CITY OF DOVER
HISTORIC DISTRICT COMMISSION
APRIL 19, 2012

The Regular Meeting of the City of Dover Historic District Commission was held on Thursday, April 19, 2012 at 3:00 PM with Chairman Scrafford presiding. Members present were: Mr. McDaniel, Mr. Jackson, Mr. Scrafford, and Mr. Salkin. Mr. Fisher was absent.

Staff members present were Mrs. Melson-Williams, Ms. Cornwell, Mrs. Ann Marie Townsend, and Mrs. Purnell.

APPROVAL OF AGENDA

Mr. Salkin moved for approval of the agenda as submitted, seconded by Mr. McDaniel and the motion was unanimously carried 4-0 with Mr. Fisher absent.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF JANUARY 19, 2012

Mr. McDaniel moved to adopt the minutes of the regular Historic District Commission meeting of January 19, 2012, seconded by Mr. Jackson and the motion was unanimously carried 4-0 with Mr. Fisher absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the first item on the Communications and Reports was a summary of applications being tracked for the last four years. On the first page of the Summary of Application for 2011-2012 there was some information that was reversed. On the Acme Site Redevelopment Master Plan, Staff has not received the check print. Staff has received the check print for the North Street Area Improvement Project.

Mrs. Melson-Williams stated that in calendar year 2012, there are three (3) applications to date. She stated that the Wesley Church Elevator and Canopy Addition project had a few items left to complete. The Bayard Plaza mixed use project is well underway. The Dover Anchor Public Library project construction is still underway.

Mrs. Melson-Williams asked if there were any questions regarding the application summary.

Mr. McDaniel questioned if the applicant for the Acme Site Redevelopment was aware that the check prints had not been received. Responding to Mr. McDaniel, Mrs. Melson-Williams replied yes, as part of the process from the Planning Commission meeting that would have been the next step. It turns into an administrative process; then they would resubmit to both the Planning Office and other regulatory agencies.

Mrs. Melson-Williams stated that the next Summary of Architectural Review Certifications was issued for this calendar year. She stated that to date for the first quarter there have been seventeen (17) permit applications that dealt with items in the Historic District. She stated that due to project location two (2) of them were not subject to Architectural Review Certification. She

stated that there were two different activities at the W.T. Smithers restaurant. She stated that majority of the Architectural Review Certification reviews were Sign Permits. She stated that there were eight (8) Sign Permits and two (2) additional Temporary Sign Permits in the Historic District, two (2) Demolition Permits, three (3) Building Permits, one (1) fence, and one (1) Administrative Permit.

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

Mr. Scrafford questioned if the property that was previously owned by Ether Parker and located at 527-529 South State Street was completed on the outside. Responding to Mr. Scrafford, Mrs. Melson-Williams replied that there was repair of stucco and they repainted the building.

Mr. Scrafford asked if they obtained a permit. Responding to Mr. Scrafford,
Mrs. Melson-Williams replied that no permit was needed for the painting.

Mr. McDaniel asked if it was a halfway house. Responding to Mr. McDaniel,
Mrs. Melson-Williams replied that there are three (3) apartment units in the building and they currently have an active Rental Dwelling Permit.

Mrs. Melson-Williams stated that in the packets was information on the upcoming Window Repair & Restoration Workshops to be presented by Preservation Delaware. There will be a workshop on Saturday, April 28, 2012 at the Milton Historical Society in Milton, DE and Sunday, April 29, 2012 at the Brecknock Park in Camden, DE. She stated that if anyone was interested in attending, please let the Planning Staff know so that you can be signed up for one or both of the workshops. She stated that there are some scholarships available.

Information on DelDOT Pavement & Rehabilitation Project in Downtown Dover

Mrs. Melson-Williams stated that included in the packet is information on the DelDOT Pavement & Rehabilitation Project in Downtown Dover. This is an informational presentation to the Historic District Commission. Also included in the packet was a location map that identified the various street segments of the City that will be involved in the project. There was engineered drawing that showed detailed information about some of the key intersections located Downtown. She stated that there was a representative joining the meeting from DelDOT.

Representative: Mr. Brent Van Lith, Area Engineer for DelDOT

Mr.Van Lith stated that this was a two hundred fifty (250) day calendar project. There are a number of locations inside the Historic District. He stated that on April 2, 2012 work began on College Road. He stated that the contractor was trying not to interfere with other projects that were currently underway. He stated that there were seven (7) different locations that need construction. He stated that the schedule for the construction on Water Street will begin October-November, Governors Avenue will begin June-September, and this will consist of the intersection improvements, concrete work and signals, etc. Loockerman Street paving will begin September-October.

Mr. Scrafford questioned if the paving on the location map was indicated by the black markings. Responding to Mr. Scrafford, Mr. Van Lith replied yes. He stated that there were different intersection improvements throughout the area. Some intersections need more improvements than others. He stated that for the most part outside of the paving rehab construction you need to make sure that the ADA ramp is in compliance. He stated that they receive federal funds for the project. He stated that outside of the ramps are signals and ADA pedestrian buttons. He stated that pedestrian button needs to be a certain distance from the level landing so that a person in a wheelchair has the capability of pressing the button and be able to cross at an ADA ramp.

Mr. Scrafford stated that there was work to be completed at State and Loockerman Street that would go into the brick area that would need to be replaced. Mr. Van Lith stated that there were some paving markings that need to be put down that were a part of Federal Guidelines. He stated that previously the crosswalks were different color bricks.

Mr. Scrafford questioned if the crosswalk brick color was going to be changed. Responding to Mr. Scrafford, Mr. Van Lith replied that the brick will not be changed, but they will need to put down markings that are in compliance. Also responding, Mr. Gary Laing (DelDOT Public Relation Office) stated that the Constitutional place Bicentennial project was built in 1987. He stated they would not be able to build it the same way due to the Manual of Uniform Traffic Control Devices (federal guidelines). He stated that they have been working with the City for two (2) years. He stated that it (the brick) has faded and they have tried to clean it and find other materials to cover it, but it did not work.

Mr. Scrafford stated that he remembered when the work was done in 1987, he recalls the discussions and arguments that were held in an effort to make it historic and not do what is currently approved. Responding to Mr. Scrafford, Mr. Laing replied that the Federal government would take away their funding on the project if it was not done correctly.

Mr. McDaniel questioned what the term “milling” stood for. Responding to Mr. McDaniel, Mr. Van Lith stated that is basically a machine that chews up the pavement two (2) inches deep in order to remove some of the pavement so when the two (2) inches of pavement are put back they have not increased the height of the road.

Mr. McDaniel questioned if some of these streets were blocked off and paved two (2) years ago. Responding to Mr. McDaniel, Mr. Scrafford replied yes, to do traffic signals on Governors Avenue and Loockerman Street.

Mrs. Melson-Williams asked if there were any more questions.

Mrs. Melson-Williams stated that this was meant as public information for the Historic District Commission to be aware that there would be some road projects happening in the Historic District area and to let them know that it involved some sidewalk, ramp, traffic control markings, lights, and paving work.

Mr. McDaniel questioned if the contractors were aware of the work on North Street and Governors Avenue with the underground wiring. Responding to Mr. McDaniel, Mr. Van Lith replied yes. He

stated that there was a two (2) hour meeting last week. He stated that Verizon is going to close North Street for a month.

NEW BUSINESS

HI-12-02 Johnson Victrola Museum at 375 South New Street: Banner- Public Hearing and Action on Architectural Review Certification for the design and placement of one (1) changeable permanent banner and an open sign to be located on the Johnson Victrola Museum building. The property is zoned IO (Institutional and Office Zone) and subject to the H (Historic District Zone) and the SWPOZ (Source Water Protection Overlay Zone). The property is located on the east side of South New Street spanning the block between North Street and Bank Lane. The owner of record is the State of Delaware. The property address is 375 South New Street. Tax Parcel: ED-05-077.09-03-14.00-000.

Mrs. Melson-Williams stated that this was an application coming before the Historic District Commission under a precedence of setting a banner program for different properties in the Historic District. This was for the Johnson Victrola Museum located on the east side of South New Street. She stated that they are requesting a changeable permanent banner to be located on the north elevation of the building. She stated that the presentation also submitted information about an "open sign" banner that would be visible on the New Street side of the building.

Mrs. Melson-Williams stated that basically the City has sign regulations for temporary banner signs; however, because of the property location in the Historic District it would allow them to come before the Historic District Commission to establish set locations for banners that could be changed on a more regular basis than what was prescribed in the sign regulations. She stated that the sign regulations themselves for signs in the Historic District point towards the *Design Standards and Guidelines* and you can grant waivers to allow for signs that would still fit the character of the district, but would not be to the letter of the sign regulations themselves. She stated that the *Design Standards and Guidelines* section in Chapter 5 is referenced that consists of store fronts and signage. She stated that the chapter lays out the recommended and no recommended and inappropriate practices for the Historic District Commission consideration.

Mrs. Melson-Williams stated that in the Staff Review Report of the application a series of comments and recommendations are provided. She stated that once the applicant has spoken the application is subject to Public Hearing. She stated that in this case the Historic District Commission is the final body and the application does not go to the Planning Commission.

Representatives: Mrs. Beverly Laing, Division of Historical & Cultural Affairs

Mrs. Laing stated that she was presenting a request to identify and promote the museum building located on South New Street and the increased traffic on North Street (before it was closed for construction). She stated that many people stated that the museum was not visible due to the high volume of traffic coming from the west. She stated that the current view that faces the north has no visible way of identification or promotion. She stated that it was a public space for the museum. She is requesting a banner be placed on the building to identify and let guests know that they are in the correct building.

[Mr. Salkin wanted to make sure that there was no conflict since the Johnson Victrola Museum is a part of the First State Heritage Park (FSHP). Even though the FSHP is managed by the State Parks Division of DNREC where Mr. Salkin is the Director, this museum property is owned and run by another agency. This is not a conflict of interest.]

Mr. McDaniel questioned which direction side of the building was facing with the sign. Responding to Mr. McDaniel, Mrs. Laing replied that it was with the sign facing the north.

Mr. McDaniel questioned if it was the sign facing Capital Cleaners and if you would see the sign if you came down North Street. Responding to Mr. McDaniel, Mrs. Laing replied yes.
Mrs. Melson-Williams stated that for the banner on the north side of the building, the applicant would like to use the same type of attached framing system that was used on the Public Archives Building.

Mr. Scrafford questioned if it interfered with the integrity of the building. Responding to Mr. Scrafford, Mrs. Melson-Williams replied no, it gets attached to the brick wall and then stretches the fabric tight. She stated that it does create a set size for the replacement barrier if it is damaged due to wear or they want to change out the banner.

Mr. Scrafford opened a public hearing. Mr. Scrafford closed the public hearing after seeing no one wishing to speak.

Mr. Salkin asked if the applicant could explain the open sign on the front of the building. He also wanted to know when the sign would be on the building. Responding to Mr. Salkin, Mrs. Laing replied that the sign would only be on the building when open and is self-removable by Staff. It will be put up in the morning and removed in the afternoon. This will help the visiting public to come around the parking lot. She stated that the door shown on the presentation is not the passageway for the public. She stated that the building was not designed to utilize that door. Guiding people around to the parking lot has been the request. She stated that it was meant to be an in and out daily procedure.

Mr. Jackson asked where the entrance was. Responding to Mr. Jackson, Mrs. Laing replied that the entrance is on the other side if you came around the sidewalk or came around the parking lot by the ramp facing the graveyard side. It is on the east side of the building.

Mr. Salkin suggested that the "open sign" in front be as small as possible to accomplish the objectives of the agency. He stated that it could be effective if smaller.

Mr. Scrafford questioned if it was a temporary sign since it would be put up and taken down daily. Responding to Mr. Scrafford, Mrs. Melson-Williams replied that it is not the definition of a temporary sign in the sign regulations. Temporary signs in the sign regulations can be up for a period of fifteen (15) days or thirty (30) days. She stated that it does not focus it on being taken down daily. Most temporary signs are banner-like in nature or some type of flexible fabric or vinyl that is temporarily put up and not meant to be permanently fixed to the location.
Mr. McDaniel stated that he disagreed with Mr. Salkin. He stated that the sign should be the size that

was being proposed. He stated that if it was smaller it would not be as effective.

Mr. Jackson asked if there was a sign on the east end of the building. Responding to Mr. Jackson, Mrs. Laing replied that there is a sign in the window.

Mr. Salkin asked Staff if they could comment on the Staff Recommendations. Responding to Mr. Salkin, Mrs. Melson-Williams replied that Staff made recommendation on a permanent banner located on the north side and the 'open' banner. Staff was concerned about the size and the clarification of the intent for the open banner. She stated that the location is probably appropriate. She stated that you could also look at alternative ways of presenting 'open' to the public.

Mr. Scrafford questioned if the intent of the "open sign" was to get people to go into the parking lot. Responding to Mr. Scrafford, Mrs. Laing replied yes and for identification. She stated that they have used a smaller sign for many years.

Mr. Scrafford asked if it would be more appropriate to have a parking sign. Responding to Mr. Scrafford, Mrs. Laing replied that certainly it could be considered.

Mr. McDaniel moved to accept the application as submitted, seconded by Mr. Jackson and the motion was unanimously carried 4-0 with Mr. Fisher absent.

Mrs. Melson-Williams stated that the applicant will receive a notice on the decision made today. The next process will be a Sign Permit Application to place the banner.

HI-12-03 Wesley United Methodist Church: Banner – Public Hearing and Action on Architectural Review Certification for the design and placement of one (1) changeable permanent banner to be located on the Fellowship Hall Building of the Wesley United Methodist Church. The property is zoned RGO (General Residence and Office Zone), and IO (Institutional and Office Zone) and subject to the H (Historic District Zone) and the SWPOZ (Source Water Protection Overlay Zone). The property site is located southeast of the intersection of South State Street and Loockerman Plaza/Loockerman Street. The owner of record is the Trustees of the Wesley United Methodist Church. The property addresses are 209 South State Street and 20 Loockerman Plaza. Tax Parcels: ED-05-077.09-05-02.00-000 and ED-05-077.09-05-09.00-000.

Mrs. Melson-Williams stated that this was an application for a banner program. She stated that the church is located at 209 South State Street and 20 Loockerman Plaza. She stated that the applicant would like to establish a banner program in order to reflect the events and programs that are associated with the church facility. Over the years, they have tried to utilize the Temporary Sign Permit program that the City currently has; however, they have found problems meeting the time up and the time down. They were not able to apply for another permit because it conflicts with the on-going nature of various activities of the church. It was suggested that the applicant come before the Historic District Commission since they were located within the Historic District to establish set locations for banners that could be changed on a regular basis without the strict sign regulations.

Mrs. Melson-Williams stated that the sign regulations defer to the consideration of the *Design Standards and Guidelines* of the Historic District Zone. This gives the ability for waivers of the strict sign regulations as part of the review process. She stated that the *Design Standards and Guidelines* section in Chapter 5 references signs.

Mrs. Melson-Williams stated that included in the Staff Report they provided a series of recommendations and comments in regards to the project. The original submission outlined one specific banner to be located on the Fellowship Hall side of the building and in describing their program they mentioned the potential of including a banner to be located on the State Street side of the project. A follow-up submission was sent to identify the location of that banner (a copy of the handout showing a banner on the state street side was provided to the HDC members).

Mrs. Melson-Williams stated that Staff recommendations were based on the previous original submission. She stated that this handout would provide some additional information about the State Street side. She stated that it does present a sign in a format of one of the alternatives recommended by Staff for consideration of a placement of a banner on the front of the church facility.

Representatives: Mr. Albert Lambertson, Chairman of the Board of Trustees, and Mardi Spangler, Vacation Bible School

Ms. Spangler stated that they have initially hung their banners between the pillars on Fellowship Hall to advertise the pancake breakfast, spaghetti dinner, women's Holly Days event, and Vacation Bible School. Because the dates were so close between the activities they were violating the statue.

Ms. Spangler stated that they recently did the addition to the elevator and that presented the opportunity to advertise to the State Street side. She stated that they were looking towards making people aware of the activities going on at the church. She stated that the banner was the best option.

Mr. Lambertson stated that the fence was ordered, but has not been delivered. He stated that one of the main problems is that during Old Dover Days was the men have the pancake breakfast and it does not allow enough down time for the next activity which is Vacation Bible School.

Mr. Scrafford questioned if the banner would be on the fence permanently. Responding to Mr. Scrafford, Ms. Spangler and Mr. Lambertson replied no.

Mr. Scrafford questioned what would be a reasonable percentage that the banner would be on the fence. Responding to Mr. Scrafford, Ms. Spangler replied that there would be a banner on the fence advertising the spaghetti dinner that is held in November, the Holly Day event that is held in December, the pancake breakfast is the same time as Old Dover Days, and Vacation Bible School is held in June or the beginning of July.

Mr. Scrafford asked if it would be 50% of the time. Responding to Mr. Scrafford, Ms. Spangler and Mr. Lambertson replied yes. Ms. Spangler stated that the Vacation Bible School banner would

be up the longest, for about thirty (30) days. Mr. Lambertson stated that the pancake banner would be up roughly two (2) to three (3) weeks.

Mr. Scrafford asked if they would have the same banner in both locations. Responding to Mr. Scrafford, Ms. Spangler replied yes. She stated that they would like to advertise on the State Street side especially for drivers stopping at the red light.

Mr. Salkin questioned if the Historic District Commission had a choice regarding the length of time that the signs would be up. He asked if the Historic District Commission had any option to make a recommendation, or decision. Responding to Mr. Salkin, Mrs. Melson-Williams replied yes. She stated that the Historic District's *Design Standard and Guidelines* does not fit with this type of program; it is somewhat unique. The banner program is not described in the current sign regulations that are in place for everyone in the city. She stated that a temporary sign was described. The permitting process would allow you to get a permit each time that would be up for thirty (30) days and down for sixty (60) days. She stated that under that regulation you could obtain four (4) permits throughout a calendar year. She stated that you could also have a sign up for fifteen (15) days and down for forty-five (45).

Mr. Salkin asked if the intent of an organization such as the church could put up a sign for a month at a time and be able to put up a sign four (4) times a year. He stated that if the Historic District Commission was to meet their needs and this would was recommended, it could be done with the time up as thirty (30) day period and not the time down. Responding to Mr. Salkin, Mrs. Melson-Williams replied yes.

Mr. McDaniel stated that he did not agree. He stated that five years from now when there are other members of the Historic District meeting there will be an issue. He stated that it is a sign of the present and the future of the way people are doing business in the Historic District area. He stated that he had no problem with the applicant proposal.

Mr. Salkin stated that this banner looks like a temporary advertising banner compared to the ones seen in the past at other buildings such as the Biggs Museum and the Archives Building.

Mr. Jackson stated that the Biggs Museum and the Archives Building were changeable banners.

Mrs. Melson-Williams stated that with the banners at the other locations such as the Delaware Visitor Center which is now the Biggs Museum and the Delaware Public Archives Building, any of their designs for those buildings which are seen more frequently goes through a design review with the sign committee of the First State Heritage Park. This committee has various member groups from different groups. She stated that she attends on behalf of the City. She stated that they look at the design of the new banner that is going up to see if it fits graphically with was is already on the building. She stated that its design is critiqued by that body. She stated that it is strictly a process that was developed under the First State Heritage Park and coordinated efforts of the park.

Mr. McDaniel asked if the Schwartz Center would come under that committee. Responding to Mr. McDaniel, Mrs. Melson-Williams replied that the Schwartz Center has participated in that sign group, but she was not sure if they went through the First State Heritage Park (for banner design

review). She stated that they did speak with City of Dover Staff regarding the installation. Mr. McDaniel asked if the church would fall under that category. Responding to Mr. McDaniel, Mrs. Melson-Williams replied that they are not a participating group of the First State Heritage Park under that fashion. She stated that there are some private entities. Mostly, they are public agencies that make up the group.

Mr. Scrafford asked if there was any reason the Historic District Commission would review what the church put on the fence. He stated that if the Historic District Commission gives the church approval to put a banner on the fence then the Historic District Commission has lost control of what they put on the fence. Responding to Mr. Scrafford, Mrs. Melson-Williams replied that there is typically no content review.

Mr. Scrafford stated that everything comes under someone's review. Does the Historic District need to insert reviews? He stated that the church was the first banner that the Historic District Commission has reviewed that is advertising activities for the church.

Ms. Spangler stated that every church in town advertises Vacation Bible School. Responding to Ms. Spangler, Mr. Scrafford replied not on banners. Mrs. Melson-Williams stated that most are on banners and they are requested to get a Temporary Sign Permit.

Mr. Scrafford asked if it was something wrong with the church doing the same. Responding to Mr. Scrafford, Mr. Jackson replied that the church does not want temporary sign permits. Mrs. Melson-Williams replied that the issue with the church is the scheduling of the events.

Mr. Scrafford stated that the Historic District Commission can't adjust their rules to accommodate their problem.

Mr. Scrafford opened a public hearing. Mr. Scrafford closed the public hearing after seeing no one wishing to speak.

Ms. Spangler stated that they would not put up the Vacation Bible School banner without notifying anyone. She stated that she was notified by Mrs. Melson-Williams that the church is to notify her when putting up the banner. Responding to Ms. Spangler, Mr. Scrafford stated that the Historic District Commission does not have any criteria for denial.

Mr. Salkin stated that the Historic District Commission may not have the criteria for denial, but the process is different. He stated that if the Historic District Commission approves the banner they would be authorizing something that generally the Historic District Commission wouldn't be inclined to do for a permanent sign. We are trying to solve a temporary advertising problem. He stated that putting up unrestricted signs referring to the length of time is inconsistent with the way the Historic District Commission normally approves signs. If there is a problem with the church accomplishing its objective with the Temporary Sign Permit, the Historic District Commission should not make an exception or create a rule that doesn't exist. He questioned if the solution was with the other process. The Historic District Commission may not be the place to start.

Mr. Salkin stated that these are different issues for different locations and the signs have been up

for a very long time. He stated that due to the location, the type of banner, the nature of the building, etc. that it was different.

Mr. Salkin questioned if there was any other process on the other side to get it accepted. Responding to Mr. Salkin, Mrs. Melson-Williams replied that the option would be the Board of Adjustment or an amendment to the sign regulations. She stated that it would not only be for this location, but applicable across the board. She stated that Staff is working on the sign regulations to make some refinements. They are working on temporary community sign issues, but nothing is in place at the current time. A text amendment is a several month process once it starts the formal application review process. She stated that it goes to the Planning Commission and City Council before final adoption.

Mrs. Melson-Williams stated that in this case the property was in the Historic District and the Historic District Commission has the ability to consider the fact that it is in the Historic District and how it fits or does not fit. She stated that with the character of the district it allows for such activity to take place and a decision is made.

Mr. McDaniel made a motion to approve both signs along with Staff recommendations, seconded by Mr. Jackson and the motion was unanimously carried 3-1 with Mr. Salkin opposing and Mr. Fisher was absent.

Mrs. Melson-Williams stated that in the next step, the applicant will receive a notice of decision of the action taken today and then the applicant will be eligible to make application for the Sign Permit that would allow placement for the first set of banners. Any subsequent changes to the banners they will notify the Planning Staff.

Mr. Scrafford questioned if in the future there was a change to the sign ordinance what would it fall under. Responding to Mr. Scrafford, Mrs. Melson-Williams replied that it would be under what was issued today unless there was a difference. It depends on what the changes to the code were.

Mr. Scrafford stated that he didn't agree with the Historic District Commission being a part of approving banners because the Historic District Commission does not have any criteria.

Mr. Salkin moved to adjourn the meeting, seconded by Mr. McDaniel and the motion was unanimously carried 4-0. Mr. Fisher was absent.

Meeting adjourned at 4:09 PM

Sincerely,

Maretta Savage- Purnell
Maretta Savage- Purnell
Secretary