

CITY OF DOVER
HISTORIC DISTRICT COMMISSION
September 21, 2017

The Regular Meeting of the City of Dover Historic District Commission was held on Thursday, September 21, 2017 at 3:00 PM with Chairman McDaniel presiding. Members present were Chairman McDaniel, Mr. Czerwinski, Mr. Scrafford and Ms. Horsey. Mr. Jackson was absent.

Planning Office Staff members present were Mrs. Melson-Williams, Mrs. Purnell and Mrs. Mullaney.

APPROVAL OF AGENDA

Mr. Scrafford moved for approval of the agenda as submitted, seconded by Mr. Czerwinski and the motion was unanimously carried 4-0. Mr. Jackson was absent.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF AUGUST 17, 2017

Mr. Czerwinski moved for approval of the minutes of August 17, 2017, seconded by Mr. Scrafford and the motion was unanimously carried 4-0. Mr. Jackson was absent.

COMMUNICATIONS & REPORTS

Summary of Applications 2016 and 2017

Mrs. Melson-Williams stated that there were no real changes to any items. In 2016, the Historic District Commission dealt with six (6) applications. For 2017, there have been three (3) applications. There has been no update regarding the project at Loockerman Way.

Summary of Architectural Review Certifications for 2017

Mrs. Melson-Williams stated that there have been a total of twenty-seven (27) permits in the Historic District. Most of them have been for interior projects which Staff reviews to make sure that there is no impact to the outside. Twelve (12) of the twenty-seven permits did not require Architectural Review Certification. Of the twenty-seven (27) permits issued seven (7) were building interior renovations, two (2) accessory structures, five (5) signage (with 2 Temporary Signs), four (4) exterior projects, three (3) roofs, and two (2) Administrative Permits and a Fence Permit and a Demolition Permit.

Mr. McDaniel stated for the record that he received a Demolition Permit for his property at 122 Bank Lane.

Mrs. Melson-Williams stated that the property at 122 Bank Lane was an accessory structure (shed) that was eligible for Staff review.

Department of Planning & Inspections Update

Mrs. Melson-Williams stated that the Planning Office is working with a grant that was awarded from AARP related to a Bike Path Marketing project with the opening of the POW-MIA Parkway.

This is the North Street path from Schutte Park that will be fully opened again. They are looking to do some signage related to the bike path corridor and how it could continue into Downtown. The link will be along Bank Lane coming from West Street. The grant will be used to develop and place the signage of the Bike Path. There is a sidewalk path improvement project also along West Street that will taking place to complete the link over to Bank Lane.

Mr. Czerwinski questioned whether this was the alternate route to the Division and Cecil Street project. Mrs. Melson-Williams replied that is a different project that is associated with the Senator Bikeway. That project will ultimately link the schools in the Capital School District together.

NEW BUSINESS

Review of Permits Referred to Commission:

HI-17-03 Sign Permit #17-1484: Wall Sign at 115 West Loockerman Street– Referral by the City Planner to the Historic District Commission for Review of Architectural Review Certification for Sign Permit application #17-1484 pertaining to the installation of an internally lit wall sign at Puffster Smoke Vape Lounge. The property is zoned C-2 (Central Commercial Zone) and is subject to the H (Historic District Zone). The property is located on the north side of West Loockerman Street between South Governors Avenue and South Bradford Street. The owners of record are Samuel G. and Nicole M. Chick. Property Address: 115 West Loockerman Street. Tax Parcel: ED-05-077.09-02-07.00-000.

Mrs. Melson-Williams gave a brief overview of the Application/Sign Permit and Staff Report.

Representative: Samuel G. Chick, Owner.

Mr. Chick stated that he purchased the building in February 2017. During that time, he has done some renovations and improvements to the roof and the interior of the building and apartment. He stated that this is a standard sign and these types of signs are on 75% of businesses in the State of Delaware. This is just a box sign with florescent lights inside. They are a business that operates at night so he needs nighttime illumination. He does not like the overhead lights and not only that he already has the sign and got a really good deal. He does not want to use outside illumination; he wants to use internal illumination. He is here today asking for permission to turn on the inside illumination.

Mr. Czerwinski questioned why the light was built without a Sign Permit. Mr. Chick replied that he has a Sign Permit. Mr. Czerwinski stated that it was a Conditional upon approval. Mr. Chick replied that he has a Sign Permit to install the sign as a non-illuminated Sign. Mr. Czerwinski stated that as a box sign it is inappropriate for the street. Mr. Chick replied not according to the City Planner. There are already many signs like this one on the street as stated by Mrs. Melson-Williams. He would appreciate if the Historic District Commission would let him conduct business.

Chairman McDaniel stated that putting the sign up was okay.

Mrs. Melson-Williams stated that the Permit was issued to install the Sign. This was done at the direction of the Planning Director to issue the Sign Permit to install the sign. The permit did not authorize illumination (to turn it on) or to utilize any kind of internal system to light the sign.

Mr. Scrafford questioned whether the applicant was aware when he filed the application of what the sign would consist of and if the applicant already had the sign. Mr. Chick replied yes, he had already purchased the sign.

Mr. Scrafford questioned whether the applicant purchased the sign with the idea of illuminating it. Mr. Chick replied yes.

Mr. Scrafford questioned whether the applicant was told he could have illumination. Mr. Chick replied no, he purchased the sign before applying for a Sign Permit.

Mr. Scrafford questioned the applicant that when he received the Sign Permit did he understand at that time that it could not be illuminated. Mr. Chick replied if you go off the Guidelines and not the law then sure.

Mr. Scrafford questioned the applicant as to what he understood when he received the Sign Permit. Mr. Chick stated that initially the Sign Permit stated that he could not put it up at all. Then he decided to go forth and put it up as unilluminated. This what he did. He was also told that he could come before the Historic District Commission to ask for permission to turn it on.

Mr. Scrafford questioned why the applicant put the sign up knowing it could not be illuminated. Mr. Chick replied because he has a business and he needs a sign, that's why.

Mr. Scrafford questioned whether the applicant asked for illumination when he applied for Sign Permit. Mr. Chick replied that he did, but it was rejected. Then he submitted the Sign Permit without the illumination.

Mr. Scrafford questioned whether the applicant had met all of the other requirements. Mr. Chick replied yes, the sign is currently up and good to go; he just needs permission to turn it on. Mr. Scrafford stated the question is the light. Mr. Chick replied correct. Mr. Scrafford questioned whether this was the reason he was present today. Mr. Chick replied that is right. There are other internally illuminated signs that are on the street such as the Brunch and Lunch, Family Dollar, Suds Bar, and Zuha all have a sign like this.

Ms. Horsey questioned what would it take to do the external lighting other than more money. Mr. Chick replied it was just stated, more money.

Ms. Horsey stated that Staff finds the illumination inappropriate and so does she, that is the reason she is asking if there was any other possibility because the Historic District Commission wants him to stay in business. The Historic District Commission wants to help you, but she thinks that Mr. Chick also needs to realize that just because the City has Guidelines does not mean that they should always be not used or enforced. The problem with the Historic District Commission is a lot of times

they are overruled and they either have Historic District Guidelines and follow them or we do not. Staff highly recommends not to do it and she would have to follow that.

Mr. Chick stated that the building to the left and right of his building are modern buildings and across the street is a modern apartment complex with giant windows. He thinks that this is just a little anti-business and we should move on from this. This is not anything that takes away from the Historic District. The sign fits very nicely in the area. He needs to illuminate his sign because if it is dark at night, he wants people to see his business.

Chairman McDaniel questioned what sign was there before. It was mentioned Bell, Book & Candle.

Chairman McDaniel questioned Staff what was stated again upon reading some of the Guidelines. Mrs. Melson-Williams stated that per page 2 of the report the *Design Standards and Guidelines* specifically list the following as inappropriate: Back-lit fluorescent signs are inappropriate. It also states that a recommended practice for signage is “concealed incandescent lighting.” It is recommended in the Dover Historic Commercial context and this is where this property is located. The Loockerman Street area would be considered the Commercial context.

Chairman McDaniel questioned what is “concealed incandescent.” Mrs. Melson-Williams replied that it means that it is not internal to the sign. It is a fixture that is designed so that you are not seeing the bare bulb (there may be a shield on one side of it) that will basically direct the light to where you want it to go. Staff noted in the review that they recognized advancement in lighting technology and that there are other forms of light sources than incandescent bulbs. They felt that a different type of bulb would still be compatible in the District. When the *Design Standards and Guidelines* were written in the 1990’s they probably were not thinking much about LED or those types of light sources at the time.

Ms. Horsey questioned with the Downtown Dover Partnership programs if this would qualify for the grant to put this lighting in. Mrs. Melson-Williams replied the Downtown Dover Partnership Façade Grant program does offer opportunities for façade grants for things related to signage. The light fixture(s) purchase would certainly be something that the Design Committee (which is separate from this) could consider as a type of financial assistance for the project. They typically do not fully fund. An application was presented to the Design Committee regarding the signage and some of the aspects of their improvements to the building. She believes the Committee funded a portion of the improvements, but did not fund things related to the sign that was presented to them. There is certainly an opportunity there to seek a Façade Grant to assist with the external illumination of the signage or the purchase of fixtures.

Chairman McDaniel questioned if this is a type business that is opened at night. Mr. Chick replied yes.

Mr. Czerwinski questioned how much work would it be to remove the box and remount the sign flush and put the lighting over the top. Mr. Chick replied that it costed him \$1200 to put up the current sign. The other Historic District Commission members stated that the sign did not have to be removed, but it could be moved over (to position lighting). Mr. Chick replied that even if he was rejected he is not planning on doing that because that is ugly. This is his property and his building

and he is not going to do that. The other nice thing about this sign is its removable. So if he was to sell the building he could just slide the sign out.

Chairman McDaniel stated that this was a difficult one and he hates to see stuff like this. The Guidelines sometimes worry him.

Mr. Scrafford questioned if these regulations and guidelines will be rewritten when the new consultant is hired. Mrs. Melson-Williams replied that it is certainly something that could be looked at under the Grant project (or modern materials and technology) and how it impacts the *Design Standards and Guidelines*. That may capture the type of light bulb, but she is not sure if it would change the true types of signage. It may talk about other types of modern signage that are not dealt with such as the electronic options. From a timing perspective that consultant is not on board and any changes to the *Design Standards and Guidelines* are probably a year away before anything would be implemented.

Mr. Czerwinski asked present members if they were okay with the box sign. Members were okay with the box sign. Mr. Scrafford stated that they have to be okay with the box sign because the sign was approved to be installed without being lit. The applicant is here to get it lit and that is where he sees the problem. They questioned whether to allow the applicant to light the sign or not in the manner that the sign currently exists or to recommend something different.

Mr. Czerwinski referred to the *Design Standards and Guidelines* as previously mentioned and stated if LED was added then he would be complying with the literature of the *Design Standards and Guidelines*. This is a normal sign.

Ms. Horsey stated that when she was on the Planning Commission she thought it was a real honor to serve the City and she would state 99% of the time when Staff recommended a certain action that she would most always take their advice. She thinks that what the Historic District Commission should do in this case is do the same thing or state that the Historic District Commission does not value our Staff opinion.

Chairman McDaniel stated that it was not a fair way or expression.

Mr. Scrafford stated that he was sorry to hear that because the applicant was present for a waiver. He questioned why the applicant could not get a waiver from the Historic District Commission.

Ms. Horsey was not in agreement with a waiver; although the Historic District Commission could waiver anything they wanted, but the City is full of waivers every single day.

Mr. Czerwinski moved that for application HI-17-03 and Sign Permit #17-1484 that the Historic District Commission do not recommend the back lighting of the sign as installed on the building. The motion was seconded by Ms. Horsey. The motion failed because of a tie vote 2-2.

Mr. Scrafford moved that for application HI-17-03 and Sign Permit #17-1484 that the Historic District Commission allow the applicant to precede with lighting at some point if the lighting source

is altered. The motion was seconded by Chairman McDaniel. The motion failed because of a tie vote 2-2.

Mr. Chick stated that he could take out the fluorescent bulbs and install LED.

The Historic District Commission had a brief discussion regarding the rewriting of the rules and guidelines.

Ms. Horsey asked Staff what type of lights could be used because LEDs are softer. Mrs. Melson-Williams replied that the Staff findings in regards to illumination have basically interpreted this as “Inappropriate” for anything back-lit. Although it stated fluorescent, Staff would come down on “back-lit” as the function of how the light source is provided. Changing it to a LED still means it is a back-lit sign and the emphasis would be on the back-lit.

Mr. Chick asked what did the wording state in the *Design Standards and Guidelines* as previously mentioned. If it states fluorescent, then you must follow that. Ms. Horsey asked that the applicant not tell the Historic District Commission how to interpret the Guidelines.

The Historic District Commission stated that the *Design Standards and Guidelines* were written in 1993 before LED came about, so the Historic District Commission has to interpret the intent.

Ms. Horsey asked the applicant again what would it take to do the external lighting in a manner that might work for him and perhaps use a grant. This could help and the applicant would not have to pay the entire fee.

Mr. Chick stated that what was better than what Ms. Horsey previously mentioned was not paying anything and just turning the sign on. Ms. Horsey stated that she was just trying to get through this to help the applicant.

Mr. Chick did not feel that some of the Historic District Commission members were trying to help him; he just wished they would just approve the lighting.

Ms. Horsey thanked the applicant for his comments.

Mrs. Melson-Williams stated that signage is something that typically by the *Zoning Ordinance* is allowed to be reviewed by Staff. The *Zoning Ordinance* allows Staff to refer anything that is of a question to the Historic District Commission to then look at the *Design Standards and Guidelines* and do that level of interpretation. In question is the type of bulb. Basic fluorescent is in the *Design Standards and Guidelines*. Is another type of bulb appropriate? Or is backlit not the intent of the *Design Standards and Guidelines*.

Chairman McDaniel recommended tabling the application until the next Historic District Commission meeting when they will have five (5) members present.

Mr. Czerwinski asked if the tie could go back to City Planning Staff. Mrs. Melson-Williams stated the options: (1) develop a motion that results in a vote other than a tie; (2) let the tie stand, which

means the Permit is only issued as is and there is no action to light it from inside; or (3) there is provisions in the Code whereas when Architectural Review Certifications are considered by the Historic District Commission that is given in a written notice of decision in the event of a denial (or there is nothing approved or denied) the applicant can appeal the decision of the Historic District Commission to the Planning Commission and then the Planning Commission would consider the Architectural Review Certification.

Mrs. Melson-Williams stated that you could certainly defer action seeking the presence of five (5) members of the body or recognize that there is a tie of the members present and suggest the applicant make the appeal to the Planning Commission.

The Historic District Commission members asked which process would be faster. Mrs. Melson-Williams replied that the next meeting of the Planning Commission is October 16, 2017 and action is taken the same night of the meeting unless they request or need additional information.

Chairman McDaniel asked the applicant Mr. Chick what he would like to do. Mr. Chick replied, "well let's see, so I can gamble and hope this other guy says yes and if he says no, then we can go to the Planning Commission." He asked if he was understanding this correctly. Mrs. Melson-Williams replied if there were five (5) members present it could be dispensed of it one way or the other. The Appeal would be to the Planning Commission and at that point this would be the October 19, 2017 meeting of the Historic District Commission and the Planning Commission would not meet until November 20, 2017.

Mr. Scrafford noted if you were unsuccessful with the five (5) members then you would still have the Planning Commission at his disposal. The Historic District Commission makes recommendations to the Planning Commission. The Planning Commission do not have to take the Historic District Commission recommendations; the Planning Commission is still free to make their own decision.

Mr. Chick stated that he would go before the Planning Commission on October 16, 2017.

Chairman McDaniel apologized for not being able to make a decision within the Historic District Commission.

Mr. Chick replied to Chairman McDaniel comment by stating "You can, but you choose not to." He wanted the people to stop wasting his time on the lit sign on his business; this is anti-business, bad for Dover. He is still going to put a big banner up on the front of his building that states City of Dover is bad for business. How is that going to make Lookerman Street and the City of Dover look?

Mr. Scrafford encouraged Mr. Chick not to do that, just because he did not get his way does not mean that everyone else is wrong. As far as then anti-business that is the opinion that you have, not necessarily the same opinion as the members of the Historic District Commission and that needs to be recognized. So, if you did not get your way today, grow up.

Mr. Chick stated that he is grown and the City in his opinion is anti-business Colonel, Mr. Czerwinski, Ms. Horsey and he is free to express that. It is very "anti-business" when you have a

business that is operating and he paid over \$6000 in City taxes this year. He is trying to bring people Downtown and the City is making it difficult for him, that is anti-business. Mr. Scrafford agreed, but stated you still have the option to light the sign, but not in the manner that you want.

Mr. Chick stated that the Guidelines, are not law.

OLD BUSINESS

Questions on Sign Permit #17-1122 for the Property at 2 West Loockerman Street.

Mrs. Melson-Williams stated that provided in the packets was a copy of the Sign Permit Application of that submission and a copy of the Sign Permit as issued in mid-July. The signs were installed in mid-August. Photos showing the two sign areas were taken of both sides of the building by Planning Staff.

The Commission had no questions.

Certified Local Government (CLG) Program

Update on FFY2017 CLG Grant Project: Amendment to Design Guidelines for Dover's Historic District (Addendum to *Design Standards & Guidelines for the City of Dover Historic District Zone: Modern Materials & Technologies*) and Project Activities.

Mrs. Melson-Williams stated that Staff have been working on the development of the RFP Document in order to issue the RFP to seek the consultant services. A draft copy of the RFP was due to the State Historic Preservation Office on September 15, 2017. Staff met the deadline and is now in the process of waiting for comments back from the State Historic Preservation Office.

Mr. Scrafford asked if this was small enough to allow for three (3) bids without having to allow for a full process. Mrs. Melson-Williams replied that it is still called a Request for Proposal. It is more than just calling to get a quote.

Mr. Scrafford asked if there needed to be a submittal from the vendor. Mrs. Melson-Williams replied yes. It is not as complicated as if it was over \$25,000.

Chairman McDaniel questioned the turnaround time. Mrs. Melson-Williams replied that the State has 15-days to comment.

Mrs. Melson-Williams stated that once a consultant is on board there will be some interchanges of how it will all transpire with Staff and the Commission.

Mr. Scrafford questioned the purpose of the consultant. Mrs. Melson-Williams replied that the qualified consultant will focus on the *Design Standards & Guidelines for the City of Dover Historic District Zone* in the light of Modern Materials & Technologies. The interaction with the consultant will be with Staff, the public and the Historic District Commission.

Chairman McDaniel questioned whether it would be feasible for the Commission to pull Loockerman Street out of the Historic District. Mrs. Melson-Williams replied that it technically

an amendment to the Zoning Map. It requires a fairly extensive background report on why it would be sought to be removed and it would go through multiple public hearing processes in order to have that happen.

Chairman McDaniel thinks that Loockerman Street should be pulled out of the Historic District. Not because of what happened today, but because of the fact that there have been so many changes over the years.

Mr. Czerwinski stated that history does not stop at one period of time, but it continues with modifications and changes. Because we might have a brutalist building on the corner on Loockerman does not mean it's no longer historic. He questioned whether we pull it out because it does not look like a 18th or 19th century neighborhood. He did not think this was the case since it is going through transformation. We have to be careful if it was pulled out then you would have some really strange modifications made to the street and demolition. In the case of the sign, it is really not a bad sign and he did not have much trouble with it. The problem is the back lighting. Within the context of the street you can still have overhead lighting. Again, we should still keep this in the Historic District because yes, it does have missing teeth. It is important to keep it within the purview of this committee because you are not sure of the ratifications. Then you may not like what will replace the buildings that are already existing. We are all aware that owners are not putting investments in the building(s).

Mr. Scrafford stated that the committee also went one step closer than total deletion. Modification of the guidelines for Loockerman Street to be a little more lenient and that keeps you at a modicum of control. If you retain Loockerman Street in the Historic District, you still have control of what it will look like and requesting changes to the ordinances that governs.

Mrs. Melson-Williams stated that if you take it out of the Historic District purview, the Historic District is a zoning overlay. The Guidelines can focus differently on how you approach different areas of the district. You may achieve some of that in this modern materials question and start to focus on that commercial aspect or area of the historic district.

Mr. Scrafford spoke briefly regarding the use of the Addendum to alter the Guidelines for Loockerman Street alone or businesses could try to flourish. He stated that it has not gone anywhere in 40 years.

Mr. Czerwinski stated that he would believe that the Historic District Commission has probably had zero impact. The real issue is how much of an impact has this Commission really had.

The committee continued a brief discussion of the Commission's impact, standards, parking, and lighting.

Chairman McDaniel stated that sometimes Dover can appear to be not business friendly.

Mr. Scrafford moved to adjourn the meeting, seconded by Mr. Czerwinski and unanimously carried 4-0. Mr. Jackson was absent.

Meeting adjourned at 4:00 PM

Sincerely,
Maretta Savage-Purnell
Secretary