without the permission of the Chair.

Rule 6 – Standards of Conduct

- 6.1 Persons attending Planning Commission meetings shall observe appropriate dress standards and standards of conduct. Attire that may distract from the proceedings shall not be permitted.
- 6.2 No applause or other disruptive behavior shall be permitted. No signs or placards shall be permitted at any meeting of the Planning Commission. Cell phones should be turned to vibrate, silent, or turned off.
- 6.3 Members of the news media shall conduct themselves in such a manner as to not be disruptive of the proceedings of the Planning Commission.
- 6.4 Persons attending Planning Commission meetings shall at all times conduct themselves in an orderly manner and follow the direction of the Chair. The Chair or other person designated by the Chair shall be responsible for ensuring that reasonable and appropriate dress standards and standards of conduct are observed at meetings of the Planning Commission.
- 6.5 During public hearings, the Chair may set reasonable time limits on public comments. An individual may submit a written statement in lieu of or in addition to verbal comments.
- 6.6 All interested parties will be permitted to speak, however, redundant or irrelevant testimony is discouraged and may be ruled out of order by the Chair. No one may present testimony without first receiving permission to speak from the Chair.
- 6.7 All testimony must be given at the presentation podium located in the front of the dais or other location appropriately designated by the City Clerk. Minutes of the meeting will be prepared by the City Clerk or designee and made available to any interested party in accordance with FOIA.
- 6.8 During the presentation of an application or testimony to the Commission, persons addressing the Commission shall identify themselves by name and place of residence. No direct questioning or cross-examination of witnesses or applicants by the public will be permitted. All questions should be directed to the Chair and the Chair may direct the question to the appropriate person. There will be no rebuttal testimony or presentation by the applicant or by any party in support of, or opposition to an application, unless permitted or requested by the Chair.
- 6.9 Any documents or exhibits which constitute a part of an individual's testimony must be submitted for inclusion in the public record no less than seven days prior to the meeting. No handouts are permitted during a meeting.

Rule 7 - Rules of Order

- 7.1 All rules of parliamentary procedure not covered or provided for by the Rules of Procedure of the Planning Commission of the City of Milford, Delaware, or by the laws of the State of Delaware, shall be decided in accordance with Robert's Rules of Order.

Rule 8 - Applications to the Planning Commission

- 8.1 If an applicant, his agent or attorney shall fail to appear prior to the conclusion of a meeting at which the application is scheduled to be heard, the application shall be postponed until the next scheduled Planning Commission meeting for the first offense; denied or recommended for denial for the second offense for failure of the applicant to present a record in support of the application. Any reconsideration of an application denied under these circumstances shall be scheduled as though it is a newly filed matter; no scheduling preference shall be given.
- 8.2 Any application that is withdrawn in advance of the scheduled meeting may be reconsidered (or a new application for the same property may be considered) as though it is a newly filed matter; no scheduling preference shall be given.
- 8.3 Nothing herein shall be deemed to supersede the City Charter, City Code or Delaware State law.

Rule 9 - Delaware Freedom of Information Act

- 9.1 All procedures of the Planning Commission shall comply with the Delaware Freedom of Information Act, as contained in Title 29, Chapter 100 of the Delaware Code, as amended. To the extent that any provision herein shall conflict with the provisions of the Delaware Freedom of Information Act, the more restrictive provision shall apply.

Rule 10 - Code of Conduct

- 10.1 Members of the Planning Commission shall be subject to the Delaware State Employees', Officers' and Officials' Code of Conduct, as set forth in Title 29, Chapter 58, Subchapter I of the Delaware Code.

Rule 11 - Adoption and Effective Date

- 11.1 These rules as amended shall become effective August 1, 2016 upon adoption by a majority vote of all of the members of the Planning Commission.

CITY OF MILFORD PLANNING COMMISSION

By: *M. G. Sharp*
Chair

Attest: *Christine Church*
Secretary



City of Milford



RESOLUTION 2018-01

ADOPTING MILFORD CITY COUNCIL RULES OF PROCEDURE


WHEREAS, the government of the City and exercise of all powers conferred by the Charter of the City of Milford is vested in an elective body consisting of the Mayor and eight Councilpersons (“City Council”); and

WHEREAS, the Mayor and City Council has traditionally followed Robert's Rules of Order, with modifications, to provide structure for the conduct of business during its meetings; and

WHEREAS, Article IV, Section 4.08(b) of the Charter states that the City Council “shall determine its own rules and order of business”; and


WHEREAS, the City Council of the City of Milford recognizes that rules are necessary for the orderly conduct of business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milford, Delaware that the Procedural Rules hereto attached, as ‘Exhibit A’, are hereby adopted.



Bryan W. Shupe
Mayor

IN WITNESS WHEREOF, the foregoing was adopted by the City Council of the City of Milford, Delaware on February 12, 2018 as Resolution 2018-01.



Teresa K. Hudson, MMC
City Clerk

Attachment:
Exhibit A

**RESOLUTION 2018-01
EXHIBIT A**

**City of Milford
City Council
Rules of Procedure**

Regular meetings of City Council shall be held on the second and fourth Monday of each month at Milford City Hall and shall commence at 7:00 p.m. In the case of a holiday on said Monday, the meeting shall be on the next business day. There shall be only one regular City Council meeting held on the second Monday of the month of December. Additional meetings, workshop meetings and/or committee meetings may be held on alternate Mondays, prior to regular meetings, or alternate days of the week with start and end times to be set at the discretion of the Mayor or committee chair.

**City Council Regular Meetings
Order of Business**

1. Call to Order
2. Invocation & Pledge of Allegiance
3. Approval of Previous Minutes (On second Monday only.)
4. Public Hearing (On fourth Monday only, if needed. See below for procedures.)
5. Approval of Consent Agenda
6. Council Business
 - a. Recognition (If needed, this item is for recognition of City staff (new or special achievements) or Proclamations for community members who have made special contributions to improve the quality of life of our community.)
 - b. Special Informational Presentations
 - c. Communications and Correspondence (On second Monday only.)
 - i. Committee and Ward Reports
 - ii. City Manager's Report
 - iii. Police Chief's Report
 - iv. Finance Report
 - d. Appointments to Boards, Committees and Commissions (if needed)
7. Unfinished Business (Items included in this section are ordinances introduced at a prior meeting, or items postponed from previous City Council meetings. The order in which items will be addressed is as follows:)
 - a. Presentation / Report by staff, consultants or others
 - b. City Council Discussion / Questions
 - c. Public Comment as applicable, see below
 - d. City Council Deliberation
 - e. Council Action (Approve, Deny or Postpone)
8. New Business (The order in which items will be addressed is as follows:)
 - a. Presentation / Report by staff, consultants or others
 - b. City Council Discussion / Questions
 - c. Public Comment as applicable, see below
 - d. City Council Deliberation
 - e. Council Action (Approve, Deny or Postpone)
9. Executive Session (If needed and only if included on agenda.)

10. Adjourn

**City Council Workshop Meetings
Order of Business**

1. Call to Order
2. Unfinished Business
3. New Business (The order in which items will be addressed is as follows:)
 - a. Presentation / Report by staff, consultants or others
 - b. City Council Discussion / Questions
 - c. Public Comment as applicable, see below
 - d. City Council Deliberation
4. Adjourn

**City Council Committee Meetings
Order of Business**

1. Call to Order
2. Unfinished Business
3. New Business (The order in which items will be addressed is as follows:)
 - a. Presentation / Report by staff, consultants or others
 - b. City Council Discussion / Questions
 - c. Public Comment as applicable, see below
 - d. City Council Deliberation
4. Adjourn

**City Council Executive Session
Order of Business**

1. Call to Order (In Open Meeting)
2. Motion to Enter Executive Session
3. Call to Order
4. Unfinished Business
5. New Business (The order in which items will be addressed is as follows:)
 - a. Presentation / Report by staff, consultants or others
 - b. City Council Discussion / Questions
 - c. City Council Deliberation
6. Return to Open Meeting
7. Council Action (if any, to Approve, Deny or Postpone)
8. Adjourn

**City Council Public Hearing
Procedures**

Effective: September 1, 2017

The Mayor shall preside over Public Hearings and follow these steps:

1. Call the Public Hearing to order.
2. Mayor or City Solicitor will explain the procedure.
3. Mayor will identify the application or subject by name and number.
4. In the case of land use or similar matters, the Mayor will call on the City Planner or other appropriate staff to establish advertising was done as required by law and to review the application or subject.
5. Mayor will then call on the applicant or representative to concisely present their application. The applicant is asked to limit their presentation to 15 minutes. If the application is sufficiently complex that more time is necessary, the applicant should notify the City Clerk prior to the meeting and the Mayor will determine and announce if additional time is granted.

Questions may be asked by the City Council or the Mayor during the testimony to clarify comments or statements made during the remarks. The Mayor must recognize speakers first. However, City Councilmembers should reserve discussion or expression of opinions until the deliberation portion of the Public Hearing.

6. The Mayor will then invite testimony from all who favor the application (up to three minutes per person).
7. The Mayor will then invite testimony from all opposed to the application (up to three minutes per person).
8. The Mayor will then invite testimony from those not opposed or in support of the application (up to three minutes per person).
9. After everyone has spoken, the Mayor declares the public hearing closed.
10. The City Council discusses the application based on the merits presented, after which the Mayor will call for a motion.
11. A roll call vote will be conducted on the motion with each Councilmember voicing her/his vote (aye or nay) followed by a brief reason for supporting or opposing the motion based information presented on the record. The order of the roll call vote will change with each such vote and will be tracked by the City Clerk.

**City Council Public Comment
Procedures**

Public Comment (non-Public Hearings) is an opportunity for individuals to speak before City Council at designated times during meetings.

1. Public Comment is limited to items noted for Public Comment on the published agenda.
2. Individuals wishing to speak during said times shall complete a colored Public Comment card provided at the entrance of the Council Chamber and place the completed card in the box at the end of the Council desk prior to the start of the meeting.
3. Public Comment will follow any staff report and any discussion by the City Council.
4. At the appropriate time, individuals who have signed up for public comment will be called forward to the podium by the Mayor or Committee Chair to speak. When recognized by the Mayor or Committee Chair, a speaker should approach and speak from the podium, if they are able, state their name and address and commence with their comments. Speakers are asked to

please be sure to speak into the microphone so comments are recorded. Speakers are limited to three minutes each. These time limits may be extended by the Mayor or Committee Chair, if in his/her opinion, the speaker is representing a contingent of individuals present at the meeting and the speaker is acting as spokesperson so that every individual will not need to speak.

5. If the speaker has items to be distributed to the City Council or to staff, they are asked to please provide them to the City Clerk's Office by noon on the Wednesday prior to the meeting. No items will be distributed during the meeting.
6. Speakers shall remain polite, civil and respect the decorum of the City Council meeting. Comments are to be addressed to the Mayor and City Council as a whole, and should not include insults, personal attacks, etc. Certain topics are not appropriate for public discussion or to be addressed to City Council per the City Charter and the Delaware Code. Accordingly, speakers are asked to refrain from addressing personnel matters, topics that should only be discussed in Executive Session, or subjects that are not otherwise within the authority or responsibility of the City of Milford or the City Council. Speakers who, in the opinion of the Mayor or Committee Chair, are not following these expectations may be cut off and asked to leave the podium. Once the comments are completed, the speaker should be seated or may leave the Council Chambers.
7. Audience members are asked to please be courteous to those who are speaking during public comment by refraining from applause, cheers or commenting from while others are speaking.

Additional Procedures

Public Posting Compliance: In accordance with state FOIA regulations and the Charter, the final agenda for all City Council meetings will be prepared and posted by the City Clerk at least seven days prior to the meeting. The final agenda will be posted on the City website and the link will be emailed to the Mayor, City Council members, the City Manager and department heads no later than seven days prior to the meeting.

Agenda items will be established by the City Manager, the Mayor or Committee Chair and the City Clerk. Staff reports, supporting materials, presentations, memos, etc. for the packet shall be emailed to the City Clerk's Office no later than the Wednesday prior to the meeting. The packet will be posted on the City website and the link emailed to the Mayor, City Councilmembers, the City Manager and department heads no later than the Friday morning prior to the meeting.

Councilmembers are encouraged to review the agenda and packet prior to the meeting and are requested to contact the City Manager or Police Chief, in the case of items originating from the Police Department, with questions that may require additional information or research by noon on the day of the meeting.

Cancellation of Meetings: Cancellation of any meeting shall be at the discretion of the Mayor as circumstances may require. In any case, as much notice of said cancellation as is practical shall be given through the City Clerk's Office to City Council members, the City Manager and department heads and shall be posted on the City's website.

Minutes: Minutes shall be kept of all City Council meetings, including the language of and votes upon all motions. The City Clerk's Office will strive to have minutes of the prior meeting prepared and included in the appropriate monthly packet. Audio recordings shall record the business transacted at all City Council meetings and shall be stored for future reference according to the approved Record Retention Schedule for the State of Delaware. Minutes shall be prepared of all executive session meetings by the City Clerk and shall be maintained under the custody, control, and supervision of the City Clerk.

Consent Agenda: A Consent Agenda may be used to approve a group of matters with one motion and vote at the beginning of the meeting. This is used for routine matters and/or items that have been vetted through committees or prior City Council discussion. Prior to approving the Consent Agenda, the items are to be read aloud by the City Clerk so that everyone in the room is aware of the items that will be approved together, with one vote. Prior to the vote, any Councilmember may request an item be removed from the Consent Agenda for more detailed discussion.

Parliamentary Procedure: The Mayor or Committee Chair shall have authority to manage meetings in accordance with the Charter and these procedures, with the City Solicitor serving as Parliamentarian when in attendance. In those matters not covered by these Rules, and where not in conflict with the Laws of Delaware or the Ordinances of the City of Milford, Robert's Rules of Order (most current published edition) shall be the parliamentary authority.

021218

**RULES OF PROCEDURE OF THE BOARD OF ADJUSTMENT
OF SUSSEX COUNTY, DELAWARE**

These rules shall govern the procedure of the Board of Adjustment of Sussex County, Delaware.

Definitions

"Agenda" includes but is not limited to a general statement of the major issues expected to be discussed at a public meeting, as well as a statement of intent to hold an executive session and the specific ground or grounds therefor.

"County" means Sussex County, Delaware, unless otherwise specified.

"Board of Adjustment" or **"Board"** means the Board of Adjustment of Sussex County Delaware.

"Meeting" means the formal or informal gathering of a quorum of the members of the Board of Adjustment for the purpose of discussion or taking action on public business.

"Chairman" means the Chairman of the Board of Adjustment.

"Presiding Officer" means the Chairman of the Board of Adjustment, or such other person who presides over the meetings of the Board of Adjustment, pursuant to the Rules of the Board of Adjustment.

"Public business" means any matter over which the Board of Adjustment has supervision, control, jurisdiction or advisory power.

"Secretary" means the Secretary of the Board of Adjustment.

Rule 1 - Duties

- 1.1 The Chairman shall preside at all meetings or hearings of the Board, decide all points of order or procedure, and perform all duties required by law or these Rules.
- 1.2 The Planning and Zoning Department shall conduct, at the discretion of the Board, all official correspondence of the Board, send out all notices required by law and by these Rules of Procedure, keep records of each examination of other official action of the Board and perform all duties required by law and these Rules of Procedure.
- 1.3 In the absence of the Chairman, the presiding officer, with all powers and duties of the Chairman enumerated herein, shall be the Vice-Chairman as elected from its membership by a majority vote of all of the members of Board of Adjustment. In the absence of the Vice-Chairman, the presiding officer, with all powers and duties of the Chairman enumerated herein, shall be such other member of the Board of Adjustment as is elected by a majority vote of the members of Board of Adjustment present.
- 1.4 The Board shall appoint a Secretary who shall serve at the pleasure of the Board. The Secretary shall perform those duties as set forth in Chapter 115 of the Sussex County Code, and shall supervise the clerical work of the Board.

Rule 2 - Order of Business; Conduct of Meetings

- 2.1 The order of business at each regular meeting of the Board of Adjustment shall be as follows:

- Call to Order
- Pledge of Allegiance
- Additions and Revisions to Agenda
- Adoption of Agenda
- Approval of Minutes and Findings of Fact
- Public Hearings

Old Business
Other Business
Adjournment

- 2.2 The order of Business can be altered at any duly constituted meeting by an affirmative vote of a majority of the Board of Adjustment members present. The privilege of the floor may be granted to the public at any time by presiding officer
- 2.3 During public hearings, the presiding officer may set reasonable time limits on public comments. An individual may submit a written statement in lieu of or in addition to verbal comments. The presiding officer may terminate or limit testimony which is irrelevant or unduly repetitive.
- 2.4 Every attempt will be made to complete all business scheduled. In the event that the presentation of a scheduled agenda item takes longer than reasonably anticipated, the presentation may be suspended by approval of majority of the Board of Adjustment members present. A motion to suspend a presentation should, to the extent possible, include the date and time at which the remainder of the presentation will be heard.
- 2.5 Testimony at public hearings shall be taken under oath which shall be administered by the Board's attorney or any other individual as may be directed by the presiding officer.

Rule 3 - Meetings of the Board of Adjustment

- 3.1 Regular meetings shall be held in the Sussex County Administration Building or such other location as designated by majority vote of all the members of the Board of Adjustment.
- 3.2 Regular meetings shall convene at 7:00 P.M. on those days when a meeting has been properly noticed and advertised.

- 3.3 Special meetings and executive sessions may be held as provided in Title 29, Chapter 100 of the Delaware Code. Special meetings may be called by the Chairman upon at least 48 hours' notice to each member. The Chairman shall call a special meeting within 10 days of receipt of a written request from any two members of the Board. Notice of a special meeting shall include an explanation as to why the notice required in Rule 4 could not be given.
- 3.4 Except for executive sessions, all meetings shall be open to the public.
- 3.5 Minutes of all meetings, including executive sessions, shall be kept and made available for public inspection and copying. At a minimum, the minutes shall include a record of attendance and a record, by individual members of the Board of Adjustment, of each vote taken and each action agreed upon.
- 3.6 The first regular meeting of July shall constitute the annual organizational meeting of the Board.

Rule 4 - **Public Notice of Meetings**

- 4.1 Public notice of all meetings shall be posted on the public bulletin board located in the Sussex County Office of Planning and Zoning in the County Administrative Building and on the official Sussex County website.
- 4.2 Public notice, property posting and advertisement of meetings and public hearings shall comply with all applicable provisions of State law and County ordinances. In addition, notice of a public hearing shall be mailed to an appellant or applicant (or attorney or agent of the appellant or applicant) at least 15 days before the date of the hearing.
- 4.3 At the time that an appeal or application is made to the Board, the Planning and Zoning Office shall prepare a listing of names and addresses of property owners whose property lies within a 200 foot radius of the boundaries of the property subject to the appeal or application. The Director of Planning and Zoning shall cause a copy of

the public notice of the public hearing to be mailed to each person, partnership or corporation whose name appears on the list. Failure to comply with the provisions of Rule 4.3 shall not be considered a defect in the requirements for public notice of a public hearing.

Rule 5 - **Agenda**

- 5.1 The agenda for Board of Adjustment meetings shall be available to members of the Board of Adjustment at least one week prior to the scheduled meeting.
- 5.2 The Director of Planning and Zoning shall be responsible for the preparation and contents of the agenda. Any member of the Board of Adjustment may place items on the agenda by contacting the Director of Planning and Zoning, either verbally or in writing, prior to the posting of the agenda. Any other person may request to have items placed on the Board of Adjustment agenda by notifying the Director of Planning and Zoning, in writing; provided, however, that items requested to be placed on the agenda that are not, in the opinion of the Director of Planning and Zoning, of Board of Adjustment jurisdiction, or which do not meet requirements of notice or advertisement, will not be placed on the posted agenda. Those items that do not qualify as Board of Adjustment business will be responded to by the Director of Planning and Zoning and copied to the members of the Board of Adjustment.
- 5.3 Items which arise at the time of the Board of Adjustment's meeting may be added to the agenda, and items may be deleted from the agenda, by a majority vote of all of the members of the Board of Adjustment present, subject to requirements of advertisement and other applicable provisions of State Law and County Ordinance.

Rule 6 - **Attendance of Members of the Board of Adjustment at meetings; Quorums**

- 6.1 No members of the Board of Adjustment shall be absent from scheduled meetings or from other official duties without cause. When

unable to attend a scheduled meeting, a member of the Board of Adjustment shall be responsible for notifying one of the following: the Chairman, the Director of Planning and Zoning, another Board of Adjustment member, or a staff member of the Office of Planning and Zoning.

- 6.2 The presence of no less than three (3) members of the Board of Adjustment shall constitute a quorum.
- 6.3 When a quorum is not present at any properly called meeting, the members of the Board of Adjustment present may adjourn.
- 6.4 If no members of the Board of Adjustment are present, any staff member of the Office of Planning and Zoning may adjourn the meeting.
- 6.5 Three (3) affirmative votes shall be required to overrule any decision, ruling or determination of an official charged with enforcement of Chapter 115 of the Sussex County Code, or to approve any special use exception or variance. Failure to receive three (3) affirmative votes shall be deemed to disapprove any matter.
- 6.6 Any other matter may be decided by majority vote of Board of Adjustment members present.

Rule 7 - Voting Procedure

- 7.1 On each motion duly made and seconded, the presiding officer shall call the roll or determine the vote in some other manner, and announce the results.
- 7.2 A written record shall be made by the Clerk of the vote by each member of the Board of Adjustment on each vote taken. Said record shall also reflect the number of "aye" votes, the number of "nay" votes and the number of "abstaining" votes.

Rule 8 - Record Keeping

- 8.1 A file shall be kept in the Office of Planning and Zoning of all Board of Adjustment meetings. The file shall include copies of meeting notices (including the time, date and place where they were posted), the agenda and the minutes of the meeting.

Rule 9 - Minutes of Board of Adjustment Meetings

- 9.1 Minutes shall be taken of each meeting of the Board of Adjustment, and shall reflect the following:
- a. Kind of meeting.
 - b. Date and place of meeting.
 - c. Name of the presiding officer.
 - d. Members of Board of Adjustment present.
 - e. Whether the minutes of the previous meeting were approved.
 - f. The proceedings of the Board of Adjustment, briefly and accurately stated. The minutes shall record what was done rather than what was said. However, a member of Board of Adjustment may request that a statement or written material be attached to the minutes and made a part thereof.
 - g. All motions voted upon and the results of said motions.
 - h. Names of members of Board of Adjustment making motions and those making secondary motions.
 - i. A record by individual members of Board of Adjustment, of each vote taken and action agreed upon.
 - j. Time of convention and adjournment.

- 9.2 Minutes shall be taken, prepared and presented by a staff member of the Office of Planning and Zoning and the Board's attorney in written form for approval as written or as amended. The minutes as approved shall be filed in the minute book of the Board of Adjustment. Copies of the approved minutes shall be made available to the general public, except as otherwise authorized by law.
- 9.3 Recordings will be made of all Board of Adjustment meetings at which County business is transacted. The recordings shall be under the custody of the Director of Planning and Zoning and shall be open to inspection and copying in accordance with applicable law regarding access to public records.

Rule 10 - Conduct During Meetings

- 10.1 When a member of Board of Adjustment desires to speak, that member shall address the presiding officer and shall not proceed until recognized and granted the privilege of the floor. The presiding officer shall recognize the member of Board of Adjustment who is the first to address the presiding officer.
- 10.2 No member of Board of Adjustment shall interrupt another in debate without the consent of the other. To obtain such consent, the member shall first address the presiding officer.
- 10.3 If any member of Board of Adjustment, in speaking or otherwise, transgresses the Rules of the Board of Adjustment, the presiding officer shall, or any member of Board of Adjustment may, call the errant member to order. When a member shall be called to order, that member shall not proceed without the permission of the presiding officer.

Rule 11 - Change or Suspension of Rules

- 11.1 Any rule of the Board of Adjustment may be changed or suspended by the approval of a majority of all of the members of the Board of Adjustment.

Rule 12 - Rules of Order

- 12.1 These rules have been adopted in order to provide an orderly procedure for matters coming before the Board. However, these rules shall be interpreted and applied so as to afford substantial justice and to promote a fair but efficient hearing procedure. Consequently, strict adherence to these rules shall not be required but the Board may modify and digress from these rules for reasonable cause as the situation may demand. In the event that any rule herein contradicts State Law or County Ordinance, such rule shall be construed in compliance with such statute or ordinance. In the event that any of the foregoing rules is declared illegal or unenforceable by any court of competent jurisdiction, the balance hereof shall remain in full force and effect.
- 12.2 All rules of parliamentary procedure not covered or provided for by the RULES OF PROCEDURE OF THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY, DELAWARE, or by the laws of the State of Delaware, shall be decided in accordance with MASON'S MANUAL OF LEGISLATIVE PROCEDURE.

Rule 13 - Standards of Conduct

- 13.1 Persons attending Board of Adjustment meetings shall observe appropriate dress standards and standards of conduct. Attire that may distract from the proceedings shall not be permitted.
- 13.2 Persons attending Board of Adjustment meetings may wear one (1) "cause supporting sign" affixed to their clothing. The size of such "sign" may not exceed three (3) inches by five (5) inches. Signs offensive to the members of the Board of Adjustment or to participants, and signs that may distract from the proceedings shall not be permitted. No placards shall be permitted at any meeting of the Board of Adjustment.

- 13.3 The County Administrator may, from time-to-time, prescribe by policy reasonable and appropriate attire and conduct for persons attending meetings of the Board of Adjustment.
- 13.4 Members of the news media shall conduct themselves in such a manner as to not be disruptive of the proceedings of the Board of Adjustment.
- 13.5 Persons attending Board of Adjustment meetings shall at all times conduct themselves in an orderly manner and follow the direction of the presiding officer. The Sussex County Sheriff or other person designated by the presiding officer shall be responsible for ensuring that reasonable and appropriate dress standards and standards of conduct are observed at meetings of the Board of Adjustment.
- 13.6 No applause or other disruptive behavior shall be permitted. All cellular phones, pagers, and other electronic devices which emit noise shall be turned off or placed on silent mode for the duration of the meeting.

Rule 14 - Appeals and Applications to the Board of Adjustment

- 14.1 Appeals and applications to the Board, as permitted by State law and County ordinances, shall be on forms to be prepared by the Director of Planning and Zoning and approved by the Board of Adjustment, and shall be accompanied by the proper fee. Appeals and applications shall be signed by any person authorized by law to make such an appeal or application, or an agent or an attorney of such person.
- 14.2 All appeals and applications to the Board shall be accompanied by a recent survey, prepared and approved by a licensed surveyor, of the subject property, except when this requirement is waived by the Board or the Office of Planning and Zoning.
- 14.3 Appellants, Applicants, supporters, and members of the opposition are encouraged to submit their exhibits and other supporting materials prior to the hearing, if possible.

- 14.4 All communication and correspondence with the Board shall be submitted through the Office of Planning and Zoning. Telephone, email, verbal or written communication to individual Board members regarding a case is prohibited.
- 14.5 Appeals and applications shall not be amended after public notice of the public hearing has been transmitted to a newspaper for publication except that the size of any variance requested may be increased or reduced by an applicant prior to or at the public hearing provided, however, that the type of variance requested (side yard variance, front yard variance, etc.) has been included in the public notice.
- 14.6 During the presentation of an appeal or application to the Board, persons addressing the Board shall identify themselves by name and place or residence. No cross-examination of witnesses or applicants will be permitted. All questions for others should be directed to the Board and the Board may direct the question to the appropriate person. Nothing in this Paragraph shall limit an attorney from directly questioning witnesses in support of the position the attorney is advocating.
- 14.7 The Board may continue a hearing or vote to leave the record open for the purpose of supplementing the record and may put limitations or conditions thereon.
- 14.8 Following a decision by the Board on an appeal or application, a copy of the written decision shall be sent to the appellant or applicant, or the agent or attorney for the appellant or applicant. Any oral discussion of or vote upon the application by the Board shall be deemed in the nature of preliminary deliberations to the rendering of a final written decision and only the written decision, as adopted by a majority of the Board, shall constitute a decision of the Board.
- 14.9 The Board may impose conditions with respect to the granting of an application or appeal pursuant to the Sussex County Code. Whenever

such condition is imposed by the Board, the condition should be stated in the decision of the Board. Such decision shall remain valid only as long as the condition or conditions upon which it was approved exist or the conditions imposed by the Board are adhered to.

Rule 15 – Order of Proceeding:

- 15.1 The order of presentation shall generally be as follows subject to modification by the Chairman for reasonable grounds.
- 15.2 The Secretary shall identify the application number, the general nature of the proceeding (appeal, variance, or special use exception), the name of the filing party, the description of the subject property, and shall state whether the Office of Planning and Zoning has received any correspondence pertaining to the application.
- 15.3 The Applicant / Appellant will be afforded the opportunity to present testimony and evidence supporting the application. The Applicant / Appellant may appear with or without legal counsel. The Applicant / Appellant shall be permitted to present witnesses and introduce exhibits, petitions, and other documents into the record.
- 15.4 Upon the conclusion of each witness' initial testimony, members of the Board, the Secretary, and the Board's attorney shall have an opportunity to ask questions of the Applicant / Appellant and its witnesses and counsel.
- 15.5 In the case of a variance or special use exception application, at the conclusion of the Applicant's witnesses and evidence, any person desiring to make a statement in support of the application shall be given an opportunity to do so. Each person desiring to make such a statement shall identify himself or herself by name and address and shall be sworn in prior to making a statement.
- 15.6 In the case of a variance or special use exception application, at the conclusion of the statements in favor of an application, any person

desiring to make a statement in opposition to the application shall be given an opportunity to do so. Each person desiring to make such a statement shall identify himself or herself by name and address and shall be sworn in prior to making a statement.

- 15.7 At the conclusion of all evidence and public statements, if applicable, the Applicant / Appellant shall be given a brief opportunity to submit additional testimony or evidence in the form of "rebuttal." The presiding officer may allow for brief "sur-rebuttal" testimony from the opposition provided that such testimony is limited to the scope of the testimony presented in the "rebuttal" and is not repetitive, redundant, or irrelevant.
- 15.8 All exhibits presented to the Board for its consideration shall be identified and marked appropriately by the Recording Secretary. All such documents shall be retained by the Office of Planning and Zoning.
- 15.9 Hearsay evidence shall be permitted a Board hearing and the Board shall be entitled to hear and consider any probative evidence which, in the Board's opinion, is relevant and of sufficient credibility to be entitled to consideration.
- 15.10 The Board shall have the authority to set reasonable time limits on all parties and speakers appearing before it.
- 15.11 The presiding officer shall have authority to terminate or limit any testimony or questioning which is irrelevant or unduly repetitive or provocative.
- 15.12 Once all testimony and evidence has been presented, the public hearing shall be closed and no new testimony or evidence will be permitted unless the Board votes to leave the public record open.

Rule 16 - Delaware Freedom of Information Act

- 16.1 All procedures of the Board of Adjustment shall comply with the Delaware Freedom of Information Act, as contained in Title 29,

Chapter 100 of the Delaware Code, as amended. To the extent that any provision herein shall conflict with the provisions of the Delaware Freedom of Information Act, the more restrictive provision shall apply.

Rule 17 - Delaware State Employees', Officers' and Officials' Code of Conduct

17.1 Members of the Board of Adjustment shall be subject to the Delaware State Employees', Officers' and Officials' Code of Conduct, as set forth in Title 29, Chapter 58, Subchapter I of the Delaware Code.

Rule 18 - Request for a Rehearing


18.1 A motion for a rehearing shall be made not later than 10 days after the filing of a decision in the office of the Board of Adjustment. The Board of Adjustment may rehear a matter for the following reasons:

- a. Mistake, inadvertent surprise or excusable neglect.
- b. Newly discovered evidence which by due diligence could not have been discovered at the time of the original hearing.
- c. Fraud, misrepresentation or other misconduct of an adverse party.

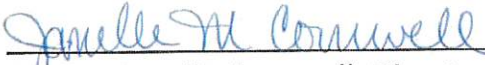
18.2 A motion for a rehearing shall state the grounds therefore and may be accompanied by applicable affidavits. The motion and affidavits shall be provided by mail to the opposing party of record, if any. The opposing party shall have 10 days after receipt of the motion to file a response thereto and attach applicable affidavits. The Board shall determine the motion upon the written application, any responses thereto, and accompanying affidavits, if any.

Rule 19 - Adoption and Effective Date

19.1 These rules shall become effective upon adoption by a majority vote of all of the members of the Board of Adjustment.



Chairman, John Mills



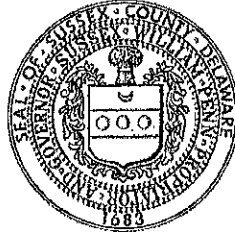
Attest: Janelle Cornwell, Director
Office of Planning & Zoning

Adopted: July 9, 2018

Effective Date: July 9, 2018

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
CYNTHIA C. GREEN
DOUGLAS B. HUDSON
MARK G. SCHAEFFER



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

RULES OF PROCEDURE OF THE COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE

These rules shall govern the procedure of the County Council of Sussex County, Delaware.

Definitions

“Agenda” includes but is not limited to a general statement of the major issues expected to be discussed at a public meeting, as well as a statement of intent to hold an executive session and the specific ground or grounds therefore.

“County” means Sussex County, Delaware, unless otherwise specified.

“County Council” means the Sussex County Council of Sussex County, Delaware.

“Meeting” means the formal or informal gathering of a quorum of the members of the Sussex County Council for the purpose of discussion or taking action on public business.

“President” means the president of the Sussex County Council.

“Presiding Officer” means the President of the Sussex County Council, or such other person who presides over the meetings of the Sussex County Council, pursuant to the Rules of the Sussex County Council.

“Public business” means any matter over which the Sussex County Council has supervision, control, jurisdiction or advisory power.

“Public record” is information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by the Sussex County Council, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced. Records not deemed public under 29 Del. C. §10002 (d) are not deemed public under the Rules of the Sussex County Council.



Rule 1 – Order of Business

1.1 The order of business at each regular meeting of the County Council shall be as follows:

**Invocation
Pledge of Allegiance
Call to Order
Amendments to Agenda
Adoption of Agenda
Approval of Minutes
Reading of Correspondence
Public Comments
Report of County Administrator
Reports of County Departments
Public Hearings
Introduction of Ordinances
Council Members' Comments
Recess
Additional Public Hearings
Adjournment**

1.2 The order of business can be altered at any duly constituted meeting by an affirmative vote of a majority of all the members of the County Council. The privilege of the floor may be granted to the public at any time by the presiding officer.

1.3 During public hearings, the presiding officer may set reasonable time limits on public comments. An individual may submit a written statement in lieu of or in addition to verbal comments.

1.4 Every attempt will be made to complete all business scheduled. In the event that the presentation of a scheduled agenda item takes longer than reasonably anticipated, the presentation may be suspended by approval of a majority of all of the members of the County Council. A motion to suspend a presentation should include the date and time at which the remainder of the presentation will be heard.

Rule 2 – Meetings of the County Council

2.1 Regular meetings shall be held in the Sussex County Administration Building or such other location as designated by majority vote of all the members of the County Council.

2.2 Regular business meetings shall convene on Tuesdays.

- 2.3 Special meetings may be held in any public location in Sussex County, provided that 24 hours advance public notice is given. The notice shall include an explanation as to why the notice required by Rule 3 could not be given.
- 2.4 Special meetings may be held at the call of the President or by a majority of all of the members of the County Council, and shall convene at a time and place determined to be appropriate by a majority of all of the members of the County Council.
- 2.5 Emergency meetings may be called without notice to address any emergency regarding the immediate preservation of the public peace, health or safety.
- 2.6 Except for executive sessions, all meetings shall be open to the public.
- 2.7 On the affirmative vote of a majority of all of the members of the County Council present at any duly constituted meeting, an executive session may be held and closed to the public for any of the purposes set forth in the Title 29, Chapter 100 of the Delaware Code.
- 2.8 A vote to hold an executive session must be taken at a public meeting prior to the executive session, and the purpose for the executive session shall be announced publicly. The results of the vote shall be made public and shall be recorded in the minutes.
- 2.9 Discussions in executive session shall be limited to the purposes for which an executive session was called.
- 2.10 Minutes of all meetings, including executive sessions, shall be kept and made available for public inspection and copying. At a minimum, the minutes shall include a record of attendance and a record, by individual members of the County Council, of each vote taken and each action agreed upon. Such minutes, or portions thereof, relating to executive sessions, may be withheld from public disclosure in those cases where such disclosure would defeat the lawful purpose of the executive session, but no longer.

Rule 3 – Posting of Meeting Notices

- 3.1 Public notices of all meetings shall be posted on the public bulletin board located in the Sussex County Council Administrative Office, except as noted in 3.4 below.
- 3.2 Notices of regular meetings and of the intent to hold an executive session closed to the public shall be posted at least 7 days in advance thereof.
- 3.3 Notices of special or rescheduled meetings shall be posted at least 24 hours in advance thereof.

- 3.4 Public notice is not required for any emergency meeting which is necessary for the immediate preservation of the public peace, health or safety.
- 3.5 Meeting notices shall include the agenda, if such has been determined at the time, and the dates, times and places of such meetings. However, the agenda shall be subject to change to include items which arise at the time of the County Council's meeting, or to delete items, including executive sessions. A reasonable number of copies of meeting agenda shall be available to the public.
- 3.6 When the agenda is not available at the time of the initial posting of the public meeting notice, it shall be added to the notice at least 6 hours in advance of said meeting. The reasons for the delay in posting shall be briefly set forth on the agenda.

Rule 4 – Agenda

- 4.1 The agenda for regular and special County Council meeting shall be available to the members of the County Council at least one day prior to the scheduled meeting.
- 4.2 The County Administrator shall be responsible for the preparation and contents of the agenda. Any member of the County Council may place items on the agenda by contacting the County Administrator, either verbally or in writing, prior to the posting of the agenda. Any other person may request to have items placed on the County Council agenda by notifying the County Administrator, in writing, prior to the close of business on the Tuesday prior to the Tuesday County Council meeting; provided, however, that items requested to be placed on the agenda that are not, in the opinion of the County Administrator, of County Council jurisdiction will not be placed on the posted agenda. Those items that do not qualify as County Council business will be responded to by the County Administrator and copied to the members of the County Council.
- 4.3 During a meeting, items which arise at the time of the County Council's meeting may be added to the agenda, and items may be deleted from the agenda, by a majority vote of all of the members of the County Council.

Rule 4A. – Consent Agenda

- 4A.1 The County Administrator or any member of the County Council may propose only Wastewater Agreements to be considered on an agenda for the inclusion on a Consent Agenda. The Consent Agenda shall list the matters so included and a brief description of each.
- 4A.2 An item may be removed from a Consent Agenda if any member of the County Council requests that it be given separate individual consideration. If an item is removed from the Consent Agenda, it shall be considered as a separate item under the appropriate section of that meeting's agenda.

4A.3 All items on a Consent Agenda shall be read and voted on as a single group.

Rule 5 – Attendance of Members of the County Council at Meetings; Quorums

- 5.1 No members of the County Council shall be absent from scheduled meetings or from other official duties without cause. When unable to attend a scheduled meeting, a member of the County Council shall be responsible for notifying one of the following: the President, the County Administrator, another County Council member, or a staff member of the County Council.
- 5.2 The presence of no less than three (3) members of the County Council shall constitute a quorum.
- 5.3 When a quorum is not present at any properly called meeting, the members of the County Council present may adjourn.
- 5.4 If no members of the County Council are present, the Clerk of the County Council may adjourn the meeting.
- 5.5 Three (3) affirmative votes shall be required to pass any motion, unless otherwise provided herein or provided by law.
- 5.6 A matter to be voted on may be placed on the table with three (3) affirmative votes. However, an ordinance for a change of zone or a conditional use may be placed on the table by the County Council member representing the district in which the application is located for a period of up to forty-five (45) days, without the need for three (3) affirmative votes.

Rule 6 – Roll Calls

- 6.1 On each motion duly made and seconded, the presiding officer shall call the roll or determine the vote in some other manner, and announce the results.
- 6.2 A written record shall be made by the Clerk of the vote by each member of the County Council on each vote taken. Said record shall also reflect the number of “aye” votes, the number of “nay” votes, and the number of “abstaining” votes.

Rule 7 – Record Keeping

- 7.1 A file shall be kept in the Office of the Clerk of the County Council of all County Council business meetings. The file shall include copies of meeting notices (including the time, date and place where they were posted), the agenda and the minutes of the meeting.

Rule 8 – Minutes of Sussex County Council Meetings

8.1 Minutes shall be taken of each meeting of the County Council, and shall reflect the following:

- a. Kind of meeting.
- b. Date and place of meeting.
- c. Name of the presiding officer.
- d. Members of County Council present.
- e. Whether the minutes of the previous meeting were approved.
- f. The proceedings of the County Council, briefly and accurately stated, including titles of ordinances and titles of resolutions considered. The minutes shall record what was done rather than what was said. However, a member of the County Council may request that a statement or written material be attached to the minutes and made a part thereof.
- g. All motions voted upon and the results of said motions.
- h. Names of members of County Council making motions and those making secondary motions.
- i. A record by individual members of County Council, of each vote taken and action agreed upon.
- j. Time of convention and adjournment.

8.2 Minutes shall be taken, prepared and presented by the Clerk of the County Council in written form for approval as written or as amended. The minutes as approved shall be filed in the minute book of the County Council. Copies of the approved minutes shall be made available to the general public.

8.3 Recordings will be made of all public County Council business meetings at which County business is transacted. The recordings shall be under the custody of the Clerk of the County Council and shall be open to inspection and copying in accordance with applicable law regarding access to public records.

Rule 9 – Records

9.1 The approved minutes of each public meeting, together with a copy of each ordinance or resolution introduced at the meeting which is not set forth in full in the minutes thereof and a copy of each communication presented at the meeting, shall be kept in the office of the Clerk of the County Council and shall be made available for inspection by the public.

Rule 10 – Ordinances in General

- 10.1** Any member of the County Council may request a staff member or a County Council retained consultant or the County Attorney to draft an ordinance for introduction. The proposed ordinance shall be drafted pursuant to the requirements of 9 Del. C. § 7002. The member shall notify all members of the County Council at the time the request is made. Upon drafting of the proposed ordinance, it shall be placed on the agenda for discussion and possible introduction.
- 10.2** In accordance with 9 Del. C. § 7002, a proposed ordinance drafted pursuant to Rule 10.1 above, may be introduced in writing by any member of County Council at any duly constituted meeting.
- 10.3** The proposed ordinance shall contain no more than one subject, which shall be stated in its title.
- 10.4** When a proposed ordinance is introduced, the Clerk of the County Council shall:
- a.** Assign an Introduction Number to the proposed ordinance;
 - b.** Distribute a copy of the proposed ordinance to each elected County official;
 - c.** Comply with all public advertisement requirements as mandated by applicable law;
- 10.5** The President or other presiding officer, or his or her designee, shall designate a date, time, and place for the public hearing for a proposed ordinance.
- 10.6** Following the public hearing, the County Council may:
- a.** Adopt the ordinance as introduced;
 - b.** Adopt the ordinance with amendments;
 - c.** Place the ordinance on the table, prior to voting; or
 - d.** Reject the ordinance.
- 10.7** If the ordinance is amended in any substantial manner not included in the title of the ordinance, the amended portion thereof shall be introduced by the procedures set forth in Rules 10.2 – 10.6.
- 10.8** Upon the adoption of an ordinance, the Clerk of the County Council shall assign a permanent number to the ordinance and publish the title of the ordinance, with notice of its adoption.

- 10.9 Unless the effective date is included in the body of the ordinance, the ordinance shall become effective upon adoption.

Rule 10A – Change of Zone and Conditional Use Ordinances

- 10A.1 In the event the Planning and Zoning Commission has not provided its recommendation report to the County Council prior to the County Council's hearing on a change of zone or conditional use application, the County Council shall accept and consider written comments only from the public on the Planning and Zoning Commission's recommendations to the County Council for a period of 5 calendar days following the Planning and Zoning Commission's issuance of its recommendations. This does not preclude the County Council from requesting additional information as otherwise permitted.
- 10A.2 The Rules of Procedure for County Council Zoning Hearings, as approved by the County Council, shall be announced prior to the commencement of the zoning hearings.
- 10A.3 Following the placement of an ordinance for a change of zone or a conditional use on the table, the matter shall be placed on the agenda again only by the County Council member representing the district in which the application is located. If an ordinance for a change of zone or a conditional use is not placed on the agenda and acted upon within forty-five (45) days of the County Council's public hearing on the application, the matter may be placed on the agenda by the President.
- 10A.4 If the applicant for a change of zone or conditional use fails to appear at the County Council hearing, the County Council shall deny the application for lack of a record. The applicant may submit a petition for reconsideration within fifteen (15) days and demonstrate the failure to appear was beyond the applicant's control.

Rule 11 – Resolutions

- 11.1 All resolutions shall be in writing and submitted to the members of the County Council prior to consideration by the Sussex County Council.
- 11.2 Any member of the County Council may request that a resolution be placed on the County Council agenda by submission of the resolution to the County Administrator, in accordance with Rule 4.
- 11.3 No resolution shall contain more than one subject which shall be clearly expressed in its title.
- 11.4 Each resolution shall bear a title which shall clearly express its subject matter. At the time of its consideration and prior to a motion for its adoption, a resolution may be read by title only.

- 11.5 A resolution may be amended without resubmission unless such resubmission is desired by a majority of all of the members of County Council.

Rule 12 – Conduct During Meetings

- 12.1 When a member of County Council desires to speak, that member shall address the presiding officer and shall not proceed until recognized and granted the privilege of the floor. The presiding officer shall recognize the member of County Council who is the first to address the presiding officer.
- 12.2 No member of the County Council shall interrupt another in debate without the consent of the other. To obtain such consent, the member shall first address the presiding officer.
- 12.3 If any member of County Council, in speaking or otherwise, transgresses the Rules of the County Council, the presiding officer shall, or any member of County Council may call the errant member to order. When a member shall be called to order, that member shall not proceed without the permission of the presiding officer.

Rule 13 – Change or Suspension of Rules

- 13.1 Any rule of the County Council may be changed or suspended by the approval of a majority of all of the members of the County Council.

Rule 14 – Rules of Order

- 14.1 All rules of parliamentary procedure not covered or provided for by the RULES OF PROCEDURE OF THE SUSSEX COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, or by the laws of the State of Delaware, shall be decided in accordance with MASON'S MANUAL OF LEGISLATIVE PROCEDURE.

Rule 15 – Vice-President and Other Presiding Officer

- 15.1 In the absence of the President, the presiding officer, with all powers and duties of the President enumerated herein, shall be the Vice-President as elected by a majority vote of all of the members of County Council. In the absence of the Vice-President, the presiding officer, with all powers and duties of the President enumerated herein, shall be such other member of the County Council as is elected by a majority vote of all of the members of County Council.

Rule 16 – Appointments

- 16.1** The President, with the concurrence of a majority of all of the members of the County Council, may appoint any member to represent the County Council on any committee, board or commission or at any event.
- 16.2** A member of the County Council so appointed shall inform the County Council of issues discussed at those meetings or events which impact County government.

Rule 16.A – Appointments to the Planning & Zoning Commission and the Board of Adjustment

- 16A.1** All appointments to the Planning & Zoning Commission and the Board of Adjustment shall be governed by 9 Del. C. § 6803.
- 16A.2** With respect to new appointments of members to the Planning & Zoning Commission and the Board of Adjustment (collectively referred to in this provision as “board members”), the Councilperson in whose district a board member’s term is set to expire shall submit the name of a nominee to the County Administrator along with the nominee’s resume during the month of May of the year in which said board member’s term is set to expire. The County Administrator shall forward copies of the nominee’s resume to all Council members and place the matter on the Council’s agenda for public session at an upcoming Council meeting. With Council’s input, the County Administrator shall provide interview questions to the nominee for written answer to be submitted to the Council by no later than the Friday preceding the aforesaid Council meeting at which the nominee shall be in attendance for a public interview.
- 16.A.3** With respect to reappointment of board members, the Councilperson in whose district a board member’s term is set to expire shall provide notice of the Councilperson’s intention to reappoint the board member to the County Administrator during the month of May of the year in which said board member’s term is set to expire. The County Administrator shall place the matter on the Council’s agenda for public session at an upcoming Council meeting.
- 16.A.4** With respect to new appointments and reappointments of board members, in the event a nominee is not approved by a Council majority, nominations for the position will be opened up to all Councilpersons regardless of the district they represent; however, at no time shall there be more than 2 members appointed for the same Council district.
- 16.A.5** In the event a board member resigns or is removed prior to the expiration of his or her term, the Councilperson, in whose district the vacancy has occurred, shall submit the name and resume of a nominee to the County Administrator as soon as is practicable. All other application procedures above shall thereafter apply.

Rule 17 – Standards of Conduct

- 17.1 Persons attending County Council meetings shall observe appropriate dress standards and standards of conduct. Attire that may distract from the proceedings shall not be permitted.
- 17.2 Persons attending County Council meetings may wear one (1) “cause supporting sign” affixed to their clothing. The size of such “sign” may not exceed three (3) inches by five (5) inches. Signs offensive to the members of the County Council or to participants, and signs that may distract from the proceedings, shall not be permitted. No placards shall be permitted at any meeting of the County Council.
- 17.3 The County Administrator shall, from time to time, prescribe by policy reasonable and appropriate attire and conduct for persons attending meetings of the County Council.
- 17.4 Members of the news media shall conduct themselves in such a manner as to not be disruptive of the proceedings of the County Council.
- 17.5 Persons attending County Council meetings shall at all times conduct themselves in an orderly manner and follow the direction of the presiding officer. The presiding officer shall be responsible for ensuring that reasonable and appropriate dress standards and standards of conduct are observed at meetings of the County Council.
- 17.6 Although the Freedom of Information Act does not require Council to allow public comment during a Council meeting, if Council includes a Public Comment section on the agenda for one or more of its regular or special meetings, the right to make public comment shall be subject to the following procedures, which shall be enforced by the presiding officer of Council:
- A. Each speaker shall place their name and address on a sign-up sheet. Each speaker shall only speak from the podium after being recognized and shall first identify themselves and give their residence address within the County. Each speaker shall be limited to 3 minutes and the time shall be kept by electronic clock and displayed to the speaker. At the end of that time, the presiding officer will either inform the speaker that their time is up or grant the speaker up to an additional 2 minutes.
 - B. Each speaker shall confine his or her comments to matters which are clearly within the jurisdiction of Council and are matters of legitimate County business.
 - C. Public comment is not intended to provide a means for a member of the public to appeal a decision made by a County employee or subcontractor during the course of their official duties. Matters of that nature must be brought to the attention of the County Administrator or his or her designee.

- D. Public comment shall be addressed to the Council as a body and not to a specific member of Council. After a person is recognized and allowed to speak, they should not be interrupted except by the presiding officer whose purpose is to enforce these policies. The presiding officer shall have the discretion to stop a speaker from further comment if the speaker digresses from the restrictions as to time or matters within the County's business or jurisdiction or if the speaker becomes so willfully and seriously disruptive as to prevent Council from accomplishing its business in a reasonable manner.
- E. The presiding officer may, but is not required to, respond to a speaker or to a question or an issue raised by a speaker. In situations where the presiding officer responds, the response shall not indicate the position of Council as a body and to the extent possible, be limited to informing the speaker, if appropriate, of the proper person within the County government to whom their concerns should be addressed.
- F. Nothing in this Rule shall be construed to prohibit Council from seeking comments from persons with particular knowledge on a matter before them and to prohibit public comment if Public Comment is not included on the agenda.

Rule 18 – Delaware Freedom of Information Act

- 18.1 All procedures of the County Council shall comply with the Delaware Freedom of Information Act, as contained in Title 29, Chapter 100 of the Delaware Code. To the extent that any provision herein shall conflict with the provisions of the Delaware Freedom of Information Act, the more restrictive provision shall apply.

Rule 19 – Adoption and Effective Date

- 19.1 These rules shall become effective upon adoption by a majority vote of all of the members of the County Council. These rules shall be adopted annually by the members of the County Council.

Adopted: January 5, 2021

**RULES OF PROCEDURE OF THE PLANNING AND ZONING COMMISSION
OF SUSSEX COUNTY, DELAWARE**

These rules shall govern the procedure of the Planning and Zoning Commission of Sussex County, Delaware.

Definitions

“Agenda” includes but is not limited to a general statement of the major issues expected to be discussed at a public meeting, as well as a statement of intent to hold an Executive Session and the specific ground or grounds therefor.

“County” means Sussex County, Delaware, unless otherwise specified.

“Planning and Zoning Commission” or “Commission” means the Planning and Zoning Commission of Sussex County, Delaware.

“Meeting” means the formal or informal gathering of a quorum of the members of the Planning and Zoning Commission for the purpose of discussion or taking action on public business.

“Chairman” means the Chairman of the Planning and Zoning Commission.

“Presiding Officer” means the Chairman of the Planning and Zoning Commission, or such other person who presides over the meetings of the Planning and Zoning Commission, pursuant to the Rules of the Planning and Zoning Commission.

“Public business” means any matter over which the Planning and Zoning Commission has supervision, control, jurisdiction or advisory power.

“Secretary” means the Secretary of the Planning and Zoning Commission.

Rule 1 – Order of Business; Conduct of Meetings

1.1 The order of business at each regular meeting of the Planning and Zoning Commission shall be as follows:

- Call to Order
- Amendments to Agenda
- Adoption of Agenda
- Approval of Minutes
- Consent Agenda
- Old Business
- Public Hearings
- Other Business
- Adjournment

- 1.2 The order of business can be altered at any duly constituted meeting by an affirmative vote of a majority of the Planning and Zoning Commission members present. The privilege of the floor may be granted to the public at any time by the presiding officer.
- 1.3 During public hearings, the presiding officer may set reasonable time limits on public comments. An individual may submit a written statement in lieu of or in addition to verbal comments. The presiding officer may terminate or limit testimony which is irrelevant or unduly repetitive.
- 1.4 Every attempt will be made to complete all business scheduled. In the event that the presentation of a scheduled agenda item takes longer than reasonably anticipated, the presentation may be suspended by approval of a majority of the Planning and Zoning Commission members present. A motion to suspend a presentation should include the date and time at which the remainder of the presentation will be heard.

Rule 2 – Meetings of the Planning and Zoning Commission

- 2.1 Regular meetings shall be held in the Sussex County Administration Building or such other location as designated by majority vote of all of the members of the Planning and Zoning Commission.
- 2.2 Regular meetings shall convene at 6:00 P.M. on those days when a meeting has been properly noticed and advertised.
- 2.3 Special meetings and executive sessions may be held as provided in Title 29, Chapter 100 of the Delaware Code.
- 2.4 Except for Executive Sessions, all meetings shall be open to the public.
- 2.5 Minutes of all meetings, including Executive Sessions, shall be kept. At a minimum, the minutes shall include a record of attendance and a record, by individual members of the Planning and Zoning Commission, of each vote taken and each action agreed upon.
- 2.6 The first regular meeting of July shall constitute the annual organizational meeting of the Commission.

Rule 3 – Public Notice of Meetings

- 3.1 Public notice of all meetings shall be posted on the public bulletin board located in the Sussex County Office of Planning and Zoning in the County Administrative Building and on the official Sussex County website.

- 3.2 Public notice and advertisement of meetings and public hearings shall comply with all applicable provisions of State law and County ordinances. In addition, notice of a public hearing shall be mailed to an appellant or applicant (or attorney or agent of the appellant or applicant as identified in the application or by subsequent written notice to the Commission) at least 20 days before the date of the hearing.
- 3.3 The Director of Planning and Zoning shall cause a copy of the public notice of the public hearing to be mailed to the owners of each parcel of real property lying within a 200 foot radius of the boundaries of the property subject to the application, partnership or corporation whose name appears on the list using the address found within the records of the Sussex County Assessment Department. Failure to comply with the provisions of Rule 3.3 shall not be considered a defect in the requirements for public notice of a public hearing.

Rule 4 – Agenda

- 4.1 The agenda for Planning and Zoning Commission meetings shall be available to the members of the Planning and Zoning Commission at least one week prior to the scheduled meeting.
- 4.2 The Director of Planning and Zoning shall be responsible for the preparation and contents of the agenda. Subject to the advertising and public notice requirements of Title 29, Chapter 100 of the Delaware Code, as well as other applicable state laws or county ordinances, any member of the Planning and Zoning Commission may place items on the agenda by contacting the Director of Planning and Zoning, either verbally or in writing, prior to the posting of the agenda. Any other person may request to have items placed on the Planning and Zoning Commission agenda by notifying the Director of Planning and Zoning, in writing; provided, however, that items requested to be placed on the agenda that are not, in the opinion of the Director, within the Commission's jurisdiction, or which do not meet requirements of notice or advertisement, will not be placed on the posted agenda.
- 4.3 Items which arise at the time of the Planning and Zoning Commission's meeting may be added to the agenda, and items may be deleted from the agenda, by a majority vote of all of its members of the Planning and Zoning Commission present, subject to the advertising and public notice requirements of Title 29, Chapter 100 of the Delaware Code, as well as other applicable state laws or county ordinances.

Rule 4.A Consent Agenda

- 4A.1 The Director of Planning and Zoning or any member of the Planning and Zoning Commission may propose any matter that would be considered on an agenda for

inclusion on a Consent Agenda. The Consent Agenda shall list the matters so included and a brief discussion of each.

- 4A.2 An item may be removed from a Consent Agenda if any Member of the Planning and Zoning Commission requests that it be given separate individual consideration. If an item is removed from the Consent Agenda, it shall be considered as a separate item under the appropriate section of that meeting's agenda.
- 4A.3 All items on a Consent Agenda shall be read and voted on as a single group.

Rule 5 – Attendance of Members of the Planning and Zoning Commission at Meetings; Quorums

- 5.1 No member of the Planning and Zoning Commission shall be absent from scheduled meetings or from other official duties without cause. When unable to attend a scheduled meeting, a member of the Planning and Zoning Commission shall be responsible for notifying one of the following: the Chairman, the Director of Planning and Zoning, another Planning and Zoning Commission member, or a staff member of the Office of Planning and Zoning.
- 5.2 The presence of no less than three (3) members of the Planning and Zoning Commission shall constitute a quorum.
- 5.3 When a quorum is not present at any properly called meeting, the members of the Planning and Zoning Commission present shall adjourn.
- 5.4 If no members of the Planning and Zoning Commission are present, any staff member of the Office of Planning and Zoning shall adjourn the meeting.
- 5.5 Three (3) affirmative votes shall be required to approve any matter within the jurisdiction of the Planning and Zoning Commission. Failure to receive three (3) affirmative votes shall be deemed to disapprove any matter.
- 5.6 Any other matter may be decided by majority vote of Planning and Zoning Commission members present.

Rule 6 – Voting Procedure

- 6.1 On each motion duly made and seconded, the presiding officer shall conduct a voice vote and announce the results.
- 6.2 A written record shall be made by the Secretary of the vote of the Commission on each vote taken. Said record shall reflect the number of "aye" votes, the number of "nay" votes and the number of "abstaining" votes.

6.3 The presiding officer may conduct a roll call vote, if in his opinion it is necessary.

Rule 7 – Record Keeping

7.1 A file shall be kept in the Office of Planning and Zoning of all Planning and Zoning Commission meetings. The file shall include copies of meeting notices (including the time, date and place where they were posted), the agenda and the minutes of the meeting.

Rule 8 – Minutes of Planning and Zoning Commission Meetings

8.1 Minutes shall be taken of each meeting of the Planning and Zoning Commission, and shall reflect the following:

- a. Kind of Meeting.
- b. Date and place of meeting.
- c. Name of the presiding officer.
- d. Members of Planning and Zoning Commission present.
- e. Whether the minutes of the previous meeting were approved.
- f. The proceedings of the Planning and Zoning Commission, briefly and accurately stated. The minutes shall record what was done rather than what was said. However, a member of Planning and Zoning Commission may request that a statement or written material be attached to the minutes and made a part thereof.
- g. All motions voted upon and the results of said motions.
- h. Names of members of Planning and Zoning Commission making motions and those making secondary motions.
- i. A record of each vote taken and action agreed upon.
- j. Time of convention and adjournment.

8.2 Minutes shall be taken, prepared and presented by a staff member of the Office of Planning and Zoning in written form for approval as written or as amended. The minutes as approved shall be filed in the minute book of the Planning and Zoning Commission. Copies of the approved minutes shall be made available to the general public, except as otherwise authorized by law.

- 8.3 Digital recordings will be made of all Planning and Zoning Commission meetings at which County business is transacted. The recordings shall be under the custody of the Director of Planning and Zoning and shall be open to inspection or copying in accordance with applicable law regarding access to public records. In addition, all proceedings are broadcast on the Sussex County website: sussexcountyde.gov.

Rule 9 – Conduct During Meetings

- 9.1 When a member of Planning and Zoning Commission desires to speak, that member shall address the presiding officer and shall not proceed until recognized and granted the privilege of the floor. The presiding officer shall recognize the member of Planning and Zoning Commission who is the first to address the presiding officer.
- 9.2 No member of Planning and Zoning Commission shall interrupt another in debate without the consent of the other. To obtain such consent, the member shall first address the presiding officer.
- 9.3 If any member of Planning and Zoning Commission, in speaking or otherwise, transgresses the Rules of the Planning and Zoning Commission, the presiding officer shall, or any member of Planning and Zoning Commission may, call the errant member to order. When a member shall be called to order, that member shall not proceed without the permission of the presiding officer.

Rule 10 – Change or Suspension of Rules

- 10.1 Any Rule of the Planning and Zoning Commission may be changed or suspended by the approval of a majority of all of the members of the Planning and Zoning Commission.

Rule 11 – Rules of Order

- 11.1 All rules of parliamentary procedure not covered or provided for by the RULES OF PROCEDURE OF THE PLANNING AND ZONING COMMISSION OF SUSSEX COUNTY, DELAWARE, or by the laws of the State of Delaware, shall be decided in accordance with MASON'S MANUAL OF LEGISLATIVE PROCEDURE.

Rule 12 – Vice-Chairman and Other Presiding Officer

- 12.1 In the absence of the Chairman, the presiding officer, with all powers and duties of the Chairman enumerated herein, shall be the Vice-Chairman as elected from its membership by a majority vote of all of the members of Planning and Zoning Commission. In the absence of the Vice-Chairman, the presiding officer, with all powers and duties of the Chairman enumerated herein, shall be such other

member of the Planning and Zoning Commission as is elected by a majority vote of the members of Planning and Zoning Commission present.

Rule 13 – Secretary

- 13.1 The Chairman shall appoint a Secretary at the annual organizational meeting who shall serve at the pleasure of the Commission. The Secretary shall perform those duties as set forth in Chapter 115 of the Sussex County Code, and shall supervise the clerical work of the Commission.

Rule 14 – Standards of Conduct

- 14.1 Persons attending Planning and Zoning Commission meetings shall observe appropriate dress standards and standards of conduct. Attire that may distract from the proceedings shall not be permitted.
- 14.2 No applause or other disruptive behavior shall be permitted. No signs or placards shall be permitted at any meeting of the Planning and Zoning Commission.
- 14.3 Members of the news media shall conduct themselves in such a manner as to not be disruptive of the proceedings of the Planning and Zoning Commission.
- 14.4 Persons attending Planning and Zoning Commission meetings shall at all times conduct themselves in an orderly manner and follow the direction of the presiding officer. The Sussex County Sheriff or other person designated by the presiding officer shall be responsible for ensuring that reasonable and appropriate dress standards and standards of conduct are observed at meetings of the Planning and Zoning Commission.

Rule 15 – Applications to the Planning and Zoning Commission

- 15.1 Applications to the Commission, as permitted by State law and County ordinances, shall be on forms to be prepared by the Director of Planning and Zoning and approved by the Planning and Zoning Commission, and shall be accompanied by the proper fee. The fee may be waived by the Commission upon a majority vote. Applications shall be signed by any person authorized by law to make such an application, or an agent or attorney of such person.
- 15.2 Applications shall not be amended after public notice of the public hearing has been transmitted to a newspaper for publication.
- 15.3.1 All site plans, revisions to site plans, surveys, plots, documents, reports, supporting statements, or other material to be presented in support of an application shall be submitted to the Secretary not later than 10 calendar days prior to the meeting of the Planning and Zoning Commission at which the

application is to be presented or heard. This requirement may be waived by the Chairman only upon a showing of good cause therefor by the applicant.

- 15.3.2 During the presentation of an application to the Commission, persons addressing the Commission shall identify themselves by name and place of residence. No direct questioning or cross-examination of witnesses or applicants will be permitted. All questions should be directed to the Commission and the Commission may direct the question to the appropriate person. There will be no rebuttal testimony or presentation by the applicant or by any party in support of, or in opposition to an application, unless permitted or requested by the Commission.
- 15.4 Following a decision by the Commission on an application, a copy of the written decision shall be sent to the applicant, or the agent or attorney for the applicant.
- 15.5 If an applicant, his agent or attorney shall fail to appear prior to the conclusion of a meeting at which the application is scheduled for public hearing, the application shall be denied or recommended for denial for failure by the applicant to present a record in support of the application. Any reconsideration of an application denied under these circumstances shall be scheduled as though it is a newly filed matter; no scheduling preference shall be given unless permitted by the Commission.

Under very limited circumstances, if an applicant fails to appear at a scheduled zoning hearing, the applicant may request reconsideration and a new hearing accordance with Sussex County Code § 115-216D. If a petitioner, applicant or appellant fails to appear, or appear by agent, at the scheduled zoning hearing requesting an amendment, subdivision approval, supplement or change, and the failure to appear is for reasons beyond his control, within fifteen (15) days of the scheduled hearing before the Planning and Zoning Commission, the applicant may submit a Petition for Reconsideration to the Planning and Zoning Commission. Petitions submitted after the deadline shall not be considered.

The Petition for Reconsideration shall contain detailed facts sufficient to demonstrate that the applicant's failure to appear was beyond his control. Reasons may include, but are not limited to, the following:

- a. Emergency medical situations for applicant or applicant's immediate family;
- b. Death of a family member;
- c. Automobile accident;
- d. Failure to receive proper notice of the hearing; and
- e. Such other reason as may demonstrate extenuating circumstances or an event or condition that prohibited applicant's appearance at the public hearing.

Applicant shall include in his Petition any supporting documentation available such as a physician's note, hospital admission form, police report and the like.

Only those facts contained in the Petition and supporting documentation submitted with the Petition shall be considered by the Planning and Zoning Commission.

Upon receipt of the Petition, the Planning and Zoning Commission shall place the Petition on the agenda of its next available regular meeting for discussion and possible action.

If the Petition for Reconsideration is approved, a new public hearing date will be advertised in accordance with the Sussex County Zoning Ordinance. Pursuant to Sussex County Code, §115-216F, if the Petition for Reconsideration is denied, the applicant may not re-submit the application, or one substantially similar to it, sooner than one (1) year after the previous failure to appear.

- 15.6 Any application that is withdrawn in advance of the scheduled public hearing may be reconsidered (or a new application for the same property may be considered) as though it is a newly filed matter; no scheduling preference shall be given unless permitted by the Commission.

Rule 16 – Delaware Freedom of Information Act

- 16.1 All procedures of the Planning and Zoning Commission shall comply with the Delaware Freedom of Information Act, as contained in Title 29, Chapter 100 of the Delaware Code, as amended. To the extent that any provision herein shall conflict with the provisions of the Delaware Freedom of Information Act, the more restrictive provision shall apply.

Rule 17 – Delaware State Employees’, Officers’ and Officials’ Code of Conduct

- 17.1 Members of the Planning and Zoning Commission shall be subject to the Delaware State Employees’, Officers’ and Officials’ Code of Conduct, as set forth in Title 29, Chapter 58, Subchapter I of the Delaware Code.

Rule 18 – Request for a Rehearing

- 18.1 A motion for a rehearing of a subdivision application shall be made in accordance with the procedures set forth in Chapter 99 of the Sussex County Code.
- 18.2 A motion for a rehearing shall state the grounds therefore and may be accompanied by applicable affidavits. The motion and affidavits shall be provided by mail to the opposing party of record, if any. The opposing party shall have 10 days after receipt of the motion to file a response thereto and attach applicable affidavits. The Commission shall determine the motion upon the written application, any response thereto, and accompanying affidavits, if any.

Rule 19- Commissioner Areas

19.1 Within 6 months of adoption or amendment of Councilmanic Districts, and more frequently if deemed necessary by the Planning and Zoning Commission, the Commission shall review the individual areas of responsibility of each Commissioner.

Rule 20 – Adoption and Effective Date

20.1 These rules as amended shall become effective May 10, 2018, upon adoption by a majority vote of all of the members of the Planning and Zoning Commission.

SUSSEX COUNTY PLANNING
AND ZONING COMMISSION

By: Martin J. Ross
Chairman

Attest: Melanie Conwell
Secretary

Adopted: October 9, 1998
Effective: October 9, 1998
Revised: October 17, 2007
Revised: June 25, 2015
Revised: May 10, 2018

Per the Town's request, I've pulled some rules of procedure from other municipalities including the City of Milford AND Sussex County, . Please find them attached. Note that I've included procedures from councils as well as planning commissions and boards of adjustment. A few points to consider as you review these rules:

1. Each jurisdiction has its own governing authority; whether it be a charter (for a Town) or a specific section of the State Code for the counties. This can result in some deviations.
2. The rules for Boards of Adjustment are different because they require testimony under oath and those Boards are "quasi-judicial" rather than legislative like a council.
3. Keep in mind that the separate bodies (Council, Commission, and BOA) have their own right to adopt rules of procedure:
 - a. The Town Council has the right to create its own rules under Section 11 of the Charter.
 - b. Ordinance B-1 gives the Planning Commission the right to create its own rules of procedure.
 - c. 22 Del. C. 323 requires that the Board of Adjustment adopt rules of procedure.

I also tried searching for rules on websites of about a dozen other towns and municipalities but was unable to find other examples. Perhaps some towns have them available online but not every website is the same and they can often be frustrating and time-consuming to navigate. I recall that Janet previously mentioned reaching out to SCAT to see if some members would be able to submit their procedures to the Town to review and compare. I think that is a good idea as I suspect that most municipalities do not include the formal rules of procedure on their websites. Let me know if you would like to take that approach. Ultimately, it seems to me that we should not be looking to reinvent the wheel here and should use other rules of procedures as guidance. However, we should keep in mind that we may need to craft something that takes pieces from other rules of procedure since charters differ from town-to-town.

Jamie

YTD Jan-June 2024

		FY2024	
ADMIN,INC		Approved fy 2024	ytd actual total
Acct#	Description		
4004	Donations/Special Comm Event		\$955.00
4005	Real Estate Taxes	\$130,000.00	\$127,346.10
4007	Realty Transfer Taxes	\$20,000.00	\$28,310.03
4010	Banking Interest	\$8,000.00	\$5,002.83
4012	Finance Charges (WST)	\$250.00	\$0.00
4014	Penalty fees (taxes)	\$1,000.00	\$352.99
4018	Returned Check Charges	\$0.00	\$0.00
4020	State Grants MSAF	\$30,000.00	\$0.00
4020.1	State grant reimbursements		\$32,720.00
4080	Water	\$220,000.00	\$138,688.37
4080.1	Water Reserves	\$0.00	\$0.00
4001	Water/Sewer Impact Fees	\$5,000.00	\$1,500.00
4100	Trash	\$80,000.00	\$46,048.33
4002	Rental Income	\$9,000.00	\$6,000.00
4003	Variance App Fee	\$700.00	\$1,000.00
	Utility Reimbursements		\$276.18
	Building, Sewer, CO, Sign permit	\$5,000.00	\$2,600.00
	Rental Licenses	\$4,500.00	\$3,150.00
	Business Licenses	\$12,000.00	\$12,600.00
	Site Plan Application		\$2,500.00
	Conditional Use Application		\$1,050.00
	Partitioning Application		\$500.00
	Combining Lot Application Fee	\$250.00	\$0.00
4015	Property Violation Fees	\$250.00	\$600.00
4000	Meters	\$0.00	\$0.00
4150	Capital Works Grants	\$75,000.00	\$0.00
	TOTAL ADMINISTRATIVE INCOME	600,950.00	\$411,199.83
ADMIN EXP		Approved fy 2024	ytd actual total
	PAYROLL ADMIN		
5175	General Govt Staff Overtime	\$500.00	\$3,076.20

5180	General Govt Staff Regular	\$168,000.00	\$88,595.16
5180.1	Day Labor	\$200.00	\$425.00
5000	Payroll Service		\$2,734.99
4000.1	Sewer Utilities		\$992.48
4080.2	Water Expense	\$5,000.00	\$4,869.82
5112	State Revolving Fund Loan Pmts	\$60,000.00	\$31,927.53
5116	Bank Service Charges	\$0.00	\$0.00
5020.1	Computer IT support	\$2,500.00	\$6,267.00
5138	Office/Computer Supplies	\$1,200.00	\$458.48
5129	Water Cooler Rental	\$25.00	\$19.55
5130	Copier Lease	\$1,300.00	\$654.56
5135	Postage	\$3,000.00	\$2,590.11
5137	Janitorial Supplies	\$75.00	\$15.46
5223	Equipment (new meters)	\$2,500.00	\$0.00
5224	Small Tools	\$100.00	\$0.00
5230	Repairs/Maintenance Building	\$750.00	\$6,353.59
5235	Repairs/Maint Equipment	\$1,200.00	\$1,315.92
1421	Capital Improvements	\$30,000.00	\$0.00
5240	Mowing and Lawn Care	\$500.00	\$1,000.00
5245	Streets	\$2,500.00	\$248.00
5255	Supplies	\$500.00	\$67.24
		Approved fy2024	ytd actual total
Acct#	Description		
5005	Advertising	\$500.00	\$338.54
5010	Gasoline Fuel	\$1,200.00	\$902.44
5015	Auto and Truck Maintenance	\$500.00	\$67.75
5030	Dues and Subscriptions	\$1,500.00	\$3,949.00
5040.3	Uniforms	\$100.00	\$0.00
5040	Criminal Background Reimb	\$0.00	\$0.00
5091.1	Public Relations	\$250.00	\$541.92
5035	Education & Training	\$200.00	\$225.00
5295	Trash Collection	\$75,000.00	\$31,982.36
	Prepaid Sewer Impact Refund		\$66,500.00

5305	Electric	\$35,000.00	\$21,878.22
5340	Propane	\$750.00	\$0.00
5335	Fuel Oil	\$1,500.00	\$1,837.81
5345	Telephone	\$7,500.00	\$3,075.80
5050A	Dental Insurance	\$0.00	\$192.80
5060A	Life Insurance	\$500.00	\$243.00
5065A	Medical Insurance	\$57,593.40	\$13,121.61
5070A	Pension	\$13,500.00	\$6,776.04
5080A	Insurance (auto, liability etc.)	\$12,000.00	\$12,776.73
5080.1A	Workers Comp Admin	\$4,000.00	\$1,998.70
5280A	Medicare, Soc Sec	\$12,000.00	\$6,653.76
5285A	State Unemployment Taxes	\$2,500.00	\$924.87
5260	Taxes (tax ditch)	\$1,900.00	\$0.00
5190	Auditing Prof Svcs	\$9,500.00	\$2,000.00
5195	Engineering Prof. Svcs	\$15,000.00	\$85,747.58
5200	Legal Professional Svcs	\$25,000.00	\$49,912.40
5210	Testing Prof Svcs	\$500.00	\$0.00
5215	Monitoring Svcs	\$100.00	\$83.22
5216	Honorium Fees	\$2,800.00	\$1,400.00
	TOTAL ADMINISTRATIVE EXPENSES	\$560,743.40	\$464,740.64
		Approved fy2024	ytd actual total
	POLICE INC		
4004.1	Donations/Special Comm Event	\$6,000.00	\$5,850.00
4030P	Highway Safety/DUI	\$7,800.00	\$1,573.55
4050P	PD FINES	\$170,000.00	\$64,203.57
4050.4	Accident Reports/fingerprints	\$2,000.00	\$400.00
4070P	Police Grants	\$162,500.00	\$99,805.71
4075P	State pension grant Police	\$10,000.00	\$11,913.21
	Grant Funding from RTT	\$869.57	\$12,104.57
	Vehicle/Equip Sale	\$0.00	\$0.00
	POLICE INCOME TOTAL	\$359,169.57	\$195,850.61
	POLICE EXP		
5160P	Officers Overtime(holiday only)	\$5,000.00	\$3,480.34
5160PG	Officers OT GRANT reimb	\$25,000.00	\$6,506.46

	SEU		\$30,000.00	\$16,762.50
5165P	Officers Regular Rate		\$221,563.26	\$93,000.24
5280P	Medicare, Soc Sec		\$22,000.00	\$2,864.05
5285P	State Unemployment Taxes		\$3,600.00	\$447.37
5080.1P	Workers Comp PD		\$19,900.00	\$8,283.20
5030.1	Dues and Subscriptions		\$150.00	\$564.00
5025P	Vehicle Purchase		\$0.00	\$0.00
5032.1P	Police Equipment		\$600.00	\$0.00
5032.1G	Police Equip grant reimb		\$0.00	\$5,657.64
5032.2P	Police Training		\$100.00	\$210.00
5032.2G	Police Training Grant reimb		\$0.00	\$0.00
5032.3P	Police Medical Testing		\$0.00	\$38.00
5032.3G	Police Medical Testing -grant		\$0.00	\$184.00
Acct#	Description	Approved fy 2024	ytd actual total	
5005P	Advertising	\$100.00	\$261.57	
5010P	Gasoline Fuel	\$15,000.00	\$6,548.04	
5335P	Fuel Oil	\$1,800.00	\$1,837.78	
5340P	Propane	\$200.00	\$0.00	
5091P	Charitable Donations	\$0.00	\$0.00	
5091.2P	Public Relations	\$6,000.00	\$0.00	
5040.3P	Uniforms	\$200.00	\$0.00	
5040.3G	Uniforms-grant reimb	\$0.00	\$402.35	
5050P	Dental Insurance	\$2,000.00	\$1,753.63	
5060P	Life Insurance	\$700.00	\$243.00	
5065P	Medical Insurance	\$77,000.00	\$13,121.61	
5070P	Pension	\$20,000.00	\$11,468.77	
5080P	Insurance (auto, liability etc.)	\$8,000.00	\$15,045.77	
5120P	Office Supplies	\$300.00	\$206.97	
5120PG	Office Supplies-grant reimb	\$0.00	\$0.00	
5129P	Water Cooler Rental	\$40.00	\$19.57	
5130P	Copier Lease	\$1,000.00	\$455.58	
5135P	Postage	\$220.00	\$18.29	
5137P	Janitorial Supplies	\$150.00	\$0.00	

5137PG	Janitorial Supp-grant reib	\$0.00	\$0.00	\$0.00
5185P	Legal Professional Svcs	\$1,000.00	\$0.00	\$0.00
5190P	Auditing Prof Svcs	\$4,000.00	\$0.00	\$0.00
5215P	Monitoring Svcs	\$400.00	\$124.96	\$124.96
5216	Honorium Fees	\$2,800.00	\$1,400.00	\$1,400.00
5015P	Vehicle Repair Expense	\$2,000.00	\$12,265.72	\$12,265.72
5230P	Building Repairs/ Maint PD	\$1,000.00	\$135.00	\$135.00
5230PG	Building Rep/Main grant reimb	\$0.00	\$146.85	\$146.85
5235P	Equipment Repairs and Maint	\$300.00	\$0.00	\$0.00
5235PG	Equip Repr and Maint-grant reimb	\$0.00	\$0.00	\$0.00
5255P	Supplies PD	\$300.00	\$19.98	\$19.98
5255PG	Supplies Pd-grant reimb	\$0.00	\$0.00	\$0.00
5305P	Electric PD	\$5,000.00	\$1,713.33	\$1,713.33
5345P	Telephone PD	\$6,600.00	\$4,060.38	\$4,060.38
	TOTAL POLICE EXPENSES	\$484,023.26	\$209,246.95	\$209,246.95

TOWN HALL/PUBLIC WORKS

TOTAL INCOME	\$411,199.83
TOTAL EXPENSE	\$464,740.64
	\$53,540.81

POLICE DEPT.

TOTAL INCOME	\$195,850.61
TOTAL EXPENSE	\$209,246.95
	\$13,396.34

TOTAL AS OF 6/30/24	\$66,937.15
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