LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on January 14, 2013, at 5:30 p.m. with Chairman Lynn presiding. Members present were Mr. Anderson, Mr. Hare, Mr. Rushe, and Mr. Shevock. Members of Council present were Council President Leary, Mr. Dixon, Mrs. Williams, and Mr. Hutchison (departed at 6:37 p.m. and returned at 6:39 p.m.). Mayor Carey (departed at 6:53 p.m.) was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Shevock moved for approval of the agenda as presented, seconded by Mr. Hare and unanimously carried.

Draft Comprehensive Annual Financial Report (CAFR) - Fiscal Year Ended June 30, 2012

In accordance with Section 46 of the City Charter, the City's financial books are audited by independent auditors each year. Mrs. Donna Mitchell, Controller/Treasurer, submitted the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended June 30, 2012 and reviewed key points of the Report. It was noted that all financial transactions were audited by S.B. & Company, LLC. She introduced Mr. William Seymour, Auditor with S.B. & Company, whose opinion was included in the report. However, she noted that the auditor had not completed the management letter since they were continuing to work on the federal grant audit and report on internal control and that Mr. Seymour would provide a presentation in this regard upon completion.

Referring to Page 37 of the report, Mrs. Mitchell noted that the amount of unrestricted total net Assets was -$6,759,433, which was the result of the non-current liabilities due in more than one (1) year, including the liability for medical benefits totaling $11,179,542. She advised members that the Balance Sheet, as reflected on Page 39, depicted totals without the long-term liabilities and long-term assets and showed an unassigned fund balance of $3,007,963 (considered spendable sources). She indicated that these were the reported amounts that members were familiar with from working through the budget process. On Page 41 of the Report, Mrs. Mitchell stated that the deferred revenue, in the amount of -$582,144, was the result of the City having to reclassify prior year revenues that had not yet been collected (aged receivables) and to reduce the fund balance for financial report presentation purposes, and explained that this would not be reported as such for budgetary purposes. She reminded members that ordinances were adopted recently that put "teeth" into some of the collections; therefore, she believed this amount would change in the future.

In response to Mr. Hutchison, Mrs. Mitchell confirmed that staff did not submit any mid-year review budget adjustments; therefore, everything was required to remain as originally budgeted until the end of the fiscal year. This was due to timing and staffing issues. She felt that when staff presents this year's budget review, any significant changes would be included.

Mr. Hare moved to recommend acceptance of the draft Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2012, seconded by Mr. Anderson and unanimously carried.

Proposed Ordinance Amendment - Ordinance #2013-01 - Amending Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that, in 2001, the City of Dover adopted the Airport Environs Overlay Zone (AEOZ) based upon the maps and text provided by the DAFB in their Air Installation Compatible Use Zone (AICUZ) study to ensure that development of lands surrounding the Dover Air Force Base (DAFB), specifically within the zones identified by the Air Force as the Noise Zones, Clear Zone, and Accident Potential Zones, proceeds in a manner that protects the public health, safety, and welfare, as well as the viability of the DAFB. She explained that the overlay zone works in conjunction with the underlying zoning district of each property to ensure that development in these areas is compatible with the noise and other aspects of DAFB flight paths.

Mrs. Townshend advised members that the DAFB released an updated AICUZ study in 2010 which included revised noise contours. She stated that staff used the updated information for the proposed amendments to the text of the Zoning Ordinance relating to the AEOZ. Mrs. Townshend noted that the proposed changes were primarily housekeeping changes and were directly related to the AICUZ study provided by the DAFB.

Members reviewed Proposed Ordinance #2013-01 amending Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ). Mrs. Townshend advised members that a recommendation for adoption would necessitate a Comprehensive Rezoning of the area, which would be presented at the conclusion of this item.

Staff recommended adoption of Proposed Ordinance #2013-01.

Responding to Mr. Shevock, Mrs. Townshend assured members that staff worked with the DAFB Community Planner in developing the proposed amendments and have received their approval.

Mr. Hare moved to recommend adoption of Proposed Ordinance #2013-01, seconded by Mr. Rushe and unanimously carried.

Proposed Ordinance Amendments - Ordinance #2013-02 - Amending the Zoning Ordinance and Zoning Map of the City of Dover by Changing the Boundary of the Airport Environs Overlay Zone (AEOZ) in Accordance with the 2010 Air Installation Compatible Use Zone (AICUZ) Study Published by the Dover Air Force Base

Mrs. Townshend explained that the recommendation for adoption of Proposed Ordinance #2013-01 would necessitate amendments to the Zoning Map and that adoption of Proposed Ordinance #2013-02 would incorporate the changes to the Air Installation Compatible Use Zone into the Zoning Map as the Airport Environs Overlay Zone (AEOZ). Members were provided Proposed Ordinance #2013-02 amending the Zoning Ordinance and Zoning Map of the City of Dover by changing the boundary of the Airport Environs Overlay Zone (AEOZ) in accordance with the 2010 Air Installation Compatible Use Zone (AICUZ) Study published by the DAFB.

Mrs. Townshend indicated that Proposed Ordinance #2013-02 amending the AEOZ was being processed as a Comprehensive Rezoning *(Appendix B – Zoning, Article 10 – Planning Commission, Section 5 – Amendments, Subsection 5.4)*, since the rezoning was the result of a formal study by the DAFB; therefore, staff sent 685 letters to affected property owners and held a public workshop on November 8, 2012 to answer questions. She advised members that some properties would be removed from the AEOZ Noise Zones as a result of the rezoning while others would remain in the AEOZ Noise Zones; however, the boundary locations on their properties would change. She noted that no changes to the Accident Potential Zones or Clear Zone were proposed. Mrs. Townshend referred to a map depicting those parcels that would be removed from the Noise Zones ***(Attachment #1)***. She noted that the map indicates that the Noise Zones are shrinking and the Accident Potential Zone and Clear Zone remained the same.

Staff recommended adoption of Proposed Ordinance #2013-02.

Mr. Hare moved to recommend adoption of Proposed Ordinance #2013-02, seconded by Mr. Shevock and unanimously carried.

Proposed Ordinance Amendments - Ordinance #2013-03 - Amending Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings

Being aware that vacant buildings detract from community appearance, provide locations for nuisance behaviors, and consume City staff time in responding to complaints or checking to ensure that vacant buildings are kept secure, Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that in 2006, City Council adopted the Vacant Building Ordinance to reduce the community nuisance caused by vacant buildings. In addition to requiring the registration of vacant buildings and requiring that owners of vacant buildings pay a registration fee, the ordinance also tasked the City with inspecting vacant buildings to ensure that they are maintained and secured. Mrs. Townshend advised members that a number of vacant buildings in the City had become locations of arson due to owners not keeping them properly secured. In addition, she stated that the problems caused by vacant buildings had been exacerbated by the economic downturn.

Members reviewed Proposed Ordinance #2013-03 amending Chapter 22 - Buildings and Building Regulations, Article XII - Vacant Buildings. Mrs. Townshend advised members that the proposed amendments were primarily housekeeping amendments that would contribute to clarity and ease of administration. In addition to the proposed housekeeping provisions, she indicated that the amendments included increased registration fees for vacant non-residential buildings greater than or equal to 10,000 SF. Mrs. Townshend explained that the current fee schedule failed to provide a disincentive to vacancy, particularly for many of the large commercial box buildings. She advised members that the Planning and Inspections Department currently devotes one (1) full-time inspector to monitoring, inspecting, and working with property owners on vacant buildings. So far in Fiscal Year 2013, $27,500 had been collected in vacant building fees.

Staff recommended adoption of Proposed Ordinance #2013-03.

Responding to Mr. Anderson in reference to Line 52 of the proposed ordinance, which would shorten the time allowed before providing the City building inspector access to vacant buildings from 90 to 30 days, Mrs. Townshend explained that after waiting 90 days, particularly in foreclosure scenarios, the properties may already be a nuisance to the neighbors. As an example, she stated that on several occasions, although a property may have been vacant for 90 days, because utilities were not disconnected and payment was being made for several of those days, staff could only document that it had been vacant for 30 days. In these instances, although neighbors may have been submitting property complaints, staff could not require registration or take any action in this regard.

Concurring with Mr. Anderson, Mrs. Townshend stated that information regarding vacant buildings could be forwarded to the Economic Development Office, noting that the City has several incentives for vacant commercial buildings, such as tax abatement for buildings over 20,000 SF, permit and impact fee waivers, and tax abatement for buildings over 5,000 SF for the value of the renovations.

Mr. Hare relayed his concerns with subjecting responsible property owners (those who maintain their properties and list them for sale with a realtor) to the same increase in registration fees as those owners that do not take the necessary steps to maintain vacant properties. He questioned the possibility of penalizing only those property owners who create problems.

Responding to Mr. Hare's concerns, Mr. Lynn noted that when a property owner takes responsibility to maintain vacant property, is actively marketing it, and has it listed with a realtor, there is an exemption from the registration fee. Mrs. Townshend noted that the current ordinance allows for such an exemption for three (3) years and suggested the possibility of extending this time limit due to the current economy. However, she cautioned members that even if a property is listed for sale, a property owner may have no intention of selling. Elaborating, Mr. Lynn stated that although there may be a for sale sign, the property may not be listed at a reasonable market price and the property owner may be claiming losses on income tax returns, leaving the City with buildings that are eyesores.

In response to Mr. Hutchison, Mrs. Townshend stated that there were approximately 350 vacant buildings in the City.

Mr. Lynn stated that the purpose of the proposed amendments was not to hurt those property owners who were actively trying to market properties for fair market value but rather address the large and growing problem of empty buildings that are not being marketed and are eyesores and safety concerns.

Referring to the concerns of Mr. Hare, as questioned by Mr. Shevock, Mrs. Townshend stated that she would rather extend the period of time for exemption than put staff in the position of having to determine which properties are well maintained. She suggested extending the time period for the exemption to five (5) years.

Mr. Philip McGinnis, 555 E. Loockerman Street, stated that he serves as the Chairman of Kent County Association of Realtors Public Policy Committee and read comments regarding the proposed ordinance ***(Attachment #2).***

Mr. Anderson moved to suspend the rules to allow Mr. McGinnis an additional two (2) minutes for remarks, seconded by Mr. Rushe and carried by a vote of four (4) yes (Anderson, Hare, Rushe, and Shevock) and one (1) no (Lynn).

Responding to Mr. Anderson, Mrs. Townshend stated that the inclusion of a commercial unit within a building in the definition of a vacant building was specified in Line 22 of the proposed ordinance. In talking with Mr. McGinnis, she stated that replacing "commercial unit within a building" with "structure" would resolve his concerns. It was her opinion that by making that change, a building such as Value City would continue to be viewed as a separate building, but a building where the upstairs is occupied and the downstairs is unoccupied (or vice versa) would not.

Based on the discussion, Mr. Lynn suggested that a workshop be held to allow staff the opportunity to work with the community regarding possible amendments to the proposed ordinance.

Mr. Hare moved to recommend that Proposed Ordinance #2013-03 be referred back to staff to allow them to hold a workshop to develop amendments for consideration and that staff be instructed to include residential properties. The motion was seconded by Mr. Anderson and unanimously carried.

Proposed Ordinance Amendments - Ordinance #2013-04 - Amending Chapter 22 -Buildings and Building Regulations, Article X - Rental Dwellings

Members were provided Proposed Ordinance #2013-04 amending Chapter 22 - Building and Building Regulations, Article X - Rental Dwellings to create a Crime Free Housing Program.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the Department of Planning and Inspections had been working cooperatively with the Police Department to address problem rental properties. She explained that the Community Policing Unit works with apartment complexes to implement a crime free multi-housing program, which includes a seminar for complex managers and a lease addendum. The program has been successful in helping apartment complex managers address criminal/nuisance behavior of tenants and guests. In working with the Police Department, she stated that the Department of Planning and Inspections was looking to expand this program to all rental property owners and managers and require participation in the program as part of the Rental Dwelling code requirements.

Mrs. Townshend explained that the proposed ordinance would require landlords to participate in a crime-free housing program, including participation in a crime-free housing seminar offered by the Dover Police Department, and the use of a crime-free housing addendum to leases. In addition, she stated that the proposed ordinance would allow for prorating rental permit fees for permits purchased after the beginning of the permit year.

Staff recommended adoption of Proposed Ordinance #2013-04.

Mrs. Townshend advised members that, at the request of Mr. Anderson, staff drafted amendments for the Committee's consideration. She stated that Proposed Amendment #1 ***(Attachment #3)*** would allow landlords to opt out of the crime-free housing requirement by paying a per dwelling surcharge on rental permits; Proposed Amendment #2 ***(Attachment #4)*** would exempt licensed real estate agents from the requirement to attend the crime-free housing seminar, unless their rental permit was suspended for failure to enforce the crime-free housing lease provisions; and Proposed Amendment #3 ***(Attachment #5)*** would not include use or possession of illegal drugs as a violation of the crime-free housing lease addendum.

In response to Mr. Shevock regarding instances when a landlord would not be available to attend the required seminar, Mrs. Townshend suggested further discussion with the Police Department for possible solutions, such as the creation of an online class.

Mr. Hare relayed his concerns with creating requirements for excellent landlords who have never caused problems in order to address issues created by other landlords. He suggested developing requirements specifically for the problematic landlords instead of penalizing those that have done everything the City has required. Responding, Mrs. Townshend explained the difficulty in differentiating between "good" and "bad" landlords. She reminded members that it was only a two (2) hour seminar and not onerous. In addition, she reminded members that those who wish to drive a boat are required to take a boater safety course so as not to be a nuisance to others on the water.

Responding to Mr. Anderson, Mrs. Townshend confirmed that, currently, out-of-town (absentee) landlords are required to have a local agent. An out-of-town landlord would have the option of hiring a real estate agent to take care of the property and set up the lease in accordance with the provisions, or could attend the seminar, or have a relative or local agent attend on their behalf. She also confirmed that if the tenant were a relative or someone who the landlord did not have to worry about with regard to crime-free housing, they could simply pay the extra $50.

In reviewing the proposed ordinance, Mr. Rushe stated that it did not include a good definition of criminal activity. He noted that Amendment #3 would not include use or possession of illegal drugs as a violation of the crime-free housing lease addendum and questioned why certain illegal activities would not be a violation and others would. Responding, Mrs. Townshend stated that the City Solicitor had reviewed the proposed ordinance only and not the amendments. In addition, she stated that the Police Department's Lease Addendum used with their Crime Free Multi-Housing Program was upheld in court; therefore, staff would utilize the template used by the Police Department.

Mr. Rushe questioned how oral leases would be handled since there is no requirement under Delaware Law that a lease be in writing. Responding, Mrs. Townshend stated that the City of Dover does not allow utility service to be established without a lease. Noting that there are landlords who keep utilities in their names, she stated that the City would require the Lease Addendum to be on file; therefore, in those instances where there is an oral lease, the City would need the Lease Addendum.

Council President Leary reminded members that the original intent of the proposed ordinance was not to address "nuisances" but rather activities that are dangerous, such as neighborhood terrorism, etc. He suggested that everyone keep focused on this original intent during their deliberations.

At the request of Mr. Anderson, Master Corporal Bernat assured members that the purpose of the Crime-Free Housing Ordinance was not to burden realtors or penalize owners of rental properties. He stated that the program would be kept short and made as convenient as possible, with the purpose of providing education. He explained that landlords of some of the problem houses were not familiar with the landlord/tenant law, which has been problematic when they want to deal with problems but do not know what to do. The seminar would educate landlords to allow them to be more responsible. In addition, he indicated that eviction is the last level of action to be taken; however, the possibility of eviction can be a motivator for both the owner and tenant. MCpl. Bernat stated that many times renters do not have an investment in the neighborhood so they continue with dangerous activities. Although it was not the intent to evict individuals, he stated that it was not desired that residents who were living lawfully and are credible citizens leave as a result of those causing problems.

In response to Mr. Anderson, MCpl. Bernat confirmed that the Multi Crime-Free Housing Program has been used for a decade and utilizes the same Lease Addendum that had been upheld in court and was legal. He advised members that this program had been a success for both the management of multi-housing and the community.

Mr. Lynn noted the receipt of correspondence from Ms. Maureen Bauer dated January 10, 2013 ***(Attachment #6)***.

Ms. Maureen Bauer, 22 Kent Circle, indicated that when she moved into The Hamlet over ten (10) years ago, it was a nice place to live. She enjoyed going outside, visiting neighbors, taking dogs for walks, etc. She indicated that this was not the case anymore due to a few nuisance rental properties where, although the landlords are notified of certain activities, they do not take any action to resolve the issues. She stated that there was no recourse other than calling the police every time something occurs. She advised members that she lives in fear and that there have been good, upstanding residents that have moved due to these nuisance properties.

Mr. Phillip McGinnis, 555 E. Loockerman Street, stated that he serves as the Chairman of Kent County Association of Realtors Public Policy Committee and read comments regarding the proposed ordinance ***(Attachment #7).*** He stated no objections to the proposed ordinance as long as licensed real estate agents and professional property managers were exempt, explaining that these individuals are educated to serve as professional property managers, are trained to include lease clauses that follow the statute regarding criminal activities, and are aware that the landlord/tenant code is required for residential dwelling units whether they are oral or written leases, etc. As licensed real estate agents and professional property managers, he stated that they are better trained since this is their business and he noted that the lease amendment that they currently use may be better than the one proposed.

Responding, Mr. Lynn suggested that Mr. McGinnis provide staff with a copy of the lease amendment utilized by the professional property managers for possible improvements to the proposed lease addendum.

In response to Mr. Shevock, Mrs. Townshend stated that the current proposed ordinance would require both the owner and agent to take the required seminar and suggested that staff be provided an opportunity to make amendments prior to the First Reading.

Mr. Hare stated that he would support the proposed amendments if those landlords or property owners that have not had any problems could take the seminar online and those handling properties where there have been complaints and/or violations be required to attend the seminar in person. Responding, Mrs. Townshend felt confident that an online seminar could be made available. She noted that there are over 3,000 rental permits; therefore, staff would need to roll out the startup of the program and she assured members that if there were any concerns, staff would report back to members for their review and consideration in resolving the issues.

Mr. Rushe reiterated his concerns that the proposed ordinance includes what is not criminal activity but not necessarily what criminal activity is. If it included just an arrest and eviction proceedings were begun, he questioned how the tenant could defend himself/herself without violating their 5th Amendment Right while awaiting trial. Responding, Mrs. Townshend stated that the City Solicitor indicated that the proposed ordinance should refer to convictions. She assured members that the proposed ordinance could be amended to clarify that criminal activity would apply to those who have been "convicted of any crime."

Council President Leary relayed concerns that members were losing track of the bigger issue, explaining that if there were multiple calls for disturbance of the peace, etc., at the same address, he felt this would be enough to start eviction proceedings. It was his opinion that the purpose of the proposed ordinance amendment was to address the peace and security of neighborhoods and that courtroom convictions were something completely different.

Concurring with Council President Leary, Chief James Hofelt, Dover Police Department, advised members that it could be years before a courtroom conviction is issued, explaining that it is not uncommon for a drug case to drag on for one-and-a-half years, which would result in having an ordinance where no action could be taken for that period of time.

Mr. Anderson noted that 26 complaints were called in to the Police Department regarding a problem residence referred to previously.

Mr. Rushe moved to recommend that Proposed Ordinance #2013-04 be referred back to staff to allow them the opportunity to make amendments in accordance with the Committee's discussion, seconded by Mr. Shevock.

Mr. Anderson stated objections to delaying action, explaining that he had experienced such problems personally and observed what it does to a neighborhood when there is wide-scale illegal activities and nothing can be done to resolve the problems. Having had a problem property next to his residence, he advised members that it took two (2) years before any action was taken to rectify the problem and two (2) additional years for the neighborhood to restore itself to a point where the children could play outside safely, his wife could walk safely at night, etc. He observed this residence as a "crack house" with people going in and out during all hours, illegal weapons, etc. As a result, he stated that there were burglaries in the area and the home became a hub for theft and selling stolen property. Mr. Anderson felt that it was time for action to be taken and that staff could make additional amendments to be presented in a couple of weeks.

Concurring, Mr. Lynn reminded members that this proposed ordinance follows gang hearings, discussions about adding additional police officers, etc., and was a part of a comprehensive plan to get serious and tough on crime in Dover. He also felt that staff could make revisions to the proposed amendments and that further discussion could take place during the Council meeting.

Mr. Rushe moved to amend the motion to specify that the additional amendments made by staff be presented to Council for their consideration of Proposed Ordinance #2013-04.

Mr. Rushe moved to recommend that Proposed Ordinance #2013-04 be forwarded to City Council for their review and consideration without a recommendation by the Committee, seconded by Mr. Shevock and unanimously carried.

Discussion - Role and Scope of the Historic District Commission and the Historic District

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that, in recent months, there have been a number of discussions about the role of Dover's Historic District and, in particular, the Historic District Commission. She stated that some members of the community have faulted the Historic District Commission with adding roadblocks to projects that would support downtown redevelopment or creating impediments to economic development and growth, while others see the Historic District Commission as important caretakers of our City's rich history. Many of the discussions about the Historic District Commission's role had taken place in informal venues among property owners, business owners, elected officials, and other stakeholders in the community. She indicated that the discussions had not, in recent years, taken place as a public deliberation, bringing together stakeholders on all sides of the issue to develop a common ground solution that would support economic growth while preserving the City's historic character.

Given the various concerns that had been shared by a number of stakeholders, staff recommended that the Planning Office hold a public workshop (more than one (1) if necessary) by the end of February 2013 to discuss the role and scope of the Historic District and the Historic District Commission and that staff report back to the Legislative, Finance and Administration Committee in March 2013 with clear recommendations on whether and how the role and scope of the Historic District and/or the Historic District Commission should be modified.

In response to Mrs. Williams with regard to any effect the recommendation could have related to (preservation/conservation) grant monies, Mrs. Townshend stated that, to her knowledge, staff's recommendation would have no effect regarding grants; however, if the City were to eliminate the Historic District, she stated that there could be potential consequences. She assured members that definitives regarding this matter would be researched by staff. She reminded members that the City had been working toward becoming a certified local government and having the Historic District Commission was a part of that certification.

Mr. Larry Josefowski, 323 S. State Street, advised members that he serves as President of the Friends of Old Dover and he submitted and read portions of the letter into the record, as follows:

> *"It is interesting to hear some of the discussion regarding the role of the Historic District Commission, and by extension the Historic District, being discussed in economic terms. It is important to talk about the Commission, the district, and the guidelines that govern the Historic District because by weakening the process of one – the proposed elimination of the Historic District Commission-the importance of our Historic District Guidelines is decreased.*
>
> *It is a statement of convenience to place the perceived economic faults of Downtown Dover towards the Historic District Commission, and by extension, the Guidelines themselves. Historic structures that have been demolished or significantly altered promote the loss of character that enrich the lives of people today. Part of the story of Dover – a story stretching back 330 years- is missing. Have there been economic benefits of these actions?*
>
> *A strong historic character is not an impediment to economic development...it can be just the opposite, a strong draw for tourism, and a perfect partner for businesses, museums, colleges, schools, and government. We are doing a better job of promoting our historic area, and keeping an aesthetically cohesive historic district, and the appropriate oversight, makes economic sense.*
>
> *Having a separate Commission helps to guarantee the process is followed...and that helps to ensure better design. There is a greater sense of relatedness, more innovative use of materials, and greater public appeal within historic districts than in areas without historic designations.*
>
> *Our historic districts provide a very real educational benefit. The preservation helps our current generations, as well as generations to come, the very story of Dover, as the architecture and structure provide the best possible record of ourselves and our communities.*

And, perhaps most importantly, it is the main characteristic of the City of Dover. Try to visualize, if you will, Dover without The Green....or try to imagine a copy of the Real Estate newsletter Open Door or the weekly house listings in the Post or the State News without a single mention of homes being in or near "Historic Dover."

The Friends of Old Dover urges the city to not only continue the protection of the Historic District by retaining the Historic District Commission to oversee the Guidelines that have stood us well over the years, but to strengthen the process by recognizing the value that this process has brought the city. There may be problems with Dover, but removing the oversight in the interest of expediency is not the solution."

At the request of Mr. Josefowski, eight (8) individuals in attendance indicated their support of the statement read into the record.

Mr. Lynn urged those interested in this matter to attend and participate in the workshop.

Ms. Terry Graham, 211 Delaware Street in New Castle, stated that she serves as Executive Director of Preservation Delaware. She read a statement from *"Preservation Politics - Keeping Historic Districts Vital,"* by Bill Schmickle, as follows: *"A community that cares for its past by districting, is a community dedicated to being responsible for its future. A Historic District says - here is a place to invest a life, raise a family, grow a business, retire in security."* Ms. Graham stated that Preservation Delaware is committed to assisting the City of Dover by serving as a resource, participating in the workshop, etc. She stated that the members of Preservation Delaware take their charge to provide continuing education and outreach for Delaware's nine (9) Historic District Commission very seriously.

Due to time constraints, Mr. Lynn indicated that no more public testimony could be made at this time and apologized to those who signed up to speak.

Mr. Anderson moved to recommend approval of staff's recommendation that the Planning Office hold a public workshop (more than one (1) if necessary) by the end of February 2013 to discuss the role and scope of the Historic District and the Historic District Commission; and that staff report back to the Legislative, Finance and Administration Committee during their first meeting in March 2013 (March 11, 2013) with clear recommendations on whether and how the role and scope of the Historic District and/or the Historic District Commission should be modified. The motion was seconded by Mr. Shevock and unanimously carried.

By unanimous consent, the meeting adjourned at 7:04 p.m.

Sean M. Lynn
Chairman

SML/tm/jg/js/mk
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Attachments

Attachment #1 - Map of Properties to be Removed from the AEOZ Noise Zones
Attachment #2 - Comments of Mr. Phillip McGinnis - Chairman of Kent County Association of Realtors Public Policy Committee
Attachment #3 - Proposed Amendment #1 to Proposed Ordinance #2013-04
Attachment #4 - Proposed Amendment #2 to Proposed Ordinance #2013-04
Attachment #5 - Proposed Amendment #3 to Proposed Ordinance #2013-04
Attachment #6 - Correspondence Received from Ms. Maureen Bauer dated January 10, 2013
Attachment #7 - Comments of Mr. Phillip McGinnis - Chairman of Kent County Association of Realtors Public Policy Committee

Parcels to be removed from AEOZ

DRAFT

ATTACHMENT #1

LF&A Committee Meeting of 01/14/2013

Legend

- Zoning
- SWPOZ Tier 2
- SWPOZ Tier 1
- SWPOZ Excellent Recharge Areas
- Parcels to be removed from AEOZ
- APZ I
- APZ II
- CZ

Proposed Noise Zones

- A ContourLine65
- B ContourLine70
- C ContourLine75
- D ContourLine80
- Dover Parcels

Map Created by: Planning Office
Date Map Printed: 10-24-12
File Path:

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0 500 1,000 2,000 3,000 4,000 Feet

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COMMENTS FOR CITY OF DOVER

KENT COUNTY ASSOCIATION OF REALTORS®

(1) VACANT BUILDING ORDINANCE

THE KENT COUNTY ASSOCIATION OF REALTORS® SUPPORTS THE CITY'S EFFORTS IN ATTEMPTING TO FIND A SOLUTION TO THE VACANT BUILDING PROBLEM THAT PERSISTS THROUGHOUT OUR CURRENT ECONOMIC STRUGGLES. IT IS IMPORTANT TO NOTE THAT THE LAST SENTENCE IN PARAGRAPH #1 OF THE "BACKGROUND AND ANALYSIS" SECTION OF THE PROPOSAL IS THE FUNDAMENTAL PROBLEM, "THE PROBLEMS CAUSED BY VACANT BUILDINGS HAVE BEEN EXACERBATED BY THE ECONOMIC DOWNTOWN." HOWEVER, WE WOULD SUGGEST WORDING THE SENTENCE AS, "THE ECONOMIC DOWNTURN HAS EXACERBATED PROBLEMS WITH VACANT BUILDINGS."

WE WORKED VERY HARD WITH BILL NEATON AND THE ECONOMIC DEVELOPMENT OFFICE AND THE PREVIOUS CITY MANAGER TO DEVELOP A PACKAGE OF INCENTIVES TO STIMULATE THE USE OF OUR HUGE INVENTORY OF VACANT BUILDINGS THROUGHOUT THE CITY, AND INCREASING THE FEES FOR REGISTRY AS VACANT BUILDINGS WOULD APPEAR TO IGNORE, AND IN FACT, CONTRADICT THAT WORK.

WE ASSURE YOU THAT NO PROPERTY OWNER PREFERS HIS OR HER PROPERTY TO REMAIN VACANT FOR ANY REASON. NO PROPERTY OWNER PRICES HIS OR HER PROPERTY SO HIGH AS TO PROMOTE VACANCY. THE FAILURE OF THIS ECONOMY TO PRODUCE JOBS IS THE FAILURE IN THE LOCAL REAL ESTATE MARKET.

ALL PROPERTIES, VACANT OR OCCUPIED, ARE PAYING PROPERTY TAXES, WHICH ENTITLE THESE PROPERTIES TO POLICE PROTECTION.

ALL OWNERS OF VACANT PROPERTIES, ESPECIALLY OF BUILDINGS EXCEEDING 10,000 SQUARE FEET, HAVE INCENTIVE TO SECURE THEIR PROPERTIES FROM VANDALISM. I

RECOGNIZE THAT SOME PROPERTIES ARE NOT AS TIGHTLY MANAGED AS OTHERS, BUT THERE IS NO INCENTIVE FOR A PROPERTY OWNER TO ALLOW HIS OR HER PROPERTY TO FALL INTO UNRECOVERABLE DISREPAIR.

SPECIFICALLY TO THE ORDINANCE, WE WOULD LIKE AN OPPORTUNITY TO REVIEW THE CODE REQUIREMENTS REFERRED TO ON LINE 39 IN SUBPARAGRAPH B. CERTAINLY VACANT BUILDINGS ARE BEING SECURED, ABSENT VANDALISM, BY PROPERTY INSURANCE REQUIREMENTS. OBVIOUSLY SECURING VACANT BUILDINGS IS IMPORTANT, PROVIDED THE CODE REQUIREMENTS DO NOT CREATE IMPOSSIBLE OR UNREALISTIC GOALS. SOMETIMES THE METHODS TO SECURE BUILDINGS MAY CAUSE MORE HARM IN CREATING A BLIGHTED APPEARANCE.

WE DO NOT BELIEVE THAT TRIGGER DATES FOR VACANT BUILDING FEES ARE A CAUSE FOR ARGUMENT UNTIL THE ARGUMENT DEVELOPS THAT WE WOULD NEED ANOTHER STAFF PERSON TO TRACK ALL OF THE VARIOUS DATES ON WHICH THE VACANT BUILDING FEES ARE DUE. THE CURRENT SYSTEM CALLS FOR MARCH 31 FOR ALL SUCH REGISTRIES; YET THE PROPOSAL BEFORE US WOULD HAVE SUCH ANNIVERSARY DATES OCCUR ALL THROUGHOUT THE YEAR, WHICH SEEMS MUCH MORE CUMBERSOME TO US.

THE BULK OF OUR OBJECTION TO THIS ORDINANCE LIES ON LINE 110 AND SUBPARAGRAPH B OF SECTION 22 – 405. WE APPRECIATE THAT PROPERTIES BEING MARKETED THROUGH REAL ESTATE BROKERAGES WOULD BE EXEMPT FOR A PERIOD OF THREE YEARS. WE AGREE THAT PROOF OF EFFORT TO OBTAIN TENANTS FOR THESE PROPERTIES LIES IN BROKERAGE AGREEMENTS. HOWEVER, THE INVENTORY OF VACANT SPACE IN THIS CITY EXCEEDS A THREE – YEAR ABSORPTION PERIOD.

WE WOULD HOPE THAT YOU WOULD SIMPLY EXEMPT FROM FEE ANY PROPERTY BEING MARKETED FOR SALE OR LEASE THROUGH A CITY LICENSE - PAYING REAL ESTATE

BROKER, AND CHALK UP THE FORGIVEN FEES TO ECONOMIC STIMULUS. YOU ARE, AFTER ALL, COLLECTING THE PROPERTY TAXES.

ALTERNATIVELY, HAVING GRANTED A THREE – YEAR EXEMPTION, ALLOW FOR A RENEWED THREE – YEAR EXEMPTION BEFORE THE FEE STARTS. WE ALL HOPE THE ECONOMY REBOUNDS BY THEN.

AND REGARDLESS OF ANY DECISION MADE ON EXEMPTION TIMING, SUBPARAGRAPH B ON LINE 110 SHOULD START WITH, QUOTE, BEGINNING AT THE ENACTMENT DATE OF THIS ORDINANCE, END QUOTE, THE FOLLOWING PROPERTIES SHALL BE REGISTERED AS VACANT, AND SO FORTH AND SO ON.

FINALLY, WHILE WE BELIEVE THAT THE CITY TAX ASSESSOR, WHO IS BELOVED FAR AND WIDE EVEN BEYOND THE BORDERS OF THE CITY OF DOVER, IS TYPICALLY HIGH IN HER ESTIMATES OF THE ASSESSED VALUES THROUGHOUT THE CITY, WE BELIEVE AN APPEAL OF THE 25 PERCENT RULE SHOULD NOT REQUIRE A COMPLETE APPRAISAL, BUT RATHER A MARKET ANALYSIS SHOWING THE OWNER'S ESTIMATE OF THE MARKET RENT, UNLESS A COMPLETE APPRAISAL WOULD CULMINATE IN AN UPDATED ASSESSMENT FOR PROPERTY TAXES.

THANK YOU LADIES AND GENTLEMEN, FOR THE OPPORTUNITY TO ADDRESS THESE IMPORTANT ISSUES WITH YOU THIS EVENING. ON BEHALF OF THE KENT COUNTY ASSOCIATION OF REALTORS®, I WILL SUBMIT THESE COMMENTS IN WRITING FOR THE RECORD.

COMMENTS FOR CITY OF DOVER

KENT COUNTY ASSOCIATION OF REALTORS®

(1a) DEFINITION OF VACANT BUILDING

THE KENT COUNTY ASSOCIATION OF REALTORS® SUPPORTS THE CITY'S EFFORTS IN BUILDING AND MAINTAINING THE STRONGEST AND SAFEST COMMUNITY POSSIBLE. WE ARE PROUD TO CONTRIBUTE TO THE CITY OF DOVER'S EFFORTS TO THIS GOAL BY PARTNERING WHEREVER WE CAN WITH THE CITY OF DOVER.

KCAR HOWEVER HAS IDENTIFIED A PROBLEM WITH THE CITY OF DOVER VACANT BUILDING ORDINANCE, HOWEVER, WHICH IS SPECIFICALLY THE DEFINITION OF VACANT BUILDING, WHICH HAS BECOME IN OUR OPINION A PROBLEM WHICH NEEDS BE MANAGED IMMEDIATELY, ESPECIALLY CONSIDERING THE DISCUSSION CONCERNING CHANGES TO THE VACANT BUILDING ORDINANCE WE HAVE BEFORE US TONIGHT.

IT SEEMS THAT IF ANY PORTION OF A BUILDING IN THE CITY OF DOVER BECOMES VACANT, THEN THE ENTIRE BUILDING MUST BE REGISTERED ON THE VACANT BUILDING LIST. THIS MUST SURELY BE AN INTERPRETATION PROBLEM AND LIMITATION WITH THE EXISTING DEFINITION.

SPECIFICALLY, I HAVE A LISTING ON SOUTH STATE STREET WHICH IS OCCUPIED ON THE SECOND AND THIRD FLOOR, BUT VACANT ON THE FIRST FLOOR. THIS BUILDING IS NOT VACANT, IT IS OCCUPIED, ALBEIT PARTIALLY, BUT THIS BUILDING IS *NOT VACANT*. SO WHEN THE OWNER RECEIVES A LETTER FROM THE CITY INSPECTIONS DEPARTMENT INFORMING HIM TO REGISTER FOR THE VACANT BUILDING LIST, AND INFORMING HIM OF HIS OBLIGATIONS IN TERMS OF PAYING FEES THEREFORE, YOU CAN UNDERSTAND HIS ALARM AND CONCERN.

PERSONALLY, I HAVE VACANCY AT COURTNEY SQUARE SHOPPING CENTER, AND IN FACT HAVE A VACANT OFFICE SUITE IN MY BUILDING AT 555 EAST LOOCKERMAN STREET. I ALSO HAVE A PRETTY STRONG OCCUPANCY RATE AT THESE PROPERTIES. BY DEFINITION, I AM SUPPOSED TO REGISTER THESE PROPERTIES ON THE VACANT BUILDING LIST. I OBJECT TO THAT FOR A NUMBER OF REASONS.

PRIMARILY, THE BUILDINGS ARE OCCUPIED, AND NOT VACANT. I FAIL TO SEE THE PURPOSE OF REQUIRING PROPERTY OWNERS TO REGISTER PARTIALLY OCCUPIED BUILDINGS ON A LIST BECAUSE THERE IS A VACANT UNIT OR VACANT SUITE, UNLESS THE GOAL IS DEVELOP A LONG ENOUGH LIST SO AS TO REQUIRE ANOTHER INSPECTOR TO INSPECT THE LIST.

ACTUALLY, BY MY READING OF THE DEFINITION, A VACANT APARTMENT UNIT IN ANY APARTMENT COMPLEX REQUIRES REGISTRY ON THE VACANT BUILDING LIST.

WE UNDERSTAND BUT ARE OPPOSED TO THE VACANT BUILDING LIST IN THE FIRST PLACE. NO PROPERTY OWNER HAS A GOAL OF VACANT SPACE. VACANT SPACE SIMPLY DOES NOT PAY. WE UNDERSTAND BUT ARE OPPOSED TO YOUR NEED TO KEEP A LIST OF VACANT BUILDINGS, *ENTIRELY* VACANT BUILDINGS, FOR POLICE INSPECTIONS, AND FOR PHYSICAL DETERIORATION, AND FOR WHATEVER OTHER HEALTH AND SAFETY REASON YOU HAVE, HOWEVER, REGISTRATION OF PARTIALLY OCCUPIED BUILDINGS ON A VACANT BUILDING LIST IS AN UNNECESSARY ACT THE LEADS TO UNNECESSARY REGULATION THAT LEADS TO UNNECESSARY WORK THAT LEADS TO UNNECESSARY EXPENSE AT THE INSPECTIONS DEPARTMENT.

I CAN NAME A NUMBER OF OTHER PROPERTIES SUFFERING THE SAME OBSTACLES. I AGAIN POINT OUT THAT, DESPITE THE FACT THERE IS CURRENTLY AN ABUNDANCE OF

VACANT SPACE THROUGHOUT THE CITY OF DOVER, IT IS THE ECONOMY CAUSING THIS PROBLEM, AND NOT THE PROPERTY OWNERS.

I AM STRUGGLING TO UNDERSTAND WHY PEOPLE HAVE TO PAY A FEE TO BE VACANT IN THE FIRST PLACE. IT SEEMS WE ARE ATTEMPTING HERE TO TAX THE POOR. THE PROPERTY OWNER PAYS PROPERTY TAXES, WHICH ENTITLES THAT PROPERTY OWNER TO SOME CITY SERVICES.

I CAN GO ON, AND ON, AND ON, BUT I THINK YOU CAN UNDERSTAND THAT A PARTIALLY OCCUPIED BUILDING IS NOT A VACANT BUILDING, AND SHOULD NOT BE FORCED TO PAY FEE, OR EVEN BE REGISTERED ON A LIST OF VACANT BUILDINGS.

I HOPE WE CAN TAKE THIS OPPORTUNITY TO REVIEW THIS DEFINITION OF VACANT BUILDINGS, AND IF YOU MUST FEE A VACANT BUILDING OWNER, THEN FEE A VACANT BUILDING, AND NOT A PARTIALLY OCCUPIED BUILDING WITH SOME VACANCY THAT HAS PROBABLY RESULTED FROM THE INABILITY OF THE CURRENT ECONOMIC ENVIRONMENT TO PRODUCE ENOUGH BUSINESS EXPANSION TO ABSORB THE VACANT SPACES IN THIS CITY.

CITY OF DOVER
AMENDMENT 1 TO
ORDINANCE #2013-04

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Ordinance #2013-04 be amended by inserting the following text between lines 149 and 150:

(d) A landlord may opt out of the crime free lease addendum requirement by submitting the following:

1. ***A letter declining to participate in the crime free housing lease program; and***
2. ***A surcharge as specified in Appendix F: Fees and Fines.***

BE IT FURTHER ORDAINED THAT APPENDIX F: FEES AND FINES BE AMENDED BY ADDING THE FOLLOWING:

Sec. 22-372—Crime free housing lease addendum		
Subsec. (d) 2.	***Surcharge for declining to participate in the crime free housing lease program***	***$50.00 per dwelling unit***

SYNOPSIS

The proposed amendment would allow for landlords to opt out of the crime free housing requirement, and would require a per dwelling surcharge on rental permits for those who opt out.

CITY OF DOVER
AMENDMENT 2 TO
ORDINANCE #2013-04

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Ordinance #2013-04 be amended by deleting lines 123 through 128 and inserting the following text in its place:

(a) All persons applying for a rental dwelling permit, and all persons administering, managing or controlling the operation of any rental dwelling unit must attend a crime free housing seminar, administered by the Dover police department, within 12 months of issuance of the permit. Each rental permit holder and each rental property manager must attend a seminar every three years. Documentation shall be submitted to the department of planning and inspections and kept on file within the department.

(b) Persons holding a real estate sales license are exempt from the requirement to attend the crime free housing seminar. If a rental permit held by a person holding a real estate sales license is suspended in accordance with Section 22-373, he shall be required to attend a crime free housing seminar before reinstatement of the suspended rental permit.

SYNOPSIS

The proposed amendment would exempt licensed real estate agents from the requirement to attend the crime free housing seminar, unless their rental permit is suspended for failure to enforce the crime free housing lease provisions.

CITY OF DOVER
AMENDMENT 3 TO
ORDINANCE #2013-04

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Ordinance #2013-04 be amended by deleting the words "distribution, use, or possession" on lines 137 and 138 and replacing them with "or distribution".

SYNOPSIS

The proposed amendment would not include use or possession of illegal drugs as a violation of the crime free housing lease addendum.

Maureen Bauer
22 Kent Cir
Dover, DE 19904
January 10, 2013

City Council Members
City of Dover
RE: Ordinance - Rental Permit Program

To Whom It May Concern:

I am writing this letter to voice my support of a city ordinance that will attempt to clamp down on nuisance rental properties through the use of a point system. From my understanding this ordinance will put in place a point system that would assess fees and/or pull rental licenses from landlords that are repeat offenders. A rental ordinance of this nature would help to preserve property values and the quality of neighborhoods.

Landlords often only view their job as profiting from managing property and refuse to acknowledge their responsibility to the community in which they rent properties. Some landlords may see tenant-caused criminal behavior as a police issue. Landlords with these views, do not acknowledge their responsibility, and therefore become enablers that permit the nuisances and the crime.

Rental properties that continue to house nuisance behavior may cause the reputation within a neighborhood to decline. This will in turn lower property values and cause upstanding citizens within the neighborhood to move away. When a neighborhood is on the decline the landlord's ability to collect an appropriate amount of rent may also be affected.

As a resident of The Hamlet I have personal experience with a nuisance rental property that has had far reaching effects within our community. The property I am referring to is 141 Old Forge Drive, Dover DE 19904. The property is owned by Mr. Johnson who resides in New Jersey. Below I will list the offenses by residents of this property:

2-3-12 Javon Pollard arrested for Robbery 1st(4 counts), Conspiracy 2nd(4 counts), Poss Deadly Weapon Dur Comm of a Felony

12-7-2011 Domino's pizza man robbed at gunpoint in the area of 44 Village Dr (The Hamlet).

1-29-2012 at approx. 1930 the robbery and assault of a 26 yr old man occurred at the rear of JW's (The Hamlet).

1-31-2012 at approx. 2240 pizza delivery man robbed at gunpoint and beaten with an aluminum baseball bat after he attempted to deliver an order to 54 Forest Creek Dr (The Hamlet).

Two nights prior a Pizza Hut delivery man was robbed at gunpoint (The Hamlet).

8-23-12 Jonair Pollar arrested for 1st Poss Firearm Dur Comm of a Felony, Poss Firearm By Person Prohibited CCDW Aggravated Menacing Conspiracy 2nd

In addition to the offenses listed above the children that currently reside at this property continue to cause a nuisance. They come and go at all hours, slamming the front door upon leaving and returning. The children argue loudly with their mother while outside. Since it has gotten colder we see less of these children but warm weather will come and they will be outside yet again. They are always loud when playing outside and with other children. The children from 141 Old Forge Drive have no regard for their neighbor's property, walking all over it, and occasionally destroying it.

When these two boys are released we fear they will return to our development (The Hamlet). If this happens we will continue to live with an increased fear that they will resume their previous criminal behavior.

The offenses above have made me feel that I am no longer safe in my neighborhood. My quality of life has decreased as I spend the majority of my time indoors. I no longer feel that my neighborhood is suitable for raising my child. I am certain my property value has decreased as I know the house next door sold for far under its value. One neighbor on Hitching Post and one on Old Forge have moved out due to the nuisance house.

Before this particular family moved into 141 Old Forge Dr the family that lived there prior was a nuisance in a different manner. They did not cut their grass frequently and often left trash in the front yard. This house and its landlord have always created a problem with city inspectors and the police.

Our community feels as though the landlord of 141 Old Forge Dr has no concern for the safety and well-being of the residents of The Hamlet. He is fully aware of the actions of his tenant's children and has taken no steps to remedy this situation or any previous issues.

Residents of The Hamlet attended a meeting at the City of Dover Police Department to discuss the nuisance house. Multiple city officials attended this as well as Deputy Attorney General Dan Logan. While we obtained much new information, we left the meeting feeling as though nothing could or would be done to assist us. Our neighborhood feels as though there is no current code, ordinance, or current law to help in matters of this nature. The Hamlet is just one example of a neighborhood in which a nuisance property is ruining the quality of life, property value, and overall safety. The City of Dover Police Department has stated this is an issue throughout the city.

I think that this is an important and effective rental ordinance. It will benefit the community at large by assisting in matters in which there is no current recourse. This ordinance will allow the residents of Dover to know that landlords may not allow their tenants to continuously cause a nuisance. It will hold those landlords that allow their rental properties to be nuisances to be accountable for their lack of action.

Thank you for your time.

Sincerely,

Maureen Bauer

Maureen Bauer

By signing below I hereby state that I have read pages 1-3 of this letter to the City Council of Dover, in reference to the ordinance – rental permit program. I also state that I agree that this would be a great benefit to the entire city.

Name: MICHAEL STAMAS

Development: PARKERS RUN

Name: Mary Jane D'Sarkey

Development: The Hamlet

Name: Timothy Hemmis

Development: The Hamlet

Name: Paul Ruzzo12

Development: The Hamlet

Name:

Development: THE HAMLET

Name: Rebecca Ringgold

Development: The Hamlet

Name: Gayla Reasons

Development: THE HAMLET

Name: Sharon Bauer

Development: The Hamlet

Name: Willie Miller Name: _____

Development: The Hamlet Development: _____

Name: Adam Cask Name: _____

Development: The Hamlet Development: _____

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Development: Hamlet Development: _____

Name: _____ Name: _____

Development: _____ Development: _____

COMMENTS FOR CITY OF DOVER

KENT COUNTY ASSOCIATION OF REALTORS®

(2) CRIME FREE HOUSING PROGRAM ORDINANCE

THE KENT COUNTY ASSOCIATION OF REALTORS® SUPPORTS THE CITY'S EFFORTS IN ATTEMPTING TO FIND A SOLUTION TO THE CRIMINAL ACTIVITY OCCURRING IN RENTAL HOUSING. WE HOPE YOU ALL RECOGNIZE THAT CRIMINAL ACTIVITY IS NOT LIMITED TO RENTAL HOUSING ALONE.

I AM A MEMBER OF THE NATIONAL, DELAWARE, AND KENT COUNTY ASSOCIATIONS OF REALTORS®, ALONG WITH A MILLION OR SO OTHER MEMBERS OF NAR, AND 3600 OR SO OTHER MEMBERS OF DAR, AND 375 OR SO OTHER MEMBERS OF KCAR. WE ARE ALSO LICENSED AND REGULATED BY THE STATE OF DELAWARE DIVISION OF PROFESSIONAL REGULATION. WE SUBSCRIBE TO A PROFESSIONAL CODE OF ETHICS. AND FINALLY, WE WORK EVERY DAY TO STRENGTHEN OUR COMMUNITIES.

TO SUGGEST THAT WE NEED TO TAKE A CRIME PREVENTION CLASS ADMINISTERED BY A POLICE DEPARTMENT IS UNREASONABLE AND OBJECTIONABLE.

THE STATE DIVISION OF PROFESSIONAL REGULATION PROVIDES FOR THE DELAWARE REAL ESTATE COMMISSION, AND THEY USUALLY, IN ACCORDANCE WITH THE CONSTITUTION OF THE NATION AND THE STATE OF DELAWARE, WAIT UNTIL SOMEBODY IS GUILTY OF A VIOLATION BEFORE THEY ADMINISTER DISCIPLINE. WE DISAGREE THAT THE CRIME PREVENTION CLASSES SHOULD BE EXPANDED TO ALL RENTAL HOUSING IN THE CITY. AND WE HAVE ALTERNATIVES TO PROPOSE.

SPECIFICALLY TO THE ORDINANCE, WE AGREE THAT RENTAL PERMIT FEES SHOULD BE PRORATED, EVEN THOUGH WE OBJECT TO THE IMPOSITION OF SUCH FEES IN THE FIRST PLACE, BUT WE SUPPORT THE PROPOSAL IN LINES 77 AND 85 OF SECTION 22 - 351 TO

PRORATE FEES. WE NOTE THAT SUCH FEES WERE CHANGED FROM PRORATED TO ANNIVERSARY DATE COLLECTION IN THE VACANT BUILDING ORDINANCE PROPOSAL, SO FROM A CONSISTENCY STANDPOINT WE QUESTION WHETHER THE METHODS SHOULD MIRROR EACH TO THE OTHER.

WE OBJECT TO SECTION 22 – 371 IN ITS ENTIRETY. WE LICENSED REAL ESTATE AGENTS AND BROKERS ARE REQUIRED TO TAKE A GREAT DEAL OF CONTINUING EDUCATION AS REQUIRED BY THE DELAWARE REAL ESTATE COMMISSION. WE HAVE A CODE OF ETHICS WHICH REQUIRES US TO PROMOTE A PROPERTY OWNER'S BEST INTERESTS, AND KNOWINGLY ALLOWING CRIMINAL ACTIVITY IN AN OWNER'S PROPERTY IS HIGH UP ON THE LIST OF UNETHICAL BEHAVIOR, WHICH WOULD SUBJECT THAT MEMBER TO DISCIPLINARY ACTION.

SECONDLY, ANY REALTOR® MEMBER, OR ANY STATE – LICENSED REAL ESTATE SALESPERSON OR BROKER, WILL BE SMART ENOUGH TO INCLUDE DEFAULT LANGUAGE IN THEIR LEASE AGREEMENTS WHICH (1) PROHIBIT CRIMINAL ACTIVITY IN THE DEMISED PREMISES, (2) WOULD SPECIFICALLY STATE THAT ANY CRIMINAL ACTIVITY WOULD CONSTITUTE A DEFAULT OF THE LEASE AGREEMENTS, AND (3) WOULD PROVIDE GROUNDS FOR TERMINATION OF THE LEASE AGREEMENT. WE DO NOT LIMIT OUR CRIMINAL ACTIVITY CLAUSES TO "DRUG – RELATED" BUT RATHER *ALL* CRIMINAL ACTIVITY.

THE KENT COUNTY ASSOCIATIONS OF REALTORS® WOULD BE REALLY SURPRISED THAT ANY LICENSEE *CREATES* AN ENVIRONMENT FOR CRIMINAL ACTIVITY IN A RENTAL UNIT, OR EVEN IN AN OWNER – OCCUPIED UNIT. SO WE OBJECT TO SECTION 22 – 371 IN ITS ENTIRETY AS IT RELATES TO PROFESSIONAL PROPERTY MANAGERS AND DELAWARE – LICENSED REAL ESTATE SALES PERSONS AND BROKERS.

WE DO NOT BELIEVE THAT ANYBODY KNOWINGLY WOULD PERMIT CRIMINAL ACTIVITY TO OCCUR IN A DWELLING UNIT; NOR DO WE BELIEVE THAT CRIMINALS ANNOUNCE THEIR INTENTIONS AT THE TIME OF SIGNING THE LEASE AGREEMENT, MAKING IT DIFFICULT TO LEGALLY IDENTIFY CRIMINAL INTENTIONS AT THE TIME LEASES ARE SIGNED.

WE RECOGNIZE FULLY THE FINE LINE BEING WALKED EVERY DAY BY THE GUARDIANS OF OUR SAFETY, AND THE LEADERS OF OUR GOVERNMENT, AND THOSE OF US IN THE FIELD TRYING TO COMPLY WITH THE NUMBER OF RULES AND REGULATIONS WHICH WE FACE. PRONOUNCING GUILT IN ADVANCE OF A VIOLATION IS NOT THE ANSWER IN OUR OPINION.

SO PLEASE EXEMPT LICENSED REAL ESTATE AGENTS, BROKERS, AND PROPERTY MANAGERS FROM SECTION 22 – 371.

THANK YOU LADIES AND GENTLEMEN, FOR THE OPPORTUNITY TO ADDRESS THESE IMPORTANT ISSUES WITH YOU THIS EVENING. ON BEHALF OF THE KENT COUNTY ASSOCIATION OF REALTORS®, I WILL SUBMIT THESE COMMENTS IN WRITING FOR THE RECORD.