



**TOWN OF GREENWOOD  
TOWN COUNCIL MEETING  
100 W. Market St. Greenwood De. 19950  
Wednesday August 14, 2024 6:00 p.m.  
Meeting is live stream on Town of Greenwood Facebook**

**CALL TO ORDER:** Pledge of Allegiance

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES :**

1. Town Council Meeting Minutes July 10, 2024 Council Meeting
2. Town Council Special Meeting Minutes July 18 ,2024

**OLD BUSINESS**

1. Public Comment Guidelines revisions
2. Policy and Procedures
3. Employee Handbook pertaining to Flex Time
4. Continuation of a public hearing for a conditional use application from Jamie Webb for property located at 402 W. Market St., Greenwood DE, Tax ID#530-9.16-11.00, for an in-home daycare in the R-1 Residential Zoning District.
5. Continuation of a public hearing for a conditional use application from Steve R. Martin for property located at 6 E. Market St., Greenwood DE, Tax ID#530-10.13-110, to permit residential apartments in conjunction with a commercial use in the D-C Downtown Commercial District

**New Business:**

1. Planning Commission Appointment

**Police:**

1. Verbal Report-Chief Thomas

**TOWN MANAGER REPORT**

1. Verbal Report
2. Financial Report

**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.

**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 August 7, 2024 at least seven (7) days in advance of the meeting.**

**Town of Greenwood**  
**Town Council Meeting Minutes**  
**Wednesday, July 10, 2024**

**COUNCIL and STAFF PRESENT:**

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

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

Motion to accept the June 12, 2024, Town Council Meeting minutes made by Vice-Mayor Moran, Seconded by Councilor Tallent. Unanimously APPROVED.

**OLD BUSINESS:**

1. Manager Todd reported that the Ford Explorer was sold with a winning bid of \$13,029.55. The Trailer sold with a winning bid of \$1029.55.
2. Mr. Sharp will work on a Resolution to incorporate Public Comment Guidelines into the Procedures for the next meeting.
3. Vice-Mayor Moran motioned to approve Resolution 2024-03 Establishing a Policy for the Signing of Checks by the Town of Greenwood. Seconded by Councilor Tallent. Secretary Donovan – Yes, Vice-Mayor Moran – Yes, Councilor Tallent – Yes, Councilor Jones – No. Resolution APPROVED.
4. Councilor Tallent motioned to move forward with producing Rules and Procedures for Council. Seconded by Vice-Mayor Moran. Unanimously APPROVED.

Motion made by Secretary Donovan to move forward to New Business and revisit #5 of Old Business. Seconded by Councilor Tallent. Unanimously APPROVED.

**NEW BUSINESS:**

Motion made by Councilor Tallent to retain Scott Wilcox as employment attorney for the Town. Seconded by Secretary Donovan. Secretary Donovan – Yes, Vice-Mayor Moran – Yes, Councilor Tallent – Yes, Councilor Jones – No Vote. Motion APPROVED.

Motion to investigate flex time made by Councilor Jones, Seconded by Vice-Mayor Moran. Secretary Donovan – Yes, Vice-Mayor Moran – Yes, Councilor Tallent – No, Councilor Jones – Yes. Motion APPROVED

**POLICE REPORT:**

The Chief stated that preparations are still underway for 2024 National Night Out, to be held at Greenwood Firehall on August 13, 6-8pm. He answered questions about a speed sign and electric vehicles.

**TOWN MANAGER REPORT:**

- Manager Todd gave a verbal report that included updates on Hydrocorp, Bond Bill and grant money, a proposed marijuana ordinance, the possibility of an additional water tower, and timesheets.
- Verbal financial updates were given to go along with the packet spreadsheets. Secretary Donovan requested QuickBooks balance sheets and profit & loss sheets

in place of the spreadsheets going forward.

- The Town has received 16 vendor applications so far and booked 2 bands for Greenwood Day, which will take place September 21 (rain date Sept. 22). Mill Street will be closed to vehicle traffic and there will be town wide yard sales. Mrs. Todd extended an invitation to the Council to help, and Secretary Donovan replied that she could count on him to be there.
- Manager Todd presented a proposal for a Town Square as a Downtown Revitalization Project, stating that it would be 100% grant funded. Mrs. Todd will report to the Council with more information next month. Councilor Jones made a motion to move forward with the project, Seconded by Councilor Tallent. Unanimously APPROVED.

**CORRESPONDENCE and PUBLIC UPDATES on TOWN BUSINESS from the MAYOR:**

Mayor Kemp acknowledged receipt of 2 anonymous letters that appear to be from the same person. He stated that he is working with legal counsel to address their concerns and encouraged the person to reach out to any Council member to discuss the matter in more detail. They will have more information at the next Council meeting.

**PUBLIC COMMENT:**

Jamie Webb asked if any sidewalks would be getting fixed. Manager Todd replied that money that was just awarded will go toward Maryland Avenue and East Market Street sidewalk repairs.

Vice-Mayor Moran gave a Little League update. They hope to have opening ceremonies here in Greenwood next year. He will look into some necessary improvements.

**EXECUTIVE SESSION:**

Adjourned to Executive Session at 7:33 p.m. with a motion by Mayor Kemp, Seconded by Vice-Mayor Moran.

**RETURN TO OPEN SESSION:**

Returned to open session at 7:45 p.m. No action taken.

**ADJOURNMENT:**

Adjourned at 7:46 p.m. with a motion by Councilor Jones, Seconded by Councilor Tallent.

Attested \_\_\_\_\_, Town Manager

**Town of Greenwood**  
**Special Town Council Meeting Minutes**  
**Greenwood VFW**  
**Thursday, July 18, 2024**

**COUNCIL and STAFF PRESENT:**

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

**COMMISSIONERS and VISITORS PRESENT:**

Anthony Massey (PC), Kirk Westfall (PC), Randy Willey (BOA), Kelli Nuwer (BOA), Pam Tijerino (BOA), John Schatzschneider, Eric Nowell, Jamie & Paul Webb, Andy Patel, Jay & Kathy Embleton

**CALL TO ORDER:**

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

**NEW BUSINESS:**

Presentation by Debbie Moreau of the Public Integrity Commission.

**PUBLIC HEARING:**

1. Conditional Use application from Schatz Messick Enterprises, for 3 W. Market St., parcel # 530-10.13-22.00, to permit a residential apartment in conjunction with a commercial use in the DC-Downtown Commercial district.

Mr. Sharp read over the standards for conditional use, then recused himself from hearing this application.

Motion to approve the Conditional Use Application made by Vice-Mayor Moran.  
Seconded by Councilor Tallent. Unanimously APPROVED.

2. Conditional Use application from Eric Nowell DBA Kent Sussex Seamless Gutters, for 300 E. Market St., parcel # 530-10.13-97.00, to permit storage of materials and commercial vehicles in the R-1 Residential district.

Moved to approve the Conditional Use Application for Eric Nowell for professional occupation in the R-1 district based upon the record made in the public hearing and the recommendation from the Planning Commission and for the following reasons:

1. The applicant seeks to store materials for his guttering business and his company vehicles on the property.
2. The primary use of the property is for residential use.
3. There are 3 off-street parking spaces in addition to those otherwise required.
4. No more than 2 persons are employed by the practitioner of the professional occupation at the site.
5. All storage of materials outside of the dwelling is completely housed.
6. The area used for the practice of a professional occupation occupies no more than 50% of the total floor area, including garages or accessory buildings.
7. The professional use is clearly incidental to the residential use of the dwelling and does not change the residential character of the dwelling.
8. No external alterations inconsistent with the primary residential use of the dwelling are allowed.
9. The products and materials are not visible from outside the building.
10. The property has been used in this fashion for many years without complaint.
11. There is sufficient area to screen the use from other uses. Notably, the materials are housed in the garage.
12. The use will not significantly detract from permitted uses in the district.
13. No parties appeared in opposition to the application.

Motion made by Secretary Donovan, Seconded by Councilor Tallent. Unanimously

APPROVED.

3. Conditional Use application from Jamie Webb, for 402 W. Market St., parcel # 530-9.16-11.00, to permit an in-home daycare in the R-1 Residential district.

Since 2 Councilors would be recusing themselves from hearing this application and 1 Councilor was not in attendance, there was no quorum. Mr. Sharp suggested leaving the record open until the August 14 Council Meeting.

Vice-Mayor Moran moved to put this on the agenda for the August meeting, Seconded by Councilor Tallent. The vote was Unanimous.

4. Conditional Use application from Steve Martin, for 6 E. Market St., parcel # 530-10.13-110.00, to permit residential apartments in conjunction with a commercial use in the DC Downtown Commercial district.

As Mr. Martin was not in attendance, Mr. Sharp suggested leaving the record open until the August 14 Council meeting.

Motion by Secretary Donovan to put on August 14's agenda, Seconded by Vice-Mayor Moran. The vote was Unanimous.

5. Conditional Use application from DRAB Properties, for 501 E. Market St., parcel # 530-10.13-82.00, to permit a liquor store in the HC Highway Commercial district.

Moved to approve the Conditional Use Application for DRAB Properties for a liquor store, based upon the record made during the public hearing and the recommendation from the Planning Commission and for the following reasons:

1. The Applicant seeks a conditional use permit to allow for a liquor store.
2. The property has been used as a liquor store since 2010.
3. There are commercial uses in the area and the use is compatible with those uses. Notably, a portion of the property is used for a restaurant.
4. There is sufficient area to screen the use from other uses.
5. The use will not significantly detract from permitted uses in the district.
6. No parties appeared in opposition to the Application.
7. The Conditional Use is Approved subject to the following conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties:

**A. The liquor store is limited to its existing footprint and any additions to the liquor store shall require another conditional use.**

Motion made by Councilor Tallent, Seconded by Secretary Donovan. Unanimously

APPROVED.

6. Conditional Use application from Jay and Kathy Embleton, for 12400 Sussex Hwy., parcel # 530-10.00-44.00, to permit a daycare/preschool in the HC Highway Commercial district.

Moved to approve the Conditional Use Application for Jay Embleton for a daycare, based upon the record made during the public hearing and the recommendation from the Planning Commission and for the following reasons:

1. The Applicant seeks a conditional use permit to allow for a daycare center.
2. The property has been used for a daycare center since 2000.
3. There are residential properties in the area and the use is compatible with those uses.
4. The use is consistent with the Town's comprehensive plan.
5. There is sufficient area to screen the use from other uses.
6. The use will not sufficiently detract from permitted uses in the district.
7. No parties appeared in opposition to the Application.
8. The Conditional Use is approved subject to the following conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties:

**A. This approval is conditional on the Applicant obtaining site plan approval from the Planning Commission.**

Motion made by Vice-Mayor Moran, Seconded by Secretary Donovan. Unanimously

APPROVED.

**PUBLIC COMMENT:**

None.

**ADJOURNMENT:**

Adjourned at 7:49 p.m. with a motion by Vice-Mayor Moran, Seconded by Secretary Donovan.

Attested \_\_\_\_\_, Town Manager

DRAFT

**GREENWOOD RESOLUTION NO. 2024-\_\_\_**

**A RESOLUTION TO ESTABLISHING A POLICY FOR PUBLIC COMMENTS**

WHEREAS, 29 *Del. C.* § 10004(a) requires that all meetings of public bodies must include a time for public comment which provides the public with a meaningful opportunity to engage with the public body;

WHEREAS, 29 *Del. C.* § 10004(a) further provides that public bodies may set reasonable time, place, and manner restrictions on the length of the public comment period and the amount of time allotted to each public comment;

WHEREAS, the Greenwood Town Council has allowed for public comment since the passing of 29 *Del. C.* § 10004(a) and seeks to formalize its procedure for allowing public comment at its meetings so as to afford the public with the opportunity to provide public comments while also allowing the Greenwood Town Council to proceed with the business items on the agenda in a timely manner;

THEREFORE, be it resolved by the Town Council of the Town that the following policy for public comments at meeting of the Town Council shall be as follows:

1. The public comment session is a specified time prior to the start of the official Council meeting for individuals to speak on topic before the Town Council.
2. Prior to the start of the session, individuals wishing to speak shall sign and complete the information requested in the sign-in document which will be available when entering the Council Chambers. At that time, the Town Manager will remove the document and no further individuals will be allowed to sign up.
3. Individuals who have signed up for public comment will be recognized by the Mayor and shall proceed to the podium, state their name and address, and commence with their comments.
4. The time limit is three (3) minutes per speaker, not to exceed fifteen (15) minutes for all speakers.
5. Speakers will be asked to speak into the microphone clearly so their comments can be heard by all present and for proper recordation. The time limit may be extended by the Mayor, if in the Mayor's opinion, the speaker is representing a contingent of individuals present at the meeting and the speaker is acting as the spokesperson for the group of individuals who choose not to speak.
6. Speakers shall remain polite, civil, and respect the decorum of the Town Council meeting. Comments are to be addressed to the Mayor and Town Council as a whole and should not include insults, personal attacks, or the like. Certain topics are inappropriate for public

discussion, nor shall they be presented to Town Council per the Town Charter and Delaware Code. Accordingly, speakers are asked to refrain from addressing personnel matters, topics which should only be discussed in executive session, or subjects that are not otherwise within the authority or responsibility of the Town of Greenwood or the Town Council. Once comments are completed, the speaker should be seated or may leave the Council Chambers. Speakers who, in the opinion of the Mayor, are not following these rules shall be stopped and asked to leave the podium.

7. During this session, no comments will be allowed on any matter scheduled for an official public hearing.
8. Audience members are asked to be courteous to those who are speaking during public comment by refraining from applause, cheers, or commenting while others are speaking.
9. Mayor and Council are prohibited from deliberating or acting upon items discussed during the public comment period.
10. Mayor and Council may direct the Town Manager, the Police Chief, the Town Solicitor, or staff to respond to any concerns at a later date.

#### SYNOPSIS

This resolution sets forth a policy for public comments before the Greenwood Town Council.

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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



## RULES OF PROCEDURE OF THE GREENWOOD TOWN COUNCIL

These rules shall govern the procedure of the Greenwood Town Council.

**Rule 1: Definitions.** In Rules of Procedure, unless specifically provided otherwise herein or therein, terms shall have the meaning attributed to them in this Rule:

- a. "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.
- b. "Council" means the Greenwood Town Council.
- c. "County" means Sussex County, Delaware, unless otherwise specified.
- d. "Mayor" means the Mayor of the Greenwood Town Council.
- e. "Meeting" means the formal or informal gathering of a quorum of the members of the Greenwood Town Council for the purpose of discussion or taking action on public business.
- f. "Presiding Officer" means the Mayor of the Town of Greenwood, or such other person who presides over the meetings of the Greenwood Town Council, pursuant to the Rules of the Greenwood Town Council.
- g. "Public business" means any matter over which the Greenwood Town Council has supervision, control, jurisdiction, or advisory power.
- h. "Public record" is information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by the Greenwood Town 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 are not deemed public under the Rules of the Greenwood Town Council.
- i. "State" means the State of Delaware.
- j. "Town" means the Town of Greenwood.

**Rule 2: Order of Business**

- a. The order of business at each regular meeting of the Council shall be as follows:

Call to Order  
Pledge of Allegiance  
Amendments to Agenda  
Adoption of Agenda  
Approval of Minutes  
Reading of Correspondence  
Public Comments  
Council Business:

- a. Recognition (if needed this item is for recognition of Town Staff (new or special achievements) or proclamations for community members who have made special contributions to improve quality of life of the Town.
- b. Staff Reports
  - i. Report of Police Chief
  - ii. Report of Town Manager
  - iii. Mayor Report
- c. Consent Agenda

Old Business (items included in this section are ordinances introduced a prior meeting or items postponed from previous Council meetings. The order in which items will be addressed is as follows)

- a. Presentation / Report by 1) staff, 2) consultants, or 3) other pertinent party
- b. Council Discussion / Questions
- c. Public Comment as applicable
- d. Council Action (Approve, Deny or Postpone)

New Business (the order in which items will be addressed is as follows)

- a. Presentation / Report by 1) staff, 2) consultants, or 3) other pertinent party
- b. Council Discussion / Questions
- c. Public Comment as applicable
- d. Council Action (Approve, Deny or Postpone)

Public Hearings  
Introduction of Ordinances  
Council Members' Comments  
Executive Session (if needed and only if on the agenda)  
Action on Executive Session Matters (if needed)  
Adjournment

- b. 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 Council. The privilege of the floor may be granted to the public at any time by the presiding officer.

- c. 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.
- d. Every attempt will be made to complete all business scheduled. In the event 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 Council. A motion to suspend a presentation should include the date and time at which the remainder of the presentation will be heard.

### **Rule 3 – Meetings of the County Council**

- a. Regular meetings shall be held at Town Hall or such other location within the Town as designated by the Mayor. Regular meetings may also be held outside the Town provided that such meeting is held with the County and the location is approved by a majority of Council.
- b. Regular business meetings shall be held on the second Wednesday of each month at 6:00 P.M. unless otherwise set by the Council. If the second Wednesday is a legal holiday, the monthly meeting of Council shall be held on the next succeeding regular business day.
- c. The Council may cancel a monthly meeting by posting notice of the meeting's cancelation that states the reason for the cancelation in the locations where the meeting's agenda is typically posted.
- d. Special meetings may be held in any public location in the Town, provided that 48 hours advance public notice is given. The notice shall include an explanation as to why the notice required by Rule 4 could not be given.
- e. Special meetings may be held at the call of the Secretary upon the written request of the Mayor or upon the written request of any 2 members of Council. A written request for a special meeting must state the day, hour, and place of the special meeting requested, and the subject proposed to be considered at the special meeting. The Secretary shall give written notice to the Mayor and to each member of the Town Council of the day, hour, and place of the special meeting and the subject to be considered at the special meeting by doing either of the following at least 48 hours before the time of the special meeting:
  - i. Depositing the notice of the special meeting in the United States mail in the main Post Office of the Town of Greenwood.
  - ii. Sending the notice through electronic communication.
- f. The notice required under paragraph (e)(ii) of this Rule may be waived by a written waiver of the notice signed by the Mayor and by all members of the Council before or

immediately upon convening the special meeting. A waiver of notice under this paragraph may authorize and make valid the holding of a special meeting at the time named in the waiver and the transaction of any business considered at the special meeting.

- g. Emergency meetings may be called without notice to address any emergency regarding the immediate preservation of the public peace, health, or safety.
- h. Except for executive sessions, all meetings shall be open to the public.
- i. On the affirmative vote of a majority of all of the members of the 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.
- j. 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.
- k. Discussions in executive session shall be limited to the purposes for which an executive session was called.
- l. 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 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 4 – Posting of Meeting Notices**

- a. Public notices of all meetings shall be posted on the public bulletin board located in the Town Hall, except as noted in Rule 4(d) below.
- b. 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.
- c. Notices of special or rescheduled meetings shall be posted at least 24 hours in advance thereof.
- d. Public notice is not required for any emergency meeting which is necessary for the immediate preservation of the public peace, health, or safety.
- e. 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 Council's meeting, or to delete

items, including executive sessions. A reasonable number of copies of meeting agenda shall be available to the public.

- f. 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 5 – Agenda**

- a. The agenda for regular and special Council meetings shall be available to the members of the Council at least one day prior to the scheduled meeting.
- b. The Town Manager shall be responsible for the preparation and contents of the agenda. Any member of the Council or the Town Solicitor may place items on the agenda by contacting the Town Manager, either verbally or in writing, prior to the posting of the agenda.
- c. During a meeting, items which arise at the time of the 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 Council.

#### **Rule 6 – Consent Agenda**

- a. The Town Manager or any member of the Council may propose items 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.
- b. An item may be removed from a Consent Agenda if any member of the 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.
- c. All items on a Consent Agenda shall be read and voted on as a single group.

#### **Rule 7 – Attendance of Members of the County Council at Meetings; Quorums**

- a. No members of the 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 Council shall be responsible for notifying one of the following: the Mayor, the Town Manager, another Council member, the Town Solicitor, or a staff member of the Council.
- b. The presence of no less than three (3) members of the Council shall constitute a quorum.

- c. When a quorum is not present at any properly called meeting, the members of the Council present may adjourn.
- d. If no members of the Council are present, the Town Manager may adjourn the meeting.
- e. Three (3) affirmative votes shall be required to pass any motion, unless otherwise provided herein or provided by law.
- f. A matter to be voted on may be placed on the table with three (3) affirmative votes.

**Rule 8 – Roll Calls**

- a. 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.
- b. A written record shall be made by the Town Manager of the vote by each member of the 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 9 – Record Keeping**

A file shall be kept in the Office of the Town Manager of all 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 10 - Minutes of Council Meetings**

- a. Minutes shall be taken of each meeting of the Council, and shall reflect the following:
  - i. Kind of meeting.
  - ii. Date and place of meeting.
  - iii. Name of the presiding officer.
  - iv. Members of Council present.
  - v. Whether the minutes of the previous meeting were approved.
  - vi. The proceedings of the 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 Council may request that a statement or written material be attached to the minutes and made a part thereof.
  - vii. All motions voted upon and the results of said motions.
  - viii. Names of members of Council making motions and those making secondary motions.
  - ix. A record by individual members of Council, of each vote taken and action agreed upon.
  - x. Time of convention and adjournment.

- b. Minutes shall be taken, prepared and presented by the Town Manager in written form for approval as written or as amended. The minutes as approved shall be filed in the minute book of the Council. Copies of the approved minutes shall be made available to the general public.
- c. Recordings will be made of all public Council business meetings at which Town business is transacted. The recordings shall be under the custody of the Town Manager and shall be open to inspection and copying in accordance with applicable law regarding access to public records.

### **Rule 11 – Records**

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 Town Manager and shall be made available for inspection by the public.

### **Rule 12 – Ordinances in General**

- a. Any member of the Council may request a staff member or a Council retained consultant or the Town Solicitor to draft an ordinance for introduction. The proposed ordinance shall be drafted pursuant to the requirements of Ordinance C-10. The member shall notify all members of the 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.
- b. A proposed ordinance drafted pursuant to Rule 12(a) above, may be introduced in writing by any member of Council at any duly constituted meeting in accordance with Ordinance C-10.
- c. All procedures for the introduction and adoption of ordinances shall comply with Ordinance C-10 or other applicable authorities.
- d. Unless the effective date is included in the body of the ordinance, the ordinance shall become effective upon adoption.

### **Rule 13 – Change of Zone and Conditional Use Ordinances**

- a. In the event the Planning Commission has not provided its recommendation report to the Council prior to the Council's hearing on a change of zone or conditional use application, the Council shall accept and consider written comments only from the public on the Planning Commission's recommendations to the Council for a period of 5 calendar days following the Planning Commission's issuance of its recommendations. This Rule does not preclude the Council from requesting additional information as otherwise permitted.

- b. The Rules of Procedure for Council Zoning Hearings, as approved by the Council, shall be announced prior to the commencement of the zoning hearings.
- c. 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 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 Council's public hearing on the application, the matter may be placed on the agenda by the Mayor.
- d. If the applicant for a change of zone or conditional use fails to appear at the Council hearing, the 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 14 – Resolutions**

- a. All resolutions shall be in writing and submitted to the members of the Council prior to consideration by the Council.
- b. Any member of the Council may request that a resolution be placed on the Council agenda by submission of the resolution to the Town Manager, in accordance with Rule 5.
- c. No resolution shall contain more than one subject which shall be clearly expressed in its title.
- d. 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.
- e. A resolution may be amended without resubmission unless such resubmission is desired by a majority of all of the members of Council.

#### **Rule 15 – Conduct During Meetings**

- a. When a member of 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 Council who is the first to address the presiding officer.
- b. No member of the Council shall interrupt another in debate without the consent of the other. To obtain such consent, the member shall first address the presiding officer.



- c. If any member of Council, in speaking or otherwise, transgresses the Rules of the Council, the presiding officer shall, or any member of 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.
- d. A member of Council may not, directly or indirectly, by any form of words or conduct, impute to another member any conduct or motive unworthy or unbecoming a member. Provided, however, that this shall not apply to a complaint or request for an advisory opinion made to the State Public Integrity Commission as permitted under Title 29, Chapter 58, Subchapter I of the Delaware Code and Rule 20 herein.

#### **Rule 16 – Change or Suspension of Rules**

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

#### **Rule 17 – Rules of Order**

All rules of parliamentary procedure not covered or provided for by the RULES OF PROCEDURE OF THE GREENWOOD TOWN COUNCIL, or by the laws of the State of Delaware, shall be decided in accordance with MASON’S MANUAL OF LEGISLATIVE PROCEDURE.

#### **Rule 18 – Vice-Mayor and Other Presiding Officer**

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

#### **Rule 19 – Appointments**

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

#### **Rule 20 – Appointments to the Planning Commission and the Board of Adjustment**

- a. All appointments to the Planning Commission and the Board of Adjustment shall be governed by Title 22 of the Delaware Code.
- b. With respect to new appointments of members to the Planning Commission and the Board of Adjustment (collectively referred to in this provision as “board members”), any

Councilmember may nominate a person to serve in said role. The Town Manager shall forward copies of the nominee's resume to all Councilmembers and place the matter on the Council's agenda for public session at an upcoming Council meeting. With Council's input, the Town Manager may 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.

- c. With respect to reappointment of board members, any Councilmember may provide to the Town Manager notice of the Councilperson's intention to reappoint the board member no later than forty-five (45) days prior to the expiration of the board member's term. The Town Manager shall place the matter on the Council's agenda for public session at an upcoming Council meeting.
- d. 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.
- e. In the event a board member resigns or is removed prior to the expiration of said board member's term, any Councilmember may submit the name and resume of a nominee to the Town Manager as soon as is practicable. All other application procedures above shall thereafter apply.

#### **Rule 21 – Standards of Conduct**

- a. Persons attending Council meetings shall observe appropriate dress standards and standards of conduct. Attire that may distract from the proceedings shall not be permitted.
- b. Persons attending 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 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 Council.
- c. The Town Manager shall, from time to time, prescribe by policy reasonable and appropriate attire and conduct for persons attending meetings of the Council.
- d. Members of the news media shall conduct themselves in such a manner as to not be disruptive of the proceedings of the Council.
- e. Persons attending 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 Council.

- f. The right to make public comment shall be subject to the following procedures, which shall be enforced by the presiding officer of Council:
- i. The public comment session is a specified time prior to the start of the official Council meeting for individuals to speak on topic before the Council.
  - ii. Prior to the start of the session, individuals wishing to speak shall sign and complete the information requested in the sign-in document which will be available when entering the Council Chambers. At that time, the Town Manager will remove the document and no further individuals will be allowed to sign up.
  - iii. Individuals who have signed up for public comment will be recognized by the presiding officer and shall proceed to the podium, state their name and address, and commence with their comments.
  - iv. The time limit is three (3) minutes per speaker, not to exceed fifteen (15) minutes for all speakers.
  - v. Speakers will be asked to speak into the microphone clearly so their comments can be heard by all present and for proper recordation. The time limit may be extended by the presiding officer, if in the presiding officer's opinion, the speaker is representing a contingent of individuals present at the meeting and the speaker is acting as the spokesperson for the group of individuals who choose not to speak.
  - vi. Speakers shall remain polite, civil, and respect the decorum of the Council meeting. Comments are to be addressed to the presiding officer and Council as a whole and should not include insults, personal attacks, or the like. Certain topics are inappropriate for public discussion, nor shall they be presented to Council per the Town Charter and Delaware Code. Accordingly, speakers are asked to refrain from addressing personnel matters, topics which should only be discussed in executive session, or subjects that are not otherwise within the authority or responsibility of the Town or the Council. Once comments are completed, the speaker should be seated or may leave the Council Chambers. Speakers who, in the opinion of the presiding officer, are not following these rules shall be stopped and asked to leave the podium.
  - vii. During this session, no comments will be allowed on any matter scheduled for an official public hearing.
  - viii. Audience members are asked to be courteous to those who are speaking during public comment by refraining from applause, cheers, or commenting while others are speaking.

- ix. The presiding officer and Council are prohibited from deliberating or acting upon items discussed during the public comment period.
- x. The presiding officer and Council may direct the Town Manager, the Police Chief, the Town Solicitor, or staff to respond to any concerns at a later date.
- xi. 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 22 – Delaware Freedom of Information Act**

All procedures of the 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 23 – Adoption and Effective Date**

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

**Rule 24 – Code of Conduct**

- a. Members of the Council are subject to the Code of Conduct under Title 29, Chapter 58, Subchapter I of the Delaware Code and the oversight of the State Public Integrity Commission.
- b. A member of the Council who has a personal or private interest in an ordinance or any measure requiring Council's consideration shall not participate in the hearing, discussion, or vote on the ordinance or measure.