

CITY OF SALISBURY
WORK SESSION
APRIL 20, 2015

Public Officials Present

Council President Jacob R. Day
Councilwoman Eugenie P. Shields
Councilman Timothy K. Spies
Council Vice President Laura Mitchell
Councilman John "Jack" R. Heath

Public Officials Not Present

Mayor James Ireton, Jr.

In Attendance

City Clerk Kimberly Nichols, City Administrator Tom Stevenson, Assistant City Administrator Julia Glanz, Building, Permits and Inspections Director William Holland, Neighborhood Services and Code Compliance Director Susan Phillips, Police Chief Barbara Duncan, Public Works Director Mike Moulds, Community Development Administrative Assistant Ginny Hussey, City Attorney Mark Tilghman, interested citizens and members of the press.

On April 20, 2015, Salisbury City Council convened in a Work Session at 2:12 p.m. in Council Chambers, Room 301 of the Government Office Building following the adjournment of the Closed Session held at 1:30 p.m. President Day stated that while in Closed Session Council discussed the City Attorney billings and contract and made a decision to surplus a piece of City property.

Malone/Snow Hill Road Annexation

Building, Permits and Inspections Director William Holland, Chris Jakubiak, and Brock Parker joined Council to discuss the introduction of the Malone/Snow Hill Road Annexation. The property is located at the northwest quadrant of Snow Hill Road and E. College Avenue, currently where a freestanding chimney is located.

Consistent with the City's 2006 Annexation Policies and Procedures, the applicant has signed the Petition for Annexation and has paid the required annexation fee, which is based on the total acreage of the site.

The 2.71-acre site is located at the northwest quadrant of Snow Hill Rd. and E. College Ave. The developer has included a concept development plan, which consists of a 4,750 sq. ft. fast food restaurant and a 9,100 sq. ft. commercial/retail structure.

Mrs. Mitchell was concerned with the traffic issues connected with a fast food establishment at that particular intersection.

The information was for Council's information and introduction only. Council unanimously approved the project to move forward in the annexation process.

Election 2015 Update – Redistricting (Court Update)

City Attorney Mark Tilghman updated Council on his progress with the American Civil Liberties Union (ACLU) in filing the necessary motion with the court for the City's redistricting.

Mr. Tilghman spoke with the attorney for the ACLU who informed him that the NAACP was going to be substituted as the new client and was sent a second version of the motion that the City would jointly file with the ACLU. Mr. Tilghman was informed that nobody could challenge the City's current five-district plan nor deny the approval of this motion.

Changes to the Noise Ordinance

Mr. Holland, Neighborhood Services and Code Compliance Director Susan Phillips, and Police Chief Barbara Duncan joined Council to discuss the Noise Ordinance. He recommended the following hours to permit work at construction projects:

Monday thru Friday – 7 a.m. to 6 p.m.

Saturday – 9 a.m. to 6 p.m.

Sunday – 12:00 noon to 6 p.m.

Mr. Holland stated that if it was apparent that public health and safety were not be impaired during construction activities, a permit could be issued allowing work beyond these hours.

One member of the public provided the following comments concerning limiting construction hours:

- Everyone wants and deserves to have quiet enjoyment of their land, but keep in mind this past winter. Many days, construction workers were unable to work outside at all, and others who had inside jobs were able to work.
- Saturday and Sunday may be the only time people are able to work to support their families.
- Please be careful when condensing the hours employees can work because they will not be able to support their families and Wicomico County and the City of Salisbury will not be looked upon as a builder-friendly area.
- Noise ordinances can be worked around, but construction companies need the right to try to get their hours in.
- The sooner projects are completed, the sooner revenues are returned to the City.
- Construction activity is a temporary discomfort and framing is a small part of it.

Council reached unanimous consensus to move forward with the ordinance and to include the definition of "decibel" in the ordinance.

Non-Conforming Use Registry

Ms. Phillips, Mr. Holland and Mr. Tilghman joined Council to discuss the non-conforming use registry.

Mr. Tilghman explained that the drafted ordinance amends the Zoning Code by requiring compliance by multi-family dwellings in single family areas by registering their units and meeting certain safety standards by having inspections performed by the City. By doing this, these property owners could continue using their properties as “Non-Conforming Use” properties. Failing to register within one year would cause them to lose “Non-Conforming Use” within the district status. This would apply solely to the single-family neighborhoods in R-5, R-8 & R-10 zoning districts.

Council comments and questions included:

- Is there a difference in what a C.O. (certificate of occupancy) would require?
- Why are we discussing this since there is a lawsuit currently involving this subject?
- From a planning standpoint, we are talking about a multi-family dwelling or unit existing in a single-family neighborhood as if that is inherently something that shouldn't happen.
- The mix of the uses should happen as frequently as possible from a planning standpoint (eliminate R-5, R-8 & R-10) and the City is antiquated in that respect.
- Converted, un-inspected properties are the most dangerous.
- Only the legal ones will register; the illegal ones will not register; the majority will likely not register.
- This looks like step 1 of step 2 in implementing Amortization without getting Council to vote on Amortization.
- Why not adopt proposed safety regulations in all non-single family units and address it from that standpoint?
- When the public hears this discussion on PAC14 and see Council regulating in this way, they will not want to live in the City.
- Is there a State law requirement to install carbon monoxide detectors in multi-family units?

Council reached unanimous consensus to table the Non-Conforming Use Registry discussion and to review a comparison of the minimum life safety requirements.

PAC14 Audit Requirements

PAC14 Production Manager Creig Twilley and Mr. Tilghman joined Council to discuss the elimination of the audit requirement every four years.

Mr. Tilghman reported the existing PAC14 contract has expired, and the agreement with PAC14 and public access is part of Comcast's obligation to provide such a channel for public access. This contract is currently being renegotiated with Comcast. He suggested a new contract with PAC14 be developed that assumes a negotiation with Comcast and extends the time period for PAC14's audit requirements. The only change would be to amend the section that requires the audit every four years, and insert “only when demanded by the City or recommended by the

accountants for PAC14". Mr. Twilley informed Council this request originated with the auditors for PAC14 because their annual review is sufficient.

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

Wells Fargo donation of 806 N. Division St.

Community Development Administrative Assistant Ginny Hussey joined Council to discuss the donation offer by Wells Fargo of the house (built in 1920) on 806 N. Division Street and \$10,000 to use to either rehab or demolish the structure (whichever option is best for the City and the rehabilitation of the property, as determined by the City).

Council reached unanimous consensus to accept the donation of the house and \$10,000 from Wells Fargo.

Update - Feldman's Right-of-Way Agreement

Mr. Stevenson and Public Works Director Mike Moulds came forward to discuss the Feldman's Right-of-Way Agreement. Mr. Stevenson reported that the historic renovations on the building are currently underway and minor revisions to the approved bio-retention area and impervious surface calculations have recently been submitted and approved by City Public Works.

Mr. Stevenson informed Council that Mr. Gillis is not looking for any compensation but will be gifting the right-of-way.

Mr. Moulds remarked that the Riverwalk cannot be an exposed aggregate material, but must be concrete boardwalk.

Green Team

Mr. Moulds reported that one of the tasks under the MOU the City has between Washington College Center for Environment and Society to participate in the Shore Power Project to track our carbon footprint and energy usage. Another task was to become a Sustainable Maryland Certified Community, of which the City became registered in October 2014. In order to be certified, the City must complete action items, one of which is the mandatory creation of a Green Team, an advisory group of citizens who would help review the different projects the City will move forward with in terms of becoming sustainable, and eventually maintaining that sustainability.

Council reached unanimous consensus to advance the resolution to the legislative agenda.

After a five-minute recess, Council reconvened at 4:05 p.m.

Police Officers Body Cameras Lease Option presentation

Police Chief Barbara Duncan joined Council to discuss body cameras for the police officers and presented the same presentation she gave to the Mayor's Roundtable in January 2015. She

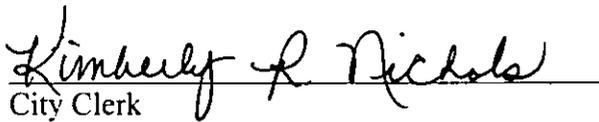
reported that after thoroughly researching the cameras and receiving extensive information regarding Maryland Municipality camera usage, she was recommending to Council the purchase of the Panasonic Arbitrator, a 3.2 ounce model camera which is only 3 ½" x 2 ½" in size. She reported the model would integrate perfectly with the Police Department's current system. The lease option with Panasonic for 105 units would total \$189,000 (\$5,250 per month for 36 months, and the purchase price for 105 units would be \$164,000.

Council questions and discussion topics with Chief Duncan included:

- Does the price include training and storage of videos?
- Are software updates included in the price?
- Grant funding options
- Microsoft currently working on a public safety officer only Cloud
- Storage is not currently an issue
- File purging or maintaining files for lawsuits
- Concern for the rights of people not involved in criminal activity
- Redaction procedures for citizens
- Limited field of view
- Can be used for training purposes
- Officers across the nation are increasingly using cameras in their work
- Videos are extremely helpful in traffic court and other lawsuits
- This is not in the FY16 Proposed Budget
- Cost of \$5250 per month includes storage, training, replacement costs
- Storage in the future will be an additional issue
- Only pictures and videos connected with events and lawsuits will be put in storage
- Officers must announce they are using the camera or recorder

Council reached unanimous consensus to support body cameras for the Salisbury Police Department and would work to include them in the Police Department's budget.

The Work Session adjourned at 4:45 p.m.


City Clerk


Council President