

**MAYOR AND COUNCIL PUBLIC HEARING
TUESDAY, SEPTEMBER 8, 2015, 7:00 P.M.**

AGENDA

1. Call to Order
2. Ordinance 518 – Vacant Property
3. Resolution 2015-02 – Proposed Charter Change – Section 16-20 Recall of Elected Officers
4. Adjournment

9/2/2015 11:10 AM

PUBLIC HEARING SCRIPT

September 8, 2015

MAYOR: I NOW CONVENE THIS HEARING CONCERNING ORDINANCE 518 AND RESOLUTION 2015-02.

WILL THE OFFICE MANAGER PLEASE SUMMARIZE THE ADVERTISEMENT FOR THE PUBLIC HEARING AND ATTEST TO THEIR PUBLICATION?

(OFFICE MANAGER summarizes ad and attests Publication with dates of ads)

MAYOR: ARE THERE ANY LEGAL MATTERS RELATING TO THE JURISDICTION OF THE MAYOR AND COUNCIL OF THE CITY OF BRUNSWICK OR ANY OBJECTIONS WITH REGARD TO THE NOTICE OF PUBLIC HEARING.

(Pause)

LET THE RECORD SHOW THERE WERE NONE.

I WILL NOW TURN THE HEARING OVER TO THE CITY ADMINISTRATOR TO DESCRIBE THE ORDINANCE AND ITS PURPOSE .

(ADMINISTRATOR's presentation - Vacant Property Ordinance).

MAYOR: AT THIS TIME, THE MAYOR AND COUNCIL WILL HEAR FROM THE PUBLIC, REGARDING ORDINANCE 518. IF YOU WISH TO COMMENT ON THIS ORDINANCE PLEASE COME TO THE MICROPHONE, STATE YOUR NAME AND ADDRESS, AND MAKE YOUR PRESENTATION OF NOT MORE THAN FIVE MINUTES.

DO ANY OF THE COUNCIL MEMBERS WISH TO COMMENT?

(Pause)

THE FIRST READING OF THESE ORDINANCE 518 TOOK PLACE ON AUGUST 11, 2015.

SECOND READING AND CONSIDERATION OF THE ORDINANCE IS SCHEDULED FOR THE MAYOR AND COUNCIL MEETING LATER TONIGHT.

FOR THE SECOND PART OF THIS HEARING, I WILL NOW TURN THE HEARING OVER TO THE CITY ADMINISTRATOR TO DESCRIBE THE RESOLUTION AND ITS PURPOSE .

(ADMINISTRATOR's presentation - Charter Change RE Recall)

MAYOR: AT THIS TIME, THE MAYOR AND COUNCIL WILL HEAR FROM THE PUBLIC, REGARDING RESOLUTION 2015-02. IF YOU WISH TO COMMENT ON THIS RESOLUTION PLEASE COME TO THE MICROPHONE, STATE YOUR NAME AND ADDRESS, AND MAKE YOUR PRESENTATION OF NOT MORE THAN FIVE MINUTES.

DO ANY OF THE COUNCIL MEMBERS WISH TO COMMENT?
(Pause)

CONSIDERATION OF THE RESOLUTION IS SCHEDULED FOR THE MAYOR AND COUNCIL MEETING LATER TONIGHT.

DO I HEAR A MOTION TO ADJOURN THIS HEARING? SECOND?

ALL IN FAVOR?

I NOW DECLARE THIS HEARING TO BE ADJOURNED

**MAYOR AND COUNCIL OF BRUNSWICK
ORDINANCE NUMBER 518**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF BRUNSWICK TO AMEND SECTION 3-1104 – VACANT STRUCTURES AND LAND, OF THE BRUNSWICK CITY CODE.

WHEREAS, changes to Section 3-1104, Vacant Structures and Land, of the Code of Ordinances were prepared and submitted to the Mayor and Council of Brunswick and vetted at public meetings on August 11, 2015 and September 8, 2015, and

WHEREAS, the City government desires to amend the Code language to reflect changes regarding vacant non-residential structures, and

WHEREAS, Ordinance 518 was drafted and presented as a first reading at the August 11, 2015 regular meeting of the Mayor and Council of Brunswick and a Public Hearing and second reading of Ordinance 518 was held on September 8, 2015, and

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Mayor and Council of Brunswick, that pursuant to the authority granted to it by the Annotated Code of Maryland, Section 16-3 of the Charter of the City of Brunswick, and Section 1-1204 of the Brunswick City Code, that Section 3-1104, Vacant Structures and Land, is hereby repealed and reenacted and attached to this Ordinance as Exhibit A.

Passed this _____ day of _____, 2015 by a vote of ____ for, ____ against, ____ abstaining, and ____ absent.

ATTEST:

Council of the City of Brunswick

Bob McGrory
City Administrator

Angel White
Mayor Pro Tem

Approved this ____ day of _____, 2015.

ATTEST:

Bob McGrory
City Administrator

Karin B. Tome
Mayor

City of Brunswick

VACANT NON-RESIDENTIAL STRUCTURES ORDINANCE

1. Purpose.

The purpose of this ordinance is to promote and assure public safety, health, and welfare; to prevent deterioration of Vacant Non-Residential Structures in the City of Brunswick; to support property values; and to encourage responsible management and use of Vacant Non-Residential Structures through licensing and inspections.

2. Definitions.

- A. **BLIGHTED CONDITION** – A condition that exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health or safety or the public welfare.
- B. **CITY** – The City of Brunswick, Maryland.
- C. **DEPARTMENT** – The Department of Administration of the City.
- D. **MIXED-USE STRUCTURE** – A building that contains at least one permitted non-residential use and at least one permitted residential use.
- E. **NON-RESIDENTIAL STRUCTURE** – Any structure or premises, in whole or in part, including a Mixed-Use Structure, that contains spaces for commercial or industrial uses such as manufacturing operations, offices, apartments, warehouses, shopping centers, retail and wholesale facilities, and other similar uses.
- F. **OWNER** – Any person or business entity having a legal or equitable interest in, or control of, real property. Owner shall also mean any person who, alone, jointly or severally, has the charge, care, or control of any premises as executor, administrator, trustee, or guardian of the estate of the owner. Owner shall also mean any person having any interest in a business entity that owns or has any ownership interest or control of the premises. Any person or business entity whose name appears on the deed or property tax bill for the premises shall be deemed to be an owner of the premises.
- G. **PREMISES** – Any single parcel or lot of real property in the City, including the land and all improvements or structures, upon which a Vacant Non-Residential Structure or Vacant Blighted Non-Residential Structure is located.
- H. **VACANT BLIGHTED NON-RESIDENTIAL STRUCTURE** – Any non-residential structure that is (1) vacant and the subject of a pending action to foreclose a mortgage or deed of trust, (2) is vacant with blighted conditions, or (3) has been placarded by the City as uninhabitable. For properties with multiple structures, such as shopping centers with pad sites or apartment complexes, if any individual structure meets this definition, that individual structure within the larger property shall be subject to the terms of this ordinance.
- I. **VACANT NON-RESIDENTIAL STRUCTURE** – Any non-residential structure that is vacant for a continuous six (6) month period. For properties with multiple structures, such as shopping centers with pad sites or apartment complexes, if any individual structure is vacant for a continuous six (6) month period, that structure shall be subject to

the terms of this chapter. For calculation of the continuous six (6) month period required to satisfy the definition of Vacant Non-Residential Structure, the following periods of time shall not be included: (i) the one (1) year period immediately following the issuance of a use and occupancy permit for new construction; and (ii) any period of time during which active work is being legally performed pursuant to a valid permit issued by the City.

3. Vacant Non-Residential Structure License Required.

It shall be unlawful for the owner(s) of any Vacant Non-Residential Structure or Vacant Blighted Non-Residential Structure to fail to obtain a Vacant Non-Residential Structure License and to abide by the inspection requirements contained in this ordinance.

4. Application; License Fee.

A. In addition to the inspection requirements of Section 5 of this ordinance, an applicant for a Vacant Non-Residential Structure License shall provide the following information and documents for each such structure on the appropriate application form provided by the Department:

1. The address of the vacant structure;
2. The number and location of the spaces contained in the structure;
3. The name, street address, and telephone number of all owners of the vacant structure;
4. If the owner of the Vacant Non-Residential Structure is not an individual, the applicant shall provide the name, street address, resident agent, resident agent's address and telephone number;
5. The name, street address and telephone number of a designated contact person for the owner(s);
6. A certificate of property insurance in the amount equivalent to or greater than the assessed tax value; and

B. An applicant for a Vacant Non-Residential Structure License shall submit a non-refundable annual license fee pursuant to the schedule set by the Mayor and Council, within thirty (30) days from the application mailing.

5. Inspection.

A. The Department or its designees shall inspect each structure that is the subject of a Vacant Non-Residential Structure License, or an application for such license, for compliance with all applicable property maintenance, fire, and other City codes, and Section 6 of this ordinance.

B. Exterior Inspections. The exterior of a structure that is the subject of an application for a Vacant Non-Residential Structure License shall be inspected at the time of the initial application and on an annual basis following the issuance of a license.

C. Interior inspections. Interior inspections shall be conducted in accordance with the following schedule:

1. Vacant Blighted Non-Residential Structures -- At initial application and annually thereafter.
2. Vacant Non-Residential Structures -- At first renewal and annually thereafter.

D. Required re-inspections for noted conditions shall be as directed by the Department.

6. Vacant Non-Residential Structure Inspection Standards.

In addition to the inspection requirements of Section 5 of this chapter, an owner of a Vacant Non-Residential Structure or Vacant Blighted Non-Residential Structure shall maintain the structure to the following standards:

- A. Exterior lighting at all entry doors.
 1. Shall be illuminated from dusk to dawn.
 2. Shall be directed downward and away from adjoining premises.
 3. Shall maintain one (1) footcandle of light measured at one (1) foot above the ground to a minimum distance of twenty (20) feet from the center of each entry door.
 - i. Exterior lighting is not required at any entry door where street lighting meets the minimum illumination level required by this section.
- B. All entry doors shall have engaged deadbolt locks.
 1. Doors not capable of deadbolt locks shall be secured in an approved manner.
- C. All exterior sliding doors shall have lift and slide protection.
- D. All windows shall have lift and slide protection.
- E. All shrubbery, hedges, trees, or similar vegetation shall be maintained so that a clear view of the entry doors from the public sidewalk or street is not impeded.

7. Issuance of License; Renewal.

Upon receipt of a completed application form and full payment of the appropriate fee, the Department shall, within 30 days, issue a license for the subject Vacant Non-Residential Structure or Vacant Blighted Non-Residential Structure, except as provided in Section 8 hereof. Said license shall expire on its anniversary date, and shall be renewable annually. A renewal application shall be made at least 60 days prior to the expiration date of the then-current license. License renewal shall be made on the form provided by the Department.

8. Denial; Revocation or Suspension.

A Vacant Non-Residential Structure License may be denied, revoked, or suspended at any time by the Department if, after receipt of a notice of violation, the owner fails to eliminate violations of the applicable code sections (including Section 6) identified during any inspection within the time order in the notice. Denial, revocation, or suspension of a Vacant Non-Residential Structure license shall be in addition to, and not in substitution of, the penalties provided for in Section 10 of this ordinance. Said denial, revocation, or suspension may be appealed within 20 days to the City of Brunswick Board of Appeals.

9. Severability.

The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

10. Violations and Penalties.

In addition to the sanctions outlined in Section 8 hereof, any owner violating the provisions of this ordinance shall be guilty of a municipal infraction and subject to a fine of up to one thousand dollars (\$1,000.00). Each day a structure is not in compliance with this ordinance shall be deemed a separate and distinct violation.

RESOLUTION 2015-02

A RESOLUTION TO AMEND ARTICLE II SECTION 16-20 OF THE CITY OF BRUNSWICK CHARTER.

This resolution of the Mayor and Council of Brunswick is adopted pursuant to Article IX-E of the Constitution of Maryland; Title 4, Subtitle 3 of the Annotated Code of Maryland; and the Charter of the City of Brunswick (the "City Charter") to amend Article II Section 16-20 of the City Charter to revise language regarding the recall of elected officials.

Section 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BRUNSWICK, that Article II Section 16-20 of the City Charter be amended to read as follows:

Article II. Elections

A. Section 16-20. Recall of elective officers – Generally.

[The holder of any elective office in the City of Brunswick may be removed at any time after the date of his election by the electors qualified to vote for a successor of such incumbent. The procedure to the removal of an incumbent of an elective office shall be as follows:

In case of the mayor, a petition signed by electors entitled to vote for a successor to the incumbent mayor sought to be removed equal in number to at least twenty-five percent of the entire vote for all candidates for the office of mayor cast at the last preceding general municipal election, and, in case of a councilmember, a petition signed by electors entitled to vote for a successor to the incumbent councilmember sought to be removed equal in number to at least twenty-five percent of the total voters casting ballots for one or more councilmembers at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city administrator, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall make oath before an officer competent to administer oaths that the statement therein made are true as he believes and that each signature to the paper appended is a genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition, the city administrator shall examine and from the voters registered ascertain whether or not the petition is signed by the requisite number of qualified electors. If necessary, the mayor and council shall allow him extra help for that purpose. He shall attach to such petition his certificate showing the result of such examination. If by the city administrator's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of such certificate. The city administrator shall, within ten days after such amendment, make like examination of the amended petition. If his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the city administrator shall submit the same to the mayor and council without delay. If the petition shall be found to be sufficient, the mayor and council shall order and fix a date for holding the election, not less than thirty days or more than forty days

from the date of the city administrator's certificate to the mayor and council that a sufficient petition is filed. The mayor and council shall make or cause to be made publication of notice and all arrangements for holding such election. The same shall be conducted, returned and the result thereof declared, in all respects as are other city elections. So far as applicable, except as otherwise provided in this Charter, nominations under this section shall be made as provided under section 16-14 by filing with the city clerk at least ten days prior to such special election, a statement of candidacy, accompanied by a petition signed by electors entitled to vote at such special election equal in number to at least ten percent of the entire vote for all candidates for the office of mayor at the last preceding general municipal election. The ballot to be used at such special election shall be as far as practicable in the same general form as the ballot to be used at a general election.]

A mayor or council member may be removed from office at any time by voters qualified to vote for a successor to that office pursuant to the procedure set forth in subsection B. hereof.

B. Procedure:

1) A petition in substantially the form set forth in subsection C. hereof shall be filed with the City Administrator which contains the signatures of 25% of registered voters and a statement of the reasons for the recall.

Sufficient reason for recall shall be limited to the following:

- (1) failure to uphold the oath of office;
- (2) malfeasance (wrongdoing or misconduct) in office;
- (3) misfeasance (the performance of lawful action in an illegal or improper manner) in office;
- (4) nonfeasance (failure to act or do what ought to be done) in office;
- (5) conviction of a criminal offense of a felony category;
- (6) engaging in illegal conduct involving moral turpitude, fraud or deceit;
- (7) engaging in conduct involving mismanagement or misappropriation of public funds, a gross abuse of public authority or a substantial and specific danger to public health, safety or welfare;
- (8) coercion of any City employee into taking illegal or improper action or taking any retaliatory action against any City employee because of that employee's disclosure of information relating to illegal and improper action in the City Government;
- (9) gross negligence or incompetence in the performance of public duties;
- (10) engaging in personal conduct injurious to the reputation and well-being of the government of this City and its' citizens;
- (11) failing or refusing to perform, or acting contrary to, an official duty or obligation imposed by the City's Charter or duly enacted law or ordinance;
- (12) the inability or incapacity to properly perform public duties due to a permanent or chronic physical or mental ailment or other incapacitating defect.

2) Each signer shall state his or her name and address and shall indicate the date on which he or she signed the petition. A signature shall be valid for ninety (90) days, except that signatures valid at the time of the submission of a petition to the City Administrator for review for sufficiency shall remain valid until a referendum election on a valid petition is concluded or the expiration of the ten-day period set forth in Subsection B.5 below for amendment and resubmission of a deficient petition, whichever is later. Each signer shall print his or her name legibly beneath his or her signature.

3) Each signer shall make an oath or affirmation, under penalty of perjury, that he or she is a registered voter in the City of Brunswick and that the stated date of signature is accurate.

4) After initial examination for sufficiency by the City Administrator, a petition shall be given to the Frederick County Board of Elections for validation of signatures.

5) If a petition is found to be insufficient by either the Administrator or the County Board of Elections, the petitioners shall be so notified by the City Administrator. The petition may be amended by the petitioners and resubmitted within ten days of the date on which the petitioners are notified of the insufficiency.

6) If a petition is found to be sufficient, the petitioners shall be so notified by the City Administrator and the petition shall be submitted to the Mayor and Council who shall by resolution fix a date for an election upon the petition to be held no earlier than fifteen (15) days, nor later than ninety (90) days from the date that the petitioners are notified that the petition is sufficient.

7) No recall petition shall be filed against any person until that person shall have been in office for at least three months, nor shall any recall petition deal with more than one public official. The election shall be held in accordance with Section 16-15 of this Charter.

8) The question on the ballot shall read: "Should _____ (name of official) be removed from the office of _____?" Yes or No?

9) If a majority of the persons voting in the recall election vote in favor or removal of the official, the office shall be deemed vacant upon the certification of the election results by the Frederick County Board of Elections.

10) Promptly after a recall election in which the voters remove an official from office, an election shall be called to fill the office at the next regular City election or, in the Council's discretion, at a special election occurring before the next regular election.

C) A recall petition shall contain the following:

1) A statement: "We petition the Mayor and Council of Brunswick to hold an election to recall (name of official) from the office of _____ for the following reason(s):

2) A statement of the reason(s) for the recall

Authentication: "Each signer of this petition affirms under penalty of perjury that he or she is a registered voter in the City of Brunswick, MD and that the date indicated below his or her signature is the date upon which he or she signed this petition."

Printed name	Signature	Address	Date
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(repeated as necessary to fill a standard sheet)

Petition circulator's statement:

"I affirm, under penalty of perjury, that I am a registered voter in the City of Brunswick, Md and that I described the contents of this petition to each signer and am satisfied that each signer understands the nature of the petition and the responsibilities which accompany the signing of it."

Printed name	Signature	Address
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(NOTE: Underlining indicates language added to the Charter,
[Brackets] denote language deleted from the Charter.)

Section 2. AND BE IT FURTHER RESOLVED, that the date of the adoption of this Resolution is September 8, 2015 and that the Amendment to the City Charter hereby proposed by this enactment shall be and become effective on October 19, 2015, unless a proper petition for referendum shall be filed as required by law.

Section 3. AND BE IT FURTHER RESOLVED, that a complete and exact copy of this Resolution shall be posted at City Hall, 1 West Potomac Street, Brunswick, Maryland for forty (40) days after the date of adoption of this Resolution.

Section 4. AND BE IT FURTHER RESOLVED, that the Mayor shall cause a fair summary of this Resolution and the amendment to the Charter to be published four (4) times at weekly intervals in the Brunswick Citizen, a newspaper of general circulation in the Brunswick area and Frederick County, Maryland, within a period of at least forty (40) days starting immediately after the date of adoption of this Resolution.

Section 5. AND BE IT FURTHER RESOLVED, that in accordance with Title 4, Subtitle 3 of the Local Government Article of the Annotated Code of Maryland, this Resolution shall become effective and observed as such, and shall be considered a part of the Charter of the Mayor and Council of Brunswick, fifty (50) days following its final passage and enactment, unless on or before forty (40) days after the final passage and enactment of this Resolution a petition for referendum meeting the requirements of § 4-304(d) of the Local Government Article of the Annotated Code of Maryland, be presented to the Mayor within said forty (40) day period.

READ AND PASSED this 8th day of September, 2015.

ATTEST:

COUNCIL OF THE CITY OF BRUNSWICK

Bob McGrory
City Administrator

By: _____
Angel White
Mayor Pro Tem

APPROVED this 8th day of September, 2015.

ATTEST:

Bob McGrory
City Administrator

Karin B. Tome
Mayor