

CITY OF SALISBURY
WORK SESSION
MARCH 16, 2015

Public Officials Present

Council President Jacob R. Day (left 3:30 p.m.)
Councilwoman Eugenie P. Shields

Council Vice President Laura Mitchell
Councilman Timothy K. Spies (arrived 2:06 p.m.)

Public Officials Not Present

Mayor James Ireton, Jr.
Councilman John "Jack" R. Heath

In Attendance

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

On March 16, 2015, Salisbury City Council convened in a Work Session at 1:38 p.m. in Council Chambers, Room 301 of the Government Office Building.

Community Gardens Lease Agreement

Public Works Director joined Council at the table to discuss the lease agreement. He reported meeting with Martin Hutchison, Pastor of Community of Joy Church and other representatives from Bethany Lutheran Church, Beacon of Light and Asbury United Methodist Church wishing to establish a community garden in the Newton Street area this Spring.

Pastor Hutchison reported there were about 18 people eager to begin building, planting and creating the garden in the neighborhood. Short-term plans involve teaching sustainable environmental skills to children and families in the neighborhood, and long term collaborating with Pinehurst Elementary and St. Francis de Sales School to use the garden as an outdoor classroom and consider using the produce as an educational piece. (Attached and included as part of the minutes is the Community Gardens informational bulletin passed out by Pastor Hutchison)

One person provided the following comments regarding creating the community garden:

- When speaker found out Heather Martin was involved in this community garden he felt the City had a wonderful opportunity
- This will attract and keep Salisbury University students
- Most useful thing is to start a garden for kids
- Letter of support from Heather Martin was read (attached as part of these minutes)

Council reached unanimous consensus (Mr. Spies had not yet arrived) to advance the lease agreement to the next legislative agenda.

CIP Presentation

Internal Services Director Keith Cordrey joined Council to discuss the CIP for projections FY2016 through FY2020, asking Council to bear in mind the CIP represents a financial and resource planning tool and does not represent the final budget.

He reported employing additional framework for reporting the CIP. The packets contain two sections (proposed CIP and the CIP as requested by Department Heads) in order to provide to Council an idea of what was requested versus what could be funded. The requested CIP is very similar to summaries shown in previous years (showing summary by program, summary by funding source and detail project listing by funding source).

Mr. Cordrey reported \$1.6 million would be used as the target and limit and stressed the importance in funding enough in the CIP to prevent the City from having unfunded liability. The \$1.6 million was derived in part by searching for an amount that is healthy enough that will produce funding in adequate number of the important projects over time.

- **Police Department presentation**
Captain Meienschein joined Council and provided the Police Department update on new vehicles in the fleet.
- **Fire Department presentation**
Fire Chief Rick Hoppes joined Council and provided the Fire Department update on replacing three front line ambulances.
- **Parking Garage presentation**
Assistant Director Internal Services-Procurement Jennifer Miller joined Council to discuss new meters and Government Office Building upgrades to the Council Chambers HVAC and hallway flooring.
- **Public Works presentation**
Public Works Director Mike Moulds and Deputy Director Amanda Pollack joined Council to discuss Citywide inlet filters, Germania Circle street reconstruction project, Curb-Gutter-and Sidewalks, street repairs, general storm drain repairs, Water & Sewer Fund projects, and the Waterside playground pavilion replacement.

After discussion, Council reached unanimous consensus to advance the CIP to legislative session.

2015 NE Collector Supplemental Ordinance (Aydelotte Farm TIF)

Planning & Zoning Director Jack Lenox and Stan Markofsky joined Council to discuss the Aydelotte Farm TIF. Mr. Markofsky discussed the opportunity to purchase Aydelotte Farms, his

development planning expertise, and his desire to complete the community the way it should be done.

Mr. Lenox provided the following background on the property, which was annexed into the City in the mid 1980,'s and brought in with a Planned Development District, which was obviously never implemented. The City was approached in 2005 to re-activate the project; the Northeast Collector Road was ultimately built with the support of a TIF. Mr. Markovsky indicated he would like to begin construction in about nine months.

Mr. Lenox reported the development was already approved for 629 housing units, 76 single family, and a mix of duplex townhouses and condo units, and the agreement was to remain below that cap of allowed uses, and to visit the Planning Commission for all the changes.

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

Maryland Water Quality Financing Administration (MWQFA) Loan for WWTP

Mr. Moulds and Ms. Pollack joined Council to discuss the ordinance authorizing the City to issue and sell general obligation bonds in an amount not to exceed \$38 million to be used for financing, reimbursing or refinancing costs incurred in connection with Enhanced Nutrient Removal and Biological Nutrient Removal upgrades, and the following was discussed:

- Funding is 0% interest rate over a twenty year term
- Ordinance being considered prior to bid openings for the WWTP construction and Construction Management/Inspection contract to meet awarding deadlines
- Estimated total project cost is \$68,679,000 (includes construction, preliminary engineering/corrective action plan, engineering design, construction management and inspections)
- Bonds funded the preliminary engineering
- MDE BNR/ENR grants in approximately \$28,300,000 cover the rest of the project

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

Choptank Capacity Fees Waiver

Mr. Moulds explained that Choptank Electric is building a new facility on Walston Switch Road and have signed a pre-annexation agreement to receive water and sewer services. Choptank will extend the sewer main across Walston Switch Road to connect to an existing manhole at the Wor-Wic pumping station. A pinch valve on the influent line pumping station failed and due to the depth of the valve, approximately 21.5 feet, Public Works could not do the work. They solicited quotes for removing the pinch valve and received a \$62,300 bid (approximately twice the cost to remove the valve.)

Flow from the Choptank building will increase the problems associated with the valve, so Public Works asked Choptank to include removing the valve in their scope of work. Choptank bid the

work to extend service and included an alternate for removal of the pinch valve. The lowest bidder was selected by Choptank, which included a bid to remove the pinch valve for \$35,000.

Mr. Moulds reported this approach resulted in substantial savings and since the work benefits the City and Choptank, Public Works recommended offsetting the construction costs with an agreement to have Choptank Electric perform the work at a cost not to exceed \$35,000, to be issued as a credit against Choptank's total Capacity Fee of \$38,863.

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

Urban Bee Legislation

Council was joined by Captain Dave Meienschein and Animal Control Officer David Shanks. Officer Shanks reported the following after checking with other agencies on how they were dealing with beekeeping:

- Ocean City does not allow
- Worcester County has no policies
- Somerset County only deals with dogs
- Princess Anne doesn't handle
- Wicomico County only deals with domestic animals
- Dorchester County only deals with dogs
- Anne Arundel handles bees through Planning & Zoning
- Annapolis does not have a bee policy
- Baltimore City has a bees ordinance, with 15 licensed beekeepers. They conduct an initial inspection prior to issuing a permit. Complaints are referred to Department of Agriculture. They have only received one nuisance complaint on bees (someone attempted to have a hive in a condominium type setting)

Officer Shank reported on his findings after researching beekeeping at the Maryland Department of Agriculture (MDA). Anyone wanting to keep bees must first register and receive an inspection. The MDA has a staff member who receives and handles all complaints in Maryland and can revoke permits and confiscate hives, if necessary.

Officer Shank suggested that if bee keeping was approved, that Animal Control be allowed to work with the MDA. He predicted minimal City involvement including only initial inspection.

Comments and concern from Council members included:

- Since there are no bee laws on the books, the public can keep bees right now (but must do so responsibly).
- There are at least three individuals keeping bees in Salisbury.
- MDA will handle all inspections if the City does not want to be involved.
- Do we really need a City ordinance? The MDA issues a beekeeping permit, inspects all beehives annually, and responds to citizen complaints.
- Does the MDA enforce space restrictions and minimum lot size parameters?

- If we made no reference to registration only that they comply with Maryland code, and specify hive location, marking specifics (name, address), flyways, and provisions of water, the ordinance could be reduced to 6.06.040 and 6.06.060.
- Need to address violations in 6.06.110.
- Would the Housing Inspector be responsible for reporting beehives to MDA if not licensed?
- Does not want City involvement.
- A likely effect of passing bee legislation would be to highlight the hobby and urge the public to do it correctly.
- Would like to minimize the legislation and declare the City is beekeeping friendly.
- Strike 6.06.070 Flyways, 6.06.080 Water, 6.06.090 Beekeeping Equipment, and 6.06.100 Conflict with County Health Department Regulations because the State has already addressed these
- Focus on 6.06.110, Violations and consider the role that the City would have naming a housing inspector explicitly responsible for the inspection of beehives.
- If you strike the registration fees, and even though we are not creating a registration system, we cannot only work with the MDA and issue a citation of they are not registered.
- Does MDA regulate the breed of bees you can keep? (Honeybees allowed only)
- Line 98 – strike “with removable frames” (6.06.060 Hives A.)
- Line 142 – shall issue a civil notice of violation, which may include a penalty of up to \$500.00 (6.06.110 Violations.)

Council reached consensus to the changes discussed and to the legislation being advanced to an upcoming Council meeting.

Council took a ten-minute break at 3:50 p.m. at which time President Day left for the day, and Vice President Mitchell presided over the Work Session.

Curfew Legislation

Captain Dave Meienschein joined Council to discuss the public requested curfew legislation in the City of Salisbury. Chief Duncan and Mr. Tilghman have researched the subject, and Captain Meienschein provided the following for discussion points:

- In 2014 there were 317 juvenile arrests by Salisbury Police Department
 - 4pm-6pm – 19%
 - 8pm-10pm – 13%
 - 10pm-7am – 21%
- Later in the day more violent offenses occurred
- There are 39 municipalities in Maryland with enforced curfews
- According to Baltimore City, effectiveness depends on whom you ask. The Police Department did see a reduction in juvenile offenses.
- Would require in-house facilities to house them, provide food and basic needs.
- Would have to release juvenile to a parent or legal guardian. What do you do with them if nobody picks them up?

- Once juveniles are picked up, they are the Police Department's responsibility.

Council discussion points included:

- This is challenging to enforce.
- We should consider community input and meeting with Dr. Fredericksen.
- Would like to see statistics on effectiveness where curfews have been done.
- The associated suggested fines and what happens to the child whose parent cannot pay?
- Parents not having control over children and the role that the community has is to help these parents before their children get in trouble.
- Before this is enacted, community input has to be sought to get opinion from parents in this community. Young people need to hear why this is being considered in order to offer their opinions.
- This has worked elsewhere and should work here.
- The Board of Education should definitely weigh in on these community meetings.

One member of the public provided the following comments:

- The Salisbury Wicomico Youth Civics Council (SWYCC) discussed this topic and is concerned about the times.
- The main concern is the fine itself because Baltimore is a different socio-economic and geographic entity and in Salisbury where the median household income is \$37,000.00, \$500.00 is overly burdensome.
- Does not clearly state at what point the fine is triggered.
- In Prince Street, Delaware Avenue and Booth Street areas the poverty rates are around 48%, and monthly rents are approximately \$600 - \$700 so a fine like this is onerous.
- Concerns over the issue of who is stopped and in what neighborhoods they live.
- If you look at Baltimore's original legislation before being amended by Baltimore City Council is something the SWYCC thinks is more appropriate in reference to hours.
- The time was originally set to be between 4pm and 12am, but was struck down to 11pm.
- Please hold the public hearing during a time the students can come out and opine.
- SWYCC supports the daytime legislation.
- Legislation states it does not apply to anyone 21 years of age and older, so of the statistics provided by Captain Meienschein, how many of those juvenile arrests were with only juveniles? This could be significant.

Council reached unanimous consensus to request more information on the statistics and to bring the topic back for community input in another Work Session.

Surplus funds for Replacement Radio Batteries

Captain Meienschein reported that over the past several months they have received complaints from Patrol Officers that the radio batteries in their portable units have been failing and not making it through the whole shift. The batteries were purchased about four years ago and are out of warranty. The officers are experiencing an increasing number of failures with the batteries, and although expensive, they must be replaced. The old ones could be spares as they are still

chargeable, but just don't hold their charges very long. They would like to replace the full 102 batteries out of General Fund Surplus.

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

Surplus funds for Fire Retardant Gear

Captain Meienschein reported this request was Tactical Team fire retardant protective callout gear and weapons up-fitting designed for increased safety with respect to optics, illumination, and storage. The Tactical Team Officers need this equipment to increase officer and public safety and to decrease liability risks on to the City. The necessary funds be taken from current year surplus and be added to small tools account number 21021-546009.

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

Request for Declaration of Parcel 0649 (College Avenue Water Tower) as "unused"

Internal Services Assistant Director – Procurement Jennifer Miller explained that the City was notified that a party was interested in purchasing City-owned property (Parcel 0649 behind the Exxon on Rt. 13 South) where the College Avenue water tower is located. The old water tower is out of service and the ¼-acre property is no longer needed or used by the City.

Ms. Miller reported the Mayor, City Administrator Stevenson and Public Works had recommend that the City solicit offers for the property as an "as-is" sale, with the purchaser responsible for removing the water tower. She concurs, as it would cost the City approximately \$51,000 to remove the water tower, documented in the 5-year Capital Improvements Plan. She asked Mr. Tilghman if the competitive bidding requirements of the City would be met if the property were listed with a realtor and Mr. Tilghman did not think so, but would check into the matter under "non-competitive negotiations". She explained the only other option was through competitive sealed bids, and she was not sure that was the best approach.

Mr. Moulds reported the CIP had \$100,000.00 programed in FY18 to remove the water tower and restore the property just to make it saleable. On two occasions there was interest expressed in the property to the extent that 1934 drawings were made available to contractors to utilize in preparing an estimate for a potential buyer. He added that the tank could eventually become an eyesore if not removed and the property could eventually be taxed, functional property.

Council comments and questions included:

- Is there a buyer actively awaiting Council's decision?
- Will chain-link fence come down?
- The traditional way has been to surplus property, at least for consistency.
- It would be easier and more beneficial to the City if someone else were marketing the property.

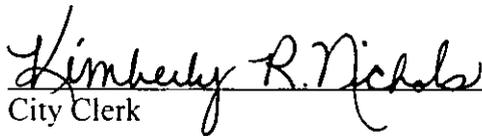
Council reached unanimous consensus to surplus the property in an upcoming legislative session.

Council discussion

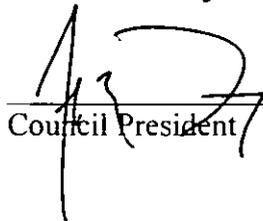
Council discussed the PAC14 resolution in which the annual audit requirement will be eliminated. The recommendation is that they receive a CPA review.

Mr. Spies reported he recently asked State's Attorney Matt Maciarello to provide Council an update on Drug Court (successes, failures, etc.). He will schedule with Council a date to attend an upcoming Work Session.

With no further discussion, Vice President Mitchell adjourned the Work Session at 5:00 p.m.



City Clerk



Council President

Community Gardens

Eat Healthy food available to the neighborhood

Learn Gardening education for the current and future generations

Nurture An opportunity for positive social interaction and urban beautification

Grow Community pride and promotes self-reliance

Camden Ave. Community Garden

Goals and Measurements

Short Term

Goal: To develop a vacant city lot into a community garden that will provide good, healthy food options.

Measured: We will see the community embrace the sustainable gardening practices and enjoy the ability of having local quality, healthy food to eat.

Goal: Teach self-reliant, sustainable environmental skills to the children and families of the neighborhood.

Measured: We will see children and their families successfully grow quality food and embrace key gardening practices that they employ in the act of growing the food.

Long Term

Goal: To partner with Pinehurst Elementary School and St. Francis de Sales School in using the garden as an outdoor class room and to use produce from the garden in nutritional education.

Measured: We will see school involvement and learning field trips to the garden teaching both gardening practices and nutritional classes.

Contacts

How We Do It...

Timeline



Water

Employ trickle irrigation system because it uses the least amount of water. Needs based on demand (weather, specific plants, etc).

Oversite

The Corner Church Collective is a group of 4 churches leading the initiative with the project and they come with lots of hands to keep the garden going. The Corner Church Collective includes Community of Joy, Bethany Lutheran, Beacon of Light, and The Restoration Project.

Approx. Budget

- 6x8 Shed: **\$1,550**
- Lumber (P1): **\$1,143**
- Lumber (P2): **\$885**
- Soil (P1): **\$1,902**
- Soil (P2): **\$1,415**
- Dog Bag Station: **\$119**
- Seeds: **\$200**
- Tools: **\$250**
- Irrigation: **?**
- Insurance: **?**

Grants

We have been awarded **2 \$1,000 Grants** for this project and are in the process of applying for more PLUS funding will be secured from the churches.

Potential Partnerships

SU Environmental Studies, Boy Scout Eagle Scout Project, Pinehurst Elementary, The Beth Israel Synagogue and Neighbors have expressed interest in seeing this project come to fruition.

Founding Partners



Approval

Week 1-2

Soliciting donations

Lining up specific volunteers

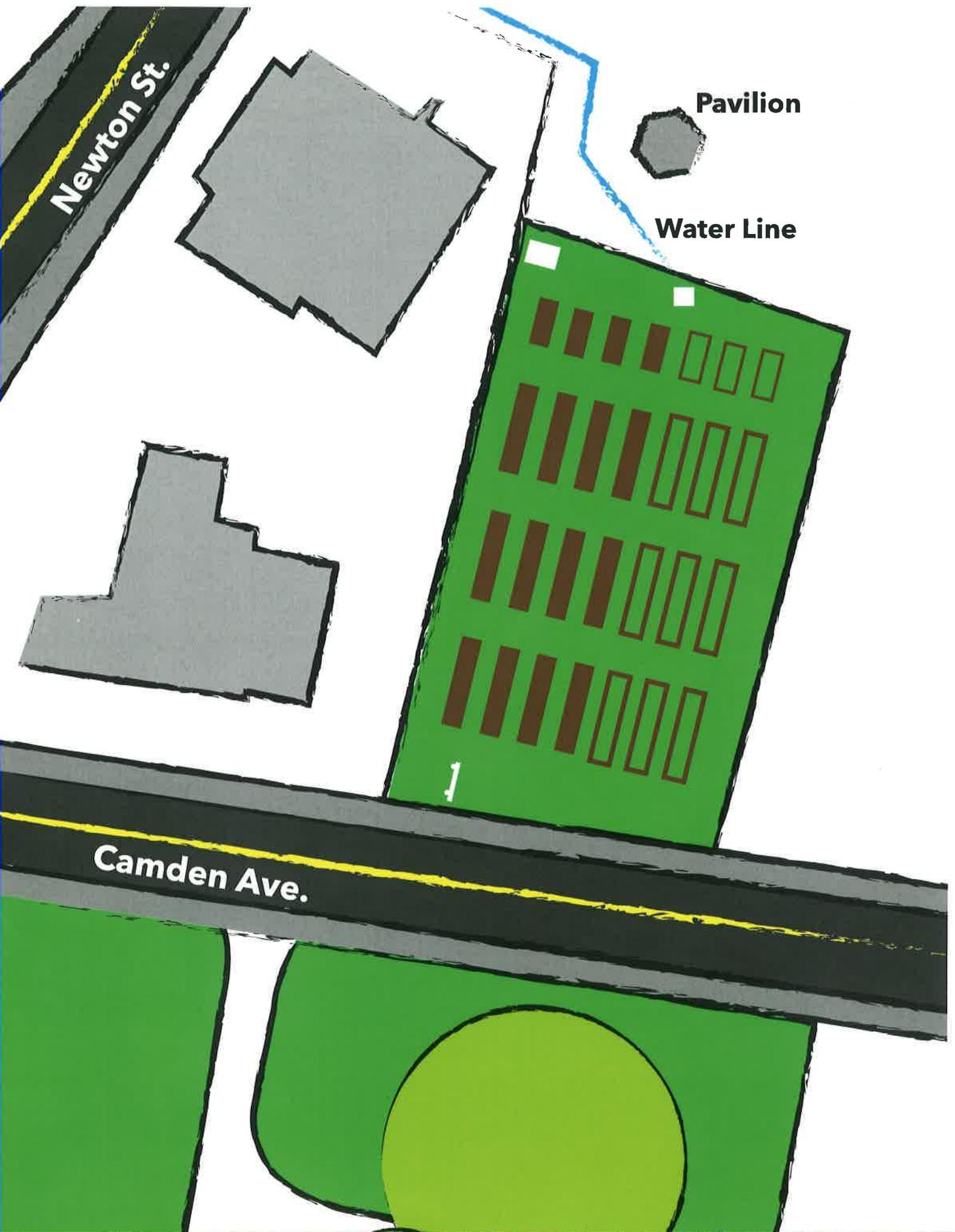
Weeks 3-4

Build & Fill raised beds (weather permitting)

Build excitement & relationships with neighbors

Mid-May

Planting Day



Newton St.

Pavilion

Water Line

Camden Ave.

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Members of the council:

My name is Heather Martin and I manage the Healing Rose Community Garden at the MAC center in Salisbury. My absence today does not reflect my level of belief in this project and I would like to talk briefly about the benefits I have seen from community gardens.

Our garden began as part of a project called "Life After Breast Cancer: Return to Functional Independence" in order to address a need among breast cancer patients in our area. Our members represent different socioeconomic statuses, ethnicities and varying levels of health and mobility but what we have found is that in a garden, there is something for everyone. In our first season, we hoped to not only teach home gardening skills but to give women a place to grow their own food, a place to commune with each other and a place to appreciate their surroundings. We achieved much more than that. We saw a level of empowerment in them that we did not anticipate in our first growing season. Many of them were fiercely dedicated to not only their own garden but the other women who had fought the same battle and were seeing a light at the end of the tunnel. Specifically, one participant who had developed diabetes post-Cancer went from four shots of insulin a day to zero as a result of changing her diet and eating produce from the garden.

From what I have seen, a garden is a perfect analogy for life. To nurture the growth of a plant from seed to plate is one of the most satisfying feelings to experience. It is my hope that we can bring that same experience to the Camden Avenue neighborhood through a community garden.

Thank you,
Heather Martin