

CITY OF SALISBURY
WORK SESSION
JUNE 17, 2013

Public Officials Present

Council President Jacob R. Day
Councilwoman Eugenie P. Shields (arrived at 1:52 p.m.)

Council Vice-President Laura Mitchell
Councilman Timothy K. Spies

Public Officials Not Present

Mayor James Ireton, Jr.
Councilwoman Terry E. Cohen

In Attendance

City Clerk Kimberly R. Nichols, CMC, City Administrator John Pick, ICMA-CM, Assistant City Administrator Lore Chambers, Ph.D., City Attorney Mark Tilghman, Neighborhood Services and Code Compliance (NSCC) Director M. Thomas (Tom) Stevenson Jr., Salisbury Police Chief Barbara Duncan, Acting Director of Public Works Amanda H. Pollack, P.E., Planning & Zoning Director Jack Lenox, interested citizens, and members of the press.

The City Council convened in Work Session at 1:32 p.m. in Council Chambers, Room 301 of the Government Office Building.

Chamber of Commerce Discussion – Permitting, etc.

Ernie Colburn, Executive Director of the Salisbury Area Chamber of Commerce, was invited to join the Council, and introduced the panel from the Salisbury Area Chamber of Commerce. Joining Mr. Colburn were Brad Gillis, Chamber President ; John Cannon, Business Advocacy Division of the Chamber; Assistant Vice President of Business Advocacy Division of the Chamber Mike Weisner; and Robby Sheehan, Division Member. Dr. Memo Diriker, President-elect of the Chamber of Commerce, was unable to attend.

Chamber of Commerce President Brad Gillis discussed the continued progress being made on the pro-business initiatives over the past several months.

Points of discussion by Mr. Gillis and Council included:

- The requirement for the City of Salisbury to hold a five (5) year bond for all public work

Mr. Gillis stated that a shortened period of time was more reasonable and reminded the City that “Acts of God” may occur. Mr. Matt Drew joined Mr. Gillis and the Council at the table and both gentlemen stated they had never encountered a jurisdiction in their professional careers in Maryland or Delaware that required a sixty (60) month guarantee on work that was inspected and approved by contractors of the City. They requested for the Council to re-evaluate this requirement.

- The Paving Policy (Resolution 1312)

Mr. Gillis stated the Paving Policy should be amended to allow the Public Works Director to use professional discretion on the completion of projects.

Mr. Day suggested discussing a paving bank, the Paving Policy, Maintenance Bond requirements and other issues at the next Work Session, to be held on July 1, 2013, and asked the group from the Chamber of Commerce to return to discuss these topics with Council. He also suggested that the Chamber group might consider meeting with Administration and return to Council with a refined set of recommendations.

Donation of Former Linens of the Week Property

Neighborhood Services and Code Compliance (NSCC) Director M. Thomas (Tom) Stevenson Jr. and Planning and Zoning Director Jack Lenox joined Council to report on the current status of the former Linens of the Week property. Mr. Stevenson discussed Administration's recommendation to donate the property to an area non-profit organization to be used for residential redevelopment and reported that the main building was demolished, the underground storage tanks were removed, and soil remediation work had been completed. The next steps will include demolition of the Maintenance Building, subdividing the lots, and re-zoning the land use from General Commercial to R-5 Residential.

After discussing the recommendations and requirements listed in the Phase II Environmental Site Assessment performed by Environmental Consultants and Contractors, Inc. and the R-5 Zoning District with Mr. Lenox, Council reached unanimous consensus to begin the process by first surplussing the property.

Restructuring of Executive Branch

Salisbury Police Chief Barbara Duncan and Mr. Stevenson joined Council to discuss the recommended restructuring of a portion of the Executive Branch and the proposed organization chart. Under the proposed plan, three employees will take on the roles and responsibilities of the current City Administrator and Assistant City Administrator, and the current funding for salary and benefits of the City Administrator and Assistant City Administrator will be split among the three positions.

President Day indicated he wanted to receive outside comments on the proposed restructuring from the community before making a decision on funding new positions. In lieu of hiring a consultant, a local and experienced professional may offer insight into the restructuring.

Council requested Administration research the budget requirements for the proposed changes and after discussion, reached unanimous consensus to bring the subject back to Work Session on July 1, 2013.

EDU Incentive Zone

Public Works Acting Director Amanda Pollack joined Council to discuss the EDU Incentive Zone.

Mrs. Pollack suggested the EDU Incentive area be valid for five years, and another review performed after five years to determine whether to reauthorize the Incentive Zone. She requested 300 EDUs be

made available for this while reserving capacity for the former Linens of the Week, which currently has 317 EDUs, and there are approximately 300 EDUs available. The EDUs would be available on a first come, first served basis and would be offered for all new development and revitalization of existing buildings Downtown. If outside of the immediate Downtown area, this incentive would only be offered on the revitalization of existing buildings in the Enterprise Zone.

Mrs. Pollack discussed eligibility criteria and the proposed hierarchy of approvals. Each request would have a resolution prepared to specify the number of EDUs allocated for that property. She suggested the allocation be for two years, and afterwards the resolution could be extended for two, one – year terms at the discretion of the Public Works Director.

Mrs. Pollack will forward Mr. Stevenson the final document after incorporating the following changes to the drafted ordinance suggested by Council, prior to placing it on the July 8, 2013 agenda:

- Remove “on a first come, first serve basis” on Line 31
- Incorporate and provide the map referenced in section B1 on Lines 36-38
- Clarify on Line 41 that it is “within the Enterprise Zone area”
- Remove “and a portion of” on Line 37 and insert “the Downtown Development District, Central Business District, Riverfront Redevelopment District, or the Enterprise Zone” to specify in B1 that if the location is within those areas, a developer may submit written documentation to establish eligibility for a project
- Revise Lines 33 and 34 to specify that the properties must either be Downtown or in the Enterprise Zone
- Insert a hyphen between the words “one” and “year”

Mountain Bike Path MOU

Mrs. Pollack explained that the Mountain Bike Path MOU was drafted by the Eastern Shore Chapter of the International Mountain Biking Association (ESIMBA) and was reviewed by the City Attorney and LGIT, with no concerns identified. The City Park Commission previously approved the bike trails in the City Park.

After discussion, Council unanimously agreed to the following changes in the drafted resolution and to place the resolution and MOU on the July 8, 2013 Legislative Session agenda:

- Insert “, refurbish,” on Line 13 after “develop”
- Remove “CITY” and insert “Mayor and Council” on Line 45, 59, and 63 of the MOU
- To incorporate reference to ESIMBA’s participation in the process in the resolution by adding another “whereas” clause
- To include the City of Salisbury, Maryland’s address on Line 208 of the MOU

Land Use Agreement – West Salisbury Little League

City Administrator John Pick reported that the City’s agreement with Wicomico County dated back to 1976 which allowed for Wicomico County to use the City–owned property on Pemberton Drive for recreational purposes. The agreement expired in 2001 and the West Salisbury Little League continued

operating on the City-owned land. Mr. Pick stated that the County should not be involved as the agreement should be between the City and the West Salisbury Little League. He explained the responsibilities of each party listed in the drafted Land Use Agreement, which was prepared utilizing the previous agreement between Wicomico County and the Little League.

Council discussed whether to require a parent or anyone over the age of twenty-one (21) to be present with all children. City Attorney Mark Tilghman will check to see if the State of Maryland has updated its Affirmative Action clause to include reference to sexual orientation or gender orientation.

Mrs. Pollack reported that the property operates on a separate septic system and is not tied into the City's sewer system, but the water is provided by the City.

Council reached unanimous consensus for the agreement to be forwarded to the July 8, 2013 Legislative Session.

General Discussion

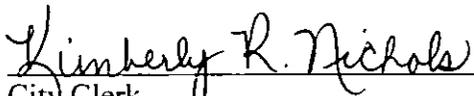
General discussion topics included:

- First quarterly "Coffee With Your Council" will be held in September and located in a different quadrant of the City each quarter, using a different, local vendor each time
- The City legislative cycle and review time for the City Attorney
- Project management software and Dashboard Software
- Goal Setting Session to be held in October, 2013

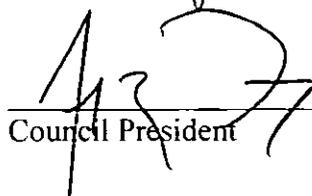
At 4:00 p.m. Council President Day called for a recess. The Work Session reconvened at 4:28 p.m., at which time Mrs. Shields moved, Mrs. Mitchell seconded, and the vote was unanimous to go into closed session.

Upon reconvening in Open Session at the conclusion of the Closed Session at 4:50 p.m., President Day stated the Council had convened in the Closed Session to consider the sale of the Old Fire Station 16 and had reached unanimous consensus on how to proceed with negotiations.

After a brief discussion on ways for the City to continue to be business-friendly, President Day adjourned the Open Session at 4:54 p.m.



City Clerk



Council President