

City of Lewes Planning Commission Bylaws & Procedures

Preamble

The authority of the Lewes Planning Commission is established by Chapter 33 of the Municipal Code for the City of Lewes and Chapter 7, Title 22 of the Delaware Code. In the event of any inconsistency between these bylaws and the provisions of the Lewes City Code and Delaware Code, the provisions of the Lewes City Code and Delaware Code shall govern.

Article I. Membership

- A. The Lewes Planning Commission shall consist of not fewer than five (5) or more than nine (9) members appointed by the Mayor, subject to confirmation by a majority vote of the elected members of the City Council for a term of three (3) years.
- B. The Mayor, the Mayor's designee from City Council, the City Manager, and the President of the Board of Public Works, or the President's designee, subject to approval by the Mayor and City Council, shall be ex-officio members on the Lewes Planning Commission. Ex-officio members shall have all the privileges of a Planning Commission Member; however, they shall not be entitled to vote. An ex-officio Member shall not hold office on the Planning Commission.
- C. All members of the Planning Commission shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.
- D. Any member of the Planning Commission may be removed for cause, after a public hearing, by the Mayor with the approval of a majority of the City Council.
- E. Vacancies in the Planning Commission occurring other than by term expiration shall be filled for the unexpired term by appointment by the Mayor, subject to confirmation by a majority of the elected members of the City Council.

Article II. Attendance

- A. Each member of the Planning Commission who has knowledge of the fact that he or she will not be able to attend a scheduled meeting of the Planning Commission shall notify the Chair at the earliest opportunity and in any event, prior to 4:00 p.m. on the day of the meeting.
- B. A quorum will always be one more than half of the voting members of the Commission.
- C. The Chair shall discuss the failure of any member to attend three (3) consecutive meetings with the member. If after a probationary period of not more than six (6) months attendance has improved, no further action will be necessary. If absences continue for whatever reasons, the Chair will review the case with the Mayor.

Article III. Officers

- A. The officers of the Planning Commission shall consist of a Chair, Vice Chair and Secretary.
- B. Duties of Planning Commission Officers:
 - 1) Chair
 - a) Preside at all meetings and hearings of the Planning Commission.
 - b) Call special meetings in accordance with the bylaws.
 - c) Verify that all actions of the Commission are executed.

- 2) Vice Chair
 - a) Act for the Chair in his or her absence, disability, or disqualification.
- 3) Secretary
 - a) Keep the minutes and records of all meetings of the Commission.
 - b) Maintain and keep all records, receipts, disbursements, and correspondence of the Commission.
 - c) Sign documents of the Commission under the direction of the Chair.
 - d) Act as Chair in the absence of both the Chair and Vice Chair.

C. The Chair shall be an ex-officio member of all Planning Commission committees with voice but not vote.

Article IV. Election of Officers

- A. An annual organizational meeting shall be held at the first regularly scheduled meeting following the annual election for City Council or Mayor.
- B. At the annual organizational meeting, nominations shall be made, and officers shall be elected as specified in Article III, Section A.
- C. The candidate receiving the majority vote of a quorum of the Planning Commissioners present shall be declared elected and shall serve for one (1) year.
- D. The Vice Chair shall automatically succeed the Chair if he or she vacates that office before the completion of the term of office. A new Vice Chair shall be elected at the next regularly scheduled meeting of the Planning Commission.

Article V. Meetings

- A. Meetings will be held on the third Wednesday of the month at 7:00 p.m. *or at a time to be determined* in the Lewes Council Chambers or other designated location. Public notice shall be posted in accordance with the Delaware Freedom of Information Act. In the event of a conflict with holidays or other official town business, the meeting shall be rescheduled, and appropriate public notice shall be made.
- B. Special meetings may be called by the Chair. It shall be the duty of the Chair to call a special meeting when requested by a majority of the Commission. The Secretary shall notify all members of the Commission; likewise, appropriate public notice shall be provided.
- C. All meetings or portions of meetings, excluding executive sessions, of the Planning Commission shall be open to the public.
- D. An agenda item shall be submitted to the City Manager's Office at least two (2) weeks in advance of the regularly scheduled meeting of the Planning Commission. But an agenda item involving a review by the Building Official shall be submitted at least one month in advance of the regularly scheduled meeting of the Planning Commission.
- E. Matters referred to the Planning Commission by City Council, or any committee appointed by the City Council, shall, when possible, be placed on the agenda for consideration and action at the first regularly scheduled meeting of the Planning Commission following such referral.
- F. Meeting minutes shall be stored and maintained at City Hall.

Article VI. Procedure at Meetings

- A. Approval of the minutes of previous Planning Commission meeting.
- B. Agenda Items(s):
 - 1) Summary presentation shall be made by the Chair and/or City staff.
 - 2) Presentation/comments by applicant if applicable.
 - 3) Members of the Planning Commission (including ex-officio members) may ask questions regarding the topic.
 - 4) The Planning Commission may take comments or questions from the public.
 - 5) The Planning Commission may discuss, take action, or both, consistent with how the agenda item has been publicly noticed.
- C. Adjournment.

Article VII. Consideration of Agenda Items

- A. The Lewes Planning Commission reserves the right in the absence of the applicant or a representative of the applicant to defer action on any agenda item and to request the applicant or a representative of the applicant be present at a subsequent meeting.
- B. A motion shall be made from the floor by a Commission Member for an agenda item to be either approved, denied, or tabled.
- C. Voting shall be by majority. If a roll call is requested, the Chair shall vote last.
- D. All members of the Lewes Planning Commission except ex-officio members are entitled to vote.

Article VIII. Planning Commission Operation

- A. The Planning Commission may employ experts, clerks, and such other assistance that its fiscal budget permits.
- B. A member of the Planning Commission may not communicate ex parte, or outside of the record, with either a proponent of, or opponent to, a matter pending before the Planning Commission.
- C. All maps, plats and other matters required by law are to be filed in the office of the City of Lewes Building Official.
- D. The use of unsecured e-mail is authorized for routine, one-way, non-confidential communication by the members of the Planning Commission provided that such communication is not used to circumvent the provisions of Title 29, Chapter 100 (FREEDOM OF INFORMATION ACT), *Delaware Code*.
- E. Any member of the Planning Commission who feels that he or she has a conflict of interest on any matter that is before the Planning Commission shall voluntarily recuse himself or herself from discussing and voting on said item and shall leave the room while the Planning Commission considers the matter.
- F. Planning Commission records are available for inspection by members of the public at City Hall, 114 E. Third Street, Lewes, DE 19958.

Article IX. Bylaws

- A. These bylaws may be amended at any meeting of the Planning Commission by a majority of all members of the Commission providing that notice of said proposed changes, amendments or additions is given to each member in writing at least ten (10) days prior to said meeting and appropriate public notice is made.
- B. The bylaws of the Lewes Planning Commission shall be reviewed at the next regularly scheduled meeting following the annual organizational meeting.
- C. Any changes, amendments or additions to the bylaws shall be submitted to the Mayor and City Council for review and approval.
- D. If any portion of these bylaws shall be held to be invalid, such holding shall not in any way invalidate the remaining provisions of these bylaws.

The undersigned acknowledges that these bylaws have been reviewed and amended according to **Article IX, Section B** and as approved by a majority vote of all members of the Lewes Planning Commission at the regularly scheduled meeting held on June 20, 2018 and as approved by the Mayor & City Council at their July 9, 2018, meeting.

Chair  Date: 18 JUL 18
Drew McKay, Chair

Secretary  Date: 7/18/18
Joe Hoechner, Secretary