CITY OF DOVER
HISTORIC DISTRICT COMMISSION
MARCH 17, 2011

The Regular Meeting of the City of Dover Historic District Commission was held on Thursday, March 17, 2011 at 3:00 PM with Chairman Scrafford presiding. Members present were Col. Scrafford, Mr. McDaniel, Mr. Salkin, Mr. Fisher, and Mr. Jackson (arrived at 3:09 PM).

Staff members present were Mrs. Melson-Williams, Mrs. Townshend, Ms. Cornwell, and Ms. Metsch. Also present was Mr. Tim Taraila and Mr. Scott Koenig. A presentation was provided by Mr. James Galvin, Jr. and Mr. Gregg Moore.

APPROVAL OF AGENDA

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

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF FEBRUARY 17, 2011

Mr. McDaniel moved to approve the minutes of February 17, 2011 as submitted, seconded by Mr. Fisher and the motion was unanimously carried 4-0 with Mr. Jackson absent.

COMMUNICATIONS & REPORTS

Education & Training Opportunities

Mrs. Melson-Williams stated that a training opportunity for a presentation sponsored by Preservation Delaware "How to Maintain Your Historic Building" will be held at Buena Vista which is a State owned property in New Castle County on March 28, 2011. This does include a supper.

Mrs. Melson-Williams further stated that a second training opportunity will be held on March 29, 2011 for a presentation entitled "Exploring Form Based Codes." The folks from the Renaissance Planning Group that did the charrette that you will hear about later for the Dover Kent County MPO and the Downtown Dover Partnership are coming back to do an information workshop on Form Based Codes at 4:00 PM at the Kent County Administration Building, Room 220.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

HI-10-03 Woodburn at 151 Kings Highway: Architectural Review Certification – Request for extension of the Architectural Review Certification for the installation of roof mounted solar panels on the building known as Woodburn. Also, an update on the Revised Plans for the installation of solar energy system on the main house. The project site is zoned R-10 (One Family Residence Zone) and subject to the H (Historic District Zone). The property site is located on the east side of Kings Highway between Reed Street and East Division Street. The owner of record is the State of Delaware. Tax Parcel: ED-05-077.05-04-49.00-000. Council District 2.

Representative: None

Mrs. Melson-Williams stated that there are two elements associated with this application. The first is a request for extension. The project to install solar panels on the roof of Woodburn was reviewed last March by this body and to date they have not taken action to implement the project. They are making a request for a one year extension. Provisions in our *Zoning Ordinance* does allow for them to request that extension in writing for the Commission to act upon. There was a letter dated February 23, 2011 from Tim Slavin who is the Director of State Historic Preservation Office. When the application was first presented to this body, the Office of Management and Budget: Facilities Management was spearheading the project and that has since transferred to the Division of Historical and Cultural Affairs. They have been doing some more work on the project.

Mrs. Melson-Williams further stated that the second part of the presentation is revised plans for the solar energy system. They are changing the type of system. The original proposal was solar panels that would collect energy and use that energy. In the new proposal, it is better termed as a solar thermal collector meaning that the panel itself has a liquid that runs through it and then that liquid is then heated by the sun and the heat exchange of running that liquid through something else is what causes the energy. In their proposal, they are looking to use the thermal qualities related to heating and cooling for the building rather than solar being converted to electric energy. With the change in the type of system, they are also changing the location of the collectors.

Mr. Fisher questioned that he does not believe that the request for extension was timely filed in accordance with your instructions to them. Do we have the authority to waive that time requirement that is filed thirty (30) days prior to the expiration of the initial approval? Responding to Mr. Fisher, Mrs. Melson-Williams stated that typically, how the Code looks at the expiration date is as the last day of the month upon which you took action.

Mr. Fisher further stated that it states that the letter from the Planning Office states that it has to be in receipt of the Planning Office prior to thirty (30) days from the expiration of the original submission. Responding to Mr. Fisher, Mrs. Melson-Williams stated that in the past, we have not held to that strict of when the letter comes in versus the thirty (30) days.

Mr. Fisher further questioned why do we say it if we do not mean it?

Mr. Salkin questioned what the difference would be between getting a one year extension and what actual appears to be a different proposal? Responding to Mr. Salkin, Mrs. Melson-Williams stated that this is a different proposal. What they are proposing is something that Staff could review via a building permit because of the lack of visibility from the public way. Since they were coming to request an extension anyway for the project, we (Staff) thought it was an opportunity to present their revised project, which in this case, is even further away from public view and less visible than the original project.

Mr. Salkin further stated that if we have these rules then they should be followed. It would seem to him that they are coming back and telling us that they do not want to do what they originally asked. Staff is stating that you would not have necessarily have brought this to us in the first

place; however, since they asked for an extension you have. He wonders if they should separate the two requests and let the old one lapse and treat this as a new submission. Responding to Mr. Salkin, Mrs. Melson-Williams stated that this new proposal would not have had to come before the Commission. Staff would have been comfortable enough to review it under a Building Permit only because it is a secondary roof and less visible than the main roof of the house.

Mr. Fisher stated that he does not have any problem with the project; he has a problem with procedure. We need to either ignore or waive the time requirement that we set.

Mr. Salkin stated that we could say that they did not meet the requirement and that we would not consider this as an extension. However, we would advise Staff to handle it through other channels.

Mr. Scrafford questioned if they could do that? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that she did not see why not.

Mr. McDaniel stated that when we look at this, we would all approve this.

Mr. Fisher stated that this would require them to commence within the one year period in which they have not done. If this is just Staff, then they have to deal with the initial one year period.

Mr. McDaniel moved to ask Staff to take care of this, seconded by Mr. Jackson.

Mr. McDaniel questioned if there is an Ordinance that pertains just to solar panels? Responding to Mr. McDaniel, Mrs. Melson-Williams stated that Staff is currently undergoing review of a Text Amendment to the *Zoning Ordinance* that deals with the placement of solar energy systems and wind energy systems. It gives guidelines for if they are roof mounted versus ground mounted. Ground mounted has more setback issues that have to be met. Because in this situation it is located in the Historic District, it is then subject to your *Design Standards and Guidelines* which as they currently exist, does not talk extensively about solar.

Mr. Fisher stated that the motion is probably not good because Staff cannot extend this. With regards to the extension, unless they start the project early next week, it is not within the one year timeframe of the original submission.

Mr. Salkin questioned if they could have clarification just on the sequence of events to clarify the process? If we were to say that we reject this because it is too late and are not taking any action on the current permit so then it will expire. If we do that and we follow the motion, what is the sequence of events? Would they have to get a new permit?

Responding to Mr. Salkin, Mrs. Melson-Williams stated that if you let the approval lapse, what their process would be is one of two things. Either apply for a Building Permit and as part of that Building Permit application, then Staff does the Architectural Review Certification on their proposal or they could file a new application and have Architectural Review Certification occur with this body. If it was a project that Staff was not comfortable with and did not feel that we could approve, then it will need to go to the Commission. With a Building Permit, that option has no timeframe. They would have to make application for that Building Permit. They could wait

years from now to file as there is no timeframe attached to taking action on that part. If the approval that they currently have lapses, then it is like there never was a project to begin with.

Mr. Fisher stated in order to avoid another process he would suggest a motion so that in this instance we are not setting precedence if we waive the thirty (30) day requirement set forth. Responding to Mr. Fisher, Mr. McDaniel stated that this is what he meant to say.

Mr. Salkin questioned if they want the motion to include our recommendation that what we see in the report on Page 8 we consider to be appropriate for Staff to handle so that we are deferring to Staff on something specific.

Mr. Scrafford recommended doing two motions that way making it clear. The first motion would be to waive the thirty (30) day requirement and then a second motion if we want to approve the extension.

Mr. McDaniel stated that he would withdraw his earlier motion in agreement with the second on the motion from Mr. Jackson.

Mr. McDaniel moved to approve waiving the thirty (30) day extension requirement for this submittal, seconded by Mr. Jackson and the motion was unanimously carried 5-0.

Mr. Fisher moved to approve the extension, seconded by Mr. McDaniel and the motion was unanimously carried 5-0.

Mr. Salkin questioned whether they want to be on record for if they extend this; did we just waive the thirty (30) day requirement and extended what we approved last March?

Mr. Salkin moved based on the materials submitted in the package received for today's meeting, that we defer to Staff on the details of the proposed change of design, seconded by Mr. Fisher and the motion was unanimously carried 5-0.

HI-11-02 Building at 43 East Division Street– Determination of Demolition by Neglect for the building located at 43 East Division Street. The subject site consists of one parcel of land zoned RG-1 (General Residence Zone) and subject to the H (Historic District Zone). The property is located on the north side of East Division Street between American Avenue and Pennsylvania Avenue. The owner of record is Nicholas and Pamela Fedirko. The property address is East Division Street. Tax Parcel: ED-05-077.05-02-28.00-000. Council District 3.

Representatives – None

Mrs. Melson-Williams stated that this is being considered potentially as Demolition by Neglect which is the determination you will need to make today. The packet included photographs that the Code Enforcement section of the office took. From the property history information, the research that she did shows that the property is within the City of Dover Historic District zone and is also within the boundaries of the National Register listed Victorian Dover Historic District. From that information and other historic map documents, it appears that the building was constructed somewhere between 1868 and 1885. It shows up on a Birdseye View Map which is

from 1885; however, it is not on the Beers Map. The building footprint of the building is what it basically was when it was initially constructed. You can clearly see that it is two stories. The rear of the building has been reworked when starting the work that brings it to its condition today. The exterior finishes have been removed and whatever siding and trim work was on the building have been removed as well as what was the front corner porch.

Mrs. Townshend stated that Mr. Tim Taraila is in attendance who is the Code Enforcement Supervisor. We have had an open case on this property since 2006 relating to the absence of siding, deterioration of the roof shingles, overgrowth, junk, and debris. Essentially, the junk and debris improved; however, there still exists a problem with some junk and debris in the back. Staff sent out in February 2007 a notice that if the violations were not corrected and would begin with the Dangerous Building process. This started a series of letters between the City and the property owner's attorney. The property was a subject of litigation between the property owner and the contractor; so, the issue was do they stay the enforcement action? The reaction we received from the City Solicitor was no, violations are violations.

Mr. Scrafford questioned if Staff notifies this Commission when you start action like this in a Historic District area? Responding to Mr. Scrafford, Mrs. Townshend stated that there was a lot of stuff going on and it was not until they started talking about taking it to City Council that they (Staff) realized it was in the Historic District.

Mr. Scrafford further questioned should Staff notify this Commission when you are starting the procedure so that we are informed when these are going to occur? Responding to Mr. Scrafford, Mrs. Townshend stated that they can send those letters to the Commission when we start to send them out. This truly did not register that it was in the Historic District until Staff was a little more involved later.

Mr. Scrafford further stated that this should be set as a procedure that in the future, when you are looking at demolition of any sort within the Historic District, that you would notify this Commission that you are starting the process. Responding to Mr. Scrafford, Mrs. Townshend stated that this could be done.

Mr. Salkin stated that he feels that it is important that in each category, whatever they are being informed of, that we learn about it early enough that if any of us believe that it should come under the pervue of the Commission that we have the opportunity to make that request.

Mrs. Townshend stated that from 2007 to 2009 it was just letters back and forth and ultimately by 2010 letters were getting us nowhere. This property is continuously getting worse and is in a prominent location on Division Street. There are some pictures in your packet. Initially, our thought was that the building needed to be made weather tight and sided. Obviously, the years of exposure have made that no longer the solution. There is a picture where there is a door missing and you can look inside. The initial thought was that it could be renovated; however, in fact it needs to be demolished.

Mr. Salkin questioned if someone could explain more precisely the basis for that, is it an engineering assessment or Staff assessment? He only knows the building from walking by it and has always assumed that they just needed to finish the roof and to finish the job. We need better

information about its condition.

Mr. Scrafford stated that he has that same thought until he goes back and reads what Demolition by Neglect is. It is pretty evident that neglect is there; however, it gets to be a slightly confusing name. Responding to Mr. Scrafford, Mrs. Townshend stated that typically, if someone owned this and wanted to occupy it, before we would issue any permits to put siding on the building, we would require a structural engineering evaluation. We would also require that we have some type of environmental evaluation because it has been open to the elements. You would have a risk of mold and other things. You cannot just make it weather tight because you could be trapping in any types of indoor air pollution and those types of things.

Mrs. Townshend stated that the problem is when it gets to the point that it has been neglected because they have not maintained it. The way that the State Law is written in terms of liens, we can only place a lien for repairs made to the exterior of the property. If this had been brought forward four (4) years ago, we would have determined that the outside was not that bad and maybe could have done some exterior repair and been able to place a lien on it. Once it gets to this point, all the City can do with it without incurring significant costs that we have no way of recouping, is to demolish it.

Mr. Salkin stated that he understood that conceptually and procedurally. What he does not know, and is not in the report, is the specific condition with the reasons that you are coming to that conclusion. If it is just a total mess, unsafe, and covered with mold those things he understands; however, he does not know that.

Mr. Scrafford stated that he has a problem with needing to know that because it is evident that neglect is existing. Responding to Mr. Scrafford, Mrs. Townshend stated that there would be a degree of cost that would be involved in determining the extent of structural deterioration and mold that the City does not typically do because the options, once it is taken to City Council, is the property owner either improves it or it is demolished.

Mr. Scrafford further questioned if it could be purchased by others? Responding to Mr. Scrafford, Mrs. Townshend stated that there have been times where it has. There have been occasions where someone buys the property and then they do not do anything with the property either and we end up still having to demolish it. We have not allowed transfer of property to delay the City's actions.

Mr. Scrafford further questioned that once the action starts, than there is no recourse? Responding to Mr. Scrafford, Mrs. Townshend said unless the property is supposedly improved.

Mr. Salkin stated that the question that he still has is regardless of what the history has been for the property, if he wanted to go into partnership and purchase the property, he would want to know the condition of the house. Responding to Mr. Salkin, Mrs. Townshend stated that Staff would tell him to hire a structural engineer and someone qualified to do an environmental report as well to determine what needs to happen.

Mr. Salkin further stated that the concern he has is that if "Demolition by Neglect" is just a definition that does not include the condition of the property, than any property owner that owns a

historic property and wants to get rid of it, just needs to neglect it and it is automatically torn down. Responding to Mr. Salkin, Mrs. Townshend stated that this is the procedure.

Mr. Salkin further stated that if someone does not want to come to us to get our approval for improvements to a property, he can then let it sit for a year or two then have it torn down with a lien placed against it. Once the lien is paid, he could come back and build whatever he wants with having to meet a few guidelines of the Historic District.

Mr. McDaniel stated that he does not feel that this is a practical way to look at it because why would they wait that many years to do it and still pay for something they would have to pay for anyway if they did it on their own. A point that needs to be made is if someone wanted to buy it in a partnership, the City would say that they want an engineering report and an interior report. If a potential buyer went to the extent to get those reports and show them to this committee, at that point, you might say let's let the property transfer because they have already invested something now.

Mr. Salkin stated that he as a member of the Commission does not have any evidence that there is not more time. It could be that this property could be sold a year from now and be evaluated and determined that it could be fixed up and we could keep the historic fabric of this house here. We are being asked to make a decision today to determine that this is ready for Demolition for Neglect even though we do not know if it is really falling apart or really covered with mold or is dangerous.

Mrs. Townshend stated that this has been going on since 2006. Your point is valid; however, the other option is that we continue to do nothing, write letters, send fines that do not get paid, and then end up going to collections; however, in the mean time we are getting complaints from people saying why we have not done anything about this house.

Mr. McDaniel questioned if any Code Enforcement Officer has been in the structure? Responding to Mr. McDaniel, Mr. Taraila stated that no, they have not had access to the inside.

Mr. Scrafford stated that the City is not going to invest in determining whether this is failing. The person responsible for that is the owner and they cannot get the owner to respond.

Mr. Fisher stated that he would read what the *Design Guidelines* state Demolition by Neglect is defined as: "improper maintenance or lack of maintenance of a building, structure, or object which results in substantial and widespread deterioration of the building, structure or object which threatens the likelihood of preservation and which presents a threat to the public safety, health and welfare of the immediate community." It is the second step if we want to rule this Demolition by Neglect that we have to be told by people who know that it is a threat to the public safety, health and welfare.

Mr. Salkin questioned what they base their decision on that this is the case aside from our own observations? Responding to Mr. Salkin, Mrs. Townshend stated that one of the things that we have with vacant buildings that are unsecured is that we end up with not necessarily that it is going to fall down on someone, it is we get people going in there and creating crack houses, prostitution and squatters. We do not know if that has occurred here because we have not been inside.

Mr. Taraila stated that there is an opening in the back; however, the only way that someone could gain access to it is by getting a ladder and climb through that opening. It has been secured by the owner except for this opening.

Mr. Salkin questioned if there was any contact with the owner? Responding to Mr. Salkin, Mrs. Townshend stated that the owner received a letter that was sent on March 2, 2011 and she is unsure if the owner signed for it. There have been a number of letters that have been returned unsigned for. We have not been successful making contact with the owner.

Mr. Salkin further questioned that the City does not have the right to enter this property? Responding to Mr. Salkin, Mrs. Townshend stated that if it is declared "Dangerous" then we have the right to enter once City Council acts on it. There is thirteen (13) criteria's that can make a building "Dangerous" with vacant being one of them. We have never demolished anything based solely on vacancy.

Mr. Taraila stated that some of the criteria that makes a building "Dangerous" is code violations and lack of utilities.

Mr. Scrafford stated from their position as the Historic District Commission, it looks to him like they are in the area of significance of the individual building. Regardless of economic issues, the relevant significance of the individual building should be evaluated.

Mr. Scrafford further questioned if it was worthy of preservation regardless of whether the interior has been damaged or not? We do not need to know that if you want to decide whether it is worthy of retention. If we say that it is, then you go and look inside and see whether or not it still could be saved.

Mrs. Melson-Williams stated that two things are getting confused. What you are looking at today is "Demolition by Neglect" which is the definition that Mr. Fisher read on Page 3 of the Report and it gives the responsibilities in regards to Demolition by Neglect. The determination of significance and those types of things are criteria considered under demolition. We include them in this report because it is something to think about in the long run; however, the decision you are making today is if it is "Demolition by Neglect" and if it is, what steps do you recommend? You can establish what those steps are.

Mr. Scrafford stated that the comment at the bottom of the page highlighted states "Staff would note that this is not an application rather consideration of Demolition by Neglect; however, the criteria should still be considered in reviewing the matter." Did you mean that or did you not? Responding to Mr. Scrafford, Mrs. Townshend stated that in terms of the responsibilities under "Demolition by Neglect," first you determine if in fact the property is being demolished by neglect. Then you set forth steps for remediating that and this is where those other criteria come in.

Mr. Salkin stated that his questions to Mr. Koenig would be: is what information do they have to suggest that this building is deteriorating or had deteriorated to the point where it actually needs to be demolished and because it is too far gone by whatever the standards are. Responding to Mr. Salkin, Mr. Fisher stated that "Demolition by Neglect" is not the decision to demolish it. It is the

decision to tell the Building Inspector to go in and order repairs and if repairs are not made then have it demolished.

Mr. Salkin further stated that he has been asking the question of what do we know about the property and what specific information do we have that has prompted you to bring this to us other than general appearance. Second, what authority does the City have to enter the property to go inside the structure to do an evaluation to provide us the guidance we would need before we could recommend a prescription?

Mr. Koenig, Building Official for the City of Dover stated that he does not think that the City has the right to enter the property and determine what needs to be done to repair it at this point. From the outside, it is obviously an eyesore and the property owner has failed to repair it or maintain it to a community standard that would be acceptable. The guidance from here is if it is being demolished by neglect-yes or no; you need to make that determination. That opinion will carry forward with him when he presents it to City Council because after the Historic District Commission acts, we will go to City Council to have the building declared "Dangerous" by City Council. In that request, Staff can share the comments of the Historic District Commission and their portion of that granting that states "repair." He does not do historic repair and would not bid out historic repair on this building. When Staff goes before City Council for a public hearing, hopefully the property will be represented and they will say that they are going to repair the building within the Historic District *Guidelines* within a set period of time. He does not repair buildings; he just tears them down once they get to a point where they are not a community asset anymore.

Mr. Koenig further stated that if you are giving guidance to the property owner, his request would be that you make a determination of whether you think it is being "Demolished by Neglect" and what you would like to see done to the property. That would then carry forward to City Council on what we will be presenting them.

Mr. Salkin stated that he understood all of the explanations and the reading of the definitions. What he is concluding is that it is odd that we are being asked to do anything here because anyone knows that all other things being equal, we would like for that house to be retained, look something like what it use to look like, fit in with the neighborhood, be occupied, and be attractive as historically as possible.

Mr. Koenig stated that this Commission could take no action and then it would move forward to City Council with no action.

Mr. Salkin further stated that the idea that we are the ones that determine if it is being Demolished by Neglect, he does not have a clue because he does not have the information to help him make that decision.

Mr. McDaniel stated that he feels that it is being Demolished by Neglect because if he lived next door to it, he would want something done with it. Nothing has happened to this property and the property owner is unresponsive.

Mr. Koenig stated that if you make no recommendation on this matter, he will still take it forward to City Council and state that it went to the Historic District Commission. Staff will provide the minutes of this discussion which will state that no recommendation came forward. We will present the pictures and state that the property owner, to his knowledge, has not been responsive and the times that he has spoke to him in years past he was not very cooperative.

Mr. Scrafford stated that he cannot see a "No Recommendation" because he feels that we need to say that the building needs to be restored if possible. We as the Historic District Commission, do we want this building restored? We could say that it appears to be "Demolition by Neglect" and we recognize that. We also could caveat it that if it is restorable that it be restored to our reasonable standards.

Mr. Fisher questioned if we determine this to be Demolition by Neglect then our instructions to the City would be the instructions that Mr. Scrafford described. Responding to Mr. Fisher, Mr. Koenig stated if in the event that the owner is willing to repair. His recommendation is not for the City to repair it at your expense essentially.

Mr. Scrafford stated as we talked earlier, if the building transfers, then the owners would be responsible to restore it to the Historic District Commission's *Guidelines* or demolish it. The owner has that option; they could come in and request that it be demolished and we can refuse it.

Mr. Fisher questioned that once we have done the Demolition by Neglect as he understands it everything else falls to the City. It does not come back to us unless they have plans. If it is demolished, the City then deals with the property owner with the property from that point forward.

Responding to Mr. Fisher, Mr. Koenig stated that it is essentially the same thing that was done with 301 S. Governors Avenue.

Mr. Scrafford questioned if the owner were to demolish it, does the owner have to come back to us for demolition such as what we did for Henry Mast and his project? Responding to Mr. Scrafford, Mrs. Townshend stated that the difference between this and Mr. Mast's project is that you reviewed a Building Plan and an Architectural Review Certificate associated with what is going to go in its place.

Mr. Scrafford stated that he still feels that they have the authority to recognize that this is Demolition by Neglect and we can still require that if demolition or repairs are ultimately made by the owner that it has to come back to us.

Mrs. Townshend stated that if the owner starts talking about demolition it then means that we have finally gotten some response from the owner and then you can have that discussion with the owner. At this point, we have an owner that is not responsive. If the owner decides that they want to do something, then it would be fair to say that they would need to come back to the Commission.

Mr. Koenig stated that once this Commission takes action, he is going to be forced to do something of either hiring an attorney, hire a contractor, or accept a lien be placed against him for the demolition.

Mr. Fisher stated that if we determine this is "Demolition by Neglect," our instruction to the City officials will be to do what they can to have it repaired and restored and for whatever reason that it cannot happen, then you proceed with the demolition.

Mr. Salkin stated that he feels that the flaws in this system are that the system is flawed. The City needs to have some more clout to deal with these things earlier in the process whether it is higher fines or quicker decisions. If the fines are in the form of liens, at some point, someone can say that if they do not do something they are not going to own this property anymore. Has the City maxed out the fines against this property owner? Responding to Mr. Salkin, Mr. Koenig stated that fines are useless in this case because fines do not compel the sale of this piece of property.

Mr. Salkin further questioned that a fine is not the equivalent of a lien? Responding to Mr. Salkin, Mrs. Townshend stated that a fine is not equivalent of a lien and at this point, we are sending their unpaid fines to collections; however, this property owner also has a tax lien against the property.

Mr. Scrafford stated that if there is an attempt to sell the property it is the responsibility of the selling agent to go and find that lien and identify it.

Mr. Fisher moved to determine Application HI-11-02 Building at 43 East Division Street to be Demolition by Neglect and pursuant to that we instruct the City Housing Officials to seek restoration or repair of the building if possible before moving forward with demolition, seconded by Mr. McDaniel and the motion was unanimously carried 5-0.

PRESENTATION

Dover Transit Center Neighborhood Plan

Mr. Galvin stated that the Dover Kent County MPO saw an opportunity to do something for the City around the Transit Center and its new location on the corner of Water and Queen Streets. We started the process of a charrette in looking at the neighborhood and hired a couple of firms and also got the Downtown Dover Partnership involved.

Mr. Moore stated that the MPO funded a majority of this project and sought out firms to prepare the Neighborhood Plan and chose the Becker Morgan team with a firm called Renaissance Planning Group out of North Carolina and other places as they are a national group. They started down the path of starting this Plan when Mr. Galvin from the MPO office suggested making the Transit Center a part of that project with the City and went to the Downtown Dover Partnership to conduct one study. It was five (5) days of working together all done out of the Becker Morgan Office and it was all prepared and drawn within those five (5) days. There were a number of open houses and constituent meetings with businesses, City, State, and government officials and Staff where the charrette process was a brainstorming process to see what is good and bad about communities.

Mr. Moore provided a Power Point presentation of the charrette activities and the Plan. (Historic District Commission members were provided copies of the Dover Transit Center Neighborhood Plan document)

Mr. Scrafford stated regarding infrastructure, this plan is all surface; however, you have water, sewer, and electric and a lot of things that take time to get done. All of this will be City generated and when you look at the architectural renderings, the utilities are gone so they had to go somewhere. What you see in the actual pictures is very destructive with above ground cable and things like that. Someone has to plan this to have it happen so that you can then come in with your facilities on the surface and not have to go back and dig up what you just built.

Responding to Mr. Scrafford, Mr. Moore stated for example, North Street there are steel poles that need to be removed and at the back of the building that they just bought, there are poles all the way up to the building that makes it so ugly. The City Manager and the Planning Department are aware that we need to start a Plan to get those things out and bury them so that we can do the architectural over time and they have to go hand in hand.

Mr. Scrafford further stated that it is critical because we were doing streets twenty (20) years ago only to find out that the gas company had their own plans. The streets were getting ready to be milled and resurfaced and then the gas company came along to put in new gas lines with their equipment. There is a lot of people who you do not realize impact you; however, utilities is a significant item.

Mr. Scrafford further questioned that on one of the pictures it showed two (2) State Route 1's on East Division Street. Eden Hill goes west and then to the east it says to US 1 on East Division Street. At one time, there was a lot of discussion regarding an interchange on East Division Street being a little bigger than what we have right now. Is this part of your plan to do that?

Responding to Mr. Scrafford, Mr. Moore stated that they did not get out that far because their zone was tighter than that. We did not even get out to the West Dover Connector nor did we get out to Route 1 in terms of what we were actually studying.

Also responding to Mr. Scrafford, Mr. Galvin stated that they are promoting the West Dover Connector and have heard no push for improving the interchange east of North Street.

Mr. Scrafford stated that it is a traffic impetus for the City of Dover. It was discussed and turned down because the State would not build it; however, the Mayor at the time, was very adamant about wanting that and the Fire Department was also very adamant about it. There is potential for it and it was for service from that road into the center of the City.

Mr. Galvin stated that several years ago the City did take in a Traffic Study that was done for the three (3) big projects: Lexington Glen, Rojan Meadows, and Clearview Meadows. There has been a study done with the traffic implications of those and the improvements that will be necessary to get traffic through. There were improvements done at the intersection of Route 13 and Route 8 so that you could move additional traffic that is out there in addition to the interchange of Route 1. The MPO has heard nothing about expanding the interchange and making additional improvements to that section of Route 8. We did do a Study on Forrest Avenue (Route 8) out to Artis Drive.
He suggested that something similar be done on the east side as well.

Mrs. Townshend stated that she thinks the big difference is that with the west side Route 8 Study

that was done, the growth is happening to the west. There is not anticipated growth to the east beyond the interchange. There are three (3) projects; however, they have stalled all except the Lexington Glen project. Clearview Meadows project has been recorded; however, the Rojan Meadows project has not.

Mr. McDaniel stated that he realizes that the utilities are important; however he can't help but think that these projects are going to happen one at a time. If someone wants to build on the old Acme site a four story building, those utilities will get fixed the way they should be. The back part of the old C. Moore's building downtown owned by the Downtown Dover Partnership knows that they have to do something about the poles and the City has said that they would. Even though they are not electric poles; however, they are Verizon poles, it has been discussed at meetings.

Mr. Scrafford stated that the only reason he brings it up is the amount of planning that is required to accomplish some of these things and the time consumed. You have to start now.

Mr. Galvin stated that one of the things that they are doing with this Plan is taking it to organizations and getting comments from them and having them endorse or adopt the Plan. We took it to our own Technical Advisory Committee and Public Advisory Committee and had it adopted. This has gone before the City of Dover Planning Commission and City Council. If the City adopts this Plan, it will put it on their radar screen that planning should be done for the entire infrastructure.

Mr. Moore stated that after that, we will be taking it to State agencies to formulate those planning groups that link the City and the State's operations together so that there is better planning for future growth for the State of Delaware and Downtown.

Mr. Scrafford stated that they are in the process of reviewing the *Guidelines* for the Historic District for construction. Our focus was on problems that we envisioned on Loockerman Street and that maybe the *Guidelines* shouldn't be applied as rigidly. He is seeing from what you are saying that you are looking beyond Loockerman Street. He questioned if this Commission should be looking beyond Loockerman Street with regards to the *Guidelines?*

Mr. Moore stated that your *Guidelines* will actually cover the entire Historic District which goes past Loockerman Street by definition. Responding to Mr. Moore, Mrs. Townshend stated that a lot of the charrette study area is outside of the Historic District.

Mr. Scrafford further stated that we have to get there because this does abut the Historic District and what he saw from the Power Point presentation between the Transit site and Loockerman Street, there are things that fit into the Historic District. Responding to Mr. Scrafford, Mr. Moore stated that a lot of the area that is not developed is not in the Historic District.

Mrs. Townshend stated that the whole idea behind the visual aspects of the charrette is that there is an architectural component. It all does tie in because while we did not get into materials, we talked about things like bringing the building to the street and the things that are fundamental to the character of the district.

Mr. Salkin stated that this is a beginning and there are a lot of different things like utilities that are not layered on here yet; however, the architectural aesthetics is something that is going to have to be addressed early on and fairly intensely because our experience in Dover before this group has been that even in the core Historic District, we get some unimaginative and ugly stuff. We have a Historic District overlay and now we are talking about this huge area to the south and west that historically has been empty and suburban and it is as ugly as you get in the City. We have no plan for how we are going to get a Plan like this implemented with a higher quality of design and building materials and Site Plans.

Responding to Mr. Salkin, Mr. Galvin stated that we should not be specifying materials or the architectural style. We entered this process looking to define an idea on the concept of the new buildings and on the quality of construction.

Mr. Salkin further stated that he is not saying that they should have done this yet and he is not saying that it is the MPO's responsibility and not necessarily talking about the City. He is talking about how as a community effort how will we, as a community, take some steps early on to make sure that as this concept or whatever grows out of it is implemented. That we get something that is the highest quality and very attractive because we have been failing on that front miserably. The quality of the architecture, design, and streetscape in Dover has slowly been declining. There are some notable exceptions to that; however, it has been declining. All that he is suggesting is that some of this planning involving all of the partners in the levels of government and non-government figure out how we can turn this around or we are going to have a better laid out more efficient, more walkable, more attractive community in places; however, a bunch of ugly buildings. The examples you have in the charrette are the kinds of things that we all wish would come before us; however, they haven't. When they don't, we haven't insisted upon it. If we cannot pull that off as a Historic District Commission, how are we as a community, to end up with something that really looks like these pictures rather than a down scaled version? He is not expecting an answer from that.

Mr. Moore stated from his perspective, he does not see how the City could come up with an Ordinance and get that. Some of this is market driven and creating a market in the Downtown that is actually viable and linking a Transit Center to the railroad. For the first time it starts to change the market driven component which then elevates the volume of dollars that people are willing to spend; they all work together.

Mr. McDaniel moved to endorse the concept of the charrette, seconded by Mr. Fisher and the motion was unanimously carried 5-0.

Mr. Fisher moved to adjourn the meeting, seconded by Mr. Scrafford and the motion was unanimously carried 5-0.

Meeting adjourned at 5:01 PM

Sincerely,

Diane Metsch
Secretary