



City of Salisbury

CITY COUNCIL AGENDA



December 8, 2014
Government Office Building

6:00 p.m.
Room 301

Times shown for agenda items are estimates only.

6:00 p.m. CALL TO ORDER

6:01 p.m. WELCOME/ANNOUNCEMENTS

6:03 p.m. CITY INVOCATION - Pastor Brian Albert, Senior Pastor at Bethesda United Methodist Church

6:06 p.m. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

6:08 p.m. PRESENTATIONS

- Community Organization Presentation – Decorating Delmarva Holidayfest – presented by Mark Cathell
- United Way of Lower Eastern Shore – presented by Mayor James Ireton, Jr.

6:18 p.m. ADOPTION OF LEGISLATIVE AGENDA

6:20 p.m. CONSENT AGENDA – City Clerk Kimberly Nichols

- November 17, 2014 work session minutes
- November 17, 2014 closed session minutes (separate envelope)
- November 24, 2014 regular meeting minutes
- Resolution No. 2465 - authorizing the Capacity Fee of the City's Comprehensive Connection Charge be waived for a development known as Headquarters Live at 115 South Division Street

6:25 p.m. PRESENTATION OF AUDIT – Internal Services Director Keith Cordrey/ Ms. Pam Baker (Barbacane, Thornton and Co.)

- FY14 audit and financial statements

6:55 p.m. ORDINANCES – Mayor James Ireton, Jr./City Attorney Mark Tilghman

- Ordinance No. 2307 – 1st reading – approving an amendment of the FY 2015 General Fund Budget to appropriate funding for additional Fire Department personnel – Mayor James Ireton, Jr.
- Ordinance No. 2308 – 1st reading - approving an amendment of the FY 2015 General Fund Budget to appropriate funding for additional promotional fees to support the Shore Transit Circulator Program – City Attorney Mark Tilghman

7:25 p.m. PUBLIC COMMENTS

7:30 p.m. ADJOURNMENT

**Copies of the agenda items are available for review
in the City Clerk's Office
Room 305 – City/County Government Office Building
410-548-3140
or
on the City's web site
www.ci.salisbury.md.us**

**City Council meetings are conducted in open session
unless otherwise indicated. All or part of the Council's
meetings can be held in closed session under the authority
of the Maryland Open Meetings Law, Annotated Code of
Maryland 10-508(a), by vote of the City Council.**

Proposed agenda items for December 22, 2014 (subject to change)

- Manufacturing Exemption request – Perdue Farms Inc.
- Resolution No. ____ - Adoption of FY16-20 CIP
- Ordinance No. ____ - 2nd reading - approving an amendment of the FY 2015 General Fund Budget to appropriate funding for additional promotional fees to support the Shore Transit Circulator Program
- Ordinance No. ____ - 2nd reading - approving an amendment of the FY 2015 General Fund Budget to appropriate funding for additional Fire Department personnel

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CITY OF SALISBURY
WORK SESSION
NOVEMBER 17, 2014

Public Officials Present

Council President Jacob R. Day
Council Vice-President Laura Mitchell
Councilwoman Eugenie P. Shields (*arrived 6:16 p.m.*)
Councilman John “Jack” R. Heath
Councilman Timothy K. Spies

Public Officials Not Present

Mayor James Ireton, Jr.

In Attendance

Assistant City Clerk Diane C. Nelson, City Administrator Tom Stevenson, Fire Chief Richard Hoppes, Planning & Zoning Director Jack Lenox, Assistant Director of Internal Services – Procurement Jennifer Miller, Public Works Director Mike Moulds, Deputy Director Public Works Amanda Pollack, Project Engineer Paul Mauser, Neighborhood Services & Code Compliance Director Susan Phillips, City Attorney Mark Tilghman, interested citizens and members of the press.

On November 17, 2014, Salisbury City Council convened in a Work Session at 5:09 p.m. in Council Chambers, Room 301 of the Government Office Building.

EMS Billing Rate Review and Recommendation

Fire Chief Richard Hoppes joined Council at the table to review the Department’s most recent EMS Billing Rate review, analysis, and recommendation:

- last rate review was February 2012
- City’s billing company provides annual rate review, analysis and recommendation for City’s consideration
- billing company recommendations are based on reasonable and customary EMS ambulance rates in conjunction with allowable Medicare/Medicaid and insurance best practices
- City is in most cases undercharging or not charging for services
- Fire Department supports adjusting rates/fees as recommended by the billing company

Discussion topics included:

- current percentage collection rate and anticipated collection rate
- why there are No Specific Rate (N/S/R) charges for some services
- Medicare treatment of transportation charges
- frequency of rate review and whether to attach the review to the budget process
- whether *non-resident* pertains to individual or service location
- how mutual aid is billed and any affect that may have on billing non-residents

- 46 • legality of charging different rates for same service, resident versus non-resident, and
47 options for structuring the different rates
48

49 After discussion, Council reached consensus prior to Mrs. Shields arrival to bring the rate
50 discussion back to Work Session after Chief Hoppes researches the City's mutual aid
51 agreements, whether those agreements affect the City's ability to assist and bill non-residents,
52 and the legality of the City charging different rates for same services based on resident/non-
53 resident criteria.
54

55 **Main Street Masterplan Review**

56

57 Public Works Deputy Director Amanda Pollack and Project Engineer Paul Mauser joined Kathy
58 Walsh and Steve Torgerson from A. Morton Thomas & Associates, Inc. (AMT) at the table for
59 AMT's PowerPoint presentation of its *Main Street Master Plan*; a copy of the presentation is
60 included as part of the minutes.
61

62 Discussion topics included:
63

- 64 • design timeline – 35% now; 65% design due January 2015; 95% design due April 2015;
65 advertise the project July 2015; begin construction Fall (Oct) 2015
- 66 • street trees; sidewalk width; standard City parking spaces; one-way and/or two-way
67 traffic and whether to maintain East to West on one-way section; bumpouts for outside
68 eateries; elevated tables (very large speed bumps)
- 69 • Work Session meeting with AMT, Public Works, the Bicycle & Pedestrian Advisory
70 Committee, the Central City District Commission (CCDC), and the Traffic & Safety
71 Advisory Committee for input on AMT's *Main Street Master Plan*
- 72 • consolidated parking meters and mode of replenishment (i.e. by phone and a credit card)
- 73 • *Main Street Master Plan* is part of Capital Improvement Plan (CIP) for three consecutive
74 years
- 75 • whether to have dedicated bike lane (s) or sharrows
- 76 • City underwriting Mojo's bumpout since Mojo's has already invested in outdoor seating
- 77 • industry standards and choice of materials
- 78 • sequence of construction
- 79 • permanent pop-up barricades at West Main Street due to frequency of blocking off the
80 street
- 81 • signage should entrance to Plaza change one-way direction from West to East
82

83 After discussion, Council reached consensus for a dedicated 5-foot bike lane on West Main
84 Street and for Public Works and AMT to continue engagement with the Community and the City
85 Boards/Committees as the project continues to move forward.
86

87 **Parking Restriction on Pinehurst**

88

89 Public Works Deputy Director Amanda Pollack provided background information and an
90 overview of the circumstances which led the Traffic and Safety Advisory Committee to
91 recommend *no on-street parking on Pinehurst Avenue from Camden Avenue to Lorecrop Drive*

92 because of perceived safety concerns with the combination of narrow traffic lanes and vehicle
93 parking impeding access by emergency vehicles and sight lines for residents pulling out of
94 driveways.

95
96 Discussion topics included:

- 97 • student parking usually daytime; SU's time preference to initiate parking change
- 98 • residents – usually have no issue after 5:00 p.m. and have requested consideration for
99 visitors to park on street (i.e. permit parking)
- 100 • signs will go out now to start change in January 2015
- 101 • adjacent parking on Smith and Clairmont Streets in conjunction with Pinehurst Avenue
- 102 • striping parking spaces so there is a buffer around driveways
- 103 • safety issue still exists after 5:00 p.m. and on weekends because of street widths and
104 emergency vehicle access
- 105 • overgrown curbs on Pinehurst Avenue
- 106 • enforcement of 4-way stop and speed limits on Pinehurst Avenue

107
108 After discussion, Council reached consensus for the Traffic & Safety Advisory Committee to
109 meet with residents and then bring the issue back to Work Session with the additional resident
110 input regarding the Committee's recommendations.

111
112 Following a brief recess at 7:10 p.m., Council reconvened at 7:17 p.m.

113 114 **False Alarms/ECV**

115
116 City Administrator Tom Stevenson distributed an updated copy of the Memo to Council and the
117 False Alarms/ECV Ordinance to be used for discussion in lieu of the packet information
118 originally provided to Council. Mr. Stevenson highlighted the following changes to the
119 ordinance following the last Council discussion in July 2014:

- 120
- 121 • Pg. 3, Line 96 – whether internet should be added to “digital dialer”-never answered
- 122 • Pg. 3, Line 98 – definition of Enhanced Call Verification
- 123 • Pg. 3, Line 101 – improved definition of False Alarm
- 124 • Pg. 4, Line 122 – added “Opt Out” definition for end user
- 125 • Pg. 7, Line 225 – added appeals provision
- 126 • Pg. 9, Line 313 – added Sec. 8.04.1540 ECV with “Opt Out” for end users

127
128 Mr. Stevenson continued that Council had passed an ordinance in March 2013 setting the Alarm
129 Fees and followed up by passing a revised ordinance in April 2013 halving the initial Alarm
130 Fees.

131
132 Mr. Ron Boltz, President/CEO of Alarm Engineering distributed a list of Maryland jurisdictions
133 and their false alarm penalties for comparison to Salisbury's penalties and provided an update to
134 Council on the following industry trends based on his company's clients:

- 135
- 136 • Most other clients do not charge a combo of a fee and a fine

- 137 • Most other clients do not charge an administrative fee on top of penalties
- 138 • Most other clients do not charge as high a first fineable offense for a third alarm

139
140 Mr. Boltz recommended an escalating fine structure that would increase based on the frequency
141 of alarms, thus getting the end user's attention; he suggested nominal fines through the third false
142 alarm and then escalating fines from that point forward.

143
144 Discussion topics included:

- 145 • fine versus fee and treatment of both if taken to Court
- 147 • whether to continue separate administrative fee or lump into overall fee
- 148 • residential versus commercial fees/fines
- 149 • recovery of hard and soft costs
- 150 • redefining "opt/out" and its placement in the ordinance
- 151 • concern owners will respond to own alarms in lieu of City responders to avoid false
152 alarm fees/fines
- 153 • designated time limit to fix alarm problems and options to avoid repetitive false alarms
154 until problems fixed
- 155 • owner opt-out in writing to alarm company
- 156 • request for false alarm statistics for last 6mos-1yr
- 157 • request for breakdown of 6, 7, 8, 9, etc. false alarm violators

158
159 President Day suggested the following in order to reduce the burden to the taxpayer by
160 increasing the fines to frequent false alarm owners:

- 161 • 1st Alarm - no fee; no fine
- 162 • 2nd Alarm - no fee; no fine
- 163 • 3rd Alarm - 1/3 fee; no fine
- 164 • 4th Alarm - 2/3 fee; no fine
- 165 • 5th Alarm - full fee; no fine
- 166 • 6th Alarm and up -full fee, \$500.00 fine

167
168
169 After discussion, Council reached consensus to bring back to Work Session, the fee schedule
170 ordinance with the aforementioned fee/fine structure along with the False Alarm/ECV ordinance.

171 **Over Occupancy Issues in Neighborhoods**

172
173
174 Neighborhood Services & Code Compliance (NSCC) Director Susan Phillips presented an
175 overview of the occupancy enforcement that would become part of the NSCC Directives based
176 on the passage of the proposed over-occupancy legislation; there followed a question and answer
177 period by Council.

178
179 Discussion topics included:

- 180 • comparison of current and proposed occupancy enforcement
- 181 • enforcement procedures remain departmental directives

- 182 • time landlord allotted to correct the violation
- 183 • feasibility of fining tenants as opposed to owners of record
- 184 • how to determine whether landlord or tenant is in violation
- 185 • Tenant’s Bill of Rights attached to rental license/renewal applications in conjunction with
- 186 availability of Tenant’s Bill of Rights to NSCC personnel
- 187 • whether to decouple permanent loss of non-conforming use when over-occupancy
- 188 violation occurs

189
190 Council reached unanimous consensus to advance the proposed legislation, as is, to a legislative
191 agenda according to the legislative cycle, with changes to the departmental enforcement
192 directives discussed as follows:

- 193
- 194 • No. 2 – Investigation of Excessive Occupancy Letter would be sent certified to owner of
- 195 record and property agent, as well as posted on the property
- 196 • No. 3 – Immediately following the ten (10) day time period, if the structure remains over-
- 197 occupied and the landlord has not taken action to evict the tenants
- 198

199 Following a brief recess at 9:08 p.m., Council reconvened at 9:20 p.m.

200

201 **Fitzwater Street Corridor MOU with Osprey Builders**

202

203 City Administrator Tom Stevenson summarized that Rivers Edge developer Osprey Property
204 Company, LLC wished to contribute \$10,000.00 to the cost of improvements along the housing
205 complex located on Fitzwater Street pursuant to the terms and specifications of the Main Street
206 Masterplan as presented by A. Morton Thomas & Associates and a contract has been prepared
207 between Osprey and the City for Council consideration.

208

209 After discussion which included mention of the City pursuing similar agreements with other
210 property owners in the same corridor, Council reached unanimous consensus to advance this to
211 the next legislative session on the Consent Agenda, with the stipulation that bike lanes be
212 included as a component of the improvements.

213

214 **Bed & Breakfast Inns**

215

216 Planning & Zoning Director Jack Lenox joined Council at the table and provided an overview of
217 the issues addressed and incorporated into the current draft of the Bed & Breakfast Ordinance
218 since the last Work Session.

219

220 Discussion topics included:

221

- 222 • parking provided on site or at a designated off-street location proximate to the site and
- 223 subject to the Board of Zoning Appeals (BZA) findings of the Special Exception
- 224 • maximum number of rooms - three
- 225 • maximum number of occupants – six
- 226 ○ If more than five occupants, owner likely required to provide lighting, exit signs, and
- 227 sprinklers per State Fire Marshal

- 228 ○ Occupants – Count adults not children
- 229 ○ Room occupancy subject to City Code *room square footage requirements* for room
- 230 occupancy as well as State Fire Marshal Code for room occupancy
- 231 ● maximum length of stay not to exceed seven days in any six month period
- 232 ● a single sign in accordance with City Code for Home Occupations and subject to
- 233 Historic District Commission (HDC) review

234

235 After discussion, Council reached unanimous consensus to maintain parking and signage

236 parameters as stated in the ordinance, to maintain three as the maximum number of rooms, to

237 maintain six as the maximum number of occupants excluding children from the occupant count,

238 and to make the following changes to the ordinance, prior to seeking public input at the Public

239 Hearing that Mr. Lenox will now schedule:

- 240
- 241 ● Line 33 – insert “adult” between “transient” and “roomers”
- 242 ● Line 39 – change “seven (7)” to “fourteen (14)” and insert “consecutive” between
- 243 “fourteen (14)” and “days”

244

245 **Motion to convene in Closed Session**

246

247 Mr. Spies moved, Mrs. Mitchell seconded, and the vote was unanimous to convene in Closed

248 Session at 9:35 p.m. for the purpose of considering the acquisition of real property for a public

249 purpose and matters directly related thereto; consulting with counsel to obtain legal advice on a

250 legal matter; and before a contract is awarded or bids are opened, discussing a matter directly

251 related to a negotiating strategy or the contents of a bid or proposal, if public discussion or

252 disclosure would adversely impact the ability of the public body to participate in the competitive

253 bidding or proposal process in accordance with the Annotated Code of Maryland §10-

254 508(a)(3)(7)(14).

255

256 At 10:23 p.m., on a motion and second by Mr. Spies and Mrs. Mitchell, respectively, and by

257 unanimous vote in favor, the Closed Session was adjourned and Council reconvened in Open

258 Work Session. President Day then reported that while in Closed Session Council had discussed

259 two land agreement items, deciding to move forward with an agreement on one property and to

260 not award a bid on the other property but to reconvene discussion on that property; thereafter, the

261 Work Session adjourned.

262

263

264 _____

265 Assistant City Clerk

266

267 _____

268 Council President

MAIN STREET IMPROVEMENTS

November 17, 2014



Complete Street

ADA 5' Min. – 7" typical walk

ADA cross walks

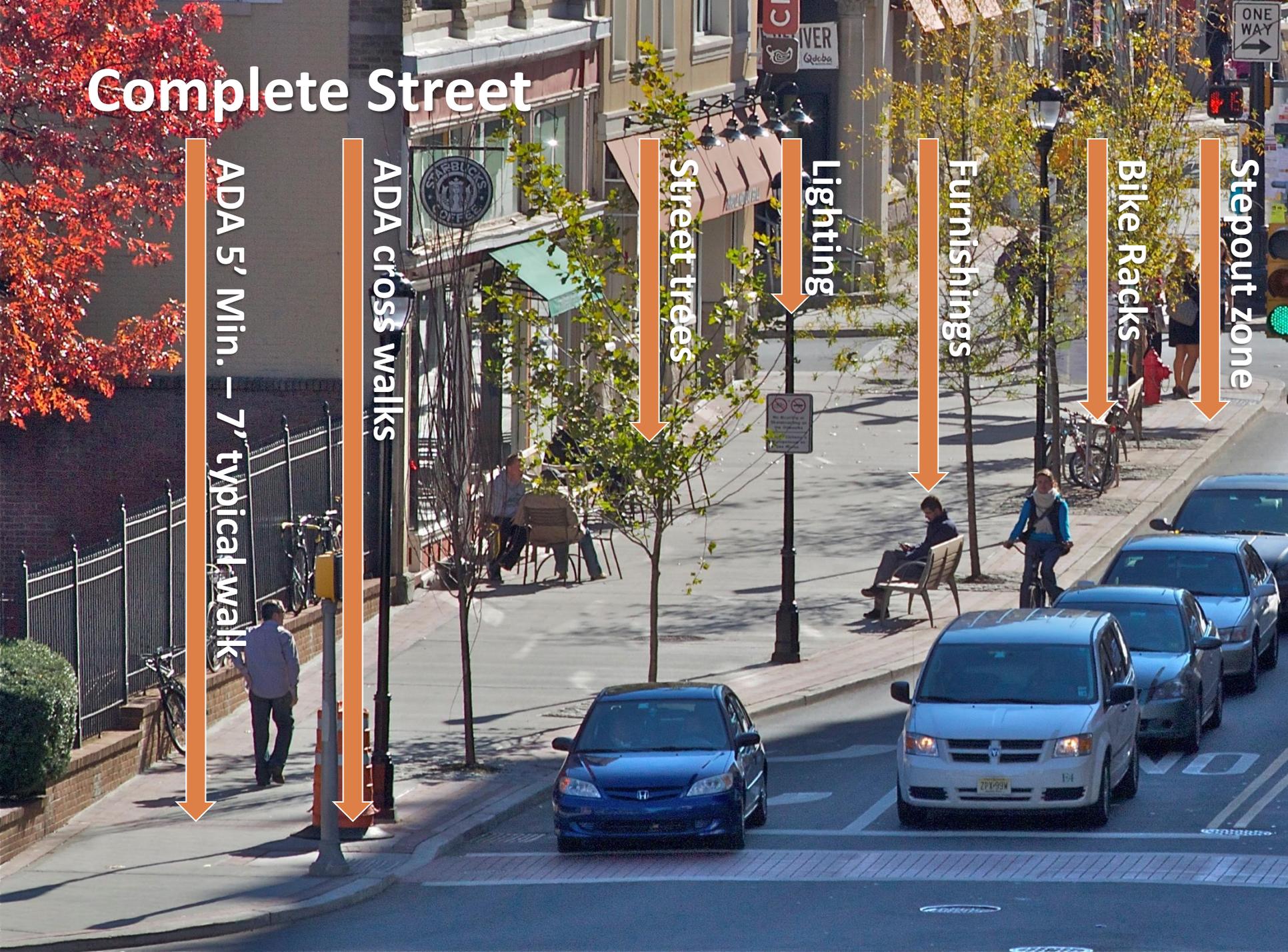
Street trees

Lighting

Furnishings

Bike Racks

Stepout zone



Traffic Calming



Cross Walks

Curb Extensions

Bicycle Accommodations



Parking



PROPOSED

82 SPACES

EXISTING

65 SPACES

Parking - Sizes

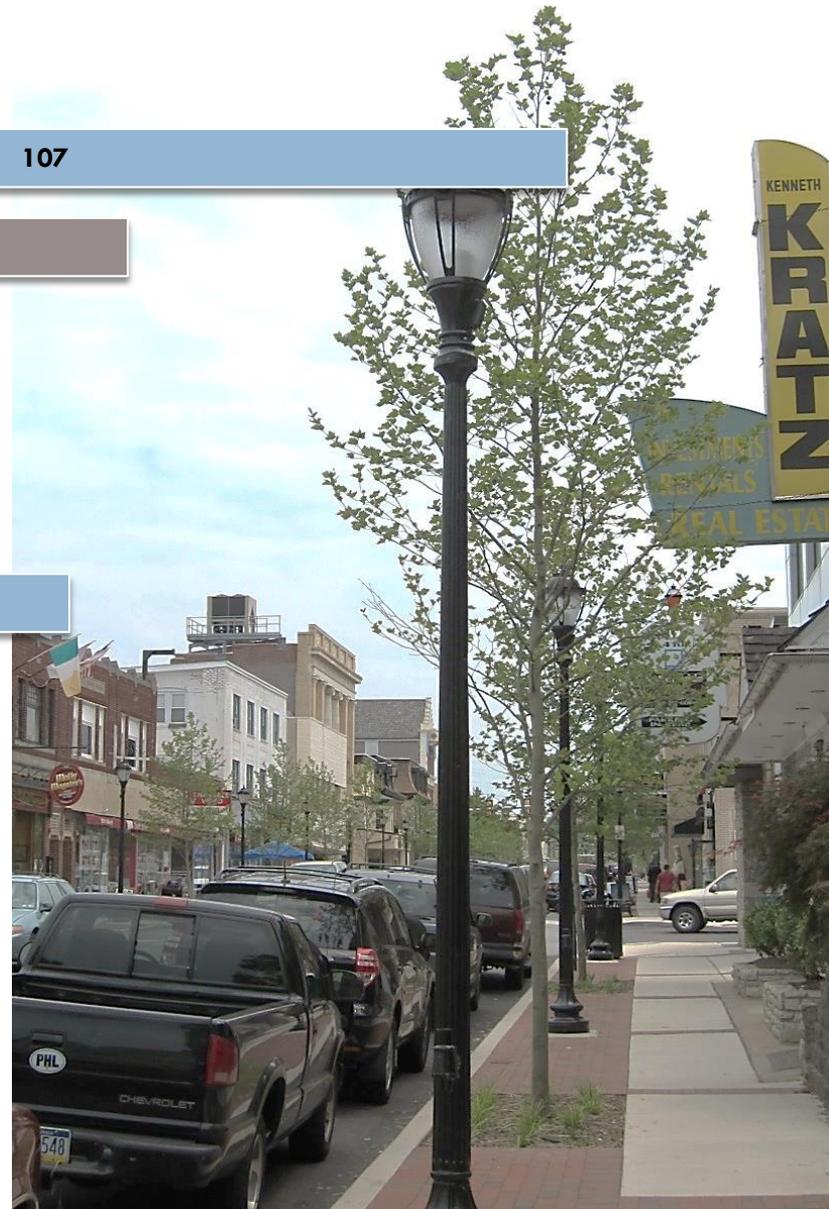
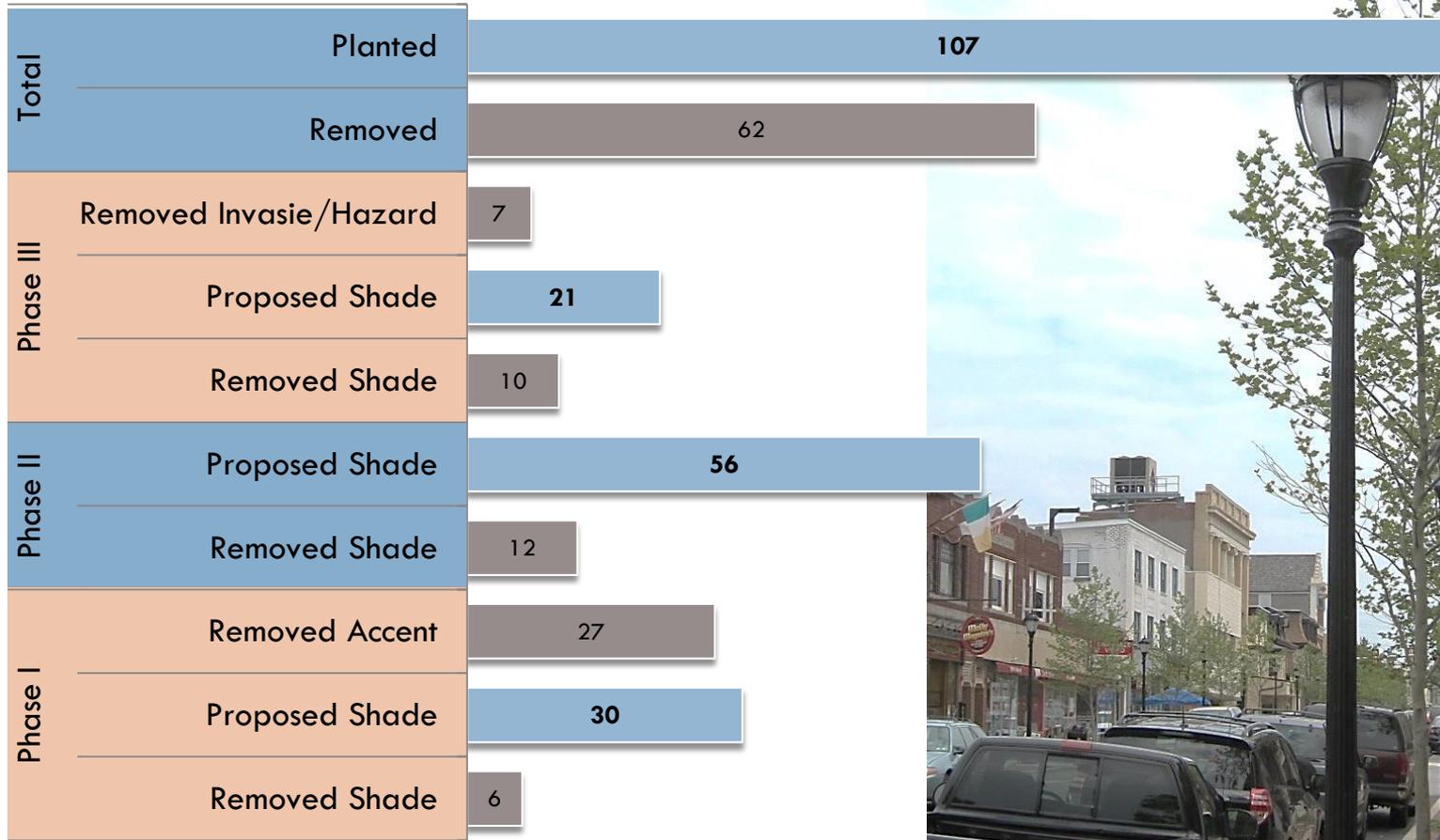
SPRIT OF THE LAKE
YOGA
WELLNESS CENTER

WEST MAIN – 7'x24'

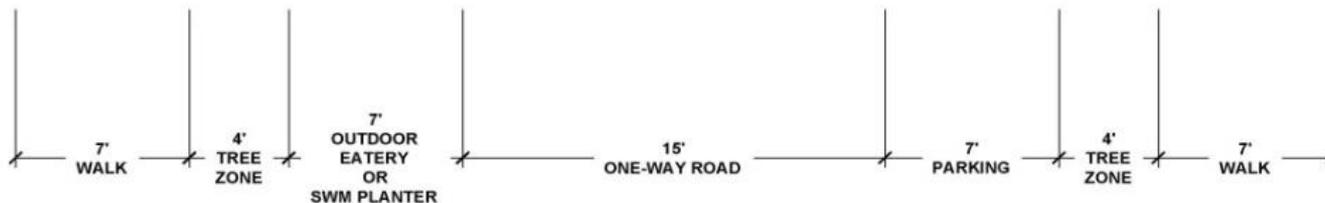
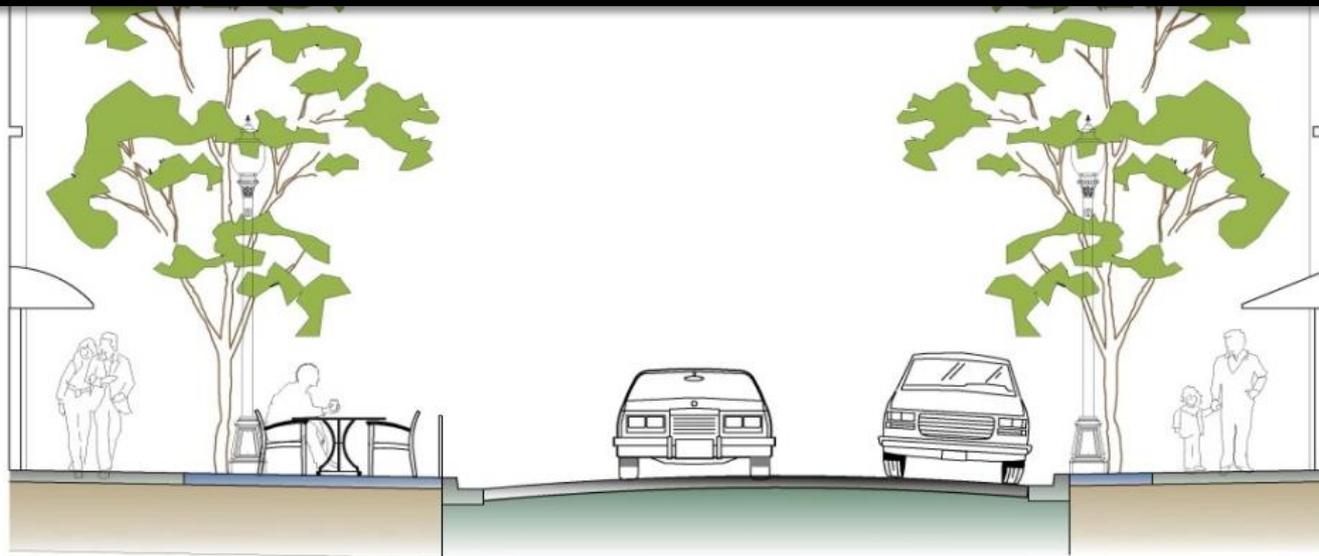
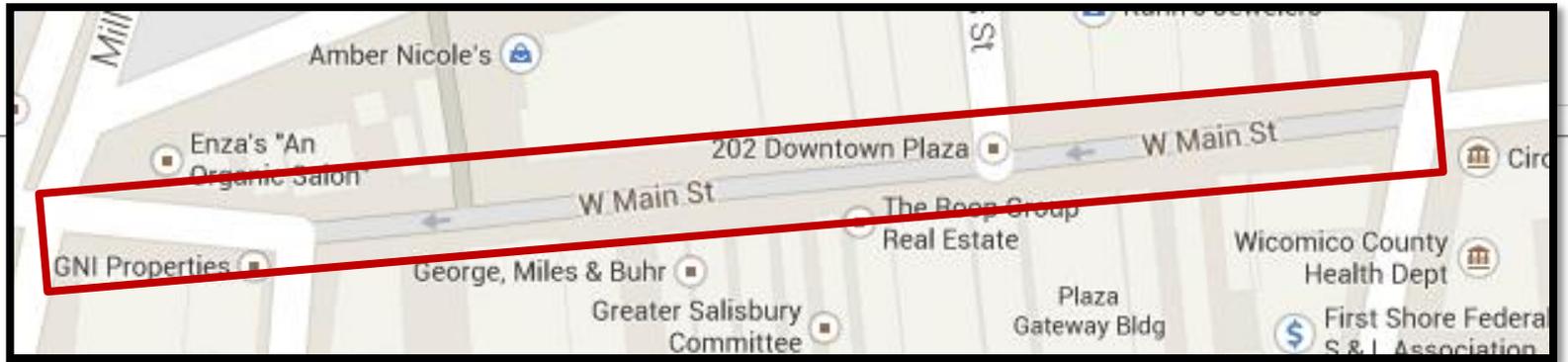
EAST MAIN – 8'x24'

The COUNTRY DOOR to ARTIST'S

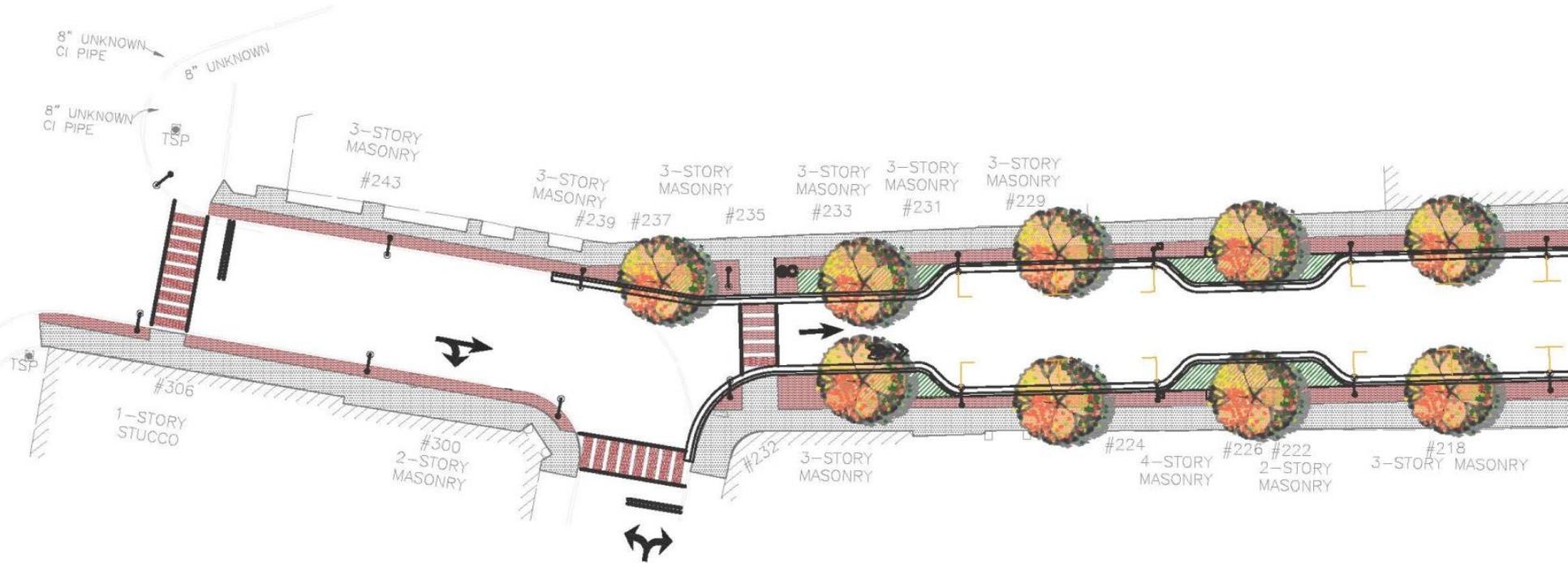
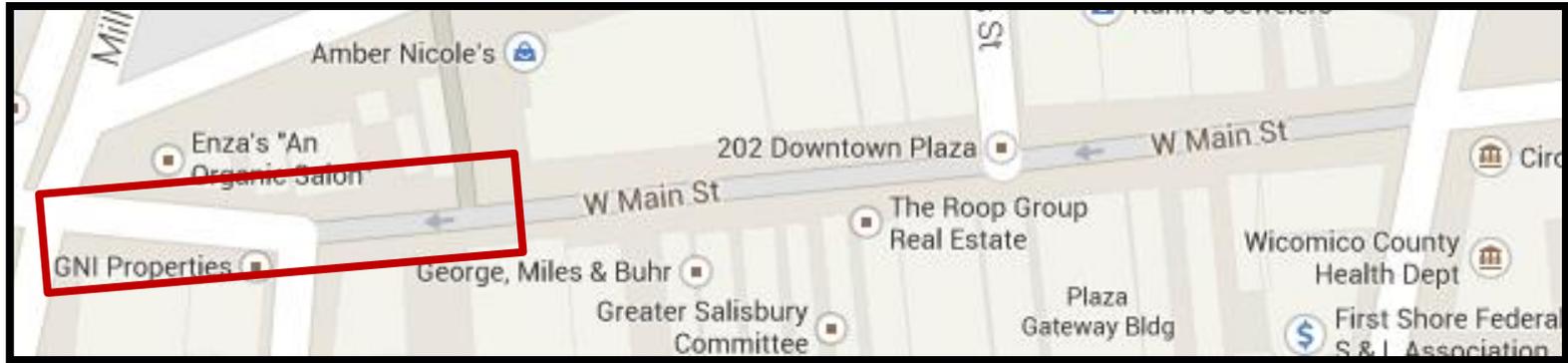
Street Trees



West Main Street

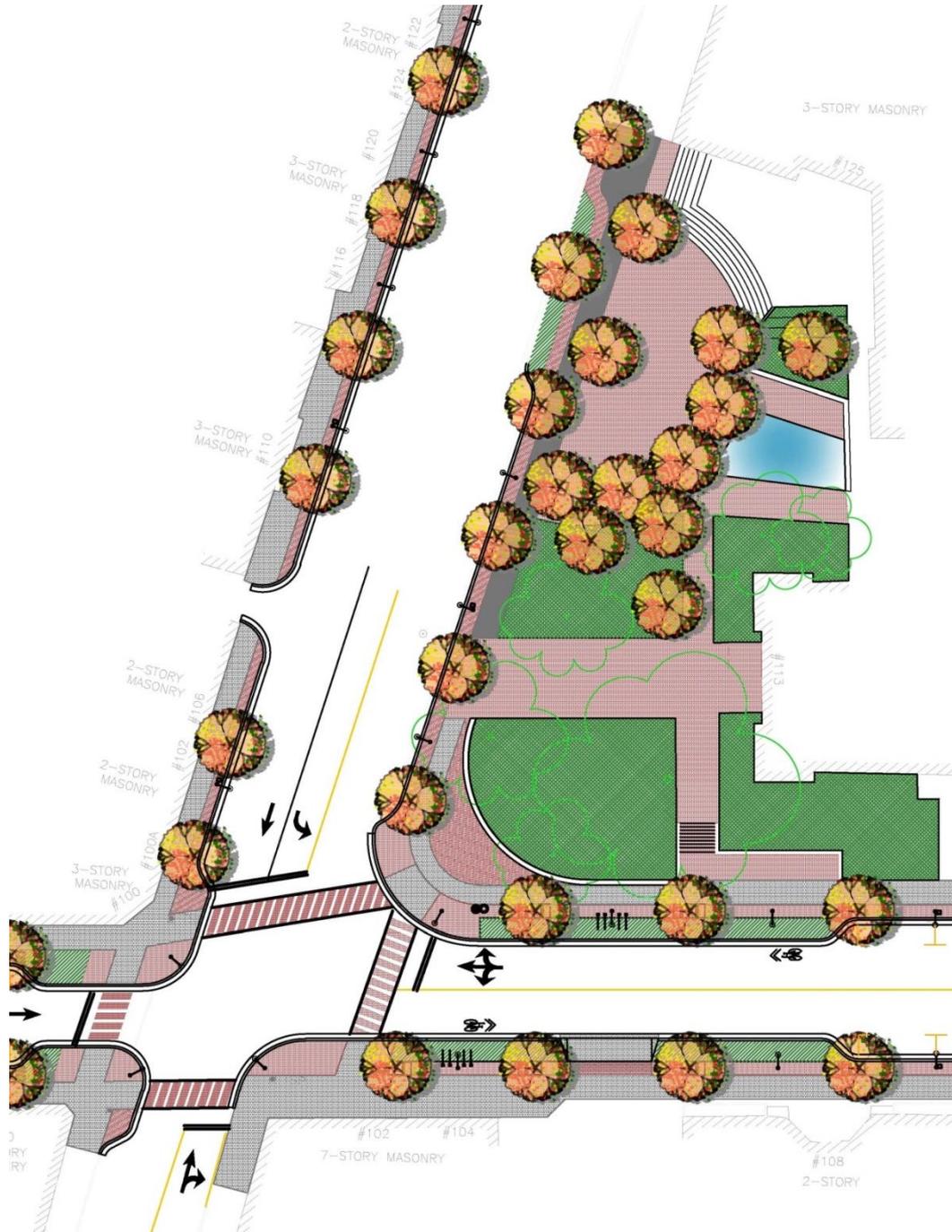
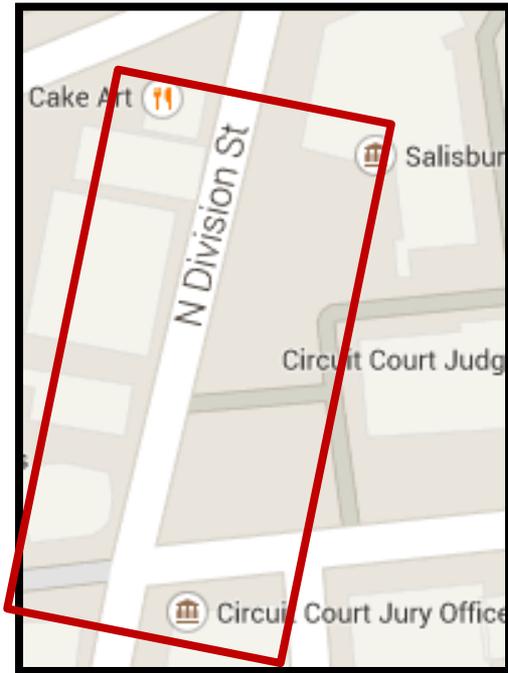


West Main Street





Division Street

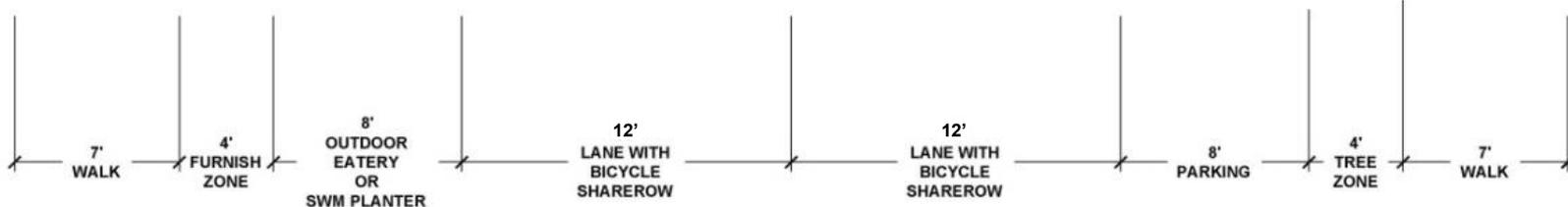
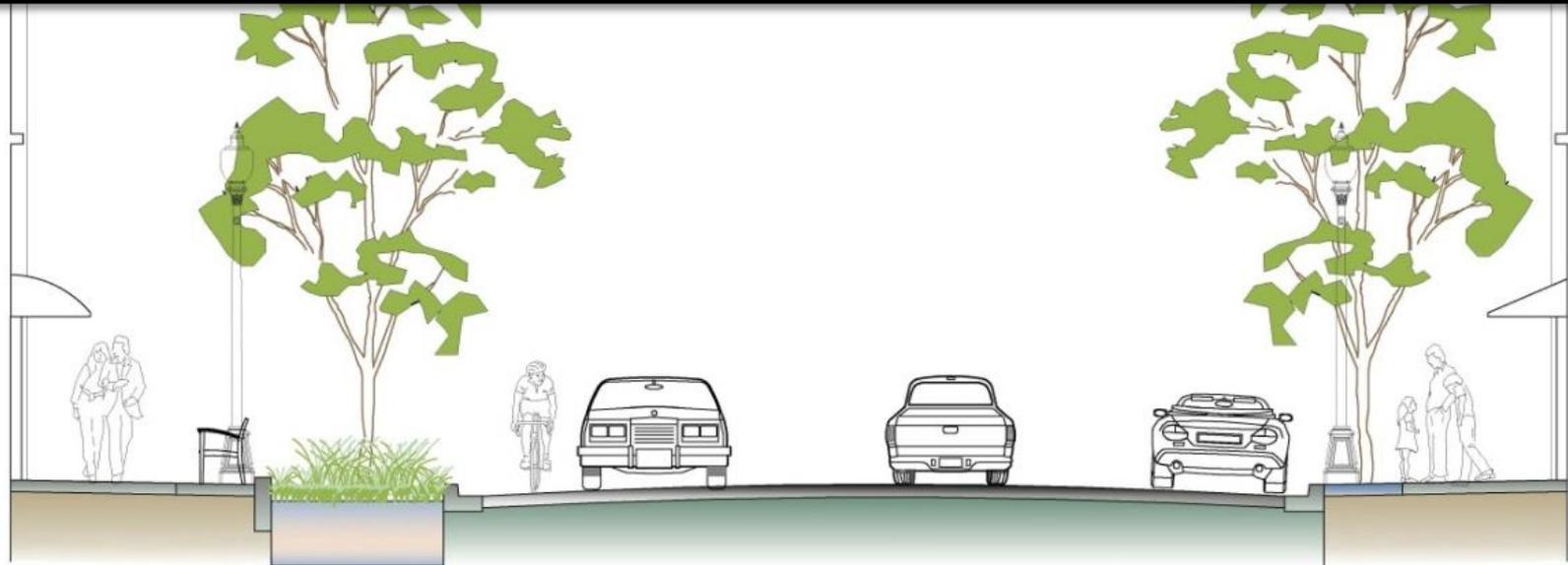
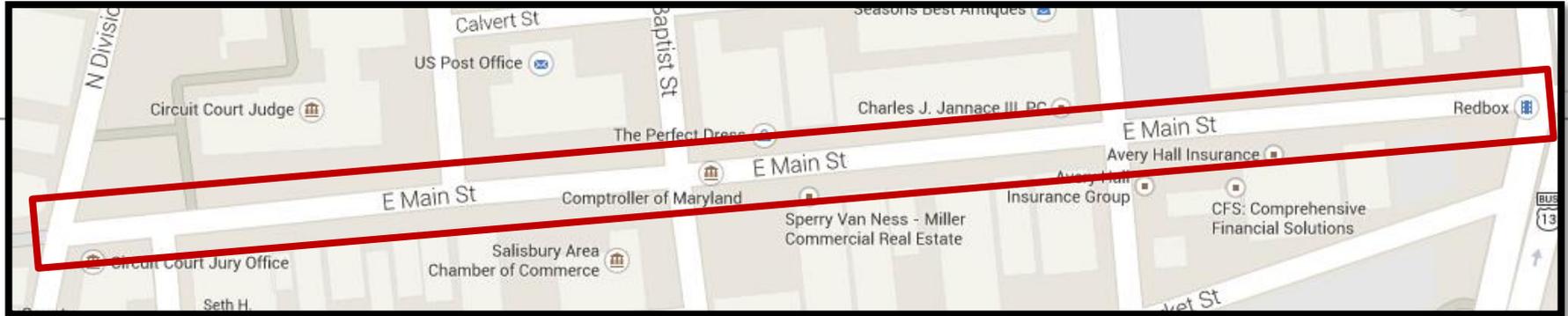




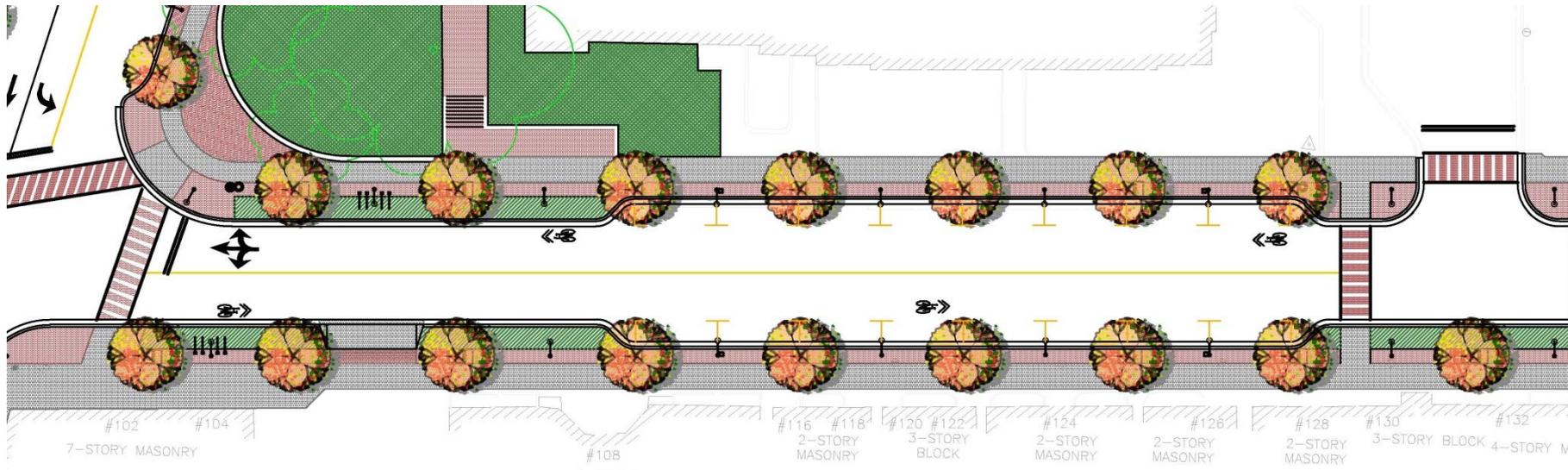
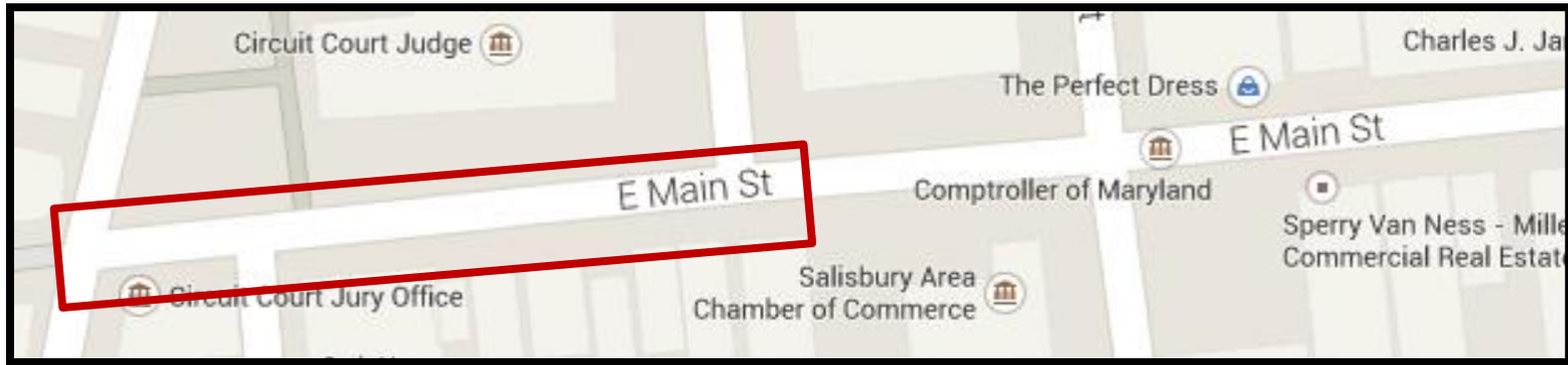
Division Street



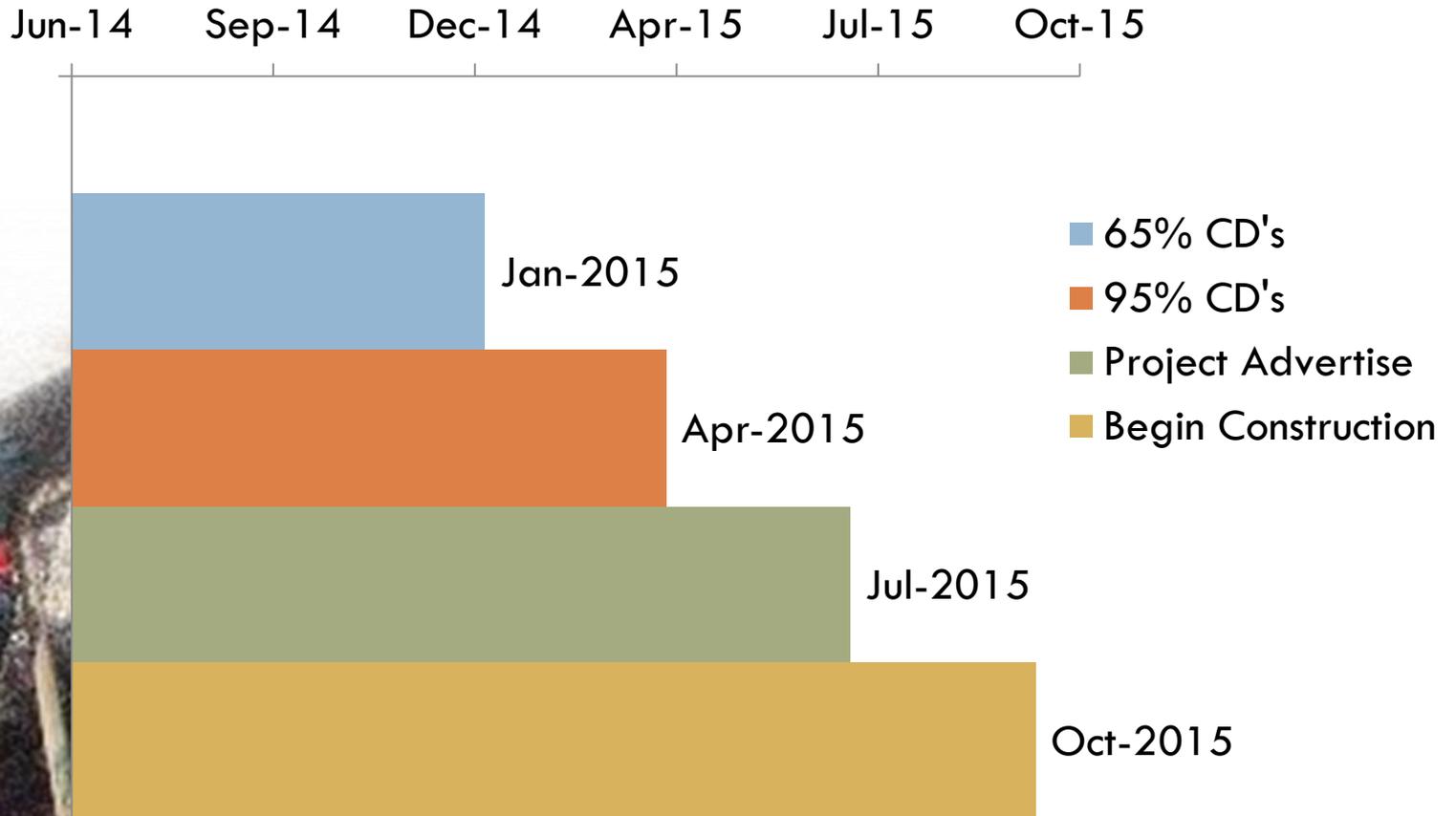
East Main Street



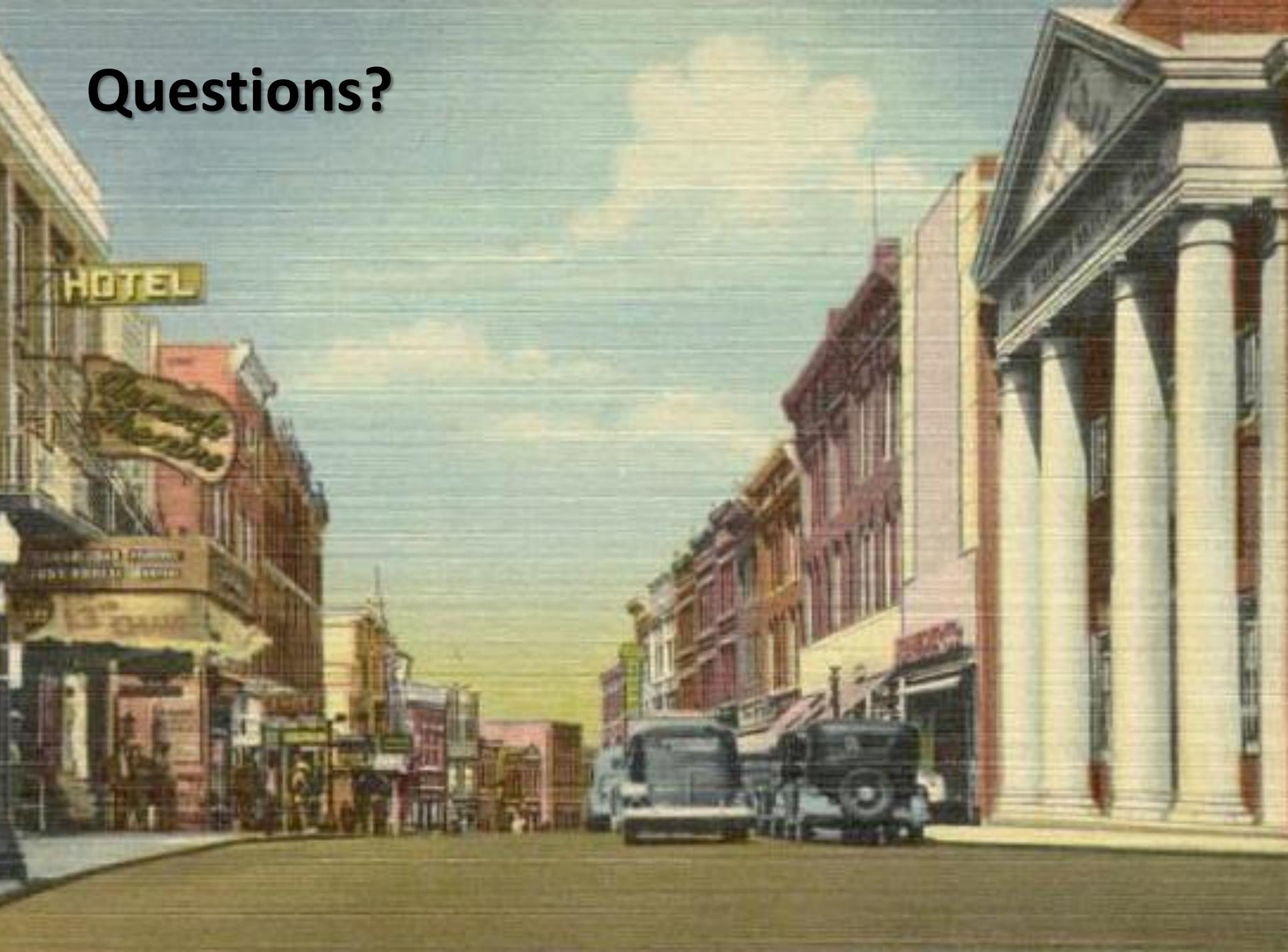
East Main Street



Design Schedule



Questions?



1 **CITY OF SALISBURY, MARYLAND**

2
3 **REGULAR MEETING**

NOVEMBER 24, 2014

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 *Council President Jacob R. Day*

Mayor James Ireton, Jr.

8 *Council Vice President Laura Mitchell*

*Councilwoman Eugenie P. Shields**

*(*left at 7:15 p.m.)*

9
10 *Councilman Timothy K. Spies*

11
12 **PUBLIC OFFICIALS NOT PRESENT**

13
14 *Councilman John “Jack” R. Heath*

15
16 **IN ATTENDANCE**

17
18 *City Clerk Kimberly R. Nichols, CMC, City Administrator Tom Stevenson, City Attorney Mark*
19 *Tilghman, Assistant Director Internal Services – Procurement Jennifer Miller, Public Works*
20 *Director Mike Moulds, Public Works Deputy Director Amanda Pollack, Fire Chief Rick Hoppes,*
21 *interested citizens and members of the press*

22 *******

23 **CITY INVOCATION – PLEDGE OF ALLEGIANCE**

24
25 *The City Council met in regular session at 6:03 p.m. in Council Chambers. Council President*
26 *Day called the meeting to order and invited Reverend James Riley, Pastor at Nelson Memorial*
27 *United Methodist Church to offer the City Invocation. Afterwards, those in attendance recited*
28 *the Pledge of Allegiance to the flag of the United States of America.*

29
30 **COMMUNITY ORGANIZATION PRESENTATION**

- 31
32
 - Association of Zoos and Aquariums Accreditation (AZA) – presented by Zoo Director*

33 *Ralph Piland*

34
35 *Mayor Ireton invited Zoo Director Ralph Piland to the podium to introduce AZA*
36 *President/CEO James Maddy, who explained the City of Salisbury’s AZA accreditation*
37 *means the Zoo has received official recognition and approval by a group of experts, and*
38 *only zoos that meet these high standards can become members of AZA. He remarked that*
39 *the Zoo offers a full educational experience to children, parents, teachers, etc. and hosts*
40 *approximately 300, 000 visitors each year. The City’s commitment to conservation and*
41 *public education sets the Salisbury Zoo apart from several hundred other organizations.*

43 *Mr. Maddy congratulated the City on the exceptional Animal Health Building and commented on*
44 *the Zoo staff professionalism. Several Zoo staff members present at the Council Meeting joined*
45 *Mayor Ireton and Mr. Piland at the podium, and Mr. Maddy presented the AZA Accreditation*
46 *certificate, which declared the Salisbury Zoo’s AZA accreditation through September 30, 2019.*

47

48 **ADOPTION OF LEGISLATIVE AGENDA**

49

50 *Mrs. Mitchell moved and Mr. Spies seconded to approve the Legislative Agenda.*

51

52 *Mrs. Shields moved to place Ordinance No. 2306 for second reading – amending Chapter 13,*
53 *Public Services, of the City Code by adding Chapter 13.30 for the purpose of establishing a*
54 *Stormwater Utility under the direction and supervision of the Public Works Department and*
55 *further establishing a Stormwater Utility Fee System, directly after the Consent Agenda. Mr.*
56 *Spies seconded, and the motion was unanimously approved on a 4-0 vote in favor.*

57

58 *The Legislative Agenda, as amended, was unanimously approved.*

59

60 **CONSENT AGENDA** – presented by City Clerk Kim Nichols

61

62 *The Consent Agenda was unanimously approved on a motion and seconded by Mrs. Mitchell and*
63 *Mrs. Shields, respectively:*

64

- 65 • *November 3, 2014 work session minutes*
- 66 • *November 3, 2014 closed session minutes (separate envelope)*
- 67 • *November 10, 2014 regular meeting minutes*
- 68 • *Resolution No. 2462 – authorizing Delmarva Collections to collect delinquent accounts*
- 69 • *Resolution No. 2463 – accepting Osprey Property Company, LLC’s contribution to*
70 *streetscape improvements to Fitzwater Street Corridor*

71

72 **ORDINANCE**

73

- 74 • *Ordinance No. 2306 – 2nd reading – amending Chapter 13, Public Services, of the City*
75 *Code by adding Chapter 13.30 for the purpose of establishing a Stormwater Utility under*
76 *the direction and supervision of the Public Works Department and further establishing a*
77 *Stormwater Utility Fee System*

78

79 *Mrs. Mitchell moved and Mrs. Shields seconded to approve Ordinance No. 2306 for*
80 *second reading.*

81

82 *Council then received the following comments from five (5) members of the public:*

83

- 84 ➤ *A Stormwater Utility is not needed and the residents don’t want more fees*

- 85 ➤ *Too many houses are vacant now and residents won't be able to sell their homes*
86 ➤ *Thanked Council for the work done on the Utility so far*
87 ➤ *The revised ordinance improves the overall fairness*
88 ➤ *There is a definite impact by stormwater on the Wicomico River*
89 ➤ *Saluted the City for working to make the river fishable and swimmable again*
90 ➤ *This Utility will increase property values and the quality of life*
91 ➤ *Wicomico River used to be a clean river in which to fish and swim*
92 ➤ *All TOP 100 DESTINATION CITIES have one (1) thing in common – Water, and*
93 ➤ *most all did drastic things to improve their water*
94 ➤ *The fee is very small compared to other City of Salisbury fees*
95 ➤ *This Utility will allow Salisbury's residents to control the city's destiny by being*
96 ➤ *able to fund projects*
97 ➤ *Council has taken a very reasonable approach*

98
99 *Council comments included:*

- 100
101 ➤ *This was a serious decision since many citizens live on fixed incomes, but had to*
102 ➤ *consider Parsons Road, Germania Circle, Delaware Avenue and Coty Cox*
103 ➤ *There are serious issues; the public should be educated on why Utility is needed*
104 ➤ *This is an economic imperative for the City residents, and says something about*
105 ➤ *who we are and what we care about*
106 ➤ *The utility will only go towards Stormwater and not into the General Fund*
107 ➤ *This helps take care of our infrastructure and resources*
108 ➤ *The EPA requires the City to lower our pollutants*
109 ➤ *Doing what's right isn't always the most popular*
110 ➤ *More messages were received in support of the utility than any issue that's been*
111 ➤ *voted on in more than a year*
112 ➤ *\$40 was the recommended annual household fee, but Council felt \$20 was*
113 ➤ *appropriate to begin with*
114 ➤ *This is a responsible approach even if it is 105 years late*

115
116 *Mayor Ireton expressed appreciation for the lead taken on this issue years ago by former*
117 *Mayor Tilghman and Council Vice President Gary Comegys, and thanked Dr. Judith*
118 *Stribling and City staff for their dedication and expertise.*

119
120 *Ordinance No. 2306 for second reading was unanimously passed on a 4-0 vote in favor.*

121
122 **AWARD OF BIDS** – *presented by Assistant Director of Internal Services – Procurement Jennifer*
123 *Miller*

124
125 *The Award of Bids, consisting of the following items, was unanimously approved on a motion by*
126 *Mr. Spies that was seconded by Mrs. Mitchell:*

127

- 128 • *Award of Bid – RFP 02-15 Engineering Construction & Inspection Services for Parkside*
- 129 *HS Regional Lift Station and Mill Street Pump Station Improvements – \$171,500*
- 130 • *Declaration of Surplus – Cimline Hot Box – Salisbury Public Works – \$ 0.00*
- 131 • *Declaration of Surplus – Sentry Fire Safe – Salisbury Police Department – \$ 0.00*

132

133 **RESOLUTION** – presented by City Attorney Mark Tilghman

134

- 135 • *Resolution No. 2464 – approving an agreement between the City, Salisbury Fire*
- 136 *Company #2, Inc., and Morris and Morris Limited Partnership for the purpose and intent*
- 137 *to exchange identified parcels of land to build a new fire station*

138

139 *Mr. Spies moved and Mrs. Mitchell seconded to approve Resolution No. 2464.*

140

141 *Mr. Tilghman passed out the revised resolution and agreement to Council and explained*

142 *the agreement placed in the agenda packet did not represent the most recent discussions*

143 *with the Morris’ attorney because he reviewed the changes after the packet was already*

144 *prepared. He reviewed the revisions to the updated resolution and agreement as follows:*

145

146 *Revisions to the Resolution No. 2464-*

147

- 148 ➤ *Lines 15 and 27 – new paragraphs formatted to clarify the description of both*
- 149 *real properties. There were no changes made to the verbiage of the resolution.*
- 150 ➤ *Line 62 – “, reserving unto itself a right of way and a portion of Morris &*
- 151 *Morris Property 4, as more particularly set forth in the agreement; and,”*
- 152 *was removed from the paragraph in the original document.*
- 153 ➤ *Lines 75 and 76 – inserted “, and the Mayor is hereby authorized to execute*
- 154 *the necessary agreement (as finally approved by the City Solicitor), a*
- 155 *proposed copy of which is attached hereto as Exhibit A.”*

156

157 *Revisions to the Agreement –*

158

- 159 ➤ *Page 2, paragraph 7 – removed “reserving unto itself a right of way and a*
 - 160 *portion of Morris & Morris Property 4, as more particularly set forth herein”.*
 - 161 ➤ *Page 3 and 4, III – added “(3) Prior to the execution of the deed conveying the*
 - 162 *Morris & Morris Properties to the City, the City shall have Parcel 496 appraised*
 - 163 *to determine its value after the removal of all buildings and removal of all debris.*
 - 164 *Concurrently, the City shall also obtain an appraisal of Parcels 1409, 1410,*
 - 165 *1411, 1418 and 1415 currently owned by Morris & Morris LTD Partnership. The*
 - 166 *City shall accept a charitable donation of the difference in appraised value*
 - 167 *between City Parcel 496 and the Morris & Morris Properties. Any attorney’s fees*
 - 168 *incurred by Morris & Morris LTD Partnership to accomplish this transfer shall*
 - 169 *be considered a charitable donation to the City.*
- 170

171 (4) *The City shall also convey all of its right, title and interest in the area*
172 *designate as “85 X 85 Parking Easement” on a plat entitled “Resubdivision*
173 *Parcel 495 Map 104, City of Salisbury,” attached hereto.”*

- 174 ➤ *Page 4, V – removed “reserving unto itself an easement on and across the Morris*
175 *& Morris Properties, of approximately thirty feet (30 ft.) in width, and more*
176 *particularly across Morris & Morris Property 1 and Morris & Morris Property 4.*
177 *Morris & Morris shall also retain ownership of a portion of the easterly part of*
178 *Morris & Morris Property 4, as shown on the Site Plan attached hereto as Exhibit*
179 *J.”*
- 180 ➤ *Page 4, VI – removed “The Parties intend any and all conveyances of real*
181 *property hereunder to qualify as a tax-free exchange under Internal Revenue*
182 *Code § 1031. In accordance with the provisions of Internal Revenue Code § 1031,*
183 *no gain or loss shall be recognized on the exchange of property held for*
184 *productive use in a trade or business or for investment if such property is*
185 *exchanged solely for property of like kind which is held either for productive use*
186 *in a trade or business or for investment.*

187
188 *Resolution No. 2464 was unanimously approved on a 3-0 vote, as Mrs. Shields left the*
189 *Council Meeting at 7:15 p.m.*

190
191 *As there were no requests for public comments, Council President Day adjourned the Legislative*
192 *Session at 7:41 p.m.*

193
194 _____
195 *City Clerk*

196
197 _____
198 *Council President*

City of Salisbury



MARYLAND



JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

MICHAEL S MOULDS, P.E.
DIRECTOR OF PUBLIC WORKS

To: Tom Stevenson, City Administrator
From: Michael Moulds, Director of Public Works
Date: November 20, 2014
Re: Headquarters Live 115 South Division Street – Capacity Fee Waiver

Attached is a letter from the owner of 115 South Division Street dated October 31, 2014. The letter requests consideration for a Capacity Fee waiver for the redevelopment of the property. The property is the old downtown Fire Station and is currently vacant. Per Ordinance No. 2258, the owner is seeking a Capacity Fee waiver as part of the Equivalent Dwelling Unit (EDU) Incentive Area. This is the second request for an EDU allocation under Ordinance No. 2258. There were a maximum of 300 EDUs available, and to date, six (6) have been allocated.

As per Ordinance No. 2258, Public Works has evaluated the eligibility of this project for the EDU Incentive Area. The project meets the following criteria:

1. The project location is within the Central Business Zoning District.
2. The project within the Central Business Zoning District constitutes revitalization of an existing building.
3. The project is not eligible for a capacity fee waiver for public sponsored or affordable housing.
4. The project complies, or will comply, with all applicable Zoning and Building Code criteria.
5. The project complies, or will comply, with all requirements of the Salisbury Historic District Commission.
6. The project is consistent with the adopted Comprehensive Plan of the City of Salisbury. Redevelopment of this underutilized property meets the comprehensive plan's objectives to direct development to underutilized areas to foster revitalization and redevelopment of commercial properties, and to create and retain employment.
7. The project is consistent with the Salisbury Sustainable Community Plan, on file with the Maryland Department of Housing and Community Development (DHCD). The proposed project would meet the Sustainable Community (SC) Plan goal of "supporting existing communities and reducing environmental impacts" by revitalizing an existing building in the historic downtown area.
8. The project is consistent with the following benchmark objectives of A Plan for Transformation (2012): Increase the number of permanent, living wage jobs in the City and increase the amount of commercial square footage in the City.

Public Works has evaluated the number of EDUs in the request and has found the amount to be consistent with MDE's flow projection guidelines.

Attached is a Resolution for consideration to waive the Capacity Fees associated with the redevelopment of Headquarters Live at 115 South Division Street. Public Works has reviewed the waiver request and recommends approval. The request meets the criteria outlined in Ordinance No. 2258.

If this EDU waiver is approved, then it will be valid for two years from the date of the Resolution. Additionally, the EDU Incentive Area will have 289 EDUs remaining for other projects.

Unless you or the Mayor has further questions, please forward a copy of this memo, request letter and Resolution to the City Council.

DEVRECO

Development Real Estate Company

Since 1983

P.O. 4322 Salisbury, MD 21803

DATE: October 31, 2014

TO: Mr. Michael Moulds
Public Works Director
Department of Public Works
125 N. Division St. Rm 202
Salisbury MD 21801

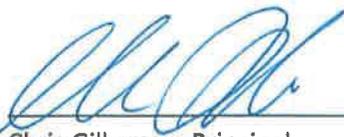
RE: EDU Waiver Request
Headquarters Live / Old Salisbury Downtown Fire Station
115 South Division St
Salisbury MD 21801

Mr. Moulds,

Please consider this our formal written request for an EDU fee waiver for the above referenced project. The project meets the criteria as set forth in Ordinance 2258 by the City of Salisbury; and is an eligible project within the EDU Incentive Area. We estimate the total EDU's needed for the entire project to be Five (5).

Thank you for your consideration with this matter.

Respectively submitted,



Chris Gilkerson, Principal
DEVRECO, LLC

10.31.14

Brian Wilkins

From: Chris Gilkerson <chris@devreco.com>
Sent: Friday, October 31, 2014 9:40 AM
To: Brian Wilkins
Subject: Re: old Firehouse - capacity fee
Attachments: EDU Waiver Request.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks Brian.

Please see attached for written request/letter. I bumped the EDUs to 5 total. The basement is really more of a lounge/dorm than an office so I feel this is a more accurate figure.

Let me know if this is OK.

Do you need anything else from me at this time to keep this process moving forward?

Thanks again for your help
Chris

On Fri, Oct 31, 2014 at 9:06 AM, Brian Wilkins <BWilkins@ci.salisbury.md.us> wrote:

Chris,

I didn't realize this is a standing room sort of venue. The 25 gpd/seat is a restaurant number so that's way high. The closest category I can find in the sewer manual is 'theaters' at 1 gpd/person. That would give you $445 + 663 = 1,108$ gpd or 4.4 EDUs. I think this is a good estimate.

Thanks,

Brian

From: Chris Gilkerson [mailto:chris@devreco.com]
Sent: Friday, October 31, 2014 8:51 AM

To: Brian Wilkins
Subject: Re: old Firehouse - capacity fee

Brian thanks again for your help with this.

Here is what I am coming up with.

OFFICE: $7,360\text{sf} \times .09 = 663 \text{ gpd}$

VENUE: $3,113 \text{ sf of Patron Space @ } 7\text{sf per person (standing room)} = 445 \text{ person standing capacity} \times 25 \text{ gpd/seat} = 11,125 \text{ gpd}$

Total gpd for entire building using this formula is: 11,788.

Is this what you are looking for?

How do I determine how many EDU's that gpd would need?

Thanks again

Chris

On Thu, Oct 30, 2014 at 11:46 AM, Brian Wilkins <BWilkins@ci.salisbury.md.us> wrote:

Chris,

I've attached an excerpt from the Maryland Sewer Manual on flow projection that I use frequently. Table II has a square foot formula for office space ($\text{sf} \times .09$) that could be used for the top and bottom level. The middle floor should be estimated differently. Probably use a per seat formula (25 gpd/seat). A conservative estimate is recommended.

Thanks,

Brian

From: Chris Gilkerson [mailto:chris@devreco.com]

Sent: Thursday, October 30, 2014 8:02 AM

To: Brian Wilkins
Subject: Re: old Firehouse - capacity fee

Thanks Brian.

I will draft this written request today.

- For the estimated EDUs - we have a total of 20 plumbing fixtures for the entire building.
-
- The lower level is a lobby/break room/offices/full bathroom/and cooler/storage space.
-
- The Middle level is the venue consisting of stage/bar/restrooms - will also be indoor/outdoor space for some events
-
- The Top level is speculation office space with common bathrooms
-
- Total building is +/- 12,000 sf

Do you have some type of formula for calculating estimated EDU based on the above information?

Thanks

Chris

On Wed, Oct 29, 2014 at 4:43 PM, Brian Wilkins <BWilkins@ci.salisbury.md.us> wrote:

Chris,

Attached is the ordinance for 'EDU Incentive Area'. Make written request to 'Mr. Michael Moulds – Public Works Director'. It does meet the requirements as a redeveloped property in the Enterprise Zone.

Let me know if you have any questions.

Thanks,

Brian E. Wilkins

Development Coordinator

Salisbury Public Works

410-548-3170

Chris Gilkerson | Advisor

TEAM DEVRECO

Sperry Van Ness | Miller Commercial Real Estate

118 N. Division Street | Salisbury, MD 21801

Phone 443.614.6111

Chris@devreco.com | www.Devreco.com

Chris Gilkerson | Advisor

TEAM DEVRECO

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Phone 443.614.6111

Chris@devreco.com | www.Devreco.com

1 RESOLUTION NO. 2465

2
3 A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND
4 AUTHORIZING THE CAPACITY FEE OF THE CITY'S COMPREHENSIVE
5 CONNECTION CHARGE BE WAIVED FOR A DEVELOPMENT KNOWN AS
6 HEADQUARTERS LIVE AT 115 SOUTH DIVISION STREET.

7
8 WHEREAS, the Owner of 115 South Division Street has requested a waiver of the
9 Capacity Fee for the redevelopment of their property to develop Headquarters Live; and

10
11 WHEREAS, the proposed redevelopment is located inside the City Limits and the
12 Central Business District; and

13
14 WHEREAS, the City seeks to encourage development and redevelopment in the
15 Central Business District; and

16
17 WHEREAS, the City seeks to reduce the capacity fees for eligible development and
18 redevelopment in the Central Business District by means of an Equivalent Dwelling Unit
19 (EDU) Incentive Area; and

20
21 WHEREAS, the proposed redevelopment of Headquarters Live at 115 South
22 Division Street requires five (5) Equivalent Dwelling Units of water and sewer service; and

23
24 WHEREAS, the Capacity Fee for five Equivalent Dwelling Units is \$17,665; and

25
26 WHEREAS, the City Council approved a Capacity Fee waiver process under
27 Ordinance No. 2258 for redevelopment in the Central Business District; and

28
29 WHEREAS, the Director of Public Works reviewed the request and has determined
30 that the project is eligible for the Capacity Fee waiver; and

31
32 WHEREAS, the Mayor reviewed the request and supports sending the request to the
33 City Council; and

34
35 WHEREAS, if approved, the EDU allocation for the Capacity Fee waiver is valid
36 for two years from the time of the signing of this Resolution; and

37
38 WHEREAS, the property owner has the option to request an extension of the
39 allocation for two one-year terms if approved in writing by the Public Works Director prior
40 to expiration of the term; and

41
42 WHEREAS, the allocated EDUs are assigned to the redevelopment of Headquarters
43 Live at 115 South Division Street and cannot be transferred by the recipient.

44
45 NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury,
46 Maryland approves the waiver of five Equivalent Dwelling Units of Capacity Fee for the
47 redevelopment of 115 South Division Street.
48

49 THIS RESOLUTION was introduced and duly passed at a meeting of the Council
50 of the City of Salisbury, Maryland held on _____, 2014 and is to become effective
51 immediately upon adoption.

52

53 ATTEST:

54

55

56

57 _____
Kimberly R. Nichols

58 CITY CLERK

59

60

Jacob R. Day

PRESIDENT, City Council

61 APPROVED by me this _____ day of _____, 2014

62

63

64

65 _____
James Ireton, Jr.

66 MAYOR, City of Salisbury

City of Salisbury



MARYLAND

Salisbury



2010

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801

Tel: 410-334-3028
Fax: 410-548-3192

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

 **To:** Tom Stevenson, City Administrator
From: Richard A. Hoppes, Fire Chief
Date: December 2, 2014
Re: Budget Amendment – Additional Firefighter/EMT

Please find attached a Budget Amendment increasing the FY 2015 budget to fund four additional Firefighter/EMT positions.

If you have no additional questions, please forward this ordinance to Council.

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ORDINANCE NO. 2307

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY 2015 GENERAL FUND BUDGET TO APPROPRIATE FUNDING FOR ADDITIONAL FIRE DEPARTMENT PERSONNEL.

WHEREAS, the Fire Department has a need for additional four (4) Firefighter/Emergency Medical Technicians; and

WHEREAS, there are insufficient funds available in the FY15 Fire Department Budget to fund the additional four (4) positions; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND THAT THE City's Fiscal Year 2014 General Fund Budget be and hereby is amended as follows:

- 1) Increase Current Surplus Available (01000- 469810) by \$160,611
- 2) Increase Fire Department Budget by \$160,611

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this ____ day of _____ 2014, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the ____ day of _____, 2014.

ATTEST:

Kimberly R. Nichols, City Clerk

Jacob R. Day, President
Salisbury City Council

APPROVED BY ME THIS ____ day of _____, 2014.

James Ireton, Jr., Mayor

City of Salisbury



MARYLAND



125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-334-3028
Fax: 410-548-3192

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

To: Tom Stevenson, City Administrator
From: Keith Cordrey, Director of Internal Services 
Date: November 20, 2014
Re: Budget Amendment - Shore Transit Circulator Program

Please find attached a Budget Amendment increasing the FY 2015 funding for the Shore Transit circulator program by \$21,000.

If you have no additional questions, please forward this ordinance to Council.

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ORDINANCE NO. 2308

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY 2015 GENERAL FUND BUDGET TO APPROPRIATE FUNDING FOR ADDITIONAL PROMOTIONAL FEES TO SUPPORT THE SHORE TRANSIT CIRCULATOR PROGRAM.

WHEREAS, the FY 2015 Budget ordinance included a \$16,000 appropriation to support the Shore Transit Circulator program; and

WHEREAS, after further review, an additional \$21,000 is needed to support the program during FY 2015; and

WHEREAS, the Shore Transit Circulator program has been determined to be extremely beneficial to downtown; and

WHEREAS, the City's FY 2015 budget does not contain an appropriation sufficient to cover this expense.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND THAT THE City's Fiscal Year 2014 General Fund Budget be and hereby is amended as follows:

- 1) Increase Current Surplus Available (01000- 469810) by \$21,000
- 2) Increase Community Promotions (12500 - 569222) Budget by \$21,000

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this ____ day of _____ 2014, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the ____ day of _____, 2014.

ATTEST:

Kimberly R. Nichols, City Clerk

Jacob R. Day, President
Salisbury City Council

APPROVED BY ME THIS ____ day of _____, 2014.

James Ireton, Jr., Mayor