LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE
A G E N D A

MARCH 11, 2013 - 5:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at CityClerk@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. **Permanent Assignment of Duties Associated with Interim Managerial Plan and Organizational Changes**
   (Staff Recommends Approval of the Permanent Assignment of Duties, as Outlined)

2. **Downtown Dover Partnership (DDP) Request for Continued Staff Assistance and Support**
   (Staff Recommends Authorizing the City's Administrative Staff to Continue to Provide Administrative Support to the Downtown Dover Partnership (DDP) via Ms. Beverly Jackson Until December 31, 2013)

3. **Update on Community Meeting - Role and Scope of the Historic District Commission and the Historic District** ***(On January 28, 2013, City Council Approved the Committee'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 with Clear Recommendations on Whether and How the Role and Scope of the Historic District and/or the Historic District Commission Should Be Modified)***
   (Committee Action is Not Required)

4. **Proposed Ordinance - Staff Substitute #2 for Ordinance #2013-04 - Amending Chapter 22 - Buildings and Building Regulations, Article X - Rental Dwellings** ***(Committee Referred Back to Staff on February 11, 2013)***
   (Staff Recommends Adoption of Staff Substitute #2 for Ordinance #2013-04)

5. **Adjournment by 7:00 P.M.**

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

Memorandum

Office of the City Manager
PO Box 475
Dover, DE 19903
Phone: (302) 736-7005
FAX: (302) 736-7002
E-mail: skoenig@dover.de.us

To: **Members of Legislative, Finance, & Administration Committee**

From: **Scott D. Koenig, P.E.**
City Manager

Date: **March 6, 2013**

Subject: **Permanent Assignment of Duties Associated with Interim Managerial Plan and Organizational Changes**

In December of 2011, I requested and implemented a number of organizational changes related to a number of staff vacancies and the changing needs of our organization. Since that time, a number of staff positions have been filled while others have been vacated through resignation or retirement. I am requesting support of the following permanent changes to staff assignments, salary and organizational structure:

Public Works:

Under my original Interim Plan, Ms. Sharon Duca, P.E. was elevated to the position of Interim Public Works Director. Since that time, Ms. Duca has been offered and accepted the position of Public Works Director. One of her tasks has been to review the organizational structure of the reformed Public Works Department. In June 2012, the Public Utilities Operations / Construction Manager resigned from his position. Instead of filling this position, which supervised the City's construction crew in addition to other duties, the staff members that formerly reported to the position were placed under the supervision of the Water/Wastewater Maintenance Supervisor, Mr. Ralph McDougall. Originally, their assignments were related mostly to general maintenance items. In February 2013, the construction crew aspect of their duties was re-activated to begin construction of a new water line to support the Garrison Farm Development. New projects will continue to be assigned to this crew under the supervision of Mr. McDougall. Since the construction crew was not formerly the responsibility of the Water/Wastewater Maintenance Supervisor, the Director of Public Works had requested a review of the position to ensure internal equity in pay with respect to other positions given the new duties. The Water/Wastewater Maintenance Supervisor position is a Labor Grade 122. Human Resources completed an internal review of this position related to other positions within the Department of Public Works. They also reviewed the salary range with respect to a similar position at Kent County. Based upon this review, I am recommending that the salary for this position be increased from $54,576 to $61,000. This is an increase of $6,424 or 11.77%. The effective date of this salary change should be retroactive to February 1, 2013.

Currently, there is still one remaining position in the Department of Public Works that is receiving a managerial bonus related to the Interim Plan from December 2011. Due to recent retirements, a formal recommendation will be forthcoming in the next several months regarding this position and others within the department.

Information Technology:

Upon my appointment to Interim City Manager, I was informed of the capacity that Mr. Andy Siegel was serving in the Information Technology Department. In August 2010, Mr. Siegel was temporarily upgraded to the position of the Interim Information Technology Director by the former City Manager. His salary was placed at the entry level value of $76,314 for the grade of the Director's position. Earlier this year, I decided to offer Mr. Siegel the position of Information Technology Director, thus removing the interim label; however, no adjustment to his salary was made. Upon review of the circumstances, I was made aware that I made no consideration for the roughly 2.5 years that Mr. Siegel served as the Interim Director. If Mr. Siegel had been credited with 2.5 years of experience in the salary offer for the Director's position, the salary offer would have been $82,059. I am therefore recommending his salary be increased from $76,314 to $82,059. This is an increase of $5,745 or 7.53%. The recommended salary should be retroactive back to the date of promotion to the Director's position.

Finance:

Since I became the City Manager, a large bulk of the responsibility to prepare the City's Annual Budget has been shifted to the staff in the Finance Department. This was an effort to reduce duplication of effort and centralize our budgeting efforts. With the retirement of the former Senior City Administrator in the City Manager's office, it would have been necessary to hire additional staff to assist with the budget preparation and management. The transfer of the budget preparation function to the Finance Department has made it unnecessary to hire additional staff in the City Manager's office. The Controller personally assumed much of the budget functions in prior years and opted to not accept compensation for these additional duties. Instead, the Controller offered a portion of the proposed managerial bonus to the Financial Reporting and Accounting Manager (Labor Grade 125), Mrs. Tracey Lisiecki, in the amount of $175.00. This was done on a temporary basis and the bonus ceased in October 2012. The Human Resources Director has reviewed the position based on internal equity within the organization. I am recommending the salary for this position be increased from $68,835.24 to $71,600. This is an increase of $2,764.76 or 4.01%.

Planning:

In 2011 as part of the Interim Plan, the Director of Planning & Community Development, Mrs. Ann Marie Townshend, accepted the managerial responsibilities for the following divisions: Life Safety, Building Inspections and Economic Development. These areas represented ten (10) positions and were in addition to her regular permanent responsibilities for Planning, Community Development and Code Enforcement. A managerial bonus of $350.00 per month was implemented to compensate Mrs. Townshend for these additional responsibilities. Her current salary ($91,775.00) plus the monthly managerial bonus ($350.00) equates to annual compensation of $95,975.00.

In June of 2012, the Dover City Council voted to assign the oversight of the Economic Development Office and its three (3) employees to Mayor. Also in June of 2012, Mr. Zachary Carter elected to retire from the City.

Mr. Carter served as the Director of Parks and Recreation. Upon Mr. Carter's retirement, the Library function became a direct report to the City Manager. In addition, discussions between the City Manager and Mrs. Townshend resulted in the temporary assignment of managerial oversight for the Parks & Recreation staff to Mrs. Townshend. Mrs. Townshend has been serving as the Department Head for the Parks and Recreation function since July 1, 2012. Below is a summary of the Parks & Recreation function:

- Oversight of five (5) additional full-time employees, four (4) additional part-time employees, and temporary employees ranging from ten (10) to more than twenty (20) depending on programming needs.
- Responsible for the business operation of Recreation Division, including review of revenues, programming, promotion of programming, and approval of park permits.
- No change in compensation was initiated in July 2012; however, Mrs. Townshend did indicate that she wanted to revisit this issue once she was more comfortable with the duties and responsibilities associated with oversight of the function.
- Accomplishments within Recreation Division since July 2012:
  - Move of all Recreation staff to the J.W. Pitts Center;
  - Review and update of field rental rates;
  - Addition of birthday party packages;
  - Improving our outreach regarding our programming;
  - Review and restructuring of summer day camp program to reduce/eliminate subsidization with general fund dollars;
- Worked with staff to improve consistency with other City departments in operations (use of ADP, comp time, etc.)

The assignment of these duties to Mrs. Townshend has allowed the City to eliminate the Parks & Recreation Director position from the budget. This amounts to an annual salary savings of roughly $81,000 per year. The City also has realized a saving in benefit load over and above the $81,000 in annual salary. Mrs. Townshend has requested consideration of the following annual salary:

Current Salary ($91,775) + Current Managerial Bonus ($4,200) + P&R Function ($11,340) = $107,315.

Based on a business case review, the salary request of $11,340 to continue the managerial oversight of the Parks & Recreation Division is the lowest cost option. The city cannot hire managerial staff for less than $11,340 in salary. In viewing the current organizational structure of the City, the Parks & Recreation function cannot be easily assigned to another manager and the facts support that the assignment to the Director of Planning & Community Development has been a benefit to the City. Since the Director of Planning & Community Development is a Council appointed position, the City Council must endorse the transfer of the managerial responsibilities as well as the proposed salary. The total increase from $91,775 to $107,315 is $15,540 or 16.93%. I have attached Mrs. Townshend's request as Attachment A.

Currently, Mrs. Townshend's position is the 6th highest paid position in the City. If the request is approved, the position will become the 4th highest paid position in the City.

Summary

As a follow up to the December 2011 Interim Managerial Plan which saved the City an estimated $215,000 in annual salary, I am requesting the following increases to specific members of City staff who have taken on additional duties or permanent assignments since the Interim Managerial Plan was placed into action. The positions are as follows:

Position	Current	Adjusted	Difference	Percent Increase
Water/Wastewater Supervisor	$ 54,576	$ 61,000	$ 6,424	11.77
Information Technology Director	$ 76,314	$ 82,059	$ 5,745	7.53
Fin. Reporting & Acct. Manager	$ 68,835	$ 71,600	$ 2,765	4.01
Director of Planning & Insp.	$ 91,775	$ 107,315	$ 15,340	16.93

Total salary increase is $30,274. Total budgetary impact will be salary plus 40% load which is roughly $42,383.60. Funding for these increases will need to be covered by unused salary in the current year and will need to be budgeted for in FY-2014.

SDK/sdk
Attachment

ATTACHMENT A

Current salary: $91,775 (effective July 1, 2010 – not adjusted for furloughs)

Changes in responsibilities since July 1, 2010:

- December 2011 – Building Inspections, Licensing and Permitting, Fire Marshal's Office, and Economic Development moved under Director of Planning and Community Development
    - Oversight of 13 additional FTEs
    - Responsible for the business operation and all revenues associated with Planning and Inspections.
    - Compensated by bonus of $350 per month.
- July 2012 - Economic Development moved under the Mayor's Office (July 1, 2012)
    - Reduction of 3 FTEs associated with this office.
    - No change in compensation.
- July 2012 – Recreation Division moved under Director of Planning and Community Development
    - Oversight of 5 additional FT employees, 4 additional part time employees, and temporary employees ranging from 10 to more than 20 depending on programming needs.
    - Responsible for business operation of Recreation Division, including review of revenues, programming, promotion of programming, and approval of park permits.
    - No change in compensation; however, I indicated that I would want to revisit this once I am more familiar and comfortable with the responsibilities.
    - Accomplishments within Recreation Division since July 2012:
        - Move of all Recreation staff to the J.W. Pitts Center;
        - Review and update of field rental rates;
        - Addition of birthday party packages;
        - Improving our outreach regarding our programming;
        - Review and restructuring of summer day camp program to reduce/eliminate subsidization with general fund dollars;
        - Work with staff to improve consistency with other City departments in operations (use of ADP, comp time, etc.)

Savings to the City:

- Parks and Recreation Director salary was approximately $81,000 per year
- All responsibilities except oversight of the library and some of the parks capital projects assigned to Director of Planning and Community Development. Library has a full time director, so no library oversight was absorbed by other departments. A portion of the capital project oversight was assigned to Public Works. I estimate that approximately 70 -75 percent of the responsibilities were assumed by the Director of Planning and Community Development.
- Assuming that 70 percent of the Parks and Recreation Director position was assigned to the Director of Planning and Community Development, the value of this based on the former Parks and Recreation Director's salary is $56,700.

Proposal:

- Incorporate the current $350 per month bonus into base salary ($4,200 per year)
- Increase salary by additional $11,340 annually (20% of the $56,700 saved by assignment of responsibilities)
- $91,775 + $4,200+$12,000 = $107,315.

City of Dover
Recreation Trends
Fiscal Years 2002 - 2013

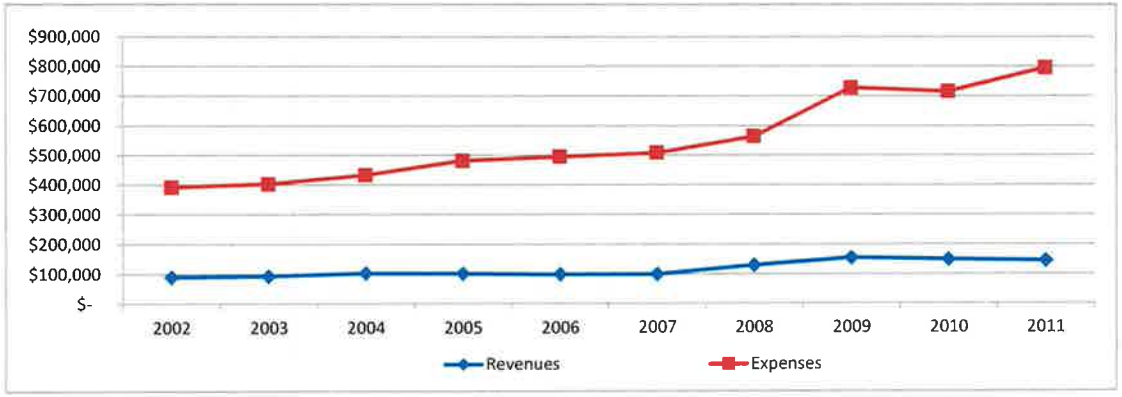
Fiscal Year	Recreation Revenues				Recreation Operating Expenses			
	Budget	Actual	Act $ Chg	% Chg	Budget	Actual	Act $ Chg	% Chg
2002	$ 95,260	$ 88,865			$ 461,839	$ 391,678		
2003	$ 90,000	$ 92,699	$ 3,834	4.3%	$ 495,830	$ 402,674	$ 10,996	2.8%
2004	$ 90,000	$ 102,483	$ 9,784	10.6%	$ 467,567	$ 432,359	$ 29,685	7.4%
2005	$ 92,700	$ 101,296	$ (1,187)	-1.2%	$ 550,974	$ 480,763	$ 48,404	11.2%
2006	$ 95,500	$ 98,254	$ (3,042)	-3.0%	$ 517,412	$ 494,754	$ 13,991	2.9%
2007	$ 95,500	$ 98,613	$ 359	0.4%	$ 548,886	$ 507,697	$ 12,943	2.6%
2008	$ 140,000	$ 129,101	$ 30,488	30.9%	$ 719,056	$ 563,644	$ 55,947	11.0%
2009	$ 187,000	$ 153,867	$ 24,766	19.2%	$ 870,168	$ 727,488	$ 163,844	29.1%
2010	$ 141,500	$ 148,796	$ (5,071)	-3.3%	$ 759,477	$ 715,006	$ (12,482)	-1.7%
2011	$ 141,500	$ 144,114	$ (4,682)	-3.1%	$ 780,480	$ 795,074	$ 80,068	11.2%
2012	**$ 152,000**	**$ 112,480**	**$ (31,634)**	**-22.0%**	**$ 789,701**	**$ 827,230**	**$ (5,373)**	**4.0%**
2013 Projected	**$ 130,000**	**$ 130,000**	**$ 17,520**	**15.6%**	**$ 713,400**			
% Change FY08 - FY12				**-26.9%**				56.6%

JW Pitts Center - Presentation July 2004 - Opened FY08 - 1st full year of operation FY09

The presentation to City Council projected FY09 increased revenues at $87,000 (low) and $142,000 (high). Additional expenses were projected to increase by $209,500 (low) and $278,500 (high). These additions were solely related to the Pitts Center operations. Applying this information to 2008 and forward the budgeted revenues and expenses would be projected in the following ranges using the 2007 Revenue and Expense budgets as the base.

	2007 Budget	Low	High
Revenue	$ 95,500	$ 182,500	$ 237,500
Expense	$ 548,886	$ 758,386	$ 786,197

It appears the revenues are not meeting the low amount, yet the expenses are more in line with the high amount. Should we evaulate these programs and their associated fees?



ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee
DEPARTMENT OF ORIGIN: City Manager & Mayor **DATE SUBMITTED**: 03/04/2013
PREPARED BY: Scott D. Koenig, P.E., City Manager
SUBJECT: Downtown Dover Partnership Request for Continued Staff Assistance and Support
REFERENCE:
RELATED PROJECT:
REVIEWED BY: City Manager and Controller
EXHIBITS: Exhibit A – Letter from Downtown Dover Partnership (DDP) dated 02/05/2013
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: **N/A**
TIMETABLE: N/A
RECOMMENDED ACTION: Authorize the City's administrative staff to continue to provide administrative support to the Downtown Dover Partnership (DDP) via Ms. Beverly Jackson until December 31, 2013.

BACKGROUND AND ANALYSIS

The Mayor and City Manager have received a request from the Downtown Dover Partnership (DDP) for the City of Dover to continue to provide administrative support to the DDP via Ms. Beverly Jackson until December 31, 2013. As you are aware, the Dover City Council authorized a funding transfer in the amount of $180,000 during the current fiscal year to assist the partnership with the hiring of staff and other expenses related to the DDP's operating budget. The partnership's new executive director began work on Monday, March 4, 2013. The requested additional assistance from City staff will enrich the transition period given the substantial project that are currently being undertaken by the DDP.

The Mayor and City Manager have reviewed the partnership's request and believe it is in our mutual best interests to honor the request; however, this extended relationship likely requires the endorsement of City Council based upon the result of the City's budget discussions last spring.

Exhibit A

Downtown Dover Partnership
101 W. Loockerman St. Suite 1a
Dover, Delaware, 19904
302-678-2940

COPY
E-MAILED
1/6/13

February5, 2013

City of Dover
RECEIVED
FEB - 7 2013
CITY MANAGER/MAYOR

Mayor Carleton E. Carey
City of Dover
P.O. Box 475
Dover, DE 19903

RE: Downtown Dover Partnership Request

Dear Mayor:

I am writing as a follow-up to conversations and a meeting with the City Manager about the transition of the Downtown Dover Partnership (DDP) staff. As you know, we are proceeding with a plan to hire a full time Executive Director for DDP. That pursuit is a result of City Council's decision to move the current joint use staff to full time City Economic Development, at your direction.

We interviewed a candidate at the last board meeting and the board authorized moving ahead based on the presentation of that candidate. We have done reference checks and are proceeding towards hiring.

On behalf of the board, I would hereby request that the city provide DDP administrative support via Beverly Jackson until December 31, 2013. In addition, I request that the city continue to rent the current space in the CenDel building and allow Beverly Jackson to work from there along with our new Executive Director. That would provide DDP good transition for our new Executive Director allowing the public to understand our location and consistency of the administrative support for more than six months. Given the significant projects we are currently pursuing (three North Street projects and the renting of 22-24 to EZ Pass), we think it essential to have a significant period of time for the existing staff to provide support in the transition. Consistency of meetings, minutes and all administrative functions is essential to the new Executive Directors success.

In addition to the importance of good leadership transition, the request will aid us in our budget transition. As you are aware, we are moving toward becoming less dependent on city funds for our operations; that being said, we do need time to implement the needed revenue generating projects like EZ Pass lease to allow that to happen. That lease will not be producing us real revenue until late summer early fall. Any support the city can offer in the interim is appreciated and necessary to our goal of improving downtown and increasing the tax base. I will provide the city with an updated budget request under separate cover. We will be asking for less support than in the past based on Council's own budget issues. I have asked our budget subcommittee to review our needs so we can make an educated request for money. That will be forthcoming and will be less than last year's request.

Sincerely,

DOWNTOWN DOVER PARTNERSHIP

Gregory V. Moore
President

Cc: Scott Koenig, City Manager

GVM/rlh

MEMORANDUM

City of Dover
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7010 Fax: 302.736.4217

Date: March 3, 2013

To: Legislative, Finance and Administration Committee

From: Ann Marie Townshend, AICP, Director of Planning & Community Development

RE: Follow Up on Role and Scope of Historic District Zone and Historic District Commission

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In response to a number of concerns that had come forward regarding the role and scope of the Historic District Zone and Historic District Commission, on January 14, 2013, I committed to the Legislative, Finance and Administration Committee that I would hold a public workshop to discuss this subject and report back to the Committee in March. On February 26, 2013, the Planning Office held a workshop that focused primarily on facilitated discussion of members of the public regarding the City's Historic District Zone, Historic District Commission, and development review within the Historic District.

More than 30 members of the public attended the workshop, and the workshop included a lot of valuable discussion about the importance of protecting the City's historic resources. Some ideas were presented by members of the public regarding how the process could be streamlined and how the City could improve the preservation of its historic character.

Coming out of the workshop, there are no concrete recommendations to implement immediately; however, it is likely that proposed changes will be brought forward after further exploration. During the spring months, staff will conduct additional public outreach, likely including a survey, to gauge public support for ideas that could potentially streamline the current review process but also enhance preservation of the City's historic character and historic resources.

I will continue to update the Legislative, Finance and Administration Committee, and will ultimately bring any proposed changes to the process to the Committee for review.

CITY OF DOVER
STAFF SUBSTITUTE 2 FOR
ORDINANCE #2013-04

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

That Chapter 22 – Buildings and Building Regulations, Article X – Rental Dwellings be amended by deleting the text indicated in bold, red strikethrough and inserting the text indicated in bold, blue italics as follows:

Division I. Generally

Sec. 22-331. - Purpose; applicability; definitions; compliance.

(a) *Purpose.* The purpose and intent of this article is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of dwellings operated for lease to the public. The health, safety and welfare of the occupants of the dwellings are of the utmost importance to the city, as is the general community character in which these dwelling units are located.

(b) *Applicability.* The provisions of this article shall apply to all matters affecting or relating to rental dwellings. Where, in this article, different sections of this Code may specify different requirements, the most restrictive shall govern.

(c) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dwelling unit means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Multiple-family dwellings means dwelling units operated as a group, and located in the same building. This shall include ~~**departments**~~ ***apartments***, roominghouses, condominium dwelling units, and accessory apartments located within structures principally used for owner occupancy.

Rental dwelling means a dwelling unit that is leased for occupancy to a person or persons in exchange for monetary payment or provision of goods or services to the owner of the dwelling unit.

Single-family dwellings means dwelling units operated singly, and separated from other units. In general, this definition shall apply to single-

family detached dwellings, including mobile homes, and attached units, including duplexes, and townhouses.

Criminal activity means any crime classified by applicable law as a felony or a class A misdemeanor in addition to the following offenses:, criminal mischief, noise violations, drug offenses, offensive touching, menacing, vehicular assault, sexual harassment, indecent exposure, graffiti, trespassing, criminal trespassing, crime against a vulnerable adult, unlawfully dealing with a child, disorderly conduct, malicious interference with emergency communications, public intoxication, loitering, criminal nuisance, obstructing of public passage, lewdness, prostitution, patronizing a prostitute, unlawfully dealing with a dangerous weapon, or unlawfully dealing with a switchblade knife.

(d) *Compliance required.* No person shall operate, occupy or let to another for occupancy any dwelling which is not in compliance with the International Property Maintenance Code adopted in section 22-221 and all other applicable codes.

Sec. 22-332. - Inspection required.

(a) The code enforcement office, in accordance with the procedures set forth in the International Property Maintenance Code adopted in section 22-221, shall inspect rental dwellings for compliance with the property maintenance code and all other applicable codes to ensure compliance.

(b) Following an inspection, the code enforcement office shall issue a letter and/or report of any code violations and provide a timeline for compliance. There shall be no fee for the first followup inspection. Each subsequent reinspection shall be subject to a fee as provided for in Appendix F—Fees and Fines.

Sec. 22-333. - Agent required.

(a) *Property manager.* Any owner of a rental dwelling, residing outside of the county, shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other rental real estate for a fee and who resides in the county acting as a property manager. The property manager, including family members and designated individuals, shall have charge, care and control of the rental dwelling, and shall provide access to the rental dwelling for inspection, upon request by the building inspector or city planner, within a reasonable time.

(b) *Corporate or partnership owners.* Any corporation or partnership owning a rental dwelling shall have a designated member, partner, or employee having charge,

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care, and control of the rental dwelling. The designated member, partner or employee shall reside in or have an office located in the county, or shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other rental real estate for a fee, and who resides in the county, acting as a property manager. The property manager, family members or other designated individuals shall have charge, care and control of the rental dwelling, and shall provide access to the rental dwelling for inspection, upon request by the building inspector or city planner, within a reasonable time.

Sec. 22-334. – Written lease required.

A written lease, including the crime-free lease addendum specified in §22-372, shall be required for all rental dwelling in the City of Dover prior to establishment of a utility account for the property.

Secs. 22-334—22-350. - Reserved.

Division 2. Permit

Sec. 22-351. - Generally.

(a) *Single-family dwellings.* It shall be unlawful for any person to operate any single-family rental dwelling without obtaining a permit from the licensing division of the department of planning and inspections in order to determine compliance with the appropriate provisions of this article. The permit shall expire annually on January 31. The fee for the annual permit shall be as provided for in Appendix F—Fees and Fines. ***The permit fee for rental dwelling permits issued after January 31st will be prorated from the date the permit is issued until the next January 31st.***

(b) *Multiple-family dwellings.* It shall be unlawful for any person to operate any multiple dwelling without first obtaining an annual permit therefor from the licensing division of the department of planning and inspections in order to determine compliance with the appropriate provisions of this article. The permit shall expire annually on January 31, and the fee for the annual permit shall be as provided for in Appendix F—Fees and Fines. ***The permit fee for rental dwelling permits issued after January 31st will be prorated from the date the permit is issued until the next January 31st.***

(c) *Late payment penalty.* In the event that the permit fee set forth herein is not paid on the date due, then the permittee shall incur a penalty fee as provided for in Appendix F—Fees and Fines until the same is paid.

(d) *Reinstatement fee.* An owner whose permit has been suspended in accordance with section 22-352 shall pay a reinstatement fee as provided for in Appendix F—Fees and Fines.

(e) *Lien.* In the event that the property owner fails to pay said fees within 30 days from the date a notice thereof is mailed to the owner, then such fees shall be entered in the municipal lien docket as a lien owing the city; and the same may be turned over to the city solicitor for collection.

(f) *Utilities.* The owner or occupant of any rental unit shall not be entitled to receive city utilities until the permit fee required in this section is paid in full and city personnel shall refuse to provide sewage, water and electricity to the property until satisfactory proof is furnished that such permit fee has been paid.

Sec. 22-352. - Suspension.

(a) *Grounds; duration.* The building inspector shall suspend the permit issued or withhold the permit paid for, pursuant to this division, when

(1) The building inspector determines that any dwelling or the premises surrounding the dwelling fails to meet the requirements of this chapter or any rule or regulation issued pursuant thereto;

(2) ***The failure of the property owner or property manager to initiate and prosecute in good faith eviction proceedings following notification by the City that the terms of the safe communities lease addendum have been violated, or***

(3) The failure of the property owner or property manager to attend a safe communities seminar when required by §22-371(b).

Suspension shall last until the violations have been corrected to the satisfaction of the building inspector, or the suspension shall have been reversed ~~**or appealed**~~.

(b) *Notice of violations.* Upon suspending any permit under this section or withholding the permit paid for, the building inspector shall notify the owner of the violations of the applicable code and shall prescribe a period in which the violation shall be corrected.

(c) *Appeal.* Any owner or operator of any dwelling, whose permit to operate the structure is suspended by the building inspector pursuant to the procedures of this section, shall have the right to appeal and notice as provided in section 22-225

(d) *Effect of appeal.* Upon suspension of a permit, or withholding of a permit ordered by the building inspector and upon the permittee serving the city clerk with a notice of appeal pursuant to section 22-225, the permit suspension shall be stayed and an existing permit shall remain in force until the appeal is decided.

Secs. 22-353—22-~~380~~ *369*. - Reserved.

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Division 3. Safe communities

Sec. 22-370 Criminal activity

Tenants of rental dwellings, any member of the tenant's household, any guest or other person associated with the tenant shall not engage in criminal activity on or within 500 feet of the lot on which the rental dwelling resides.

Sec. 22-371. – Safe communities seminar ~~required~~.

(a) The City of Dover police department shall offer a safe communities seminar a minimum of two times each calendar year. The seminar shall be voluntary, except in the following circumstances:

1. When a rental dwelling permit has been suspended in accordance with Section 22-352, the property owner or manager shall attend the seminar prior to reinstatement of the suspended rental dwelling permit; or

2. When a rental dwelling has been the subject of response by the police department on three or more occasions within a six month period, due to occasions where the tenant, any member of the tenant's family, or any guest or other person associated with the tenant have engaged in criminal activity, the property owner or managers shall attend the seminar.

~~3. 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 to be offered in person or on-line, 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.~~

~~4. Persons holding a real estate sales license shall be 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.~~

(b) Upon notification by the chief of police that the safe communities seminar is required in accordance with subsection 2 above, the department of planning and inspections shall notify the property owner and/or property manager that he is required to attend

the next scheduled safe communities seminar. Such notice shall be sent by certified mail to the property owner and property manager if a property manager is on record with the department of planning and inspections.

Sec. 22-372. – Safe communities lease addendum.

(a) All residential leases shall include a crime free lease addendum, signed by the property owner and tenant, in the following form:

In addition to all other terms of the lease, landlord and tenant agree as follows:

1. The tenant, any member of the tenant's household, any guest or any other person associated with the tenant on or within 500 feet of the leased premises:

i. Shall not engage in criminal activity, including drug-related criminal activity, on or within 500 feet of the leased premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession of any illegal or controlled substance defined by Title 16, Chapter 47.

ii. Shall not engage in any act intended to facilitate criminal activity.

iii. Shall not permit the dwelling unit to be used for or to facilitate any criminal activity.

2. Any activity prohibited by this addendum shall constitute a substantial violation of the lease, material noncompliance with the lease, and grounds for termination of tenancy and eviction.

(b) The department of planning and inspections shall provide a crime free lease addendum template.

(c) A copy of the signed crime free lease addendum shall be submitted to the city of Dover prior to establishment of utility services to any residential property.

Sec. 22-373. – Eviction Required.

(a) If the tenant, any member of the tenant's household, any guest or other person associated with the tenant engages in criminal activity on three or more occasions within a 12-month period, the property owner or property manager shall begin to process to terminate tenancy.

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(b) Upon notification by the chief of police that termination of tenancy is required in accordance with subsection (a), the department of planning and inspections shall notify the property owner and property manager that he has 30 days to initiate the eviction or otherwise terminate the tenancy. Such notice shall be sent by certified mail to the property owner and property manager if a property manager is on record with the department of planning and inspections.

SYNOPSIS

The proposed ordinance adds the requirement that landlords participate in a safe communities program that includes participation in a safe communities seminar offered by the Dover Police Department and including a safe communities addendum to leases. In addition, the proposed ordinance allows for prorating of rental permit fees for permits purchased after the beginning of the permit year.

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