

CITY OF DOVER
HISTORIC DISTRICT COMMISSION
NOVEMBER 10, 2022

The Meeting of the City of Dover Historic District Commission was held on Thursday, November 10, 2022, at 3:30 PM as an In-Person meeting in the City Hall Conference Room (anchor location) and virtually using the videoconferencing system WebEx. With Chairman Czerwinski presiding, the other members present were Ms. Horsey, Mrs. Mason, and Mr. Street (virtual). (Note: The fifth Historic District Commission member has not been appointed following the completion of the term of Mr. McDaniel in 2020).

Planning Office Staff members present were Mrs. Melson-Williams, Mr. Eddie Kopp, Mrs. Mary Ellen Gray, and Mr. Julian Swierczek.

APPROVAL OF AGENDA

Mrs. Mason moved for approval of the agenda as presented, seconded by Ms. Horsey and the motion was unanimously carried 4-0.

Voice Vote

- Ms. Horsey -Yes
- Ms. Mason – Yes
- Mr. Street - Yes
- Mr. Czerwinski - Yes

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF OCTOBER 20, 2022

Ms. Horsey moved for approval of the meeting minutes of October 20, 2022, as presented, seconded by Mrs. Mason and the motion was unanimously carried 4-0.

Voice Vote

- Ms. Horsey -Yes
- Ms. Mason - Yes
- Mr. Street – Yes
- Mr. Czerwinski – Yes

Ms. Horsey mentioned that she wanted to commend Mareta as this was not an easy meeting to get everything straight with all motions and I think she did a good job. Chairman Czerwinski concurred.

COMMUNICATIONS & REPORTS

Summary of Applications for 2021 and 2022

Mrs. Melson-Williams mentioned that included in your packet is the Summary of Applications for 2021 and 2022. There is no real change at this point for those tallies. For 2022, there have been seven applications; and then for 2021, there were six applications. With your last application from

October, we will be continuing to talk about that today and give an update. There were no questions on any of those previous applications that have come before this body.

Summary of Architectural Review Certifications for 2022

Mrs. Melson-Williams stated that this is the listing of Building Permit activity within the boundary of the Historic District. There has been a total of twenty-two (22) applications through the end of October. Most of those were eligible for Staff review of the permit. There were three that the Historic District Commission was involved in.

Basically, in the month of October, we added one more Roof Permit to the tally for the year. Most of the permits have been related to either building exteriors or interior. There were four Demolition Permits and those were related to the buildings associated with the forthcoming Kent County Family Courthouse project. There were Sign Permits as well and a couple of Fence Permits in the District. Any questions on any of that permit activity through this calendar year 2022?

Mrs. Mason mentioned that one of the restaurants is Tastees Chicken and Seafood is open, and, she wondered if Governors Café is going to open.

Department of Planning & Inspections Updates

Mrs. Melson-Williams mentioned that included in your packet was the notice of the Historic District Commission training sessions that have happened in the last two weeks. Preservation Delaware, in partnership with the State Historic Preservation Office, presented one of them that was on "Design Review." The second one was on "Law and Procedures" associated with Historic Districts and Commissions which was held virtually on November 7th and 9th. I attended both virtual sessions. Chairman Czerwinski attend the "Design Review" virtual session. I certainly have some notes and I think we are in a good stead from listening to the "Design Review" aspects one because we actually have Design Guidelines. There are some Historic District Commissions out there that don't have that more detailed Design Guidelines and Standards document. They rely just on the Secretary of Interior's Standards for Rehabilitation which can be rather broad. I don't know if the Chair has any other take-aways from that "Design Review" presentation. Chairman mentioned that he would definitely recommend his fellow members to watch those sessions. I missed the legal one, but the first session was a really good overview of what they're looking for. It has some really good examples of what they actually demonstrated of what the building looked like before, what was being asked and what was being done, and what the final result was. So, I would very highly recommend it because there are some really good points. They brought up about the use of materials. The professor basically presented a historic preservationist's view from Maryland and was pretty hard core. If you compare us, I think it is a very eye-opening experience to actually see how these other Historic District Commissions are handling the projects that are being presented. I think that they kind of held people's feet to the fire, at least that's how he presented himself. There were very few exceptions allowed. It was interesting. For example, we had the charette that we wanted to add another floor to the Priscilla Block building. They had an identical situation where they wanted to add a floor and so it's really cool how they worked around it because the floor was visible from the ground. They denied the proposal in the Architectural Review but what they did do was that they set it back, so it really wasn't visible, and it still had an extra floor above it. I really would have to recommend you guys watch at least the first session. The second session is about the legal legalities of preservation law. I think it's very important because they give us and the contractors options that they might not have seen in the first place.

They showed the actual final results.

Mrs. Mason mentioned that she attended, and it was very interesting and would highly recommend it. She asked if there were other dates because she only had information on two dates. Mrs. Melson-Williams replied that those were the two that were presented. It was a training opportunity that Preservation Delaware and the State Historic Preservation Office offered to Historic District Commissions here in Delaware. The speaker was from Maryland that has an association of Historic District Commissions. They have a series of training programs that they run all the time because there is a training requirement in Maryland if you sit on a Commission. This is not the first time that they've pulled training support from that organization. I would imagine that they will try to do some of that again in the future if there are specific topics. They were asking for ideas. There will likely be some type of follow-up survey that comes out to those who participated to perhaps identify what some of those topics for next year are. Certainly, they were free and excellent training opportunities.

Ms. Horsey asked if the links were still available or active. Mrs. Melson-Williams replied she believed you had to specifically register because of how they were offered. I know they mentioned that the Maryland Association of Historic District Commissions on their website has some training that is posted there. I have not looked at what that might be. I think these are for limited viewing opportunities. If you registered and missed it, I think you will be able to view it directly. For others I don't know if that opportunity will be available with these, but we can certainly find out.

Mrs. Mason mentioned that Preservation Delaware would send a video for those that were registered. Mrs. Melson-Williams concurred, the video would be sent to those that registered and did not attend as well as those who attended because there are a lot of slides of information as well.

Mrs. Melson-Williams mentioned that we are moving into what seems to be still a very busy time in our office overall. We did have a new Code Enforcement Staff member that came on board in recent weeks, so the Code Enforcement section is fully staffed. We are still working to fill the Planner position. We are moving in that direction as we have some interviews pending at the moment.

Mr. Chairman asked the Commission if they had any questions. There were none.

Review of Permits Referred to Commission

HI-22-07 Referral of Demolition Activities for 233-239 W. Loockerman Street

Update on Referral by the City Planner to the Historic District Commission for Determination of Demolition by Neglect and Review of Architectural Review Certification for Demolition Activities for existing fire damaged commercial/residential building. The property was declared a Dangerous Building by City Council on August 15, 2022. The property is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located at the northeast corner of West Loockerman Street and South New Street. The owner of record is SAG Holdings, LLC. Property Addresses: 233-239 West Loockerman Street and 149 S. New Street. Tax Parcel: ED-05-077.09-01-50.00-000. Council District 4. *The Historic District Commission on*

October 20, 2022, determined the property to be “Demolition by Neglect” and also requested that the property be evaluated for saving/reconstruction of the structure.

Mrs. Melson-Williams stated that the Referral appeared before you at your meeting on October 20, 2022. In your packet for today's meeting, we refer to the documents that were previously submitted to you at the last meeting: the Staff Report and there were a number of information items provided by the Code Enforcement Staff in the form of a cover letter, a timeline of events, an asbestos inspection survey, and a pre-demolition condition assessment report. At your October 20, 2022, Meeting, the Historic District Commission had made several motions. Your actions on those motions are captured in what is a Notice of Historic District Commission Action letter that we provided to the applicants and/or property owner's representative. At your meeting in October, the Historic District Commission approved the Determination that the property located at 233-239 W. Loockerman Street to be Demolition by Neglect. There was a subsequent motion to approve the Architectural Review Certification to allow Demolition; however, that motion was unsuccessful, (it failed). Then a third motion was put forward to seek a continued evaluation of the property for its possible reconstruction and saving the structure noting to refer that back to Planning Staff based on some of the testimony and a potential buyer's interest in the building that was related by the property owner's representative. Today we are bringing forth an update to you. We did include in your packet the letter from the City Solicitor regarding this property. It was an interpretation question given that we had a path that was happening here with the Historic District Commission and a path related to a Dangerous Building Determination that Council had already acted upon. I'm going to refer to the letter specifically. This is a letter dated October 27, 2022, that notes that City Council had previously determined that demolition is to occur related to its consideration of the property under the Dangerous Building Ordinance. The Solicitor goes on to note that the Ordinance is silent in the situation that we currently have where Council has already acted under the Dangerous Building Ordinance and what transpires with the Historic District Commission in that case. At the bottom of his letter on the first page he notes, “in my opinion, Council has already acted under the Dangerous Building Ordinance to declare this property to be demolished and that is the procedure that must be followed to date.” The property owner representative Mr. Patrick Rock, who did appear before you at the October meeting had some additional correspondence and contact, he had about the interest of others to purchase the building.

Today that is part of the update from Staff. I do want to go to the City Planner and the Code Enforcement Officer. If they introduce themselves for the record and then they can identify what has transpired on that front since your October meeting.

Staff Representatives: Mrs. Mary Ellen Gray, Director of Planning & Inspections and Mr. Eddie Kopp, Code Enforcement Officer.

Mr. Kopp stated that at the last meeting there was discussion about the Letter of Intent. We received the Letter of Intent to purchase back in August. I have not received anything further. The Letter of Intent to purchase in my interpretation would be for the 30 days. The Letter of Intent has expired, and no further documentation has been submitted to us since October 21, 2022. To the best of my knowledge, there's only one potential buyer. I talked with the Broker and the sale is not going to happen. I have not received any more documentation about a potential buyer or the next step in the process.

Mrs. Gray stated we were talking with the Broker and the Firm. We had discussions after this meeting with Mr. Patrick Rock about who is the property owner, who talked with the Broker, and our people. The legal counsel talked with the Broker to find out what the Broker's or buyer's intentions were for the property. We found out that the buyer wanted to know about the Letter of Intent dated August 23, 2022, for \$75,000. The buyer was not willing to incur the expense of the liens that were also put on the property. It was also indicated that they were willing to buy this property before the motion of the Historic District Commission and he had some sort of analysis to shore up the building and to provide some stability. We were willing to do that. At the Council Meeting that was the Bid to demolish. On that Monday, the Broker/Buyer could come to the meeting to present their case to Council to say okay this is what we want to do with the motion of the Historic District Commission. It is also with the understanding of this interpretation as well. The Broker and the Buyer were not willing to incur the expense or commit to doing any sort of work to shore up the building or to restabilize the building. They can come in and follow through. Afterwards, there was no one at the Council Meeting.

Mr. Kopp mentioned for the record, the last action taken by the owner, or a representative of the property was March 18, 2022, and that was to put the initial boards up. Since then, there has been no work whether to preserve, shore up, clean up, or/and anything on the property to date. The building was being secured because the windows are being smashed out. This is why the City actually invested to keep the property boarded more thoroughly to prevent that usage. We have since secured the sidewalk, asbestos abatement, so on and so forth trying to prevent others from going in there.

Mr. Kopp noted that during asbestos abatement, you have these Asbestos Signs all over the property and people are still taking stuff off. The Asbestos Contractor had to chase people out of the building. Other than that, there has been no change on the owner's behalf. We have moved forward with the first steps of Phase One of the Demolition. The asbestos abatement has been completed. There were some things in there that were put on the backburner that were supposed to happen during Phase One of the Asbestos Abatement. Due to safety concerns, they are just going to do it with Phase Two because the building is too unstable to abate that particular asbestos. The outside of the building is still in good condition, but the inside of the building is deteriorating. The biggest concern I have is the fire side. When we're looking at this picture it's on the left side, (their left), the whole roof is missing. You have water in there endlessly, and all the floors are weakening. They are starting to buckle and then all the way down to the basement floor you have mold. Our concern at this moment is the potential collapse of the building due to the deteriorating state. The bids went out Monday night and the only people present for the Meeting was me and Council. There was no one present to represent the property owner; it was only City Staff.

Mrs. Gray mentioned to be clear, we invited everyone to this meeting. This included the Broker, Owner, and anyone in here. Again, if you want to make your case to stop the Demolition, just please come to this meeting, because I think Council would be open to what you have to say.

Mr. Street asked if the building was in threat of collapse right now. Mrs. Gray replied yes.

Mr. Street asked if the current owner of the property has expressed no interest in saving or rebuilding the building or anything else. They are trying to sell it, but as of right now there's nothing

under contract, no letters of interest, nothing. I am not setting anything up or tearing it down, I am just asking. Mr. Kopp replied correct. Mr. Street mentioned, at least this is what I understand, is that correct? Mr. Kopp replied from my understanding, the owner is out of the country, and he has a legal counsel handling this matter for him. There has been no communication at all about saving the building; it's all been about the sale of the property. Mrs. Gray replied that there was one Letter of Intent that was dated August 23, 2022, but it has since expired.

Mr. Street stated that it was just a Letter of Intent not a contract. That's not really signed on the dotted line; it's like hey we're interested.

Mr. Street mentioned it's in danger of collapse and everyone wants to tear it down because if it collapses it's going to obviously be more of a nightmare than it is right now. My initial feeling and these are just my comments on the whole matter, if it was not in danger of collapse and there's no harm in waiting 30-days or waiting some amount of time to figure this out a little bit better, I think that's one thing, but if it's in danger of collapse, it's either someone's got to do something, or it's got to come down. I don't know where or what our role is in that, especially if the City Solicitor has already said Council has acted and that is their view of moving forward, is that correct? Mr. Kopp replied that is my interpretation of it, correct. Mr. Kopp stated for the record, I believe that if this building had been preserved at the time of the fire and steps were taken to at least shore it up and preserve and cover the roof line, I don't think we would be in this situation now. I think it's the overall neglect of the property and the failure to do anything to the building that is why we're in the situation right now. We are concerned with public safety because of the rapid deterioration of the building. In my opinion, this building could have been saved had measures been taken back in March when this place caught fire to preserve it, but unfortunately, it's been left open and it's just that the elements are destroying it.

Mr. Street stated right, but we are kind of past that point now. I mean it is what it is. If they had done all kinds of stuff when it burned down the first time, I'm sure it would have been less impactful than what it is now, but we are past that. We are kind of where we are now. He asked Mrs. Dawn Melson-Williams if there was an actionable item that the Commission was trying to take action on today? Mrs. Melson-Williams replied that previously the Commission had asked for some type of structural engineering report or study about saving the building and if that was an option. The Commission has not granted Architectural Review Certification to allow Demolition; however, I think the opinion of the Solicitor has stated that the action by Council to designate a "Dangerous Building" and order its Demolition now somewhat supersedes the action by the Historic District Commission. Mr. Street stated that's kind of my understanding. This is at least what I'm reading or have read, and I am hearing. I guess the question is, what do we do? Mrs. Melson-Williams replied I think the Historic District Commission could certainly put forth a motion recognizing that opinion that has been rendered while still expressing their concerns of reluctance, but I think in this case their hand has been forced by other processes. Mr. Street stated that it's almost like we would almost be making a motion just to document. If it is the will of the Commission just documenting the objection or lack thereof of tearing the building down because Council has kind of forced the hand and said we've acted too badly. Is that right? Mrs. Melson-Williams replied I think is a relatively correct interpretation of what has transpired.

Mr. Street stated okay, he just wanted to make sure he was on the same page. I know that everyone wants to save the building and I'm not sure that I disagree with anyone 100% on this.

But I think we are where we are. If the building is in danger of collapse and a professional is the one signing their name on the dotted line saying that we're worried it's going to collapse, then who am I to question that professional. If someone wants to pay for a study that says you can spend all this money to save the building and it can be done then it can be done, but I think we are kind of in a position where we don't have time to do that.

Mr. Kopp stated after the meeting we did recommend to Mr. Rock to get a Structural Engineer's Report. It was explained that this could stop it, if you give us something deeming that it's safe because we have a structural engineer also. But if you had something that could give the opinion that maybe it's still safer than what we reported and submit a report to us then we can submit to Council. But we have not received any support, any report, or Letter of Intent.

Mr. Czerwinski stated that I understand now that the meeting was on October 20, 2022, and there were actions taken. You know I just wanted to see that we follow through with their offering something (obviously it's not serious). They offered the owner to reevaluate this.

Mr. Czerwinski asked the Commission if they had any other comments.

Mrs. Mason asked what's the next step? You get another building, and then you have a landlord that is obviously not taking care of the code violations and this stuff. Do we have a department in the city that monitors things like that? Mr. Kopp replied yes, Code Enforcement.

Mrs. Mason asked what happened in March of 2022? Was there anything going on to try to save this building or to get out through the plan? I mean you've got to get with the landlords, and you see what's going to happen anyway. Mr. Czerwinski stated I think to me the thing that we missed out on and the biggest issue that we had was the City instantly condemned the building. Instead of saying I need an evaluation by Century Engineering to look at the potential of mitigating and neutralizing the condition of the building and then putting down the owner until the fire is found. It's my understanding that they went ahead, and they instantly condemned the building. Again, there's two sides to the story, but the representative here is saying from the get-go we were told that the building needs to be condemned and it can't be saved. I've blocked potential for buyers for this property. If we're going to go back and say well the owner didn't do anything, well the owner is being told by the City that the building is already past and you can't fix it.

Mr. Kopp just to explain the condemnation. The condemnation is going to happen, and all repairs have to be made to deem the building safe. In every letter that's sent, we tell people (the owner) and I explain this to people all the time that the owner and/or contractors can go in there at any time and make any repairs. They just cannot eat or sleep in there; it's not happening. You are welcome to go in there and make any kind of correction that you can do. The "condemnation" basically is to prevent anyone from living in the building.

Mrs. Mason mentioned for example, if electricity isn't working in the structure, are you saying that you can't move? Mr. Kopp stated that the building is not declared "dangerous" until it's presented before the Council. That's when it is declared "dangerous" and ordered to be demolished and it is not stable, and that happened.

(Mr. Street stated that he needed to leave the meeting. I wish I could stay longer. If there's any way I can take action after the fact, I can talk with Staff. If anything comes of this, I'm sorry. I hope I added some two cents into this, but I have to jump off). Mr. Street left the meeting at 4:13 pm.

Mr. Kopp stated that back in August it was presented before the Council.

Mr. Czerwinski stated that there were no moves to try to get buyers.

Mrs. Gray stated that there were two things that we've looked at that we're looking to correct as a result of this building. It's not going to solve everything, but it's a step in the right direction. One there's a bill and there's an Ordinance that is going for First Reading on Monday that requires any property that is being residentially rented and have insurance (not leased so it doesn't capture the commercial as what happened to this building). This building had a residential component. I would say that residential probably captures or accounts for most of the buildings in the Historic District as most of them have residential components. That would require the property owner to have a regime. One of the issues here is with this building there was no rental insurance. If they had rental insurance, it would have been interesting and then the building could have been marketed and or repaired. The second thing is another Ordinance that is going to the Council Committee of the Whole on Tuesday which is unpaid fines. For property maintenance violations that remain unpaid that go to a certain amount now we count well this will eventually become a lien on that property. That lien amount gets tallied up to the first threshold of \$1000 then that property can go to munitions. That's going to take a little bit of time in the system, but they have to open this. It is not for the city to make money. The hope is for this to have a trickle back affect for property owners who won't take care of their property, because you don't want the city to go and sell their property. Those are two changes that we're looking to put into account as tools that can help address these properties.

Mr. Kopp stated just a caveat on that, in the near future we are looking to revitalize our Dangerous Building Ordinance. We will be incorporating the Historic District Commission into that and to make sure we're linked together, and we don't run into this situation again. To speak on Code Enforcement, we are very active in trying to get people to come into compliance. One of the problems is people have ignored us which is why the Lien Ordinance is in there. For example, with this situation here, you know if they don't want to take care of the property maybe find somebody who will take care of the property. I always call my Staff for duplication because we're out trying to make sure to preserve what property we can. You know this isn't the only building that's concerning to the Historic District Commission. We are actively out there addressing them and trying to prevent this very thing from happening.

Ms. Horsey stated that she sees it as you're a victim in your department of who they are. We were caught off guard or our words mean essentially nothing. Doesn't matter what we say and today there's no point in even taking the vote. For what, to verify what the City Solicitor says? I think Council and the Mayor needs to be a lot more careful to prejudice a decision on what happens to a building just because "oh it's going to be so much cheaper and better just to demolish it" because of the lack of what this property owner is done with the building. You as a potential buyer want to hear them, of course you're not going to. In a way this whole process has been "fixed", and I think it was totally mishandled as you were saying. It's nothing really if the property owner would have done something right away and if the city would have had a Code to enforce that you have to

protect your building. There's no buff; of course, you have to do something about it whether you plan to save it or not. What is the point and why are we here today? I understand that if the decisions aren't being made by our Solicitor, then what we are doing today? doesn't mean anything; that is the way I see it and it's a waste of time.

Mr. Kopp commented that we do reserve the right to abate violations, but we have to give proper notices and we have to wait unfortunately for them to neglect it before we abate the property. For example, say the gutters are falling off the house, we have to send so many notices giving the property owner the opportunity to fix it. Then if it does not get fixed, we can actually hire a contractor to go out to the property and fix the gutters. We can abate that violation, but we have to give them the opportunity. Unfortunately, if they ignore it, then it just makes it worse and that's exactly what happened here. We gave him the opportunity but during that time where we have to wait the building continued to deteriorate. If it had not been in the condition that it was, we may have been able to take steps to preserve it. But there is that time that you have to give the property owner.

Ms. Horsey asked about the Code and if the Council will approve these proposals and see the light and understand that they have a responsibility not just to condemn something right off the bat. What is the Council's plan to put there in its place, any ideas guys? How many buildings in Dover have been demolished? Do people want to come down here and see another empty lot? We are our own worst enemies.

Mr. Czerwinski mentioned at this point now that the decision has been made, is there any place for us to vote for the Architectural Review Certification or is that beyond that point or it doesn't matter? We're not going to bother voting on anything. What's weird about this though with the lawyer's letter was that he's going one way, then this is determined as being demolished and we have to do this. However, in the last paragraph, we did reach out to them and we are willing to extend.

Mr. Kopp stated that for clarity like with most fire buildings we put the condemnation on there instantly to protect life safety of everyone, but that doesn't mean the insurance company can't be there within an hour or anybody who serves. I'll need to send that letter anyway because we've dealt with uninsured property before. The homeowner will say I'm going call so and so, I'm just going to put the band-aid on it or I'm going to foot the bill right now just to get the building secured because it's going to be a lot worse later. Even though it has the condemnation on there, it does not prevent them from preserving it in any way. I wished that would have happened. A couple of \$1000 could have changed this whole picture.

Mr. Czerwinski mentioned the representative was for the seller and not the buyers. They are going to do whatever they can to try and gain as much money for the client. They are drawing their straws too pretty much because that's a lot of money.

Mrs. Mason asked if there was any recourse for this owner, they say that's out of the country? Did he just disappear? Does anybody actually know or is trying to get justice for this galactic stuff?

Mr. Kopp replied there still was an active investigation on the fire side. We can't talk much about it. I can tell you now that we are looking at the steps on our end and we are going to recoup our

money somehow or somehow. We think he's not just going to walk away; so, we are looking at the steps on how to recoup our money and what's the best way to hold him accountable.

Ms. Horsey stated that it was a lot in taxpayer dollars. Mr. Kopp replied exactly and that's what we're trying to preserve here. We don't want to waste taxpayer dollars and then we shouldn't waste taxpayer dollars. Unfortunately, some of the things we did up there might be looked at as a waste of taxpayer dollars, but we had to preserve what we could to prevent vandalism from happening. If they had taken steps, you wouldn't have to do that.

Ms. Horsey asked Mr. Kopp if the city was hopeful of the Ordinance proposals. Mr. Kopp replied that they were not done yet. They have worked on 6 ordinances so far. There is a lot in the Code that has been done. We are pushing through it, but it is going to take some time. But we are going to fix some of the things that are wrong, especially like the situation we're in now. We are going to fix that. We identified the problem; so, be hopeful in that we are pushing. Ms. Horsey thanked Mr. Kopp for his efforts.

Mrs. Mason asked a question regarding the location at State Street and North Street, you know the same building second from the southwest corner. Do you know the state of the unstable building? How long has the building been there? Perhaps three years now, it's just sitting there and is there anything we can do about the owners? It's an eyesore. Mrs. Melson-Williams stated that the address is 304 South State Street. It has been issued a permit for renovation activities. Mrs. Gray stated that it was issued a permit probably back in July and the owner is also a contractor. Believe it or not, the contractor has been moving forward and working on it, but their work is on the interior. He has been held up due to a couple of perfect storms of things such as supply chain issues which is number one and believe it or not on electric meters; it's really odd. The nationwide shortage has held up not only this project but a lot of other projects on electric meters and related types of stuff. In addition to that we ran into a problem with the original plan, we are doing the interior footers and we are planning on some sort of infrastructure there with the sewer or water piping. The pipes have to be redone.

Mr. Czerwinski mentioned that this building was not highlighted to be demolished until August. There's no way to make it sound like they wanted to condemn. Mr. Kopp replied that's never the case. Actually, 304 South State Street actually went before Council to be declared "Dangerous" and the reason for it was to get that shoring done, but that was done. The very same thing happened here. That's just case history that you can see. Yes, we put a condemnation on it, but there is a way to get out.

Mr. Czerwinski mentioned it's a legal term; it's not an actual determination. Mr. Kopp replied correct.

Ms. Horsey said it sounds scary. Mr. Kopp replied it's not a demolition code until it has been declared "Dangerous" before Council. Mrs. Melson-Williams mentioned I think in that case we took it as an emergency case to Council to declare "Dangerous" and to be able to have the City abate if there was going to be a need to do stabilization. However, in that case the property owner took some of those steps to stabilize immediately and then it was a waiting pattern of some time until they sold the building while they were dealing with insurance to then sell the building. A new owner took over and has taken the permit steps to begin. It does have a lot of

interior structural things that are being corrected before they reconstruct what's on the outside of that east wall.

Mr. Kopp mentioned that since it has been shored up and it's not in danger of collapse, we have other options. What we could do in the event work stops, we can issue a citation, try to get compliant persons, taking it to be presented and declared a "Dangerous Building" before Council. That's some of the citation tools that we can use before we get there, but it all depends on the condition of the building and the fire damage. If you guys do have any concerns at all about any buildings that you're going through, let us know. It is better to get it fixed before it gets to this state. If you see something that you're concerned with let us know. We can reach out. What we can do is regarding how the process works is send a notice of violation and start fixing it and then start citations until they fix it. Our goal is compliance. We're not trying to make money, but we are trying to preserve everything that we do and that's throughout the city. If you see anything troubling like graffiti or something start to pop up in the blocks Downtown, then we're tackling it. We are hitting it and we're making people spray paint over it and fix it; if they don't, we will. That's one of the abatement tools we have. Anything you guys see, please let us know. I can give you a card, you can e-mail, or you can call me.

Ms. Horsey said, I do have something, and you looked at it. We had the Friends of Old Dover open for Market Fair and we would look out over across the street. The owner of that building put up a nice metal black fence but beyond that property someone next door is always the problem. The wooden fence is collapsing and looks horrific. Mr. Kopp asked Ms. Horsey if she knew the address. It's on the corner then the second house with a parking lot behind it. It is very visible. Mrs. Mason mentioned if you were on State Street, you've got the parking lot and you can see the fence right through it. There are two buildings that are commercials and apartments upstairs, then there is a residence, and the residence is 10 The Green. She is actually the one with the old fence. She thinks they are planning on fixing it, but she was not sure. Mr. Kopp replied he would look into it. If you guys have anything in the future, please feel free to reach out to me. As previously mentioned, I will give you business cards before we leave. We will try fixing it before it gets too bad; that is our goal. Ms. Horsey mentioned that a few years ago the owner of the corner apartment building came to us about her metal fence that was beautiful. That is what we tend to recommend to the Historic District. She had no problem. She did it, but it's the one next door. It used to be a wooden fence there and you wouldn't see the worse one behind it, but now you really can and it's collapsing. Mrs. Mason mentioned it also has stairs going up there for a fire escape; it's a safety hazard.

Mrs. Gray mentioned that the owner of the property is Scott Sherman, and he is the contractor. We called him on 10/26 and so he is working on revised structural drawings because they have to design around the poured footings around the existing water and gas line. He is hoping to submit those revised drawings to us within the next two weeks. We should have them here shortly. We are looking to meet with Electric regarding the electric meter issue because of the shortage. From what I understand at the Directors meeting the other day, I think their electric meters are slowly starting to become available. He can't get electric to the site without the electric meters. He started having to run a generator to do the work, and that has been slowing him down. He's looking to put plans in place for a scaffolding system to put on the sidewalk that's going to have a walkway. He will be meeting with the Streets Department for a Right-of-Way Permit so that they can start to work on the front of the building. He will be doing a

commercial business on the first floor and perhaps apartments on the second floor. He is working with an architect because sprinklers may be required based on the occupancy.

Ms. Horsey mentioned that he was a very good man, and he has worked on several State projects. She also worked with him. He knows what he is doing.

Mr. Czerwinski said nothing needs to be done by this Commission for this process.

Mrs. Melson-Williams replied (referring to the 233-239 W. Loockerman Street) that I think it at this point you've heard the Report ultimately with the eminent demolition as noted. The bid for that Demolition was presented to City Council and approved. That process for Demolition is in the point of what I would call the planning stages now of how to actually schedule that and get that accomplished. There will be a Demolition Permit that will need to come through our Office and Staff can certainly issue that kind of noting the situation that it was declared "Demolition by Neglect" by the Historic District Commission and that it is the Solicitor's opinion that the order to demolish by Council supersedes any step that the Historic District Commission could take at this point in time.

Ms. Horsey asked about the bricks from this building, any number of them, could some of the bricks be saved? What I'm thinking is that the People's Church tower that was built in the 20s is the same brick. I just didn't know, and I know getting mortar from old brick is not fun, but I just didn't know where all of this would go once it's taken down. Mr. Kopp replied I think on the front and back of the building they could potentially be saved. On the New Street side, we just discovered on the Asbestos Abatement that there are pipes going in between the brick of the wall.

Ms. Horsey asked if this was where the fire trickled up? Mr. Kopp replied yes, actually in the middle of the floor there's a pipe chase going up there. This is something that the contractors have never seen where the pipes are actually going up in the brick. In between the outside wall and the inside brick wall, there's piping going all the way up and it has got to be remediated now. It's not something that was caught until our final inspection of the Asbestos Abatement Phase One. When they caught it, they were like wow! When we got up to the top, the pipe literally goes from the basement all the way up top with asbestos cladded. That's going to be very interesting to remove which just prolongs our Asbestos Abatement on this project because we didn't realize it was so in depth in the wall. When you actually investigate it further it's crazy. I've never seen this before and they have never seen it before in the outside wall.

Mrs. Gray and Mr. Kopp stated that they spoke about the bricks on the front of the building. Mr. Kopp stated that the only thing is that the bottom layer closest to the sidewalk has asbestos in the caulking. So, it's just them very small bricks that would have to be disposed of with the asbestos, but anything else on there is salvageable. Mrs. Gray mentioned it is something that can be asked because you don't know what's possible.

Mr. Kopp stated that he had a pre-meeting with the Demolition Contractor, and he had asked them because in our Bid basically anything with the building gets turned over to the Demolition

Contractor including anything inside. I don't see why they couldn't give us some brick off the building.

Mrs. Gray mentioned for example when I worked in Newark there were some dormitories that were taken down. There was a staging area that set aside some bricks from the dormitories for people who had stayed there or whatever. The General Contractor set aside a staging area for the bricks on the site and then the city put them somewhere else to see what entity or if someone wanted them. I love the idea of using building materials that are not made any more if they are useful.

Mr. Kopp mentioned that he does have a contractor meeting on November 18, 2022, at 9:00am on site. All the contractors involved will be there. It will be a public meeting and Council will be there. The Historic District Commission members are welcome to attend. If you want to express that concern with them, you could ask, "I just want some bricks". The contractor that we are using is very easy-going, I don't perceive him saying no. Ms. Horsey said wonderful. She asked for clarification when was the meeting. Mr. Kopp replied, Friday, November 18, 2022, at 9:00am.

Mr. Kopp mentioned again, if you have any questions about any of the Code that can sometimes be confusing, please reach out.

Ms. Horsey mentioned she was on the Planning Commission for 12 years and I still didn't get it all.

Annual Meeting of Historic District Commission

Election of Chair and Vice-Chair

Mrs. Melson Williams stated that per your Bylaws, November is the Annual Meeting of the Commission where you elect the positions of Chair and Vice Chair for the next calendar year. I did give you a copy of your Bylaws and I will let you know that the Chair and Vice Chair have not fully served them up to six years that they're eligible for. So, depending on who you see fit to lead you in the next year, you could certainly at this point make nominations and we can move through the election process.

Ms. Mason made the nomination that Ms. Horsey remain Vice Chair and Mr. Czerwinski for Chair for the next calendar year. Mr. Czerwinski seconded the nomination for Ms. Horsey to be Vice Chair and himself Mr. Eric Czerwinski as Chair of the Historic District Commission.

All members present were in favor of the motion to accept Mr. Czerwinski as the Chair and Ms. Horsey as the Vice Chair of the Historic District Commission.

Meeting & Deadline Schedule for 2023

Mrs. Melson-Williams stated that the Meeting and Deadline Schedule for 2023 was included in your meeting packet from the Planning Staff. It holds for calendar year 2023. You will meet on the third Thursday of the month and then we have to count back a certain number of days and establish your deadlines. The deadline has to be at least 30 days prior to your meeting, and we

always make it land on a Friday. We have done those meeting dates and deadline dates for next year and just wanted to present that to you. We will double check that we did all our numbers right before we finalize it, but we do want to at least give you this as a heads-up.

OLD BUSINESS

Certified Local Government (CLG) Program

Mrs. Melson-Williams at the last meeting we noted that there is an opportunity to still make use of the grants. We have not made any additional progress at this point because we have been a little busy with the application that you had today. Hopefully, we will get moving on that and the steps forward with that. That training I will note was somewhat targeted with governments that are part of the Certified Local Government program; so, I think we may see more training opportunities across the board.

Implementation of 2019 Comprehensive Plan

Mrs. Melson-Williams mentioned that we will just continue to keep that on your agenda in case we need to report something to you. There is not anything specific to the Historic District at this point for today.

Ms. Horsey mentioned that this should have been under New Business but let's keep Mr. Joe McDaniel in our thoughts. He was a former member for at least six years. He served as Chair and was very faithful, attending all meetings of the Commission. He is suffering from health conditions. Some of the members were not aware of his health conditions.

Ms. Horsey moved to adjourn the meeting, seconded by Mrs. Mason, and unanimously carried 3-0.

Meeting adjourned at 4:55 PM

Sincerely,

Maretta Savage-Purnell
Secretary