CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
December 17, 2025

A Regular/Hybrid Meeting of the City of Dover Board of Adjustment was held on Wednesday, December 17, 2025, at 9:05 A.M. in person in the City Council Chambers and using the phone/videoconferencing system Webex. Members present were Mr. Swalm, Mr. Coburn, Ms. Brinkley, Mr. Wagner and Mr. Senato.

Staff members present were City Solicitor Mr. Daniel Griffith, Mrs. Melson-Williams, Mrs. Savage-Purnell, and Mrs. Duca.

APPROVAL OF AGENDA

Mr. Coburn moved for approval of the agenda. The motion was seconded by Mr. Wagner and unanimously carried 5-0.

APPROVAL OF THE TRAINING SESSION MEETING MINUTES OF SEPTEMBER 17, 2025

Mr. Coburn moved for approval of the training session meeting minutes of September 17, 2025. The motion was seconded by Mr. Swalm and unanimously carried 5-0.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF OCTOBER 15, 2025

Ms. Brinkley moved for approval of the meeting minutes of October 15, 2025. The motion was seconded by Mr. Coburn and unanimously carried 5-0.

Vice Chairman Senato mentioned that the next Board of Adjustment Meeting is Wednesday, January 21, 2026, at 09:00A.M.

Vice Chairman Senato asked if there were any questions; there were none.

Mrs. Melson-Williams mentioned that we do have one application that has been filed at this point, so that will be scheduled for your January meeting. Vice Chairman, thank you very much for that notification.

Schedule of Deadlines

2026 Schedule of Deadlines and Meetings for Board of Adjustment-DRAFT

Mrs. Melson-Williams mentioned that included in your packet was the Schedule of Deadlines and Meeting Dates for calendar year 2026. It establishes a basically, second Friday for the filing deadline and then the meetings continue to be on the third Wednesday of each month. A filing deadline one month and then the meeting the subsequent month. So, these are the dates for 2026. If there's no questions about any of them, we will go ahead and finalize that and utilize that for discussions with applicants about submissions.

Vice Chairman asked if there were any questions regarding the Schedule of Deadlines.

Mr. Coburn made a motion to approve the Schedule of Deadlines and Meetings. The motion was seconded by Mr. Swalm and unanimously carried 5-0

COMMUNICATIONS & REPORTS
Mrs. Melson-Williams mentioned that I don't believe we have any other items for you.

ELECTION OF OFFICERS (Chair and Vice Chair)
Mrs. Melson-Williams stated that the Board of Adjustment has the opportunity to elect a Chair and we have done the common practice of also electing a Vice Chair for this Board. The *Delaware Code* outlines in Chapter 22 the makeup of the Board of Adjustment, how the appointment process works and opportunities for election or replacement of a Chair for the Board. So, today you have an opportunity to elect a Chair and a Vice Chair. I would note that the secretary position is typically filled by a member of City Staff that is part of the Department of Planning and Inspections.

So today, Mr. Vice Chair Senato, if there are no questions about the election process in general, it works by making motions and voting. You can certainly move forward with a nomination process for a position of Chair and Vice Chair.

Mr. Swalm made a motion to nominate Mr. Senato as the Chair to the Board; the motion was seconded by Mr. Coburn and unanimously carried 5-0.

Mr. Senato (elected Chair) mentioned that he wanted to thank the Board very much for their confidence that the important committee have stowed upon him. I'm looking forward to working with the City Solicitor, Staff and the members of the Board as Chairman. I feel honored and I thank you very much.

Ms. Brinkley made a motion to elect Mr. Coburn as the Vice Chair to the Board; the motion was seconded by Mr. Swalm and unanimously carried 5-0.

Elected Chair Senato said congratulations to Mr. Coburn. I look forward to working with you. I appreciate you very much. And I thank the Board members for the confidence that they have and for making their motions.

Mr. Coburn (elected Vice Chair) said thank you.

OLD BUSINESS
Continued Discussion of Draft Rules of Procedure for Board of Adjustment.

Mrs. Melson-Williams mentioned included in your package just so you would have as reference, we included from the *Dover Code of Ordinances*, Appendix B, which is the *Zoning Ordinance*. Article 9, which is entitled Board of Adjustment. So, there is some information there about powers and duties and your general procedures. So, that's a reference document to assist in your discussions today. Also included is from *Delaware Code* in Title 22 which deals with Municipalities, Sub Chapter 2, Board of Adjustment, and then there is information there. Again, talking about some of their roles and regulations that are established at the State level related to the Board of Adjustment.

The key item that we are going to move through today for discussion was the Draft Rules of Procedure document. We first got a glance at this back at your September training session. This was prepared by our City Solicitor, and we really didn't make any substantive changes at that initial meeting noting that we really needed to delve into it and take a closer look at it. The only thing I would note from that meeting is that previously there was some discussion of eliminating or altering the language of Item 6.5, which dealt with the number of votes needed for an action to be deemed approved or disapproved. I believe for that the provision there was to go ahead and just delete that entire section, which means we may also have to look at 6.6. So, Staff has quickly been through this. There are some things that I will just note in general. We need to make sure that we're referring to Title 22 where we would find the municipal version of this. Additionally, I would recommend that the document be gender neutral. So, references to Chairman of the Board, would just be referenced as Chair throughout the document.

There are probably some other things that we can certainly discuss of what's been your common practice. For the City of Dover Board of Adjustment, you have the authority for our local regulations here: area variances, use variances, and appeals of a particular type. There are no provisions for special exemptions. There are some responsibilities in the City's Zoning Ordinance related to non-conforming uses that give some tasks to the Board of Adjustment; so, we may need to capture some of that as well. That's what I have as an introduction. I don't know if the Solicitor wants to kind of try to walk you through this or has any other general comments on his behalf. Today, I think we will probably just go page by page and if there's questions or concerns to note them. I don't believe we would be in a position to formally totally adopt these today. I think that would be warranted at a future meeting once we've continued our due diligence in prepping the document.

City Solicitor thanked Mrs. Melson-Williams. I further endorse your comments to this point and I really appreciate you including in the packet materials both the *Delaware Code* and the provisions that apply and the provision of *Dover (Code of) Ordinances*. As the members of the Board might recall, the initial draft of this was just borrowed from the Sussex County Board of Adjustment and conformed just by changing the language to City of Dover Board of Adjustment. We anticipated when it was initially drafted that this Board would go through it and make your own decisions about how you would like meetings to be run. The power and authority you have is based upon the Dover Municipal Code and the Delaware State Code. So, one of the reasons why I am grateful for Mrs. Melson-Williams including those provisions today is because it certainly outlines a more thorough look through the Draft Rules of Procedure. There are a couple of provisions that I think are in a little bit of conflict with Delaware State or City of Dover provisions and we have to adjust those. I'll call our attention to those as we go through them. I would invite all of you to make your comments as well. Because of Mrs. Melson-Williams special expertise in these areas, I agree with the idea of kind of walking through these. I'm happy to provide my comments as we go in terms of how I anticipate these provisions applying in terms of the day-to-day conduct of the meetings. So, with that, I would open it up to any comments, and if nobody has any comments we can start walking through the Rules of Procedure.

Mr. Coburn asked, are these rules and procedures going to be codified or are they going be placed in the city code where they have to go through Council for approval? Or these just internal rules or procedures for the Board?

City Solicitor, replied I don't anticipate these becoming Ordinances. I don't anticipate City Council voting on these. City Council will not have to vote and adopt these. These would just be our internal rules of procedure.

Mr. Coburn, Thank you. That makes much more sense.

City Solicitor asked if everyone has the Draft Rules of Procedures? Everyone had a copy of the Draft.

City Solicitor mentioned that he did not think there are any controversial or unclear definitions. The definition of "public business" and providing office for most of these are fairly basic and consistent with Dover Ordinances. Does anybody have any questions or comments concerning the definitions? A in terms of whether they are any of them are unclear or B whether there are any additional terms we need to define.

Chairman Senato: I was just wondering if we are going to go to each one, which probably might be a good idea because I'm sure some of the new members might have questions or concerns, because I will.

City Solicitor: My inclination was to at least address each one and explain what it means and then ask if there's any comments or proposed amendments. So, if there are no comments or proposed amendments on the definitions, we can go to the first rule.

Mrs. Melson-Williams: Should we include definitions of variance and appeal in this since you use those terms throughout it or should that preamble opening make some reference to the City's *Zoning Ordinance* and that would take care of it. I'm on the very on the first page where the definitions are. Because the terms, I think "variance" and "appeal" are used throughout the rest of this document. They are more clearly identified in the Code that's adopted, but there is no reference to the Code itself. Perhaps in that Rules of Procedure kind of preamble that's there, there will be some reference made to the City *Zoning Ordinance* and also to *Delaware Code*, if that's reasonable.

Chairman Senato: Okay, I want to get to the first page you're dealing with.

Mrs. Melson-Williams: I'm on the very first page of the document where there is an opening statement and then it goes into definitions. So, the question I have is do we need to add the definition of the term "variance" and the term "appeal"? If not, then there probably should be some reference to the *Delaware Code* and the *Zoning Ordinance* related to the Board of Adjustment.

City Solicitor: My comment on that would be I don't want to be duplicative of anything that's already in the *Delaware Code* or the Dover Municipal Code. I look at Section 2 of Article 9 of the Dover Municipal Code and area variance appears to be defined, use variance appears to be defined, but the actual terms "variance" or "appeal" are not defined either in the Municipal Code or in *Delaware Code.* So, I'd be ok with defining the terms of variance and appeal in this section but obviously you know it's up to the Board.

Chairman Senato: Any comments from the Board?

Ms. Brinkley: I agree that we should be fine with the variances and appeals.

City Solicitor: I don't think we need to vote on each individual proposed amendment as we go. I think so long as there's no objection then maybe at the end, we can vote on whether the amendments that which nobody had any objection be adopted.

Mr. Wagner: Where are we?

City Solicitor: We are in the definition section on page one. I'm looking under the Rules of Procedures for the Board of Adjustment. On the first page should be the heading "Definitions." Mrs. Melson-Williams related the concept of making designations gender neutral. We do have the term Chairman. I think the term Chairman is used in the Code and in both the Municipal Code and in the State Code, but it is. I think that's true; I'm not positive. But if the Board wants to consider changing the term Chairman to Chairperson, that maybe something you want to consider, but that's again up to the Board.

Chairman Senato: Well, politically correct.

Mr. Coburn: Yes, reading the Title 22, subchapter II- to Board of Adjustment Section 323 Rules; meetings; and administration on this, it does say Chairperson in that section. So, I think we should just be neutral. Ms. Brinkley agreed.

City Solicitor: Thank you. Any, any other ideas, comments, proposed amendments on definitions? Okay, we can proceed down to the next page which is:

Rule 1 - Duties

We know from what we just talked about that the term "Chairman" throughout the Rules will be changed to a "Chairperson." So, Rule 1.1 will be amended to that extent. Otherwise, it seems relatively non-controversial as it just outlines what the chairperson's role is. Any comments on Rule 1.1?

Rule 1.2 - Outlines the role of the Department of Planning and Inspections again might need to defer to Mrs. Melson-Williams here because I really did just change the Sussex County Board of Adjustment language to the City of Dover. I'm not sure if this provision outlines what the Department actually does and whether you think this might need some fixing?

Mrs. Melson-Williams: In regard to item 1.2 and the actions of the Department of Planning and Inspections, I think that in general it is there. I probably do want to double check on the keeping of records to see if there are any provisions, because I think the official keeper of the records is the City Clerk for the City. They have abilities to delegate; so I want to make sure we are ok with terminology. That would be my only thought.

City Solicitor: Okay, so we could delete the end of it, which says keep records of each such examination of other official action of the Board. You could just delete that portion of it. And just keep them performing all duties required by law and these Rules of Procedure. Does that sound ok?

Mrs. Melson-Williams: We probably want to note because we do actually have the Office of the Board of Adjustment, which is the filing drawer too. And records can also be kept electronically. I'd want to touch base with them (City Clerk), I think regarding the statement about keeping records.

City Solicitor: Okay. Any other comments on section 1.2? There was none.

Good hearing none we'll move on to section 1.3, which I believe is consistent with the way we're operated, which is that the chairman is not available, then the Vice Chair. If the Chairperson's unavailable, the Vice Chairperson will preside over the meeting. If both the Chairperson and the Vice Chairperson are unavailable that leaves three members of the Board. The Board would elect one of the three. You'd have a quorum; you can elect one of the three to serve as the presenting officer. I think that's consistent with the way you practice. Any comments on 1.3? There was none.

Rule 2 -Order of Business; Conduct of Meetings

2.1

City Solicitor: This is just an outline of the agenda, and there's a couple things here that I think we spoke about before about changing. Again, this was taken from Sussex County, I don't think we do a Pledge of Allegiance so that it can be taken out. What I think we should include is public comment. The Freedom of Information Act and the Open Meetings Law requires that every public meeting includes an opportunity for public comment. So, I think what I would propose is to take out the Pledge of Allegiance and include public comment. Then I would defer to Mrs. Melson-Williams for any other changes based on how the agendas typically compare?

Mr. Wagner, question about eliminating the flag?

Chairman Senato: Any questions or comments on that?

Mr. Wagner: Somebody had to make that decision.

Chairman Senato: Well, what's the pleasure of the Board?

Mr. Coburn: I would like to see us keep the Pledge of Allegiance and actually start doing it.

Ms. Brinkley and Mr. Swalm: I don't have any objections to that.

Mr. Swalm: Will public comments go after new business before an adjournment?

City Solicitor: You can put it anywhere. I know for City Council, City Council has public comment before the official meeting actually starts. So, you can actually have a public meeting at the beginning or at the end.

Chairman Senato: Correct me if I'm wrong, but usually after the all of the presentations have been completed at that point it is opened up to public comments for those are in favor or against.

Mrs. Melson-Williams: There are two different things that we're talking about here. Public testimony regarding an Application that is before the Board is one type of hearing public comments. But what the City Solicitor Griffith is suggesting is just a general opportunity for public comments that wouldn't necessarily be associated with an Application before the Board. We have taken to adding it to our Boards and Commissions kind of later in the meeting, so it's not confused with Applications that maybe before the Board. So, it's an opportunity for just general comments for things that may fall under the provisions of the Board of Adjustment that are not specifically associated with an Application.

Chairman Senato: My thing is based on the Board as against the regular council meeting. They open up with general comments if I want to talk about stop sign or whatever. And then the Council proceeds with their meeting. With the Board of Adjustment, we're taking the Application to make a decision whether there's a hardship or not a hardship with that particular Applicant or Applicants that comes in front of the Board. I think that any public comments prior to could be dealing with the Applicant either in a negative or either in a disagreement or approval factor and possibly would say that the Board and putting thoughts in text of the Board itself. I'm saying that we should follow what we've been following. That is at the end of all the presentation by the applicants, the questions by the Board members regarding the applicant's petition, you then open it up as we have done for comments (those in favor of and those against).

City Solicitor: I think that makes sense for what we are talking about here. Public comment doesn't necessarily relate to one specific Application typically. It's usually, you know, a member the public would come up and say, you guys are granting too many Area Variances or you're denying too many Use Variances or something like that. Something unrelated to a specific Application, either a positive or negative comment about the word generally. The Board can either have those and you can move to change the order. One of the next items we are going to get to is you can change your agenda meeting by meeting. So, somebody can come in, one of the members of the Board can come in and say, you know, there's 40 members of the public here. Let's not keep them here for an hour and a half while we do other things, I move that we move public comment to the beginning or you could have it just the opposite.

We don't want to inconvenience the Applicant by having the Applicant(s) to sit through 2 hours of public comment. So, let's have the public comment after the Application. So, it's not set in stone where you want to put it on the agenda. You can always change it meeting by meeting; so it is purely your call.

Chairman Senato: Basically, it would be probably up to the Chair at the time. But I'm a little bit in disagreement with that. And the fact that even if you have four or five people making comments either for or against an application. I believe strongly that you could sway, I'm not saying it, but I think to keep it on an equal basis. If we keep it. after everything is said and, stay that way it keeps it straight forward.

City Solicitor: I think that's fine if that's the decision of the Board as well that certainly works and it's consistent with the Freedom of Information Act. The only thing I would say is it’s not the chairperson who would unilaterally decide to change the order. It would have to be if once the agenda is set, any change to the agenda would have to be by the majority vote.

Ms. Brinkley: Mr. Chair, just for clarity, are we saying that we would keep public comment and have it near the end of the meeting because it would be relevant only to whatever variance or whatever we seek to approve.

Chairman Senato: With the experience in all the years that I've been on the Board all the comments have been at the end. When everything has been presented, the members of the Board have asked a question from whatever, and then it was on the agenda, we now open it to public comments. If Dawn, correct me if I'm wrong, it would be those in favor or do you have any comments in favor of the Applicant. Sometimes, you know, they would come up and there would be none. And then are there anybody against the Applicant's petition? And you would have somebody come up. That's the way it's been.

Ms. Brinkley: I think that we should keep it near the end if we put it in and it should be listed that way, so that we remain focused on a task whenever we are seeking to approve a variance.

Chairman Senato: Any other comments on that?

Mrs. Melson-Williams: So, Mr. Chair, I just want to make sure we are making the distinction between the public testimony. Public comments/testimony regarding an application is one thing, and that typically has been the practice of the Board that you hear from the applicant and then you open the public hearing. That is where you hear public testimony for and against. What we're talking about here is a totally separate opportunity for public comments. These are general comments not tied to an application. I just want to make sure that you understand this clearly. This is not talking about the public hearing that's associated with an application that's before the Board.

Chairman Senato: This one is for the public comments prior to the meeting and would be non-related to the applicant that's being presented at that time.

Mrs. Melson-Williams: That is correct. This is a public comment opportunity. Staff suggest that it be placed at the end of the meeting and certainly on a case-by-case basis you could rearrange your agenda at any given meeting, but it would be clearly listed on the agenda. You'll find that on today's agenda. It's listed as Public Comments Opportunity. We can certainly add some additional language to the agenda so that it's clear that it is separate from any public hearing that would be scheduled with an application.

Chairman Senato: So, there's a chance. Basically, what it's saying is if somebody comes up with public comments. For example, Mr. John Doe comes up and is against the red light of East Loockerman Street and that could conceivably happen. I don't see the reverence that the Board of Adjustment agrees with the public comments. I could be in the wrong place, but that's just how I feel about it. I think the Board has to stick from beginning to end to the applicants interested what that applicant is here for not necessarily Loockerman Street. Correct me if I'm wrong.

Mrs. Melson-Williams: You are correct that public comments wouldn't necessarily be germane to the activities of the Board of Adjustment. The statement to open the public comment opportunity would give guidance as to the types of public comments that should be presented to the Board of Adjustment. It would have to be associated with your activities and what falls under your power and duties. I think the example that Solicitor Griffith gave of, you know, the Board's been approving too many of this or too many of that would be a reasonable type of public comment that you could receive. But comments about other city operations, that would not be the proper venue before this Board.

Chairman Senato: So basically, deals primarily with the Public Information Act to give the citizens the chance before the Board to speak to their piece and all and then we can continue with the business of the Board, right?

Mrs. Melson-Williams: Yes, it's associated with the Freedom of Information Act and the ability for the public to comment during your proceedings.

Chairman Senato: Okay, I can agree with that. I can understand that. Maybe I misunderstood it at the beginning. I think the Board will go along with that. My comments are that we should go because of the public information.

Mr. Wagner: Do we need written clarification?

Chairman Senato: Well, the written clarification would be that when the solicitor adds it onto the Rules of Procedure. It would be explained in that paragraph, correct?

City Solicitor: It will be on the agenda. So, the only issue we're discussing now is where on the agenda. We are required to give public comments (opportunity). The only issue we're discussing now is, do we want to do it at the beginning of the meeting or want to do it at the end of the meeting?

Mr. Coburn: Yes, since I've been on this Board, we have always done it after New Business. Even on today's agenda, as Dawn was saying, Public Comments Opportunity comes after New Business. I think we should just keep it there unless like the City Solicitor stated we have 40 people and they want to make public comments. We can always at the beginning of the meeting make it an amendment or adjustment to the agenda.

Chairman Senato: Any other comments from the Board?

Mr. Swalm: I agree. I think it should go right after New Business. Unless like he said, there may be a situation where you have 20-30 people. At least we do have discretion to move it if needed, you know if that did occur.

2.2
City Solicitor: Now the first sentence really talks about what we what we just said, which is you can amend the order of business by an affirmative vote. So, you could move public comment around. You could take something off the agenda if you want by an affirmative vote of the Board. The second sentence I think we ought to delete is that the privilege of the floor may be granted to the public at any time by the presiding officer. That would be a change to the agenda. I believe that the Delaware Code requires that this type of thing be done by a majority vote of the

Board and not unilaterally by the presiding officer. So, my suggestion would be that we would take out that second sentence.

Chairman Senato: The suggestion is on 2.2 which is the privilege of the floor may be granted to the public at any time by the presiding officer.

Mr. Coburn: It should be removed because as stated it would require a vote by the Board.

City Solicitor: So, we will strike the second sentence on 2.2.

2.3
City Solicitor: This is also a provision in the Freedom of Information Act that's in the open meetings law that although we are required to provide public comment, it is not unlimited. So, somebody cannot come up and speak for an hour. The Board can make a determination that there has to be limits on the timeframe for public comment. At City Council that time limit is 3 minutes. What this provision does is if the Board looks out and there are 40 members of the public who are here, the Board can during its meeting set a reasonable time limit for each public comment.

The second part of this is that in lieu of public comment, individuals may submit written statements. I think that maybe a provision in the Freedom of Information Act, but it's certainly in compliance with the Americans with Disabilities Act. For those who for some reason cannot make the meeting and aren't unable to participate either by video or in person, they can provide comments in writing.

Are there any comments or proposed amendments on 2.3? Okay, moving down to 2.4.

2.4
City Solicitor: This provision just allows the Board in the event you can't get through the full agenda during a meeting; (it goes just too long); you have the right to make a motion and with a majority of the Board suspend either an individual presentation by an Applicant or appellant or to suspend the meeting and take it up at another meeting through a relatively routine provision. Any comments on 2.4?

Chairman Senato: Over the years, we have had meetings at over an hour. We have had meetings for over 2 hours 15 minutes. I don't think we have ever gone any longer. I'm just kind of thinking that they could go on longer but rarely. It’s not going to go for 3 or 4 hours. We have never done that.

Mr. Swalm: I just have a question in theory. Let's say we did have a meeting, and it did go on for 2 ½ to 3 hours and then we did by majority vote choose to suspend it. And then we have another Application for the next month, would we handle the suspended business as well as the New Business on the next meeting as well? Then I guess my concern is, would that also cause the next meeting to run over? Do you know what I mean?

City Solicitor: Yes, I do. The second sentence here provides that if you do make that decision that you're going to suspend the meeting, you make every effort to choose at that time when the remainder of that presentation will take place or when the remainder of that meeting will take place. So, if you say today is December 17th, we have to suspend this meeting and take it up again. It will be at the top of the agenda on the January 16th meeting. And then once the January 16th agenda comes out, whatever was not done today, we'll be put on top of that agenda.

City Solicitor: Okay, any other comments on 2.4?

Mrs. Melson-Williams: Suggested with a presentation, I don't know if we need to clarify. A presentation to me that sounds like it's a presentation on one application versus the meeting in general. Like stopping a meeting midpoint for any reason. I don't know if we need to make that distinction or not. We can make that change so that in the event that the presentation of a scheduled agenda item or the meeting itself takes longer than reason. The presentation and/or meeting may be suspended.

Mr. Coburn: Yes, I like the idea of changing that from presentation to presentation and/or meeting.

Ms. Brinkley: I agree.

City Solicitor: Okay. We'll make that change in the next draft.

2.5
City Solicitor: I think this just explains what we already do, which is that the solicitor places the speaker under oath, and we get the person's name. Actually, that's really it, just that the solicitor will place the speaker under oath. It's pretty non-controversial.

Chairman Senato: It's where testimony will be taken under oaths which shall be administered by the Solicitor or any other individual as maybe directed by the presenting officer.

City Solicitor: Right, if the solicitor is not available.

3.1 Meetings of the Board of Adjustment
City Solicitor: This allows the majority of the members to change meetings that we just voted on in the schedule. So, the schedule is set. You have the right to, by the majority, change the schedule so long as the change complies with the notice provisions of the Freedom of Information Act.

3.2 Makes it clear that when the meeting is scheduled, it has to be properly noticed and advertised. These are just provisions from the open meetings.

3.3 The notice provision is from the open meetings law title. The reference to that statute is Title 29 Chapter 100; that is the Freedom of Information Act which includes the open meetings.

Any questions on 3.3?

Mrs. Melson-Williams: I have to look at the special meeting. I don't know if there's anything in our Code or is there any references in Title 22 about special meetings? I didn't get through all of that.

City Solicitor: There are special meetings that are referenced in the Freedom of Information Act. Those are meetings that have to be scheduled with less than ten full days' notice. I think what this is referring to is we have monthly meetings; and if there's some reason that a member of the Board wants to have a meeting outside the schedule we just agreed on. If two members of the Board want to have a meeting; they still have to comply with the Freedom of Information Act. But this just refers to an off-schedule nonregular meeting.

3.4 This is a Freedom of Information Act requirement that all meetings are open to the public except for executive sessions.

Mr. Wagner: Do we have Executive Sessions?

City Solicitor: We have had them; they are under the Freedom of Information Act. We have to conduct all public business in the public at a public meeting. There are very limited circumstances under what you're permitted to go to in an executive session. If you know you're going to go into the executive session before the meeting, that needs to be included on the agenda. Most agendas usually have something at the bottom that says we may need to move to an executive session for matters that arise during the meeting. So, just by way of example, to discuss litigation. If the Board is being sued and/or anticipates being sued and wants to have a discussion about that lawsuit in Executive Session. For personnel matters, we move into Executive Session for things like that.

3.5 A requirement of the Freedom of Information Act is that we have our public meetings minutes being kept and what those minutes have to include.

Rule 4-Public Notice of Meetings

4.1 and 4.2
City Solicitor: I will defer to Dawn on 4.1. I don't really know how public notice works. I see on the agenda how this is given. Do we need any changes to 4.1 or 4.2? I know we comply with the Freedom of Information Act. I just don't know if any changes need to be made to reflect on how we actually do it.

Mrs. Melson-Williams: The public notice of the meeting itself was basically posting up the agenda. There is a public bulletin board here in City Hall. And we also post on the City's website.

The notice of hearing regarding individual applications is somewhat different in that it is a mailed notice that goes to property owners within 200 feet. That is what's referenced in the Code. The timeframe for that notice is ten (10) days, rather than 15. I don't know if that 15 is from something else that's provided that's in Delaware Code. So, I would have to take a look at that.

City Solicitor: How would you feel if we changed 5.1 and 5.2? Something to the effect of posting of the agenda and publication of the agenda shall be consistent with the Dover Municipal Code and the Delaware State Code.

Mrs. Melson-Williams: I think you could do that, so are you talking about Rule 4 or Rule 5?

City Solicitor: 5.1 and 5.2.

Rule 5 - Agenda

City Solicitor: I don't think we need to be more specific than what we already do.

Ms. Brinkley: I need some clarity regarding the agenda. I thought we were still on 4.2 Public Notice of Meetings. When it talks about notice of public hearing, the information that comes to the Board members is that a part of the agenda for the Board of Adjustment meetings?

Mrs. Melson-Williams: The Board members receive the agenda and then you also receive what we call your meeting packet, which has all the documents associated with the agenda items and the minutes, the application that's before you and all of its exhibits, attachments, that kind of thing. That information is posted on the city's website and would be available in the Planning Office if someone needed a paper copy. Our bulletin board is not that big. It can only handle the posting of the agenda. The applicant does get a copy of the Staff Report for their Application or the Summary Report, but I don't think that's what we're talking about here. The two things Rule 4 talks about is how we notice the meeting in general and then Rule 5 talks specifically about the agenda itself.

So, I think we need to cross reference what's in our Code, but it may be as simple as referencing those sections. We can take a look because the procedure when you're talking about notice of meetings regarding particular applications, there's notice that has to go to adjacent property owners and if you're within a certain distance of our boundary to the adjacent jurisdictions. There's some things that way. So, I think we probably need to take a closer look at that just to make sure we're covering or are consistent with what's established in the Code?

City Solicitor: Yeah, I think the idea here is not to put anything in our Rules which are inconsistent with what's in the Municipal Code either. It may be as simple as just a sentence or two saying the preparation of the agenda, posting the agenda, public notice of the meeting, all will be consistent with Delaware State Code and Dover Municipal Code.

Ms. Brinkley: I was thinking in terms of timing of when the Board would actually receive their packet.

Mrs. Melson-Williams: We strive to be basically like these. It's really seven days prior to the meeting; so, one week prior. We're at least giving you the Application. Sometimes, depending on preparation, we may not fully have the meeting packet ready to arrive at your house that same afternoon, but we try to get it to you the next day. We give you that alert of, “hey, here's the agenda.” We're still finishing up the meeting packet for delivery. I don't think this section here talks about the delivery of all those items to the Board of Adjustment. It talks about the more generalized posting of the agenda in Rule 5.

City Solicitor: I think that's right, it’s just that the agenda is available ten days before the meeting. So, it's available to the members of the Board on the city's website. This just says that the agenda will be sent to you seven days before and that's not the full packet; that's just the agenda. We can work on those provisions to make sure that it’s simpler and that we are consistent with the Delaware State Code and Municipal Law.

5.3

City Solicitor: This provision just says what we've already discussed, which is that although you have an agenda by the majority vote of the Board, you can amend the agenda by adding matters or taking matters off the agenda by majority vote. Are there any comments on that? There were none.

Question regarding 5.2

Mr. Wagner had a question regarding 5.2. He wanted to know how does the Board member add to the agenda and specifically what does that cover?

City Solicitor: It is very uncommon for a Board member to add or remove something from the agenda. The stakes to remove something from the agenda would be very high and you would not want to do that. So, it’s very uncommon.

Chairman Senato: Basically, over the years, it’s like what we did today. We added something to the agenda. But, like Mr. Griffith said, it’s very uncommon.

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

6.1

City Solicitor: As members of the Board, you are required to attend meetings. If you cannot attend the meeting, you should notify the Chairman or Mrs. Melson-Williams or another Board member or Staff member in the Planning Office.

Chairman Senato: The Chairman, Vice Chair, Director of Planning and Inspections, Staff members and any other Board member, I think that should be crossed out because the ones that make up the agenda and all the paperwork and meetings, I think they should be the number one contact and then of course the respective position of the Chair and Vice Chair, which was done by Mrs. Melson-Williams. And then I think that probably is the protocol, I need your opinion on that.

Chairman Senato: Yeah, the thing I'm saying is any Board member, I'm being hypothetical at this point when I say you know you're calling me up and all a sudden, I get busy and I forget to call Dawn or something like that. I have so many things going on. You got a thought on that, is that I'm going to call Dawn, Sharon, and I'm going to call the Chair or the Vice Chair, maybe all three at one time and then a Board member. I'm just saying to eliminate the Board member(s). I think they should be notified by the Planning Office Staff.

City Solicitor: This provision only requires the absent board member to notify one not all.

Chairman Senato Well, I guess what I am saying is then as another Board of Adjustment member, I think should be checking up.

City Solicitor: That’s fine. I don't have any issues with that.

Chairman Senato: What's the pleasure with the Board? The Board members did not have any issues.

City Solicitor: Alright, thank you. So, I will make that change.

6.2
City Solicitor: This is fairly uncontroversial. I think the presence of no less than three (3) members of the Board will constitute a quorum. That is the majority of the Board; a majority is a quorum.

6.3
If a quorum is not present. Whoever or whatever members do show up may adjourn the meeting. You cannot do business without a quorum.

Mr. Swalm: He suggested that the language “may” be changed to “shall”. When a quorum is not present at any properly called meeting, the members of the Board of Adjustment present “shall” adjourn.

City Solicitor: I think you are right. I think this makes it seem as if they have the option. So, I think you are right. Unless anybody has any contrary opinions, we will change the word “may” to “shall.”

6.4
City Solicitor: If no members of the Board are present, I think we should probably do the same thing that we just mentioned, which is any member of the Planning Office shall adjourn the meeting if nobody shows up.

6.5
City Solicitor: I think this is the one Mrs. Melson Williams referenced at the inception of the meeting where we talked about a couple of things really. We don't do special use exceptions and it says three affirmative votes shall be required to approve, that doesn't take into account that a meeting may be held with just three members where two affirmative votes would be sufficient. So, I think, I think my proposal would be to change the language to say something like a majority of the quorum is probably required to approve any variance. Failure to receive a majority to both in favor or against to approve the variance shall be deemed disapproval of the variance. Any comments on that?

Mr. Coburn: Yes, that was my comment on that when I read this. I was thinking the same thing. It should be majority since we cannot have (a meeting without) a quorum. I would totally agree that it should be changed.

City Solicitor: You know, I wonder if I'm looking at 6.6 now. I'm wondering if we combine 6.5 and 6.6 and just say any matter may be decided by the majority vote of the Board of Adjustment members.

Ms. Brinkley: I agree.

Rule 7 – Voting Procedure

City Solicitor: This describes how votes are done and require the presiding officer to call the role or determine the vote in some other manner and announce the results. I think that is consistent with the current procedure.

7.2
City Solicitor: Just provides that a written record will be made with each person's vote. Does anybody have any questions on seven rule?

Mrs. Melson-Williams: Do we need to clarify that it would be the presiding officer requesting the call of the roll because they are not the physical person that usually does the roll call. It is normally the Secretary or Staff member that calls the roll.

City Solicitor: I think that makes sense. So, for clarification on 7.1, what it would say is on each motion only made and seconded the presiding officer shall request a call of the roll.

City Solicitor: Okay, any other comments or questions? There were none.

Rule 8 - Record Keeping

8.1 -
City Solicitor: There's just one provision. I will refer to Mrs. Melson-Williams whether or not this is consistent with the present practice and if it's not, we should make any amendments.

Mrs. Melson-Williams: So, this is keeping of the records. I would say this is present practice, but again, I think I want to confirm with the City Clerk's Office if there's any concerns with this language due to their role with FOIA (Freedom of Information Act) for the City.

City Solicitor: And so, we won't make any changes pending the results of that.

Rule 9 – Minutes of Board of Adjustment Meetings

9.1
City Solicitor: This relates to the keeping of the minutes of the Board of Adjustment meetings. This is pretty consistent with the open meetings law and Freedom of Information Act. And I believe it's consistent with other minutes that are already kept. And again, I will refer to Mrs. Melson-Williams about whether there's anything about Rule 9 in terms of how the minutes are kept that is inconsistent with the way we possibly do it. Maybe we could just do what we've done with Rule 8 concerning record keeping.

I defer to you to check to see whether this is consistent with the way we presently do it and if it works.

Mr. Swalm: I have a question regarding letter F under 9.1. It says the Minutes shall record what was done rather than what was said. It's from my understanding that currently, when I read over the minutes that are currently done, it does record what was said rather than what was done. I don't know if everybody else agrees. I think that it should record what was actually said, not just kind of a baseline summary of what was done during the meeting. That might just be me, but that's kind of my view on letter F under 9.1.

Mrs. Melson-Williams: I would somewhat echo that your Minutes are not direct transcription, but they're fairly close. We do make it so it's a little more readable because a lot of times we don't tend to talk in complete sentences or like me say the word “um” a lot. So, they are a little bit more on the what was said side than just what was done. Because if it was what was done, it would be really just be the motions. And we tend to, and since we've been keeping Minutes for the Board of Adjustment, had a much more detailed set of Minutes. It is not a direct word for word transcription.

City Solicitor: I think a middle ground might be rather than say, the minutes shall record what was said, we suggest that it will not be a verbatim transcript. Maybe what I could say is the minutes that shall record a description of what was said.

Mr. Coburn: I agree with basically what the attorney just said that it should be a summary said not a verbatim.

Ms. Brinkley: I agree.

Chairman Senato: So, my understanding is from some of the board members and the way the minutes were happening and being presented over the period of years is basically a summation of what was said rather than the opposite.

Mrs. Melson-Williams: It's a little bit more than a summation. If you look at the minutes that are in your packet, it will say that Mr. Coburn questioned and then kind of give the question and then how Staff responded or how the Applicant responded. So, there's a little cleanup, if you will, to announce who was making that statement. But for example, your minutes don't always include the full presentation that Staff gives when we initially describe and present the application to you. It's just more merely references the Review Report and that Staff summarized that. It is not a summary kind of and nor is it just an outline of your motions. It's somewhere between summary and verbatim.

Chairman Senato: So, basically it's pretty close to what we've been doing as far as minutes, right?

Mrs. Melson-Williams: Yes, I wouldn't anticipate any change of that. I think it just needs to be clear that they are not presenting verbatim for data when they are prepared.

Mr. Swalm: He agreed with Mrs. Melson-Williams, as long as there is no change.

Mr. Wagner: I think the way it is currently being done is outstanding. I find the factual presentation by the Staff is outstanding and I would not be in favor of change.

Ms. Brinkley: I agree with Mrs. Melson-Williams. I think if we could come up with a word that's maybe “outlined” or something or some terminology that could describe it in general. I've been okay with the meeting notes of everything that's been occurring. You know, maybe find a word we could use to describe it.

City Solicitor: The word that I proposed that may stretch between the summary of what was said and a transcript of what was said was a “description” of what was said.

Ms. Brinkley and Mr. Swalm: I would agree with that.

City Solicitor: Okay, so that will resolve Rule 9 concerning the minutes.

Rule 10 – Conduct

10.1

City Solicitor: This addresses the conduct of members of the Board during meetings. One of the important parts of the conduct is that the chairperson or presiding officer presides over who speaks and when, so that people are not interrupting each other. The Rule 10.1 requires that when one of the board members would like to say something and this is consistent with the practice in terms of what we've done it. Rather than blurt out a comment without being recognized, you address the presiding officer first and not proceed to speak until the presiding officer recognizes you. And it requires a presiding officer not to pick favorites of three people wanting to speak at the same time, but to recognize which member was the first to request to be heard.

10.2
City Solicitor: Makes it clear so that it doesn't become chaotic to have the Board members interrupting each other while you're trying to speak. But if one member of the Board is speaking, another member is not permitted to interrupt without the consent. So, if the Board member would like to speak while another member is speaking, the first Board member would request consent to interrupt. So, that request would go through the presiding officer, not to the person speaking.

10.3
City Solicitor: It provides that if one of the members of the Board does not proceed in that matter and is either interrupting or not asking for permission to speak from the presiding officer, the presiding officer shall call that member to order. And if that member is called to order, that member shall not proceed without the permission of the presiding officer.

Mr. Swalm: So, will we delete the line item in 10.3 stating that any Board member may, call the errant member to order.

City Solicitor: I missed that, thank you. Yeah, I think that makes sense. I don’t think other Board members should be calling each other. That would be the presiding officer. That's a great catch. Does anybody else have any thoughts on that permission?

Chairman Senato: So, you're saying that particular page will be eliminated.

City Solicitor: Right, so the way we would read it now is (10.3) "If any member of the Board of Adjustment is speaking or otherwise transgresses the Rules of the Board of Adjustment, the presiding officer shall, call the errant member to order." Not the presiding officer "shall" or any member of the Board "may."

Mr. Coburn: Yeah, I agree that that should be removed.

Rule 11 – Change or Suspension of Rules

11.1

City Solicitor: So, these are your rules. This makes it clear that these are your rules that you're considering today, that you're adopting for yourselves. That means that these don't have to be set in stone once you vote on them and adopt them. So, if a member of the Board in six months after these rules were adopted, they decide that they're not working or one of the rules is not working well, their motion can be made to change the rules. If the majority of you agree, these rules can be changed at any time.

Rule 12 – Rules of Order

12.1
City Solicitor: It gives you discretion that you are not so strictly bound by these rules that you cannot either amend them or interpret them in a way that gives you the greatest chance of having a fair and efficient hearing procedure. So, it says things like strict adherence to these rules shall not be required, but the court may modify and digress from these rules for reasonable cause as the situation being demands. So, this also provides that if for some reason one of these rules is challenged in court and the court determines that, you know, let's say Rule 4.1 is unconstitutional, and therefore restricted. That doesn't mean that all the rules are restricted, it just means 4.1. Are there any comments? There were none.

Rule 13 – Standards of Conduct

City Solicitor: This is primarily for those attending and speaking members of the public and applicants in the audience. This is an effort to try to keep some form of order during the presentations. It might be a little bit controversial, this provision. When I looked at it, I thought there might be some first amendment concerns. You have the right to impose reasonable time, place, and manner restrictions on speech, but it's up to you to determine whether these are reasonable restrictions. Rule 13.1 requires that persons attending meetings observe appropriate dress standards and standards of conduct higher than made distract from proceedings shall not be permitted. I'll say in my experience that sometimes in court hearings at Superior Court or the federal court, there will be members of the public showing up with profanity on their shirts. The court at that point doesn't throw them out and does not require them to come back; it usually requires them to turn the shirt inside out so that part can't be seen.

This provision gives you the right that if somebody shows up and its attire that is some way going to distract you from the proceedings. It can't be just something you disagree with. It must be something that will distract from the proceedings. I used to represent the Atlantic City Police Department. I remember the public showed up with ACPD shirt that said Atlantic City Preterit Department and then they were removed. So, this allows you the discretion when someone brings attire that will disruptive proceedings to require that they observe appropriate dress standards.

13.2
City Solicitor: Allows "cause supporting sign" affixed to the clothing, but it cannot be larger than 3 inches by 5 inches. Offensive Signs, things like profanity or anything that will distract from the proceedings will not be permitted. No placards and nobody's permitted to bring in large signs to the Board meetings.

13.3
City Solicitor: It provides the City Manager to prescribe our policy. So, this one might want to strike. I don't think the City Manager can enact the policy.

Chairman Senato: Yeah, on 13.3, I have a note to take out completely. I don't know how the Board feels about it, but it seems, City Solicitor, that I kind of agree on that also.

Mr. Coburn: Yes, I agreed also.

Ms. Brinkley: I agree also.

Mr. Swalm: I'm in agreement. The only reason though I would keep that in there is just to maybe take some of the weight off us for the appropriate attire reasons; so may be for lack of better words, the responsibility wouldn't be on us. I guess placing the appropriate attire for our policy for people at meetings if you get what I mean.

Mr. Wagner: In a communication that takes place between the City and somebody who wants to state or talk about a variance, is this stuff explained to you (about attire)? Like this is what is expected of you when you address the Board.

Chairman Senato: No, I don't think when people come in here as Chair, we would look around and even as a security thought see if there's anything that is considered offensive, which would be the decision of the Chair through the recommendation of the Solicitor. I don't think that's a decision I should make, but at least I can bring it to the City Solicitor.

Mr. Wagner: I'm going too deep. I'm saying from Dawn's standpoint, is there any communication that takes place between the City and somebody who wants to make an appeal? Before we get to it, before it gets done, and we have to make a decision. Hey, your attire (shirt) has to be taken off. Are these people aware of what is expected? Well now, you can address this Board.

Mrs. Melson-Williams: We, in meeting with anyone filing an application would describe kind of how the Board of Adjustment meeting flows. We have not in the past had any discussions necessarily about what you can and cannot wear in the meeting. I would hope that there would be some common sense that you're appearing before a professional Board and that you would be professional in your conduct in front of them. This section, this Rule 13, we may need to alter the title a little bit; so, it's clarifying that these standards are of conduct or are related to those appearing before the Board. There has not been in the past any prescribed attire necessarily for the Board. I think it's expected that you're acting in a professional capacity so your appearance should reflect that, but there's not been anything that says everyone must wear a tie.

Ms. Brinkley: I think that somehow the public should be notified these are public. It's the public that's going to be here; we're trying to notify the public. Maybe this isn't what we should be changing, but maybe people do have to sign in to make public comment, right? So maybe somewhere along the line, we should be notifying them of that so that we're not actually doing it personally.

Chairman Senato: Well, in some of the previous rules covered I think that we just covered it that the Solicitor can play a little more here. Then my feeling is that if the Chair sees something that's derogatory or improper, perhaps a decision at that time, you know, can be made. But I think putting that out as a rule specifically saying no for this, no to that or whatever makes suggestions, if I'm reading it correctly, I don't think it should be done. Whenever people are present at a meeting. I don’t think that’s a problem.

City Solicitor: I think it's important to note that what we're talking about is not offensive attire or inappropriate attire. In order to reach this standard, the attire has to disrupt or distract from the proceedings. So, if you're not happy with somebody wearing a tank top shirt coming in or shorts and sandals, they still have the first amendment right to do that. The only thing they don't have the right to do is disrupt or distract from the proceedings. So, I don't want them to get confused that we are regulating attire or dress standards. What we are regulating is conduct and that when speech sometimes crosses the line to conduct, that disrupts the proceedings, that's what these provisions refer to.

Ms. Brinkley: I received your comment.

Mr. Swalm: I think that we should probably keep this in there unless we're going to prescribe a complete, like default policy for like what type of attire is quote unquote “business” or something like that. Then I think we should just keep this in there for extreme cases.

Chairman Senato: My thought is we should just take it out to avoid any controversy.

City Solicitor: I will say that there's a provision in the open meetings law that allows the presiding officer of any open or public meeting to remove any disruptive individual or Board member. It's the Board's determination that there's already a provisioned State law that allows the presiding officer or the Board to remove members who become disruptive or distracting. Maybe it's safer not to dip our toes into the First Amendment here and just leave it to the State and to the General Assembly and maybe take out Rule 13 altogether.

Chairman Senato: Do you mean Rule 13, correct?

City Solicitor: I was actually referring to any provisions which regulate attire or conduct that is already regulated by Delaware Law. So, I think Rule 13 reports to address how both applicants and members of the public conduct themselves at meetings. What I suggest is that there's already an open meetings law that addresses how members of the public may conduct themselves at meetings and allows the presiding member to address that.

Chairman Senato: So, 13.3 to 13.6 you are suggesting taking out.

City Solicitor: I was actually thinking that maybe the entire Rule 13 might be unnecessary.

Chairman Senato: Right, ok. He asked for clarification if it was 13.1 through 13.6.

City Solicitor: Yes, 13.1 through 13.6. He asked if there were any questions.

Mr. Swalm and Chairman Senato agreed.

Rule 14 – Appeals and Applications to the Board of Adjustment

City Solicitor: I'm not exactly sure whether this is consistent with the way things are done right now. As I look at Rule 14.2, I don't believe that appeals and applications to the Board shall be accompanied by a survey or surveyor of the property. So, Rule 14.2 may need to be removed. Maybe I could defer to Mrs. Melson-Williams whether or not the procedures described in Rule 14 conform to what is present.

Mrs. Melson-Williams: I have noted, as you already said, that we do not require a recent survey. We certainly encourage that when someone is looking to do a variance related to a setback to have the best possible information about their requests. In general, I would suggest maybe for this section we need to emphasize variance applications perhaps separately from appeals because they are two different things. Because an appeal is a type of application. In the appeal, the procedures are kind of comingled in our Code which has some issues and it makes things a little complicated anyway. I think we'd have to kind of take a look at this a little closer for some of the procedure aspects of it. But there is procedurally forms that have to be submitted. They probably need to make sure that they are making reference to also any exhibits associated with it. They basically file their forms, their narrative which is the response to the criteria, and then any exhibits. And that has to be submitted with the Application. Certainly, there may be additional exhibits that are submitted during the course of the meeting or prior to the meeting after the packet is issued; so we probably want to address that clearly. I really think I'll have to go through this section specifically to make sure we are coinciding with what the procedure is outlined in the *Zoning Ordinance.* I did note here in 14.5 the issue of a variance request being increased or reduced by the Applicant. I think we need to look at that carefully because we have examples of that, where during a meeting you may allow for something less than what they were initially requesting and how that works. Oftentimes that isn't included in the Public Notice, so if you had this in your procedure, then you would likely have to go back out to re-notice if it is something lesser and certainly if something increased. I think that's something maybe warranted that you would not have to re-notice but it's lesser. That's a question I had there and then some of the detailing about how the decision is provided. I am going to take a look once you look at how that's sorted as well.

Ms. Brinkley. Yes, on 14.2 I have a note here for clarity on what is considered recent survey when it comes to a variance or appeal.

City Solicitor: I think our idea is to remove that because we don't presently request any survey. I think there's a suggestion that we simply take that provision out.

City Solicitor: And if I may, I apologize to the Board. I have a hard stop at 11:00 A.M. as I have a hearing at noon. I wonder if we can at some point add this issue to the agenda for our next meeting as well. We could finish this process at our next meeting on January 16, 2026 or if the Board doesn't need me for the remainder of this, I can certainly touch base with the chairperson or Mrs. Melson-Williams after the meeting and find out any changes by the Board.

Chairman Senato: We can do this again. It looks like at the last meeting, at least in my notes and all, I really don't have anything on the last ones from a personal standpoint. I don't know how any of the other members feel and if they have any in-depth comments or if they're acceptable from 14.1 through 14.3.

Mr. Coburn: It's my understanding Dawn that you will review all of 14 and you will have something at the next meeting that we will discuss.

Mrs. Melson-Williams: I think I need to look at it more closely. I only gave this a cursory read and I would say the same for the remainder of things here. I did have some notes for some of the rest of it. So if you want to, I think we've made good progress, and I think it is a good idea to have the Solicitor here. I think you've been stepping through this, and you know it's good. And I wasn't expecting to get this totally done today. Your next meeting is January 21st; the Solicitor mentioned the 16th.

Mrs. Melson-Williams confirmed that the third Wednesday in January is the 21st; so, that would be your meeting date. I think we can certainly continue at that point.

If you are willing to just kind of stop at this point, I think it was mentioned earlier to give some general acclamation or vote on the concepts that you put forth today and to date with the Rules of Procedures so that we could start to incorporate those, I think would be good. We could bring back a draft version to you.

Mr. Coburn: Yes, with that being said he would like to make a motion.

Chairman Senato: Mr. Coburn when we draw that motion, my reason for that meeting is why don't we vote in approval of what we covered today.

Mr. Coburn made a motion to approve what was discussed and reviewed today through Rule 13 and that the Board will suspend the review at Rule 14 and the remainder until the next meeting. The motion was seconded by Mr. Wagner and unanimously carried 5-0.

Chairman Senato asked if there were any questions. There were none.

Chairman Senato mentioned that he will be flying to Florida during the next meeting. Mr. Coburn will be the Acting Chair. He will email any suggestions or recommendations to Mrs. Melson-Williams and the City Solicitor. He would respectfully request (to delay) the final approval of the last pages. He will be attending virtually in February.

Mrs. Melson-Williams: So, what I would say even with what you've done today, we've got some wordsmithing and checking on some things. So, you're good for approval of your discussion up through Rule 13. We will try to get those items into the next draft. Even with the action in January to continue your review, I would not anticipate a formal review or a formal action to fully adopt the Rules of Procedure until all the comments and concerns have been addressed. I wouldn't see that happening at the January meeting. We would place this after the Application. We have one Application that's been filed at this point for that January meeting; so we will reorder the agenda.

Chairman Senato suggested placing the continued discussion on the March meeting agenda instead and hopefully everything will be ready for approval then but it might not be according to the Solicitor because of research.

City Solicitor: We could have the discussion in January but hold off on any approval.

Chairman Senato: The Board has agreed to hold off on final approval until the March meeting.

Public Comments Opportunity

Mrs. Melson-Williams stated that there were no additional members of the public that have joined us online or any members of the public wishing to speak.

Mr. Swalm made a motion to adjourn the meeting. It was seconded by Mr. Wagner and unanimously carried 5-0.

The meeting was adjourned at 11:00 A.M.

Sincerely,
Maretta Savage-Purnell
Secretary