

SALISBURY CITY COUNCIL
WORK SESSION
AUGUST 22, 2011

Present

Council President Terry E. Cohen
Councilwoman Laura Mitchell

Council Vice President Deborah S. Campbell
Councilwoman Eugenie P. Shields*
Councilman Timothy K. Spies**

*arrived 10:10 a.m.; left 1:20 p.m.

**arrived 10:36 a.m.

In Attendance

City Clerk Brenda Colegrove, City Administrator John Pick, Assistant City Administrator Loré Chambers, Attorney Roscoe Leslie, Building, Permitting and Inspections Director Bill Holland, Neighborhood Services and Code Compliance Director Tom Stevenson, Dallas Baker

The City Council convened in a work session at 10:05 a.m. in Conference Room 306 of the Government Office Building.

Amending Chapter 17.12 to change the Board of Zoning Appeals procedures for appeals related to nonconforming uses

Mr. Leslie presented the proposed ordinance amending Chapter 17.12 (copy attached and made a part of these minutes). Council convened in closed session at 10:28 a.m. as permitted under the Annotated Code of Maryland Section 10-508(7) to consult with legal counsel concerning privileged and confidential communication relating to this issue and reconvened in open session at 10:51 a.m.

Highlights of Council concerns/suggestions/questions included:

- requirement to appear in person to testify
- two different standards – “preponderance of the evidence” and “clear and convincing evidence”
- ordinance, as written, insufficient
- alternative suggestion to look at Chapter 17.16 (Non-conforming lots, Structures and Lots) by inserting a section on illegal conversion of single-family dwellings that would identify what the actions are and what would be the standards of evidence for assuring it is a legal conforming use
- suggestion to pursue parallel tracts – utilize the above alternative approach as well as the current proposed ordinance by revising the language of clear and convincing evidence more consistently, and accommodating witnesses in unusual circumstances that may find it difficult to travel
- questioned where the unsafe dwellings units were

All Council members were agreeable to looking into both – revising the current proposed ordinance and looking into adding a section in Chapter 17.16.

Follow-up discussion on amending Chapter 15 Housing Board of Adjustments and Appeals Ordinance

Mr. Leslie summarized the changes to the proposed ordinance. A copy of the revised proposed ordinance and Mr. Pick's August 16, 2011 memo addressing additional language are attached and made a part of these minutes. Some concern was expressed on the elimination of the realtor or landlord category from the membership of the board. Mr. Pick's suggestion from a previous work session was reiterated – include language that a member could not have any vested interest in residential rental property in the city. A suggestion was offered of setting a time period (i.e., 120 days) to become compliant with the new language.

Changes to the ordinance included:

- Page 2
 - definition of housing official – insert “and Code Compliance” at the end
 - 15.24.370 – insert “active or retired” before the first three categories
 - 15.24.370 – insert after “homeowner” in the 7th line “No member shall be an active employee of the city.”
 - 15.24.370 (7th line) – change “occupation(s)” to “occupational category”
- Page 3, item C (3rd line) – to read”ordinance, or for a violation”
- Page 4, item B
 - 2nd line - insert “calendar” before days
 - 5th line - insert “calendar” before days
- Page 5, item D – insert “calendar” before days in the 3rd line
- Page 7, item 5 (3rd line) – lower case “B” in “Board” and delete the word “it”
- Page 9, section 15.24.430 – insert “calendar” in 2nd line
- Page 10
 - insert middle initial “E” in Council President Cohen’s name
 - add “Jr.” to Mayor Ireton’s name
- Amend Mr. Leslie’s suggested language to 15.24.370 (contained in Mr. Pick’s August 16, 2011 memo) to read as follows: “A member must satisfy the applicable residency and occupational qualifications for appointment and such qualification requirements shall be effective for their entire term.”

There was a consensus to move the ordinance forward on a legislative agenda. Mrs. Mitchell and Mrs. Shields were not in favor of moving forward.

Follow-up discussion on partial demolition of a building located at 407 Anne Street (Linens of the Week property)

A copy of Council President Cohen’s August 18, 2011 memo and additional information distributed by Assistant City Administrator Loré Chambers are attached and made a part of these minutes. Council convened in closed session at 2:17 p.m. to consult with legal counsel relating to the quote/bid information and contract negotiation as permitted under the Annotated Code of Maryland Sections 10-508(a)(7)(14) and reconvened in open session at 2:35 p.m.

There was unanimous consensus of Council to move forward with a budget amendment as an emergency item at tonight's regular meeting for first reading and then second reading on September 12.

Follow-up discussion on fire sprinkler requirement exemptions

A copy of Building, Permitting and Inspections Director Bill Holland's August 22, 2011 memo and proposed ordinance for granting exemptions to the residential fire sprinkler requirements are attached and made a part of these minutes. There was a consensus from Council to allow the exemptions through a resolution if legal counsel believed it was sufficient.

Suggested changes:

- insert "new" in the second Whereas paragraph prior to "one and two-family dwellings"
- add Now Be It Further Resolved paragraph with language that the resolution does not apply to specific exclusions so that it doesn't get abused and that it accomplishes what it was set out to do

Mr. Holland and Mr. Baker were requested to work with legal counsel on clearer language so that it resolves the true intent of the exemptions. A follow-up discussion will be held at the September 6 work session.

Amending Chapter 15.24 Housing Standards – Ordinance No. 2169 (to require that the administrative fee for the removal of rubbish be adjusted and that they are to be set by separate ordinance) and Ordinance No. 2170 (establishing the administrative fee for violations of Article XXVI (Accumulation of Rubbish Prohibited) when such violations are abated by the Housing Official

No questions from Council.

General discussion/upcoming agendas

MML Fall Conference – Mrs. Mitchell, Mrs. Shields and Mr. Spies to attend MML's Fall Conference in October.

Recreation and Parks Commission – Mr. Spies to be the Council's representative.

Adjournment

The work session adjourned at 2:43 p.m.


City Clerk


Council President