

AS AMENDED ON MARCH 12, 2012
CITY OF SALISBURY
WORK SESSION
FEBRUARY 21, 2012

Present

Council President Terry Cohen
Councilwoman Eugenie P. Shields (left at
5:10pm)

Council Vice President Deborah Campbell
Councilman Tim Spies

Absent

Councilwoman Laura Mitchell

In Attendance

Mayor James Ireton, Jr., Assistant City Clerk Kim Nichols, CMC, City Administrator John Pick, ICMA-CM, City Assistant Administrator Loré Chambers, Tom Stevenson, Neighborhood Services & Code Compliance Director, Bill Holland, Director of Building, Permits and Inspections, Police Chief Barbara Duncan, Jack Lenox, Director of Planning & Zoning, City Attorney Mark Tilghman and members of the public and press.

The City Council convened in a work session at 1:30 p.m. in Council Chambers. After convening in Closed Session at 1:41 p.m. until 2:13 p.m., Council continued in Work Session.

Board of Zoning Appeals procedures/Nonconforming Use

Jack Lenox advised Council that a Board of Zoning Appeals training session was scheduled with Mark Tilghman on March 1, 2012. Council reached unanimous consensus to meet back with Mark Tilghman for his recommendations after he and Jack Lenox had a chance to meet to further discuss non-conforming use. Council also reached unanimous consensus to hear back from Mark Tilghman before deciding what to do about ending the moratorium.

Amending Chapter 15 – Housing Board of Adjustments and Appeals – follow up discussion

Tom Stevenson joined Council in the discussion. John Pick noted the latest iteration was not the one in the agenda packet and passed out the most recent version (attached and made part of these minutes) and reviewed the most recent changes to the ordinance amending Chapter 15 – Housing.

Mr. Spies amended the drafted ordinance as follows:

- Page 3 - first line comma is unnecessary.

Ms. Cohen amended the drafted ordinance as follows:

- Page 2 –under 15.24.70, **Establishment of Board**, after the word “City”, a semi-colon is needed on both the fourth line and sixth line of the page.

Mrs. Campbell corrected the drafted ordinance as follows:

- Page 2 – line 9 to read, “The board shall be appointed by the mayor and council and have the authority to establish rules and regulations governing the board’s procedure provided

Council President

that they are consistent with applicable law and subject to the approval of the Mayor and Council”.

Ms. Cohen pointed out an inconsistency in the current code where Council is supposed to appoint members of the BZA. In other places the code reads that “the mayor with advise advice and consent of council.” In the current Housing code that Mrs. Campbell refers to, it states “mayor and council.” Mark Tilghman will work on making the language more consistent throughout and will bring the topic back to another work session.

Disposition of Real Property

Old Station 16 Fire House

Jack Lenox and Tom Stevenson joined Council in the discussion of the Old Station 16 Fire House. Bill Holland’s input concerning the building will be requested and Mr. Pick will get his opinion concerning the building’s safety, code compliance and handicap access issues.

The Bricks

Discussion on The Bricks will be held after the contractual issues are addressed in closed session on February 24, 2012.

“Three Strikes” Ordinance – introductory discussion

Chief Duncan and Tom Stevenson provided an overview of the repeated calls for service nuisance bill, designed to impact repeat offenders. Council reached unanimous consensus to move forward on this legislation. Chief Duncan will check with the Annapolis Police Chief for thoughts on dealing with other issues discussed.

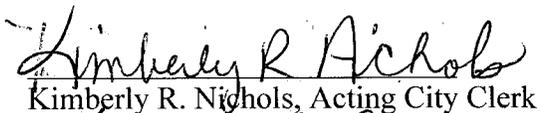
Election Redistricting – next steps

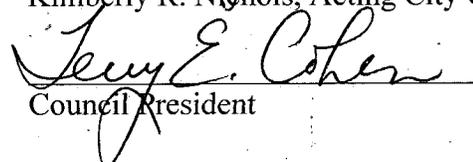
Council President Cohen passed out the locations sheet (attached and made part of these minutes). After discussion, it was decided that Kim Nichols would send a schedule out for Council to consider if they could attend those meetings.

General discussion/Upcoming Agenda items

The workflow chart was explained to Council and John Pick which Debbie Campbell and Kim Nichols met concerning. More information on this organizational tool will be forthcoming after Kim produces an example for Council to see.

Council President Cohen discussed an upcoming resolution extending the acting status of four employees in Public Works, and the employee handbook requires Council to give permission for extending the status past six months.


Kimberly R. Nichols, Acting City Clerk


Council President

MEMORANDUM

TO: ALL CITY COUNCIL MEMBERS
FROM: TERRY E. COHEN, COUNCIL PRESIDENT
SUBJECT: FEB. 21, 2012 WORK SESSION
DATE: 2/15/2012
CC: BRENDA COLEGROVE, KIM NICHOLS, MAYOR IRETON, JOHN PICK, LORÉ CHAMBERS

The administration has removed a number of items it requested for this work session date. Therefore, I am placing items on the agenda for progress in the legislative queue.

J Pick handed out - This is updated version, not the one in the agenda packet.

CITY OF SALISBURY
ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SALISBURY, MARYLAND, TO AMEND CHAPTER 15-HOUSING.

WHEREAS, the Mayor and Council are concerned about the interpretation of the Housing Code by the Housing Board of Adjustments and Appeals; and

WHEREAS, the Mayor and Council desire to revise the composition of the Housing Board of Adjustments and Appeals; and

WHEREAS, the Mayor and Council desire to narrow the authority of the Housing Board of Adjustments and Appeals by removing certain powers previously granted to it;

WHEREAS, the Mayor and Council desire to clarify their authority to remove members of the Board; and

WHEREAS, the Mayor and Council seek to amend certain language in Article X of the Housing Code to clarify the process by which an appeal is made, heard, and decided.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SALISBURY, MARYLAND, that the following sections be amended to read as follows:

15.24.360 Establishment of board Definitions.

~~There is established in the city a board to be called the housing board of adjustments and appeals, which shall consist of five members. Such board shall be composed of one realtor or landlord, one physician, registered sanitarian or health official, one architect, structural engineer or general contractor, and two members at large~~

~~from the residents of the city who are homeowners. The board shall be appointed by the mayor and council. (Ord. 1665 Exh. A (part), 1997).~~

Within this Article, the following words have the meanings assigned:

Board means the Housing Board of Adjustments and Appeals.

Housing official means the Director of Neighborhood Services and Code Compliance.

Mayor and council mean that an act to be performed must be agreed upon by the mayor and a majority of the entire council.

Ultimate issue means the factual and legal matter to be resolved by the board.

15.24.36070 Establishment of board.

There is established in the city a board to be called the Housing Board of Adjustments and Appeals, which shall consist of five members. Such board shall be composed of one active or retired public safety official (who may or may not be a resident of the City) one active or retired physician, registered sanitarian or health official (who shall be a resident of the City); one active or retired architect, structural engineer or general contractor (who shall be a resident of the City), and two members at large from the residents of the city at least one of whom is a homeowner. who are homeowners. No member shall be an active employee of the City. No member shall engage in the same occupational category as the members with designated occupations. The board shall be appointed by the mayor with the advice and consent of the council and have the authority to establish rules and regulations governing the board's procedure provided that they are consistent with applicable law and subject to the approval of the Mayor and Council.

(Ord. 1665 Exh. A (part), 1997). No member shall have an interest in an income

producing residential real property within the City limits. A member must satisfy the applicable residency and occupational qualifications for appointment and such qualifications requirements shall be effective for their entire term.

15.24.37080 Terms of office and removal.

A. *Terms of office.*

1. Members shall be appointed to terms that expire on September 30 of the fourth full year from when their appointment was made, except that members may be appointed or reappointed to shorter terms in order to ensure that no more than two members shall have their terms expire in the same year. Of the members first appointed, two shall be appointed for terms of two years, two for terms of three years and one for a term of four years, and thereafter they shall be appointed for terms of four years. Any continued absence of any regular member from regular meetings of the board shall, at the discretion of the mayor and council, render any such member subject to immediate removal from office.

2. A vacancy shall be filled for the unexpired term of any member whose position becomes vacant.

B. *Referral to the ethics commission.* The mayor and council shall refer a member of the board to the ethics commission for an alleged violation of Chapter 2.04 – Ethics.

C. *Removal.* The mayor and council may remove any member of a board for continued absence at scheduled meetings, or for deliberately acting contrary to the powers granted to the board by the enabling ordinance, or for a violation of Chapter 2.04-

~~Ethics. A member shall be removed if the member no longer satisfies the residency and occupational qualifications of this Article.~~

15.24.38090 Quorum.

~~Three members of the board shall constitute a quorum. In varying the application of any provisions of this code or in modifying an order of the housing official, affirmative votes of the majority present shall be required. A board member shall not hear or act on an appeal which that member has any personal, professional or financial or financial interest.~~

15.24.390400 Application for appeal Appeals Process.

A. Generally. (1) Any person affected by a decision, notice, or order of the housing official or a notice or order issued under this code shall have the right to appeal to the Housing Board of Adjustments and Appeals, provided that a written application for appeal is filed within twenty one (21) days after the date that the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. (2) An appeal shall be in writing and based on a claim that the decision, notice, or order of the housing official erroneously applied the code. The appellant shall pay an appeal application fee of \$100.00 at the time the appeal is filed.

B. Time for filing. (1) A written appeal to the Housing Board of Adjustments and Appeals must be filed with the housing official within twenty-one (21) calendar days after the date that the decision, notice, or order of the housing official was served. (2)

The failure of an aggrieved party to file a written appeal with the housing official within twenty-one (21) calendar days after the date that the decision, notice, or order of the housing official was served, shall constitute a waiver of the party's right to an administrative hearing and adjudication of the decision, notice, and order of the housing official, or any portion thereof.

C. Stay of order under appeal. Enforcement of any decision, notice, or order of the housing official issued under this code shall be stayed from the time the appeal is filed with the housing official until the time a final decision is reached.

(1) Exception. Orders to vacate a property made pursuant to 15.24.230 of this chapter may not be stayed by the filing of an appeal with the housing official.

D. Should the decision of the housing official be reversed by the Housing Board of Adjustments and Appeals, the appellant shall receive a full refund of the \$100.00 appeal application fee within thirty (30) calendar days after the final appellate decision.

15.24.410 Effect of failure to appeal Hearing.

~~Failure of any person to file an appeal shall constitute a waiver of his/her right to an administrative hearing and adjudication of the notice and order, or any portion thereof.~~

~~15.24.410 Scope of Hearing on Appeal.~~

~~Only those matters or issues specifically raised by the appellant in his notice of appeal shall be considered in the hearing of the appeal. (Ord. 1665 Exh. A (part), 1997)~~

A. Scope. (1) The board may only consider those issues raised by the appellant in his appeal. The board may only consider those issues which contend that a

decision, notice, or the order of the housing official erroneously applied the code. (2) If an appeal does not contain an allegation that a decision, notice, or order of the housing official erroneously applied the code it shall be dismissed in its entirety. (3) If the allegations in the appeal comply in some respects with the provisions contained in 15.24.400A(1), but not others, the board shall hear the allegations which comply and dismiss those which do not.

B. Scheduling. Within twenty-one (21) calendar days after the date the appeal is filed, the Board shall set a date for the hearing, unless the appeal relates to an order to vacate a property. In that event, within fourteen (14) calendar days, the Board shall set a date for the hearing.

~~15.24.420 Staying of order under appeal.~~

~~— Except for orders to vacate made pursuant to Section 15.24.230 of this chapter enforcement of any notice and order of the housing official issued under this code shall be stayed during the time of appeal and hearing. (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)~~

~~15.24.430 C. Conduct.~~

A1. Hearings will be conducted according to the board's administrative rules relating to evidence and witnesses. A copy of the administrative rules shall be posted on the City's website at the Department of Neighborhood Services and Code Compliance page. Upon request, and for a reasonable fee to be established by the housing official, a written copy of the administrative rules shall be provided to the appellant by mail.

B2. Oral evidence shall be taken only on oath or affirmation.

€3. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding.

Đ4. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

£5. An affidavit is a written statement of facts confirmed by the oath or affirmation of the party making the affidavit. The weight and relevance of an affidavit as evidence shall be determined by the board. The board understands an affidavit is a written statement not subject to cross-examination, is not live testimony, and is not considered to have the weight of live testimony.

6. Each party shall have these rights, among others:

1a. To call and examine witnesses on any matter relevant to the issues of the hearing. If the appellant desires to call the compliance officer who issued the citation, he must request that the officer be present at the hearing on the appeal form provided by the housing official;

2b. To introduce documentary and physical evidence;

3c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing; and

4d. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

F.7. When the board determines an inspection would be helpful in resolving the ultimate issue, the board may request to inspect any building or premises involved in the appeal. If the property owner appeals, then the property owner shall grant access to the property if the board determines an inspection would be helpful in resolving the ultimate issue. Notice of such inspection shall be given to the parties before the inspection is made ~~that~~ and the parties are permitted to be present during the inspection.(Ord. 1665 Exh. A (part), 1997)

15.24.44020 ~~Variations and modifications~~ Decisions.

A. ~~The board, after hearing an appeal, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would cause undue hardship and would be contrary to the spirit and purpose of this code or public interest or when, in its opinion, the interpretation of the housing official should be modified or reversed.~~ (Ord. 1974 (part), 2005: Ord. 1665 Exh. A (part), 1997)

Generally. (1) In every appeal the board shall, without unreasonable or unnecessary delay, issue a written decision that either affirms the decision, notice, or order of the housing official; or modifies the decision, notice, or order of the housing official; or dismisses the appeal. In every case, the board shall specify its findings of fact. (2) Every decision by the board shall be made by an affirmative vote of the majority present.

B. ~~A decision of the board to vary the application of any provision of this code or to modify an order of the housing official shall specify in what manner such variation or modification is made.~~ Modification of housing official's decision, notice, or order. (1)

The board, after hearing the evidence presented on appeal, may only modify the decision,

notice, or order of the housing official if it is found that the decision, notice, or order of the housing official was in error. The board shall not waive or adjust fees. (2) When reviewing the decision, notice, or order of the housing official, the board may only consider the code on its face.

C. Every decision of the board shall be final and the appellant shall comply with the board's decision unless appealed pursuant to 15.24.430.

15.24.45030 Decisions Right of Appeal to the Circuit Court for Wicomico County.

~~A. Every decision of the board shall be final except as allowed in subsection C of this section.~~

~~B. The board shall, in every case, reach a written decision without unreasonable or unnecessary delay.~~

~~C. The appellant shall comply with the board's decision unless may appealed the board's decision to the eCircuit eCourt for Wicomico County within thirty (30) calendar days after the date of decision. (Ord. 1665 Exh. A (part), 1997).~~

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 2011, and thereafter, a statement of the substance of the ordinance having been published as required by law, in

the meantime, was finally passed by the Council on the _____ day of _____,
2011.

Brenda J. Colegrove
City Clerk

Terry E. Cohen,
President of the City Council
of the City of Salisbury

Approved by me this
day _____ of _____, 2011.

James Ireton, Jr.
Mayor of the City of Salisbury

RESOLUTION NO. 1301

A RESOLUTION of the City Council of the City of Salisbury accepting the gift of a portion of the consideration for a seven (7) acre tract of land located between Cypress Street and Lake Street, where the Fire Department Headquarters will be constructed.

WHEREAS the Salisbury Trust, LLC, a Maryland limited liability company, owns a seven (7) acre tract of land located between the Easterly side of Cypress Street and the Westerly side of Lake Street in Salisbury, Maryland, as more fully described in a deed recorded in Liber M.S.B. No. 2412, Folio 158; and

WHEREAS the City of Salisbury filed a condemnation action in the Circuit Court for Wicomico County seeking to acquire title to said seven (7) acre parcel in order to construct a Fire Department Headquarters; and

WHEREAS the City of Salisbury and Salisbury Trust, LLC, have agreed the purchase price of the seven (7) acre parcel is \$636,000.00; and

WHEREAS the City of Salisbury has agreed to pay Salisbury Trust, LLC, the \$304,900.00 cash for said parcel and Salisbury Trust, LLC, has generously agreed to donate the remaining \$331,100.00 of the purchase price to the City in order to permit the construction of the Fire Department Headquarters on this parcel.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT the donation of \$331,100.00 by Salisbury Trust, LLC, is accepted by the City as part of the \$636,000.00 purchase price for the seven (7) acre parcel located between Cypress Street and Lake Street in Salisbury, Maryland.

| | | | |
|-----------|---------|---------------|--|
| 1/19/2000 | 150,000 | Sby Ctr., Inc | |
| 5/27/2005 | 175,000 | Cecil Decker | |
| 9/27/2005 | 636,000 | Sby Trust LLC | 304,900 cash 331,100 charitable cont. |

The above resolution was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on this 12th day of September, 2005, and is to become effective immediately upon adoption.

Brenda J. Colegrove,
City Clerk

Michael P. Dunn,
Council President

APPROVED BY ME this _____ day of
_____ 2005.

Barrie P. Tilghman,
Mayor of the City of Salisbury

Name(s) shown on your income tax return:

Identifying number

GEORGE G. AND SUSAN C. DUNSTEN

Section B. Donated Property Over \$5,000 (Except Certain Publicly Traded Securities) - List in this section only items (or groups of similar items) for which you claimed a deduction of more than \$5,000 per item or group (except contributions of certain publicly traded securities reported in Section A). An appraisal is generally required for property listed in Section B (see instructions).

Part I Information on Donated Property - To be completed by the taxpayer and/or the appraiser.

4 Check the box that describes the type of property donated:

- Art* (contribution of \$20,000 or more)
Art* (contribution of less than \$20,000)
Collectibles**
Qualified Conservation Contribution
Other Real Estate
Intellectual Property
Equipment
Securities
Other

*Art includes paintings, sculptures, watercolors, prints, drawings, ceramics, antiques, decorative arts, textiles, carpets, silver, rare manuscripts, historical memorabilia, and other similar objects.
**Collectibles include coins, stamps, books, gems, jewelry, sports memorabilia, dolls, etc., but not art as defined above.
Note: In certain cases, you must attach a qualified appraisal of the property. See instructions.

Table with 3 columns: (a) Description of donated property, (b) Overall physical condition, (c) Appraised fair market value. Row A: 432-434 E CHURCH ST, MD, GOOD, 210,000.

Table with 6 columns: (d) Date acquired by donor, (e) How acquired by donor, (f) Donor's cost or adjusted basis, (g) For bargain sales, enter amount received, (h) Amount claimed as a deduction, (i) Average trading price of securities. Row A: 6/03, PURCHASE, 105,000, 210,000.

Part II Taxpayer (Donor) Statement - List each item included in Part I above that the appraisal identifies as having a value of \$500 or less. See instructions.

I declare that the following item(s) included in Part I above has to the best of my knowledge and belief an appraised value of not more than \$500 (per item).

Enter identifying letter from Part I and describe the specific item. (See instructions).

Signature of taxpayer (donor)

Date

Part III Declaration of Appraiser

I declare that I am not the donor, the donee, a party to the transaction in which the donor acquired the property, employed by, or related to any of the foregoing persons, or married to any person who is related to any of the foregoing persons. And, if regularly used by the donor, donee, or party to the transaction, I performed the majority of my appraisals during my tax year for other persons.

Also, I declare that I hold myself out to the public as an appraiser or perform appraisals on a regular basis; and that because of my qualifications as described in the appraisal, I am qualified to make appraisals of the type of property being valued. I certify that the appraisal fees were not based on a percentage of the appraised property value. Furthermore, I understand that a false or fraudulent overstatement of the property value as described in the qualified appraisal or this Form 8283 may subject me to the penalty under section 6701(a) (aiding and abetting the understatement of tax liability). In addition, I understand that a substantial or gross valuation misstatement resulting from the appraisal of the value of the property that I know, or reasonably should know, would be used in connection with a return or claim for refund, may subject me to the penalty under section 6695A. I affirm that I have not been barred from presenting evidence or testimony by the Office of Professional Responsibility.

Sign Here

Signature

Title

Date

Business address (including room or suite no.)

Identifying number

1003 MT HERMAN RD

26-0448246

City or town

State ZIP code

SALISBURY, MD 21804

Part IV Donee Acknowledgment - To be completed by the charitable organization.

This charitable organization acknowledges that it is a qualified organization under section 170(c) and that it received the donated property as described in Section B, Part I, above on the following date 12/28/07

Furthermore, this organization affirms that in the event it sells, exchanges, or otherwise disposes of the property described in Section B, Part I (or any portion thereof) within 3 years after the date of receipt, it will file Form 8282, Donee Information Return, with the IRS and give the donor a copy of that form. This acknowledgment does not represent agreement with the claimed fair market value.

Does the organization intend to use the property for an unrelated use? [X] Yes [] No

Name of charitable organization (donee)

Employer identification number

CITY OF SALISBURY

Address (number, street and room or suite no.)

City or town

State ZIP code

SALISBURY, MD 21801

Authorized signature

Title

Date

Signature of authorized person

CITY ADMINISTRATION

4/11/08

Name(s) shown on your income tax return

Empire Mortgage Co, INC

Identifying number

52-19773 Z8

Section B. Donated Property Over \$5,000 (Except Certain Publicly Traded Securities)—List in this section only items (or groups of similar items) for which you claimed a deduction of more than \$5,000 per item or group (except contributions of certain publicly traded securities reported in Section A). An appraisal is generally required for property listed in Section B (see instructions).

Part I Information on Donated Property—To be completed by the taxpayer and/or the appraiser.

4 Check the box that describes the type of property donated:

- Art* (contribution of \$20,000 or more)
- Art* (contribution of less than \$20,000)
- Collectibles**
- Qualified Conservation Contribution
- Other Real Estate
- Intellectual Property
- Equipment
- Securities
- Other

*Art includes paintings, sculptures, watercolors, prints, drawings, ceramics, antiques, decorative arts, textiles, carpets, silver, rare manuscripts, historical memorabilia, and other similar objects.

**Collectibles include coins, stamps, books, gems, jewelry, sports memorabilia, dolls, etc., but not art as defined above.

Note. In certain cases, you must attach a qualified appraisal of the property. See instructions.

| 5 | (a) Description of donated property (if you need more space, attach a separate statement) | (b) If tangible property was donated, give a brief summary of the overall physical condition of the property at the time of the gift | (c) Appraised fair market value |
|---|---|--|---------------------------------|
| A | <i>Harbor Point Salisbury, MD Parcel 6</i> | <i>Vacant Land</i> | <i>145,000 00</i> |
| B | <i>Harbor Point Salisbury, MD Parcel 8</i> | <i>Vacant Land</i> | <i>18,000 00</i> |
| C | <i>Harbor Point Salisbury, MD Parcel 9</i> | <i>Vacant Land</i> | <i>25,000 00</i> |
| D | | | |

| | (d) Date acquired by donor (mo., yr.) | (e) How acquired by donor | (f) Donor's cost or adjusted basis | (g) For bargain sales, enter amount received | See instructions: | |
|---|---------------------------------------|---------------------------|------------------------------------|--|-----------------------------------|---|
| | | | | | (h) Amount claimed as a deduction | (i) Average trading price of securities |
| A | | | | | | |
| B | | | | | | |
| C | | | | | | |
| D | | | | | | |

Part II Taxpayer (Donor) Statement—List each item included in Part I above that the appraisal identifies as having a value of \$500 or less. See instructions.

I declare that the following item(s) included in Part I above has to the best of my knowledge and belief an appraised value of not more than \$500 (per item). Enter identifying letter from Part I and describe the specific item. See instructions. ▶

Signature of taxpayer (donor) ▶

Date ▶

Part III Declaration of Appraiser

I declare that I am not the donor, the donee, a party to the transaction in which the donor acquired the property, employed by, or related to any of the foregoing persons, or married to any person who is related to any of the foregoing persons. And, if regularly used by the donor, donee, or party to the transaction, I performed the majority of my appraisals during my tax year for other persons.

Also, I declare that I hold myself out to the public as an appraiser or perform appraisals on a regular basis; and that because of my qualifications as described in the appraisal, I am qualified to make appraisals of the type of property being valued. I certify that the appraisal fees were not based on a percentage of the appraised property value. Furthermore, I understand that a false or fraudulent overstatement of the property value as described in the qualified appraisal or this Form 8283 may subject me to the penalty under section 6701(a) (aiding and abetting the understatement of tax liability). In addition, I understand that a substantial or gross valuation misstatement resulting from the appraisal of the value of the property that I know, or reasonably should know, would be used in connection with a return or claim for refund, may subject me to the penalty under section 6695A. I affirm that I have not been barred from presenting evidence or testimony by the Office of Professional Responsibility.

Sign

Here

Signature ▶

Title ▶

Date ▶

Business address (including room or suite no.)

Identifying number

City or town, state, and ZIP code

Part IV Donee Acknowledgment—To be completed by the charitable organization.

This charitable organization acknowledges that it is a qualified organization under section 170(c) and that it received the donated property as described in Section B, Part I, above on the following date ▶ *7/25/11*

Furthermore, this organization affirms that in the event it sells, exchanges, or otherwise disposes of the property described in Section B, Part I (or any portion thereof) within 3 years after the date of receipt, it will file Form 8282, Donee Information Return, with the IRS and give the donor a copy of that form. This acknowledgment does not represent agreement with the claimed fair market value.

Does the organization intend to use the property for an unrelated use? ▶ Yes No

Name of charitable organization (donee)

Employer identification number

City of Salisbury

52-6000806

Address (number, street, and room or suite no.)

City or town, state, and ZIP code

125 N. Division Street

Salisbury, MD 21801

Authorized signature

Title

Date

[Signature]

City Administrator

8/2/11

CITY OF SALISBURY
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, IN CONNECTION WITH AMENDMENTS TO CHAPTER 15-HOUSING OF THE CITY CODE TO PROVIDE FOR A TRANSITION TO NEW MEMBERSHIP REQUIREMENTS FOR MEMBERS OF THE HOUSING BOARD OF ADJUSTMENTS AND APPEALS

WHEREAS, the Mayor and Council are concerned about the interpretation of the Housing Code by the Housing Board of Adjustments and Appeals; and

WHEREAS, the Mayor and Council desire to revise the composition of the Housing Board of Adjustments and Appeals; and

WHEREAS, the Mayor and Council have enacted Ordinance ____ revising the composition and membership requirements for members on the Housing Board of Adjustments and Appeals; and

WHEREAS, the Mayor and Council desire a smooth transition from the former membership requirements to the new requirements of the Housing Board of Adjustments and Appeals.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SALISBURY, MARYLAND, that:

1. The members of the Housing Board of Adjustments and Appeals serving when this Ordinance and the concurrent Ordinance No. _____ (which, among other things, amends the qualifications to serve on the board) become effective shall be permitted to serve the remaining length of their current individual term even if they do not meet the new qualifications.

for up to 120 days

2. The Mayor and Council will endeavor to fill all available vacancies on the Housing Board of Adjustments and Appeals ^{up to} ~~within~~ 120 days from when this Ordinance and the concurrent Ordinance No. _____ (which amends the qualifications to serve) take effect.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 2011, and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the _____ day of _____, 2011.

Brenda J. Colegrove
City Clerk

Terry E. Cohen,
President of the City Council
of the City of Salisbury

Approved by me this
day _____ of _____, 2011.

James Ireton, Jr.
Mayor of the City of Salisbury

CITY OF SALISBURY
ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SALISBURY TO AMEND CHAPTER 15.26 TO RECOVER THE COST ASSOCIATED WITH RENTAL PROPERTIES THAT REQUIRE REPEATED RESPONSE BY THE CITY OF SALISBURY POLICE DEPARTMENT OR THE DEPARTMENT OF NEIGHBORHOOD SERVICES AND CODE COMPLIANCE AND TO CREATE SANCTIONS FOR THOSE SAME PROPERTIES.

WHEREAS, the City of Salisbury enacted an ordinance to require the licensing of landlords and the registration of rental properties located within the City of Salisbury;

WHEREAS, it has been documented and brought to the attention of the Mayor and City Council that certain rental properties within the City of Salisbury require repeated response by law enforcement and/or code enforcement;

WHEREAS, it has come to the attention of the Mayor and City Council that certain rental properties within the City of Salisbury require repeated response from neighborhood services and code compliance and it is the desire of the Mayor and Council to recover the cost of the repeated responses;

WHEREAS, the criminal activity and property maintenance code issues addressed by this ordinance are having a detrimental effect on the health, safety and welfare of the City of Salisbury's neighborhoods; and

WHEREAS, the City Council desires to utilize its power to impose municipal infractions to sanction landlords whose properties require repeated response by law enforcement and neighborhood services and code compliance.

NOW, THEREFORE, be it enacted and ordained by the City Council of the City of Salisbury, in regular session, as follows:

1. That Chapter 15.26 of the Salisbury Municipal Code is amended as follows:

Chapter 15.26

Rental of Residential Premises

Sections:

| | |
|---------------------------------------|--|
| 15.26.010 | Scope. |
| 15.26.020 | Purpose. |
| 15.26.030 | Definitions. |
| 15.26.040 | Rental dwelling unit registration. |
| 15.26.050 | Annual license for rental dwelling unit owners. |
| 15.26.060 | Failure to Register or Obtain License. |
| 15.26.070 | Inspection of license. |
| 15.26.080 | Transfer. |
| 15.26.090 | Inspection of premises. |
| 15.26.100 | Administrative search warrant. |
| 15.26.110 | <u>Crime free lease addendum and tenants' bill of rights.</u> |
| 15.26.120 | <u>Conduct at a rental property.</u> |
| 15.26.110 15.26.130 | Denial, nonrenewal, revocation, or suspension of license. |
| 15.26.120 15.26.140 | Appeals procedure. |
| 15.26.130 15.26.150 | Vacation of affected dwelling units. |
| 15.26.140 15.26.160 | Violations-penalties. |

15.26.020 Purpose.

The purpose of this chapter is to protect the public health safety and the general welfare of the citizens of the City of Salisbury who have as their place of abode a room or rooms furnished to them for payment of a rental charge (including money, services, or other type of consideration) to another. This chapter is also intended to protect the right of residents to the quiet enjoyment of their properties.

15.26.030 Definitions.

“Crime-Free Lease Addendum” means an addendum to a lease stating that the subject rental property may not be used for criminal activity and that if it is, the landlord may terminate the lease.

“Disorderly property” means a rental property for which at least one verified law enforcement call or one verified housing enforcement call has taken place within any twelve-month period.

“Tenants’ rights information sheet” means a document generated by the Director that will provide the tenant with a list of resources explaining landlord-tenant law.

“Verified law enforcement call” means any response that causes the responding law enforcement agency to issue a citation, file a statement of charges or a juvenile petition or initiate an investigation which leads to the filing of a criminal information or an indictment of any resident, tenant, guest, or invitee for conduct described in 15.26.120A.

“Verified housing enforcement call” means either the issuance of at least three corrective action letters or notices of enforcement in one three-month period or one municipal infraction citation in one three-month period for any failure to comply with chapter 15 of this code.

15.26.110 Crime-free lease addendum and tenants’ bill of rights

A. Upon enactment of this ordinance, every new lease or renewed lease executed for a residential rental property shall incorporate a crime-free lease addendum that will permit a landlord to terminate a lease for criminal activity at a rental property. The crime-free lease addendum shall be executed by both the landlord and the tenant(s).

B. Upon enactment of this ordinance, every new lease or renewed lease executed for a residential rental property shall incorporate a tenants’ rights information sheet that will explain protections provided to the tenants by applicable law. The tenants’ rights information sheet shall

contain a statement, executed by both the landlord and the tenant(s), that the landlord has explained the rights information sheet and provided a copy to the tenant(s).

C. The Director, with the assistance of the department of law, shall create both the crime-free lease addendum and the tenants' rights information sheet and cause both to be issued to new licensees, license renewals, and to be made available on the City's website. The Director shall have the authority to modify both as needed, provided all licensees and tenants receive adequate notice of changes.

D. Nothing in this section shall be construed so as to remove the burden from the landlord to incorporate the current version of the crime-free lease addendum and tenants' bill of rights into any lease executed for a residential rental property.

15.26.120 Conduct at a rental property.

A. It shall be the responsibility of a landlord to take appropriate action to prevent further violations following conduct by tenants and/or their guests at a property which is determined to be in violation of any of the following statutes or ordinances:

1. Salisbury Municipal Code Chapter 8.20 and § 6.04.100, which prohibit certain noises.

2. Maryland Annotated Code, Criminal Law §§10-114 and 10-117, which prohibit the unlawful possession or furnishing of alcoholic beverages.

3. Maryland Annotated Code, Criminal Law §§10-201 and 10-202, which prohibit disorderly conduct, disturbance of the peace, and the keeping of a disorderly house.

4. Maryland Annotated Code, Criminal Law Title 5, Subtitle 6, which prohibits the unlawful sale or possession of controlled dangerous substances.

5. Maryland Annotated Code, Criminal Law Titles 12 and 13, which prohibit gaming.

6. Maryland Annotated Code, Criminal Law §11-306 and Salisbury Municipal Code §9.08.170, which prohibit prostitution and acts relating thereto.

7. Salisbury Municipal Code, Chapter 15, which contains the City of Salisbury's Property Maintenance Code.

8. Maryland Annotated Code, Criminal Law §§ 3-201-3-204 which prohibit assault and reckless endangerment.

9. Maryland Annotated Code, Criminal Law, Title 4, which prohibits weapons related offenses.

10. Maryland Annotated Code, Criminal Law, Title 6, subtitle 4, which prohibits trespassing in various forms.

B. After a verified law enforcement call for service, the Salisbury Police Department shall notify the housing official of alleged conduct in violation of paragraph A, subparagraphs 1-10, of this Section.

C. For the first three verified calls for service, which may consist of either verified law enforcement calls or verified housing enforcement calls, within a twelve month period, the housing official shall notify the licensee of a verified law enforcement or verified housing enforcement call by U.S. mail and direct the licensee to take appropriate action to prevent further violations.

D. If a fourth verified law enforcement or verified housing enforcement call occurs within twelve months of the first verified law enforcement or verified housing enforcement call, the

housing official shall designate the property as a disorderly property, notify the licensee by certified mail and impose a \$100 administrative fee.

E. If a fifth verified law enforcement or verified housing enforcement call occurs at a disorderly property within twelve months of an incident for which a notice was sent pursuant to paragraph D herein, the housing official shall again notify the licensee of the violation by certified mail. The licensee shall submit a written management plan to the housing official within 10 days of receipt of the notice of disorderly use of the property and be required to pay a \$250 administrative fee. The written management plan shall be typed and detail all actions taken by the licensee in response to all notices of disorderly use of the property within the preceding twelve months. The written management plan shall also detail all actions taken and proposed to be taken by the licensee to prevent further disorderly use of the property. The notice provided to the licensee shall inform the licensee of the requirement of submitting a written management plan. That notice shall further inform the licensee that failure to submit a written management plan may result in the housing official taking action to deny, refuse to renew, revoke, or suspend the property's registration for three months.

F. If a licensee fails to submit a written management plan for a disorderly property that satisfies the requirements set forth in paragraph E of this Section, the registration for the disorderly property may be suspended, revoked, denied, or not renewed for six months. An action to suspend, deny, revoke or not renew a registration under this Section shall be initiated by the Director and shall proceed according to the procedures established in Section 15.26.130 of this chapter.

G. If a sixth or subsequent verified law enforcement or verified housing enforcement call occurs at a disorderly property within twelve months of the first of any five previous instances of

verified law enforcement or verified housing enforcement calls for which notices were sent to the licensee pursuant to this Section, the rental dwelling unit registration for the property of the property's owner may be suspended, revoked, denied, or not renewed for twelve months and the licensee will be required to pay a \$500 administrative fee. An action to suspend, deny, revoke or not renew a registration under this Section shall be initiated by the Director and shall proceed according to the procedures established in Section 15.26.130 of this chapter.

H. No action shall be imposed against a disorderly property when the verified law enforcement or verified housing enforcement call occurred during the pendency of eviction proceedings or within 30 days after a notice is given by the licensee to a tenant to vacate the premises, where the verified law enforcement or verified housing enforcement call was related to conduct by that tenant or his or her guest. Eviction proceedings shall not be a bar to adverse registration action, however, unless they are diligently and in good faith pursued by the licensee. A notice to vacate shall not be a bar to adverse registration action unless a copy of the notice is submitted to the Director within 10 days of receipt of the violation notice. Further, an action to suspend, deny, revoke or not renew a registration based upon violations of this Section may be postponed or discontinued by the Director at any time if it appears that the licensee has taken appropriate action to prevent further violations of paragraph A of this Section.

I. If a disorderly property changes ownership, the disorderly property shall be placed on a three month probationary period. If there are no verified law enforcement calls or verified housing enforcement calls to the disorderly property during the three month probationary period, the property shall be removed from disorderly property status. If there is a verified law enforcement call or verified housing enforcement call to the property during the

three month probationary period, the Director shall continue with enforcement of this section as if ownership of the disorderly property had never transferred.

~~15.26.110~~ 15.26.130 Denial, non renewal, revocation, or suspension of registration or license.

If after any period for compliance of this Chapter has expired, the Director determines that a rental dwelling unit fails to comply with any of the registration or licensing standards set forth herein, and the Director has initiated an action to suspend, deny, revoke or not renew a registration or license, the Director shall mail the owner a notice of denial, non-renewal, revocation, or suspension of the license. The notice shall state:

A. That the Director has determined that the building fails to comply with the licensing standards for rental dwelling units in this Chapter, that the licensee has failed to take appropriate action following conduct by tenants and/or their guests on the licensed property, or that the licensee has failed to submit a written management plan that satisfies the requirements set forth in Section 15.26.120 of this Chapter.

B. The specific reasons why the building fails to meet the registration or licensing standards, including copies of applicable inspection reports, or notices sent to licensee of conduct on licensed premises.

C. That the Director will suspend, deny, revoke or not renew the registration or license unless the owner appeals the determination within fifteen (15) days after receipt of the notice, in the manner provided in Section ~~15.26.120~~ 15.26.140 of this Chapter.

D. That after the suspension, revocation, denial, or failure to renew the registration or license the dwelling or the affected dwelling units therein must be vacated, and shall not be reoccupied until all violations are corrected and a license or registration is granted by the Housing

official, except where an extension of time has been granted by the Director until an approved plan to control conduct on the property has been presented and accepted by the housing official if the suspension, revocation, denial or non-renewal was under Section 15.26.120 of this Chapter.

E. The notice shall describe how an appeal may be filed under Section ~~15.26.120~~ 15.26.130 of this Chapter.

F. The Director shall cause a notice to tenants to be mailed or delivered to each registered rental dwelling unit and prominently posted on the building. The notice shall indicate that the ~~rental dwelling unit registration~~ registration or license for the building has been suspended, revoked, denied, or not renewed whichever is applicable; that the action will become final on a specific date unless the building owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final; that further information can be obtained from the City of Salisbury Housing official.

~~15.26.120~~ **15.26.140 Appeals procedure**

A. Any person wishing to appeal a determination of ~~the housing official of the~~ the Director recommending denial, nonrenewal, revocation, or suspension of a license shall file a written notice of appeal with the Director within 21 days after receipt of the notice of denial, nonrenewal, revocation, or suspension. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee of one hundred dollars (\$100.00).

B. The Director shall refer the appeal to the Housing Board of Adjustments and Appeals. The Board shall meet monthly, or more frequently at the call of the chair, to hear appeals. The board shall notify the owner in writing of the time and place of the hearing.

C. When hearing appeals under this Chapter, the Board shall follow the procedures set forth in Chapter 15.24 of the Salisbury Municipal Code.

~~15.26.130~~ 15.26.150. Vacation of affected dwelling units

When an application for rental dwelling registration or license has been denied, revoked, suspended, or not renewed, or when the owner does not possess a current rental dwelling registration or license as required by this chapter, the Director shall order the rental dwelling unit vacated, giving tenants a ~~reasonable time~~ thirty days to arrange new housing and to move their possessions.

~~15.26.140~~ 15.26.160. Violations-penalties

A Any person found in violation of the provisions of this chapter shall be guilty of a municipal infraction and shall be subject to a fine not to exceed five hundred dollars (\$500) per violation. Each day a violation remains uncorrected is a separate violation subject to an additional citation and fine.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, that this ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the ____ day of _____, 2009, and having been published as required by law, in the meantime, was finally passed by the Council on the ____ day of _____, 2009.

Brenda J. Colegrove, City Clerk

Louise Smith,
President of the Council of
the City of Salisbury

Approved by me, this _____

day of _____, 2009.

James Ireton,
Mayor of the City of Salisbury

Kim Nichols

From: Kim Nichols
Sent: Friday, February 17, 2012 9:17 AM
To: mark-sbtlaw@comcast.net; kdevine-sbtlaw@comcast.net; Craig Twilley; Joe Albero (alberobutzo@wmconnect.com); MD Coastal Dispatch; Paul Wilber (pwilber@webbnetlaw.com); Sarah Lake (slake@dmg.gannett.com); 'Vince Gore'; WBOC; WICO; WMDT; WQHQ
Subject: Council Work Session agenda
Attachments: 22112agenda.pdf

Attached is the agenda for the Tuesday, February 21 City Council work session. (apologies if I already sent this out earlier in the week)



Kimberly R. Nichols, CMC | Records Admin/Asst. City Clerk
City of Salisbury
City Clerks Office
knichols@ci.salisbury.md.us
Office: 410.548.3140

City of Salisbury



MARYLAND

PUBLIC NOTICE

THE SALISBURY CITY COUNCIL IS ANTICIPATING A PHONE CALL DURING THE EARLY PORTION OF TODAY'S WORK SESSION (FEBRUARY 21, 2012) THAT WILL NECESSITATE GOING INTO CLOSED SESSION FOR THE PURPOSE OF CONSULTING WITH LEGAL COUNSEL AND STAFF ON PENDING OR POTENTIAL LITIGATION AS PERMITTED UNDER THE ANNOTATED CODE OF MARYLAND SECTIONS 10-508(a)(7)(8).

BOTH THE OPEN WORK SESSION AND CLOSED SESSION WILL BE HELD IN CONFERENCE ROOM #306 OF THE GOVERNMENT OFFICE BUILDING (125 N. DIVISION STREET).

**Kimberly R. Nichols, CMC
410-548-3140
2/21/12**

CITY OF SALISBURY
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, IN CONNECTION WITH AMENDMENTS TO CHAPTER 15-HOUSING OF THE CITY CODE TO PROVIDE FOR A TRANSITION TO NEW MEMBERSHIP REQUIREMENTS FOR MEMBERS OF THE HOUSING BOARD OF ADJUSTMENTS AND APPEALS

WHEREAS, the Mayor and Council are concerned about the interpretation of the Housing Code by the Housing Board of Adjustments and Appeals; and

WHEREAS, the Mayor and Council desire to revise the composition of the Housing Board of Adjustments and Appeals; and

WHEREAS, the Mayor and Council have enacted Ordinance ____ revising the composition and membership requirements for members on the Housing Board of Adjustments and Appeals; and

WHEREAS, the Mayor and Council desire a smooth transition from the former membership requirements to the new requirements of the Housing Board of Adjustments and Appeals.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SALISBURY, MARYLAND, that:

1. The members of the Housing Board of Adjustments and Appeals serving when this Ordinance and the concurrent Ordinance No. _____ (which, among other things, amends the qualifications to serve on the board) become effective shall be permitted to serve the remaining length of their current individual term even if they do not meet the new qualifications.

2. The Mayor and Council will endeavor to fill all available vacancies on the Housing Board of Adjustments and Appeals within 120 days from when this Ordinance and the concurrent Ordinance No. _____ (which amends the qualifications to serve) take effect.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 2011, and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the _____ day of _____, 2011.

Brenda J. Colegrove
City Clerk

Terry E. Cohen,
President of the City Council
of the City of Salisbury

Approved by me this
day _____ of _____, 2011.

James Ireton, Jr.
Mayor of the City of Salisbury