CITY OF DOVER
HISTORIC DISTRICT COMMISSION
August 21, 2014

The Regular Meeting of the City of Dover Historic District Commission was held on Thursday, August 21, 2014 at 3:00 PM with Chairman Scrafford presiding. Members present were Chairman Scrafford, Mr. McDaniel, Ms. Horsey and Mr. Salkin. Mr. Jackson was absent.

Planning Office Staff members present were Ann Marie Townshend, Bill Cook, and Mrs. Purnell. Also present was Ms. Stephanie Hansen.

APPROVAL OF AGENDA

Mr. McDaniel moved for approval of the agenda with the Update on Architectural Review Certification as being first on the agenda, seconded by Mr. Salkin and the motion was unanimously carried 4-0. (Mr. Jackson was absent).

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF JUNE 19, 2014

Mr. McDaniel moved to adopt the minutes of the regular Historic District Commission meeting of June 19, 2014, seconded by Mr. Salkin and the motion was unanimously carried 4-0. Mr. Jackson was absent.

The Historic District Commission welcomed new member Ms. Ann Baker Horsey. Mr. Fisher's term expired and he did not seek reappointment. Mr. Jackson, Ms. Horsey and Mr. McDaniel were reappointed for three year terms to expire July 26, 2017.

OLD BUSINESS

HI-11-01 Building at 326 West Loockerman Street: Building Demolition – Revision to site stabilization activities to delete installation of fence. Associated with the Architectural Review Certificate that allowed Demolition of the existing commercial building at 326 West Loockerman Street. The property consists of one parcel of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone) and SWPOZ (Source Water Protection Overlay Zone). The property is located on the southeast corner of West Loockerman Street and South Queen Street. The owner of record is Dover Realty I. The property address is 326 West Loockerman Street. Tax Parce1: ED-05-077.09-01-74.00-000. Council District 4.

Mrs. Townshend stated that the application came before the Historic District Commission for a demolition of the building. The building has been demolished and the site has been stabilized. One of the items listed for site stabilization was the installation of a low fence like barrier on the perimeter of the property and around the building. In discussions, the Historic District Commission suggested a system of post with chain/roping for the fence. The method of installation of the posts is subject to approval from DNREC in relation to the environmental concerns on the property.

Responding to Mr. Salkin's question of whose requirement or recommendation it was to take the fence all the way to the property line, Mrs. Townshend stated that it was in the Staff Report and it was discussed at Commission and ultimately accepted as a condition.

Responding to Mr. Salkin's question whether it was based on aesthetics or safety and was the reason within their jurisdiction, Mrs. Townshend stated yes, it was aesthetics.

Representative: Mrs. Stephanie Hansen, Young, Conaway Stargett & Taylor.

Ms. Hansen stated that the Historic District Commission recommended the Architectural Review Certificate in 2011. For safety and especially aesthetics, some simple fencing would be more pleasing than an empty lot without any perimeter definition and would be positive and does not have to cost much. The building was demolished in February 2012. The process to get the fence up began in April 2012. A little over two (2) years later and in that period of time what they discovered was there are fencing companies that will put up fences and there are construction companies that deal with contaminated soil. They initially sent out bids to ten (10) different fencing companies and it was specially noted that they needed special training because DNREC required 40 hours of certain OSHA training in order to handle contaminated soil. The soil has to be handled proper as it is taken off the site for sampling before disposal at a particular facility. If it is left onsite the contractor would have to make sure that you are sure where it is located and where it will be put back. There is a lot of environmental coordination that was necessary. Out of the ten (10) bids only one (1) came back. At that point they decided that since only one (1) bid came in that they needed to look at it differently. They decided to look at construction companies because they are more likely to have the specialized training. They contacted six (6) construction companies and either they did not know how to put up a fence or did not want to put up a fence because the job was not a big construction job. Out of the six (6) construction companies none of them were interested in subbing out the work with a fence company. Nearly two (2) years later with one live bid and it is from a construction company to do just the environmental oversite work for $25,000 and it does not include the cost or installation of the fence. At this point two (2) years later, they have spent $15,000 or more in legal fees for bid packets, engineering cost, drawings, environmental consultant, etc. This is a non-income producing property. The last appraisal of the property was in 2012. The fees are well over at this point and they are approaching 15% of the value of the property. They have tried, but it is not working.

Mrs. Townshend stated that they did not have any concerns.

Mr. McDaniel moved to approve HI-11-01 that no fence be required as stated previously in the motion back on February 17, 2011, seconded by Mr. Salkin and the motion was unanimously carried 4-0. Mr. Jackson was absent.

Responding to Ms. Horsey's question whether they were still committed to doing the environmental cleanup, Mrs. Hansen stated that it had been completed. The remedy has been performed onsite to DNREC's satisfaction and there is a cap on the site so it does not present an environmental hazard. When the property goes to be redeveloped whoever redevelops it will have to do additional cleanup, but it will be tied to how they want to develop the property. It is not clean, but it is stabilized.

Mr. McDaniel stated that the Downtown Dover Development Corporation has taken on some contaminated sites.

Mrs. Hansen mentioned that the grant money ($600,000) available from DNREC is for nonprofit organizations to do most investigations and cleanups.

COMMUNICATIONS & REPORTS

Summary of 2014 Activity

Mrs. Ann Marie Townshend stated that included in the packet was a Summary of Applications from 2014 and 2013. There were four (4) applications this year and five (5) in 2013. The property located at 6 South State Street is nearing Certificate of Occupancy. The Family Dollar is well under construction. At the last meeting the Sign Permit application was discussed. Phase 2 of the Capital City Trail is under construction. Once this phase is completed they will move immediately to the Park Drive stretch.

Mrs. Townshend asked if there were any other questions regarding the applications and their status.

Responding to Mr. McDaniel's question whether the flora would be saved at 6 South State Street, Mrs. Townshend stated that there were a number of trees that were too close to the building or interfered with onsite utilities. One of the trees that they had initially planned to save interfered with the overhead power line and was ultimately removed.

Responding to Chairman Scrafford's question whether they have a revised landscaping plan for the site and if they would get to see it, Mrs. Townshend stated that they have an approved revised landscape plan and it was presented at the meeting. They have replaced trees and have met the tree planting requirement of the *Zoning Ordinance*. There is still some vegetation that needs to be planted. There are some (HVAC) units that need to be screened. They will also be adding some shrubs from the State Street view.

Responding to Chairman Scrafford's question whether their original plan included any improvements to the main entrance walkway, Mrs. Townshend stated that she did not believe so; she thinks they replaced in-kind.

Exhibit: Final Landscape Plan for 6 South State Street.

Mrs. Townshend stated that they had existing trees that they identified that needed to be removed. They have trees that they have planted.

Responding to Chairman Scrafford's question regarding which were the new trees, Mrs. Townshend stated as she referred to the Site Plan that they were the ones without the X's.

Responding to Chairman Scrafford's question whether there were similar positions where the trees were removed, Mrs. Townshend stated yes. Chairman Scrafford stated that it was good.

Mr. Salkin stated that at the last meeting he raised an issue and there was a consensus that they

would like to see plans that are approved after the Historic District Commission has taken action so that when there are changes the Historic District Commission is aware that what they are looking at has been approved. Therefore, they would like to see the end result.

Chairman Scrafford stated that they could be given marked up drawings.

Responding to Mr. Salkins's question whether a Final Plan is submitted to the Planning Office, Mrs. Townshend concurred.

Mr. Salkin stated that the Capital City Trail Phase 2 never came before the Historic District Commission. The overall plan came before the Historic District Commission, but at that time there was no retaining wall and the trees were being cut down. The Historic District Commission did not really understand what was being done and he thought what they were doing was part of Phase I, but it was different. They requested that the information could be via email with an attachment, not necessarily at a next meeting. They just want to be kept informed. He was not for sure how it comes to the Historic District Commission, but they were told it would come to the Historic District Commission and they never saw it again.

Mrs. Townshend stated that it is more of an infrastructure project.

Chairman Scrafford suggested that the Planning Office do not wait until there was as-builts. They would like to have it as soon as it has been agreed on and have the Final Plans.

Mr. Salkin stated that when the Commission reviewed the initial plan for 6 South State Street it showed had a small retaining wall as a parking lot. The applicant stated that there would be no retaining wall and now they have an ugly retaining wall. The Historic District Commission would not have voted to allow that.

Mr. McDaniel guessed that maybe it was allowed by Staff.

Mrs. Townshend stated that the retaining wall was actually something that was noticed when Mrs. Melson-Williams went out to do the Certificate of Occupancy inspection. The retaining wall was not on the plan. The Final Plan does not have the retaining wall. Upon meeting with the engineer on it yesterday, he was asked to submit a Revised Plan that shows the retaining wall. A cut-sheet was submitted that shows some of the changes to the area. The other piece was the black wrought iron fence was supposed to go all the way to the property line and it stops at the walkway where the Boxwood begins.

Mr. Salkin stated that there are really two (2) issues. They did something that they did not say they were going to do and it was not done appropriately. He thought that what he looked at had been approved because there was a change and he thought they were complying.

Responding to Mrs. Townshend's question whether the Historic District Commission would like for the item to come back before them before the Final Certificate of Occupancy is issued, the members stated yes. Chairman Scrafford also stated that it is a typical 50% win and 50% lose when a minutes ago he was a 100% lose. What are they going to propose to the Historic District

Commission or do they think that the Historic District Commission would not tell them to take it down because it is so irritating when people do that to you?

Mr. Salkin stated that they knew from the discussion with the Historic District Commission when they made the presentation that the Historic District Commission did not think that the wall was either needed or if it was it needed to be a different design.

Mrs. Horsey stated that the wall was ugly.

Chairman Scrafford stated that the ball was in the Historic District Commission court and they simply have to make a decision.

Mrs. Townshend stated that the item will be brought back at the next meeting. The item will sit on a Temporary Certificate of Occupancy.

Mr. Salkin stated that he does not even know what he would recommend to be acceptable. At first the Historic District Commission was told the wall was not needed. He does not even know why the wall was built. He is not even sure if they need a retaining wall.

Mr. McDaniel stated that staff could work out the issues, it is fine with him without having to hold them up, granted that they will be receiving a Temporary Certificate of Occupancy.

Mr. Salkin stated that he was fine with Mr. McDaniel comment only if the Historic District Commission understands what it is that staff is going to require of them. No offense to staff, but staff might settle for something that the Historic District Commission might not.

Responding to Chairman Scrafford's question whether the Historic District Commission wanted a wall or not, Mr. McDaniel stated that maybe the wall is needed. Mrs. Horsey stated the question is if the wall is needed. If the wall is needed, they could be asked to put some older 1920 bricks in front of the ugly brick. There are all kinds of ways to make it work.

Mr. Salkin stated that the same applies to the wrought iron fence. They committed to extending the fence and it has not been done. The Historic District Commission does not need to act on it; they just need to extend the fence.

Ms. Horsey stated that there is old antique fencing available. It was cost them a little bit. They need to set good examples and they can afford to set a good example.

Review of Permits Issued

Mrs. Townshend stated that there were forty (40) permits issued in the Historic District to date. Of those there were eight (8) Signs, nine (9) Exterior Building Renovations, five (5) Roof, five (5) Temporary Sign, five (5) Interior Building Renovations, two (2) Building, two (2) Fence, two (2) Demolition, and two (2) Administrative Permits.

Mrs. Townshend asked if there were any additional questions regarding the permits. There was none.

Department of Planning & Inspections Update
Draft Bicycle Plan & Pedestrian Plan for Dover

Mrs. Townshend stated that this is being led by the Dover/Kent County MPO. The last plan was in 1997. Some of the things were done, but many of them were not.

Responding to Mr. Salkin's question whether this was a revised plan since the public meeting that he attended, Mrs. Townshend stated yes.

Responding to Mr. Salkin's question whether this was the City Plan, Mrs. Townshend stated that it had not yet been adopted; it is still an updated draft. It will go through the MPO process with Technical Advisory Committee who will ultimately make a recommendation and the MPO Council will hopefully approve it. Afterwards, it would come before the Planning Commission and Council for adoption.

Responding to Chairman Scrafford's question whether it would become part of the Ordinance, Mrs. Townshend stated that not the Ordinance, but it would be tied to the Comprehensive Plan because it is adopted by Ordinance. The Planning Office will be doing a full update of the Comprehensive Plan hopefully starting next year.

Responding to Chairman Scrafford's question whether the Comprehensive Plan would include the modification of the proposed Design Standards and Guidelines, Mrs. Townshend stated she hoped.

Chairman Scrafford commented to get with Mrs. Melson-Williams regarding the recommended guidelines to make them more acceptable on the Loockerman Street side without being so offensive, but not being gone altogether. Try to rewrite the information for the remaining ones.

Mrs. Townshend stated she heard that one Council person recently stated that they needed to bring forward in the Ordinance to remove Loockerman Street after Governors Avenue from the district. She was not sure if there was more than one.

Responding to Chairman Scrafford comment that it was a fine recommendation and questioned if they could work towards the recommendation, Mrs. Townshend stated that she was not sure if it would receive any traction. It has not been assigned to her to do anything at the current time. No change to the boundary can be made without input from the Historic District Commission.

Mr. Salkin stated that he would not have any problem with any particular section of the District being removed if there was a rational for it, but it should be in the same context deciding what to have. If it was to just make the District smaller he would be opposed to that because there are other places that should be part of the District.

Ms. Horsey stated that she agreed with Mr. Salkin, but would also like to know what the Councilman from the 4th District had to say. Mrs. Townshend stated that the one she mentioned was from the 4th District.

Ms. Horsey stated that she knew in the past there were comments regarding the neglect of Governors Avenue area.

Chairman Scrafford stated that each issue needs to be addressed separately.

Mrs. Townshend stated this was not directly related to the Draft Bicycle Plan, but she wanted to inform the Historic District Commission there are some of the more treacherous sections of sidewalks that are in the process and have gone out to Bid for replacement. There are several brick areas that will be replaced with concrete.

Responding to Mr. McDaniel's question as to where, Mrs. Townshend stated that the northwest corner of State and Division Streets is one location.

Responding to Ms. Horsey's question on why can't the bricks be re-laid, Mrs. Townshend stated that she was not a part of the decision making.

Responding to Ms. Horsey's and Chairman Scrafford's question who made the decision, Mr. Salkin stated that it was the City's own money and the City's project.

Responding to Mr. McDaniel's question whether the City would be footing a bill for someone's sidewalk, Mrs. Townshend stated it is the frontage sidewalk along the streets because they have been doing that. Chairman Scrafford thought that was interesting.

Mrs. Townshend stated that there is a section in the Code that states maintenance is definitely the responsibility of the adjacent property owner, but there is a section in the Code that allows the City to assess the property owners for sidewalk repairs. In recent years the City has moved that direction because they are an important part of the public infrastructure. It is important for the City to maintain the sidewalks. The City has continued to fund a concrete program. Part of the problem is for example, if you tell someone they need to pay for or replace a section of the concrete in front of their house in the public right-of-way and they get a bag of sack-crete and pour it in and it is not to the City's standard then the person is asked to remove it.

Chairman Scrafford stated that if a person did not bother to find out what was required they would do whatever they wanted. The discussion between brick and concrete has been going on since the 1980's or earlier. The sidewalks that are brick were to remain brick. There was a lot of work done to make sure they remained brick. Overtime the brick will deteriorate.

Mr. Salkin stated that if the bricks that need to be replaced are in the Historic District that it comes before the Historic District Commission.

Chairman Scrafford stated that the North State Street area is not in the Historic District.

Mrs. Townshend stated that the *Zoning Ordinance* only has purvue over private property.

Mr. Salkin stated that he would hope that the City and Council would see the Historic District Commission as an advisory group on generic issues.

Responding to Mr. McDaniel's comment that it seems as if the City has already moved forward,

Mrs. Townshend stated that the work has not been completed.

Responding to Mrs. Horsey's question if this could be reconsidered because all of the sidewalks should remain brick, Mrs. Townshend stated that she did not know.

Chairman Scrafford stated that there are some of the North State Street brick sidewalks that are in the Historic District.

Responding to Mr. McDaniel's question how far the bricks go up to North State Street, Mrs. Townshend stated that it goes to Delaware Avenue.

Mr. McDaniel stated that there are issues with the sidewalks, but he would hate to see the bricks changed to the concrete paver stuff used by the Delaware State Housing Authority on The Green.

Chairman Scrafford stated that the problem dealing with concrete and making it level is the same problem you have with the brick in that the tree roots then have to be amputated. When you start doing that then you start losing the trees. The trees are part of the ambiance for North State Street.

Mr. McDaniel commented that it was already stated by Mrs. Townshend that the decision was made above her.

Mrs. Townshend stated that there were some on-going discussions at this point.

Mr. Salkin stated that this is a Public Works function.

Mrs. Townshend stated that she requested that they look at developing more of a plan on how we do it so that you do not find out after it is completed. That they determine which areas needs to be addressed.

Ms. Horsey stated that she would like to have the bricks replaced in kind. For example, if it is 1920's brick then replace it with 1920's brick because the bricks can be found. There is a brick company way up north that has been used by the City in the past. She stated that at one time she spoke with the City Manager who was Public Works Director at the time and asked him what would happen to all the bricks and he stated that they would just be stocked piled. She stated that she asked him if they could be brought to The Green and it was done. There is a sidewalk outside of the District that has good bricks that could be reused in the Historic District.

Mrs. Townshend stated that cost is a big consideration.

Ms. Horsey stated that she would help lay the bricks. We have been dealing with for the past several years multi-million dollar budget gaps that are getting fixed by transferring from the Electric Fund. There is no appetite for a tax increase and so it does become what is the must have and what are the nice to have. This is some of what they are dealing with.

Mr. Salkin stated that there is no appetite for a tax increase within Council, but there is one upon the citizens who would like to see the City put in brick sidewalks.

Mrs. Townshend concurred.

Mr. Salkin moved to recommend a process that before bricks are removed or replaced with concrete if it is located within the Historic District then it comes before the Historic District Commission. The motion was seconded by Mr. McDaniel and unanimously carried 4-0. Mr. Jackson was absent.

Restoring Central Dover Community Plan

Mrs. Townshend stated that there was no draft at the current time. At this point the Steering Committee has divided into work groups. They will submit their feedback to NCALL this week.

Responding to Chairman Scrafford's question whether the charrette proposal brought before the Historic District Commission fit into the plan, Mrs. Townshend stated that it was separate, but they link together.

Chairman Scrafford stated that the Charrette group was considering that and he would hate to see it get lost or separated. Mrs. Townshend stated that they are making sure that they don't. They have provided the consultant that is doing the Restoring Central Dover Community Plan with the results of the charrette. The charrette was more designed driven and this is more policy strategy.

Chairman Scrafford stated that it drove the direction of transportation, Mrs. Townshend concurred.

Mrs. Townshend stated that they are compatible but again she has not seen the draft. They are complimentary documents and not conflicting documents.

Mr. McDaniel stated that when he went down to the storefront where they were doing the work and the meeting it was not very well attended. They were going to have more meetings. Mrs. Townshend stated that they were there for a solid week and over the course of the week there were a lot of people who came through. On July 9, 2014 there was a public meeting over at the Wesley Fellowship Hall and that was well attended.

Responding to Mr. McDaniel's question whether they will be receiving the report sometime, Mrs. Townshend stated that she hopes because she needs it for the Downtown Development District program.

Citywide Recreational Needs Assessment

Mrs. Townshend stated that the Historic District Commission received the survey. They are hoping to have workshops in September.

Responding to Mr. Salkin's question whether the survey was the Final Draft, Mrs. Townshend stated yes. Email links have been sent out. It is on the City of Dover website page and the City of Dover Recreation Facebook page. The last time she checked there was well over 100 survey responses. It will be out there several more weeks.

Delaware Downtown Development District Program

Mrs. Townshend stated that this is the program passed by the General Assembly and signed into

law by the Governor. To create the Downtown District there will be three (3) statewide in the first round of designation, one in each county. It all depends on the quality of the application. There is a Special Meeting at the Parks & Recreation Community Enhancement Committee on Tuesday where there will be two (2) items of discussion. One is the geographic boundary for the Downtown Development District because we are limited under the program guidelines to 225 acres. This is smaller than our Downtown Redevelopment District. Staff level has tried to develop something that will encompass the heart of it. One of the big criteria is need. They try to make sure that it includes the area with the highest need. If they are designated within the Development District then the projects are eligible for a 20% rebate of their costs for all cost over $25,000. The State Historic Preservation Tax Credit will get priority here in the District. There were a number of other housing developments funds that will get priority if you are in the District. There are a lot of benefits to being in a Downtown Development District. The application is due November 1, 2014. We need to take the application packet through City Council and have from Resolution. We have about a month to get it together.

Responding to Chairman Scrafford's question whether it was money you get back after you spent the money, Mrs. Townshend stated that she thinks it is, but they are still working on that piece of it and it works with the individual applicant.

Responding to Mr. McDaniel's question whether it will come from Planning or the Downtown Dover Partnership, Mrs. Townshend stated that it will come from the City. She was hoping that the Partnership could look at the proposed boundary at their board meeting this month, but there will not be a board meeting. She was planning to email Gregg when the packet is posted or ask Beverly to email out to the Partnership Board and Committees so that people are aware that this is this is the opportunity. They need to figure out the geographic boundary because they need to start compiling the Census and other information based on the geographic boundary. She does not want to start all that work and then have the boundary change because somebody states they do not like it. She requested a Special Committee Meeting. They do not have the Restoring Central Dover document yet, but she spoke with the Governor's Office. Her plan is to take the Comprehensive Plan and what they have from Restoring Central Dover and Transit Center Neighborhood Plan and do a coordinating document. She is not talking a volume but an Executive Summary that pulls them all together that this is our document for Downtown with these documents combined. By doing that we should satisfy the criteria. She wanted to wait until the packet was out before doing anything with the map.

NEW BUSINESS

Review of Building Permits Referred to Commission

Mrs. Townshend stated that there are no permits to refer to the Historic District Commission.

Update on Certified Local Government (CLG) Program Application

Mrs. Townshend stated that the application process still needs to be completed. It is not a tremendous amount of work, but you have to block time to get it done. The Ordinance needs to be reviewed compared to the program guidelines to make sure there are no problems. The By-laws will also need to be submitted. Mr. Jackson resume needs to be updated, Mr. Salkin resume is updated but it needs to include his retirement, and she needs Ms. Horsey resume. Her plan is to get this moved forward by the end of the year.

NEW APPLICATIONS
There were none.

Chairman Scrafford comment on the previous discussion regarding taking money from the Electric Department. He stated that the money belongs to the citizens. Even though the Electric Department has successfully created small places in which to hide it, it still belongs to the citizens. If you look at it as if we owned stock in the Electric Department and that is our dividend. In 1974 it was designed to lay a golden egg and to keep taxes from going up. Now you need both.

Mr. McDaniel moved to adjourn the meeting; seconded by Ms. Horsey and unanimously carried 4-0. Mr. Jackson was absent.

Meeting adjourned at 3:52 PM

Sincerely,

Maretta Savage-Purnell
Secretary