

CITY OF SALISBURY
WORK SESSION
JANUARY 5, 2015

Public Officials Present

Council President Jacob R. Day
Mayor James Ireton, Jr. (arrived 5:00 p.m., left 6:00 p.m.)
Councilman John "Jack" R. Heath

Vice President Laura Mitchell
Councilwoman Eugenie P. Shields
Councilman Timothy K. Spies

In Attendance

City Clerk Kimberly R. Nichols, City Administrator Tom Stevenson, Neighborhood Services & Code Compliance Director Susan Phillips, Public Works Director Mike Moulds, Deputy Director Public Works Amanda Pollack, City Attorney Mark Tilghman, and interested citizens and members of the press.

On January 5, 2015, Salisbury City Council convened in Work Session at 4:31 p.m. in Council Chambers, Room 301 of the Government Office Building.

Abandonment of a section of Wayne Street between Power and Bateman Streets for roadbed improvements/modifications by Salisbury University

Council was joined by Public Works Director Mike Moulds and Deputy Director Amanda Pollack to discuss the plans for the Salisbury University stadium project and the associated ordinance necessary for the City's abandonment of a section of Wayne Street.

The following is a synopsis of Council discussion:

- How to best exit Power Street to get southbound on Rt. 13
- Salisbury University would maintain the street after taking ownership
- Traffic control and University Police have a heavy presence during games

Council reached unanimous consensus to advance the abandonment of a section of Wayne Street between Power and Bateman Streets for roadbed improvements/modifications by Salisbury University to the next legislative session.

Wayne & Power Streets – Parking Modifications for Salisbury Stadium

Ms. Pollack reviewed the parking modifications with Council and reported all associated costs will be the responsibility of the University and all work will be performed according to Public Works standards.

Council reached unanimous consensus to advance the legislation to the next legislation session.

Over Occupancy of Rental Property Ordinance

Neighborhood Services & Code Compliance (NSCC) Director Susan Phillips joined Council to discuss the Over Occupancy of Rental Properties ordinance.

Ms. Phillips discussed several corrections listed below to the policy outline included in the packet:

- Allowing NSCC to issue a citation at the time an over occupied property is identified (this was not in the original policy outline)
- In 15.24.280, it removes “two unrelated” since not all zoning districts permit a minimum occupancy of two unrelated.
- In 15.26, Denial, Nonrenewal or Suspension of License and/or Registration

Ms. Phillips indicated it was very important to be able to issue a citation at the time an over occupied property is identified. Since the change in legislation has first been addressed by Council, four (4) additional over occupied properties have been identified in the Druid Hill area since September 2014, totaling forty-eight (48) in only one year.

Below are comments received from two members of the public on the topic:

- The value of homes in the SU area has declined due to student rentals
- Many houses have been reported and the landlords re-rent to the same number of students
- Landlords know what they are doing and the rental amounts prove they are aiming for students, not families
- SAPOA is doing what they are supposed to do and is not the problem
- “Out of towners” have purchased many of the homes for their children (who are students) and other friends and students to live in while at SU
- Parties are getting larger and louder
- Neighborhoods are going down consistently
- Druid Hill has had (4) homes in the past year converted and are over occupied
- They should be given a shorter period of time
- Has rented homes and had landlords pull out the zoning maps and explain the occupancy requirements and limitations
- Has had landlords explain that it is his responsibility as a tenant to comply with the law

After discussion, Council reached unanimous consensus to advance the legislation to the next Council meeting.

Council recessed at 6:15 p.m. and reconvened at 6:24 p.m.

Adult Entertainment Provisions

Mr. Tilghman explained Administration had asked him to look into the Adult Entertainment Provisions and felt there is clearly room for people to take advantage of the current law, and this is being done. The goal is to lower the number of displays in the stores to an acceptable number and to include the vertical display areas along with the floor area to capture what is being sold. If

15% of adult material is being sold, the establishments shall fall under the Adult Entertainment Provisions.

Mr. Tilghman said that there is nothing specific in the State code authorizing search warrants for the zoning law, but the State code does give powers to the local governments to pass laws to enforce local issues, and zoning has always been a local issue. City Council has the legislative power to pass a law to get an administrative search warrant issued. In 2008, Planning & Zoning created a report and a map showing areas in the City where such establishments would be permitted, and not near churches, schools, and homes. The map shows these areas mostly in the Westwood Commerce Park and Northwood Industrial Park. He recommended asking Planning & Zoning to check the numbers again. The two businesses on Rt. 13 were established before the initial adult entertainment law was passed, so at that point such businesses could be operated in any commercial area.

Mr. Tilghman indicated other jurisdictions in Maryland limit adult stores to industrial districts for the same reasons and all of the provisions in the ordinances have been upheld in Maryland.

After discussion, Mr. Day re-stated the following:

1. This would change the determination that there are three (3) businesses in Salisbury within City limits that are considered adult entertainment.
2. These zoning changes to Chapter 17 would enable the City to inspect the establishments.
3. The zoning change would lower the standard to what determines an adult entertainment business.
4. The change would allow the existing businesses to operate for two (2) years before they are measured by the new standards.

Mrs. Shields felt the legislation could harm the established businesses, and although undesirable, it was inappropriate to put them out of business because of what was inside the store for sale. She indicated the trolley was encouraging underage drinking and negative activities in the neighborhoods, and compared the same to the adult establishments.

Mr. Day stated the trolley has a positive impact on our economy and relationship with SU and the City's young people, and has no comparison with adult entertainment stores, which do seem to have a negative impact on communities across the Nation. He referenced the 1980 RUDAT Report, 1996 Comprehensive Plan, 2004 Comprehensive Plan, Salisbury Wicomico Metropolitan Organization Consolidated Plan, and the 2010 Comprehensive Plan which states Salisbury will create a trolley between SU and Downtown.

Mr. Heath agreed that the Constitution was clear concerning the right to operate a business, but location was something the Council had influence on, and referenced a shooting range as an example of an establishment where people would drive out of their way to use, and agreed that the current location of the retail stores is inappropriate.

After further discussion, Council reached consensus to bring the topic back to Work Session with an updated map from Planning & Zoning.

EMS Billing Rates Review and Recommendation

Fire Chief Rick Hoppes joined Council at the table to discuss the EMS billing rates based upon the EMS billing company's recommendation. At the last discussion, Mr. Hoppes indicated Council had the following two questions:

1. How does this change relate to our standing Mutual Aid Agreement with the Fire Companies? (The Mutual Aid Agreement does not have any applicability to billing rates)
2. What were the graphic or associated profiles of the communities that were compared to Salisbury by the billing company? (They were similar in size, shape and complexity in the amount of calls received)

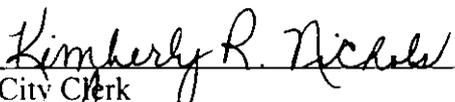
After discussion, Council reached unanimous consensus to advance the ordinance to the next Legislative Session with the tables incorporated into the ordinance.

Council discussion

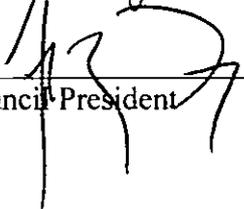
Mrs. Shields indicated she was still interested in a Goal Setting Session, and Mr. Day reported Michele Ennis Benn would be sending a poll to select dates, and she would be the facilitator.

Mrs. Mitchell discussed Council service on Boards & Commissions, and Mr. Day indicated there were no vacancies.

With no further business to discuss, the Work Session was adjourned at 7:16 p.m.



City Clerk



Council President