

CITY OF SALISBURY, MARYLAND

#14 MEETING

AUGUST 23, 2010

PRESENT

*Council President Louise Smith
Councilwoman Terry E. Cohen*

*Councilwoman Deborah S. Campbell
Councilwoman Eugenie P. Shields*

Mayor James Ireton, Jr.

ABSENT

Council Vice President Gary A. Comegys

IN ATTENDANCE

City Clerk Brenda Colegrove, MMC, City Administrator John Pick, ICMA-CM, Assistant City Administrator Loré Chambers, City Solicitor Paul Wilber, Building, Permitting and Inspections Director Bill Holland, Planning, Zoning and Community Development Director Jack Lenox, and interested Citizens and Members of the Press.

CONVENING - ADOPTION OF AGENDA

The City Council met in regular session at 6:00 p.m. in Council Chambers. Council President Smith called the meeting to order. The Lord's Prayer and the Pledge of Allegiance were recited.

On a motion by Mrs. Campbell and seconded by Ms. Cohen, the agenda as presented was unanimously adopted.

PRESENTATIONS

Mr. Tim Ailsworth, Executive Director of the Local Government Insurance Trust, recognized the City of Salisbury's fifteen continuous years of commitment to risk management and safety. Mayor Ireton, City Council President Louise Smith and City Administrator John Pick accepted the plaque on behalf of the City.

The results of the Salisbury Zoo Economic Impact Study (prepared by BEACON at Salisbury University) were presented by Zoo Director Joel Hamilton and Dr. Memo Diriker. The data revealed that the Zoo generates approximately \$17 million worth of economic activity in the community.

CONSENT AGENDA – presented by City Clerk Brenda Colegrove

The Consent Agenda, consisting of the following items, was unanimously approved on a motion by Ms. Cohen and seconded by Mrs. Campbell:

- *August 9, 2010 minutes*
- *Resolution No. 1954 - appointment of William S. Turner to the Banker's Review Committee for a term ending August 31, 2014*
- *Resolution No. 1955- approving new location for the decorative iron sailfish sculpture, from Urban Salisbury, Inc., to be installed at the northeast corner of Mill Street and Carroll Street*
- *Resolution No. 1956 - approving a deed for the Government Office Building granting the City half ownership of the building*

PUBLIC HEARING – presented by City Attorney Paul Wilber

- *Ordinance No. 2121 – adding Chapter 8.10, Dead or Damaged Trees, to the Salisbury Municipal Code*

No public comments were received.

REZONING – presented by City Attorney Paul Wilber

- *Resolution of Decision and Findings of Fact - G2 Properties, LLC - Mt. Hermon Road and Woodbrooke Drive rezoning - reclassification of zone from R-10 Residential to Light Business and Institutional*

On a motion by Ms. Cohen and seconded by Mrs. Campbell, the Resolution of Decision and Findings of Fact was unanimously adopted (copy attached to original minutes).

- *Ordinance No. 2118 - 2nd reading - rezone property located on the northerly side of Mt. Hermon Road on both sides of Woodbrooke Drive from R-10 Residential to Light Business and Institutional*

Ordinance No. 2118 for second reading passed unanimously on a motion and a second by Ms. Cohen and Mrs. Shields, respectively.

ORDINANCES – presented by City Attorney Paul Wilber

- *Ordinance No. 2119 - 2nd reading - adding Chapter 12.40, Sidewalk Signs, to the Salisbury Municipal Code*

Ordinance No. 2119 for second reading passed unanimously on a motion by Ms. Cohen and seconded by Mrs. Campbell.

- *Ordinance No. 2120 - 2nd reading - adding Chapter 2.18, Department of Information Technology, to the Salisbury Municipal Code*

On a motion by Mrs. Shields and seconded by Mrs. Campbell, Ordinance No. 2120 for second reading passed on a 3-1 vote with Mrs. Campbell voting nay.

- *Ordinance No. 2122 - 1st reading - amending Section 10.12.010 of the Salisbury Municipal Code to update the snow emergency routes*

Ordinance No. 2122 for first reading passed unanimously on a motion and a second by Ms. Cohen and Mrs. Shields, respectively.

RESOLUTIONS – presented by City Administrator John Pick

- *Resolution No. 1957 - supporting Community Legacy application to provide for Phase 2 of the Mill Street/W. Main Street pedestrian connectivity project and repairs to the Chipman Cultural Center*

Mrs. Campbell moved and Ms. Cohen seconded to approve Resolution No. 1957. At the request of City Administrator John Pick, Ms. Cohen moved to amend Resolution No. 1957 by changing the dollar amount for the Chipman Cultural Center from \$101,775 to \$104,075. Mrs. Campbell seconded the motion. Mrs. Shields disclosed that she was the secretary for the Chipman Foundation and therefore would not be voting. The amendment passed unanimously (3-0). Resolution No. 1957, as amended, was unanimously approved (3-0).

- *Resolution No. 1958 - authorizing Acting Chief of Police to sign a memorandum of understanding between the Salisbury Police Department and the Department of Public Safety and correctional Services and its Information Technology and Communications Division, the Division of Parole and Probation and the Division of Corrections to provide access to crime/criminal data*

On a motion by Ms. Cohen and seconded by Mrs. Campbell, Resolution No. 1958 passed unanimously.

- *Resolution No. 1959 - restricting parking on the east and west sides of the north spur of N. Division Street*

Resolution No. 1959 passed unanimously on a motion by Ms. Cohen and seconded by Mrs. Shields

SUBSIDIARY MOTION BY COUNCILWOMAN COHEN

Ms. Cohen moved that the 2010 Safe Streets Neighborhood Legislative Package be placed on the Salisbury City Council work session agenda, scheduled for October 4, 2010, 4:30 p.m., for consideration and discussion by the City Council, which is a meeting open to the public and which will be held after a public input meeting scheduled for September 15, 2010, at 6:30 p.m., by Council members Campbell and Cohen in an effort to compromise with Council President Smith's requirements for considering the legislation. The Council recessed at 6:51 p.m. and reconvened at 6:59 p.m. After receiving the City Attorney's opinion on the motion, Mrs. Campbell seconded the motion. The motion failed to pass on a 2-2 vote. Mrs. Campbell and Ms. Cohen voted aye. Mrs. Shields and Mrs. Smith voted nay.

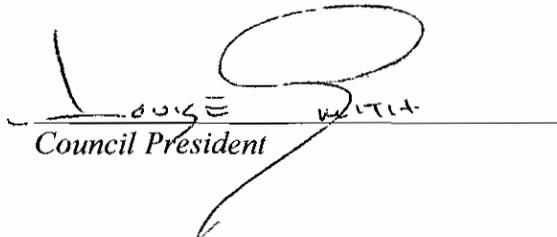
PUBLIC COMMENTS

Comments were received from sixteen citizens relating to the following issues:

- *Impact fees*
- *Proposed Safe Streets Neighborhood Legislative Package*
- *Crime*
- *Dog Park (documents presented and statement read attached to original minutes)*

With no further business, the meeting adjourned at 8:47 p.m.


City Clerk


Council President



**RESOLUTION OF DECISION AND
FINDINGS OF FACT**

**G2 PROPERTIES, LLC – MT. HERMON ROAD
AND WOODBROOKE DRIVE REZONING**

**RECLASSIFICATION OF ZONE FROM R-10 RESIDENTIAL
TO LIGHT BUSINESS AND INSTITUTIONAL ZONING**

The Salisbury City Council reviewed and considered all testimony and written evidence presented at a public hearing held in the request of G2 Properties, LLC to rezone 2.2 acres of land. The rezoning site is located on the northerly side of Mt. Hermon Road on both sides of Woodbrooke Drive, in the Woodbrooke Medical Center. The request is to change the zoning of the subject area from R-10 Residential to Light Business and Institutional.

The Council does hereby make the following Findings of Fact in accordance with the provisions of Section 17.228 Amendments and Rezoning, of Title 17, Zoning, of the Salisbury Municipal Code.

A. SPECIFIC FINDINGS OF FACT:

1. **Neighborhood.** The Council found that the neighborhood is bounded by U.S. Route 50 on the north, Tilghman Road on the east, Mt. Hermon Road on the south, and Phillip Morris Drive on the west.
2. **Population Change.** The Council found that there has been little population change in the designated neighborhood. Staff could document 64 single-family or single-family attached units in the neighborhood since 1985 generating a population of approximately 160 residents.
3. **Availability of Public Facilities.** The Council found that these areas are served or can be served from an 8 inch water line in Woodbrooke

Medical Center and either 12 inch or 8 inch sewer lines in the development.

4. **Present and Future Transportation Patterns.** The Council found that the portions of the rezoning area fronting on Mt. Hermon Road and Woodbrooke Drive can each be served from Woodbrooke Drive. The portion along Beaglin Branch is part of several lots in Woodbrooke Medical Center and appears to be otherwise landlocked. Mt. Hermon Road is a State Highway with access controlled by the State Highway Administration. Woodbrooke Drive has been redesigned and constructed as part of the ongoing Woodbrooke Medical Center development. In addition, Tree Sap Court will also provide a connection from the Woodbrooke Medical complex to Phillip Morris Drive.

5. **Compatibility with Existing and Proposed Development.**

The Council found that the proposed rezoning areas adjoin other lands zoned and developing with Light Business and Institutional uses.

The proposed rezoning is from City R-10 Residential to City Light Business and Institutional. The proposed change should not conflict with the zoning and development of nearby properties. Those properties are located in the County and separated from this site by Beaglin Branch and by Mt. Hermon Road, a State Highway.

6. **Relationship to the Comprehensive Plan.**

The Council found that the Salisbury Comprehensive Plan, adopted in 1997, recommends that this area be designated for "Business and Institutional" development. A change to Light Business and Institutional zoning would be in accord with the recommendation of the Plan.

The Draft 2010 Comprehensive Plan, under consideration by the Council, recommends Light Business and Institutional development for this entire site. In addition, the 2010 Plan recommends that there be no residential development in the LBI District and that appropriate amendments to the Salisbury Municipal Code be completed to preclude further residential development in the LBI District.

7. **Change in the Character of the Area.** In the case of the proposed rezoning area, the last comprehensive rezoning in the City occurred on May 23, 1983. This property was annexed to the City in 1984. Typically, items that could qualify as "changes" include such actions as rezoning, annexations, or new road constructions.

The Council found that this property was originally planned for a 380 unit townhouse development and the property was initially developed with 6 buildings and 44 units. However, development of the project stalled and the remainder of the site sat vacant and undeveloped until 2008. A new Comprehensive Development Plan was approved for the property converting the development to a medical office complex. The adjoining Phillip Morris Condominium site has also been incorporated into this medical office park plan.

8. **Mistake in Existing Zoning.** The Council found that there is no evidence to support a rezoning based on "mistake" in the existing zoning. The annexation file notes that the R-10 Residentially zoned parts of this site were zoned as such in order to be in accord with the County Comprehensive Plan recommendation of "low density residential" for those portions of the property. At that time, the Light Business and Institutionally zoned portion of the property was planned

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B. DECISION:

THEREFORE, after review and consideration of all written evidence and testimony during the public hearing, thereon, the Council, for the reasons stated, hereby finds that there has been a change in the character of the area of this property to warrant a rezoning of this area from R-10 Residential to Light Business and Institutional.

NOW, THEREFORE, upon a motion by Councilwoman Cohen, seconded by Councilwoman Campbell and duly carried, the Salisbury City Council hereby adopts these Findings of Fact and hereby directs that one copy of these signed and certified Findings be attached to and made a part of the minutes of this meeting.

APPROVED THIS 23RD DAY OF AUGUST, 2010.



Louise Smith
President of the City Council of
the City of Salisbury

Witness:

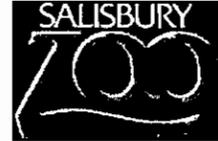


Brenda J. Colegrove, City Clerk

8/23/10



Salisbury Zoo Economic Impact Study
IMPLAN Simulation Results
 Prepared by Sarah Bunch
 BEACON at Salisbury University
 June 21, 2010



Executive Summary

Aside from being a contributor to the quality of life of local residents, the Salisbury Zoo is also a great asset to the local economy, attracting more than 350,000 visitors annually. A significant portion of these visitors come from outside of the city, the state, and even the nation. To estimate the economic impact of the Zoo, the IMPLAN software package (produced by the Minnesota IMPLAN Group, Inc.) was utilized. The results of the economic impact modeling are as follows:

	Total Impact	Employment Impact
Operations (Annual)	\$2,089,490	10
Tourism (Annual)	\$14,572,808	92
Total Annual Impact	\$16,662,298	102
Master Plan Projects	\$51,914,272	202

Based on the estimated annual economic impacts for FY 2009-2010, the annual impacts in 2013, 2015, and 2020 are forecast. To account for uncertainty in future growth rates a range of possible annual growth rates is examined. Based on the different growth scenarios, the total annual economic impact of the Zoo (from both operations and tourism) is likely as follows:

	Lower Range (Million)	Higher Range (Million)
2013	\$17.09	\$17.27
2015	\$17.28	\$18.14
2020	\$17.72	\$19.62

Don Cathcart

History 3 yrs
1000's of permits

PET WASTE MANAGEMENT



Signage from Massachusetts State Parks

Description:

Pet waste management involves using a combination of pet waste collection programs, pet awareness and education, signs, and pet waste control ordinances to alert residents to the proper disposal techniques for pet droppings. In some parts of the country, the concept of parks or portions of parks established specifically for urban dog owners has gained in popularity. With provisions for proper disposal of dog feces and siting and design to address storm water runoff, these parks may represent another option for protecting local water quality.

The presence of pet waste in storm water runoff has a number of implications for urban stream water quality, with perhaps the greatest impact from pathogens like fecal coliform. The release of nutrients from the decay of pet waste also promotes weed and algae growth in water bodies. This situation can reduce oxygen levels in the water, affecting fish and other aquatic organisms. In addition, pet waste can contribute to the spread of:

- **Campylobacteriosis** —a bacterial infection that causes diarrhea in humans.
- **Salmonellosis**—the most common bacterial infection transmitted to humans from animals. Symptoms include fever, muscle aches, headache, vomiting, and diarrhea.
- **Toxocaris**—roundworms transmitted from animals to humans. Symptoms include vision loss, rash, fever, or cough.

Effectiveness:

The effectiveness of pet waste collection programs has never been quantified, but in the Four Mile Run watershed in Northern Virginia, a dog population of 11,400 is estimated to contribute about 5,000 pounds of solid waste every day and has been identified as a major contributor of bacteria to the stream. Approximately 500 fecal coliform samples have been taken from Four Mile Run and its tributaries since 1990, and about 50 percent of these samples have exceeded the Virginia State water quality standard for fecal coliform bacteria (NVRC, 2001). A project is currently underway to pinpoint the source of bacterial contamination through DNA fingerprinting.

Cost:

The cost of a pet waste management campaign will vary depending on several factors, including the materials produced (signs, ads, clean-up stations). The cost of signs will depend on the material used; plastics can be just as durable as and possibly cheaper than metal.

At the Mary Jane Roe Dog Park in the town of Clifton Park, New York, \$700 was spent to install a 500-gallon sealed underground septic tank for pet waste. Each pet owner is charged \$20 for a permit to use the dog park. Funds from the permit fees will be used to help offset the costs of the septic system (Kemper, 2000).



Mutt Mitt station, Hopkinton State Park

Options for a Pet Waste Removal Program:

Pet waste removal programs can be created to include both public and private pet waste disposal.

1. **Individual dog owners**, specifically breeders, can be encouraged to pick up after their dogs on their own lawns and dispose of the waste either in the trash or in some cases flushing it down the toilet. Plastic baggies can be provided through dispensers such as Mutt-Mitt stations, to encourage pick-up of waste. Individuals can also utilize various waste disposal products like Doggie Dooleys (miniature septic tanks for pet waste) or dog waste disposal units.
2. **"Pooper-scooper" ordinances** to regulate pet waste cleanup. These ordinances require the removal and proper disposal of pet waste from public areas and other peoples property before the dog owner leaves the immediate area.
3. **Signs in public parks** and the provision of receptacles for pet waste also encourage cleanup.
4. **Public education programs** involve pet waste messages that are incorporated into a larger non-point source message relaying the effects of pollution on local water quality using brochures and public service announcements.

Specially designated dog parks where pets are allowed off-leash. These parks typically include signs reminding pet owners to remove waste, as well as other disposal options for pet owners:

- **Doggy loos:** These disposal units are installed in the ground and decomposition occurs within the unit. Minimal maintenance is required (no refuse collection).
- **Pooch patch:** A pole is placed in the park surrounded by a light scattering of sand. Owners are encouraged to introduce their dog to the pole on entry to the park. Dogs then return to the patch to defecate and special bins are provided in which owners then place the deposit.
- **The "Long Grass Principle":** Dogs are attracted to long grass for defecating and areas that are mowed less frequently can be provided for feces to disintegrate naturally. A height of around 10 cm is appropriate.

References

Kemper, J. 2000. Septic Systems for Dogs? Nonpoint Source News-Notes 63. NJDEP. Pet Waste: Dealing with a Real Problem in Suburbia. New Jersey Department of Environmental Protection.

http://www.state.nj.us/dep/watershedmq/pet_waste_fredk.htm.

Schueler, T. Stormwater Manager's Resource Center. Center for Watershed Protection, Inc. Accessed 3/7/2002.

<http://www.stormwatercenter.net>.

USEPA. 1993. Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

USEPA. 2002. National Menu of Best Management Practices for Storm Water Phase II. Accessed 3/7/2002.

<http://www.epa.gov/npdes/menuofbmps/menu.htm>.

Northern Virginia Regional Commission (NVRC). 2001. Welcome to NVRC'S Four Mile Run Program.

<http://www.novaregion.org/fourmilerun.htm>. Last updated April 19, 2001. Accessed June 4, 2001.

Recommended Fact Sheets and Resources:

U.S.EPA. Long Island Sound Study. Pet Waste Poster. Retrieved February 19,2001,

<http://www.epa.gov/region01/topics/index.html>

USEPA. 2001. Source Water Protection Practices Bulletin: Managing Pet and Wildlife Waste to Prevent Contamination of Drinking Water. EPA 916-F-01-027. <http://www.epa.gov/safewater/index.html>

Don Cathcart

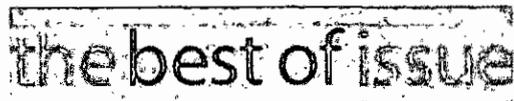


WASHINGTONIAN.COM

Best of Washington: Coolest Dog Parks

By Gretchen Cook

On a hot day, why not take your dog for a dip? Here are three great dog parks with cooling creeks and streams.



See more from the Best of Washington

Battery Kemble Park (2700 Chain Bridge Rd., NW), near DC's Palisades, is a year-round favorite for dog owners thanks to the expanse of hilly green terrain that will wear out even the most boisterous ball fetchers. Dogs can lap from their own drinking fountain and, in warm weather, head to the creek that runs along a wooded trail just below the ample parking lot.

Meadowbrook Park in Chevy Chase (7901 Meadowbrook La.) is best known for its 17 acres of playing fields and its Candy Cane City playground, but dogs romp on the south end, where a lovely stretch of Rock Creek provides great swimming holes.

Shirlington Park in South Arlington (2601 S. Arlington Mill Dr.; arlingtondogs.org) is perhaps the area's most elaborate off-leash park. A long, narrow exercise area has double-entry gates to keep adventurous animals penned in, but a path outside the fence leads to a stream where pets can paddle.

From: Linda Lugo [mailto:lulu2257@yahoo.com]

Sent: Sat 8/21/2010 1:04 PM

To: Susan Wood

Subject: Re: Extremely Important Message - Dog Park - We Need your support!!!!

Hi Susan,

I am sorry but I will be out of town all next week. I applaud the work you have done to make this dog park a reality. It is a shame that there are some people who have never been to a dog park and yet are 100% certain that they don't work. I have been to several dog parks...in New York, Arizona and Washington D.C. and all work as a way for dogs to have a safe place to run. I refuse to believe that the citizens of Salisbury and Wicomico County would be any less capable than the citizens of those communities to make our dog park a success. We have had several people over the past 2 years who have either moved here or are visiting that call and ask where our dog park is and are quite surprised when told we don't have one...yet! I hope all goes well at the meeting and that cool heads, common sense and the facts prevail to let this project continue forward. Best of luck to all of you.

Regards,

Linda Lugo

Executive Director

Humane Society of Wicomico County