

CITY OF SALISBURY
WORK SESSION
FEBRUARY 2, 2015

Public Officials Present

Council President Jacob R. Day
Councilwoman Eugenie P. Shields

Councilman John "Jack" R. Heath
Councilman Timothy K. Spies
(arrived 5:10 p.m.)

Public Officials Not Present

Mayor James Ireton, Jr.
Council Vice-President Laura Mitchell

In Attendance

Assistant City Clerk Diane C. Nelson, City Administrator Tom Stevenson, Assistant Director of Internal Services – Procurement Jennifer Miller, Public Works Director Mike Moulds, Deputy Director Public Works Amanda Pollack, City Attorney Mark Tilghman *(arrived 4:40 p.m.)*, interested citizens and members of the press.

On February 2, 2015, Salisbury City Council convened in a Work Session at 4:35 p.m. in Council Chambers, Room 301 of the Government Office Building.

Charter Amendment to SC5-1. Enumeration

Assistant Director of Internal Services – Procurement Jennifer Miller provided background information and presented the Procurement Department's request for Council consideration and approval of a Charter Amendment to SC5-1 which would allow the City to enter into energy contracts for periods of up to twenty (20) years in length; each contract would still be approached separately and vetted for optimum length depending on the results of a cost/benefit analysis.

Discussion topics included:

- Whether long-term contracts apply only to energy contracts
- Canvass others for feedback regarding long-term contracts
- Canvass other solar energy customers/users
- Update antiquated terminology "Lighting of the City"
- Charter Change requires Public Hearing
- Email revisions to Council prior to inclusion in Legislative Agenda Packet
- Discussion of issues with a specific contract – Closed Session

After discussion, Council reached consensus prior to Mr. Spies arriving to advance the Charter Amendment Resolution through the legislative process, with Ms. Miller and Mr. Tilghman making revisions as discussed this evening and emailing those revisions to Council prior to submitting final copy for a legislative session.

Proposed Stormwater Utility Fee Structure

Public Works Director Mike Moulds and Public Works Deputy Director Amanda Pollack provided background information on the Stormwater Utility which became effective July 1, 2015, and reviewed the composition of the City's parcels in conjunction with assigning an Equivalent Residential Unit (ERU) or Units to each parcel to effect proportionate collection of the Stormwater Utility Fee based on the impervious area in each parcel; revenues generated by collection of the fees would be used to fund Capital Improvement Projects (CIPs) and the street sweeping program.

Discussion topics included:

- Single family residential partial – equal to one (1) Equivalent Residential Unit (ERU)
- Tables reflecting annual revenue from fees - analysis of same
- Analysis of \$20/ERU recommendation
- Parcel with largest ERUs (628) - Centre at Salisbury
- Mitigation: by owners of large ERU parcels, available to Seniors/those with hardships, in conjunction with return on investment expected by manufacturing firms
- Fees for housing communities – allocation to residents – common areas
- Capital Improvement Plan (CIP) – yearly prioritization-inflation factored in
- Timetable and success rate for grant submissions
- City-created structure of credit and grant programs in conjunction with strategies for developing voluntary partnerships with private property owners
- Rate to be set by ordinance, independent of Water and Sewer Rate Ordinance
- Proposed timeline: for passing ordinance, sending sample bills, bringing billing online

After discussion, Council reached consensus to advance the Stormwater Utility Fee Structure to a legislative session according to Administration's timeline.

MOU accepting a \$40,000 grant from Maryland State Highway Administration Recreational Trails Program for the Salisbury Rowing and Kavak Water Access Project

Public Works Director Mike Moulds and Public Works Deputy Director Amanda Pollack provided background information and an overview of the circumstances which led Salisbury Public Works to apply for and subsequently be awarded a Maryland State Highway Administration (SHA) Recreational Trails Program grant in the amount of \$40,000 to help fund the construction of a dock, gangway, and floating dock for safe launching of kayaks and rowing shells at the Salisbury Marina; the SHA grant, the \$8,000 in-kind Public Works donation of labor for design and permitting services, and the technical assistance from the Department of Natural Resources (DNR) will all combine to create a safe recreational public water access point for the general public to access the Wicomico River.

Discussion topics included:

- New law requiring SHA to preserve for public access the contractor access for a bridge
- Need Memorandum of Understanding (MOU) with SHA for disbursement of grant funds
- Site plan for floating dock in conjunction with existing boat slips

After discussion, Council reached consensus to move this item forward to Legislative Session.

Land Donation for the Naylor Mill Road Athletic Complex

City Administrator Tom Stevenson reviewed previous documentation, discussions, and actions taken to date by Council regarding Wicomico County's request for a 34.94-acre donation of City-owned property that would allow the County to expand the Henry S. Parker Athletic Complex on Naylor Mill Road. Council unanimously agreed at the July 7, 2014 Work Session for the City's Legal Department, Public Works, and Administration to work with the County to develop the agreement and perform the traffic study and analysis; Council unanimously approved at the September 2, 2014 Work Session advancing the transfer of the City property to the County, with five (5) stipulations that were read into the record by Council President Day as follows:

1. Execution of a City-County-Eastern Shore International Mountain Bike Association (ESIMBA) MOU to open new mountain biking trails on the City-owned property on Naylor Mill Road to the south and west of the proposed fields. This MOU should empower ESIMBA with the responsibility for trail maintenance and management.
2. As part of the County's surveying, engineering and design process, the County will accept responsibility for determining the most ecologically responsible, sustainable, and structurally logical site for future crossing of the Connelly Mill Branch.
3. As part of the County's design and engineering process, the County will document and, where practical, preserve existing trails along the steep slopes to the north and west of the proposed fields.
4. As part of the County's design process, older and significant trees will be preserved where possible.
5. Residual debris from site development and clearing shall not be left on existing trails.

Discussion ensued regarding the status of the property transfer Council had approved at the September 2, 2014 Work Session and then communicated by letter to then Director Gary Mackes of Wicomico County Recreation, Parks & Tourism, in conjunction with November 2014 post-election changes in the County's Council and Administration.

Discussion topics included:

- Status of the five points stipulated by City Council
- Need for additional lacrosse, soccer, and softball fields
- Status of State's \$1 million dollar FY15 budget commitment to project and the County's matching dollar commitment
- Status of County-ESIMBA MOU in conjunction with County wanting ESIMBA to provide insurance for all bicyclists on the trail - ESIMBA only provides insurance to ESIMBA workers – cannot provide insurance for all bicyclists on trail
- County and City parallel agreements with ESIMBA
- Issues with County-prepared deed for City consideration and need for clarification
- Fresh water aquifer on property and how project would affect same
- Harvest of timber on property

After discussion, Council reached consensus to determine the County's status with the project before devoting any additional City time or funds toward the project. Specifically, Council tabled the item until the County clarifies that the project is actually moving forward and provides updates on the following:

- Status of the \$1 million dollar State contribution and County matching funds in the FY16 County Budget
- Status of the City's five stipulations to the County
- Content of the deed – clarification of the acreage reference, incorporation of the five stipulations, incorporation that property reverts back to the City at the County's expense should the project not move forward

Proposed Charter Changes

City Administrator Tom Stevenson summarized the need for a comprehensive review of the City Charter and Code, and then outlined the process planned for Council's review of proposed changes over several work sessions as well as the types of changes Council could expect as the result of departmental review of the Charter and Code; he then presented proposed changes to Article II (The Council) of the City Charter for Council consideration.

Discussion topics included:

- SC2-1 – delete outdated info regarding "*Councilmen holding office on January 1, 1952...*" - already removed with passage of Charter Change creating five Districts
- SC2-2 – change reference to Districts 1 and 2 to reflect newly created five Districts and update *Board of Supervisors of Elections* to *Salisbury Election Board*
- SC2-11 – delete "*or*" and replace with "*and at the option of the Council*" and delete "*printed*" after general circulation
- SC2-13 – change "*filed in a book or books kept for that purpose*" to "*permanently filed*"
- SC2-14 – change *People's Court* to *District and Circuit Courts*
- SC2-12-15-16 – Mayor's Veto Power – reference Mr. Wilber's memo regarding same whereby Mayor may only veto an ordinance, or a resolution that is not administrative or ministerial in nature
- Mayor's Veto Power over budget items
- How to structure the charter changes

After discussion, Council reached consensus:

- To move forward with code changes to SC2-1, SC2-2, SC2-11, SC2-13, and SC2-14
- To have Charter reviewed by the City Clerk to determine the correct usage of "ordinance" and "resolution" throughout the document to accurately reflect legislative actions as ordinances that are subject to the Mayor's Veto Power prior; Council will review any recommended changes to SC2-12-15-16 prior to moving forward with code changes to these sections
- To conduct a rolling review of the Charter, with Articles I and III at next work session

Residency requirement on City Boards

President Day summarized how a recent Bicycle-Pedestrian Advisory Committee Meeting discussion raised the issue of residency requirements to serve on City Boards and Commissions. Council then discussed issues inherent with imposing/waiving residency requirements for membership on City Boards and Commissions, acknowledging that while all are advisory in nature, some are also quasi-judicial in nature.

Discussion topics included:

- Residency requirement as incentive to live in Salisbury
- No residency requirement may expand pool of potential members
- Difficulty in finding members for boards and commissions
- Residency requirement dependent upon the particular board or commission
- Advisory versus quasi-judicial boards/commissions
- Urban Service Districts – City services but not within City limits
- Utility of advisory boards/commissions-how long useful in design/structure, intended to be permanent or temporary
- Councilmembers attending board/commission meetings

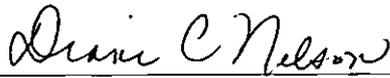
After discussion, Council reached consensus to review the utility of all boards and commissions and to make recommendations accordingly; this review is to be conducted over time, in a manner similar to the Charter Review process.

City Boards & Commissions-Council reporting

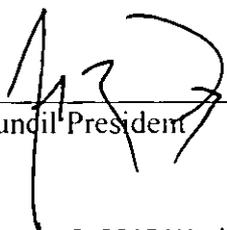
Council discussed the *Draft Council Reporting Form* Vice President Mitchell prepared for Councilmembers' use when reporting back to the entire Council about the particular boards/commissions on which they each serve independently of each other as a Council representative.

Since discussion revealed that most boards and commissions provide meeting minutes whether advisory only or advisory/quasi-judicial in nature, Council reached consensus to use the form as a backup only, when meeting minutes are not available.

The Work Session adjourned at 6:27 p.m.



Assistant City Clerk



Council President