

*"A Historic Past"*



*"A Bright Future"*

## THE CITY OF DELAWARE CITY

407 Clinton Street – P.O. Box 4159  
Delaware City, Delaware 19706  
Phone: 302-834-4573 Fax: 302-832-5545

**MINUTES  
CITY OF DELAWARE CITY  
MAYOR & COUNCIL  
SPECIAL MEETING 6:00p.m.  
Wednesday, December 6, 2023  
DELAWARE CITY COMMUNITY CENTER (GYMNASIUM)  
250 FIFTH STREET**

### **CALL TO ORDER**

Mayor Johnson called the December 6, 2023 Mayor & Council meeting to order at 6:00p.m.

### **PLEDGE OF ALLEGIANCE**

Mayor Johnson led the Pledge of Allegiance.

### **ROLL CALL**

In addition to Mayor Johnson and Vice Mayor Barrett, Council Members Saunders and Jackson were present. Also in attendance were City Manager Hill and City Solicitor Rhodunda (arrived at 6:13p.m).

### **OLD BUSINESS**

#### **Discussion on Ordinance No. 23-0717-01 – Residential Zoning.**

Council Member Saunders began the discussion. The purpose for this ordinance was to update the code to standards of the "21<sup>st</sup> century." A lot of the existing code was drafted decades ago. The goal is to keep residential areas, mostly residential. He and his committee did not remove that many items, but rather, they changed the approval process for many uses. This change was from "by-right" to requiring a Board of Adjustment approval or a "special use permit."

Council Member Saunders also said that some new definitions were added for uses that had previously not been described. Also, the "special use permit" process should allow more public "input." City Solicitor Rhodunda also "rearranged" some items in the code.

Council Member Saunders said that the City Solicitor was bringing print-outs of the “final” version of the ordinance. In this version of the ordinance, the term “Airbnb” will be removed, and all rentals under 30 days will be called “short-term rentals.”

When the Planning Commission met in November, they recommended some restrictions to short-term rentals. Some of these include:

- residence must be licensed and inspected
- no transfer of ownership
- the owner must be a resident of Delaware City
- Board of Adjustment approval
- limits on occupancy – 2 people (over age 12) per bedroom (maximum 12 total)
- limits on vehicles
- overnight rentals only
- must pay lodging tax

### **COMMENTS**

Vice Mayor Barrett said that she agrees with all the recommendations from the Planning Commission.

Tim Dilliplane (Planning Commission Chairman) said that some people were “uncomfortable” with an inspection of a private home. Council Member Saunders did some research and found out that it is legal to inspect rental properties. The caveat is that an inspection must be scheduled ahead of time.

Council Member Jackson asked how it would be possible to “enforce” overnight rentals? He understands the point of this requirement, but thinks it would be very difficult to enforce.

- Art Turner (Planning Commission Member) said the “intent” should be to rent a property for overnight and not daily.
- Council Member Saunders said that the enforcement will be like other rules in Delaware City, wherein there is not enough staff to monitor infractions. Violations will come from “complaints” that are received.
- Mayor Johnson added that it is problematic that the code enforcement officer only works ten hours per week.

Mayor Johnson said that he questions the section that deals with violations – where it talks about a dwelling being deemed a “nuisance” after three citations by the Code Enforcement Official. Isn’t this unconstitutional? City Solicitor Rhodunda said that this would not be an issue with short-term rentals.

Council Member Saunders said that the amount of the license fees that the Planning Commission recommended (\$200 and \$300) are lower than a lot of other areas in the state.

Commissioner Turner asked if there is any data about past short-term rentals in town? The frequency of rentals? Mayor Johnson said that the city has “no way” to determine this. (The City Solicitor checked the “Airbnb” website, and he found only 2 rentals advertised on 12/06/23). These 2 short-term rentals will have to follow the regulations of the ordinance, if this ordinance is passed.

**This ordinance will be placed on the agenda for the regular Mayor & Council meeting on December 18<sup>th</sup>. This will be the “second reading and possible approval.”**

**ADJOURNMENT**

Mayor Johnson entertained a motion to adjourn the Mayor & Council meeting. Vice Mayor Barrett made the motion. Council Member Saunders seconded the motion. All members were in favor. ***Mayor Johnson adjourned the meeting at 6:40p.m.***

*Respectfully submitted,*  
***Tina Pincus***  
*City Secretary*