

## **SPECIAL COUNCIL MEETING**

A Special Council Meeting was held on January 2, 2018 at 6:00 p.m. with Mr. Hare presiding in the absence of Council President Slavin. Council members present were Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, and Mr. Polce. Mr. Anderson and Mr. Lindell were absent. Mayor Christiansen was also absent.

Council staff members present were Mrs. Mitchell, Mr. Hugg, Mrs. McDowell, and Mr. Pepper.

### **ADOPTION OF AGENDA**

**Mr. Neil moved for approval of the agenda, seconded by Mr. Sudler and unanimously carried.**

### **PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 113 DAVIS CIRCLE, OWNED BY RAYMOND N. BROWN**

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 113 Davis Circle, owned by Raymond N. Brown.

Mr. David Hugg, Director of Planning and Community Development, advised that the property is a one-story, wood-framed, single-family home. The house has been known to be vacant since January 28, 2013 and is registered with the City as a Vacant Building. Utilities were terminated on July 18, 2012. On June 8, 2017, City Staff from the Planning and Inspections Department responded to the property after a report that the rear door was unsecured. Upon entering the property, City Staff observed numerous code violations, including mold and mildew throughout the basement. The dwelling was condemned as unfit for human occupancy due to no active utilities and for the mold and mildew. Currently the home is vacant with numerous outstanding code violations.

Mr. Tim Taraila, Code Enforcement Supervisor, reviewed a presentation depicting the condition of the property (**Exhibit #1**).

Staff recommended: 1) declaring this building and all accessory structures on this property dangerous; 2) ordering the property demolished by February 2, 2018 by the owner or equity owner at their own risk; 3) ordering the Building Inspector to cause the demolition of the structures if not completed by the owners within 10 days of the date established by City Council; and 4) ordering the City Manager, with the assistance of the City Solicitor, to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Sudler stated that a lot of his constituents on Davis Circle had expressed their concerns in regard to the welfare and the environmental hazard that the mold had brought in their community; therefore, he would support staff's recommendation to demolish.

Mr. Lewis asked if anyone had reached out to the owner and if there was a response. Responding, Mr. Taraila advised that staff had sent several notices over the past couple of years, noting that they began sending notices in 2013. He indicated that staff had received a complaint through Mr. Sudler that the back door was open, and when they responded they found the condition of the interior.

In response to Mr. Lewis, Mr. Taraila advised that the property had an owner and was not a foreclosure.

Responding to Mr. William Pepper, Deputy City Solicitor, Mr. Taraila advised that Mr. Taraila's December 20, 2017 letter addressed to Mr. Brown, Discover Bank, and City Mortgage, which Mr. Pepper had been copied on, had gone out by certified mail. Mr. Taraila stated that the owner of 113 Davis Circle lives at 874 Paul Street and had signed for all the registrations; however, Mr. Taraila had not had any contact with him.

Responding to Mr. Pepper, Mr. Taraila stated that the property had been posted with Mr. Taraila's December 20, 2017 letter.

Mr. Hare declared the public hearing open.

There being no one present wishing to speak, Mr. Hare declared the public hearing closed.

**Mr. Sudler moved to accept staff's recommendation to: 1) declare this building and all accessory structures on this property dangerous; 2) order the property demolished by February 2, 2018, by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owners within 10 days of the date established by City Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote (Anderson, Lindell and Slavin absent).**

**PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 526 FULTON STREET, OWNED BY WAYNE J. COOPER**

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 526 Fulton Street, owned by Wayne J. Cooper.

Mr. David Hugg, Director of Planning and Community Development, advised that the property is a two-story, wood-framed, single-family home. The house has been vacant since April 20, 2015, and is registered with the City as a Vacant Building. Utilities were terminated on January 26, 2015. On November 17, 2017, City Staff from the Planning and Inspections Department condemned the structure as unfit for human occupancy due to no active utilities and outstanding code violations. Currently the home is vacant with outstanding code violations.

Mr. Hugg reviewed a presentation depicting the condition of the property (**Exhibit #2**). He noted that on numerous occasions it had been reported to staff that vagrants were breaking into the building to use it as a shelter.

Staff recommended: 1) declaring this building and all accessory structures on this property dangerous; 2) ordering the property demolished by February 2, 2018, by the owner or equity owner at their own risk; 3) ordering the Building Inspector to cause the demolition of the structures if not completed by the owners within 10 days of the date established by City Council; and 4) ordering the City Manager, with the assistance of the City Solicitor, to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

Mr. Hugg stated that staff had notified the property owner by certified mail and had not heard from the owner. He noted that the owner had not made any effort to get a permit or do anything with the property. Mr. Hugg advised that Mr. William Pepper, Deputy City Solicitor, was notified by letter in December.

Mr. Tim Taraila, Code Enforcement Supervisor, advised that notices had been sent to the owner of record with Kent County, who never replied. He stated that the last two (2) notices had been sent by certified mail and had come back unsigned.

Responding to Mr. Pepper, Mr. Hugg stated that the property had been posted.

Mr. Hare declared the public hearing open.

There being no one present wishing to speak, Mr. Hare declared the public hearing closed.

**Mr. Neil moved to accept staff's recommendation to: 1) declare this building and all accessory structures on this property dangerous; 2) order the property demolished by February 2, 2018, by the owner or equity owner at their own risk; 3) order the Building Inspector to cause the demolition of the structures if not completed by the owners within 10 days of the date established by City Council; and 4) order the City Manager, with the assistance of the City Solicitor, to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner. The motion was seconded by Mr. Lewis and carried by a unanimous roll call vote (Anderson, Lindell, and Slavin absent).**

**Mr. Neil moved for adjournment, seconded by Mr. Hare and unanimously carried.**

Meeting adjourned at 6:13 p.m.

TRACI A. McDOWELL  
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Special Meeting of January 2, 2018, are hereby approved.

ROBIN R. CHRISTIANSEN  
MAYOR

/TM

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Exhibits

Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 113 Davis Circle

Exhibit #2 - Presentation - Violation of Dangerous Building Ordinance - 526 Fulton Street

# **Violation of Dangerous Building Ordinance 113 Davis Circle**

Planning & Inspections Department  
Dover, Delaware  
January 2, 2018





# 113 Davis Circle

## Case History

- 10 code enforcement cases since 2013
  - Exterior code violations – deteriorated gutters, fascia & damaged driveway – Interior mold and mildew
  - Numerous tall grass violations
- The utilities were terminated on July 18, 2012.
- Registered as vacant by the city on February 28, 2013.
- Condemned as unfit for human occupancy on June 8, 2017.
- Outstanding Charges
  - \$3,000.00 5<sup>th</sup> year vacant building fee



# 113 Davis Circle

## Current Condition

- *Deterioration of the roof*
- *Mold and deterioration of interior due to water intrusion*
- *Deterioration of siding*
- *Overall deterioration and lack of maintenance*











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17

























2017/06/08 14:21





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2017/06/08 14:25

# Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

- (9) *General welfare.*
- (10) *Code violations.*
- (12) *Unoccupied buildings.*



# Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property demolished by **February 2, 2018**, by the owner or equity owner at their own risk.
- Order the Building Inspector to cause demolition of the structures if not completed by the owner **within 10 days of the date established by City Council.**
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.



# **Violation of Dangerous Building Ordinance 526 Fulton Street**

Planning & Inspections Department  
Dover, Delaware  
January 2, 2018



# 526 Fulton Street Case History

- 11 code enforcement cases since 2011
  - Exterior code violations – Junk, Debris and Trash
  - Damaged wall siding & roof.
  - Outstanding code violations from a rental inspection
- The utilities were terminated on January 26, 2015.
- Registered as vacant by the city on May 21, 2015.
- The rental license for the property was suspended on January 28, 2015 for failure to correct code violations.
- Condemned as unfit for human occupancy on November 11, 2017.



# 526 Fulton Street

## Current Condition

- *Deterioration of the roof*
- *Mold and deterioration of interior due to water intrusion*
- *Deterioration of siding*
- *Overall deterioration and lack of maintenance*





# 526 Fulton Street

## Outstanding Fines/fees

- *Misc Electric* \$308.55
- *Grass Cutting* \$100.00
- *Grass Citation* \$50.00
- *Vacant Building Fee* \$1,500.00



























































# Dangerous Building Code – Chapter 22 Article XI, Sec. 22-381

- (9) *General welfare.*
- (10) *Code violations.*
- (12) *Unoccupied buildings.*





# Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property demolished by **February 2, 2018** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause demolition of the structures if not completed by the owner **within 10 days of the date established by City Council.**
- Order the City Manager with the assistance of the City Solicitor to cause the cost of demolition to be charged against the land on which the building exists as a municipal lien or cause such cost to be added to the tax duplicate as an assessment, or to be levied as a special tax, or to be recovered in a suit at law against the owner.

