

## SPECIAL COUNCIL MEETING

A Special Council Meeting was held on August 7, 2017 at 6:01 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson (arrived at 6:09 p.m.), Mr. Sudler, Mr. Neil, Mr. Polce, and Mr. Hare. Mr. Lewis, Mr. Cole, and Mr. Lindell were absent. Mayor Christiansen was also absent.

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

### ADOPTION OF AGENDA

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

### PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 803 WESTVIEW TERRACE, OWNED BY WILLIAM R. MASTEN

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 803 Westview Terrace, owned by William R. Masten.

Mr. David Hugg, Acting Director of Planning and Community Development, advised that the structure is an in-ground concrete pool with a vinyl liner and there is a concrete walkway around the top of the pool. The dwelling where the pool is located has been vacant since March of 2013, and is currently registered with the City as a Vacant Building. On June 9, 2017, City Staff condemned the in-ground pool as an unsafe structure due to it being dangerous to the life, health, and safety of the public due to the deterioration of the wood pool cover and open access to the pool. Recently, the two (2) four-foot gates have been secured along with the gate along the alley. City Staff found, on July 28, 2017, that the wood pool cover had been removed and replaced with a standard mesh pool tarp. Currently the principle structure is vacant with no active utilities and the pool remains covered. Mr. Hugg reviewed a presentation depicting the condition of the property (*Exhibit #1*).

Staff recommended: 1) declaring the in-ground concrete pool and pump on this property dangerous; 2) ordering the in-ground concrete pool and pump demolished by September 7, 2017, by the owners or equity owners at their own risk; 3) ordering the Building Inspector to cause the demolition of the in-ground pool and pump 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 lands on which the in-ground concrete pool and pump exist as a municipal lien or cause such costs 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 owners.

Referring to a photo depicting the standard mesh pool tarp which staff found to be covering the pool on July 28, 2017, Mr. Hare noted that the tarp was not secured down, it had two (2) planks of wood holding it down and one (1) of them had blown off the tarp, and the front side of the pool had started to come in. He stated that the wooden fence was falling apart and, from the neighbor's yard, you can look right through the fence, explaining that the woman who lives next door allowed him to go into her yard and look through. Mr. Hare noted that the siding was also falling off the house.

Council President Slavin declared the public hearing open.

There being no one present wishing to speak, Council President Slavin declared the public hearing closed.

Mr. Hare moved to accept staff's recommendation to: 1) declare the in-ground concrete pool and pump on this property dangerous; 2) order the in-ground concrete pool and pump demolished by September 7, 2017, by the owners or equity owners at their own risk; 3) order the Building Inspector to cause the demolition of the in-ground pool and pump 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 lands on which the in-ground concrete pool and pump exist as a municipal lien or cause such costs 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 owners. The motion was seconded by Mr. Anderson.

Mr. Hare asked what would happen if, after the meeting, the property owner called to say they were going to fix the problems. Responding, Mr. William Pepper, Deputy City Solicitor, advised that, in the past, the City has allowed that to be done; however, he has generally opposed it because, having seen this process work through for the last 15 years, the City does not make much progress. He stated that he always takes the position that the property owner has until the date specified in the motion to take care of it.

Mr. Hare asked if they would have to demolish it and Mr. Pepper indicated that they would. Mr. Hare stated his understanding that the property was owned by Bank of America and asked if they would have to come back to Council if they were going to oppose Council's action. Responding, Mr. Pepper advised that he did not think that the property was yet owned by Bank of America, explaining that they may have a mortgage and it may be in foreclosure; however, it had apparently not gone to a foreclosure sale since Kent County Property Information (P.R.I.D.E.) was still showing William Masten as the owner. Mr. Hare stated that the property had gone to sheriff's sale and the bank had either bought it back or not let it be sold. In response, Mr. Pepper indicated that, if the property had gone to sheriff's sale, it could be that Bank of America had not placed the title in their name by recording the sheriff's deed.

Responding to Mr. Sudler, Mr. Pepper advised that if the bank were to prove that they had placed a title in their name prior to Council taking a vote, it would not cause Council to have to come back and provide the bank an opportunity to speak and it would not start the process all over again because they got notice by sending it to their foreclosure counsel.

**The motion to accept staff's recommendation to: 1) declare the in-ground concrete pool and pump on this property dangerous; 2) order the in-ground concrete pool and pump demolished by September 7, 2017, by the owners or equity owners at their own risk; 3) order the Building Inspector to cause the demolition of the in-ground pool and pump 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 lands on which the in-ground concrete pool and pump exist as a municipal lien or cause such costs 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 owners was carried by a unanimous roll call vote (Mr. Lewis, Mr. Cole, and Mr. Lindell absent).

**PUBLIC HEARING - VIOLATION OF THE DANGEROUS BUILDING ORDINANCE - PROPERTY LOCATED AT 2292 WHITE OAK ROAD, OWNED BY RUTH GLOBE**

A public hearing was duly advertised for this time and place to consider a violation of the Dangerous Building Ordinance at 2292 White Oak Road, owned by Ruth Globe.

Mr. David Hugg, Acting 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 November of 2016, and is registered with the City as a Vacant Building. Utilities were terminated on October 31, 2016. On April 12, 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 still vacant with numerous outstanding code violations. Mr. Hugg reviewed a presentation depicting the condition of the property (*Exhibit #2*).

Staff recommended: 1) declaring this building and all accessory structures on this property dangerous; 2) ordering the property demolished by September 7, 2017, by the owners or equity owners 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 lands on which the buildings exist as municipal liens or cause such costs 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 owners.

Council President Slavin declared the public hearing open.

There being no one present wishing to speak, Council President Slavin declared the public hearing closed.

**Mr. Hare 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 September 7, 2017, by the owners or equity owners 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 lands on which the buildings exist as municipal liens or cause such costs 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 owners. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote (Mr. Lewis, Mr. Cole, and Mr. Lindell absent).**

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

Meeting adjourned at 6:21 p.m.

TRACI A. McDOWELL  
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Special Meeting of August 7, 2017, are hereby approved.

ROBIN R. CHRISTIANSEN  
MAYOR

/TM

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Exhibits

Exhibit #1 - Presentation - Violation of Dangerous Building Ordinance - 803 Westview Terrace

Exhibit #2 - Presentation - Violation of Dangerous Building Ordinance - 2292 White Oak Road

# **Violation of Dangerous Building Ordinance 803 Westview Terrace**

Planning & Inspections Department  
Dover, Delaware  
August 7, 2017



# 803 Westview Terrace Case History

- The dwelling was registered vacant by the City on April 1, 2013
- The utilities were terminated on December 2, 2012.
- The pool was condemned on June 6, 2014, as an unsafe structure. At that time, the mortgage company made repairs to the pool and covered it with a wood framed structure, and the case was closed as compliance.
- On June 9, 2017, the side gate was found unsecured with the wood pool cover being found in a dilapidated condition. The pool was condemned as an unsafe structure and notice was sent to the owner and lien holder.



# 803 Westview Terrace Case History

- On July 28, 2017, City Staff that the side and rear gates to the pool have been secured and locked, along with the wooden pool structure being removed from the property. The pool currently has a blue pool tarp on it.
- Taxes and utilities are paid in full
- All Vacant Building Fees have been paid including 5<sup>th</sup> year registration fee
- Only owed fee is a \$50.00 grass citation from a June code enforcement case for tall grass

























NO  
TRESPASSING





















# Recommended Council Action

- Declare the in-ground concrete pool and pump on this property dangerous.
- Order the in-ground concrete pool and pump demolished by **September 7, 2017** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause demolition of the in-ground concrete pool and pump 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 2292 White Oak Road

Planning & Inspections Department  
Dover, Delaware  
August 7, 2017



# 2292 White Oak Road Case History

- 4 code enforcement cases since 2016
  - Exterior code violations – Grass violations
  - Vehicles parked in the yard – Junk and Debris
- The utilities were terminated on October 31, 2016
- Registered as vacant by the city on February 9, 2017
- Condemned as unfit for human occupancy on April 12, 2017
- Outstanding Charges
  - \$1,250.00 in outstanding Code Citations
  - Utilities and taxes are paid
  - Current Vacant Building Fee has been paid



# 2292 White Oak Road

## Current Condition

- *Deterioration of the roof*
- *Mold and deterioration of interior due to water intrusion*
- *Deterioration of siding*
- *Partial addition built without required permits*
- *Overall deterioration and lack of maintenance*



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

- (5) *Unfit for habitation.*
- (9) *General welfare.*
- (10) *Code violations.*
- (12) *Unoccupied buildings.*

















**DANGER**  
The structure is unstable and may  
collapse at any time.  
It is advised to stay away from the  
area. No one should enter the structure.  
NO ONE SHOULD ENTER.  
Call 911 for help.



Exotex  
TUM-B  
ONCE AGAIN  
MAKING SAFE SALES

Exotex  
TUM-B  
ONCE AGAIN  
MAKING SAFE SALES

MAKING SAFE SALES  
ONCE AGAIN





2017/01/23 11:29











APA  
The American Plywood Association  
1000 West 10th Street  
Tacoma, WA 98401  
www.apa.org  
1-800-541-APAWOOD





# Recommended Council Action

- Declare this building and all accessory structures on this property dangerous.
- Order the property demolished by **September 7, 2017** by the owner or equity owner at their own risk.
- Order the Building Inspector to cause the 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.

