

"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
Wednesday, December 2, 2020 at 6:30 P.M.
DELAWARE CITY FIRE HALL
815 FIFTH STREET**

CALL TO ORDER

Mayor Johnson called the Special Meeting of Mayor & Council to order at 6:30 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 Barrett, Konkus and Buchheit. Also attending was City Manager Baylor, Chief of Police Smith, Finance Manager Graham, Interim Solicitor Rhodunda and City Secretary Loveland.

Council Member Titus was not present.

SPECIAL MEETING OF MAYOR & COUNCIL

Continuation of Mayor and Council meeting from November 16, 2020 to Vote on the Bluewater Campgroup Project

Mayor Johnson explained that we are here tonight as a continuation from the November meeting. Council needed more time to review the Bluewater material. He recapped where we are at with this process. Bluewater submitted a plan; they went through the Planning Commissions and Public hearings. Planning Commission gave their Final approval in March, an extension was granted due to the Pandemic and cancelled meetings. The vote this evening before Council is to confirm if Bluewater met the criteria of the Planning Commission and to Approve, or to determine they did not and send it back to Planning Commission. As of the Last meeting it was

the recommendation of the City Solicitor and City Engineer that all the criteria were met. Mayor Johnson explained that our Code is very clear how we handle this process.

Council Member Barrett asked the City Solicitor if Bluewater met all the requirements of the Planning Commission and PLUS. Solicitor Rhodunda responded that they met all the requirements of the Delaware City Code and that PLUS is recommendation, a plan under Delaware Law cannot be denied for noncompliance for what is in the PLUS review. Solicitor Rhodunda added that in the minutes of a Planning Commission meeting the Planning Commission addressed the issues from PLUS and they said the PLUS comments should be enforced to the extent that they are legally required to be enforced.

Council Member Konkus said Planning approved it with those conditions being met, why are we not requiring that? Solicitor Rhodunda responded that the requirements have been met. All outside agencies have given approval, Planning Commission Minutes stated compliance with all “Legally Mandated” requirements. Council Member Konkus said she does not agree.

Solicitor Rhodunda said in the March 2, 2020 Minutes of the Planning Commission, Commissioner Saunders made a motion that they recommend approval of the Plan with the condition that all other agencies approvals are completed, seconded by Commissioner Dilliplane. The applicant has done exactly that.

Vice Mayor Malinowski said Planning Commission brought it into their approval as a stipulation. Solicitor Rhodunda responded Planning cannot make PLUS legally mandated.

Council Member Konkus asked why it comes before Council if they can only approve it. City Solicitor Rhodunda responded this is a “by right” plan, a by right plan has to be approved by Council, this is the nature of the process.

Council Member Konkus asked if they can put conditions on the plan. Solicitor Rhodunda responded yes, reasonable conditions.

Council Member Konkus wants to make sure we follow the 180 day rule.

Solicitor Rhodunda said he would recommend they make a condition to hold them to the March to November condition. Also, that they will not have any privately owned RVs on the property when they are closed.

Vice Mayor Malinowski asked how we got from 180 days to 8 months. Solicitor Rhodunda responded the 180 days means they can only be on one site for 180 days. He believes Bluewater thought they could be here year-round per the Code.

Bluewater responded that our Code allows a year-round operation, the 180 day came in with the Floodplain, the operating days and Floodplain have melted into one but are two separate things. They will be open March 15 to November 15.

Mayor Johnson asked for a motion to approve with 3 conditions, 180 day rule, the Wetland Buffer cannot change unless it comes before Council and no changes to the plan without Council approval

Council Member Barrett added no storage or rental between the dates of November 16-March 14.

Council Member Barrett made the motion.

Council Member Konkus asked to comment, Council Member Barrett had to withdraw her motion.

Council Member Konkus wanted to clarify that if there are changes to the Buffers OR the wetland it should come before Council.

Council Member Barrett made the motion, the motion was seconded by Council Member Konkus, A roll call vote was taken and the results are as follows;

Council Member Konkus – Aye

Council Member Buchheit – Recused

Council Member Barrett- Aye

Vice Mayor Malinowski- Aye

The motion passed.

ADJOURNMENT

Mayor Johnson asked for a motion to adjourn the meeting. Council Member Buchheit made the motion; *the meeting was adjourned at 7:25 P.M.*

Respectfully submitted,

Britney L. Loveland

City Secretary