

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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**MINUTES
CITY OF DELAWARE CITY
SPECIAL MEETING OF
MAYOR AND COUNCIL
Thursday, January 9, 2020 at 6:00 P.M.
CITY COUNCIL CHAMBER
DELAWARE CITY, DE 19706**

CALL TO ORDER

Mayor Johnson called the Special Meeting of Mayor & Council to order at 6:00 pm.

PLEDGE OF ALLEGIANCE

Mayor Johnson led the Pledge of Allegiance to the Flag

ROLL CALL

Present were Mayor Johnson, Vice Mayor Malinowski, Council Members Titus, Renoll, Konkus and Buchheit. Also attending was City Manager and Chief of Police Baylor, Finance Manager Graham and City Secretary Loveland.

City Solicitor Walton was not present, Chris Griffiths was present in his place.

SPECIAL MEETING OF MAYOR & COUNCIL

TRAINING ON THE SUBDIVISION CODE, THE DELAWARE CITY LAND USE REVIEW PROCESS, AND THE SITE PLAN REVIEW ISSUES; DISCUSSION OF DRAFT OF ORDINANCE 20-0109-01 – RELATING TO SITE PLAN REVIEW

Chris Griffiths asked Council to take the Agenda out of order and handle item number two before the training which is item number one.

Vice Mayor Malinowski made a motion to go into Executive Session to discuss item number two on the Agenda, Council Member Titus seconded the motion. All were in favor; *the meeting was taken into executive session at 6:05 P.M.*

Mayor Johnson reconvened the regular meeting at 6:16 P.M.

Mayor Johnson stated that no further action is needed related to item number two on the Agenda. Council Member Buchheit is still a Council Member.

Mayor Johnson turned the meeting over to Solicitor Chris Griffiths to proceed with item number one on the agenda and his presentation.

Chris Griffiths explained to Council that they are here tonight to discuss the Delaware city Site Plan Ordinance, which we are on the third draft and essentially none of the drafts have been able to go to presentation. They want Council understand what a subdivision is and what a site plan is and what we need to do to move forward with an Ordinance. The Planning Commission has the Ordinance for review and to make recommendation to the Solicitors office. Once the Solicitors office receives that they will revise the draft and submit a final draft to mayor and council.

A subdivision is dividing parcels of land and a Re-Subdivision is when you take two divided parcels and make them into one. There is a Major subdivision and a minor subdivision. If you have a Major subdivision you must follow the major process. The minor is essentially everything the Major is not. Major subdivision requires a lot more work than a minor. It's done this way because if you're not doing a big project it makes more sense to let people build.

There are two definitions in our Code for what a street is. They are two very broad definitions of what a street is but if someone submits a plan that involves creating a street under either definition they would be required to do a major subdivision.

Christ Griffiths shows Council the plans for a Major Subdivision and a Minor Subdivision. He said this can be very costly and we need to keep in mind how builder friendly we want to keep this process.

Discussion Followed.

- Council Member Konkus asked if this is expected to be put in place in February, Chris Griffiths said that at the next Planning Commission meeting they will give their feedback since they have also had this training. Then it would go back to the Mayor and Council Meeting. Chris also said that they are on their third draft and it's not been approved, they don't want to waste anymore Attorney or Engineer time on an Ordinance the City may not actually want.
- Council Woman Konkus asked if it would be beneficial to the individual wanting the Subdivision to go to the Mayor and Council first. Chris Griffiths said that they go through all the steps to have a co-compliant plan and take that to Mayor and Council, it must be

approved once it's a co-compliant plan. He explained that if they feel something in that plan is not acceptable meeting our Code, they can ask to have that changed.

Chris explained that the main issue is that with no Ordinance in place, anyone not combining or dividing land can pretty much do whatever they want.

- Vice Mayor Malinowski asked if when the Co-Compliant plan comes to Mayor and Council, do they have to approve it. Chris Griffiths said yes. Vice Mayor Malinowski asked if they know something is coming that they don't want, can they stop it before it starts. Chris Griffiths said they would need to make sure their Zoning codes reflect what they do and don't want. He says we want our code to hold up if someone were to challenge us.
- Mayor Johnson asked if they should do a comprehensive overview of their Zoning and Codes. Chris Griffiths said we should make sure we are up to date on our Comprehensive Plan
- City Manager Baylor said he will get the timetable of the Comp Plan that is currently taking place to the Council. We just got it back from plus and is going to the Planning Commission.
- Vice Mayor Malinowski asked if they redo their Zoning code, do they still have the recourse to the BOA, Chris said they could get a use variance, but it is very difficult.

Chris explained that they need some guidance on what the Council wants for the City so they don't end up with doing a Fourth draft. He explained that the Site Plan Ordinance mirrors very closely to our current Subdivision plan.

- Mayor Johnsons asked if anyone who submits plans prior to this Site Plan will they be grandfathered in? Chris said yes if they have gone through whatever process is in place but it should only be for a certain amount of time.
- City Manager Baylor said that their plan should hold up for one year, after that they should have to follow under the new Ordinance. Chris Griffiths said One year is fine but you don't want to discourage someone by costing them a lot because their building plan is probably better then what is currently here. Chris said it's typical for people to be able to get more time with approval.

DISCUSSION & POSSIBLE VOTE ON VACANT COUNCIL SEAT

This item was already handled out of order.

ADJOURNMENT

Mayor Johnson asked for a motion to adjourn the meeting. Council Member Konkus made the motion that was seconded by Council Member Titus, *the meeting was adjourned at 6:55 P.M.*

Respectfully submitted,
Britney L. Loveland
City Secretary