

CITY OF SALISBURY  
WORK SESSION  
JULY 6, 2015

Public Officials Present

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

Public Officials Not Present

Mayor James Ireton, Jr.

In Attendance

City Clerk Kimberly Nichols, City Administrator Tom Stevenson, Assistant City Administrator Julia Glanz, Neighborhood Services and Code Compliance Director Susan Phillips, Internal Services Director Keith Cordrey, Public Works Director Mike Moulds, Police Chief Barbara Duncan and interested citizens and members of the press.

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On July 6, 2015, Salisbury City Council convened in a Work Session at 2:33 p.m. in Council Chambers, Room 301 of the Government Office Building. Council President Day announced the change in Work Session time was due to the evening viewing services for Mr. Jan Wiseman, Executive Director of the Salisbury Greater Committee, who recently passed away. Councilman Heath participated via teleconference in the Work Session, but not in the Closed Sessions.

SWED Update

Salisbury-Wicomico Economic Development (SWED) Executive Director Dave Ryan joined Council to provide an update on SWED. Mr. Ryan and Council discussed the following topics:

- SWED recently hired a full-time administrative assistant who is fluent in Spanish
- New marketing initiatives
- Labinal transition – connected Labinal's H/R with DLLR team (continue to reach out)
- Slowly seeing an improvement in the unemployment rate (6.4 % last month)
- The need for training and skilled employees
- Agriculture, poultry, healthcare, and entrepreneurship are attributable to the area growth

The update was for Council informational purposes only.

At 2:58 p.m., President Day disconnected with Mr. Heath and unsuccessfully attempted to reach Mr. Dan Cohen on the telephone.

Motion to Convene in Closed Session

Upon a motion and seconded by Mr. Spies and Mrs. Mitchell, and by unanimous vote in favor, Council convened in Closed Session at 3:06 p.m. to discuss the Maryland Broadband agreement.

At 3:31 p.m., upon a motion and seconded by Mrs. Mitchell and Mr. Spies, respectively, and by unanimous vote in favor, Council re-convened in Open Work Session. Mr. Day provided the statement to the Public that while in Closed Session, Council discussed and directed City Attorney to continue contract negotiations with Maryland Broadband (to install fiber downtown).

President Day then called Councilman Heath back to participate in the Open Work Session.

### **Changing the Municipal Infraction Limit from \$500.00 to \$1,000.00**

City Administrator Tom Stevenson explained the new legislation being proposed would increase the fine limits from \$250.00 to \$500.00 for initial offenses and then from \$500.00 to \$1,000.00 for each additional repeat offense. Neighborhood Services and Code Compliance Director Susan Phillips reported the increase was consistent with the Annotated Code of Maryland's Section 6-101 & 6-102 Fine Structure.

Council reached consensus to advance the new fine limits to Legislative Agenda.

### **Vacant Building Registry Billing Requirement**

Ms. Phillips explained the vacant buildings invoices are sent each year in December. She was asked by Internal Services – Finance to change the billing month to June because there are other billings that must be sent in December and January, and the additional billing of the vacant buildings has become burdensome. There are currently 168 registered vacant properties.

Mrs. Mitchell amended Line 38 by striking “associated” and inserting “association.”

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

### **Noise Ordinance**

Police Chief Duncan and Major Scott Kolb joined Council to discuss the Noise Ordinance.

Two Salisbury University staff members addressed the subject with Council and were assured that construction on public property was exempt.

Mr. Stevenson explained that the Police Department should handle all of the noise enforcement and Major Kolb demonstrated how the decibel meter was used.

Council reached unanimous consensus to change “not allowed to do construction during certain hours” to “not allowed to make unreasonable noise while doing construction activities” to eliminate dictating the hours in which construction work can/cannot be performed. Mr. Tilghman will incorporate the discussed changes and work with the Police Department to incorporate the decibel reading language into the legislation for the July 27, 2015 meeting.

### **Waterfront River Walk Access**

Public Works Director Mike Moulds joined Council to discuss the Riverwalk map and extension of the Riverwalk. He reported that the Riverwalk is not continuous along both sides of the River; however, the City wishes to provide public access along the entire length of the Wicomico River and South Prong in the City limits. As private properties develop along the River, they will be required to construct the Riverwalk to City standards, as approved by the Public Works Director.

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

### **Community Development Project Fund**

Internal Services Director Keith Cordrey joined Council to discuss the proposed Community Development Projects fund to be used to account for revitalization efforts. The initial funding includes the approved \$200,000 to be transferred from the General Fund in the FY 16 Budget.

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

### **Motion to Convene in Closed Session**

At 4:45 p.m., Mr. Spies moved, Mrs. Mitchell seconded, and the vote was unanimous to convene in Closed Session. Mr. Day disconnected the teleconference call with Mr. Heath; Council took a twelve-minute break, and re-convened in Closed Session at 4:57 p.m.

At 5:00 p.m. upon a motion and seconded by Mrs. Shields and Mr. Spies, respectively, and by unanimous vote in favor, the Closed Session was adjourned and Council re-convened in Open Work Session. Mr. Day provided the statement to the Public that while in Closed Session the Council received an update on the draft Comcast Cable Franchise agreement.

### **Comcast Cable Franchise Agreement**

Attorney Dan Cohen and CBG Consulting President Tom Robinson joined Council via teleconference to discuss the Comcast Cable Franchise agreement.

Mr. Cohen discussed the following three (3) changes Comcast made to the draft agreement:

- Comcast requested "cable service" to be capitalized in several places it was not formerly.
- One of the sub-section letters had to be changed from "C" to "B."
- Comcast added the phrase "in accordance with applicable law" in Section 9.1.

Mr. Robinson and Mr. Cohen discussed the following with Council:

- The final agreement provides Comcast the rights to have rights of way.
- For the first time, the City will have financial support for capital needs based on current subscribership (two hundred thousand dollars [\$200,000] per year for ten (10) years for upgrading Council Chambers, equipment, new studio, control and equipment room
- There will be Hi-Definition (HD) format within three (3) years.

- Triple play discount will not just apply to cable services.
- The City can impose monetary fines if does not correct violations within thirty (30) days.
- Assuming everything continues with the County's negotiations, the eighty-cent fee will be applied to City and County customers for PAC 14 support.
- Comcast must provide notice to the City if the PEG will be moved and must include two inserts advising residents of any change. There will also be \$3,000 per channel paid for re-branding that channel. The chances of the number changing from PAC 14 to another number channel number in HD is small because no matter where they put it in their system's spectrum, they can map it on all the boxes.
- With Comcast, it is difficult to give a timeframe because the response time can be quite slow. The County agreement should be settled within the next month or six weeks. Their issues are not huge and should be easy to resolve.
- The City should approve their agreement before the County's agreement is approved.
- Both the City and County franchise agreements will need to be in place in order for PAC 14 to get the funding it needs.
- Mr. Cohen advised Council that if they agreed with the changes, they approve it because 1) the significant benefits to the City that the City does not currently have (more franchise fees), and 2), it will help spur the County to approve their agreement.

Council reached unanimous consensus to advance the resolution to the July 27, 2015 agenda.

After disconnecting the conference phone call with Messrs. Cohen and Robinson, Mr. Day called Mr. Heath back so that he could teleconference in on the last agenda item.

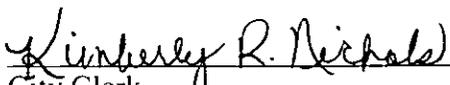
**Stanley Court (Land Conveyance)**

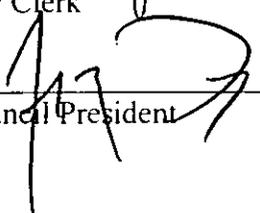
Mr. Moulds reported that Hunt Real Estate was working with Public Works to obtain approval for the construction of an 8,320 square foot Family Dollar Store at the intersection of Johnson Road and Snow Hill Road. Parker and Associates is the engineering design firm for the project.

Hunt Real Estate contacted Public Works about a property line expansion. Due to the proposed size and setting of the Family Dollar in conjunction with setbacks, parking regs, fire lane requirements and stormwater site design requirements, the site needed to be expanded to accommodate all of the features. The expansion entails the cul-de-sac portion of "the future Stanley Court." The adjoining easement area was never opened or paved by the City, and the owner wants to relocate the cul-de-sac and easement east of the existing undeveloped cul-de-sac.

Council reached unanimous consensus to advance the legislation to the Consent Agenda.

With no further business to discuss, the Work Session adjourned at 5:44 p.m.

  
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 City Clerk

  
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 Council President