

SALISBURY CITY COUNCIL
WORK SESSION
JULY 18, 2011

Present

Council President Terry E. Cohen
Councilwoman Laura Mitchell

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

In Attendance

City Clerk Brenda Colegrove, City Administrator John Pick, City Attorney Paul Wilber, Police Chief Barbara Duncan, Building, Permitting and Inspections Director Bill Holland, Assistant Internal Services Director-Finance Gerri Moore, Neighborhood Services and Code Compliance Director Tom Stevenson

The City Council convened in a work session at 1:30 p.m. in Conference Room 306 of the Government Office Building.

Briefing on agreements with the Community Foundation

Police Chief Barbara Duncan, along with Spicer Bell (President, Community Foundation of the Eastern Shore) and Ms. Debbie Anderson (volunteer), provided a briefing on the request to establish donation lines through the Community Foundation of the Eastern Shore for receiving charitable monetary support and sustainment of a Salisbury Police Department College Scholarship Fund for Nontraditional Police Officer Candidates, a Salisbury Police Department K-9 Unit and a Salisbury Police Department Mounted Patrol Unit. A copy of the PowerPoint presentation and proposed resolutions are attached and made a part of these minutes.

In regards to the Scholarship Fund, Mrs. Campbell suggested that the funds be used for qualifying Wicomico County high school graduates. A unanimous consensus of Council was given to move forward with both resolutions for the July 25 agenda.

Loading zone at Sandi's One Stop

Police Chief Barbara Duncan presented the request to extend the time limit for the commercial loading zone in front of Sandi's One Stop from 10 minutes to 20 minutes (copy of Chief Duncan's July 12, 2011 memo attached and made a part of these minutes).

There was unanimous consensus to add language that the Police Chief could revert the time period back to 10 minutes if criminal activity begins to occur at this location. By unanimous consensus, this item will be placed on the July 25 agenda.

Exemption from sprinkler requirement

Building, Permitting and Inspections Director Bill Holland, along with Kevin Wright (Wicomico County's Fire Department Division) briefed the Council on a proposed resolution granting an exemption from the residential fire sprinkler requirements to any residential lot approved for one

and two-family dwellings which are contiguous to water lines, curbing, guttering, sidewalks and street paving installed and approved prior to August 9, 2010. A copy of City Administrator John Pick's July 29, 2011 memo is attached and made a part of these minutes.

There was unanimous consensus to remove the names of the developments from the resolution. Unanimous consensus was given to move the resolution forward to the July 25 agenda. Note: Mrs. Campbell was not present when consensus was given.

Towing licenses (fee collection)

Assistant Internal Services Director-Finance Gerri Moore advised that the current towing licenses had expired pending Council's discussion of new towing legislation. It was the consensus (unanimous) of Council for Administration to move forward with the collection of towing fees/renewing licenses as per the current Code. Note: Mrs. Campbell was not present when a consensus was taken.

Follow-up on Ethics Ordinance

City Attorney Paul Wilber reviewed the changes proposed by Council since the last discussion. A copy of the Ordinance is attached and made a part of these minutes. As per Mr. Wilber's conversation with Jennifer Allgair (General Counsel – State Ethics Commission), the changes identified in Pages 5 (e)(2), 9 (c), 11, 12, 13, 15, 17 and 18 were agreeable with Ms. Allgair. Ms. Allgair, however, was not in favor and would not approve adding "educational" events on page 6 (5)(v). On page 6, Mr. Wilber received clarification from Ms. Allgair that item (4) should not have included the word "not" in the title.

Additional changes recommended or items needing follow-up by the city attorney included:

- Page 1 – 3(b) – remove the comma after "Mayor"
- Page 5 – (e)(2) – add "involving the City" before "matter" in the third line and add "before the Mayor and City Council" at the end of the sentence
- Page 6 – (4) – should say "shall" instead of "does"
- Page 15 – 6(a) – add Assistant City Administrator, Assistant City Clerk, Assistant Department Directors, Legal, and list the referenced boards/commissions under the title of all quasi-judicial boards and commissions, including, but not limited to
- Page 18 – (f) – Mr. Wilber to determine if the fine for a misdemeanor should be \$1,000 rather than \$500

Mr. Wilber was requested to update the ordinance and send to Council. Council was requested to respond with their yea or nay within five days. If everyone was in agreement, Mr. Wilber will send the ordinance to the State for review.

Follow-up on Tenants' Rights Lease Addendum/Ordinance

City Attorney Paul Wilber, along with Neighborhood Services and Code Compliance Director Tom Stevenson, reviewed the amendments to Chapter 15.26 requiring a Tenants' Rights Lease Addendum in every new lease or renewed lease of residential property. A copy of the proposed ordinance and draft addendum are attached and made a part of these minutes. There was

unanimous consensus to move the ordinance and addendum forward to the July 25 agenda with the following changes:

Ordinance

- Definition – Tenants’ Rights Lease Addendum means the written addendum required by the City which provides information about legal rights of tenants and maximum occupancy by unrelated individuals.
- 15.26.115 – all words to be capitalized in the title (Tenants’ Rights Lease Addendum); capitalize “tenants’ rights lease addendum” in the second line of paragraph A; and change “Housing Official” to lower case
- Include definition of tenant (for clarification of who signs the lease)

Tenants’ Rights Addendum

- Use the form with the watermark
- Capitalize landlord in the first line
- Second paragraph under Landlord Retaliation Prohibited to read: “If tenants believe that the landlord is retaliating against them or threatening to retaliate against them, they should seek legal advice. The agencies listed below offer legal advice and information.”
- Paragraph before the signature lines to read: “My signature below indicates that I received a copy of the Tenants’ Rights Lease Addendum upon signing the lease for the property located at _____ and that I have been informed that the maximum under of unrelated individuals who may occupy the premises is ____, which can be verified through the City of Salisbury’s Department of Neighborhood Services and Code Compliance; (410)341-9550.”
- Reduce number of tenant’s signature lines from four to two lines and insert “if applicable” after the date on lines two through four
- Tenant’s Initials - insert “if applicable” on lines two through four

Inspection issues

Director of Neighborhood Services and Code Compliance Director Tom Stevenson highlighted his problems/issues with the inspection process and suggested making the inspection a condition of registration (referenced language in College Park’s legislation) to ensure the tenants have a safe and clean environment.

Unanimous consensus was given for Mr. Stevenson to provide a report (via e-mail) outlining the problems he faces with inspections. The report is to include suggested solutions (i.e., amendments to the Code) for rectifying those issues as well as including how it is working with other municipalities who have inspection programs.

Foreclosed property registry

Director of Neighborhood Services and Code Compliance Director Tom Stevenson reviewed the proposed ordinance adding a chapter to the Code to create a foreclosed property registry (copy attached and made a part of these minutes).

Suggestions by Council included:

- 15.21.040C – change “may” to “shall”
- 15.21.050 – possibly going out longer than the five days
- 15.21.060A (third line) – change “after receipt” to “of issuance”
- Include local agent (Wicomico County)
- Coordinate with Clerk of the Circuit Court’s Office

This item will come back to Council for further discussion at a future work session.

Follow-up discussion on Ordinance No. 2162 – amending Chapter 15 Housing of the Salisbury Municipal Code relating to the Housing Board of Adjustments and Appeals (HBAA)

A copy of Ordinance No. 2162 is attached and made a part of these minutes. Since Mr. Spies has active citations, he recused himself and left the room while this issue was being discussed. Director of Neighborhood Services and Code Compliance Director Tom Stevenson reported that there were approximately fifty HBAA cases pending. A discussion ensued on the suggestion of abolishing the HBAA. Mr. Pick will forward copies of the letters he referenced that Mayor Tilghman sent to the HBAA. Mr. Pick was requested to contact City Attorney Wilber concerning the legal procedure for abolishing the Board and how to handle Ordinance No. 2162 (i.e., amend Ordinance No. 2162 at second reading to abolish the Board, vote against Ordinance No. 2162 at second reading, postpone the Ordinance, or create a new ordinance to abolish the Board.)

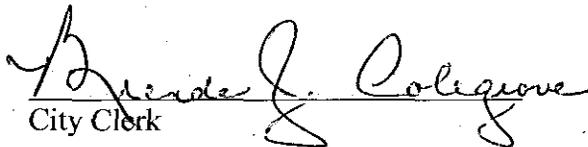
General discussion/upcoming agendas

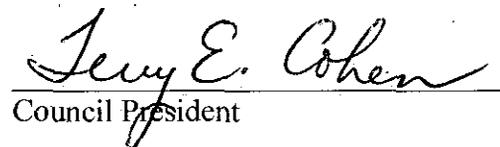
Council Rules of Order – Suggestion was made to amend Section 5.B by inserting “legislative” prior to “agenda” in the second line. The City Clerk and Council President will work on revamping the language in Sections 4 (Agendas) and 8 (Work Session Meetings). The Rules of Order will be scheduled for further discussion at a future work session.

Breaches of confidentiality – Ms. Cohen referenced a newspaper article in which verbiage from Paul Wilber’s e-mail regarding the Wastewater Treatment Plant was quoted.

Council access to legal counsel – to be scheduled for a future work session.

The work session adjourned at 8:15 p.m.


City Clerk


Council President