CITY OF DOVER PLANNING COMMISSION
January 18, 2011

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, (Due to Holiday) January 18, 2011 at 7:00 PM with Chairman Hemmig presiding. Members present were Mr. Hemmig, Mr. Tolbert, Mr. Shomo, Mr. Baldwin, Mr. Nichols, Mr. Friedman, and Mr. Ambruso. Colonel Welsh and Mr. Holt were absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, (Until 7:10 PM) Mr. Koenig, Ms. Cornwell, Mr. Albert, Mr. Truax, Mr. Taraila, Mr. Rodriguez, and Ms. Metsch. Also present were Mr. John Paradee, Mr. Jeff Bross, Mr. John Fellows, Mr. Clinton Brooks, Mrs. Stacey Arnold, and Mr. Randall ReVay. Also speaking from the public was Mrs. Theresa Allen, Mrs. Heidi Phillipson, Mrs. Rachel Milano, and Mrs. Jennifer Mayers.

APPROVAL OF AGENDA

Mr. Friedman moved to approve the agenda as submitted, seconded by Mr. Baldwin and the motion was unanimously carried 7-0 with Colonel Welsh and Mr. Holt absent.

APPROVAL OF THE REGULAR PLANNING COMMISSION MEETING MINUTES OF DECEMBER 20, 2010

Mr. Tolbert moved to approve the regular Planning Commission meeting minutes of December 20, 2010, seconded by Mr. Shomo and the motion was unanimously carried 7-0 with Colonel Welsh and Mr. Holt absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that on January 19, 2011 at 4:00 PM in the Kent County Administration building there will be an audio web conference held called "Retro-Fitting Corridors." She would recommend Commission members try to attend as Staff will be attending as well.

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop is scheduled for Wednesday February 23, 2011 at 4:00 PM in the City Hall Conference Room.

Mrs. Townshend presented an overview of the regular City Council and Utility Committee meetings of January 10, 2011.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Townshend presented the audience information on policies and procedures for the meeting.

OLD BUSINESS

There were no requests for extension of Planning Commission approval.

NEW DEVELOPMENT APPLICATIONS

Z-11-01 Lands of F&B Properties at 293 South Saulsbury Road - Public Hearing and Recommendation to City Council on rezoning application for one parcel of land consisting of a total of 3.64 acres ±. The property is currently zoned C-3 (Service Commercial Zone) and COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone)

and COZ-1 (Corridor Overlay Zone). The subject property is located on the northeast corner of Saulsbury Road and West North Street. The owner of record is Roadway Express, Inc. and the equitable owner is F&B Properties. Property Address: 293 South Saulsbury Road. Tax Parcel: ED-05-076.11-01-43.00-000. Council District 4.

Representative: Mr. John Paradee, Prickett, Jones & Elliott; Mr. Jeff Bross, Duffield Associates; and Mr. John Fellows, Duffield Associates.

Mrs. Townshend provided an overview of the application.

Mr. Paradee stated that his only comments would be that this application is in fact consistent with the Comprehensive Plan and is consistent with the neighborhood and Staff has recommended approval so we would ask for favorable consideration.

Mr. Bross stated that they are seeking a C-2A zoning classification to permit the retail uses associated with a full service gasoline operation. The developers have a letter of intent from Royal Farms and have clearly shown this as a use on the site. They are consistent with the 2008 Comprehensive Plan and also consistent with the DAC comments that were received as part of this application. They will be returning for a Conditional Use approval to permit the pumping of gasoline.

Mr. Bross stated that the concept plan before you (Presentation Board displayed at meeting) shows the Royal Farms site with the gas islands as well as a proposed bank. Their hope will be to attract a bank to this site; however, at the moment, we have no firm commitment for a bank. If rezoned and developed, the plan will conform to the Corridor Overlay Zone along Saulsbury Road. He would note that their engineers are working collaboratively with DelDOT as part of the West Dover Connector and improvements that they will be making as part of the site redevelopment that will be consistent with the plans that DelDOT has for this intersection and the corridor.

Mr. Bross further stated that he would note that the DAC comments recommend having a scoping meeting with DelDOT. That meeting was held over a month ago and we are well underway in our discussions and coordination with DelDOT.

Mr. Bross further stated that they have been in contact with the Dover Housing Authority and DelDOT had suggested in some of our earlier discussions that we look at closing one of the three (3) entrances into the Dover Housing Authority's project. There are two (2) entrances further to the east on North Street and this would allow for construction of a deceleration lane as part of the overall intersection improvements on North Street as part of the West Dover Connector. The Dover Housing Authority is supportive of that closure and is consistent with DelDOT's wishes. We feel that it will go a long way toward improving traffic flow at this intersection even before the connector is constructed.

Mr. Bross further stated that the developer is very committed to making this a pedestrian friendly development site and have been working with the Dover Housing Authority to find the best location for sidewalk connections to that project. We anticipate that the people who live in this community will make great use of both the convenience store, gas pumping, and any other

service retail that is placed on the site. The developers are committed to placing sidewalks on the site for connection.

Mr. Friedman stated that they are asking for a rezoning and are giving us way more information then what would normally be provided and because of that you are getting more information than you would normally receive. Please realize that what has been stated is now a part of the record and needless to say there will be a Traffic Impact Study necessary and all of these things will be requirements if and when you are allowed to move forward with the rezoning. Responding to Mr. Friedman, Mr. Bross stated that they understand and would comply with the DAC comments of record.

Mr. Friedman questioned if we allow a developer to move forward prior to a Traffic Impact Study being in place? Responding to Mr. Friedman, Mrs. Townshend stated that we would allow the rezoning to move forward; however, would not issue final plan approval. This would be required prior to the Site Plan coming forward to the Commission.

Mr. Bross stated that they are in discussions with DelDOT already regarding the Traffic Impact Study. We have a decision to make regarding whether we will allow DelDOT to do it or if we do it with our own resources. We will be moving forward with that very shortly as they do take awhile to move forward.

Mr. Friedman stated that we would want the corner to look very nice and would want to see green grass and brown stone that is not mowed because it is part of a major development going on in the City of Dover to the west and is very important that it be continuous for continuity. Responding to Mr. Friedman, Mr. Fellows stated that they have worked with these developers for some time and they are nothing if not; pardon me, anal about having nice looking sites and he would expect the same for this site. We hope that the final plans that you see are even greener.

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

Mr. Ambruso moved to forward recommendation of approval to City Council for Z-11-01 Lands of F&B Properties located at 293 South Saulsbury Road rezoning it from C-3 (Service Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone) to C-2A and Corridor Overlay Zone, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Colonel Welsh and Mr. Holt absent.

Mr. Shomo moved to adjourn to Executive Session to talk about some legal matters, seconded by Mr. Ambruso and the motion was unanimously carried 7-0 with Colonel Welsh and Mr. Holt absent.

EXECUTIVE SESSION 7:27 PM to 7:47 PM.

NEW BUSINESS

C-08-01 House of Pride at Properties on North New Street and South New Street – Reconsideration of the Conditional Use Permit for the House of Pride properties, a philanthropic use and social service agency, including a residential recovery program and transitional housing. The project is located on nine (9) properties on North New Street and South New Street. The application involved the establishment of a multi-use philanthropic use relating to substance abuse prevention, intervention, treatment, education, and aftercare. The buildings include office, recovery houses, transitional houses, and several vacant houses. The properties are zoned RG-1 (General Residential Zone) with the exception of 105 South New Street which is zoned C-2 (Central Commercial Zone). The owner of record is The House of Pride, Inc. The property addresses and associated tax parcels numbers are listed below. Council District 4.

16 North New Street	ED-05-076.08-05-22.00-000
20 North New Street	ED-05-076.08-05-20.00-000
29 South New Street	ED-05-077.05-03-10.00-000
37 South New Street	ED-05-077.05-03-08.00-000
38 South New Street	ED-05-076.08-05-84.00-000
55-57 South New Street	ED-05-077.05-03-02.00-000
102 South New Street	ED-05-077.09-01-35.00-000
105 South New Street	ED-05-077.09-01-37.00-000
110 South New Street	ED-05-077.09-01-31.00-000

****Initial approval of the Conditional Use by the Planning Commission on January 22, 2008 with condition of a re-evaluation review after six months. At the August 18, 2008 meeting, the Planning Commission tabled this application for a specific time period to allow for further information to be obtained and to address the Code classification concerns. The re-evaluation review continued at the December 15, 2008 meeting and the Planning Commission granted approval of the Conditional Use subject to conditions.*

Representatives: Mr. Clinton Brooks, Resident at 29-A S. New Street; Mrs. Stacey Arnold, Volunteer with House of Pride; and Mr. Randall ReVay, Resident at 110 S. New Street.

Ms. Cornwell stated that this is a reconsideration of the Conditional Use permit as a philanthropic use and a Social Service Agency at the following addresses; 16 and 20 North New Street, 29, 37, 38, 55-57, 102, 105, and 110 South New Street. This application was reviewed by the Planning Commission in January 2008.

Ms. Cornwell further stated that staff met back in October with the House of Pride on how to handle some of the code compliance issues that had been discovered back in 2007. They were told that the best option was to go to the Planning Commission as a Conditional Use which they did apply for. They were granted conditional approval with some conditions. Some of those conditions in January 2008 were that all building and life safety code requirements must be met and complied with for all properties. All code violations from January 2, 3 and 4th 2008 housing inspections must be complied with and that no more than five (5) people may live in any unit at any given time. The Conditional Use was granted for a six (6) month approval with review again in July which was postponed several times for further information. Finally, the six (6) month review occurred on December 15, 2008.

Ms. Cornwell further stated that in the mean time, City Staff, Code Officials, and the Fire Marshal's Office have continued to do annual housing inspections. Inspections were conducted

in January 2008 with the most recent in October 2010. After the October annual housing inspection, Staff sat down and met with the House of Pride and members of the House of Pride to discuss the inspections and the code violations that were identified in those reports. A copy of that report and subsequent violations discovered at the re-inspection of January 4, 2011 were provided in Commission members packets. At this time a Power Point presentation was provided.

Ms. Cornwell stated that Staff will now go over some of the re-occurring violations of the past years with a number of them being life safety issues, electrical, plumbing and other issues that keep continuing to re-occur. Some of the more serious of violations is life safety egress. There are some egress issues that life safety code does not allow residential uses regarding bedrooms to go from one bedroom to another bedroom to get out for egress in case of emergency. This does occur in one of the buildings and has been repeatedly occurring in that it gets corrected and then occurs again. Other items are smoke detectors. At one point they all had the adequate life safety issues corrected; however, over time, and these are just most recent in October, in several different buildings, the hardwired smoke detectors were missing and the battery operated smoke detectors were also missing. Located at the bottom of each page you will find a number of code violations that have been issued over the years starting with 2001 and this is just for one property the number of times a code violation has been issued for missing smoke detectors.

Ms. Cornwell further stated that they have had a number of plumbing issues. Pictures taken in October and January show how they addressed some of the plumbing issues that are code violations. They used electrical tape to address and to correct a plumbing issue when they were informed that a building permit was required to address the issues. Again, located on the bottom of the page, is the number of times they have been informed to address certain code violations, the number of times they have had leaky pipes, faulty toilets, and other things that have been ongoing for a number of years. They did attempt to address some of the plumbing issues. A picture taken in October shows the code violation stating that a fixture does not work and that you cannot actually operate the shower adequately. Another picture taking in January shows where they fixed the bathroom; however, they did not fix the fixture and you still cannot use the shower appropriately. Again, located on the bottom of the page is the number of times that Staff has had to address plumbing issues.

Ms. Cornwell further stated that some of the general repair issues are with regards to nine (9) properties that were part of this application. The general repair issues are related to deteriorating porches and holes in the bathroom. One of the holes in the bathroom went all the way through to the outside of the building.

Mrs. Townshend stated that she would add that Mr. Graves, the Code Enforcement Officer that was conducting these inspections, brought up on multiple occasions where you can see him shining the flashlight where light can be seen outside. It was in their inspection report that this was a repair that needed to be corrected with a building permit. No building permit was obtained and the photos in the Commission member's packet show the repair that was made. The repair was not made in a workmanship fashion.

Ms. Cornwell further stated that more general repair issues include mold from water damage, water damage from leaky roofs, or leaky bathrooms. They have removed mold and mildew on

several occasions; however, they continue to re-occur that seem to not be sustainable, workmanship issues, a new heating and cooling system was installed; however, it was not finished. In some of these instances since the October photos were taken, some vents have been installed; however, not all vents have been installed to provide adequate covering. A number of issues with debris and removal include storage in the buildings. The main use of a building in the residential zone cannot be storage and does occur on one or two of the properties. There is usually debris around the outside of the properties. A number of times violations have been issued and these are not all of the violation notices that have been issued to all of the properties this is just a sample of a number of times over the years that we have had to issue violations and how to get them resolved.

Ms. Cornwell further stated that a number of key issues that has been a problem are electrical. Photos were shown depicting broken electrical outlets, overloaded electrical panels and the number of times we have required electrical inspections. The one that was identified in August from last year shows that they have done most of the work that was required for the electrical inspections; however, the final electrical inspection has not yet occurred because they were waiting to finish everything so that they would only incurred the fee for the final electrical inspection more than once. There are some unsanitary conditions where a number of times we have had to have extermination occur for the properties to ensure there are no unsanitary issues. There are a number of abandoned vehicles and unregistered vehicles found on the sight and some of them you will notice were addressed right away others we would issue the violation in October of one year and then in January/February the following year they were addressed. There are a number of overloaded electrical outlets with a number of things plugged into an electrical strip which can overload the electrical system.

Ms. Cornwell further stated that there are nine (9) properties; however, Staff does note that that there are several other properties that are going through other phases. 35 North New Street is not a part of this application and has gone to City Council as Demolition by Neglect as a dangerous building. Others noted are 106 South New Street that has been identified as soon as Staff went into the basement, condemned it and are awaiting the results of a structural report from the applicant as they had an engineer come in and do a report. Staff is waiting to see what the results are to determine a path forward for this property.

Mrs. Townshend stated that she would add that you have seen the pictures in the Power Point and the packet. Staff had a very productive meeting today with representatives from the House of Pride and several of them are here this evening, Mr. Brooks, Mrs. Arnold, and a couple of the Board members. There was a productive and honest discussion regarding the issues and the issues where we may be able to get temporary compliance, marginal compliance; however, no sustainable compliance. She believes that there was a very sincere genuine sense on their part that they need to make some changes within the organization. The challenge that we have before us is that this has gone on a long time, we get a glimmer of hope, and then end up right where we were before. She feels that if additional time is given, that it needs to be very clear that what is expected in that time will be a very tight timeframe. The Staff report from the Planning Staff on page 6 lays out the options for the Commission members either to immediately revoke the Conditional Use permit for non-compliance with City codes or to authorize a provisional continuation of the Conditional Use permit essentially making sure that the Life Safety issues are met in a very timely manner and that strict compliance is maintained in a very short turn around.

She would recommend a thirty (30) day timeframe provided that none of the rooms where egress issues exist and that all smoke detectors are present immediately. Thirty (30) days should be a reasonable timeframe.

Mrs. Arnold stated that she is only a volunteer. Her husband works on the Air Force Base and we drive around and give out backpacks to the homeless. On one of their missions one day we literally came across the House of Pride. We are just so impressed with their program and the recovery; however, truly moved to make it a better place. It has been a month since she started and they have made leaps and bounds. Since she has only been there a month as a volunteer, she has been there every day and looking at the pictures in the Power Point presentation, these are truly shocking. This is not what she saw when she walked in there and is not anything that she has seen since she has been there. The overwhelming circumstances of it all, she thinks that there has been a lot of work done; however, there was no money. Mrs. Harris is an amazing woman who runs an amazing program but needs an effective board. There are some members there, as was discussed today, where there has to be a lot of changes and she is stepping up for that. She is 110% sure that this program works for these men. Just because they are recovering, they still have to meet safety code violations and this does not mean that you can ask them to sleep in unsafe conditions. So many amazing people have come forward and this is the reason that this program works.

Mrs. Arnold further stated that someone has to step up because we all have certain gifts and Mrs. Harris's is not in organizing it is in the guys and making sure everyone has food. What we spoke about today in the meeting, we learned from each other and when she walked in a month ago it looked nothing like these pictures. She has not seen any bugs at all and is truly amazed how the community has come back together and started to renew its faith in the House of Pride and the fact that they can become accountable for every dollar that comes in and goes out for the conditions of each and every building. In the meeting, Staff gave us amazing ideas and we can attack one building at a time. There are four (4) houses that are still used with three (3) being used for recovery.

Mrs. Arnold further stated that there have been a lot of mistakes made and she is not walking into this blindly. She is genuinely amazed at these gentlemen, their belief in the program, and their hard work; however, the ultimate goal is not to fix things it is to make things better and sustainable. In order to do that, we can address one house at a time and the meeting today was so that we can all work together. What she learned today is that it has all been exhausting with people coming up and saying that they will. Most of the repairs have been taken care of and she can show you the list. She is looking forward to partnering with the City to learn and get this not only up to code but up to real sustainable living conditions with the other properties possibly being used as rent. What you need us to do please tell us. We are going to be doing fundraising and just imagine what it can be and it will be that.

Mr. Friedman stated that Ms. Arnold's testimony seems to be more appropriate for public hearing.

Mr. Hemmig stated that it is an emotional presentation and he was hoping that someone who is actually representing the House of Pride would be addressing these specific issues, which you have throughout your presentation.

Mrs. Townshend stated that she knows that Mrs. Harris could not be here tonight because she has a family member in the hospital and is not sure who she sent as a representative.

Mr. Clinton Brooks who is the Office Manager for the House of Pride stated that they had a great meeting today with City Staff. As Mrs. Arnold stated, yes there are violations and yes, in the past, the House of Pride was not in compliance with meeting those violations; however, things are changing. We have new staff members such as me and Mrs. Arnold who is coming aboard possibly as a new Board member. They have hired Dr. Michelle Brown to do a strategic planning model and to write new by-laws. The infrastructure of the House of Pride is changing and the House of Pride itself is changing. What we are asking for is an allowance to allow us to make that change. Give us an opportunity to show to you that we are not the same House of Pride in 2008; however, let us show you that we are the House of Pride of 2011. We had an extremely productive meeting with City Staff earlier. He does not come from dealing with the City background he comes from the corporate banking and being with the House of Pride he was nervous having to deal with the City of Dover.

Mr. Brooks further stated that there are half truths and misconceptions about the House of Pride; however, between the groups that represented them and the building department and the Planning Commission, two different types of groups came together and worked out something that is agreeable for both groups to get something done to help our community in Dover. He can guarantee that the House of Pride will get it done. January 31, 2011 he himself will personally write a strategic plan on how to get the life safety code issues completed within thirty (30) days. With regards to the egress issues he has already put a plan in place tonight and is already working on it and it will be done. The volunteers themselves will start coming on Friday and Saturday and the men that are in the program have already started working on these violations. Things will change and are changing, we are just asking for a little more time.

Mr. Friedman stated that Mrs. Townshend mentioned the possibility of a thirty (30) day extension to get all of this done. You have a pretty negative history here of three years. After three years of someone telling you they are going to do it you start to wonder if it is ever going to get done. Having said that, if this Board were to make a motion to grant a thirty (30) day extension, what is your plan, how are you going to get it done? If you can come up with a plan that you can sell tonight then he feels that you would have a viable possibility of continuing to have this Board approve this. If all you are going to do is not come up with a plan and say that you are "planning to plan" he is sorry you have had opportunities to plan a plan.

Responding to Mr. Friedman, Mr. Brooks stated that on Friday and Saturday between 8:00 AM and 5:00 PM we have volunteers coming in and their main focus is to be getting those life essential violations corrected. We already have that in place.

Mr. Friedman questioned if these volunteers were craftsman and if he had a list of them. Responding to Mr. Friedman, Mr. Brooks stated that he did not have a list; however, Mrs. Arnold has been the one coordinating the work. They have had an electrician come in as well as a licensed plumber both Monday and today already working on those situations.

Mr. Friedman further questioned if they are giving you quotations or are they volunteering their time to help? Responding to Mr. Friedman, Mr. Brooks stated that they are volunteering their time and are licensed contractors.

Mr. Friedman further stated that these are the kinds of things that will get you moving forward. In thirty (30) days from now when you say a contractor quit because he did not like the conditions, you are out. This is very serious. Responding to Mr. Friedman, Mr. Brooks stated that he understood this as this means his home. The House of Pride did not have me in 2008. They have me know that's why things are going to be different.

Mr. Friedman further stated that if someone is to make a motion this evening it would be his hope that in the motion there would be an inclusion of language that states that in thirty (30) days we are not rehearing it. In thirty (30) days you are done. Responding to Mr. Friedman, Mr. Brooks stated that if those violations are not fixed in thirty (30) days you should definitely have the right to pull our Conditional Use and this was part of the agreement that we already made with the City Staff.

Mrs. Arnold stated that this is something that they went over today with City Staff and there is a spreadsheet that they have made before she came in that they are working on each and every issue though not getting permits.

Mr. Hemmig stated that we have to base our decisions primarily on the regulations, codes, and facts of the case. He appreciates the emotional aspects of this; however, we have to try to tone this down ourselves and not make an emotional response to something that requires life safety issues. What Mr. Friedman was emphasizing is that it is not just a matter of appreciating the people who live there who work and make this a nice place; however, the people who have to make repairs have to be licensed and do the repairs in a proper manner that is going to meet the City Codes that is one of the critical issues so we will go from there. Once the public hearing is opened, it is important to address the facts of the issue and not just create an emotional response as we are here to listen to facts and how this is going to change and what will get done and how it will get accomplished.

Mr. Hemmig opened a public hearing.

Mrs. Theresa Allen – 33 Glen Eagles Court – Stated that one of the members of our church mentioned the House of Pride to us a number of years ago and suggested them as a very worthy group. Our church has been partnering with them every now and then and we really appreciate what they do. When she heard about the issues she called her plumber because she found out there were a few plumbing issues. She called him last night after hours and left a message with his answering machine. He is a very nice fellow who happens to be a patient of her husband who is a chiropractor here in Dover and he has worked on their house. She left a message stating she would like for him to do $500 worth of work for the House of Pride. He is a licensed plumber and an expert and will be helping the House of Pride. If he needs more money she will make sure that he gets it. The community is behind the House of Pride they just need a little more time to realize it and a few more people like her can pitch in and make this happen. She is very grateful for your consideration of giving them the thirty (30) days.

Mrs. Heidi Phillipson – 531 Banning Road – Stated that she worked in social services and drug and alcohol counseling and mental health in the late 90's. She worked in a facility that recommended the House of Pride and they worked together. It was a godsend for people coming out of treatment centers or in transition because Kent County does not have a lot of facilities that are able to help these people. It is a wonderful program for everybody trying to get back into working and being, it is still here. She has not been working in the field and last night she heard on the TV that there was some issues going on so as she was coming home from work, she went by to just ask questions and see if there was anything she could do to help because when she was working in the field they made all the difference in the world. People who work in social services try to do everything for everyone and normally the skills of organizations, City Planning, and codes are not in their bag of tricks. She is interested in helping and she is working in a corporation that she thinks would be interested in helping. This program has been a part of Delaware and has been a very important piece of people who are trying to better themselves and go forward. She feels that we would lose so much if we do not help them to make this continue.

Mrs. Rachel Milano – 172 Loquiture Lane, Milford, Delaware – Stated that she is sitting here with a mixed bag of thoughts. One of the things that she wants to say is that the House of Pride in its ideal form, its original mission, and purpose she believes is a magnificent concept. She also believes that it has the support internally and externally to make such an ideal a possibility to manifest it into reality. She does not; however, believe that she can sing the same tune as some of those who have sung tonight have done. She hopes from what she has heard tonight that the House of Pride is now open as they once were not to transformation; however, to revitalization. She believes that every man within that organization that is being supported or the effort to support them have incredible will and determination to overcome the obstacles and to achieve recovery under the right conditions and under the right organizational leadership and by right she means right now it is wrong. By right, she means the kind of organizational structure that will not put their life in jeopardy or the welfare of the community in jeopardy but the type of organization that is long term serious for the benefits and the welfare of the members of its organization and of those it serves. She also believes that there needs to be a real program. Someone once said that paper does not matter, paper matters. It matters what is on paper because that is how you manifest the dream. It is important to put down the plan. It is important to have the right people in place to apply that plan. She hopes that whatever short time she served with the House of Pride the one thing that they gathered from her is that with love and with a combined effort of determination and will it can make something happen. Does she believe that they should be granted the time, she believes that they have been granted a hell of a lot of time prior to her ever coming into the State of Delaware which was just two (2) years ago into the town of Dover some six (6) months ago. The young woman who was up here earlier reminds her of the same tune that she sung to all of you months ago and then she was rejected. She hopes and prays that they do keep her and that they do keep people like the others who have volunteered their support and they do turn this around for the welfare and safety of everyone involved.

Mrs. Jennifer Mayers – on the Board of the PWOC (Protestant Woman of the Chapel) at the Dover Air Force Base – Stated that it is hard not to bring emotions to it; however, will keep it short. As part of the Board we have taken a significant interest in everything that this program has to offer. It is so much more than the House of Pride. They affect the entire community and without them there would be such a huge void that she can't even describe. As part of the Board

as a member of the PWOC we have all spoken of making a long lasting impression at the House of Pride. As you know, as part of the military, we are transient and are not always in the same place at once and that is why none of us are guaranteed to be here for awhile; however, there are always woman of the PWOC and if it is something that we commit to it is something that you can count on.

Mr. Hemmig closed the public hearing after seeing no one else wishing to close the public hearing.

Mrs. Townshend stated that there were two (2) pieces of correspondence that was received and one that was requested to be read into the record.

Mrs. Townshend further stated that the first letter is from Eric O'Brien, 30 N. New Street, Dover, DE 19904. "Dear City of Dover, If you are accepting written comments on tonight's topic reference the House of Pride, I would like to submit the following general ideas: A) There's certainly nothing wrong with philanthropy; the question is, can the program be administered to both accomplish its goals of community assistance while also operating within the City of Dover Codes and reasonable social norms. B) 35 N. New Street has been vacant for years and years and in many minds should have been demolished long ago for not being restored and properly maintained; I've never been concerned with money or home values, but this property bought by single family homebuyers to live in normally, work, improve their yard, raise a family, etc. C) Some of the properties have taken on the appearance of some sort of encampment with huge tents and/or lines of picnic tables in yards where too many people gather and congregate all day and evening; potential owner-occupant residents do not want to buy a home and live next to such conditions. D) Houses also seem to become a big "Hangout", especially if more than one property is situated adjacent or nearby to another, leading to day in and day out constant loitering, blocking sidewalks, staring at passersby, and too much pedestrian traffic back and forth across the street, conditions which not only prevent new residents from wanting to move into the neighborhood but also makes the general traveling public avoid going down our streets (I can't get a contractor to work on my house due to all the suspicious loitering). This "domino effect" of conditions, similar to the loitering and crime at non-House of Pride properties, ends up spreading, because normal homeowners are forced to move away and new ones won't come in, so properties go vacant and the only people that will live near such conditions are rental tenants and those who can't afford to move (or have nowhere else to go), all of which contribute to more of the same problems. E) In summary, I think the program is good for helping out a few people per property, just not a half-dozen or more per property; perhaps, there could be a live-in property manager in every house. As evidenced by the 35 N. New Street property, it is obvious the program has taken on more than it can handle; I would think those administering the $200,000 plus in funding would be concerned about such problems and help the House of Pride adhere to program expectations. F) Maybe the House of Pride could just let go of some of their properties, admit fewer people per property, and settle for operating an exemplary program helping a few less people rather than struggling trying to help too many people; then once all concerned parties are comfortable with smooth operations, gradually add a property at a time, as long as they can be managed as well as the other properties (and not abandoned). G) Note: There is so much abnormal behavior in this neighborhood with a 95% rental rate, absentee landlords, unkept yards, strangers on the streets every day and night (non-residents of the area), loitering and intimidation, etc., that I don't know who's who, or whether the House of Pride

helps control these problems or contributes to them. Comments herein are not meant to address these related problems directly, only insofar as what is mentioned above is what I've seen on the streets over the yards, a concern for their long-term effects on the neighborhood as a whole regarding who will buy a home around here and for what purpose, trying to address the issue of how many "group homes" do you want in one neighborhood, and whether the City will ever be able to bring single family, owner-occupants back into the neighborhood to return to more normal living conditions like those in other Dover neighborhood's where there is no rampant loitering, no staring at you very time you drive down the street, no repeat offenders dealing drugs or prostituting on street corners, sidewalks and side streets, and no mass congregating on porches, sidewalks and streets (which usually coincide with the more serious problems…so what does that tell you about "simple visiting" versus "loitering"?). Sincerely, Eric O'Brien."

Mrs. Townshend stated that the second piece of correspondence is an email she received today from Mr. Herb Konowitz who is on the Board of Directors for the House of Pride. "Ann Marie, reference is made to the discussion we had concerning the situation about the House of Pride and their problems. I evaluated those problems for each house and received a commitment from Marian Harris that the problems will be resolved. The solid core doors have been installed, the violations concerning rooms adjacent to the kitchens have been closed down, and the emergency lights have been installed. An electrician has been engaged to install the GFCI outlets, where required, and an engineer has been contacted about the structural problems. We are waiting for the report. I ordered two waste containers be delivered for removal of the "stuff" at 45 S. New Street and 106 S. New Street. The clients have been working diligently filling those containers. I contacted a real estate agent for listing these two properties for sale. As soon as the contents are removed, he will move on listing these properties. 35 N. New Street is in the process of being evaluated for disposal. I am getting a price for the demolition. After that, the Dover Interfaith Mission might be interested in investing in the demolition to gain ownership for possibly building a home with the help of the Habitat for Humanity people. If this is not accomplished, then we will ask that the City take over the demolition. I spoke with Dave Truax and explained that he can contact me in the future so that we cannot only remove the current violations but keep control of keeping the future violations to a minimum. I hope that you are satisfied with the work that we have put into correcting the violations. I am sorry that only Dr. Sanjiana (President of the Board) is able to attend the meeting tonight, Marian's Mother is in the hospital and she is with her constantly, Sandy Dean's son also is in the hospital, and I had a previous appointment that I could not cancel, Best to you, Herb."

Mr. Friedman stated that he is prepared to make a motion on this matter. Again he wants to emphasize that you have to have a plan that will work, not a pipe dream that is a very nice thing to have. The dedication to a good cause is an enormously good thing to have but you have to have a plan. This is a "go, no go" type of decision at this point. You need to make sure that you have leadership in place to ensure that the plan is being followed otherwise you have nothing. He also feels that something that is very important that needs to be said and is difficult to say; however, as part of your plan you need to also make sure that you can find somewhere for the residents to go if you fail. Start thinking about it now; do not wait until the 30th day. There are many places that you might be able to coordinate such an effort as we do not want folks being thrown out on the street in the middle of the winter. If it comes to that, and you have not been able to comply for whatever reasons, you need to start thinking about what to do with these folks now. They are depending on you and your leadership and your expertise to get this stuff done.

Mr. Hemmig stated in anticipation of a motion, he wants to remind the Commission members that there are actually nine (9) properties being considered in this Conditional Use that does not include 35 N. New Street, which is already being considered by City Council for demolition. There are two (2) of the nine (9) properties that are currently vacant and if you choose to handle those in a different manner then the rest of the properties, that would be acceptable. Those two properties are 16 N. New Street and 102 S. New Street.

Mr. Friedman moved to grant an extension of thirty (30) days to allow this organization to come into compliance. 1) It should be noted as part of the motion that 35 N. New Street is not applicable and is specifically excluded. 2) That 16 N. New Street and 102 S. New Street being unoccupied, are also excluded from these matters and will include revocation of Conditional Use for these two (2) properties. They could be brought back for Conditional Use in the future. If it fails, it would be a "go no go" on the 30th day of extension that you are there or you are not and that they are within full compliance within thirty (30) days. If it does not happen, then you have an attorney that can restore it and get it going again by doing it in another thirty (30) days where we could revisit the whole matter. The extension for thirty (30) days would start from today and would be a "go no go" where it would be a Staff administrative decision that would not have to come back before the Planning Commission, seconded by Mr. Nichols.

Mrs. Townshend stated for clarification on the motion in thirty (30) days we have achieved compliance and six (6) months down the road issues arise, we would be beyond thirty (30) day no compliance. She wants to make sure that if they encounter something in the future we follow what we have agreed to. Responding to Mrs. Townshend, Mr. Friedman stated that in thirty (30) days that is it, it would not exist anymore. If they want to bring it back like a plan then they could do so like anyone else.

Mrs. Townshend further clarified that if they have full compliance in twenty-nine (29) days and then one hundred eighty (180) days later, they un-comply, how would you handle that? Responding to Mrs. Townshend, Mr. Friedman stated that it would then become a Code Enforcement matter.

Mr. Friedman would amended his motion to include that he would agree to an annual revisit of this application given that it is a Conditional Use of high focus and one that has proven to be problematic, Mr. Nichols agreed.

Mr. Tolbert stated that after the thirtieth (30th) day if they are in compliance or not in compliance, the application would be dealt with accordingly; however, beyond that, they would have to come before us with another application if they go out of compliance. Responding to Mr. Tolbert, Mrs. Townshend stated that if they do not meet with code within thirty (30) days, all Conditional Use is dropped and they would have to come back and apply for a new Conditional Use once their property is up to code compliance.

Mr. Friedman amended the motion to state that each property would stand independent of one another and if approval can be granted on any one of them, it would independently be given Conditional Use for one year and to be revisited at that time, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Colonel Welsh and Mr. Holt absent.

Mr. Tolbert questioned if they could do this because all of these addresses are included in this one application and then what we would be doing is approving part of it and not the entire thing. Responding to Mr. Tolbert, Mrs. Townshend stated that what she would suggest is making a motion to amend the motion to indicate that each property would be considered separately.

Mr. Friedman stated that he has already stated that he would intend to do just that and was a part of the amended motion he just mentioned.

Mr. Hemmig stated that there was still a motion on the floor with the amendment attached as part of it.

The motion was unanimously carried as amended 7-0 with Colonel Welsh and Mr. Holt absent.

Meeting adjourned at 9:50 PM

Sincerely,

Diane Metsch
Secretary