



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Matthew R. Walsh, Deputy City Manager - Development
Jennifer Johnston, Human Resources and Labor Relations Director

DATE: June 4, 2024

SUBJECT: Community Development Department Reorganization

Recommendation

- 1) Accept this report;
- 2) Set the attached for public hearing on July 8, 2024:
 - a. An Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 30, Administrative Code.

This amendment will transfer zoning and other responsibilities from the Code Division to the Planning Division. It also serves to clarify duties of other Divisions within the Department and codify responsibilities which were transferred from the City Manager's Office to the Administration Division of the Community Development Department as part of a reorganization which was completed in spring 2023.

- b. An Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index.

This amendment will change titles and job descriptions for positions associated with planning and zoning by this reorganization.

- c. An Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance.

This amendment helps effectuate the transfer of zoning from the Code Division to Planning Division by removing references in the Zoning Ordinance to the Code Administrator and replace with Deputy City Manager – Development, or their Designee.

Background

On June 15, 1998, the City Council adopted Ordinance #2272, which established the Community Development Department. The Department is responsible for the regulation and facilitation of development activities within the City. The Department is comprised of the following Divisions: Administration (which includes Economic Development and Special Projects / Initiatives), Code Administration, Community Planning, and Engineering Services. Since the Department's inception, administration and enforcement of the zoning ordinance has been within the purview of the Code Administration Division.

On April 10, 2023, the City Council adopted Ordinance #3147, which implemented a reorganization of the Department by transferring certain responsibilities from the City Manager's Office to the Community Development Department pertaining to economic development (business retention / recruitment, public/private partnerships, tax increment financing, RSA 79-E program, etc.), community development block grant program, revolving loan fund program, special projects, sustainability, parking, and capital budgeting. Said Ordinance also created the positions of: Assistant Community Development Director (which was filled on September 11, 2023), Director of Special Projects and Strategic Initiatives (which was filled on July 3, 2023), as well as Permitting System Coordinator (which is presently vacant and proposed to be repealed as part of the FY2025 Budget as the GIS Coordinator has been promoted to assume these responsibilities.

On May 5, 2023 the position of Community Development Specialist become vacant. This vacancy created the opportunity to restructure administrative support for the Community Development Department's Administration Division (including recently created Assistant Community Development Director and Director of Special Projects and Strategic Initiatives), as well as help address administrative support needs of other City Departments, including the Human Resources Department and City Manager's Office.

On January 25, 2024, the position of City Planner became vacant. On April 12, 2024, the position of Zoning Administrator became vacant. Combined, these vacancies present a unique opportunity to reorganize the Community Development Department by transferring zoning from the Code Administration Division to the Planning Division.

Discussion

1) Planning and Zoning Reorganization:

- a. **Overview:** Community Development Department goals set forth in the adopted FY2025 Budget contemplated a reorganization of the planning and zoning within the department.

Under this proposal, and in accordance with FY2025 Budget goals, zoning administration and enforcement would be transferred from the Code Administration Division to the Community Planning Division. As such, the Community Planning Division, which is responsible for crafting the Zoning Ordinance and related amendments, shall also become responsible for interpretation of the Zoning Ordinance, review and processing of applications for administrative appeals, variances, special exceptions, and equitable waivers, and staff support to the Zoning Board of Adjustment. However, administrative

support for the Zoning Board of Adjustment (i.e. mailing of abutter notices, preparation of agenda packages, and preparation of minutes) will remain with the Code Administration Division. The Community Planning Division shall also become responsible for processing sign applications, as well as enforcement of zoning violations.

Related to these changes, support for the City Tree Committee will be transferred from the Community Planning Division to the Administration Division of the Community Development Department. Specifically, the Tree Committee will now be staffed by the Director of Special Projects and Strategic Initiatives, as this subject matter better aligns with this position's responsibilities, which includes various programs pertaining to sustainability and the environment.

These changes necessitate amendments to Code of Ordinances, Title V, Administrative Code; Chapter 30, Administrative Code, Section 30-2-20 "Community Development Department". Said ordinance establishes the duties and responsibilities of the Department, and Divisions thereof. As a result of this reorganization, responsibilities of the Code and Planning Divisions shall be modified. Following completion of the reorganization, the respective responsibilities of the Code Administration and Community Planning Divisions shall be as follows:

- Code Administration Division: Areas of responsibility are:
 - (1) Administer the building, housing, health, and licensing regulations;
 - (2) Coordinate appeals to the Building Board of Appeals;
 - (3) Review plans for code compliance and issue building, plumbing, electrical, mechanical, demolition, and special event permits;
 - (4) Conduct inspections and issue certificates of occupancy upon verification of plan compliance;
 - (5) Inspect rooming houses and rental residential units to ensure compliance with pertinent ordinances;
 - (6) Regulate food service establishments through inspections;
 - (7) Investigate food borne illnesses, insect infestation, mosquito related illnesses, and other public health issues;
 - (8) Administer a variety of different licenses;
 - (9) Maintain applicable building records;
 - (10) Perform all other functions that may be required by law or ordinance; and,
 - (11) Perform all other related functions as directed by the Deputy City Manager—Development.
- Planning Division: Areas of responsibility are:
 - (1) Coordinate the Development Review process for the City of Concord;
 - (2) Provide staff assistance to the Planning Board, Conservation Commission, Architectural Design Review Committee, Technical Review Committee, Trails Committee, Heritage Commission, Zoning Board of Adjustment, and other City committees as required;
 - (3) Working with the Code Administration Division, coordinate applications to the Heritage Commission's Demolition Review Committee;
 - (4) Administer Site Plan and Subdivision regulations, approvals and permits as well as Voluntary Lot Mergers, Conditional Use Permits,

- Comprehensive Development Plans, and Design Review approvals on behalf of the Planning Board;
- (5) Perform field inspections to ensure projects are constructed in accordance with Planning Board approvals;
 - (6) Enforce compliance with Planning Board permits and approvals;
 - (7) Administer and enforce the Concord Zoning Ordinance; assist the Zoning Board of Adjustment by processing applications for variances, equitable waivers, special exceptions, and administrative appeals;
 - (8) Review, process, and administer sign permits;
 - (9) Coordinate and administer the City's flood plain regulatory efforts with regional, state and federal agencies.
 - (10) Administer conservation property and agricultural leases on City property;
 - (11) Make recommendations of Mapped Line of Future Streets, street acceptances or discontinuances, and disposition of tax deeded properties on behalf of the Planning Board;
 - (12) Administer the City of Concord Impact Fee Ordinance;
 - (13) Participate in the approval process for the issuance of Certificates of Occupancy;
 - (14) Provide long range planning services to the City including preparation of updates to the Master Plan, Open Space Plan and other plans and studies related to land use;
 - (15) As needed, coordinate with local, regional, state and federal agencies, and/or civic or business associations, on matters of local or regional planning;
 - (16) As needed, prepare and review proposed amendments to the Concord Zoning Ordinance in coordination with the Code Administration, Engineering Services, and Administration Divisions;
 - (17) Prepare and maintain records on the City's housing and demographic trends;
 - (18) Maintain the official files for the Planning Board and all other Boards / Commissions / Committees which the Division provides primary staff support; and
 - (19) Perform all other related functions as directed by the Deputy City Manager—Development.

Please see proposed amendments to Section 30-2-20 as attached to this report for more information.

Transferring zoning administration and enforcement from Code to Planning necessitates changes to the zoning ordinance. As such, references to the Code Administrator have been removed and replaced with the Deputy City Manager – Development or designee. Following adoption of this amendment, and completion of the reorganization, the City Planner will be designated by the Deputy City Manager to administer and enforce the zoning ordinance.

- b. Staffing Modifications: To implement the Planning and Zoning reorganization, the following staffing changes will be implemented. Please see the attached organizational chart for more information.

- i. Code Administrator: The Code Administrator's job description will be modified to remove responsibilities related to zoning administration and enforcement. All other duties of the position will remain unchanged.
- ii. Zoning Administrator transitions to Assistant City Planner - Zoning: This position will be eliminated and replaced by the position of "Assistant City Planner – Zoning". Working under the supervision of the City Planner, this position will remain responsible for interpreting and administering the Zoning Ordinance, reviewing and processing applications to the Zoning Board of Adjustment and supervising the Planning and Zoning Inspector.

In addition to zoning administration and enforcement responsibility, the position will also review Planning Board applications. The position will also serve as back up to other positions in the Planning Division as circumstances may warrant.

The former Zoning Administrator position was classified at Labor Grade 21. Assistant City Planner positions are classified at Labor Grade 22. There is a \$10,982+/- difference between the top step of these labor grades.

- iii. Code Inspector transitions to Planning and Zoning Inspector: The Code Inspector position will be eliminated and replaced with the position of "Planning and Zoning Inspector". The position will remain a part-time position 20 hours per week and report to the Assistant City Planner – Zoning (i.e. the successor to the Zoning Administrator). This arrangement carries forward the current organizational structure for supervising this position. In addition to inspecting and enforcing zoning violations, the position will also assist with enforcement actions pertaining to compliance with Planning Board permits and approvals, particularly those which may arise after the issuance of a certificate of occupancy.
- iv. City Planner: The City Planner's job description will be revised to include all aspects of zoning administration and enforcement. Other clarifications to the position's current responsibilities are also included.
- v. Assistant City Planner transitions to Assistant City Planner - Planning: Other than changes to title, the job description remains essentially unchanged and will continue to be primary staff support to the Conservation Commission, handle administration of all programs related thereto (except the Tree Program, which will be reassigned to the Director of Special Projects and Strategic Initiatives as discussed previously herein), and will continue to supervise the part-time Trail Ranger position. Like the Assistant City Planner – Zoning, the position will also review Planning Board applications and will also serve as back up to other positions in the Planning Division as circumstances may warrant.

As part of this reorganization, the job description of the Senior Planner will also be updated to reflect current duties; however, there is no substantive change of

responsibilities.

There are no other changes to positions in the Code Administration or Community Planning Divisions beyond those described above.

This reorganization will be implemented incrementally as staff positions are filled.

c. Benefits for the Organization and Community: The benefits of the proposed planning and zoning reorganization are as follows:

- i. The City's Zoning Ordinance, Subdivision, and Site Plan Review Regulations are very entwined and interwoven with one another. As such, successful administration of the City's land use development permitting process requires a comprehensive understanding of each set of regulations, and consistently uniform interpretation thereof. Also, it is not atypical for a development project to require zoning relief in addition to planning board permits and approvals.

Transferring zoning administration from Code to Planning will centralize the preparation, interpretation, administration and enforcement of all land use regulations. This will improve the administration and implementation of said regulations, as well as help foster and retain long-term institutional knowledge related to these regulations.

Additionally, this reorganization will centralize key aspects of development permitting process, thus fostering improved continuity between planning and zoning regulations and improving customer service.

- ii. Transferring zoning administration related staff from Code to Planning will provide additional staff to assist with planning related activities, including Planning Board support. This is especially beneficial as the City looks to proceed with a Master Plan (currently programmed for FY2026 in the Capital Improvement Program), and subsequent future zoning and regulatory updates thereafter.
- iii. Bringing zoning enforcement staff from Code to Planning will provide additional resources to help enforce compliance with Planning Board permits and approvals, especially long-term compliance after the issuance of a certificate of occupancy.
- iv. Finding a Code Administrator who is proficient in building, housing, health, and property maintenance codes, as well as zoning administration and enforcement, is often challenging. Fortunately, the current Code Administrator has a good understanding of these areas. However, transferring zoning from Code to Planning may, in the long-term, make it easier to find a new Code Administrator when the current staff person retires. Additionally, generally speaking, professional planners, due to their educational background and experience, have more exposure and better understanding of zoning administration and enforcement than most code enforcement personnel. For these reasons, it is appropriate for zoning to reside in the Planning Division.

2) Community Development Specialist Reorganization:

- a. Overview: As previously noted, the Community Development Specialist has been vacant since May 5, 2023. This full-time position was intentionally held open to allow the recently reorganized Administration Division of the Community Development Department, and the newly created positions of Assistant Community Development Director and Director of Special Projects and Strategic Initiatives, time to acclimate to their respective roles and determine administrative needs related thereto.

Over the past year, it has been determined that administrative support needs of the Administration Division does not warrant a full-time position.

Simultaneously, the workload of the Human Resources Department justifies administrative support. The Human Resources Department, which has four staff, presently does not have any dedicated administrative support. Additionally, it is anticipated that staff retirements may occur within this Department in the intermediate future. As such, City Administration is cognizant of the need to foster succession planning in the Human Resources Department, and this proposed reorganization could support such efforts.

Additionally, the City Manager's Office also needs additional administrative staff support, particularly during periods when the Executive Assistant is away from the office.

- b. Staffing Modifications: To implement this proposed reorganization, the following staffing changes will be implemented:
 - i. Community Development Specialist: This position will be eliminated. It was a contractual position (United Auto Workers) at Labor Grade 15.
 - ii. Administrative Coordinator: A new position titled "Administrative Coordinator" will be established. Given the position's involvement with the Human Resources and the City Manager's Office, and management of highly sensitive confidential items therewith including those pertaining to collective bargaining, this will be a noncontractual position. The new position will be established at Labor Grade 16, and will be physically based in the Community Development Department, although it will support the Human Resources Department and City Manager's Office.

The position's responsibilities for the Community Development Department will include normal and customary administrative tasks (payroll, purchase orders, front line interaction with the public, assisting with updates to the City's website for those areas within the purview of the Administration Division, as well as assisting with departmental recruitments), administrative support to the Airport Advisory Committee, Community Development Advisory Committee, Energy and Environment Committee, Parking Committee, as well as the Tax Increment Finance Advisory Boards (i.e. assisting with agenda packages, minutes, etc.). The position will also assist with financial administration of the

Revolving Loan Fund Program, Community Development Block Program, as well as capital improvement projects undertaken by the Administrative Division such as the Canal Street Riverfront Park, Merrimack River Greenway Trail, parking facility capital improvements, and others.

Responsibilities for the Human Resources Department will include normal and customary administrative tasks for staff involved in the Recruitment, Benefits, Leave Management, HRIS Systems management, Training, and Safety functional areas of the Human Resources department. The position will also assist with maintenance of personnel records, and assist with annual benefits enrollment process.

Lastly, the position will serve as back-up to the City Manager's Executive Assistant, as well as support staff in the Code Administration, Community Planning, and Engineering Services Divisions of the Community Development Department as needed.

The position will support the Community Development Department three days per week (24 hours) and the Human Resources Department 2 days per week (16 hours). Hours will be flexed to accommodate the needs of the City Manager's Office and the Human Resources Department.

- c. Benefits for the Organization and Community: The benefits of this proposed reorganization are as follows:
 - i. Administrative staff support for the Administration Division of the Community Development Department will be maintained, while simultaneously addressing support needs in the Human Resources Department and City Manager's Office.
 - ii. The reorganization creates the opportunity for potential succession planning in the Human Resources and City Manager's Office.
 - iii. This proposal efficiently addresses the needs of three City departments while remaining essentially cost neutral for the taxpayers.

3) Financial Impacts: Financial impacts of this proposed reorganization are as follows:

- a. Zoning Administrator to Assistant City Planner – Zoning: As previously discussed herein, the Zoning Administrator is Labor Grade 21 (\$72,966 - \$105,747). The new position of Assistant City Planner – Zoning will be classified at Labor Grade 22 (\$80,600 - \$116,729). There is approximately a \$10,982 difference between the top step of these respective labor grades.
- b. Community Development Specialist to Administrative Coordinator: As previously discussed herein, the Community Development Specialist is Labor Grade 15 (\$51,500 – \$74,609 / annually). The new position of Administrative Specialist will be classified at Labor Grade 16 (\$58,288 - \$78,624 annually). There is approximately a \$4,015 difference between the top step of these respective labor grades.

Pending City Council approval, recruitment for these new positions would commence in mid-July (early FY2025). City Administration is confident that hiring for these positions can be managed within the financial resources currently provided in the FY2025 Budget.