

*"A Historic Past"*



*"A Bright Future"*

**CITY OF DELAWARE CITY**

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**MINUTES  
REGULAR MEETING OF THE PLANNING COMMISSION  
CITY OF DELAWARE CITY  
Monday, September 14, 2020 6:30 p.m.  
Delaware City Community Center**

**CALL TO ORDER**

Commissioner Dilliplane called the regular meeting of the Planning Commission to order at 6:30 p.m. Commissioners Saunders, Smith, Starrett, Dilliplane, and Wilkinson were present. Also attending was City Manager Baylor.

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

A motion to accept the minutes of the previous meeting was made by Commissioner Wilkinson and seconded by Commissioner Starrett. *All members were in favor and the minutes were accepted as written.*

**Delaware City Refining Company – Variance for the Installed Fence on Washington Street.**

City Manager Baylor recapped what has happened to get to this point with the Washington Street Fence. He said last summer at a Mayor and Council Meeting there was discussion about children going down into what is called Old Baby Beach and swimming and that raised a lot of concern about the safety of those children. The then City Manager Danielle Metcalf had a meeting with the Refinery where they agreed upon the Refinery putting up a fence and signage to deter children from entering and swimming in the river. The Refinery agreed to also put up the Black rail that runs along the waterfront at their expense because it was incomplete by the flag pole all

the way around. Once the fence was put up a complaint about the appearance was brought to our attention by Council Member Buchheit. The Refinery agreed to remove the Barbed Wire portion of the fence even though it is consistent with the Barbed Wire that frames the rest of their property along with adding shrubbery to help with the appearance. There is no evidence that the Refinery was told they needed to get a Permit or Variance from the City Manager. After concerns were raised the Refinery decided to come into compliance with City Code and requested a Variance.

Lisa Lindsey from the Refinery said that the refinery had a meeting with City Manager Metcalf. They met with her on July 29 but her initial contact to them was in June. The email they received from City Manager Metcalf said the fence was not in the Historic District but they did need to follow the Code. They hired Pioneer Fencing and the contract with them states they are responsible for getting all Permits for any jobs they do at the Refinery. She found that they did not seek out getting a Permit; they were unaware that the Refinery needed Permits. They do all of the repairs to the fencing when it is struck by cars so she believes because they are used to doing the repairs that don't require Permitting they didn't realize there was another step with this.

Commissioner Saunders said that the Chain Link is consistent with the other fencing at the Refinery. He said he also sees children just walk around the fence now.

Commissioner Starrett confirmed that this is the Refineries property. Lisa Lindsey said yes.

Commissioner Starrett said he Thinks there should be signage that says this is Refinery property. City Manager Baylor explained that the "Swim at your own risk" sign was put there by the City and he feels it was very reckless of the City to do that because there are no safety measures down there.

Commissioner Starrett said he seen the Barbed Wire was taken down but are they going to take the Stanchions down because he feels it looks unfinished. Lisa Lindsey said she will ask about that.

Commissioner Saunders asked where in our code it says a Permit is required. City Manager Baylor said it is in the fencing part of the Code. Commissioner Saunders also said the Code also says the Barbed Wire is only forbidden if it abuts a Residential area. City Manager Baylor said there were many emails that people were displeased with the prison typed fence.

Commissioner Dilliplane made a motion to grant the Variance as requested, Commissioner Starrett seconded it. All were in favor, motion passed.

**Trina Harrison – 132 Clinton Street – Special Exemption for a Daycare Center in the C-1 District.**

Trina Harrison said she is asking for permission to bring a Child Care Center to Delaware City. She said she was told that she needed to come to the Planning Commission for a Variance.

Commissioner Saunders said he didn't believe our Code required a Variance for a Daycare.

City Manager Baylor said a big concern they City has is the amount of children aloud for the Square Footage of the building.

Commissioner Dilliplane asked where they stand with getting their State approvals. Mrs. Harrison said they have one more orientation with the State and they will come out to inspect the building and tell them how many children they can have.

Trina Harrison said they are trying to get in contact with the owner to the yard next door to their building to request permission to use that space for play area.

Commissioner Saunders said the State Code says anything that is Stone or Paved cannot be counted as play area. Mrs. Harrison said correct, they plan to lay a new surface down from a Commercial Playground Company.

Commissioner Smith asked if they are applying for a State of Delaware License. Mrs. Harrison said they have done that and they are now waiting for their trainings.

Commissioner Saunders said he would like to table this until the State completes their approvals.

Commissioner Dilliplane made a motion to table this until they have further information. The motion was seconded by Commissioner Wilkinson. All were in Favor, the motion passed.

**ADJOURNMENT**

The motion to adjourn was made by Commissioner Wilkinson and seconded by Commissioner Starrett. All were in favor. *The Planning Commission Meeting was adjourned at 7:16 p.m.*

Respectively submitted,

***Britney Loveland***

City Secretary