

CITY OF SALISBURY
WORK SESSION
DECEMBER 15, 2014

Public Officials Present

Council President Jacob R. Day
Councilman John "Jack" R. Heath

Vice President Laura Mitchell
Councilman Timothy K. Spies

Public Officials Not Present

Mayor James Ireton, Jr.
Councilwoman Eugenie P. Shields

In Attendance

City Clerk Kimberly R. Nichols, Assistant City Administrator Terence Arrington, Salisbury/Wicomico County Long Range Planner Jaleesa Tate, Public Works Director Mike Moulds, City Attorney Mark Tilghman, Elections Director Anthony Gutierrez, and interested citizens and members of the press.

On December 15, 2014, Salisbury City Council convened in Work Session at 1:46 p.m. in Council Chambers, Room 301 of the Government Office Building.

Community Organization Presentation – Decorating Delmarva Holidayfest

Mr. Mark Cathell, Delaware International Speedway and U.S. Rt. 13 Dragway Marketing Manager and co-owner of Create 1 Dream Foundation joined Council to discuss Decorating Delmarva HolidayFest. In its third year, the event was created by Mr. Cathell and his wife, Denise for children and adults of all ages to enjoy the sights and sounds of the holidays with lights, decorations and displays created and sponsored by local schools, charities, non-profit organizations and businesses from Maryland, Delaware and Virginia.

Located on the Delaware International Speedway and U.S.13 Dragway properties on 120 acres in Delmar, Delaware, the Motorsports Complex is transformed into a mile-long course featuring fire pits, music, food, crafts, shows, contests, concerts, prizes, and Santa and reindeer appearances. The organization has donated over \$70,000 to the community in the past two years. The show operates Fridays and Saturdays from 5:30 pm - 9:30 pm and Sundays from 5:30 pm - 8:00 pm from November 29, 2014 through December 28, 2014, and on New Year's Eve.

Alliance for Innovation

Ms. Sallie Anne Burnett, East Regional Director for Alliance for Innovation joined Council to discuss the organization. Alliance for Innovation serves local governments by helping them build an innovative culture by disseminating information, organizing development, networking, and

research. Organizations in the Alliance for Innovation engage through conferences, workshops, and “Innovation Academy”, and helps transform Local Government through the following:

- Knowledge sharing to accelerate the adoption of innovative practices in the profession
- Organizational development to engage in the learning journey
- Networking to connect with local government and resources needed to push beyond traditional boundaries and research on emerging practices

Administration will consider the organization for membership prior to the budget preparation.

Linens of the Week

Mr. Day reported he had requested that the Linens of the Week discussion be returned to Work Session because several months ago Planning & Zoning had recommended re-zoning the property. Council had reached consensus at that time to not move forward with Planning & Zoning’s recommendation because they hoped there might be a civic use for it. However, none of the local non-profits seemed interested in developing the property.

Council reached consensus to invite representatives from Stop the Violence, Grace United Methodist Church, Christian Shelter and any interested representatives in the neighborhood to discuss the future use of the property and how they could utilize the property in an upcoming Work Session.

Smart Growth America Walkability Results/Update

Ms. Jaleesa Tate, Salisbury/Wicomico Long Range Planner, joined Council to discuss the Smart Growth America Walkability Workshop reports.

Ms. Tate reported that the technical assistance grant provided for the two-day workshop that was held in June 2014. The first day consisted of a community interest meeting in which the pros and cons of walking and biking were discussed, and the second day entailed a biking and walking audit of the downtown area. Smart Growth America recommendations included lowering traffic speeds, narrower lanes, and encouraging on-street parking.

Requirements of the grant included completing a thirty (30) day report, six (6) month report, and a one (1) year report. The thirty (30) day report was submitted in September 2014 and reported the steps the City has taken to encourage walking and biking in the Downtown area. The six (6) month report will be due in February 2015, and the year report will be due August 2015.

Council discussed standardizing downtown fixtures, bike racks, trashcans, and City branding. Mrs. Mitchell expressed concern about purchasing additional bike racks bearing the “Bury logo since neither the public nor the Council had been a part of selecting a widely supported “brand” for the City of Salisbury.

The presentation of the first report recap was for informational purposes only.

Elimination of parking on Riverside Drive

Public Works Director Mike Moulds joined Council to discuss the creation of a “No Parking” zone on Riverside Drive, extending from W College Avenue to Mill Street. He explained that because a portion of the existing bike lanes on Riverside Drive will be widened, this might create a greater likelihood for residents to park in these areas, which are currently not designated as “No Parking” areas with the exception of the “No Parking” zone on Riverside Drive adjacent to the St. Francis de Sales Church. Parking on Riverside Drive from W. College Avenue to Mill Street could create dangerous conditions for cyclists, and a number of residents currently park on Riverside Drive. The Maryland Department of Transportation has funded the street project, and will fund the necessary “No Parking” signs.

Council reached unanimous consensus to advance the ordinance to Legislative Session.

False Alarms Ordinance/ECV

Assistant City Administrator Terence Arrington discussed the changes made to the False Alarm Ordinance based on the discussion from the November 17, 2014 Work Session, and reported Mr. Tilghman made additional changes. He also reported that Mrs. Mitchell’s recommended changes received from her recent email were not yet incorporated in the legislation.

Mr. Arrington reviewed the following changes with Mr. Tilghman:

- Line 184-186 – Removed language referring to a \$25 administrative fee (**False alarms—Violations and penalties**)
- Line 210-213 – Increased threshold for the number of false alarm responses a property owner of business owner can occur before being considered guilty of a municipal infraction
- Line 223 – 225 – Creation of an addition or inclusion of a false alarm occurrence table with the matrix of the fines assessed for the 6th through 10th occurrence not to exceed \$500
- Line 316-321 – Inclusion of right to repair draft language in Section 8.04.130 Section D

Mr. Arrington noted Mr. Tilghman revised some of the language after his review, evident in Mr. Tilghman’s copy of the legislation.

Mr. Tilghman reviewed the changes to the opt-out language which added the requirement of the individual to dual notify the alarm company in writing of their decision to opt-out so there would be record of it. He discussed the following revisions he prepared after the packet was distributed:

- Definitions of panic alarm, alarm user, and takeover should be eliminated from the legislation
- Line 216 – the intent was to change the number from the 4th to 6th call, and the language was not perfectly clear. He suggested using “any false alarm occurring after the 5th false alarm response.”
- Line 270 –make the word “thefts” singular and before “disorderly” insert “or for”

- Line 318 – strike “the” and insert “an” and insert “which occurs” after “alarm”

Mrs. Mitchell reviewed her suggestions, which were emailed earlier to Council, and Council reached consensus on the following changes:

- Line 166 – clarify the date
- Line 198 – insert “of record” after “owner and “to the alarm site” after “location”
- Line 232 – strike “if necessary,” and “to discuss the application”
- Line 245 – strike “location” and insert “site”
- Section 8.04.100 – strike “is” and insert “are”
- Section 8.04.110 – C. should be re-worded to read “shall not exceed \$100” (Mr. Tilghman will review this section to make a recommendation about the misdemeanor)
- Section 8.04.120 (first line) - insert “alarm company shall provide and the” after the first “The”

Council reached unanimous consensus for Mr. Tilghman to incorporate the discussed changes to the legislation for advancement to Legislation Session.

False Alarms Ordinance/Fee Schedule

Mr. Day updated Council on the proposed fee schedule, which forgives the first and second alarms followed by the application of the fees identified by the Chiefs of the Fire and Police Departments that shall reimburse the City departments for the costs incurred for responding to a false alarm.

Council reached unanimous consensus to advance the proposed fee schedule to Legislation Session and to present the ordinance in unison with the ECV ordinance.

Council took a break at 3:50 p.m. and reconvened at 4:06 p.m.

Authorizing Chief of Police to sign MOU with MD Office of Highway Safety to accept grant funding for four (4) traffic safety programs

Mr. Tilghman reported the only change was to insert on Line 28 of the resolution “the Maryland Office of Highway Safety” after “between”.

Council reached unanimous consensus for the resolution to be advanced to the consent agenda.

Eliminating Primary Elections

City Clerk Kim Nichols reviewed the request to eliminate primary elections and reported on the progress Elections Director Mr. Anthony Gutierrez had recently made in identifying polling locations for each of the (5) districts. Mr. Gutierrez arrived at 4:20 p.m. and discussed the options regarding the polling places in the City limits.

Mr. Day asked Mr. Gutierrez to comment on the question that if there was a clear first place winner in an election, yet if the winner did not receive a majority of the votes in his district, would there be a problem since the City does not have a plurality requirement. Mr. Gutierrez responded that the person receiving the most votes advances to the General Election, but it can be structured either way Council prefers.

Mr. Tilghman reported on the process with the courts. The client for the American Civil Liberties Union (ACLU) no longer lives in Maryland, which creates an issue since he can't now be considered their client. Mr. Tilghman predicted that the ACLU may ask his daughter or another family member to step in as the plaintiff, but advised Council not to hold up the November 2015 Elections if the judge has not made a decision yet, and opined the courts would not deny the City's redistricting plan.

Mrs. Mitchell asked if it was policy, law or just practice that there be a polling place in each district. Could we set up the system allowing voters to vote in another district? Mr. Gutierrez responded that Federal and State requirements require voters to vote in their assigned districts. If there is no available location, the Elections Board can go to the adjacent district precinct.

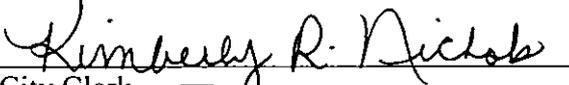
Mr. Gutierrez reported the deadline for overseas voting would be September 19 for the November 3 Elections and noted there was no time allowed for a re-count process since the City Charter states the new Mayor and City Council begin on the second Monday following the election. Council reached consensus to consider changing the new start date to the first Monday in December.

Council unanimously agreed to "most votes wins" as opposed to "greater than 50% wins" and to eliminate the Salisbury Primary Elections. Mr. Day suggested creating a budget for funding the elections, and Mrs. Mitchell recommended creating a contingency line in the event of a tie vote.

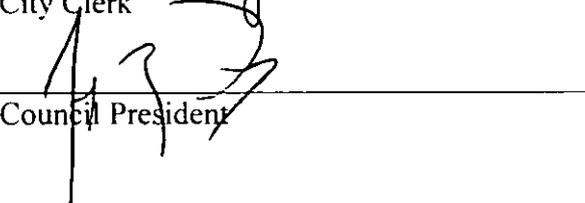
Council discussion

Mrs. Mitchell reported on a form she created for Council members to test and possibly use as a tool for reporting on Boards and Commissions they represent in order to keep the Council updated on the boards they do not represent. She will distribute the form and its implementation will be discussed in an upcoming Work Session.

With no further business to discuss, the Work Session was adjourned at 4:35 p.m.



City Clerk



Council President