

*"A Historic Past"*



*"A Bright Future"*

**CITY OF DELAWARE CITY**

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**MINUTES  
REGULAR MEETING OF  
THE HISTORIC PRESERVATION COMMISSION  
CITY OF DELAWARE CITY  
Tuesday May 7<sup>th</sup>, 2019 at 7:00 p.m.  
City Council Chamber  
407 Clinton Street**

**CALL TO ORDER**

Commissioner Dilliplane called the regular meeting of the Historic Preservation Commission (HPC) to order at 7:00 p.m. Commissioners Palmer, Wood, Slotter, and Lee were present. Interim City Manager David Baylor was also present.

**ACTION UPON THE MINUTES OF THE PREVIOUS MEETING**

Commissioner Slotter had one change he wanted to make to the minutes. He said he didn't ask "when" Delaware City's HPC would merge with Ft. DuPont's, It should read, what the roll of Delaware City's HPC would be with Ft. DuPont's.

With that change Commissioner Slotter made a motion to accept the April 9<sup>th</sup>, 2019 minutes, it was seconded by Commissioner Wood. All were in favor, the motion was carried.

**WASHINGTON STREET PUMP HOUSE**

Interim City Manager Baylor said the whole design change occurred under former City Manager Cathcart due to the financial situation of the project. He does have documentation from the engineer that it was done at Mr. Cathcart's request because the City could not afford it. Interim City Manager Baylor said he asked if that change was ever brought back to the decision makers and he didn't get a straight answer. The

engineer's behavior indicated to him that he was aware it was not brought back and was a unilateral decision that was made outside of any government authority. The answer to the questions HPC had about the change in the design of the pump house is that the change should have been brought back to HPC to get approval, unfortunately the project is complete and we have to live with the end result. Interim City Manager Baylor also feels the original design was very fitting for the character we want of the city, would have helped with the bus stop and led to the historic preservation of the area, now we just have a modern "thing" we all have to look at.

- Commissioner Slotter asked if a Building permit was required. Interim City Manager Baylor did not know that exact answer, but said he believes it was, and believes they did have the proper permits because DNREC was the regulator on this and they would not have allowed it to go without permits.
- Commissioner Slotter asked as part of the process, wouldn't it of been a requirement for HPC to give a Letter of Appropriateness, and was that part missed by City staff? Interim City Manager Baylor replied yes. Commissioner Wood said they did get a Letter of Appropriateness but it was for the original design, so there might have been some confusion with that.
- Commissioner Dilliplane asked didn't they say at one time they had the funding for that building, Commissioner Slotter responded that no funding was never talked about.
- Interim City Manager Baylor added that without Mr. Cathcart here he thinks it was one of those things contingent upon funding. He could not find any documentation where anyone had ever sought out funding, from Council or any other source.

Commissioner Dilliplane asked for any other questions.

- Interim City Manager Baylor suggested we seek some funding to try to build a façade over it, maybe with the Department of Agriculture or Department of Interior.
- Commissioner Slotter asked if there are any plans for landscaping in an attempt to disguise it. Interim City Manager Baylor said it will be hard to disguise but said he can talk to The Cutting Edge about maybe putting some landscaping around, keeping in mind it needs to be accessible for repairs.
- Commissioner Dilliplane suggested maybe seeking out something Amish built because they are not that expensive. Interim City Manager Baylor made a suggestion that they seek out grant funding and get a concept from the Amish.
- Commissioner Palmer asked what they can do with those pipes, Interim City Manager Baylor said they won't be completely covered up and it is serving a purpose but the pipes should have been built back further, pointing to the river.
- Tim Dilliplane made a comment, to the best of his knowledge the pumps are in the ground next to the outlet pipes.

Commissioner Lee made a motion to look at alternatives to improve the façade of the pump house, keeping with the historic character of the town, the motion was seconded by Commissioner Slotter.

- Commissioner Wood asked if that motion would include landscaping, due to the needs of funding for that if they go that route. Interim City Manager Baylor

responded that landscaping would be short term and to seek grants for the entire project but recommended investigating both and coming back with both plans. Commissioner Lee made a motion to investigate alternatives to improve the exterior of the pump house keeping with the historic character of the town and consider short term landscaping alternatives, the motion was seconded by Commissioner Wood, and all were in favor. The motion was carried.  
Discussion Followed.

### **DISCUSS THE HPC'S INVOLVEMENT WITH THE BUILDERS AT FT. DUPONT**

- Commissioner Slotter had a question about when they pull building permits, are they not required to come before HPC, is that true or why are they not coming before us? Jeff Randal from Ft. DuPont said they review all the plans that come before them to make sure they meet their guidelines, they have historic guidelines for some of the districts but not all of them. No permits would be issued by the City until they were signed off on by Ft. DuPont. Commissioner Slotter stated that our Charter reads that any new construction has a mandatory compliance with the HPC. He said one way to circumvent this would be to have the design guidelines be approved by the Delaware City HPC so that if they follow the guidelines they would have an automatic approval from HPC, just so the charter is being followed. Interim City Manager Baylor pointed out that in historic districts anything that's done within the city limits should come before this HPC.
- Commissioner Lee asked was this decision made by the state at a higher level because the state would supersede the city. Interim City Manager Baylor said once you annex then you come under the confines and constraints of the government you have been annexed by, and we can seek legal opinion to confirm that.
- Commissioner Slotter stated he has no issue if the design guidelines are followed which he knows they have to be followed, he just thinks as a matter of procedure the guidelines should be approved by Delaware City HPC. Interim City Manager Baylor said to function as one City, we should do everything one way, and we need to do this with anything that falls under the City Charter. Commissioner Slotter pointed out again that for any new construction they are under mandatory compliance, for alterations the HPC is an advisory board. Jeff Randol said they have guidelines for 2 of the 8 districts and are working through the remainder, The guidelines have been vetted through SHPO (State Historic Preservation Office) but they are happy to have it approved by Delaware City HPC, they only request that we don't add an extra level of approval to the process. So if Delaware City HPC signs off on their guidelines, they want to be able to push the permits through. Commissioner Slotter and Interim City Manager Baylor both agree with that. Ft. DuPont is transitioning their HPC to a design and HPC, and they have a HOA. All upgrades and changes from the initial plan need to come before the Delaware City HPC, not Ft. DuPont HOA.

Discussion Followed.

Interim City Manager Baylor requested they draft a motion to be sent to the City Solicitor for approval.

Commissioner Palmer made a motion for all design guidelines from Ft. DuPont to be reviewed by the Delaware City HPC for all 8 districts and further that the HOA and its members will be required to bring fourth to this board any additions, modifications, remodeling of any structures in the preapproved districts, it was seconded by Commissioner Wood, all in favor, the motion was carried.

### **THE POSSIBLE PLAN FOR THE MARINA DISTRICT TO HAVE BUILDINGS UP TO 99 FEET TALL**

Interim City Manager Baylor said under the advice of Council, this body doesn't have any jurisdiction over this and this will be going to the Planning Commission.

- Commissioner Slotter asked if this is something they should give a historic recommendation on? Interim City Manager Baylor said he doesn't think there is anything improper with that but per the City Solicitor, HPC has no governing authority over this.
- Commissioner Lee asked if Town Council has already approved this. Interim City manager Baylor responded that so far this has been approved by Council but there is an ordinance draft that is in place for the next Mayor and Council meeting taking up this issue.

Commissioner Dilliplane took item # 5 off the agenda as it is suspected to not be the jurisdiction of the HPC.

- Jeff Randol asked what is the recommendation of the HPC on the height guidelines in the marina district?
- Commissioner Lee responded she thinks that no building should be taller than the tallest building in town because it impacts the historic landscape and you take a risk of losing tax credits. Commissioner Dilliplane agrees with that.
- Commissioner Lee asked if there are currently plans for an 8 story building, Jeff Randol replied, No and he feels that it's premature to have this discussion before there are any plans.

Discussion followed.

Commissioner Lee made a motion to table this item after the discussion they had because they do not have jurisdiction over the matter, Commissioner Slotter seconded, all were in favor, and the motion was carried.

Discussion followed.

### **WHEN WILL DELAWARE CITY HPC MERGE WITH FORT DUPONTS**

Commissioner Lee felt that it's not a valid agenda item and felt it should be struck from the agenda. Commissioner Slotter said the level of merger has already been discussed when they talked about approving the guidelines. Commissioner Dilliplane said she feels it's good that they become involved with what each other is doing, attending each other's meetings and such just so they all know what is going on. Commissioner Slotter made a motion to strike this item from the agenda, Commissioner Wood seconded the motion, all were in favor, and the motion was carried.

## **DISCUSSION**

- Tim Dilliplane suggested that as Ft. DuPont delivers the recommendations as they finish them, you may want to keep the review of recommendations as a standing item on the agenda. Interim City Manager Baylor responded that we do not usually do that, but when they are ready they will be added to the agenda. Commissioner Slotter asked that if it's going to be added to the agenda please get the guidelines to the HPC well in advance.

## **ADJOURNMENT**

The motion to adjourn was made by Commissioner Wood and seconded by Commissioner Palmer. All were in Favor. The Historic Preservation Commission meeting was adjourned at 7:53 p.m.

Respectively submitted,

*Britney Loveland*