

CODE BOARD OF APPEALS

The Code Board of Appeals meeting was held on January 15, 2026 at 3:47 p.m., with Dr. Sudler presiding. The members present were Mr. Neil, Dr. Pillsbury, Ms. Main, and Mr. LeBoon. Staff members present were Mr. Kopp, Mr. England, Mr. Layfield, and Ms. Wheeler.

ADOPTION OF AGENDA

Dr. Pillsbury moved for approval of the agenda, seconded by Ms. Main, and unanimously carried.

ELECTION OF CHAIR

Mr. Neil opened the floor for nominations.

Mr. Neil nominated Dr. Sudler to serve as Chair of the Code Board of Appeals. The motion was seconded by Dr. Pillsbury.

There being no further nominations, Mr. Neil closed the floor for nominations.

By unanimous consent, Dr. Sudler was elected to serve as Chair of the Code Board of Appeals.

DOVER CODE ORDINANCE VIOLATION: (Chapter 106 – Traffic and Vehicles, Article III. – Stopping, Standing, and Parking, Division 1, Section 106-130, - Wrecked, Nonoperating, improperly parked, or improperly parked or equipped vehicles) - Appeal of Violation – 276 Green Blade Drive

Responding to Dr. Sudler, Ms. Wheeler stated that she had contacted Ms. Capone via phone last Wednesday, January 7th, to schedule the Code Board of Appeals meeting on January 15th, and an email was sent out as a reminder, as well as a paper letter sent in the mail.

Dr. Sudler stated that Ms. Wheeler had informed the board that Ms. Capone was unable to attend since she was not aware that she needed to be present for the meeting.

Mr. Neil stated that they should hear from the Code Enforcement Officer about what the issue was about because the information that was provided in the packet showed that the case was closed on May 10, 2023 as complying and then it was reopened by Mr. England on February 20, 2025, when they saw the same violation notice of the case that had set up for a new violation letter, so there was history and a notice to the property owner. He mentioned that Mr. England spoke to Ms. Capone on March 20, 2025, and gave her a 30-day extension and a second notice. A citation was sent on April 21, 2025, and another extension was provided. He believed that they needed to know something of the history because of the conversations back and forth, and would like to have Mr. England give his presentation in terms of the circumstances of why the case was reopened and brought to their attention again.

Mr. Neil made a motion to have Mr. England give his presentation in terms of the circumstances of why the case was reopened again and brought to the Code Board of Appeals. The motion was seconded by Dr. Pillsbury.

Ms. Main raised a question regarding the motion. After reviewing the packet, she noticed that the most recent communication, including pictures with timestamps, occurred after the case had been reopened. She acknowledged that Ms. Capone complied with the ordinance by placing her vehicle

on the city-approved driveway behind her house, which met the requirement that vehicles must be parked in a city-approved driveway, parking area, or parking lot. She noted that the street generally allowed on-street parking and parking elsewhere, but emphasized that Ms. Capone eventually came into compliance after multiple violations. She also pointed out that while one (1) vehicle was properly on the driveway, she was unsure whether another vehicle, shown in the picture, parked partially on the grass and partially on the driveway, constituted a violation.

Responding to Ms. Main, Dr. Sudler clarified that the discussion pertained to the scope of the motion. He explained that they would pause to acknowledge Ms. Main's comments, complete the vote first, and then she would be formally recognized to speak.

Mr. Neil made a motion to have Mr. England give his presentation in terms of the circumstances of why the case was reopened again and brought to the Code Board of Appeals. The motion was seconded by Dr. Pillsbury and unanimously carried.

Responding to Ms. Main, Mr. Kopp clarified that even though the vehicle was covered with a tarp, it still met the code's definition of a non-operating or improperly stored vehicle and therefore remained in violation. He further explained that while two (2) tires were on the concrete driveway, the other two (2) tires were on the grass. Because the code does not specify an allowable number of tires on grass, their interpretation was that the vehicle was still in violation, consistent with how staff enforces the code as written.

Mr. John England, Code Enforcement Officer, reviewed the case history for 276 Green Blade Drive.

Mr. Kopp stated for the record that Mr. Michael Bailey no longer worked for the City of Dover, so staff could not confirm whether the case was in compliance at the time Mr. Bailey closed it. He noted that he was led to believe the case was not in compliance in 2021 and that it was closed based on the evidence that had been provided on the record at that time.

Responding to Ms. Main, Mr. England stated that he was unsure how she moved the vehicle to that spot, but believed that she got a tow truck to come in and yank it. He noted that when he did speak with Ms. Capone, she intended to repair the vehicle, but as they could see by the pictures, the vehicle had not been touched.

Mr. Neil stated that allowing the situation to continue could lead to more junk vehicles in the area and a decline in neighborhood property values. He explained that the law was enacted to protect both residents and the individual involved. He added that inspectors care about the city and were willing to work with individuals to resolve issues before reaching the appeal stage. He noted that in past appeals, inspectors have offered suggestions that resolved matters without enforcement action. He emphasized that the concern stemmed from residents who have repeatedly observed wrecked or abandoned vehicles, and that the law provided protection when individuals have been given multiple opportunities to correct the issue but failed to do so.

Mr. LeBoon expressed gratitude for how patient code enforcement has been and that the case has been percolating for over two (2) and a half years.

Responding to Mr. LeBoon, Mr. England stated that she has been allowed to either get the vehicle moved or fixed, and mentioned that Ms. Capone has told her side of the story, so it was in her

hands. He noted that he could have been continuously sighting her all along, but he was exhibiting so much patience that, because of her husband's passing, she might be overwhelmed, but he could only go by what the ordinance is, and therefore follow the ordinance.

Mr. LeBoon stated that he was amenable to having Ms. Capone have one (1) last opportunity if she felt prudent, but he would prefer to hear what was preventing her from being compliant.

Responding to Dr. Pillsbury, Mr. England stated that the other vehicle had not moved as long as it had been there. He noted that he could not be 100%, but in his opinion, he believed that the vehicle was disabled and not registered either.

Responding to Dr. Pillsbury, Mr. England stated that Ms. Capone's husband passed away in 2023, which was around the time the case was initially opened. He further noted that Ms. Capone informed him she had proceeded with a short sale and payoff of the vehicle, that the vehicle was totaled, and that she received payment for it. He added that Ms. Capone claimed that she wanted to restore the vehicle in her husband's name.

Responding to Dr. Pillsbury, Mr. England stated that he did not go over the details of what Ms. Capone's plans would be after she restored the vehicle.

Dr. Pillsbury stated that she had great empathy for Ms. Capone, but she believed that Ms. Capone was taking advantage of the city and of the requirements.

Responding to Dr. Pillsbury, Mr. England stated that the next step would be to issue more citations until Ms. Capone was in compliance.

Responding to Dr. Pillsbury, Mr. Kopp stated that, according to the current state law, they do not have the ability to take possession of the vehicle; the only option was to issue citations, and it would be up to her to remove them.

Responding to Dr. Pillsbury, Mr. Kopp stated that if the vehicle was on private property, code enforcement would have the responsibility to address that issue.

Responding to Dr. Pillsbury, Mr. Kopp clarified that if Ms. Capone left the vehicles on the street, the City of Dover Police Department would have the responsibility to address that issue.

Responding to Dr. Pillsbury, Mr. Kopp clarified that the police department does not have more authority than code enforcement when it comes to private property.

Responding to Dr. Pillsbury, Mr. Kopp clarified that the police department could tow the vehicle if it was parked on the city street, but they could not tow the vehicle since it was on her property, which was how the law was.

Responding to Dr. Pillsbury, Mr. Kopp stated that the way the law was written, the police department could tow her vehicle from her property.

Dr. Pillsbury made a motion that a letter will be sent out to Ms. Capone stating that if she does not respond, the City of Dover will contact the City of Dover Police Department to remove the vehicle from her private property within 30 days, along with providing an additional fine.

In response to Dr. Pillsbury, Mr. Kopp stated, for clarification of her motion, that she had referenced timing and noted that the only fine issued in the case in over a year was \$100. He added that the next step would increase the fine to \$200.

Responding to Dr. Pillsbury, Mr. Kopp clarified that, traditionally, they would proceed to the next step because it would be Ms. Capone's second citation.

Dr. Pillsbury made a motion that a letter be sent out to Ms. Capone with the \$200 fine and a 30-day notice that she needs to remove the vehicle with towing as a follow-up if she fails to comply.

Mr. Kopp stated for clarification that if Ms. Capone does come into compliance, that would mute the enforcement action.

Dr. Pillsbury made a motion that a letter be sent out to Ms. Capone with the \$200 fine and a 30-day notice that she needs to remove the vehicle with towing as a follow-up if she fails to comply. The motion was seconded by Mr. LeBoon.

Responding to Mr. Neil, Mr. Kopp stated that the towing company would take possession of the vehicle, and they do not charge the city for those fees.

Responding to Mr. Neil, Dr. Pillsbury stated that the towing companies would pay to tow an individual's vehicle if they could not drive.

Mr. Kopp stated that they could not recommend specific towing companies, as doing so would constitute promoting services. He confirmed Dr. Pillsbury's comment, noting that there were towing companies willing to pay individuals to tow their vehicles. He added that if the vehicle were to be towed under those circumstances, there would be no cost to the City.

Ms. Main questioned why Ms. Capone had not been in compliance and what factors were preventing the vehicle from being either towed or repaired. She stated that she wanted to understand the reason for the noncompliance so that appropriate steps could be taken to bring the case into compliance.

Responding to Ms. Main, Mr. Kopp stated that the code did not authorize an exemption in the case. He noted that Mr. England had exercised significant leniency, explaining that citations should have begun one (1) month after notice was issued, with escalating fines as outlined in the code. He emphasized that the code did not allow for exemptions or compassionate allowances and must be enforced as written. He further stated that the Code Board of Appeals establishes precedent for future cases and that, based on the facts and proper interpretation of the code, the appeal should be denied.

Responding to Ms. Main, Dr. Pillsbury stated that she believed Ms. Capone had already received multiple letters and had been properly notified of the violation. She explained that Ms. Capone would be given 30 days to respond and inform the board if there was an issue or take action. She noted that if necessary, the letter could be revised to clarify that Ms. Capone has the option to contact them to file another appeal. She added that she felt Ms. Capone had been allowed adequate opportunity to resolve the matter, but the situation had continued for three (3) years. She expressed concern that Ms. Capone had taken advantage of the code enforcement's empathy and

accommodations, and stated that it was now time to enforce firm discipline, which was her rationale for the recommendation.

Responding to Mr. Kopp, Ms. Wheeler clarified that she did speak with Ms. Capone via telephone and that she was not aware that the Code Board of Appeals Meeting was happening today.

Mr. Kopp stated that Ms. Capone had filed for the appeal herself and was aware of the meeting and had contact, and did not attempt to make any contact until Ms. Wheeler contacted her.

Responding to Mr. Kopp, Ms. Wheeler clarified that she had contacted Ms. Capone after the meeting was supposed to start at 3:30 p.m.

Mr. Kopp stated that Ms. Capone was aware of the meeting and did not attempt to make contact, and noted that this should be taken into consideration.

Mr. Neil stated that compliance would make the violation disappear.

Ms. Main stated that the reason why Ms. Capone appealed because the board was not fully able to take on appeals because it was missing board members. She noted that the case started in 2023, but the board did not get fully staffed until the end of last year. She added that she would hope Ms. Capone would contact the board and give her explanation why she has not complied.

Responding to Ms. Main, Dr. Pillsbury stated that they could make modifications if necessary.

Dr. Sudler stated that he had heard all the concerns and that they were all valid, but what he was seeing and hearing was that they have an individual who was disabled, and questioned whether the special accommodations would be for an individual who was disabled, and, in that case, how would it impact that. He also questioned if anyone was living with her, and if they were to call Ms. Capone, was it possible to put his phone up to a microphone to record so he could ask questions to Ms. Capone. He noted that he wanted to satisfy the question of why Ms. Capone could not move the vehicle and how she would be moving forward to bring some concerns down, and still move forward with the motion that they were still in discussion with.

Responding to Dr. Sudler, Ms. Wheeler stated that she would check with Ms. Rivera if they had a handheld recorder to record Ms. Capone's phone conversation.

Mr. Kopp stated that they could only deal with the property owner if they granted excessive rights for them to talk to someone else. He explained that they get that a lot when dealing with properties, that the tenant would call them and tell them their issue, and unfortunately, they are not allowed to discuss that issue with the tenant.

Responding to Dr. Sudler, Mr. Kopp stated that the matter must be discussed directly with the property owner, and that speaking with the property owner's family members would not be permitted. He noted that if Ms. Capone provided consent to involve family members in the discussion, they would have no issue doing so, but that authorization must come directly from her.

Responding to Dr. Sudler, Mr. Kopp stated that in cases like that, they inform property owners about the types of services available without naming specific businesses, such as services that pick up vehicles, and noted that individuals could easily search for those companies online. He added

that in previous cases, he has advised individuals that resources were available to assist them with resolving property-related issues. He mentioned that he could name non-profit businesses that work directly with the community, such as Milford Housing and the National Council on Agricultural Life and Labor (NCALL), but tow truck companies are more for-profit, so they could not recommend them.

Responding to Mr. LeBoon, Mr. England stated that once the individual has filed for the appeal, he will back off on any enforcement. He noted that he has not reached out to her since she put in her appeal.

Responding to Mr. LeBoon, Mr. England stated that he has not cited her for anything since putting in her appeal.

Mr. Kopp stated that, pertaining to the case that started in February 20, 2025, the proximate amount owed was \$8,100. He noted that the reason for that was that the case was new and could not be backdated to 2023 to the other cases.

Responding to Dr. Sudler, Mr. Kopp clarified that the amount was \$8,100 because the citation structure was the first citation was \$100, followed by a second citation of \$200, a third of \$300, a fourth of \$500, and subsequent monthly citations of \$1,000 each in compliance with the Dover Code of Ordinances, under the Property Maintenance Code.

Dr. Sudler stated that he would give Ms. Capone a phone call regarding what was hindering her from moving the vehicle.

Responding to Dr. Sudler, Ms. Main stated that she wanted to have an explanation from Ms. Capone regarding the reason why she has not responded to removing the vehicle and why she was not at the meeting.

Responding to Ms. Capone, Dr. Sudler clarified that she was not required to get rid of the vehicle; however, the vehicle must either be repaired or removed from the property to achieve compliance.

Mr. Neil moved to grant Ms. Capone 30 days to remove or repair the vehicle located on her property. If she failed to comply within the timeframe, the City of Dover would coordinate with the City of Dover Police Department to remove the vehicle from her property, and then an additional fine of \$200 would also be issued. The motion was seconded by Mr. Rocha and unanimously carried.

Dr. Sudler moved for an adjournment of the Code Board of Appeals meeting, seconded by Mr. Neil, hearing no objection, the meeting adjourned at 4:49 p.m.

The meeting adjourned at 4:49 p.m.

Dr. Roy Sudler, Jr.
Chairman