

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.

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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

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

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

### **Main Street Masterplan Review**

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

Discussion topics included:

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

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

### **Parking Restriction on Pinehurst**

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

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

Discussion topics included:

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

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

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

### **False Alarms/ECV**

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

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

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

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

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

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

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

Discussion topics included:

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

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

- 1<sup>st</sup> Alarm - no fee; no fine
- 2<sup>nd</sup> Alarm - no fee; no fine
- 3<sup>rd</sup> Alarm - 1/3 fee; no fine
- 4<sup>th</sup> Alarm - 2/3 fee; no fine
- 5<sup>th</sup> Alarm - full fee; no fine
- 6<sup>th</sup> Alarm and up -full fee, \$500.00 fine

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

### **Over Occupancy Issues in Neighborhoods**

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

Discussion topics included:

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

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

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

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

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

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

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

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

### **Bed & Breakfast Inns**

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

Discussion topics included:

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

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

After discussion, Council reached unanimous consensus to maintain parking and signage parameters as stated in the ordinance, to maintain three as the maximum number of rooms, to maintain six as the maximum number of occupants excluding children from the occupant count, and to make the following changes to the ordinance, prior to seeking public input at the Public Hearing that Mr. Lenox will now schedule:

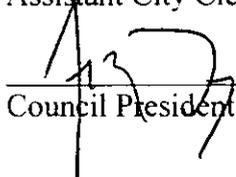
- Line 33 – insert “adult” between “transient” and “roomers”
- Line 39 – change “seven (7)” to “fourteen (14)” and insert “consecutive” between “fourteen (14)” and “days”

**Motion to convene in Closed Session**

Mr. Spies moved, Mrs. Mitchell seconded, and the vote was unanimous to convene in Closed Session at 9:35 p.m. for the purpose of considering the acquisition of real property for a public purpose and matters directly related thereto; consulting with counsel to obtain legal advice on a legal matter; and before a contract is awarded or bids are opened, discussing a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process in accordance with the Annotated Code of Maryland §10-508(a)(3)(7)(14).

At 10:23 p.m., on a motion and second by Mr. Spies and Mrs. Mitchell, respectively, and by unanimous vote in favor, the Closed Session was adjourned and Council reconvened in Open Work Session. President Day then reported that while in Closed Session Council had discussed two land agreement items, deciding to move forward with an agreement on one property and to not award a bid on the other property but to reconvene discussion on that property; thereafter, the Work Session adjourned.

  
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 Assistant City Clerk

  
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 Council President

# MAIN STREET IMPROVEMENTS

November 17, 2014





# Complete Street

ADA 5' Min. – 7" typical walk

ADA cross walks

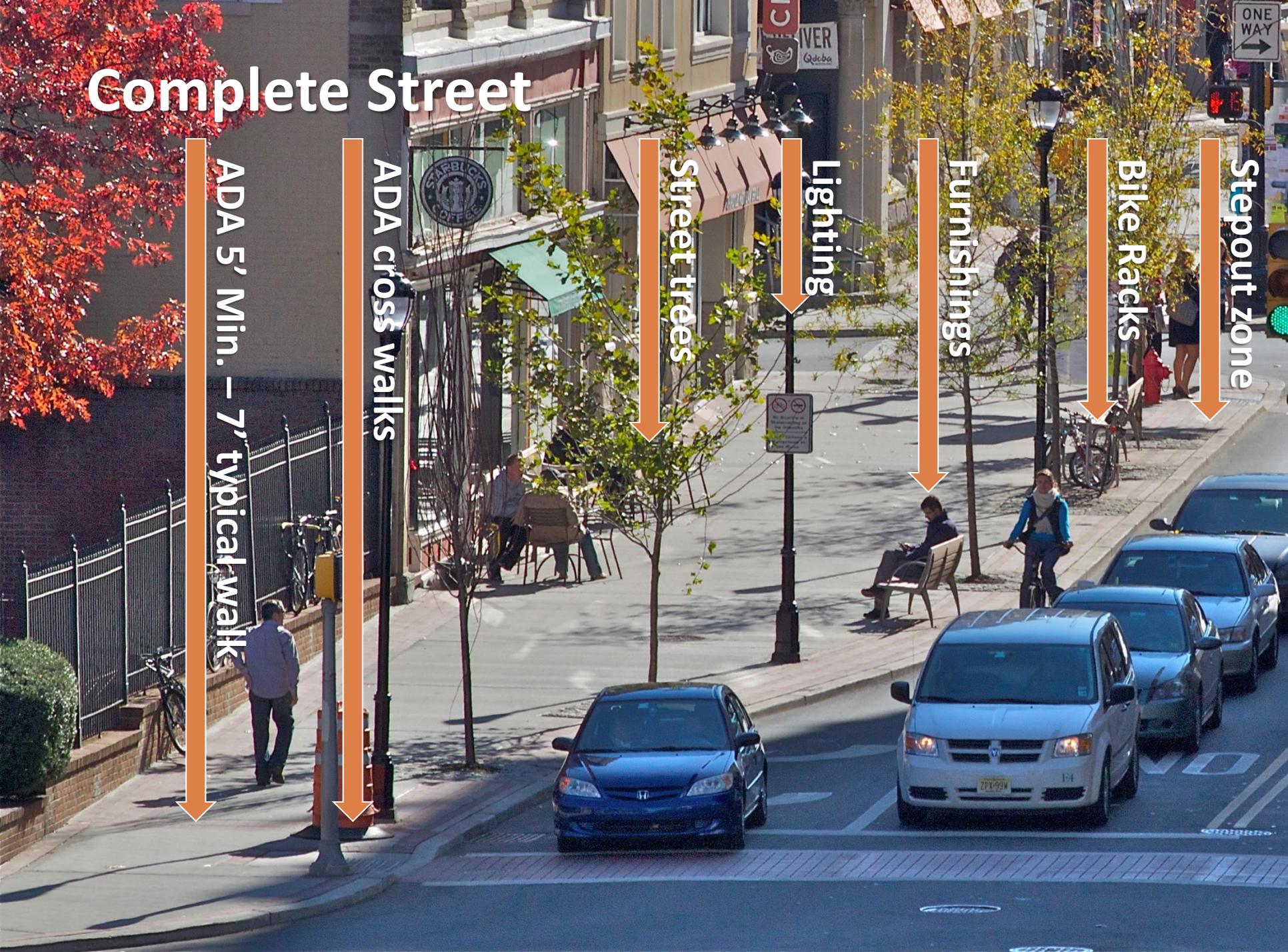
Street trees

Lighting

Furnishings

Bike Racks

Stepout zone



# Traffic Calming



**Cross Walks**



**Curb Extensions**

# Bicycle Accommodations



# Parking #



PROPOSED

82 SPACES

EXISTING

65 SPACES

# Parking - Sizes

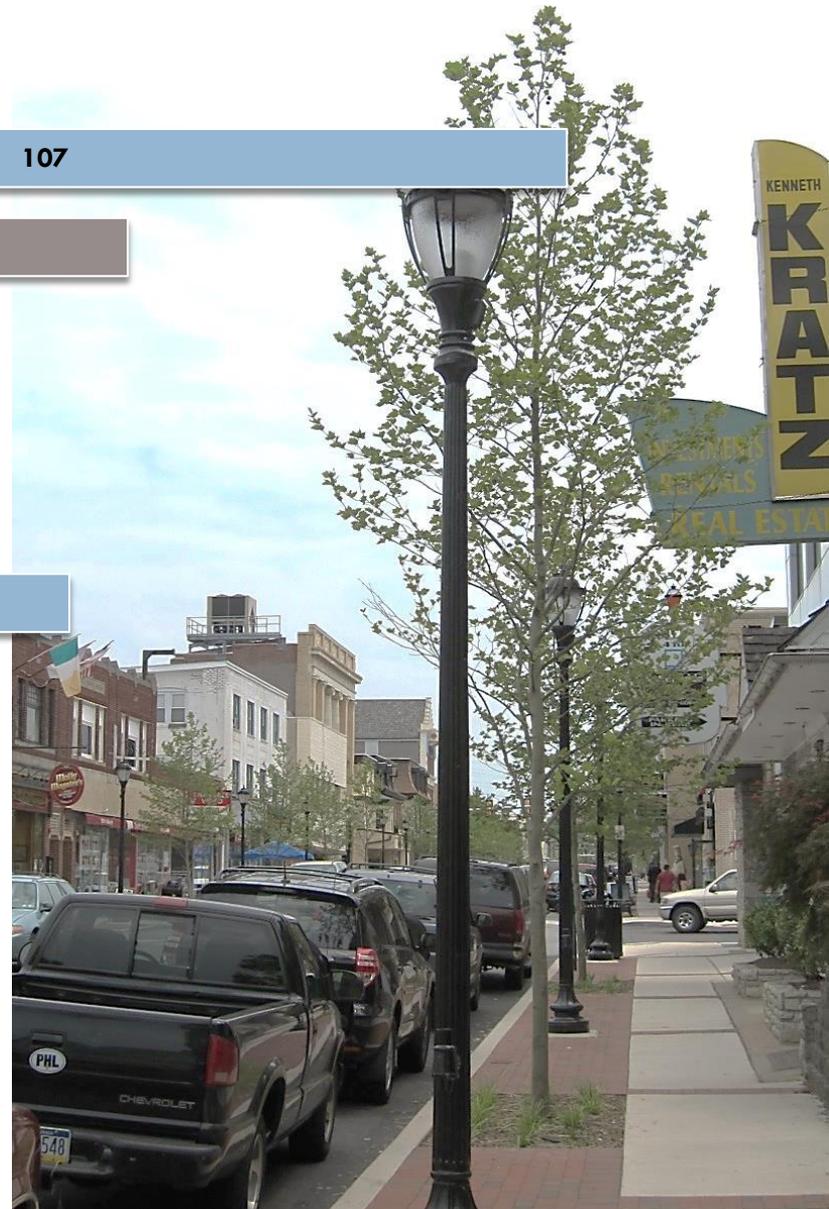
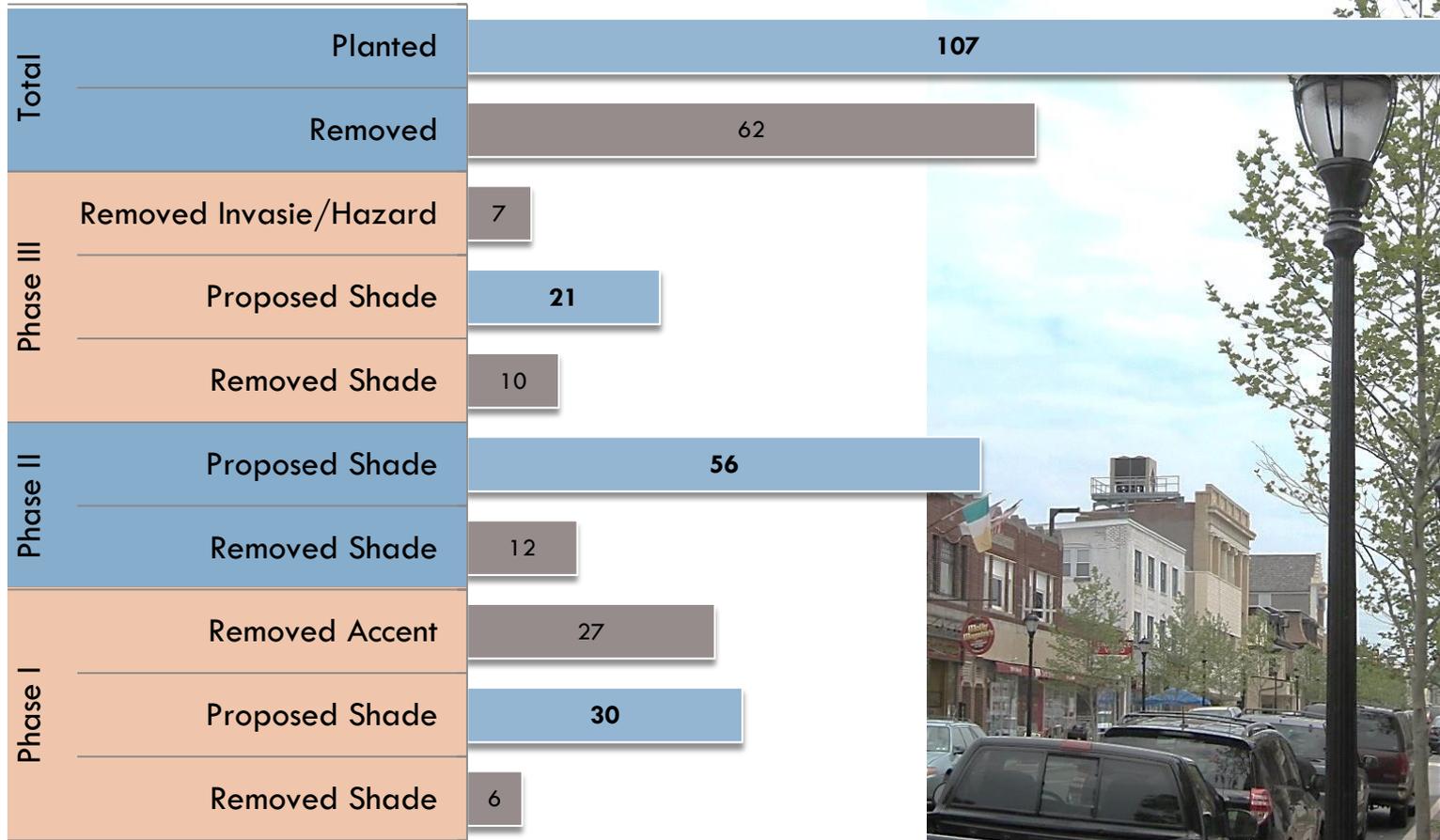
SPRIT OF THE LAKE  
YOGA  
WELLNESS CENTER

**WEST MAIN – 7'x24'**

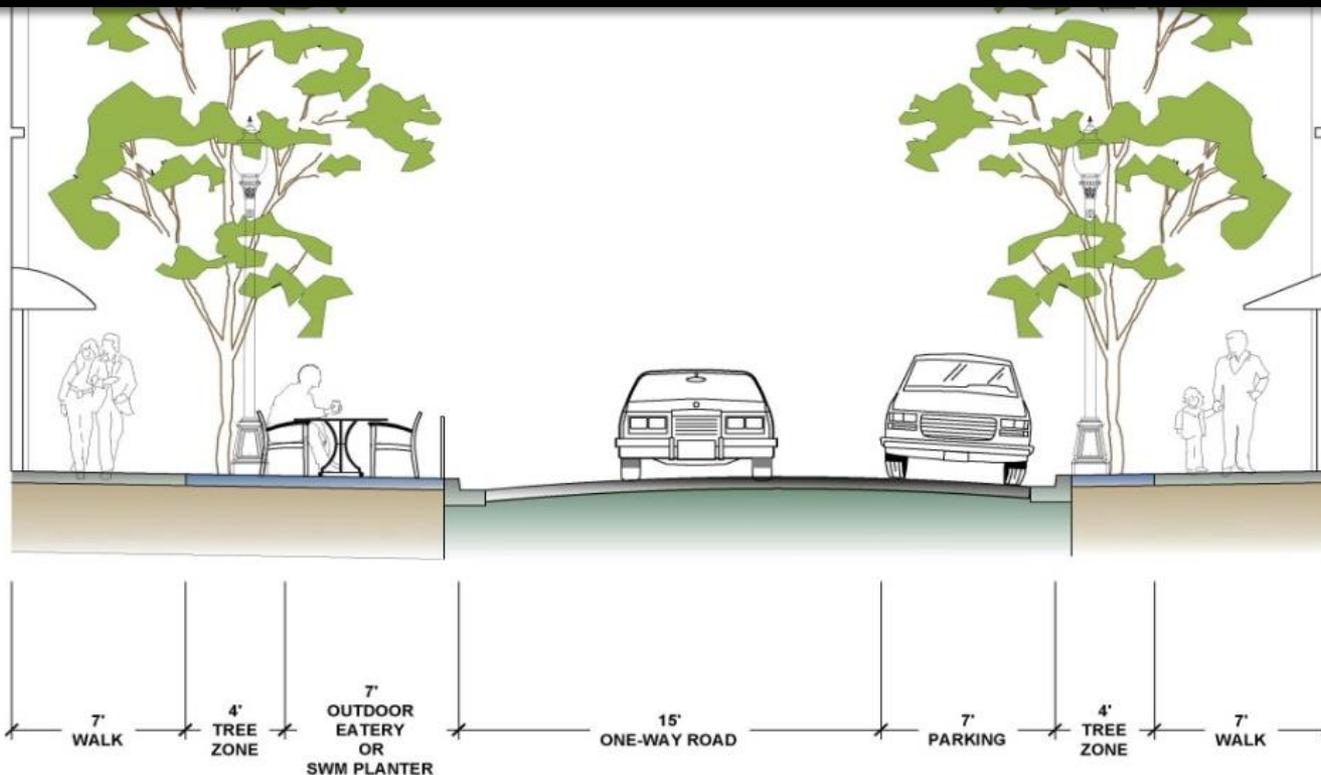
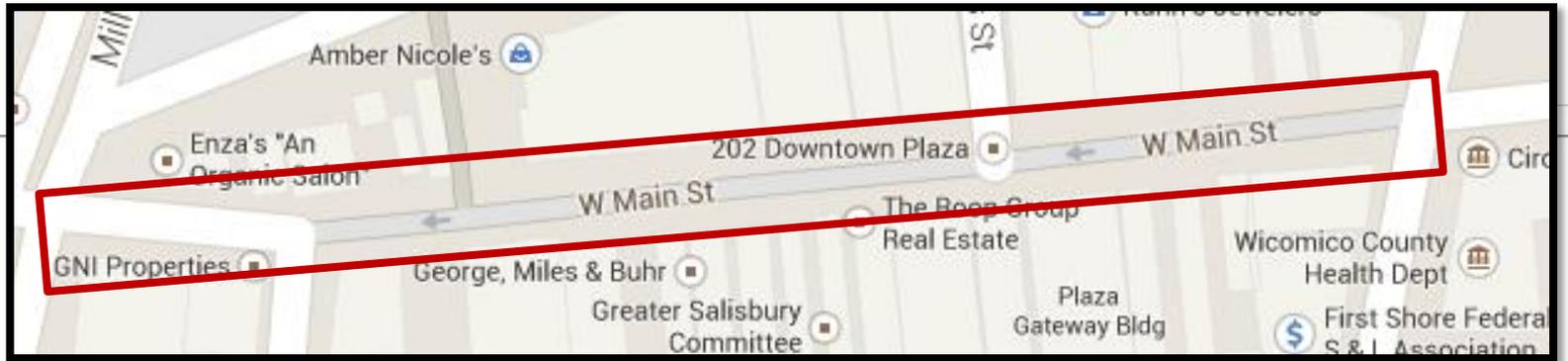
**EAST MAIN – 8'x24'**

The COUNTRY DOOR to ARTIST'S

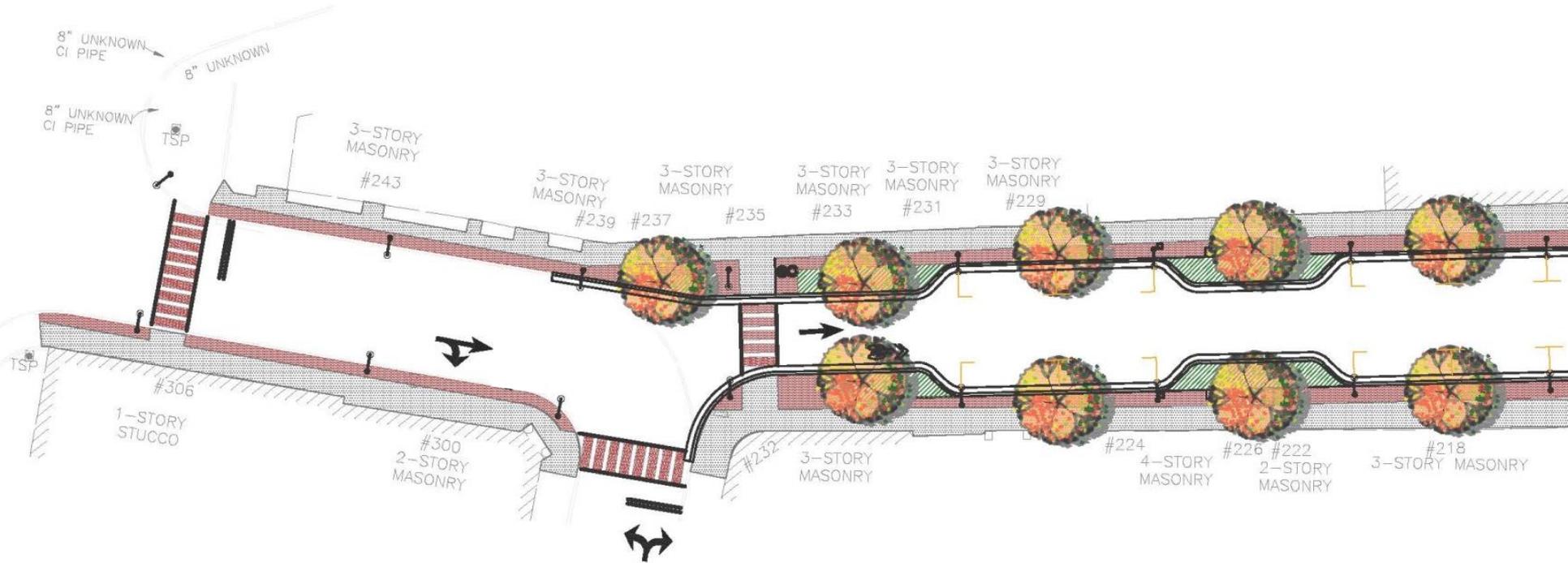
# Street Trees



# West Main Street



# West Main Street

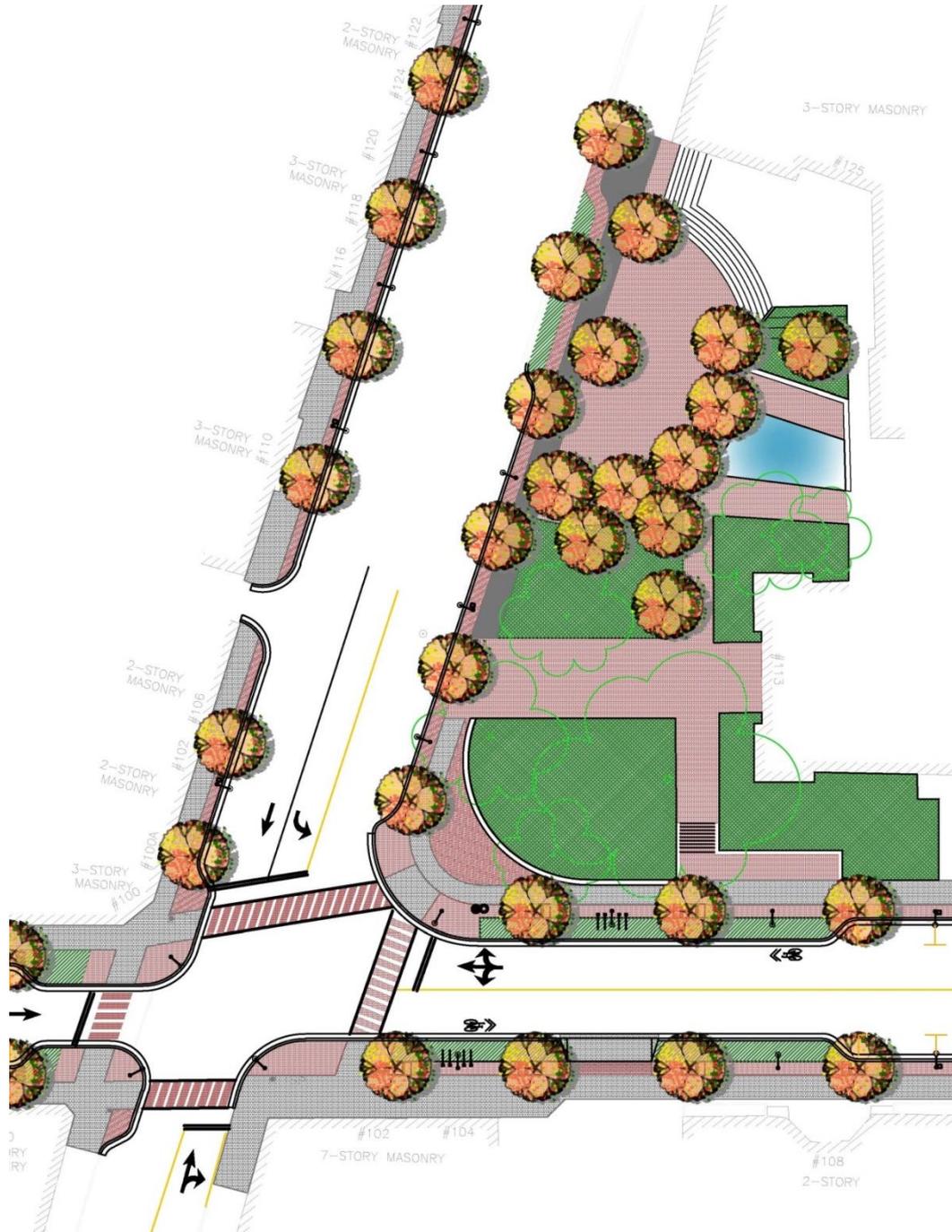
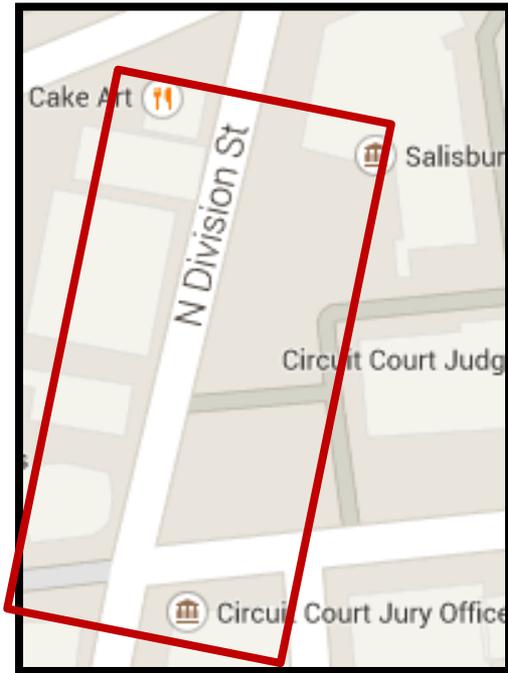




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# Division Street

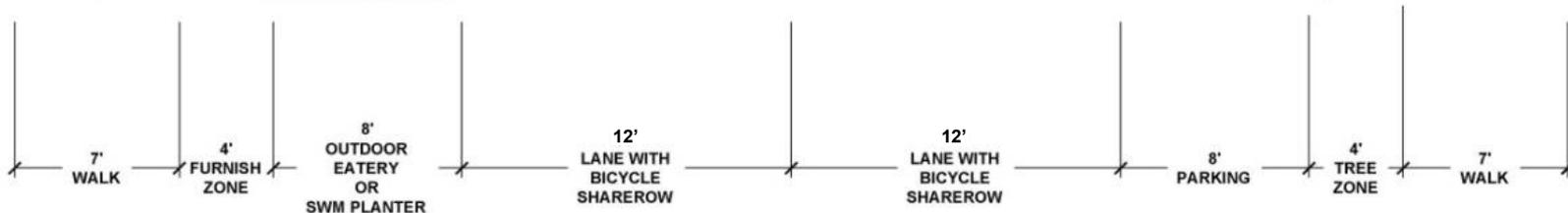
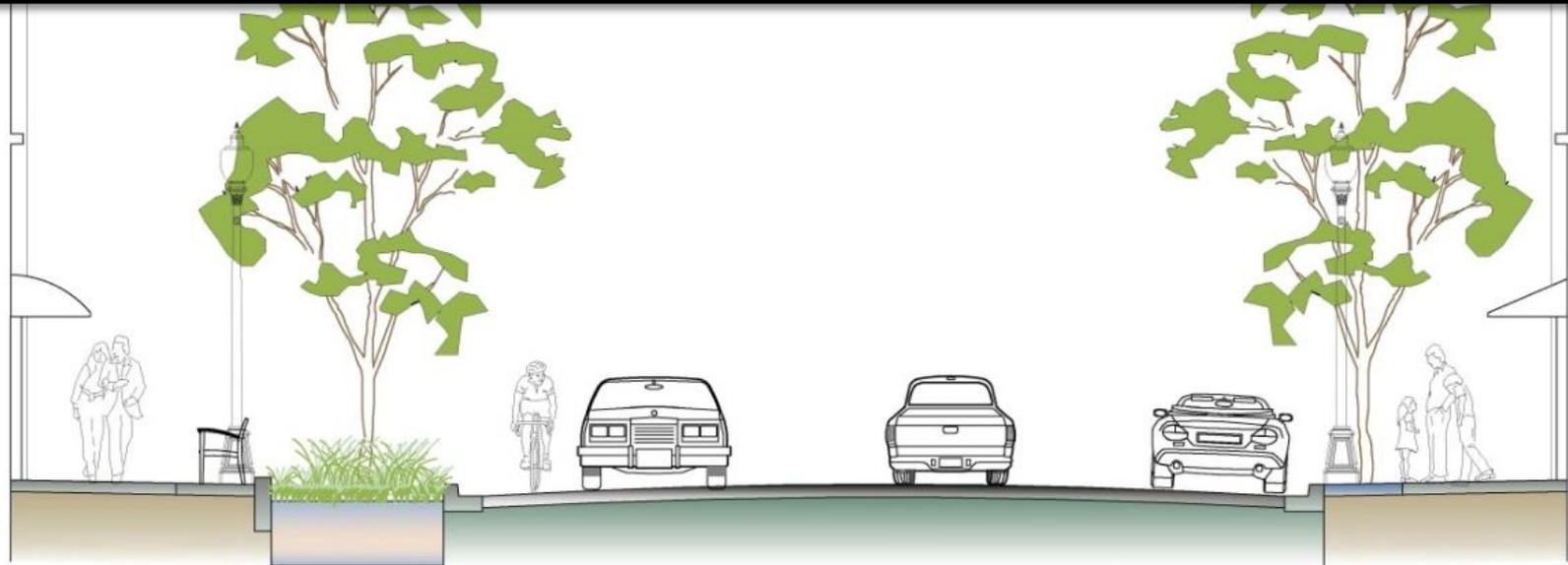
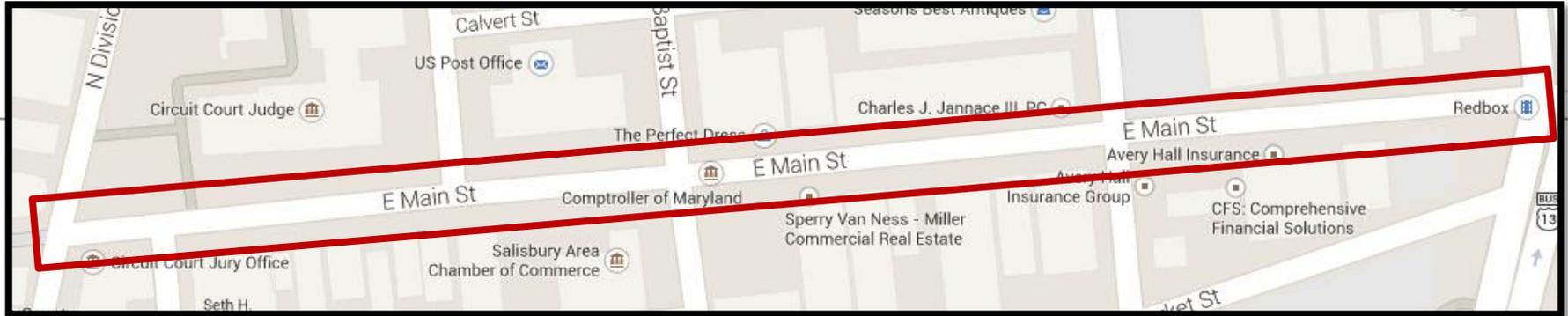




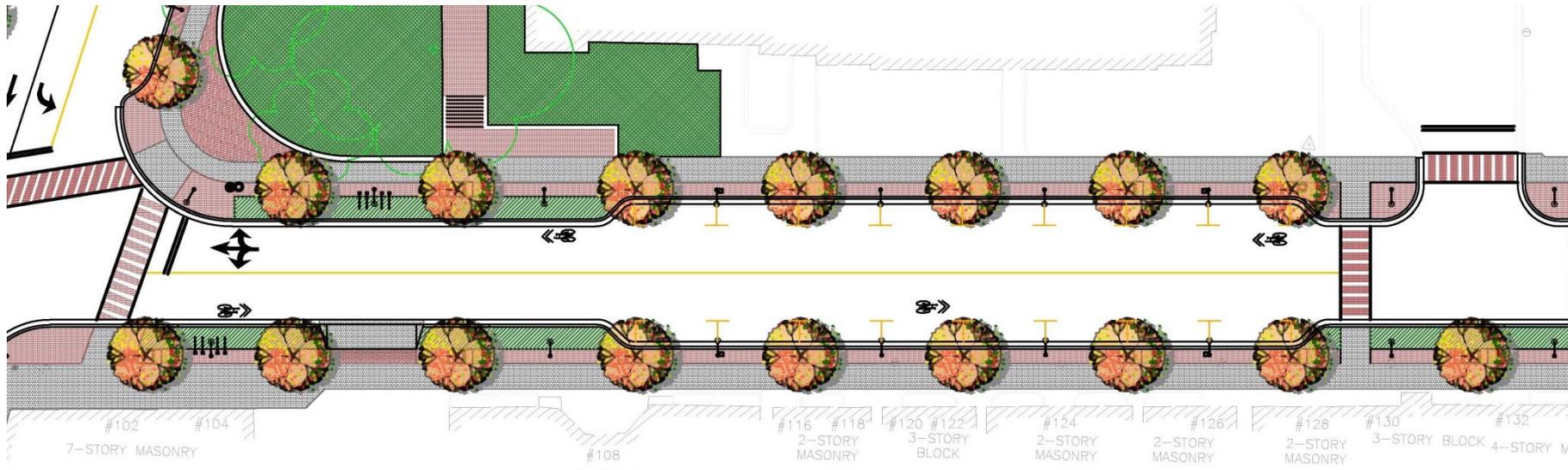
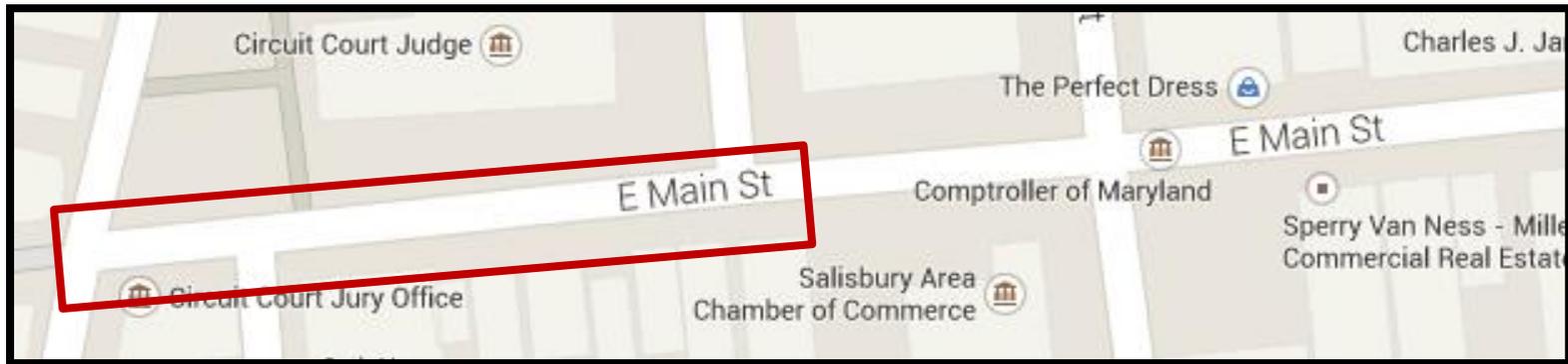
**Division Street**



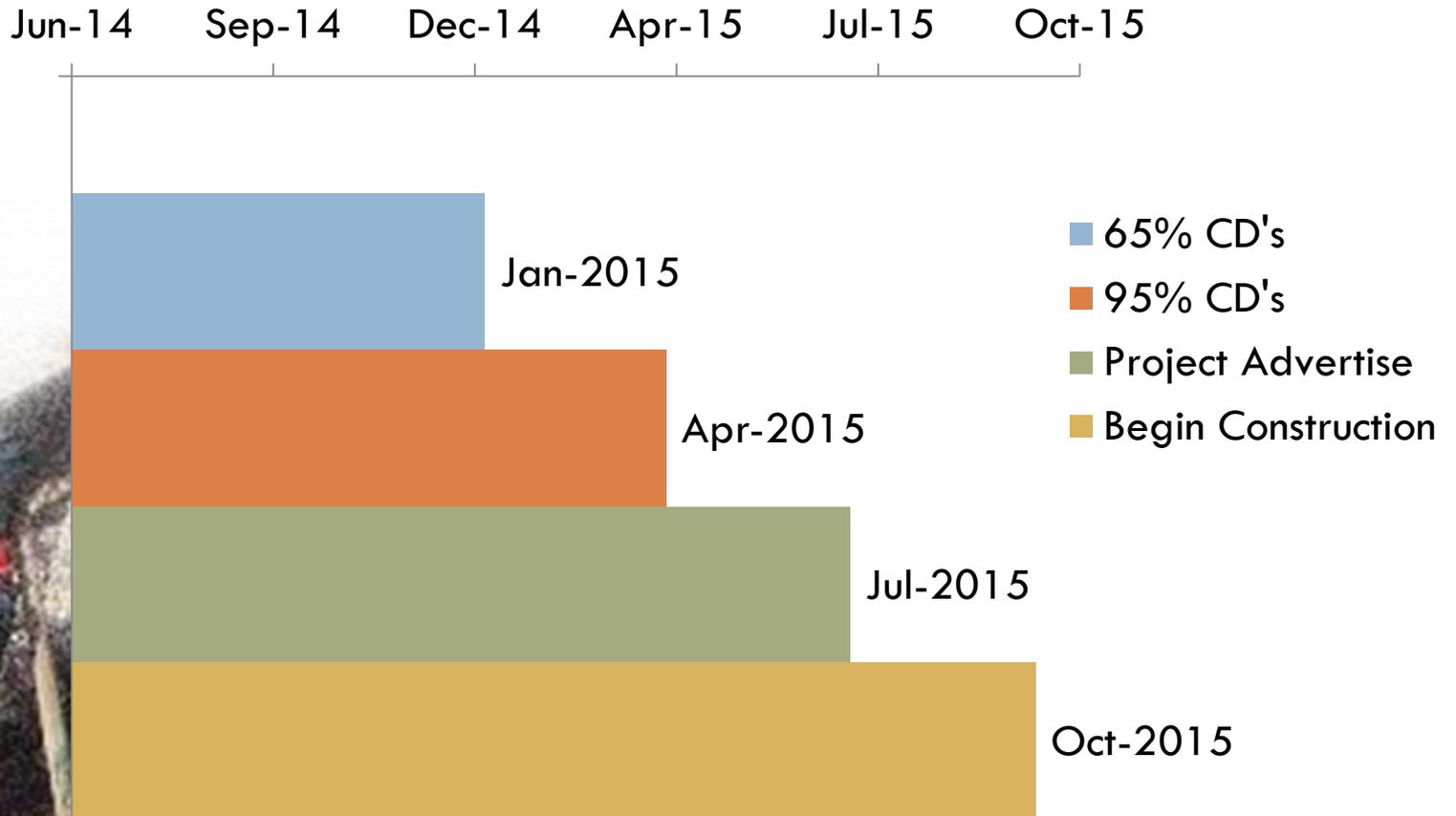
# East Main Street



# East Main Street



# Design Schedule



# Questions?

