SPECIAL COUNCIL MEETING

A Special Council Meeting was held on December 9, 2015 at 6:39 p.m. with Council President Slavin presiding. Members present were Mr. Anderson (departed at 7:02 and returned at 7:49 p.m.), Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt (departed at 6:46 p.m. and returned at 6:49 p.m.), Mr. Hare (departed at 6:50 p.m. and returned at 6:52 p.m.), and Mr. Hutchison. Mayor Christiansen was also present (departed at 6:55 p.m.).

Staff members present were Mr. Koenig (departed at 6:46 p.m. and returned at 6:49 p.m.), Mrs. Mitchell, Mrs. Townshend, Mr. Rodriguez, and Mrs. McDowell.

ADOPTION OF AGENDA

Mr. Hutchison moved for approval of the agenda, seconded by Mr. Lewis and unanimously carried.

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE FOR PROPERTY LOCATED AT 1124 FORREST AVENUE, OWNED BY ENNIS BUSINESS ASSOCIATES, LLC

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 1124 Forrest Avenue, owned by Ennis Business Associates, LLC. Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that there had been nine (9) code enforcement cases on this property since 2005, including exterior code violations, dilapidated buildings, a number of grass violations, and parking on the grass. There had also been a number of occasions when the City had hired a contractor at great expense to have the grass cut. Mrs. Townshend advised members that the utilities were terminated on December 8, 2014, and the building was registered as vacant on May 11, 2012 and secured by the City on June 29, 2015. It had been a source of complaints from neighbors and the general public. She noted that it was located on Route 8, across the street from the Modern Maturity Center in a highly visible corridor. Mrs. Townshend explained that there were a number of outstanding charges against the property, including $731.50 in unpaid taxes and code citations, and it was currently on the Sheriff's sale list. She indicated that staff was bringing it forward under the code definitions as unfit for habitation, general welfare, code violations, and unoccupied buildings.

Mrs. Townshend reviewed a presentation depicting the condition of the structure ***(Exhibit #1)***.

Staff recommended: 1) declaring this building and all accessory structures on this property dangerous; 2) ordering the property demolished by January 9, 2016 by the owner or equity owner at their own risk; 3) ordering the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) ordering the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Responding to Mr. Hutchison as to whether there was a contract on this property, Mrs. Townshend stated that she had been told there was a pending contract; however, staff's experience had been that simply selling a property does not alleviate its condition. She indicated that the property needed to be demolished, and whether it was demolished before or after the property was sold was of no consequence to the City.

Mr. Anderson stated that typically the staff recommendation is to order the property "repaired or demolished" by a date and questioned the reason that "repair" was not included in the recommendations for the properties being considered. Responding, Mrs. Townshend explained that, going forward, all staff recommendations would be to order buildings to be demolished. She explained that before these buildings come to Council, staff spends months, if not years, trying to compel compliance and when time had been given for repair, there were very few cases where repairs were actually made. In some cases, buildings had gotten to the point of being less dangerous but had never quite gotten a Certificate of Occupancy or become occupied and they remained in a limbo situation until they were brought back to Council. Mrs. Townshend indicated that staff tries to work with people and if they are diligently working on the property at the date set by Council they are allowed to proceed; however, perhaps six (6) months later, they stop working, the building never gets finished, and half-done buildings continue to be vacant, remain a blight, and fall into deterioration. She stated that, in staff's experience, by the time a building gets to Council, it really needs to be demolished. Mrs. Townshend advised members that if Council wished to allow time for repair, it would be Council's option to amend the staff recommendation.

Responding to Mr. Neil, Mrs. Townshend confirmed that Council's order to demolish would transfer to the purchaser of the property, who would be required to demolish it.

In response to Mr. Lewis regarding the City's cost to demolish these buildings, Mrs. Townshend explained that the cost of demolition for each building brought forward was stated on the related Council Action Form. She estimated the costs for this building at approximately $25,000 due to the number of outbuildings and because there was a bit of asbestos. The property owner had told Mrs. Townshend that it would be demolished when sold and she noted that it would be to the owner's benefit to demolish it so that the City does not do the work and then place a lien on the property.

Responding to Mr. Lewis as to whether the City could recoup this money, Mrs. Townshend stated that if the property were demolished, the City would place a lien on it, which would be paid when the land sells. In this case, because it was a commercial property, she felt that the City would probably recover the cost; however, in some cases the City had more invested in the demolition than the overall land is worth.

In response to Mr. Sudler regarding an asbestos test report, Mrs. Townshend explained that asbestos testing is not done until just before the demolition contract is let. According to the process, 10 days after the date set by Council an asbestos survey is done, which typically costs in the range of $1,000 unless there is a lot of material to be tested. Mrs. Townshend noted that abatement can be costly if there is a lot of asbestos.

From his experience, Mr. Sudler estimated that if asbestos was present it would run $6,000 or more just for the asbestos tests and questioned how the overall budget is affected when units are demolished.

Mrs. Townshend informed members that staff budgets funds for demolitions, noting that demolitions are not done because the City is trying to provide a service to the property owner, make money from the property sale, or even recover the City's full costs but because of blight and nuisance, noting that

in some cases there had been fires in dangerous buildings. Mrs. Townshend expressed her hope, once Council acted, that the property owner or equitable owner would proceed with demolition so that the City would not have to do so. She stated that if not for demolitions done by the City or a property owner due to Council's order to demolish, the City would have dilapidated structures still standing, posing a nuisance and a threat to the community.

Mr. Sudler expressed concern regarding the effect on the budget for the upcoming fiscal year. Responding, Mrs. Townshend referred to the Council Action Form submitted in regard to this building, which indicated that $44,619 remained in the demolition budget, which was more than enough funds for the current fiscal year.

Council President Slavin declared the public hearing open.

Mr. Bruce Ennis, managing member of Ennis Business Associates, LLC, 444 Troon Road, stated his confusion regarding tonight's proceedings. He indicated that the certified letter and notice they received stated that the Department of Planning and Inspections inspected the exterior of the dwelling and found that no repairs had been made and the building was in violation of the Dangerous Building Ordinance. It also stated that "At the hearing, the staff will recommend that Council order the building to be demolished." Mr. Ennis advised members that he took the "building" to be the "dwelling" and he just noticed on the meeting agenda that staff recommended declaring "the buildings and all accessory structures" dangerous. Mr. Ennis stated that this was the first time he was aware that the City was involved with the accessory structures, reiterating that the notice they received just said "dwelling" and referenced "building" after that point.

Mr. Ennis advised members that they had told their tenants that the notice did not involve accessory structures, so these tenants were not aware of the hearing tonight. He explained that there were two (2) properties involved, 1124 and 1128 Forrest Avenue, with a dwelling on each property.

Mr. Slavin stated that 1124 was being discussed now and 1128 would be discussed subsequently.

Mr. Ennis noted that the asbestos was at 1128 Forrest Avenue, not 1124 Forrest Avenue.

Mr. Ennis stated that his family bought the 1124 Forest Avenue property in the 1930s, his father had a house built there, and he himself had lived there. When his parents passed away, they tried to maintain it but the costs got beyond them. Mr. Ennis explained that the property had been listed for sale for a number of years, first with Burns & Ellis Realty and this past summer with R&R Realty. Mr. Ennis indicated that a signed contract was expected by Friday, December 11, 2015, and the buyer had indicated their intent to demolish everything on the properties at 1124 and 1128 Forrest Avenue, including all improvements, vegetation, trees, and shrubs. The purchaser was asking for a feasibility study, with settlement immediately after that. Mr. Ennis requested that Council bear with them to allow the purchaser to complete the study, which should not take more than six (6) months, noting that part of the timeframe required would depend on the City approving the purchaser's permits as they go through the process. If this were allowed, it would be the purchaser's obligation to demolish the buildings and not the current owner's expense. Mr. Ennis requested, for their tenants, his family, and his corporation, that they be allowed to go forward with the contract, the feasibility study, and subsequent demolition.

Mr. Sudler questioned if there was supporting documentation that would verify there was no asbestos at 1124 Forrest Avenue. Responding, Mr. Ennis indicated that this property had been in his family and he was not aware of any asbestos there; however, he reiterated that there was asbestos at 1128 Forest Avenue.

In response to Mr. Neil, Mr. Ennis stated that there were no tenants currently living at the property. He explained that the accessory structures, including five (5) garages at the back of the property, were rented out to different tenants on a month-to-month basis and he confirmed that the house had been vacant for an extended period of time.

There being no one else present wishing to speak, Council President Slavin declared the public hearing closed.

Mr. Lewis moved for approval of staff's recommendation to: 1) declare this building and all accessory structures on this property dangerous; 2) order the property demolished by January 9, 2016 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mr. Neil.

Mr. Hare stated that Mr. Ennis had brought up a good point in saying that the letter he was sent referenced a "dwelling" and not the accessory buildings. Mr. Hare also noted, with the City's current budget, that if there was a signed contract for purchase of the property and someone else would pay to demolish it, it might be worth letting them do this.

Mr. Lewis questioned if the City would recoup the funds. Responding, Mrs. Townshend stated that if the City were to demolish the buildings and the property was transferred, the City would collect the demolition cost, as well as the delinquent taxes and other lienable items outstanding at the property transfer.

Mr. Sudler expressed agreement that the unit needed to be demolished; however, he requested clarity from Mr. Nicholas Rodriguez, City Solicitor, regarding the accessory structures versus the dwelling. Responding, Mr. Rodriguez indicated that he was unsure how this matter was advertised and referred the question to Mrs. Townshend.

Mrs. Townshend advised members that the letter stated that, "Staff will recommend that Council order the building to be demolished, either by the owner or the City. You may present testimony to City Council stating as to why the house should not be declared dangerous and ordered demolished." Based on this, she advised members that if Council wanted to order the house but not the accessory structures demolished, staff would proceed with that.

Mr. Sudler thought that this would be the only fair thing to do since the correspondence clearly identified only the dwelling and not the accessory structures. He offered an amendment to proceed with the dwelling only and not the accessory structures. Mr. Lewis, the maker of the motion, and Mr. Neil, the seconder, agreed to the amendment.

The motion to accept staff's recommendation for the dwelling only and not the accessory structures was carried by a unanimous roll call vote (Anderson absent).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE FOR PROPERTY LOCATED AT 1128 FORREST AVENUE, OWNED BY ENNIS BUSINESS ASSOCIATES, LLC

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 1128 Forrest Avenue, owned by Ennis Business Associates, LLC. Mrs. Ann Marie Townshend, Director, Planning and Community Development, advised members that this property was located adjacent to the property discussed previously on a separate tax parcel. She stated that the property had 21 code enforcement cases since 2001, including abandoned vehicles, exterior violations, broken windows, and dilapidated structures. Mrs. Townshend noted there were also tall grass and weed violations, and in some cases the City had incurred the cost to have the property cut. She indicated that utilities were terminated in April 2012 and the building was registered as vacant in May 2012. On October 8th, 2015, staff placed the building on the dangerous building list due to no active utilities and numerous open code violations. Mrs. Townshend stated that staff receives a lot of complaints about this property because of its location on Route 8 directly across from the Modern Maturity Center.

Mrs. Townshend indicated that $2,150 was owed in unpaid citations, fees, and grass cutting. She stated her belief that this may also include taxes and noted that the property was currently on the Sheriff's sale list due to delinquent taxes. Mrs. Townshend informed members that staff brought this property forward as unfit for habitation, general welfare, code violations and unoccupied buildings and that the letter sent to the property owner specified the "dwelling" and did not address the accessory structures. She stated that she would make sure in the future this is caught before letters are sent. Mrs. Townshend advised members that her amended recommendation would apply to the building.

Mrs. Townshend reviewed a presentation depicting the condition of the structure ***(Exhibit #2)***.

Staff's amended recommendation was to: 1) declare the building dangerous; 2) order the property demolished by January 9, 2016 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structure if not completed by the owner within 10 days of the date established by City Council; 4) order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Responding to Mr. Slavin, Mrs. Townshend stated that this recommendation was for the dwelling, which was the principal structure.

In response to Mr. Hare, Mrs. Townshend stated that there were no pictures of the inside of the dwelling, noting that staff had not been able to get inside since it was secured and staff does not force entry.

In response to Mr. Hare regarding the reason for the demolition, Mrs. Townshend stated that the property had been a code enforcement issue since 2001 and had been vacant since at least 2012. Staff had routinely received complaints and the owner had been unresponsive to maintaining the house and the grass, which the City had been cutting. The property was on the delinquent tax list and had all the signs of an abandoned property.

Mr. Hare expressed his desire to understand why it was a dangerous building, stating that it was secure and staff could not get inside it. He acknowledged that there were overgrown trees and shrubs; however, he stated that there were many homes in Dover that looked worse than this property, were eyesores, and had neighbor complaints.

Responding, Mrs. Townshend indicated that there was vegetation that, in addition to being overgrown, was interfering with the structure. The property as a whole was not being maintained and the City was incurring costs of $300 or $400 to hire a contractor to cut the grass, which had been cut because it was two (2) or three (3) feet tall.

Mr. Hare questioned if the property was a dangerous building or an eyesore. Responding, Mrs. Townshend stated that staff brought it to Council because they believed it was a dangerous building and that it was at Council's discretion to determine if the property is dangerous.

In response to Mr. Sudler, Mrs. Townshend stated that staff had not inspected the foundation to determine if there were cracks. She advised members that when she met with the property owner in October he indicated that he did not want to pay the vacant building fees and had no intention of repairing or renovating the property, noting that the houses were a negative on the value of the property and needed to be demolished. Mrs. Townshend advised that the property owner had asked if the City would demolish it. She felt that if he was not interested in repairing or demolishing the buildings, the options were to let them sit and crumble or demolish them.

Council President Slavin declared the public hearing open.

Mr. Bruce Ennis, managing member of Ennis Business Associates, LLC, 444 Troon Road, requested, for the same reasons that were given during the discussion regarding the property at 1124 Forrest Avenue, that they be allowed to proceed with a contract and have the new buyer demolish the property when he receives title to it. He indicated that the contract should be signed with a deposit within the next two (2) days and the purchaser was looking for a six (6) month feasibility period and settlement as soon as the study was completed.

Mr. Ennis expressed agreement with Mr. Hare's comments, stating that he could not see how vegetation deals with structure. He acknowledged that there was vegetation, including trees and overgrown shrubs, around the house; however, he thought that the interior of the building was structurally sound. Mr. Ennis indicated that they had rented the property out over the past years. It was his understanding from a conversation with a City inspector a couple of years ago that it was

structurally sound, noting that the inspector only made recommendations regarding electrical service. Mr. Ennis indicated that the property had not really deteriorated since that time, noting that there were no roof leaks. Although there was some vandalism at the back of the house, there was not as much as there had been at 1124 Forrest Avenue, and they had secured the back door by nailing it up. He stated that accessory outbuildings had been rented and tenants come and go.

Mr. Ennis explained that there is a meadow at the rear of this parcel and stated his understanding that there must be a 20-foot strip around this meadow where it adjoins a residential property. He stated that it was this 20-foot strip that the City had arranged to have mowed, noting that the cost was approximately $400 for each mowing. Mr. Ennis advised members that he cuts the grass on the front of the property around the house and there had been one (1) or two (2) citations over the years for high grass; however, he reiterated that the bulk of the grass-cutting bill, in the hundreds of dollars, was for cutting at the rear of this property, which is also owned by Ennis Business Associates.

Mr. Neil stated his understanding that the person who planned to purchase the two (2) buildings would demolish them and asked if this would render the question of whether or not it was a sound building moot. He felt that Mr. Ennis had done a disservice by not taking care of the buildings and by putting the City in the position of having to cut the grass, noting that this was not good citizenry.

Responding to Mr. Hosfelt as to why the fees and fines had not been paid to this point, Mr. Ennis stated that his family paid fees and fines for five (5) or six (6) years after his parents passed away, but the costs got beyond them due to the amount of rent they were getting for the property and the amount of the expenses. For this reason the taxes and fees had built up over the past two (2) years.

In response to Mr. Hosfelt regarding when the house was last rented, Mr. Ennis stated that they currently had month-to-month tenants on the back of the property and the house had been rented until four (4) or five (5) years ago when the structure was torched.

Responding to Mr. Sudler as to whether an engineer had determined if the structure was sound, Mr. Ennis stated that there was no report. Mr. Ennis noted that the surrounding properties were commercial and indicated that only City Assessor felt the house had value and everyone else told him the house was a negative. He felt this was a no-win situation and questioned why they should put $20,000 to $40,000 into upgrading a house that would be demolished as soon as it is sold.

There being no one else present wishing to speak, Council President Slavin declared the public hearing closed.

Mr. Neil moved to demolish the dwelling, as recommended by staff, seconded by Mr. Cole and carried by a unanimous role call vote (Anderson absent).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE FOR PROPERTY LOCATED AT 325 NORTH NEW STREET, OWNED BY JOSEPH R. AND JAMES E. KOSTACK

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 325 North New Street. Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the property was located on North New Street, just

north of Mary Street, and had 20 code enforcement cases since 2004, including numerous tall grass and weed cases, junk and debris in the yard, and broken windows and doors. Utilities were terminated in December of 2012 and the property was registered as vacant in December 2013. It was condemned by City staff in August 2015 due to no active utilities, open code violations, unlocked doors, and subjects gaining access to the property. Mrs. Townshend explained that there had clearly been illegal drug use and sexual activity in the property that was detrimental to the adjoining neighboring properties. She advised members that there were outstanding charges of approximately $6,900 in taxes, utilities, code enforcement citations, and fees. Mrs. Townshend noted that the property was on the Sheriff's sale list, meaning that it was two (2) years delinquent in taxes, and was being brought forward as unfit for habitation, general welfare, code violations, unoccupied buildings, and clear evidence of drug use in the property.

Mrs. Townshend reviewed a presentation depicting the condition of the structure ***(Exhibit #3)***.

Staff recommended: 1) declaring this building and all accessory structures on this property dangerous; 2) ordering the property demolished by January 9, 2016 by the owner or equity owner at their own risk; 3) ordering the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) ordering the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Hare questioned if the property would be demolished if the owner were to fix it all up in the next three (3) weeks. Responding, Mrs. Townshend stated that if Council ordered it demolished, the property would be demolished unless Council altered their action. She reiterated that staff's typical recommendation had changed to eliminate the option to repair since a number of buildings had gotten halfway there and owners stopped their repairs. Mrs. Townshend indicated that if Council wanted to give the property owner the alternative to repair, that was their prerogative. She noted that the property owner had not contacted Staff and the property was on the Sheriff's sale list.

Mr. Hare expressed the desire not to demolish a property that had been completely fixed up and noted that a 100% repair provision could be added. Responding, Mrs. Townshend stated she did not feel there was any danger of this happening with any of the properties currently being considered.

Mrs. Townshend stated that if Council approved Staff's recommendation, Staff would not issue any permits for the property; therefore, if work was done it would be done without a permit.

In response to Mr. Sudler, Mrs. Townshend confirmed that the property owner would have to pay the taxes before they could get a permit. She explained that the City's clean hands ordinance does provide an exception for dangerous buildings.

Mr. Sudler questioned if staff would issue a permit if Council approved additional time and the owner paid the taxes. Responding, Mrs. Townshend stated that a permit would be issued if Council's motion included an option to repair, but not under Staff's recommendation as stated.

Mr. Hare indicated that he would not have a problem if the property owner paid the taxes and the City issued a permit, but he felt this should be done within 30 days or the demolition would occur.

Mrs. Townshend stated that there were a number of houses where the owner had obtained a building permit and spent thousands of dollars to repair but had not quite gotten them to where they needed to be. The City was left in a position of determining whether to demolish what thousands of dollars had been spent on before the owner ran out of money. She stated that when the permits expire, they would not be renewed and the City would proceed with demolition because the properties had already been before Council. Mrs. Townshend had changed her recommendation to no longer allow repair in order to keep the City from being in that position. She reiterated that it was Council's prerogative to give more time, noting that in this case the property owner had not been responsive to the City or to the Sheriff sale notices and had not paid taxes.

Mr. Hare indicated that he did not feel more time should be given on this property.

Council President Slavin declared the public hearing open and, with there being no one present wishing to speak, the public hearing was closed.

Mr. Hare moved for approval of Staff's recommendation to: 1) declare this building and all accessory structures on this property dangerous; 2) order the property demolished by January 9, 2016 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mr. Hosfelt and carried by a unanimous roll call vote (Anderson absent).

PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE FOR PROPERTY LOCATED AT 2 SOUTH QUEEN STREET, OWNED BY KZ FOREVER, LLC

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 2 South Queen Street. Mrs. Ann Marie Townshend, Director, Planning and Community Development, advised members that this property was located at the corner of Division and Queen Streets and was acquired by the current owner at a Sheriff's sale in February 2015. She stated that in 2015 the property had 10 code enforcement cases. There were interior violations from a housing inspection, damaged exterior wall siding, broken windows and glass in the window areas, numerous grass violations, cases where the City had cut the grass, and exposed electrical wiring. Mrs. Townshend stated that prior to 2015, there were 20 other cases dating back to 2000, including housing inspections that took a while to resolve, grass violations, and exterior violations. She indicated that the property was registered as vacant on November 23, 2015 and had been condemned by Staff in June 2015 due to no active utilities in Unit B, a number of open code violations, unlocked doors, and people gaining access to the property. Mrs. Townshend stated that there were a number of related outstanding charges including a $250 vacant building registration fee, $200 in unpaid grass citations and cutting charges, $270 in delinquent taxes, and almost $1,300 in delinquent utilities.

She explained that the property was being brought forward as unfit for habitation, general welfare, code violations, and unoccupied buildings.

Mrs. Townshend reviewed a presentation depicting the condition of the structure ***(Exhibit #4)***. She advised members that Staff had stated that a structural engineering report, an electrical inspection, and a lot of work were needed on the property. Mrs. Townshend informed members that the property was in a very highly visible location. She noted that inspectors had talked to the property owner shortly after she acquired it and she was sent notices, so she was aware of its condition.

Staff's recommendation was to: 1) declare this building and all accessory structures on this property dangerous; 2) order the property demolished by January 9, 2016 by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owner within 10 days of the date established by City Council; 4) order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Sudler questioned why an engineering report was being required for this property but not for the other properties discussed. Responding, Mrs. Townshend indicated that this property owner had indicated that she wanted to repair it and, because of the structural issues they were seeing, Staff had stated that, before she could be issued a permit for repairs, a structural engineering report would be necessary. She explained that staff was concerned about holes around the foundation and the fact that a lot of the wood structure was not properly covered by siding. If the property were demolished, a structural report would not be needed. In regard to the other properties discussed earlier in the meeting, she stated that Mr. Ennis had not expressed any interest in repairing his properties and the other property owner was entirely unresponsive.

Mr. Sudler stated, for the record, that he would recuse himself from this case because he was related to the owner, noting that he had not known she was the owner until today.

Council President Slavin declared the public hearing open.

Ms. Zionna Adamolekun, 9 East Loockerman Street, Suite 301, advised members that she acquired this property in February and, within one (1) week, received a call from an inspector stating that her tenant had complained that there was no water. Two (2) or three (3) plumbers fixed the plumbing and restored water over the winter, causing a hole in the floor and ceiling. Ms. Adamolekun indicated that the tenants had unsuccessfully tried to sue her for the lack of water, appealed the decision, and were again unsuccessful. She indicated that she had to wait for this matter to go through the courts and she eventually evicted the tenants in June or July 2015, which took a lot of time, money, and effort.

Ms. Adamolekun advised members that Mr. Jared Boesenberg and another City inspector came to her property early on, stating that the interior would need to be inspected. She subsequently received a call from Mr. Boesenberg asking if she had received a letter sent to her at 622 West Division Street, which she did not receive, and she requested that he send letters to her office instead.

Ms. Adamolekun stated that Mr. Boesenberg noted the address change and indicated that all future notices would be sent to her new address; however, she indicated that she had not received a lot of those notices.

Ms. Adamolekun informed members that she received a telephone call from Mr. Tim Taraila, Chief Building Inspector, on approximately November 30, 2015 stating that the hearing to have her property demolished would be rescheduled. She indicated that she was confused, not knowing how it reached this point because she had been trying to reach Mr. Taraila all summer. Ms. Adamolekun stated that when Mr. Boesenberg informed her that the interior of the property needed to be inspected, she told him she would like him to do this before proceeding with any repairs because she would like to know the total cost before putting another dollar into the property. Mr. Boesenberg had informed her there were a lot of previous violations with the property. She indicated that the inspection never took place and every time she went by the property, she would see notices on the door that the City had issued a citation. She found a few of the notices unclear. Ms. Adamolekun noted that she had received a couple of citations initially for grass not being cut and began cutting the grass and taking care of shrubs growing on the side of the property. The tenant told her that he had been living there five (5) years and did not cut the grass as he said he would.

While talking with Mr. Taraila on November 30th, Ms. Adamolekun told him that she had been down to the City's Office four (4) or five (5) times and had called several times. On one (1) occasion, she met Mr. Boesenberg in the lobby and was told that he could not talk to her about this property and referred her to his supervisor, Mr. Taraila. When asked to get Mr. Taraila, Mr. Boesenberg indicated that he was not there.

During her phone conversation with Mr. Taraila, Mrs. Adamolekun advised him that she had been trying to get hold of him all summer so that the City could do an interior inspection. Mr. Taraila advised her to schedule an appointment to take this matter up with Mrs. Townshend and an appointment was scheduled for November 2, 2015.

Ms. Adamolekun indicated that she had attended a public meeting at the Dover Public Library where Mrs. Townshend discussed the Downtown Development District and related incentives. She recalled some residents voicing their concerns at this meeting about codes being enforced, since they may not have the money to do all the repairs, and Mrs. Townshend had assured the general public that the City would work with them and give them time to repair property. Ms. Adamolekun indicated that she did not find this to be true. She met Mrs. Townshend at her office thinking that there was surely a misunderstanding and that she would go in and explain why she had not done any repairs on the property, which she tried her best to maintain. Ms. Adamolekun advised members that she had been afraid to go to the property because the tenant had cursed at her on several occasions, told her that it was his house, and tried to sue her in court. She had explained this to Mr. Boesenberg in February, advising him that she would need a couple of months, not knowing that she would be in court several times extending until about June. Ms. Adameolekum advised members that Mrs. Townshend would not hear her out in terms of her explanation that the tenant was not allowing access and tearing up the property, which she did not want to put money into. She stated that when the tenants were finally out of the property, Mrs. Townshend accompanied Mr. Boesenberg on a property inspection. Ms. Adameolekum questioned whether Mrs. Townshend was qualified to do inspections.

In response to Mr. Slavin's request to explain how she planned to address the issues of the property, Ms. Adamolekun stated that the interior inspection was completed on November 27, 2015. She indicated that she had received a notice in the mail giving her nine (9) days to complete all repairs and she replied to Mrs. Townshend in writing, stating that she needed at least 90 days, and she also telephoned because she felt she was being treated unfairly. Ms. Adamolekun explained that she had asked for help from Representative Sean Lynn, whose office had called Mrs. Townshend and was told initially that Ms. Adamolekun had only to get a structural engineer's report, an electrical inspection, and pay the fees by the specified date and that all repairs did not have to be completed by that date. She then received another letter stating that City Staff had gone back by the property and the repairs were not done. Ms. Adamolekun advised members that she had not been afforded the opportunity to address the property since it was condemned immediately when the tenant moved out due to not having electricity. She had gone to City Hall to question if the entire property would be condemned since only one (1) unit did not have electricity.

Ms. Adamolekun stated that she did not appreciate the way that she had been treated. She indicated that the words "blight", "nuisance", and "eyesore" had been used; however, she felt that the property could not be torn down because someone did not like the way it looks. She stated that Mrs. Townshend had stated that the structure was dilapidated and there was wood rot behind the siding, but she questioned how Mrs. Townshend knew this and if she was an expert in this area. Ms. Adamolekun stated that Mrs. Townshend did not find any soft spots in the siding. She explained that she had a structural person come to the property a couple of weeks ago. Although Ms. Adamolekun had no written reports yet from the structural person since he was on vacation; however, he had informed her that the dwelling was structurally sound.

Ms. Adamolekun requested that the City stop attacking her, give her some breathing room, and allow her to address some of the issues with the property. She indicated that Mrs. Townshend had mentioned that there were people "hanging out" at the property; however, she stated that this was untrue, the property was secure, and she rides by it every day on her way to work. Ms. Adamolekun advised members that she is a small business owner and resident and did not appreciate being treated the way she was treated. She did not agree with Council demolishing her property because someone did not like the way that it looked, stating that she did not know what the motive was. She indicated that when staff inspected it, they remarked that the panel box had not been inspected since 1987, noting that this was not her fault since she had just bought it in February. She felt that the City had not been fair. Ms. Adamolekun indicated that she had attended other public meetings when there had been discussions about absentee owners who do not care about the property, but she advised members that she did not fit this bill.

Responding to Mr. Neil, Ms. Adamolekun stated that this was her first multi-unit investment property in the City of Dover and there were two (2) additional properties outside of City limits. She indicated that she bought the property "as is" and did not really know its condition. Ms. Adamolekun indicated that she was aware there were City requirements and she estimated that it would take her approximately six (6) months to bring the property up to City code.

In response to Mr. Hutchison, Ms. Adamolekun estimated the cost of bringing the residence up to livable condition at under $10,000.

Mr. Anderson questioned how long it would take to bring the property up to Code. Responding, Ms. Adamolekun indicated that she thought "Code" and "livable" were the same. Mr. Anderson expressed the desire to make sure that everyone's understanding was the same, because if Council were to grant an extension, chances were that the matter would not be brought to Council in the future but would be left to Staff. He felt that all code requirements should be met and there should be a Certificate of Occupancy.

Ms. Adamolekun questioned if the building could be demolished because Mrs. Townshend did not like the asphalt siding. She indicated that she had been trying to ask these questions for months and questioned if the City could determine the type of siding that she puts on a property. She noted that there were missing shingles and the siding was dated in style, but it was not falling apart. Ms. Adamolekun stated her goal to replace the siding and have it as beautiful as some of the houses built on Kirkwood Street, but this would take money. She indicated that she was asking for fairness and compassion and advised members that the property had been condemned all summer and that the individual she sent to clean the property out had been harassed by inspectors.

In response to Mr. Hosfelt, Ms. Adamolekun stated that Mr. Mick Mikula, a local engineer, had looked at the property.

There being no one else wishing to speak, Council President Slavin declared the public hearing closed.

Mr. Neil stated that he was in favor of tabling this matter for three (3) months because he thought members needed to see what the inspection showed from Ms. Adamolekun's people and whether this building could be saved. If it could be saved, he thought the City should give her that opportunity. Mr. Neil thought the City had to hold property to a standard, particularly in the downtown area that the City was attempting to rejuvenate. He moved to table action for three (3) months to see where it stands as far as progress is concerned. The motion was seconded by Mr. Anderson.

Based on the discussion, Mr. Hutchison did not feel that the property was close to where it needed to be. He stated, rather than delaying this matter for 30 or 90 days, that members should give the owner 15 days to get an estimate of what it would cost and then she could address whether or not she had the means to be able to fix it.

Mr. Slavin asked if Mr. Neil would be willing to amend the motion to bring the estimates back to Staff in 15 days and put it on the January 11, 2016 Council agenda. Mr. Neil and Mr. Anderson agreed to the amendment.

For clarification, Mr. Slavin stated that the motion was to have the property owner provide staff with estimates within 15 days and place the matter on the January 11, 2016 agenda for Council discussion.

The motion to have the property owner provide Staff with estimates within 15 days and to place the matter on the January 11, 2016 agenda for Council discussion was carried by a roll call vote of eight (8) yes (Anderson, Neil, Lewis, Cole, Hosfelt, Hare, Hutchison, and Slavin) and one (1) abstention (Sudler).

Mr. Neil moved for adjournment, seconded by Mr. Cole and unanimously carried.

The Special Council Meeting adjourned at 8:04 p.m.

TRACI A. McDOWELL
CITY CLERK

All orders, ordinances, and resolutions adopted by City Council during their Special Meeting of December 9, 2015 are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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Exhibits
Exhibit #1 - Presentation - Violation of the Dangerous Building Ordinance - 1124 Forrest Avenue
Exhibit #2 - Presentation - Violation of the Dangerous Building Ordinance - 1128 Forrest Avenue
Exhibit #3 - Presentation - Violation of the Dangerous Building Ordinance - 325 North New Street
Exhibit #4 - Presentation - Violation of the Dangerous Building Ordinance - 2 South Queen Street

Violation of Dangerous Building Ordinance 1124 Forrest Ave

Planning & Inspections Department

Dover, Delaware

December 9, 2015

EXHIBIT #1
Special Council Meeting of 12/09/2015

1124 Forrest Ave
Case History

- 9 code enforcement cases since 2005
  - Exterior code violations – dilapidated buildings
  - Numerous grass violations – parking on the grass
- The utilities were terminated on December 8, 2014
- Registered as vacant by the city on May 11, 2012
- Secured by the City on June 29, 2015
- Source of neighbor complaints

Outstanding Charges

  - $731.57 in unpaid taxes and code citations
  - Currently on the Sheriff sale list

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


1124






























PRIVATE
PROPERTY


S F C
6 7 4 8 6






LAND
FOR SALE

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property demolished by **January 9, 2016** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Violation of Dangerous Building Ordinance 1128 Forrest Ave

Planning & Inspections Department

Dover, Delaware

December 9, 2015

EXHIBIT #2
Special Council Meeting of 12/09/2015

1128 Forrest Ave
Case History

- 21 code enforcement cases since 2001
  - Exterior code violations – abandoned vehicles
  - Broken window panes – dilapidated structures
  - Numerous tall grass and weed violations
- The utilities were terminated on April 4, 2012
- Registered as vacant by the city on May 11, 2012
- On October 8, 2015, City Staff placed the property on the dangerous building list due to no active utilities with numerous open code violations.
- Source of neighbor complaints.
- Outstanding Charges
  - $2,150.00 in unpaid citations, fees and grass cuttings
  - Currently on the Sheriffs sale list

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*
























DESIGNED FOR MULTIPLE USES!
Kitchen
Borders Box


1128

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property demolished by **January 9, 2016** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Violation of Dangerous Building Ordinance 325 N New St

Planning & Inspections Department

Dover, Delaware

December 9, 2015

EXHIBIT #3
Special Council Meeting of 12/09/2015

325 N New St
Case History

- 20 code enforcement cases since 2004
  - Numerous tall grass and weed cases
  - Junk & debris in yard – broken windows and doors
- The utilities were terminated on December 9, 2012
- Registered as vacant on December 27, 2013
- Condemned by City Staff on August 27, 2015 due to no active utilities, open code violations, unlocked doors and subjects gaining entry to the property.
- Source of illegal drug use and sexual activities.

Outstanding Charges

  - Property is on the Sheriff sale list
  - Approx. $6,900.00 is due in taxes, utilities and Code Enforcement citations and fees

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


325












WARNING
2015/08/27 13:20






2015/08/27 13:18


2015/08/27 13:15

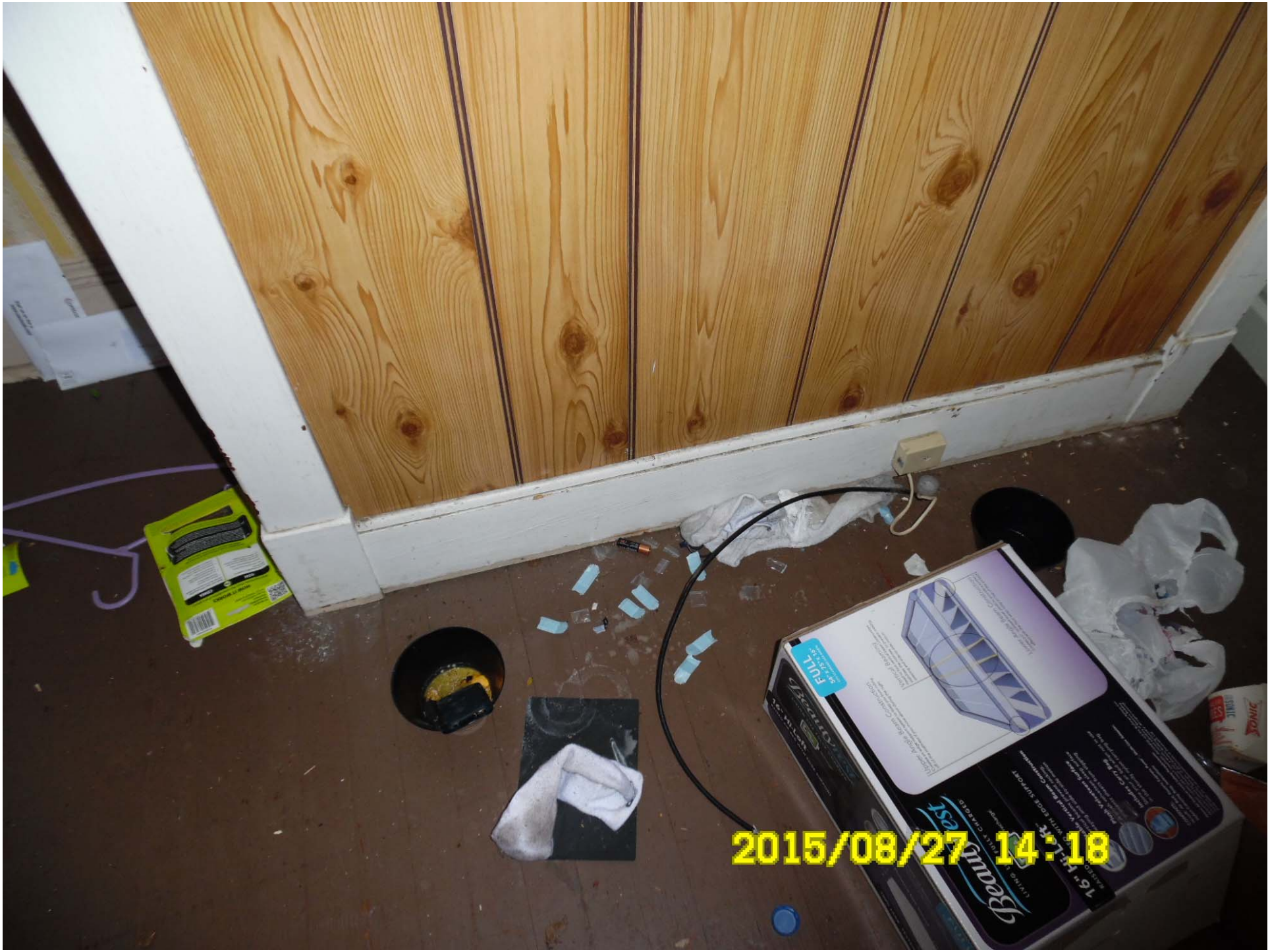

2015/08/27 13:15


Personal Heater Fan
2015/08/27 13:16


2015/08/27 13:16


2015/08/27 13:16


2015/08/27 13:17


2015/08/27 14:18


2015/08/27 13:15

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property demolished by **January 9, 2016** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Violation of Dangerous Building Ordinance
2 S Queen St

Planning & Inspections Department

Dover, Delaware

December 9, 2015

EXHIBIT #4
Special Council Meeting of 12/09/2015

2 S Queen St
Case History

- Acquired by current owner at sheriff sale in February/March 2015
- 10 code enforcement cases since February 2015
  - Interior code violations from housing inspection
  - Damaged wall siding – broken window glass and panes
  - Numerous grass violations (City cut grass)
  - Exposed electrical wiring
- 20 cases prior to 2015 dating to 2000
- Registered as vacant on November 23, 2015
- Condemned by City Staff on June 4, 2015 due to no active utilities in unit B, open code violations, unlocked doors and subjects gaining entry to the property.

2 S Queen St Case History

- Outstanding Charges
  - $250 unpaid vacant building registration fees
  - $200 unpaid grass citations and cutting charges
  - $270 delinquent taxes
  - $1,272 delinquent utilities

Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

(5) *Unfit for habitation.*

(9) *General welfare.*

(10) *Code violations.*

(12) *Unoccupied buildings.*


S QUEEN ST


S. QUEEN ST


S. QUEEN ST




12/09/2015


12/09/2015








11/05/2015


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11/05/2015


CHARLOTTE PIPE
ENERGYGUIDE
11/05/2015


11/05/2015

Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property demolished by **January 9, 2016** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause demolition of the structures if not completed by the owner **within 10 days of the date established by City Council**.
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.