

AS AMENDED ON MAY 28, 2013

CITY OF SALISBURY
WORK SESSION
MAY 6, 2013

Public Officials Present

Council President Jacob R. Day
Councilwoman Terry E. Cohen

Council Vice President Laura Mitchell
Councilwoman Eugenie P. Shields

Councilman Timothy K. Spies

Public Officials Not Present

Mayor James Ireton, Jr.

In Attendance

City Clerk Kimberly Nichols, CMC, City Administrator John Pick, ICMA-CM (left at 7:28 p.m.), Assistant City Administrator Dr. Loré Chambers (left at 7:27 p.m.), Public Works Director Teresa Gardner, Deputy Public Works Director Amanda Pollick, Internal Services Director Keith Cordrey (left at 7:28 p.m.), Planning & Zoning Long Range Planner Keith Hall, interested citizens, and members of the press.

The City Council convened in Open Session at 4:34 p.m. in Council Chambers, Room 301 of the Government Office Building. Upon a motion and seconded by Mrs. Shields and Mrs. Mitchell, respectively, the vote was unanimous to convene in Closed Session at 4:37 p.m. as permitted under the Annotated Code of Maryland §10-508(a)(7)(14).

Council President Day adjourned the Closed Session at 5:16 p.m. Thereafter, Council convened in the regularly scheduled Work Session.

Briefing on Storm Water Financing Feasibility Study

The Council was joined by Planning & Zoning Long Range Planner Keith Hall and University of Maryland Director for the Environmental Finance Center (EFC) Joanne Throwe, who presented a PowerPoint on Stormwater Financing Feasibility Study for Salisbury. Ms. Throwe was joined by associates Jennifer Cotting and Monica Billig. The EFC was contracted by the City of Salisbury in 2011 to conduct the study, with the goal of recommending a long-term dedicated funding stream to generate sufficient revenue for the City to maintain a comprehensive stormwater program.

Ms. Throwe and Council discussed the following questions and comments:

- concern with the \$2.3 million per year need for the next ten (10) years

- determination of impervious surface – ground water going back into the yards of older homes surrounded by grass
- not wanting to encourage lower density (buildings spread further apart/creating more wasted space)
- personnel needs for the ~~upcoming-needed~~ future staff
- Did the model for the future cost projections include both populous and geographic growth of the City, and include expansion of the City's systems?
- precedent for incorporating projections (both physical and population growth) and its impact on fiscal projections
- re-evaluation should be done each year
- the importance of public education outreach and input from the community
- may need to consider five (5) year budgeting
- results of the study followed a year-long collaboration with City of Salisbury and Wicomico County staff

Ms. Throe provided Council with the completed "Financing Feasibility Study for Stormwater Management in Salisbury, MD" and invited them to email questions or comments after reviewing the material. The briefing of the study was for Council's information and no action was taken at this time.

Wastewater Credit Allowance

Public Works Director Teresa Gardner joined Council to provide the background for the partnering requested with Pepsi Bottling Ventures by possibly installing a pre-treatment program at their site, as the water used in their production process goes mostly into their product and not in the City's sewer system.

Deputy Public Works Director Amanda Pollick discussed the proposed ordinance which would provide for the Wastewater Credit Allowance, as the current Code does not allow for credits for high water users not discharging greatly into the sewer. The proposal would enable non-domestic users to apply for the wastewater credit allowance. Mrs. Pollick explained the proposal was not an attempt to provide adjustments to normal residential water bills due to high usage but was intended for large water users that do not discharge much into the sewer system.

Mrs. Pollick discussed the following eligibility criteria for the allowance:

- discharge of less than 90% of their metered water use into the sewer system
- is subject to categorical pretreatment standards
- discharges an average of at least 25,000 gallons per day of ~~process~~ processed wastewater

The large water users were identified as Perdue Inc., Pepsi, Spartech, Finishing Technologies, K & L Microwave, ~~Kadista~~ Cadista Pharmaceuticals, and two (2) Tishcon Pharmaceutical plants.

Only 24% of Pepsi's metered water goes back into the sewer and 76% of their water use goes into their product. 98% of the water Perdue Inc. uses goes back into the sewer system. The 2% that does not go back into the system is over \$1.6 million gallons of water. Mrs. Pollick stated they would like to make this credit available to Perdue Inc. even though percentage-wise it's not a large percentage of their use.

Concluding the briefing from Ms. Gardner and Mrs. Pollick on the proposed credit allowance, no action was taken nor was consensus received from Council.

Request for Waiver of Paving Policy – 309 East Main Street

Ms. Gardner provided the background information for the paving policy waiver request. Under the existing paving policy, G Plus Properties, LLC was responsible for the repaving of the entire width of the street because a new water service would be needed in order to install a sprinkler system in their building. The Paving Policy (Resolution No. 1312) does not allow Public Works staff the authority to alter the requirements of the policy. The substantial cost difference between what the current paving policy requires and the proposed replacement of only the existing water service pavement patch equals tens of thousands of dollars, per Bradley Gillis from G Plus Properties, LLC who joined Council for the discussion. Ms. Gardner added that if they were held to the existing paving policy and had to pave the entire frontage from curb to curb, the likeliness of saving any of that work was unlikely because Public Works is re-working the water, sewer and storm sewer, and will likely hit that entire stretch again.

Mr. Day asked Ms. Gardner to submit a site plan of the parcel in question and stated the paving policy will be scheduled for Council discussion. Ms. Cohen asked City Attorney Mark Tilghman to review the City Code to check for a paving ordinance and advised that the resolution prepared for this waiver be very specific to this situation to explain to the public why the exemption is being authorized.

Council unanimously supported the waiver request and a resolution will be prepared.

Discussion of Capacity Fees for FY 14

Ms. Gardner recommended that the capacity fees for FY 14 be increased by \$141 per Equivalent Dwelling Unit (EDU), which will raise the fee from \$3,392 to \$3,533. She explained the increased amount was based upon the recently approved Capital Improvement Plan (CIP), Debt Service information and upcoming negotiations with funding for the new plant.

At Mr. Day's request, Ms. Gardner will provide Council a comparison of the capacity fees of area municipalities. The discussion was for Council's information and no action was taken by Council.

Request to Amend Ordinance to Permit Property Owners to Pay Capacity Fee prior to Water Meter Setting

Ms. Gardner joined Council to discuss capacity fee collections. She stated the Addison Court Apartments, LLC developer wished to pay capacity fees for their project prior to the water meter being set. Noting that Public Works was close to finishing the review process for the Addison Court Apartment complex located at North Pointe Drive and Jasmine Drive, and consisting of three hundred (300) apartment units, Ms. Gardner recommended supporting the request to allow them to pay the capacity fee at this time.

Ms. Gardner asked to change the language in the ordinance to allow all developers the opportunity to pay their capacity fees before the setting of the water meter if they wish. After discussion, Council reached unanimous consensus to ask Administration to draft an ordinance for discussion at the next work session.

Receivership Ordinance – Further Discussion

Neighborhood Services and Code Compliance Director Tom Stevenson joined Council and recapped the receivership discussion held by Council in which he had been asked to develop two criteria. They include: 1) how the properties would be selected, and 2) how a suitable candidate would be selected to be the receiver. City Attorney Mark Tilghman has advised the best approach would be for the City's Chief Housing Inspector (Tom Stevenson) to be selected as receiver.

Mr. Stevenson reviewed the following suggested criteria to be used when pursuing properties:

1. structure should be vacant
2. structure should be abandoned per Mr. Stevenson's suggested definition (that the owner of record has failed to make any attempt to maintain the structure in accordance with the Property Maintenance Standards)
3. there is an unsatisfied order to demolish the structure
4. the structure has been boarded up in excess of six (6) months without receiving approval from the Building Official
5. there is an unsatisfied court order to abate a violation
6. there are outstanding liens with no dollar threshold

He recommended that property considered for receivership not have to satisfy all of the above criteria, but must meet at least one of them to get them onto the receivership candidacy list.

The discussion on receivership was for Council information and input; no action was taken.

City Council Committee Representation

Mr. Day asked if any of the Council members wished to discontinue or switch the committees they were currently serving on. After discussion, the following Committees and Commissions will be represented by Council members as indicated below:

- Airport Commission – Mrs. Mitchell will continue serving
- City Park Committee – Ms. Cohen will continue serving
- Marina Committee – Mrs. Shields will replace Ms. Cohen
- PAC14 – Mrs. Shields will continue serving
- Planning & Zoning Commission – Mr. Spies will continue serving
- Recreation & Parks – Mr. Spies will continue serving
- Salisbury Wicomico Metropolitan Planning Organization – Mr. Day will replace Ms. Cohen as the City Council President is requested to be the City Council representative on this committee
- Town Gown – Mr. Spies will continue serving

- Traffic & Safety Advisory Committee – Ms. Cohen to replace former Council Vice President Campbell if the Committee changes their meeting days (currently meeting on the third Monday of each month at 5:30 p.m.)
- Tri-County Council – Mrs. Mitchell will continue serving
- Wicomico County Library Board – Mrs. Shields will continue serving
- Zoo Commission – Mrs. Mitchell will continue serving

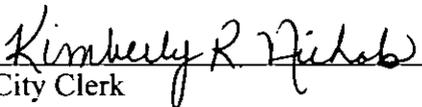
General Discussion

Council discussed the huge block party held by Salisbury University (SU) students on Hazel Avenue and Mr. Day indicated SU officials were taking the disruption to the neighborhood very seriously. Ms. Cohen added that due to the prompt response from the Salisbury Police Department, University Police, Sheriff's Department, and Fruitland Police Department, there was no property damage.

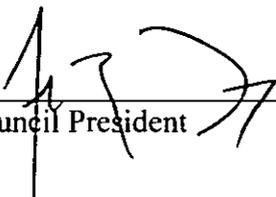
Mrs. Mitchell suggested that at the next Town-Gown meeting the reinstatement of the SU Fun Day be discussed as SU has ample space on campus for the event. Mr. Spies stated that the final Town-Gown meeting has already been held for the school year and the next meeting will be held in September. Ms. Cohen suggested considering the formation of an ad-hoc committee before this event takes place again.

Council President Day suggested that at the next regularly scheduled Work Session Council could continue discussion and perhaps solicit participation from SU and the Police Department.

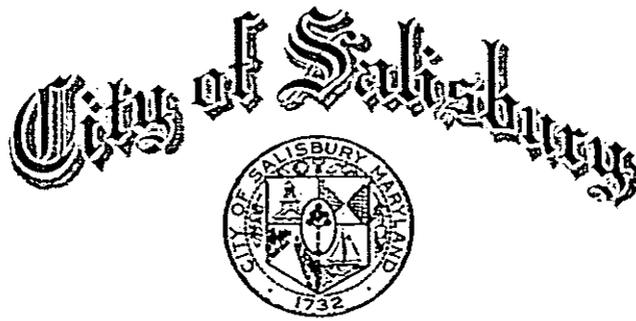
With no further discussion, President Day adjourned the Work Session at 7:42 p.m.



City Clerk



Council President



MARYLAND

**SALISBURY CITY COUNCIL
WORK SESSION AGENDA**

MAY 6, 2013

**COUNCIL CHAMBERS, ROOM 301
GOVERNMENT OFFICE BUILDING**

- 4:30 p.m. Closed Session - Discussion of Cable Television Franchise Renewal
- 5:15 p.m. Briefing on Storm Water Financing Feasibility Study – Joanne Throwe
- 5:45 p.m. Wastewater Credit Allowance – Teresa Gardner
- 6:00 p.m. Request for Waiver of Paving Policy – 309 East Main St. – Teresa Gardner
- 6:15 p.m. Break
- 6:30 p.m. Discussion of Capacity Fees for FY 14 – Teresa Gardner
- 7:00 p.m. Request to Amend Ordinance to Permit Property Owners to Pay Capacity Fee prior to Water Meter Setting – Teresa Gardner
- 7:15 p.m. Further Discussion - Receivership Ordinance – Tom Stevenson
- 7:45 p.m. City Council Committee Representation
- 8:00 p.m. Adjournment

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 10-508(a).*