

CITY OF SALISBURY
WORK SESSION
MAY 21, 2012

Present

Council President Terry Cohen
Councilman Tim Spies
Councilwoman Laura Mitchell

Council Vice President Deborah S. Campbell
Councilwoman Eugenie "Shanie" P. Shields*
Mayor James Ireton, Jr.

In Attendance

City Clerk Kimberly R. Nichols, CMC, City Administrator John Pick, ICMA-CM, Public Works Director Teresa Gardner, Planning & Zoning Technical Services Coordinator Frank McKenzie, 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 Conference Room 306 of the Government Office Building.

Bike Path Grant – discussion

Mayor Ireton briefed Council on the efforts of Matt Drew, P.E. to create connectivity throughout the City of Salisbury through the use of bike lanes. Mr. Drew's studies were based on where people live, work, and attend school.

Teresa Gardner informed Council there would be no City money required due to the utilization of the Maryland Bikeways Program Funding Application Grant. This grant will pay for bike lane materials; the City is expected to provide the labor. If approved, the grant will initially pay for the first two miles of bike lanes, but could pay for more miles of bike lanes should additional grant money be awarded and received. The almost eighteen miles of bike lane network is shown on the map which is attached and made part of the minutes along with the Maryland Bikeways Program Funding Application, and the information on signs.

The initial two miles are independent of the remaining project; receiving the grant money is not contingent upon the balance of the project being funded or planned. If the City exhibits good stewardship, Mr. Drew indicated that the State of Maryland would likely grant money again to Salisbury for additional miles of bike lanes. Mayor Ireton proposed the first two miles of bike lane begin at the University and head Downtown.

Amy Wooters, representing the Salisbury University Foundation, remarked that should the grant come through, the Seagull Century foundation would be very interested in partnering financially on this project with the City of Salisbury.

All information provided thus far has been for discussion purposes only. Should grant money be awarded for the project, acceptance of the funds will be placed as an agenda item for Council consideration. Teresa Gardner stated much more detail would be available on the project at the time the grant is accepted.

Properties Not Sold at Tax Sale

John Pick distributed information which is attached and made part of the minutes, on properties not sold at tax sale. The City has selected five vacant lot properties for purchase at the June 14, 2012 Wicomico County tax sale; he indicated Habitat for Humanity and Salisbury Neighborhood Housing Service were both interested in this project.

The five properties are blighting influences in their neighborhoods and have been abandoned by their owners. The City of Salisbury would purchase these properties at tax sale and after completing the acquisition process rehabilitate the on the tax roll.

In addition to City liens, there are outstanding County and State taxes on these properties. The State is unable to waive taxes, but Wicomico County may be able to waive the County taxes. Wicomico County Administrator Pollitt has indicated support for this matter and further supports placing this matter before the County Council to seek a waiver of County taxes on these projects.

Mr. Pick requested approval of a budget amendment making the total amount due on the five properties, \$122, 000.00, available for purchase of the properties. The properties will be insured by LGIT once purchased. Susan Phillips will verify with Bill Holland whether these lots are buildable.

Council reached unanimous consensus to proceed with the budget amendment to purchase the five properties at the Wicomico County tax sale.

Update on “The Bricks”

Mark Tilghman reported that pursuant to Council’s instructions in closed session, he had written a letter to “The Bricks” lender, *Homes for America*, advising them that payment from the City would not be forthcoming, stating in the letter that “no contract was ever appropriately approved with Homes for America” and that “no vote ever took place to authorize the borrowing.”

Mrs. Campbell stated the property needs to be declared surplus and sold. Mayor Ireton questioned whether the property should be sold prior to the City ascertaining what action will be taken by *Homes For America*. It was decided to discuss the City’s options for “The Bricks” with Mark Tilghman at a later date.

(Council took a ten minute break at 3:20 p.m.)

Capacity Fees – follow up discussion

Teresa Gardner reported capacity fee program discussions began last year between Finance and Public Works. Previously, she and Dale Pusey had not been directly involved in developing the capacity fees. Through discussing and developing the Capital Improvement Plan (CIP), Dale Pusey prepared the attached package, previously distributed in March, 2012. It shows the CIP projects used by code, to calculate what the capacity fee should be based on the adopted CIP. The rate would change to \$3392 per year.

After meeting with Mark Tilghman, it was decided that the code should be revised so that the draft comprehensive connection charges can be submitted to Council by March 15th and adopted by July 1st of the same year. The March 15th deadline allows for some delay in the CIP approval process and the July 1st deadline coincides with the beginning of the fiscal year. Solicitor Tilghman suggested replacing the word “approximately” with “on or before” in lines 31, 33, 38, and 40 of the drafted ordinance which is attached and made part of the minutes.

Mrs. Gardner was concerned about several projects that were probably dependent upon the new rates. Mrs. Campbell recalled a prior discussion on whether there was some reason assessment of the charge had to occur when the meter was set; she remembered the answer being no. Mr. Pick stated when the ordinance was passed, the decision was made to have assessment of the charge coincide with setting the meter.

Ms. Cohen questioned whether it was appropriate to charge the fees at the time permits are pulled, rather than when meters are set; she felt it would give a better indication of the dollars if the fees were collected at the time of permit issuance. She then requested this be considered at a later date, not wishing to delay the process of setting the fees.

Council reached unanimous consensus to move forward with the 2012 capacity unit fee of \$3392, which Public Works staff has recommended as the maximum defensible charge.

Required Charter Amendment for Elections

Mark Tilghman included all of the charter changes agreed upon by Council in one draft Charter Amendment, which is included in the minutes.

Mrs. Shields expressed dissatisfaction that a third district was not created, that two Council members were included in District 1 rather than adding an extra district. Ms. Cohen said that District 1 will now have two seats, not one. The total number of seats will remain the same.

Mark Tilghman noted changes he had made which were not incorporated in the draft amendment but would be included before being re-sent to Council members. However, the substance was captured in the rough draft, with the exception of page 10, line 1. The word "two" should be eliminated. Because that section deals with tie votes, and the number is not necessary.

Mayor Ireton questioned Mr. Tilghman about the Mayor's position having no official vote in the matter (referring to the change being accomplished by charter amendment. Ms. Cohen explained that part of the rationale for making these changes by charter amendment was that districts had previously been established by consent order which requires a return to court when something is passed; in order to avoid more than one return trip to court, a charter amendment is necessary. A charter amendment is also necessary to facilitate reapportionment and the elimination of staggered elections; an ordinance would have been appropriate if the Council was only changing the election district lines.

Council reached consensus to move forward with the charter amendment, with Mrs. Mitchell abstaining from the vote, and Mrs. Shields voting "no." Mark Tilghman will prepare the charter amendment for the June 11, 2012 Council meeting. He and Frank McKenzie will meet to jointly review the language.

(Council took a thirty minute break at 5:05 p.m.)

Grant Applications Procedure/Policy discussion

Mrs. Campbell stated it would be beneficial for Council to be aware of grant applications in their preliminary stages because if there was not consensus to move forward with a grant and a considerable amount of work was done on the grant, the time would be wasted.

Mrs. Shields expressed concern with the time limitations sometimes associated with grants. While it takes time for the Council to schedule a review, the required time limitations may pass by. She added that any grant having budget implications need to be considered prior to applying for grants.

Mrs. Mitchell stated since the grant writing process is a roadmap to stating details and answers to the questions that Council would ordinarily ask about a project, and valuable time could be lost if waiting for a project to be considered by Council prior to writing the grant.

Council unanimously agreed it should receive notice of grants prior to their application, if possible. This notification should include any in-kind services expected, matches, future budget implications, maintenance issues, etc. before a considerable amount of time is invested in writing the grants.

Travel Reimbursements for Council Members – discussion

Ms. Cohen indicated the need for a policy to dictate the distribution of budgeted travel money for Council members. Mrs. Campbell stated she has been and will continue to pay all of her travel expenses out of her own pocket, and thought the Council had agreed not to turn in their mileage. She requested Council discussion to clarify mileage reimbursement policy prior to accepting membership on committees.

Not knowing beforehand that she would be asked to serve on the MML Legislative Committee, Mrs. Mitchell divulged she has driven a lot of miles to attend the meetings in Annapolis, Maryland. Mrs. Shields

stated the City of Salisbury should be represented, especially at the local meetings. If representing the City, Mrs. Shields contended the mileage should be reimbursed to all Council members attending.

Council unanimously agreed to reimburse Mrs. Mitchell (\$446.50) and Mrs. Shields (\$214.80) for mileage for attending MML Conferences, LESMA & ESAM. They agreed if a Council member attends a meeting to represent the City, the informational material received should be shared with all Council members.

Advertising Account balance – discussion

After discussion, Council unanimously authorized a transfer of funds from the printing account to the advertising account to cover advertising expenses for the City's budget hearing and the City Clerk and Assistant City Clerk positions, which the City Clerk's Office is obligated to pay.

Council Rules of Order - discussion

Council discussed the deadline for submission of items for legislative and work sessions. There is an evident need to change the submission date in order to allow sufficient time for Council to review and consider items. Mrs. Campbell suggested reinstating the form staff used several years ago to submit requests to the City Clerk for resolutions or ordinances to be placed on agendas. Council President Cohen will review the form.

Mrs. Mitchell suggested that the preliminary agenda will become more accurate if the policy of receiving agenda items thirteen days prior to the actual meeting was stuck to.

Council unanimously agreed to the revision of the Council Rules of Order to receive agenda items thirteen days in advance.

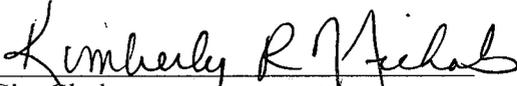
General Discussion

- Council discussed the Rivers Edge building project. The uncompleted, half-built condominium complex has been purchased by Osprey Property Companies, and Andrew Hanson, a developer with the company, has requested to be placed on the work session agenda to discuss developing the property as an affordable housing, multi-use complex.

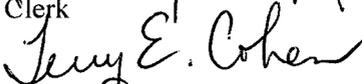
After discussing the tax base being lowered by building this type of housing, the blight in the neighborhood, and waiting for better economic times after the current recession ends, Council decided not to move forward with scheduling a meeting with Mr. Hanson. Mrs. Mitchell and Mrs. Shields were in favor of meeting with Mr. Hanson

- On behalf of VFW Post 10159, Mrs. Shields requested special signage on the sidewalk which would allow ten-minute police car parking in one parking space in front of the Main Street building. Council unanimously agreed for Ms. Cohen to ask the city attorney about protocol for this type of request.
- Mrs. Campbell asked that LLC disclosure be placed as an agenda topic on an upcoming work session. Ms. Cohen will ask Mr. Tilghman to provide direction in this matter.

With no further discussion, the work session adjourned at 7:35 p.m.



City Clerk



Council President