CITY OF DOVER HISTORIC DISTRICT COMMISSION
AGENDA
THURSDAY, April 23, 2015 - 3:00 P.M.
City Hall – Conference Room

ROLL CALL

APPROVAL OF AGENDA
APPROVAL OF MINUTES OF MEETING on February 19, 2015

COMMUNICATIONS & REPORTS

1. Summary of 2015 Activity
    a. Summary of Applications 2014 and 2015
    b. Summary of Architectural Review Certifications for 2015

2. Department of Planning & Inspections Update
    a. Bicycle Plan and Pedestrian Plan for Dover
    b. Restoring Central Dover Community Plan
    c. Citywide Recreational Needs Assessment
    d. Delaware Downtown Development District program

OLD BUSINESS

1. Status of Certified Local Government (CLG) Application (HI-15-01)

2. Ordinance #2015-03 (MI-15-02) Updates to *Dover Code of Ordinances,* Chapter 102 – Taxation, Article V – Tax Credits for Historic Properties

NEW APPLICATIONS

NEW BUSINESS

1. Review of Permits Referred to Commission

2. HI-15-07 "The Santa House" Project - Informational Presentation on "The Santa House" Project. This project is a proposed portable temporary structure. Its primary placement is anticipated to be located in Loockerman Way, the open space area between West Loockerman Street and North Street. Property owner: Downtown Dover Partnership.

ADJOURN

THE AGENDA ITEMS MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSION.

Agenda Posted: April 14, 2015 at 4:30pm

CITY OF DOVER
HISTORIC DISTRICT COMMISSION
February 19, 2015

The Regular Meeting of the City of Dover Historic District Commission was held on Thursday, February 19, 2015 at 3:00 PM with Chairman Salkin presiding. Members present were Chairman Salkin, Mr. McDaniel, Ms. Horsey, Mr. Salkin and Mr. Jackson.

Planning Office Staff members present were Mrs. Melson-Williams, Mr. Cook, Mrs. Townshend, Mr. Coburn, and Mrs. Purnell. Also present were Mr. Ryan Grover, Ms. Erica Loustau, Ms. Renee Bolds.

APPROVAL OF AGENDA

Mr. McDaniel moved for approval of the agenda, seconded by Mr.Scrafford and the motion was unanimously carried 5-0.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF JANUARY 15, 2015

Mr. McDaniel moved to adopt the minutes of the regular Historic District Commission meeting of January 15, 2015, seconded by Mr. Scrafford and the motion was unanimously carried 5-0.

COMMUNICATIONS & REPORTS

Summary of 2014/2015 Activity

Mrs. Melson-Williams stated that in 2014 there were five (5) applications presented to the Commission. For 2015 year-to-date including today there will be a total of six (6) applications presented to the Commission. The series of Sign Permits and Building Permits that was dealt with last month have been reviewed and have either been issued or are ready to be issued to the applicant.

Mrs. Melson-Williams asked if there were any other questions regarding the applications.

Chairman Salkin questioned regarding application HI-15-03 Sign Permit for 6 South State Street, (Baird Mandalas & Brockstedt) for an explanation regarding the signage on Division Street adjacent to the rear parking area and if it is under any ordinance or has been dealt with by Staff. Mrs. Melson-Williams stated that there was a permit filed for the sign after it was put in place. Mr. Cook stated that Staff has asked the applicant to reduce the height of the sign from 5 ½ feet since the height limit for a directional sign is a maximum of 4 feet. The property is only entitled to one sign which is the sign that was approved by the Commission. The sign that was installed without a permit does not meet the requirements of a directional sign because it is over the height limit. Mr. Cook received an email from the applicant and the applicant is working with the fabricator to figure out how to accomplish the reduction.

Responding to Mr. Scrafford's question of how the applicant got past the one sign issue, Mr. Cook stated that the sign can be considered a directional sign. Also, Mrs. Melson-Williams stated that the one sign for the property is the free-standing sign at the corner that was reviewed by the

Historic District Commission. Directional signage in certain instances does not require a permit, and directional signage does not count towards the number of signs for the property. Typically, directional signs are used for shopping centers and entrance exits.

Summary of Architectural Review Certifications for 2015 (through January 31, 2015)
Mrs. Melson-Williams stated that there have been a total of four (4) applications for signage and building permits. The permits were reviewed by Staff with the exception of the Woodburn signage that was issued.

Mrs. Melson-Williams asked if there were any other questions regarding the permits.

Responding to Mr. McDaniel's question regarding the location of 125A West Loockerman Street, Mrs. Melson-Williams stated that it is on the north side of Loockerman Street; the location where Partners and Design used to be and they have now moved to the rear area of that building. Years ago it was the Dollar General that was rehabbed.

Responding to Mr. McDaniel's question whether the current business in the location is Uncorked Canvas, Mrs. Melson-Williams concurred.

Department of Planning & Inspections Update
Draft Bicycle Plan & Pedestrian Plan for Dover
Mrs. Melson-Williams stated that there was a Public Workshop about the plans that was held on January 20, 2015. Mrs. Townshend stated that there was some feedback that is being reviewed. The plan is to submit the plans to the Safety Advisory and Transportation Committee at their March 23, 2015 meeting and for approval by City Council at the April 13, 2015 meeting.

Restoring Central Dover Community Plan
Mrs. Melson-Williams stated that the Plan was finalized in November and the Steering Committee associated with the Plan has continued to meet.

Mrs. Townshend stated that Restoring Central Dover was done with a planning grant through the Wells Fargo Regional Foundation and they have now applied for an implementation grant. Everything that happens under the Restoring Central Dover lends itself to the Downtown Development District. They should know in April if NCALL is receiving the implementation grant. It is a maximum grant of $750,000 over a five year period.

Citywide Recreational Needs Assessment
Mrs. Townshend stated that there has not been any progress.

Responding to Mr. Scrafford's question whether any of the Citywide Recreational Needs Assessment was in the Historic District, Mrs. Townshend stated that the assessment looked more at the larger park systems. There are parks in the Historic District, but there was no specific information that came out of the feedback that was related to the Historic District.

Responding to Mr. Scrafford's question if anything was to be done it would not have an impact on the Historic District, Mrs. Townshend stated no. A lot of what will be needed will be used to work

on master plans for the larger city parks.

Responding to Mr. Scrafford's question whether there would be any attempt to put any in the Historic District, Mrs. Townshend stated that one of the recommendations of *Restoring Central Dover Plan* is to add more green space, pocket parks, and community gardens in the Downtown area. As land becomes available or by demolition liens, we will continue to look for other opportunities to create strategically placed open space in the Downtown.

Delaware Downtown Development District Program

Mrs. Townshend stated that a series of Workshops are scheduled for February 26, 2015 at 10:00a.m., 3:00p.m., and 6:00p.m. at the Dover Public Library to introduce everyone to the program and incentives. Close to 600 mailers were sent out to the public, advertisements were done and emails were sent. We are hoping to educate people about the various incentives that are available. There will be representatives from the State agencies such as Delaware State Housing Authority who administers the grant program, The State Historical Preservation Office and Sustainable Energy Utility. We have created a series of five (5) City of Dover brochures. We will be reformatting the trifold to a fact sheet to put on the website. We want to make sure the information gets out as clearly and widely as possible.

Mrs. Melson-Williams stated that the handouts to the Historic District Commission members were the overview brochure for the Downtown Development District to give the list of opportunities and incentives. The second brochure is specifically the Historic Property Tax Credit for the City of Dover.

Responding to Mr. Scrafford's question whether the brochure listed that the application will be referred to the Historic District Commission or will the ordinance be rewritten to delete that requirement, Mrs. Townshend stated that the application can be referred to the Historic District Commission. The City wanted to make it clear in the brochure that anything that comes to Staff for approval can be forwarded to the Historic District Commission.

Mr. McDaniel commented that the Historic District Commission should be aware that there is another panel "*The President's Counsel on Public/Private Partnerships and the Future of the City Properties*" that was appointed by Councilwoman Beverly Williams to look at what to do with and how to plan for City facilities such as the old vacant library building. The initial meeting has taken place.

Responding to Mr. Scrafford's question whether it was utilization of existing City buildings, Mr. McDaniel stated yes and the question whether more City buildings should be built. He is part of the committee.

OLD BUSINESS

Status of DRAFT Certified Local Government (CLG) Application (HI-15-01):

Mrs. Melson-Williams stated that it took several attempts for the DRAFT Application to actually appear before the Legislative Finance and Administration Committee of City Council; one due to a very heavy agenda and another due to snow. Ultimately, on February 9, 2015 the Application was considered by the Committee.

Mrs. Townshend stated that it was forwarded favorably to City Council and should be approved on Council agenda on Monday night following the Mayor's signature he will submit the application to the State Historic Preservation Office for review.

NEW APPLICATION

HI-15-05 Biggs Museum Sculpture at 406 Federal Street – Public Hearing and Review for Action on the Architectural Review Certification associated with the placement of a sculpture in the front yard area adjacent to the museum entrance. The property is zoned IO (Institutional and Office Zone) and is subject to the H (Historic District Overlay Zone). The property is located on the southwest corner of Federal Street and East North Street. The owner of record is State of Delaware. Address: 406 Federal Street. Tax Parcel: ED-05-077.09-05-17.00-000. Council District 4.

Ms. Horsey was recused from the application because she is involved with the ownership of the property that is within 200 feet of the subject site.

Mr. Jackson was also recused from the application because he was President Emeritus of the Biggs Museum Board.

Mr. Salkin mentioned for the record that his wife is a new member of the Biggs Museum Board.

PRESENTATION

Mrs. Melson-Williams gave a brief overview of the application. It is the placement of a sculpture in the front yard area adjacent to the museum entrance. The project includes an exterior sculpture element of tree and birds. There is an interior sculpture element that has already been installed, but because it is an interior element the Historic District Commission has no review responsibility on that piece of it. With the installation of the sculpture, there are some site improvements that are also happening in the Plaza sidewalk area.

Representative: Mr. Ryan Grover, Curator & Project Coordinator at Biggs Museum; Ms. Erica Loustau, Artist.

Mr. Grover stated that the interior portion seen in the model presented has been initiated and they are finishing up the design of the base construction and the electrification for lighting of the mound structure that will hold a stainless steel tree on the exterior of the building. Because of the placement of the tree they will need to remove two (2) planter boxes. Also, because of the placement of the tree the accessibility ramp from the front entry drive will be removed and relocated to align with the front entry doors. Therefore, the curb will be transitioned roughly 8 feet to the right. The masonry that is being brought in is perfect replica of the masonry already in place. The mound for the tree itself is semi-circular (half dome shape) from which the tree erupts out of. The branch of the tree points towards the glass façade of the building so the series of the approximately 37 cables from the branches of the tree connect to another set of wires that are directly above the Biggs Museum of American Art sign on the building. The birds will be suspended from the cable and they will be creating a line of movement from the tree into and

connect with the line on the inside of the building. It is very directional outdoor installation that will bring people eyes into the front door of the museum and through this new interior space.

Ms. Loustau stated that the image on the screen was an initial conceptual sketch for this project from a year ago. From this image they went into a three (3) dimensional scale model. The scale model has actually changed the details of the tree and the mound. There will not be post and a fence around the mound. The hemisphere mound will have just a 6 inch curb that will raise it above the plaza level, and then the hemisphere will go above that. The stainless steel tree will be mounted to a foundation that will sit 1foot 6 inches below the top of the mound. There is a 1 ½ foot of steel below the concrete that ties the whole tree together. The cables will not go below 10 ½ feet above the plaza level. All the cables are between 10 ½ to 14 feet.

Mr. Grover stated that the trees are constructed at multiple planes of ¾ inch thick stainless steel that will be welded. The tree will go into the mound, but then secured to a flat base of the same sort of steel which is then mounted again into another concrete core underneath the foundation that is actually underneath ground and secured into the ground, surrounded by the mound, and covered by a 2 inch thick pattern concrete shell around the entire sculpture.

Mr. Scrafford questioned the potential for additional weight to the cables and tree due to weather (snow load), Responding, Mr. Grover stated that the engineer has taken a general average of the amount of surface that might be exposed and what extra weight that might put on the tree to tilt it forward. The foundation underneath the mount has been compensated to maintain that angle under the worse circumstances.

Responding to Mr. Jackson's question whether there will be a bench level seating around the mound, Mr. Grover stated no. Ms. Loustau stated that there are two (2) benches that currently exist nearby. Mr. Grover stated that the 6 inch curb that supports the hemisphere is really good for the snow removal.

Responding to Mr. McDaniels's question whether the other planter will be removed, Mr. Grover stated yes.

Responding to Mr. Scrafford's question whether there was any historical significance of the planters, Mr. Grover stated no.

Responding to Ms. Horsey's question of how low/high is the lowest branch from the ground and could someone jump up to the tree branch and do damage to the sculpture and themselves, Mr. Grover stated that the lowest branch is 10 ½ foot from the ground. It could probably be climbed and reached with a ladder.

Ms. Horsey commented that she could envision a child climbing or jumping onto the branch (sculpture). She would hope that the State of Delaware is not liable if this was to happen.

Mr. Grover stated that their liability insurance and collections insurance covers both incidents and locations.

Responding to Mr. McDaniel's question whether it should be raised higher to ensure that no one can do damage to themselves, Mr. Grover stated that this has been questioned and discussed in many group sessions regarding the height. We knew that the sculpture needed to be kept from easy access and clear area well above the heads and hands of people walking by. They ultimately could not be responsible if someone with a ladder came and wanted to climb the tree. The sculpture is set at 10 ½ feet.

Mr. Scrafford stated that it is no more obtrusive being a stainless steel tree than a wooden tree in your front yard. You cannot prohibit people from being able to climb the trees that are on State Street. He would have a feeling that this would fall under the same criteria because it is a synthetic tree.

Mr. Grover stated that one thing the sculpture has going is that it is made up of individual intersecting planes so it does not have a flat surface around the surface of the tree.

Ms. Loustau stated that the sculpture is not climber friendly and does not look climber friendly.

Mr. Grover stated that it is the silhouette of the tree as oppose to the volume of the tree, if that makes sense.

Mr. McDaniel stated that he had a chance to look at the sculpture and the interior portion is already in place. It is hard to envision the exterior because nothing is there, but he thinks it will be a very exciting project.

Chairman Salkin opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Mr. McDaniel moved to approve HI-15-05 as submitted with Staff Comment #1 (approval of the Architectural Review Certification). The motion was seconded by Mr. Scrafford and unanimously carried 3-0. Mr. Jackson and Ms. Horsey were recused.

NEW BUSINESS

Determination of Demolition by Neglect

HI-15-06 Building at 312 West Loockerman Street– Determination of Demolition by Neglect for the building located at 312 West Loockerman Street. The subject site consists of one parcel of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the south side of West Loockerman Street between South New Street and South Queen Street. The owners of record are Renee and Deborah Bolds. The property address is 312 West Loockerman Street. Tax Parcel: ED-05-077.09-01-70.00-000. Council District 4.

Mrs. Melson-Williams gave a brief overview of the application.

Presentation of the current building

Mrs. Melson-Williams gave a brief presentation of the condition of the vacant building. The building is located on the property to the east where the new Family Dollar building was constructed in the last year. There are only three (3) sides of the building that are actually exposed

to the outside elements. There is a basement access area that is on the Loockerman Street side of the building. The entrance on the sidewalk had to be boarded over, once removed there is a series of steps that lead down into the basement area of the building.

Mrs. Townshend stated that as it relates to the Code Enforcement the intent of the Staff is to present the application to City Council as a Dangerous Building because the building is increasingly a deteriorating condition with no steps taken to remedy the condition of the building. In looking around the Downtown at the sidewalks after the snow the sidewalk was not shoveled. There is really no maintenance happening at the site at this point.

Chairman Salkin asked if there were any questions.

Responding to Chairman Salkin's question regarding the condition of the roof leakage (structural integrity), Mr. Coburn, Code Enforcement Officer stated that the building is registered as a vacant property. There is evidence that there is water leaking into the building through the roof. As far as the structural integrity of the roof he would not know unless the City had a structural engineer to go in. There is water that has appeared in the basement so it is leaking from the roof down into the basement. As he referred to the photos there is a lot of mold, mildew, and water deterioration inside the building.

Responding to Chairman Salkin's question regarding the Historic District Commission action and the decision going before City Council as the next step, Mrs. Townshend stated yes, it would be taken to City Council as a Dangerous Building.

Representative: Ms. Renee Bolds, Owner

Ms. Bolds stated that unfortunately she inherited the property from her father who passed two (2) years ago and with that she has been taking care of the process of getting the business in order. She would definitely like to open the building (business) back up again. This has been something that she has wanted to do, but her paperwork was not in order. The death of her father was unexpected and the paperwork was a slow process. She has looked into a real estate lawyer to help her with this process. She stated that she is not from the area, but inherited the property. She referred to paperwork dated 2009 which at that time it was still owned by her father. She had no knowledge of the business. She has currently been trying to do her best without having the knowledge of what to do without it being sent in a form of a letter. She tried to take care of what she could to the best of her ability. She understood that the building has been targeted various times for damage, but she could not do anything until all paperwork was transferred into her name and having monetary status. Now that she sees that there is an opportunity to receive some type of incentives to help her going forward and what she could do with the building, she would like to have that considered in her favor. As far as the outside basement entrance area (trap doors) were damaged by the City when the cobblestone was removed. Their way of fixing was covering the doors. Obviously because of that when it rains the water will leak into the basement. The water is not coming directly from the roof.

Responding to Mr. Scrafford's question whether the damage to the trap doors was done by the City and if a claim was filed against the City, Ms. Bolds stated yes, but she was not sure if a claim was filed because she was not the owner of the building at that time.

Mr. Scrafford recommended that the applicant ask the City if there is a claim on file. If it was damaged by the City, then a claim should have been filed and would be on file.

Ms. Bolds stated that she understood what Mr. Scrafford was saying, but this is all new to her and she is just receiving knowledge of this.

Mr. Scrafford suggested that she look into seeing if there was or is a claim.

Ms. Bolds stated that since this was brought to her attention she will be looking into it.

Responding to Chairman Salkin's question when Ms. Bolds personally became responsible for the property, Ms. Bolds stated in 2012. She still did not have paperwork because it was still in her father's name who passed in 2012 and she was only the executor at that time.

Responding to Mr. Scrafford's question whether she had plans to bring the building back into operation, Mrs. Bolds stated yes.

Responding to Mr. Scrafford's question whether she had presented this to the Planning Commission, Mrs. Bolds stated no. As she previously stated this is something new to her and she was unaware of how to go about it and was being directed. Unfortunately, there was someone else who was supposed to be helping her but it did not work out. She is hoping that this time since she has assistance who really knows the ins and outs of the business that everything will work out since it is now her responsibility.

Mrs. Townshend stated that to her knowledge at this point the property has been in Ms. Bolds name for a year. There have been no architectural plans submitted and no structural engineering report. There has been no progress made in trying to, not just rectifying the issues that are there, but to make improvements, from as basic as not clearing the snow. The City has had to secure the basement doors because they have been found unsecured. This is the type of building that because of the amount of time the City has to spend making sure it is secured is a property that could end up being a location for drug sales, drug use, prostitution, etc. because it is not being staying secured and the City has to constantly stay on the property. In addition, the City receives complaints from other property owners because of the deteriorating condition of the building. She certainly respects the desire to improve the property, but at some point there needs to be real progress made. That consists of a business plan, architectural plans, and mold remediation. At this point, nothing has happened.

Ms. Bolds as previously stated said that someone else was supposed to be handling the business because she had no clue or direction of what to do. Unfortunately, that fell through so this is what has led her to the Historic District Commission meeting today. Now that she is aware of what she needs to do and who she needs to contact in order to make this work, she will be more than happy to abide by what she needs to do. She was not told this at the beginning.

Chairman Salkin stated that it would be helpful for him and the other members if someone from the City could tell them at what point the concerns that are being brought before the Historic District Commission were shared with whomever especially since a year ago the property then formally or legally came into Ms. Bolds' hands.

Mr. Coburn responded by stating that the reason it has gotten to this point because several letters have been sent to Ms. Bolds and he had not been contacted on numerous occasions. They had communicated a couple of times. She did have a gentleman contact him regarding what needed to take place and he explained to the gentleman all of the remediation and repairs that needed to be made to the building. It was discussed to open the building back up as a liquor store and they were informed to contact ABC (Alcohol Beverage Control Commission) to find out if the liquor store would be allowable. He sent out five (5) notices and several citations, not only for the condition of the building on the exterior, but also for the deteriorating hatch to the basement. The City hired a contractor to rebuild the hatch because the City was afraid that someone was going to walk across it and fall down into the basement. This is an on-going issue and he had not heard from either party roughly three (3) months.

Ms. Bolds stated that there was no communication with the gentleman that was supposed to be helping her and she made many attempts to reach him. She did some of the work that she was able to do that was asked by the City. She is not sure who she needs to contact to remove the signage. Again, these things are new to her and if she is pointed in the right direction to get these things done she does not have a problem doing them.

Mr. Coburn stated that he understood what Ms. Bolds was saying but she had not communicated with him. She could have called him and asked him who to contact to take care of the signage; he could have easily recommended a sign company.

Ms. Bolds stated that she thought the gentleman that was supposed to be helping her was communicating with Mr. Coburn.

Mr. Scrafford questioned if the property owner could have something done to the building if given a reasonable time, for example six (6) months. Responding, Ms. Bolds stated yes.

Mr. Scrafford stated that he was looking for a deadline date to approve demolition if there was no response with the necessary things to satisfy the Planning Department within six (6) months.

Mr. Scrafford questioned the property owner if she could live with the building being demolished if the necessary items were not corrected in six (6) months. Responding, Ms. Bolds stated yes.

Mr. Scrafford questioned Staff and Historic District Commission members if they could live with that. Responding, Mrs. Townshend stated that typically a request to City Council is for thirty days. The Historic District Commission could give sixty days before it went before City Council.

Mr. Scrafford stated that he would recommend a motion of demolition that the Planning & Inspections Staff and City Council agree with if the necessary work is not completed within six (6) months.

Chairman Salkin stated that he would like to have a brief discussion of the historical aspect of the property to determine if the Historic District Commission believes that they have anything to offer about the building and its future whether it is saved and renovated and it has to abide by the ordinance. If it is torn down and the Historic District Commission believes it has no historical value, then that would need to be established. The only reason the building is before the Historic District Commission is because it is in the Historic District.

Discussion

Mr. Scrafford stated that the Staff Report recommending demolition had already addressed whether or not it was of historic character. He thought that the historical aspect of the site disappeared a few years ago.

Chairman Salkin stated that he gathered the Historic District Commission has a consensus that the structure is not of historical value and the Historic District Commission is not taking any interest one way or another as it relates to the historical character.

Chairman Salkin questioned the Historic District Commission's role on a parcel such as this where the Historic District Commission has no historical fabric or integrity to defend and they are put in the awkward position of being asked to make recommendations on its future that has nothing to do with its history. Responding, Mr. McDaniel stated that because the property is in the Historic District the Historic District Commission is put in the position as it has been done in the past.

Chairman Salkin stated that in every other case that he recalls there was more historic fabric and there was interest in trying to save the property, the Historic District Commission is required to make some decision or recommendation under the law. He personally has no basis for recommending that this building be torn down right away in light of what was heard.

Mr. Salkin stated that the Code Enforcement Officer whose job it is to make the determination has already told the Historic District Commission. The question has already been answered whether or not the building is condemnable.

Chairman Salkin stated that he believes that it is condemnable. The owner has also stated that she could have the building repaired in six (6) months.

Chairman Salkin asked if there were any questions.

Ms. Horsey stated that everyone needs a second chance including the ones who should know better about the inspections. She has been through this and it is not fun or a black and white issue regardless if the property has any merit for architectural significance. There is a chance to give the owner some time. It looks like the Downtown Development District has possibilities for the property owner.

Ms. Bolds stated that if she is given information regarding the Workshops she will attend. Even though this is new to her, she is willing to learn to keep the business going.

Mr. McDaniel recommended that the property owner find someone to help her, and get a contractor because the City Staff can only go so far.

Responding to Ms. Horsey's question if Staff was willing to work with the property owner, Mrs. Townshend stated that Staff is always willing to work with the property owner. She also agreed with Mr. McDaniel.

Mr. McDaniel questioned the mailing address. Responding, Ms. Bolds stated that she has someone picking up her mail in Magnolia where she also owns property when she is not in Dover, since she lives in New York. She stated that she was not sure what type of business she wanted because she may not want it to remain a bar.

Mr. Scrafford suggested that the property owner have someone under contract and identify the person with the City of Dover to show good faith that you are moving forward which is very important so the property owner does not lose the property.

Chairman Salkin commented that it would very helpful for him, the owner, and the City to identify what the critical elements are on the building. He agreed with Mrs. Townshend that in light of all the efforts they want the building to be reused. They do not want the building to be torn down and then wait for someone else to come in and build something new. Saving the building even though it is not historic is a value to the City. There are a lot of buildings in Dover that are vacant and have less promise than this building, but they are not deteriorating. It is not a requirement that the building needs to be in use within six (6) months. It needs to look nice, be safe, no longer deteriorating and have a future plan.

Mrs. Townshend stated that the Planning Staff would look for a structural engineering report where the structural engineer makes recommendations on the building conditions and then the corrections made according to the recommendations.

Mr. Scrafford moved to recommend approval of Demolition by Neglect and recommend to Planning Staff and City Council to move forward with demolition of the subject property on the condition that the owner has until September 19, 2015 to make repairs or demolish the building, seconded by Mr. McDaniel and the motion was unanimously carried 5-0.

Ms. Bolds stated that she appreciated everyone for giving her a second opportunity to restore and be a part of Downtown Dover.

Proposed Ordinance #2015-03 (MI-15-02) Updates to *Dover Code of Ordinances*, Chapter 102 – Taxation, Article V – Tax Credits for Historic Properties

Mrs. Townshend gave a brief overview of the Tax Credits for Historic Properties program. It relates to the Downtown Development District incentives. One of the things that was done with the incentives was reviewing the current incentives to determine how they could be improved. There

are a lot of things that can be eligible for the Historic Tax Credit that are not reviewed by the Historic District Commission such as painting a house and very minor projects that can be approved administratively. The Tax Credits could be approved administratively, but would be tied to the Architectural Review Certificate. The Historic District Commission will still continue to see renovations and items that would alter the building in appearance. The Historic District Commission will see the project, but not the Tax Credit application.

Mr. Scrafford stated that the Proposed Ordinance #2015-03 is put in line with what was recently changed in the other documents that gave the Planning Department more say in approving applications. The Planning Department is able to decrease the number of approvals required by the Historic District Commission. It gave the Planning Department more opportunity to approve without permission.

Mrs. Townshend stated that when Article 10 was changed it did not decrease what came to the Historic District Commission it clarified the overlaps.

Mr. Scrafford's questioned the reason the financial applications would not come before the Historic District Commission if they are approving recommendations that go to City Council and tie the Tax Credit and approval of it at the same time. Mrs. Townshend stated that the Historic District Commission would see it and it does not go before City Council. It is done with the Historic District Commission or administratively. There are a lot of things that could come in for Tax Credit that do not require Historic District Commission review. The Historic District Commission will review the Architectural Review Certificate. The Ordinance reads that you are supposed to submit the Application for the Historic Tax Credit when the Building Permit Application is submitted.

Chairman Salkin stated that when he read the Proposed Ordinance #2015-03 (MI-15-02) Updates to *Dover Code of Ordinances*, Chapter 102 – Taxation, Article V – Tax Credits for Historic Properties that was not the way he interpreted it. It may not be properly worded.

Chairman Salkin stated if the application for Architectural Review Certificate and the Tax Credit comes together as a package then there is no reason for the Historic District Commission to act on the Tax Credit. Responding, Mrs. Townshend concurred.

Chairman Salkin stated that they would not be involved in reviewing any tax credit applications, but only the project as it relates to the Architectural Review Certificate. Responding, Mrs. Townshend concurred.

Chairman Salkin stated that he did not think that it was clear. Since the current ordinance states that it comes to the Historic District Commission and this information states that the application for the Architectural Review Certificate goes to the City Planner.

Mrs. Townshend stated that all applications are filed with the City Planner, but if you go to Article 10 and it states that if the application requires Historic District Commission approval it would go before the Historic District Commission.

Chairman Salkin suggested that there be something in the Ordinance that makes that clear to the applicant or potential applicant and that it is in fact what Mrs. Townshend stated.

Responding to Mr. McDaniel's question of the number of applications that were for Historic Tax Credits in the last ten years, Mrs. Townshend and Mrs. Dawn Melson-Williams stated two (2) maybe three (3).

Mr. McDaniel questioned why the Historic District Commission could not hear them; he wanted to make sure that the Historic District Commission is not out of the loop. Mrs. Townshend gave an example of a Victorian house project that only needed to be painted and would cost $40,000. It would be eligible for a Tax Credit, but it does not require a Building Permit. So do we add a level of review where a person could submit an application and it could be turned around in two weeks? They will know that they are eligible and can proceed with the work or it is held until the meet other deadlines.

Mr. McDaniel's questioned when the application goes to Planning Staff and is approved does the Historic District Commission learns about it at the next meeting? Mrs. Townshend stated that it would be similar to the other tables that the Historic District Commission receives.

Mr. Scrafford stated that the Ordinance must be consistence with Article 10.

Chairman Salkin suggested adding additional information regarding who will be reviewing the application as required by Article 10.

Responding to Chairman Salkin's question if the Planning Office takes the Historic District Commission place in this process, Mrs. Townshend stated yes and offered to add language to the proposed ordinance to clarify the Architectural Review Certification process.

Mr. Scrafford moved to adjourn the meeting; seconded by Mr. McDaniel and unanimously carried 5-0.

Meeting adjourned at 4:31 PM

Sincerely,

Maretta Savage-Purnell
Secretary

City of Dover Historic District Commission
Summary of Applications 2014
Updated thru April 13, 2015

FILE#	PLAN NAME	LOCATION	TYPE	ACTION	STATUS
HI-14-01	Sign Permit #14-148 Referral	22-24 West Loockerman Street - EZ Pass Offices	Sign Permit for two wall signs	Permit #14-148 referred to HDC by City Planner for Architectural Review Certification consultation;2/20/14 HDC Meeting - no quorum present, Staff continued to work with applicant	Staff worked with applicant to revised design and material of wall signs. Revised concept approved and Permit issued. Signage installed.
HI-14-02	Kirby & Holloway Sign	656 North DuPont Highway	Consideration to determine historic/cultural or aesthetic significance of pylon sign	3/20/2014 HDC Consideration of status of pylon sign; HDC Determined Sign to be a Historic & Significant Sign under the provisions of Zoning Ordinance, Article 5 Section 4.12	Sign maintains its legal non-conforming status indefinitely and can remain in its current form.
HI-14-03	Lands of Six South State, LLC: 6 South State Street	6 South State Street	Construction of parking lot off alley and other site improvements	4/17/14 HDC Recommendation of Approval of ArchRevCert with conditions. Application S-14-11 reviewed by PC and granted Approval of ArchRevCert with conditions on 5/19/2014	Check Prints of Site Plan submitted; Review Comments issued 7/7/14 and 8/5/14. Building interior work ongoing under permit and exterior trimwork being painted. Landscape clean-up and select tree removal has occurred. Final Site Plan approval 8/8/2014. Administrative Building Permit #14-1023 issued for site improvements. Inspections of site on 8/18/2014; Temporary Certificate of Occupancy issued.
HI-14-04	Sign Permit #14-279 Referral	300 West Loockerman Street - Family Dollar	Sign Permit for two wall signs	Permit #14-279 referred to HDC by City Planner for Architectural Review Certification consultation; scheduled for 6/19/2014 HDC Meeting. Revised Sign Permit submitted to supersede Permit #14-279; no action by HDC required.	Sign Permit #14-279 superseded by new revised Sign Permit #14-764. With Permit #14-764 Wall Signs to be externally lit by gooseneck lights in compliance with DS&G. Permit approval granted. Signage and gooseneck lights installed.
HI-14-05	Historic Property Tax Credit	54 The Green	Consideration of Application for Historic Property Tax Credit	Application for Tax Credit approved by HDC on 11/20/2014.	Project work received Architectural Review Certification with Permit #14-1231 (Staff Review and information presented to HDC on 9/18/2014). Project complete. Documents processed to Award Tax Credit.

City of Dover Historic District Commission
Summary of Applications 2015
Updated thru April 13, 2015

FILE#	PLAN NAME	LOCATION	TYPE	ACTION	STATUS
HI-15-01	DRAFT Certified Local Government Application	City of Dover	Application to be designated as a Certified Local Government	Draft Application presented to HDC on 1/15/2015. Draft Application reviewed by Legislative, Finance & Administration Committee on 2/9/2015. City Council on 2/23/2015 approved Application for submission.	Planning Staff completed DRAFT of CLG Application. Application presented to City Council who endorsed its submission. Submission to SHPO with cover letter dated 3/30/2015 from Mayor. Awaiting review of Application.
HI-15-02	Sign Permit #14-1609 Referral	151 Kings Highway SW, Woodburn Governors Mansion	Sign Permit for post and panel sign	Permit #14-1609 referred to HDC by City Planner for Architectural Review Certification consultation; 1/15/2015 HDC Meeting - approved ARC as submitted in permit; Staff Approval of Permit per ARC	Permit issued for post and panel sign.
HI-15-03	Sign Permit #15-15 Referral	6 South State Street, Baird Mandalas & Brockstedt	Sign Permit for freestanding sign and fence	Permit #15-15 referred to HDC by City Planner for Architectural Review Certification consultation; 1/15/2015 HDC Meeting - approved ARC with conditions on height and size; Staff Approval of Permit per ARC	Permit issued. Freestanding sign and fence installed at property corner of South State Street and Division Street.
HI-15-04	Building Permit #15-19 Referral	3 Loockerman Plaza, PNC Bank	Building Permit for Drive-thru ATM structure	Permit #15-19 referred to HDC by City Planner for Architectural Review Certification consultation; 1/15/2015 HDC Meeting - approved ARC with conditions for dumpster enclosure; Staff Approval of Permit per ARC	Permit issued. Construction has not commenced.
HI-15-05	Biggs Museum Sculpture	406 Federal Street	Installation of exterior sculpture of tree and birds	Architectural Review Certification Application granted at HDC meeting of 2/19/2015; Staff Approval of Permit per ARC	Permit issued.
HI-15-06	Building at 312 West Loockerman Street	312 West Loockerman Street	Determination of Demolition by Neglect	Determination of Demolition by Neglect by HCD at meeting of 2/19/2015. Property declared a Dangerous Building by City Council on 3/9/2015.	Active Code Enforcement Cases and designated a Dangerous Building. Property owner has until 9/9/2015 to repair or demolish building.
HI-15-07	Santa House Project	Loockerman Way and other locations	Informational Presentation	Project for a portable temporary structure. Presentation scheduled for 4/23/2015 HDC Meeting.	Project design continues. Informational Presentation scheduled for upcoming HDC Meeting.

Summary of Permit Applications with Architectural Review Certification
2015 - Updated Thru 3-31-2015

DATE	PERMIT #	LOCATION	TYPE	ACTION ON ARCHITECTURAL REVIEW CERTIFICATE	NOTES
1/26/2015	14-1609	151 Kings Highway, SW, Woodburn - Governors Mansion	Sign Permit - Post and Panel Sign	Staff Referral to HDC for 1/15/2015; HDC Consultation as HI-15-02 recommended ARC as Permit submitted	Post and panel sign at driveway entrance; fiberglass panel with black metal posts.
1/26/2015	15-26	406 Federal Street, Biggs Museum	Building Permit- Drainage Improvements	Staff Approval	Project for drainage improvements: new gutter, downspouts, brick and concrete sidewalk regrading, add low brick retaining wall
1/12/2015	15-49	15 Kent Avenue, Murphey School	Roof Permit	No Review of Permit by Planning Staff	Replacement of roof with synthetic slate roof and also work on a flat roof area. This project is similar to roof project on another building in Murphey School complex that received CDBG funding which included review by SHPO Office (Finding of No Adverse Impact) and Planning Staff consultation for project scope of work.
1/22/2015	15-65	125-A West Loockerman Street, Uncorked Canvas	Building Permit - Interior Renovations	Staff Approval. No ArchRevCert required for interior work.	Interior renovations for tenant fit-out.
2/5/2015	15-15	6 South State Street, Baird, Mandalas & Brockstedt	Sign Permit - Freestanding Sign and Fence	Staff Referral to HDC for 1/15/2015; HDC Consultation as HI-15-03 recommended ARC with revisions and conditions	Freestanding Sign on Fence at corner of South State Street and Division Street. Fence with Signs installation. Working on landscaping.
2/13/2015	15-93	414 South State Street	Building Permit - Window Replacement	Staff Approval	Replacement of window on side elevation.

Summary of Permit Applications with Architectural Review Certification
2015 - Updated Thru 3-31-2015

DATE	PERMIT #	LOCATION	TYPE	ACTION ON ARCHITECTURAL REVIEW CERTIFICATE	NOTES
2/6/2015	15-162	15 Kings Highway, NE	Roof Permit	No Review of Permit by Planning Staff	Replacement of Roof. Existing residential dwelling being converted to professional offices Application C-15-01.
3/24/2015	15-19	3 Loockerman Plaza, PNC Bank	Building Permit - Drive-thru ATM structure	Staff Referral to HDC for 1/15/2015; HDC Consultation as HI-15-04 recommended ARC with conditions	Freestanding drive-thru ATM structure with site circulation changes and new Dumpster enclosure. Permit issued.
3/27/2015	15-144	54 South State Street, Presbyterian Church of Dover	Sign Permit - Post and Panel Sign	Staff Approval	Post and panel sign with church name placed in yard area at corner of South State Street and Reed Street
3/27/2015	15-278	406 Federal Street, Biggs Museum	Building Permit - Exterior Sculpture & Site improvements	HDC Approval of ARC on 2/19/2015 as Application HI-15-05; Staff Issued Permit per Approval	Permit issued.

City of Dover

March 30, 2015

Certified Local Government Coordinator
Division of Historical and Cultural Affairs
21 The Green
Dover DE 19901

RE: Submission of Certified Local Government Application from City of Dover, Delaware

Dear Certified Local Government Coordinator:

The City of Dover, Delaware is pleased to request consideration of our application to participate in the Certified Local Government (CLG) Program. A copy of the *Delaware Certified Local Government Program Application* with the required attachments is provided with this letter.

The City's Department of Planning & Inspections prepared this application and will serve as the key point of contact for the CLG Program. The Department also serves as staff to the City of Dover's Historic District Commission. The Planning Office may be contacted at (302) 736-7196.

The *2008 Comprehensive Plan* for the City of Dover included a recommendation that the City pursue participation in the Certified Local Government Program as a goal of the Historic Preservation Plan (Comprehensive Plan: Chapter 6, page 63 and Chapter 15, page 179). As part of the CLG application preparation, it was presented to the Historic District Commission on January 15, 2015. In addition, the Legislative, Finance & Administration Committee of City Council on February 9, 2015 recommended approval and submission of the CLG application. On February 23, 2015, City Council approved the Certified Local Government application for submission to the State Historic Preservation Office accompanied by this letter from the Mayor.

We look forward to working with your office in the process to designate the City of Dover as the next Certified Local Government program in Delaware.

Sincerely,

Robin R. Christiansen
Mayor

Enclosures: Delaware Certified Local Government Program Application w/ Attachments

CC: Ann Marie Townshend, AICP, Planning Director
City Clerk's Office
Planning Office File HI-15-01

CITY OF DOVER ORDINANCE #2015-03

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 102 - Taxation, Article III - Realty Transfer Tax, Section 102-71 - Definitions, (a)(3) - First-time homebuyer of the Dover Code be amended to read as follows:

Sec. 102-71. - Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(3) *First-time homebuyer* means a natural person who has at no time held an interest in residential real estate, wherever located, and which has been occupied as their principal residence, and who intends to occupy the property being conveyed as his principal residence, within 90 days following recordation of the deed. The first-time homebuyer must file an affidavit certifying to his qualifications before the exemption can be granted. In order to alleviate claims for rebate of the transfer tax paid, no rebate shall be made once the deed for the transaction has been recorded. First-time homebuyers submitting a false affidavit in any respect, which would entitle them to the exemption, shall be subject to payment of the unpaid transfer tax, plus interest at the rate of one and one-half percent per month and, upon direction by the council, referral to the attorney general of the state for criminal prosecution. This subsection shall apply to all real estate settlements held on or after January 2, 2000. First-time homebuyers are exempt from the transfer tax as provided herein. The first-time homebuyer exemption shall apply to the seller of property that qualifies for the first-time buyer exemption but only for property located within the downtown redevelopment high priority target area defined in Appendix C. Council shall have the right to deny this exemption to any property owner where the sale and purchase appears to be done fraudulently to take advantage of the realty transfer tax exemption ordinance.

BE IT FURTHER ORDAINED:

That Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, Section 102-113 - Qualifications (d) of the Dover Code be amended to read as follows:

Sec. 102-113. - Qualifications.

(d) Any persons purchasing residential real property in which they will reside within the downtown redevelopment high priority target area defined in Appendix C shall be given tax relief from the payment of real estate taxes in the following manner: first year of ownership, total tax abatement; second year of ownership, 75 percent tax abatement; third year of ownership, 50 percent tax abatement; fourth year of ownership, 25 percent tax abatement; fifth year of ownership, no tax abatement. Provided however that the homeowner is required to occupy the home as their principal place of residence during the entire time that the taxes are abated and if the property ceases to be their principal place of residence at any time during the four-year period of abatement, then they shall lose their right of abatement and shall be required to pay immediately all taxes abated up to the time that the home ceases to be their principal residence. In order to obtain the tax abatement, the homeowner must make application by affidavit submitted to the city clerk showing qualification for the abatement and each year thereafter,

submit a similar affidavit showing their continued right to the abatement. If qualification for the abatement ceases within the four-year period of abatement the homeowner is required to notify the city clerk of the lack of qualification for the abatement and within 90 days from the date the qualification ceases, pay all taxes abated in the past.

First year of owner occupancy	100 percent reduction of taxes
Second year of owner occupancy	75 percent reduction of taxes
Third year of owner occupancy	50 percent reduction of taxes
Fourth year of owner occupancy	25 percent reduction of taxes
Fifth year of owner occupancy	0 percent reduction of taxes

BE IT FURTHER ORDAINED:

That Chapter 102 - Taxation, Article V - Tax Credits for Historic Properties, Section 102-152 - Application Requirements and Section 102-153 - Application Review and Approval of the Dover Code be amended to read as follows:

Sec. 102-152. - Application requirements.

(a) *Submissions to city planner.* Property owners shall submit a historic tax credit application, and, when applicable, a building permit application and/or application for architectural review certificate as required by Appendix B - Zoning, Article 10 - Planning Commission, Section 3 - Historic District Commission and Architectural Review.

(b) *Plans.* A tax credit request submittal shall include the type and number of plans and specifications required for a building permit and, in addition, elevation plans and specifications, showing the impact of the proposed work on the exterior architectural facade of the building.

(c) *Photographs.* A tax credit application submittal shall include current color photographs of the property, showing the present condition of the property, and accurately representing the existing materials and texture. All photographs shall be labeled indicating the direction of view.

(d) *Other information.* Other information may be required by the city planner to facilitate review of such tax credit submittal.

(e) *Cost estimate.* An itemized cost estimate shall be submitted, which shall be the basis for the tax credit.

Sec. 102-153. - Application review and approval.

(a) *Factors considered.* The city planner shall first review the submitted applications, plans, photos, and related information to determine if the property is a qualifying historic property. In making this determination, the city planner shall consider the following:

(1) The property's significant value as part of the historical, cultural, artistic, social, ethnic or other heritage of the nation, state or city;

(2) The property's association with an important person or event in national, state, or local history;

(3) Whether the property is representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of an indigenous material;

(4) Whether the property is the notable work of a master builder, designer, architect, or artist whose individual genius has influenced an era.

(b) *Review.* If the city planner determines that the property is a qualifying property, they shall review the submitted application plans, specifications, and related information for compliance with the following:

(1) The proposed application constitutes an exterior preservation project seen readily from a street, sidewalk, or public way, where measures are applied to sustain the existing form, integrity, and material of the building or structure, including stabilization work, where necessary, as part of ordinary maintenance and repair;

(2) The proposed application constitutes an exterior rehabilitation project readily seen from a street, sidewalk or public way, which would return the property to a state of utility through repair or alteration which makes possible an efficient use of the building, while preserving those portions or features of the property which are central to its historic, architectural, and cultural significance;

(3) The proposed application constitutes an exterior restoration project readily seen from a street, sidewalk, or public way, which accurately recovers the form and detail of a property and its setting as it appeared at a particular period of time in the past by means of removal of later work or by the replacement of missing earlier work; or

(4) The proposed application conforms with the recommended practices and treatments of the design standards and guidelines for the city historic district. Practices and treatments designated as not recommended or inappropriate in the guidelines, or determined by the historic district commission to be inappropriate shall not qualify for this tax credit.

(c) *Referral to historic district commission.* The city planner may refer any application for tax credits under this article to the historic district commission for consultation with the commission. The applicant shall have the right to appeal a tax credit disapproval to city council.

(d) *Expense report.* Upon the completion of the qualified work for which a tax credit has been approved, the property owner or his contractor shall submit to the city planner a written expense report, which verifies the costs associated with the project and shall request an inspection of the completed work by the city planner.

(e) *Tax credits.* The tax assessor shall apply approved tax credits during the fiscal year subsequent to the submittal to the city planner by the applicant of the contractor's final invoice to verify the cost of the repairs to the building and following certification from the city planner that the work has been completed in accordance with the approval of the tax credit application, building permit, and/or architectural review certificate.

Secs. 102-154—102-180. - Reserved.

ADOPTED: FEBRUARY 23, 2015

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SYNOPSIS

The amendments change the homeownership tax incentives to align with the Downtown Development District boundary and change the City's Historic Property Tax Credit application to be administratively reviewed.

(SPONSORS: ANDERSON, BONAR, SLAVIN, AND TOWNSHEND)

Actions History

02/23/2015 - Scheduled for Final Reading at City Council

02/09/2015 - Introduced at Legislative, Finance, and Administration Committee and First Reading at City Council

01/26/2015 - Scheduled for Introduction at Legislative, Finance, and Administration Committee - Meeting Cancelled Due to Inclement Weather

HI-15-07 "The Santa House" Project - Informational Presentation on "The Santa House" Project. This project is a proposed portable temporary structure. Its primary placement is anticipated to be located in Loockerman Way, the open space area between West Loockerman Street and North Street. Property owner: Downtown Dover Partnership.

- See attached color renderings for Conceptual Design of "The Santa House."

- Information on the project's design, construction, and function will be presented at the Historic District Commission meeting.