

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

JANUARY 14, 2019

PUBLIC OFFICIALS PRESENT

*Council President John "Jack" R. Heath
Council Vice-President Muir Boda
Councilman R. Hardy Rudasill*

*Mayor Jacob R. Day
Councilman James Ireton, Jr.
Councilwoman April Jackson*

IN ATTENDANCE

City Administrator Julia Glanz, Assistant City Clerk Diane Carter, Building Official Bill Holland, Business Development Director Laura Soper, Procurement Director Jennifer Miller, Infrastructure and Development Director Amanda Pollack, Housing and Community Development Director Everett Howard, City Clerk Kim Nichols, City Attorney Mark Tilghman, and interested citizens.

CITY INVOCATION – PLEDGE OF ALLEGIANCE

The City Council met in regular session at 6:00 p.m. in Council Chambers. Council President John R. Heath called the meeting to order and invited Director of Adult Spiritual Formation and Membership Kristen Wall-Love of Asbury United Methodist Church to the podium to provide the City Invocation, followed by the Pledge of Allegiance to the flag of the United States of America.

PRESENTATIONS

Employee Recognition

Mayor Jacob R. Day explained the importance of municipal clerks and expressed gratitude to Ms. Carter on behalf of the City for the excellent job she does. He announced Ms. Carter was the newest Master Municipal Clerk, designated by the International Institute of Municipal Clerks through their Academy Program. There are 1,373 Master Municipal Clerks worldwide, and eleven active municipal clerks in Maryland. Ms. Carter has served as Assistant City Clerk in Salisbury for six years.

Mayor Day presented the Certificate of Recognition to Ms. Carter on behalf of the City and Council.

Landlord Appreciation Certificates

Mayor Day, joined at podium by Neighborhood Services and Community Development Director Everett Howard and Housing and Homelessness Manager Christine Chestnutt, announced the City of Salisbury is the only City with fewer than 250,000 citizens in the United States that has a Housing First Program to end chronic homelessness. This program was initiated following discussions with all of the homeless service agencies around the region where permanent supportive housing was decidedly the one thing needed to resolve the regional homelessness. A lifetime commitment to the recipients of housing and

wraparound services including case management through partnership with the Wicomico Health Department. The City's private sector partners have helped accomplish the mission. Mr. Howard and Ms. Chestnutt said the City could not accomplish this without the partnering landlords and wanted to recognize them. Those entities acknowledged with certificates included the following: Delmarva Management Group, Salisbury Commons, Chelsea Court Apartments, Long & Foster Property Management, Rivers Edge Apartments, AKB Rentals, Eric Davis Rental Properties, Weisner Real Estate, and Gateway Village.

ADOPTION OF LEGISLATIVE AGENDA

Mr. Ireton moved and Ms. Jackson seconded to approve the legislative agenda.

CONSENT AGENDA – presented by City Clerk Kim Nichols

The Consent Agenda, consisting of the following items, was unanimously approved on a motion and seconded by Ms. Jackson and Mr. Ireton, respectively:

- **Resolution No. 2896**- approving the appointment of Scott Rall to the Friends of Poplar Hill Mansion Board of Directors for term ending January 2022
- **Resolution No. 2897**- approving the reappointment of Dr. Maurice Ngwaba to the Building Board of Adjustments and Appeals for term ending January 2024
- **Resolution No. 2898**- approving the appointment of Anthony Spyros Sarbanes to the Ethics Commission for term ending January 2023
- **Resolution No. 2899**- approving the appointment of Loudell Insley to the Friends of Poplar Hill Mansion Board of Directors for term ending January 2022
- **Resolution No. 2900**- approving the appointment of Dr. Harry Basehart to the Elections Board for term ending January 2023
- **Resolution No. 2901**- approving the appointment of Michael Auger to the Sustainability Advisory Committee for term ending January 2022
- **Resolution No. 2902**- declaring that Delmarva Veteran Builders is eligible to receive Enterprise Zone benefits for property located at 212 W Main Street, Salisbury, MD
- Approving the Manufacturing Exemption Request for Clearcomm Technologies, LLC
- Approving the Manufacturing Exemption Request for Pepsi Bottling Ventures LLC
- Approving the Manufacturing Exemption Request for TriPro Technologies Inc (2016)
- Approving the Manufacturing Exemption Request for TriPro Technologies Inc (2017)

President Heath acknowledged Scott Rall, Dr. Maurice Ngwaba, Anthony Sarbanes, Loudell Insley, Dr. Harry Basehart, and Michael Auger and thanked them for serving on a board or committee.

PUBLIC HEARING/RESOLUTIONS – US 13 North/PennTex Phase II Annexation- presented by City Administrator Julia Glanz

President Heath asked anyone in the audience planning to speak during the Public Hearing to stand to be sworn in by City Clerk Nichols. After five members of the Public were sworn in, President Heath reported he would call for comments, and each individual would have four (4) minutes to

speak. If someone was going to repeat something stated previously, he asked that they state they supported what was previously said rather than repeat.

- **Resolution No. 2855**- *proposing the annexation to the City of Salisbury of certain area of land contiguous to and binding upon the Northerly Corporate Limit of the City of Salisbury to be known as the "Route 13 North-PennTex 2 Property Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the easterly right-of-way line of U.S. Route 13 North Salisbury Boulevard, thence by and with the northerly line of the land of PTV I, LLC*

Mr. Boda moved and Ms. Jackson seconded to approve Resolution No. 2855, and Ms. Glanz presented the resolution. The Public Hearing was opened at 6:20 p.m. with the following comments received by three (3) members of the Public:

- *Concerned with the development because with the removal of 80% of the tree coverage would cause light pollution, noise pollution, and traffic congestion.*
- *The development would change the quiet, residential community residing on the pond.*
- *(Handed out the attached sheet, which is made a part of the minutes.) In ten years, we do not want to regret knowing something beforehand.*
- *Planning Commission Report showed Parcel 215 having a home built in 1965, was at some point residential, and sold recently to PennTex. Discussed the density change the development would cause.*
- *In the City's Comprehensive Plan, all of the tracts of land for future growth use are labeled Light Residential. There needs to be a reconciliation between the two because the Planning Commission works for both City and County. These questions need answering before we move forward with this.*
- *One of the two restaurants is fast food with a drive-thru. Not all drive-thru's are the same.*
- *Asked Council to take into consideration the fragile eco-system of the pond – the flora and fauna, and quality of the water that may be compromised due to the run-off and paper/plastic trash. This would impact the otters, herons, turtles, and bass.*
- *Another speaker had a hand out for Council, which is also included as part of these minutes.*

President Heath closed the Public Hearing for Resolution No. 2855 at 6:32 p.m.

Mayor Day explained the reason for the difference in the County and City Comprehensive Plans, although they largely align in terms of goals, objectives, and uses, is that they are not a product of the Planning Commission, but of the political bodies with different visions. The zoning designation under the current zoning classifications in this area are all trending towards commercial. The required outcomes addressed this evening are legally allowed through the planning approval process, site plan process, permitting development and comprehensive development plan process, and not through the annexation process. It is best to state what the residents want right now for Council to consider. He said it seemed the concerns were all related to the change in character and impacts made towards the north, including traffic.

Mr. Ireton said there were sometimes things built in the City that afterwards we ask who allowed them to be built that way and this was the City's only chance because it will leave and go into another group's hands. He asked if a walkway could be built or a living shoreline to catch nutrients

and runoff as they run off those surfaces, and wondered if they were considering the shoreline and truck traffic when deliveries are made to the restaurants and trash is picked up.

President Heath said the annexation was separate from the decisions made in the next phase. He suggested possibly forwarding a list of concerns for addressing at the Planning Commission.

Mayor Day said there was opportunity to produce a slightly modified plan that provides ease of access to Rt. 13. He asked Mr. Tilghman if it was possible in Resolution No. 2856 that adopts an annexation plan, to add a clause that adds "and henceforth requires the developer to produce a forestation-shoreline protection mitigation plan to be reviewed by Council.

Mr. Ireton made a motion to return the discussion for Work Session (to lay it on the table). He stated he was not against the annexation, but wanted to know some answers before passing it and to have the plan finalized more before it gets to this point. Ms. Jackson seconded, and the vote was 4-1 (President Heath voted "nay.") The annexation discussion would return to Work Session.

Mr. Boda moved and Mr. Ireton seconded to approve Resolution No. 2856. Mr. Ireton moved to lay Resolution No. 2856 on the table, Mr. Boda seconded, and the vote was unanimous.

RESOLUTIONS – presented by City Administrator Julia Glanz

- **Resolution No. 2903**- authorizing the Mayor to enter into an agreement with the owner of 500 Riverside Drive to allow the owner to use soil located at the City's Wastewater Treatment Plant

Mr. Boda moved, Mr. Ireton seconded, and the vote was unanimous to approve Resolution No. 2903.

- **Resolution No. 2904**- to adjust the southern property line of City real property Parcel 44, Tax Map 29, Liber 765, Folio 124 which is currently being used as the City shooting range, by exchanging certain sections of land with the adjacent property owner near Goddard Parkway

Mr. Rudasill moved, Ms. Jackson seconded, and the vote was unanimous to approve Resolution No. 2904.

PUBLIC HEARING/ORDINANCE NO. 2516- 2nd reading- pursuant to Chapter 17.228 of Title 17, Zoning of the Salisbury Municipal Code and Section 4-203 of the Land Use Article of the Annotated Code of Maryland for the purpose of amending Section 17.76.020 a., to add Hairdresser Shop as a permitted use in the Light Industrial District – presented by City Attorney Mark Tilghman

Mr. Boda moved and Ms. Jackson seconded to approve Ordinance No. 2516 for second reading. Mr. Tilghman then presented the ordinance.

President Heath asked for those in the audience wishing to speak in the Public Hearing to stand; nobody asked to be sworn in or speak. At 7:00 p.m., President Heath opened and immediately closed the Public Hearing. Ordinance No. 2516 for second reading was unanimously approved. Ordinance No. 2516 for second reading was approved by unanimous vote in favor.

ORDINANCES – presented by City Attorney Mark Tilghman

- **Ordinance No. 2515**- 2nd reading- approving a budget amendment of the Grant Fund and General Fund to appropriate funds from the United States Department of Homeland Security, Staffing for Adequate Fire & Emergency Response (SAFER) Grants Program, for the hiring of additional firefighting personnel to be used by the Fire Department in the protection and delivery of emergency services to the citizens of the Salisbury Fire District

Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous to approve Ordinance No. 2515 for second reading.

- **Ordinance No. 2517**- 2nd reading- approving an amendment of the FY 2019 General Fund Budget to appropriate funding to the Business Development Marketing Fund

Ms. Jackson moved, Mr. Ireton seconded, and the vote was unanimous to approve Ordinance No. 2517 for second reading.

- **Ordinance No. 2518**- 1st reading- authorizing the Mayor to enter into a contract with the Maryland Department of Housing and Community Development to accept grant funds in the amount of \$25,000, authorizing the Mayor to enter into a sub-recipient agreement with the Salisbury Arts & Entertainment District, Inc. and approving a budget amendment to the FY 2019 grant fund to appropriate funds for the 2019 National Folk Festival

Mr. Boda moved, Mr. Rudasill seconded, and the vote was unanimous to approve Ordinance No. 2518 for first reading.

- **Ordinance No. 2519**- 1st reading- granting a utility easement to Delmarva Power & Light Company across City owned property, being portions of the alley-way located off of Baptist Street and running along the northerly side of the City Parking Garage

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2519 for first reading.

- **Ordinance No. 2520**- 1st reading- approving a budget amendment of the FY2019 Stormwater Fund to appropriate funds for a new street sweeper

Mr. Rudasill moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2520 for first reading.

- **Ordinance No. 2521**- 1st reading- approving an amendment of the City's General Capital Project Fund and Water Sewer Capital Project Fund to appropriate funding for Honeywell Building Solutions energy savings projects

Mr. Boda moved, Mr. Rudasill seconded, and the vote was 4-1 to approve Ordinance No. 2521 for first reading. (Mr. Ireton voted "nay.")

- **Ordinance No. 2522**- 1st reading- amending the FY2019 General Fund budget to adjust the Salisbury Fire Department's Pay Plan for the purpose of recruiting and retaining experienced officers and to be competitive with area agencies

Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous to approve Ordinance No. 2522 for first reading.

- **Ordinance No. 2523**- 1st reading- to amend Chapter 8.11 – The Fire Prevention Code, Sections .020 and .060 of the City of Salisbury Municipal Code by updating the reference to the State Fire Prevention Code, adding new permits that are required to be obtained from the Fire Marshal, and replacing the enforcement and assistance requirements in 8.11.060 with third-party inspection requirements

Mr. Ireton moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2523 for first reading.

- **Ordinance No. 2524**- 1st reading- approving an amendment of the City's Water Sewer Capital Project Fund Budget to reallocate bond funds previously allocated to the Wastewater Treatment Plant upgrade project included in the FY13 bond

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2524 for first reading.

COUNCIL COMMENTS

There were no Public Comments. Mr. Rudasill announced his resignation effective January 31, 2019 to continue his public work elsewhere, and would only be a part-time resident in Salisbury. He thanked the Mayor and Council for their support and would miss being a part of the Council.

President Heath thanked Councilman Rudasill for his service, and Mayor Day said Mr. Rudasill's willingness to participate and serve in numerous capacities for the City was admirable, and the City needed more people like him, who are involved.

President Heath explained the process to replace Mr. Rudasill as follows: The Council, by Charter, must appoint someone within four (4) weeks of the effective date of resignation. If there was anyone wishing to be considered in District 5, submit a letter of interest and resume. Interviews will be scheduled with all applicants and the new council member chosen within the four (4) week period.

ADJOURNMENT

The Legislative Session adjourned at 7:25 p.m. President Heath announced the Work Session would immediately follow.

*CITY OF SALISBURY, MARYLAND
CLOSED SESSION
DECEMBER 17, 2018*

TIME & PLACE: 4:46 p.m., Government Office Building – Room 301
PURPOSE: to consult with staff, consultants, or other individuals about pending or potential litigation
VOTE TO CLOSE: Unanimous (5-0)
CITATION: Annotated Code of Maryland §3-305(b)(8)
PRESENT: Council President John R. Heath, Mayor Jacob R. Day, Council Vice-President Muir Boda, Councilman James Ireton, Jr., Councilwoman April Jackson, Councilman R. Hardy Rudasill, City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, City Clerk Kim Nichols, City Attorney Mark Tilghman, and Associate Attorney Peter Golba (arr. 7:03 p.m.)

The City Council convened in Work Session in Room 301 in the Government Office Building at 4:30 p.m. At 4:46 p.m., President Heath called for a motion to convene in Closed Session to discuss pending or potential litigation in accordance with the Annotated Code of Maryland §3-305(b)(8).

City Attorney Mark Tilghman provided background information on the company involved in the potential lawsuit and Mayor Jacob R. Day reported on his conversation with one of the entities involved in the potential lawsuit.

The Closed Session was for Council's informational purposes only, and no direction was given nor consensus reached by Council.

At 5:10 p.m. upon a motion and seconded by Mr. Boda and Mr. Ireton, respectively, and approved by unanimous vote in favor (5-0), the Closed Session adjourned.

Council immediately convened in Open Session and President Heath then reported that while in Closed Session Council had discussed a pending lawsuit.

Thereafter, with no further business to discuss, the Open Session adjourned at 5:11 p.m.

*CITY OF SALISBURY, MARYLAND
CLOSED SESSION
JANUARY 7, 2018*

TIME & PLACE: 5:43 p.m., Government Office Building – Room 301
PURPOSE: to obtain legal advice on a legal matter
VOTE TO CLOSE: Unanimous (5-0)
CITATION: Annotated Code of Maryland §3-305(b)(7)
PRESENT: Council President John R. Heath, Mayor Jacob R. Day, Council Vice-President Muir Boda, Councilman James Ireton, Jr., Councilwoman April Jackson, Councilman R. Hardy Rudasill, City Administrator Julia Glanz, City Clerk Kim Nichols, and City Attorney Mark Tilghman

The City Council convened in Work Session in Room 301 in the Government Office Building at 4:35 p.m. At 5:43 p.m., President Heath called for a motion to convene in Closed Session to receive legal advice on a legal matter in accordance with the Annotated Code of Maryland §3-305(b)(7).

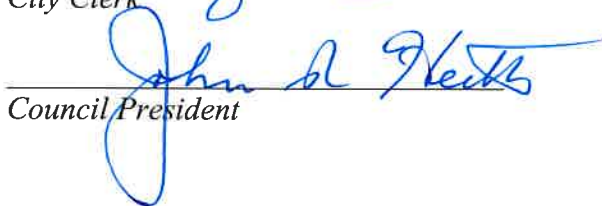
City Attorney Mark Tilghman reported on and provided advice to the Mayor and Council on the proposed settlement offer in a lawsuit.

At 5:59 p.m. upon a motion and seconded by Mr. Boda and Ms. Jackson, respectively, and approved by unanimous vote in favor (5-0), the Closed Session adjourned.

Council convened in Open Session and President Heath reported to the Public that while in Closed Session Council had received advice on a legal matter.

The Open Session adjourned at 6:00 p.m.


City Clerk


Council President

PennTex Annexation Public Meeting Talking Points

Dear Mayor and City Council Members;

As a follow up to my December 10, 2018 email to the Council members, and in preparation for the Public Hearing this evening regarding the annexation process, I would like to share some additional concerns. First let me reiterate that I am not anti-business and my primary goal is not stopping this development; however, I do believe the public and private interests of stakeholders is most often best served by reasonable compromise. As I shared in my previous email it is crucial to maintain as much of the mature stand of trees occupying this site as possible. After reviewing the initial development plans it is apparent that the current plans will result in the loss of 80% or more of these trees due to the paved parking areas as well as the underground storm water filtration system. While these types of storm wastewater filtration systems are necessary we also recognize that when used in conjunction with a mature stand of trees, we can achieve an even more efficient water management process. In addition the trees also provide an effective barrier for residents from sound and light emanating from traffic on Route 13 and nearby commercial businesses. Increased light and noise pollution have a negative effect on quality of life as well as real estate values for residents around the pond. With careful planning and compromise I believe PennTex Ventures could develop this land and maintain an environmentally friendly and somewhat protected environment that we can all enjoy. A pleasant pond view by the restaurants is possible without building as close to the pond's edge as possible. Repositioning of buildings closer to the road while utilizing areas that are not tree covered for parking and storm water management can still maintain pond views for the restaurant while protecting most of the trees. I do not intend to suggest that this is the only alternative; however, I do believe it is a starting point for a compromise that would be in everyone's interest.

2. In the interest of making certain that due diligence to the annexation process is done with fidelity for all stakeholders and citizens I would like to address a couple of process concerns.

- In the Infrastructure and Development Staff Report from the Planning and Zoning Commission Meeting of July, 19, 2018, item I. B. states: "The two parcels fronting Route 13 are existing commercial uses and parcel 215 is residential."

Conie Ave (John Ave)

(1)

*Greenbelt about fragile eco-system
of pond.*

MDOT Traffic Plan.

- In the same report item II.A. states: "The annexation area and the adjoining area to the north is zoned C-2 General Commercial under the County Code. " If one leaves the area of the proposed annexation and proceeds north on Route 13 you encounter the residential neighborhood of Chestnut Hills and just north of that another residential neighborhood, Holly Lake Estates followed by the Suburu Dealership which has an apartment complex east of the dealership and located on the north west end of Leonard's Mill Pond.
- In item II.D.2.a., referring to the Salisbury Comprehensive Plan, adopted on July 12, 2010, it states: "The Land Use Map of the City Plan designates this area a "Low-density residential". A proposed amendment to the Comprehensive Plan is included on this agenda to correct this mistaken designation. Was this a mistake in 2010 or is this simply a rezoning of the property?
- Item II.D.2.b. states: "The Land Use Map of the County Comprehensive Plan designates this area as "Metro Core." The 2017 County Plan designates this area as "Commercial."
- Item VI (probably should be IV) states: "The specific purpose of the Planning Commission's review is to make a zoning recommendation for the annexation area that is currently zoned Commercial in the County. The adopted Salisbury Comprehensive Plan designates this area as "Low density" residential. General Commercial zoning is proposed for the property upon annexation to the City. An amendment to the Salisbury Comprehensive Plan will be required."
- For maps that are on line, there is a note in very fine print that denotes the true and accurate maps are in the County Offices. I would make a recommendation that any zoning maps on line from the City or County be as current as is reasonably possible since the same members serve on the Wicomico Planning and Zoning Commission for the City and County. It would seem prudent for their to be agreement on zoning maps and issues at any given time subject to change if warranted. This would allow for citizens to monitor changes in different areas of the County and City resulting in a better informed citizenry.

- The Maryland.gov website Real Property Search lists the use of Parcel 215 as residential for the previous owner as well as the new owner PTV I, LLC. as of the property transfer date 09/18/2018. As noted the Planning and Zoning Commission apparently recognized this parcel as light residential in the City of Salisbury Comprehensive Plan.
- As noted by the several references in the Planning and Zoning notes mentioned above, there seems to be some confusion about the correct zoning for Parcel 215 and if there truly is a conflict then how does the density language in the Five-Year Rule apply. Is it only for residential numbers (density) or would the increase in the number of cars/people that will frequent these two restaurants constitute an increase of greater than 50% for the parcels? I do not know the answer but it would seem that the intent of the rule was to manage how many people, cars and dwellings or buildings with facilities would be utilizing the land?

3. This project is proposing the construction of two restaurants. We have been told that one is a high end restaurant and one is a fast food restaurant with a drive thru. All fast food restaurants are not alike and the type of fast food restaurant should be considered for several reasons. There was a time when fast food restaurants with a drive thru did not have a very large seating capacity. Parking was limited since they did not have a significant sit down breakfast, lunch or dinner clientele. Today, there are restaurants such as Chik-fil-a and others that have a very loyal sit down clientele as well as substantial numbers of drive thru customers. Recognizing increased traffic with the new Aldi's grocery store, coupled with the two restaurants to be built, there could be considerable traffic congestion accessing Route 13 and trying to quickly merge into the left turn lane just north of the bridge, to head south back into town. Traffic could be especially heavy at peak breakfast, lunch and dinner times and pose significant traffic and safety issues at Dagsboro Road, the entrance to Chestnut Hills and merging traffic to the left. I hope that as this project moves forward the City will consider details such as these. It is quite conceivable that a fast food establishment with a significant sit down clientele and customers utilizing the drive thru would require more parking and cause more traffic congestion than a high end restaurant at peak rush hours.

4. In looking at the City Comprehensive Plan you are to be commended for many of your forward thinking ideas, goals and objectives. In Chapter 4: Sensitive Areas & Mineral Resources, there are numerous references to maintaining urban forests, green infrastructure corridors, wildlife habitat, protecting our waterways

including the head waters and streams that feed the Wicomico River, etc. In fact the Goal for the chapter is, "Protect the natural environment through the conservation of significant ecological systems that naturally work to enhance the quality of life for the residents." I would refer you to Map 5-1, Map 4-5, Map 4-4, Map 11-2, Map 11-3, and Map 11-4 in the City Comprehensive Plan.

5. I would like to refer you to the Wicomico County Zoning Regulations Section 225-45. Paleochannel Overlay District, especially sections E. Application and F. Development Standards. Among other items, section E. references slopes over 15%. Such slopes are present on the site as well as wooded areas. Section F. specifically addresses the removal of no more than 15% of any existing natural vegetation, one inch or larger in size, on the site without being specifically authorized by the Planning Commission. Slopes as well as streams, free-flowing or intermittent, as well as the necessary 35 foot buffer for such streams are addressed as well.

6. On January 7, 2019, I became aware of the offering for sale of the Aldi property for 3.5 million dollars. Business is business and the developer certainly has the right to sell property for a profit when it is in their best interest. Likewise, local citizens and residents have the obligation to question the long term maintenance and value of this development, since it has the potential for long term environmental and property value impacts. While PTV states they are going to produce a first class facility, and I am reasonably certain they will, if they finish this project and offer it up for sale as Aldi's is, how comfortable are we that the next buyer will maintain the same high standards?

7. Let me be perfectly clear! The only thing that I am asking for is that the decisions surrounding this project take into consideration what is best for the citizens of Wicomico County and the City of Salisbury. We do not exist independently of one another. I want to support business and yes I want business to support us. We cannot exist without one another. I am not against making a profit; however, when annexing this type of property, more than money counts. Environment, neighborhoods, jobs, bottom lines and safety all count. They should and can coexist. I believe this project can meet those standards but not the way it is currently headed. I hope that a sharing of ideas and willingness to cooperate and compromise between the developer, city and county government and citizens will win the day and a win-win will be in the making for all.

Thank you for you time and your serious consideration in these matters.

Gmail

Proposed Annexation on North Rte. 13 for PenTex Development

Steve Brewer <stbrewer1@gmail.com>

Mon, Dec 10, 2018 at 2:22 PM

To: jheath@salisbury.md, rhudasill@salisbury.md, ajackson@salisbury.md, mboda@salisbury.md, jireton@salisbury.md

Dear City Council Members;

My name is Steve Brewer and I have lived on Leonard's Mill Pond for over 45 years. My wife has lived on the pond for 58 years. Needless to say we have enjoyed living on the pond in a quiet rural setting with lots of wildlife and recreational activities. I would also like for to know that I am not anti-business in any way; however, I do have some concerns regarding the proposed annexation and development of land just north of Aldi's and the environmental impact on the pond and the quiet way of life we have become accustomed to. As you are well aware there are three parcels being considered for annexation and development. Two of the parcels, located immediately adjacent to Route 13, have been in commercial use for many years. Those two businesses were able to maintain the nice stand of trees between their business establishments and the pond. The third parcel is listed on the tax bill as residential use; however, at some point in the fairly recent past I believe it was changed to commercial even though a residence was still on the property. That property also still contains a fair stand of mature trees. I am attaching satellite photographs showing the density of trees surrounding the pond. You will see in the first photograph the wooded nature of the neighborhoods surrounding the pond. In the second photo you will see more closely the proposed annexation properties and the triangular shaped area of wooded land between the existing commercial properties on Rt. 13 and Leonard's Mill Pond. The third photograph was taken from the pond and shows what neighbors across the pond currently see. While it is possible to see very small parts of some of the existing buildings they are not easily visible. In fact the current Aldi business is almost totally hidden from the pond view. More importantly, those trees block a tremendous amount of light and sound from Rt. 13 as well as the shopping areas across the highway. The proposed development of a high end restaurant and fast food restaurant positioned in immediate proximity to the pond's edge, accompanied by the required expanse of parking lot and underground filtration needed for storm water waste will result in the removal of perhaps 80% or more of a mature stand of trees. Those trees are an excellent buffer for the residents of the pond and also nature's best filtration system.

As you consider this proposed annexation and development, I hope that you will give equal consideration to the many residents of neighborhoods surrounding Leonard's Mill Pond and their way of life. I will paraphrase what Mr. Ireton said in last week's work session; "these are some of the problems that exist when urban meets rural". Urban expansion over the years has not been as effective as we all hoped for. We see too many malls that are empty or torn down, current malls struggling to keep anchor stores, strip malls with empty shops or in need of repair, and America's small down towns disappearing. I commend you, the Council members and Mayor Day, for your efforts in the revitalizing downtown Salisbury. Just as efforts have increased to revitalize areas, encourage cluster housing and maintain green areas, it is my hope that we can also keep areas such as Leonard's Mill Pond as pristine as possible, and minimize the impacts of commercial development. I do not know the particulars of this project; however, I would suppose that a considerable sum of money will be exchanged by a few individuals and or LLC's, and the city will gain some tax revenue. As a resident of the pond I do not have any stake, nor should I, in the business dealings of the participants; however, I will have to live with the outcome and impacts of their decisions. As pond stakeholders, will PenTex Corporation, the restaurants and the City of Salisbury be as concerned about the quality of the pond environment as their pond neighbors? Will Salisbury City government work with Wicomico County to maintain a wonderful environmental asset? If the proposed annexation and development proceed, these questions will be answered. I hope the outcomes will be positive; but, I fear there may be long term effects and potential unintended consequences that have not entered into the calculus at this point.

Please see the attached photographs and if you have any questions, please feel free to email or call me at 443-614-7196. I thank you for being public servants and I wish you wisdom as you do what is best for our community.

Proposed Annexation on North Rte. 13 for PenTex Development

Steve Brewer <stbrewer1@gmail.com>

Mon, Dec 10, 2018 at 2:22 PM

To: jheath@salisbury.md, rhudasill@salisbury.md, ajackson@salisbury.md, mboda@salisbury.md, jireton@salisbury.md

Dear City Council Members;

My name is Steve Brewer and I have lived on Leonard's Mill Pond for over 45 years. My wife has lived on the pond for 58 years. Needless to say we have enjoyed living on the pond in a quiet rural setting with lots of wildlife and recreational activities. I would also like for to know that I am not anti-business in any way; however, I do have some concerns regarding the proposed annexation and development of land just north of Aldi's and the environmental impact on the pond and the quiet way of life we have become accustomed to. As you are well aware there are three parcels being considered for annexation and development. Two of the parcels, located immediately adjacent to Route 13, have been in commercial use for many years. Those two businesses were able to maintain the nice stand of trees between their business establishments and the pond. The third parcel is listed on the tax bill as residential use; however, at some point in the fairly recent past I believe it was changed to commercial even though a residence was still on the property. That property also still contains a fair stand of mature trees. I am attaching satellite photographs showing the density of trees surrounding the pond. You will see in the first photograph the wooded nature of the neighborhoods surrounding the pond. In the second photo you will see more closely the proposed annexation properties and the triangular shaped area of wooded land between the existing commercial properties on Rt. 13 and Leonard's Mill Pond. The third photograph was taken from the pond and shows what neighbors across the pond currently see. While it is possible to see very small parts of some of the existing buildings they are not easily visible. In fact the current Aldi business is almost totally hidden from the pond view. More importantly, those trees block a tremendous amount of light and sound from Rt. 13 as well as the shopping areas across the highway. The proposed development of a high end restaurant and fast food restaurant positioned in immediate proximity to the pond's edge, accompanied by the required expanse of parking lot and underground filtration needed for storm water waste will result in the removal of perhaps 80% or more of a mature stand of trees. Those trees are an excellent buffer for the residents of the pond and also nature's best filtration system.

As you consider this proposed annexation and development, I hope that you will give equal consideration to the many residents of neighborhoods surrounding Leonard's Mill Pond and their way of life. I will paraphrase what Mr. Ireton said in last week's work session; "these are some of the problems that exist when urban meets rural". Urban expansion over the years has not been as effective as we all hoped for. We see too many malls that are empty or torn down, current malls struggling to keep anchor stores, strip malls with empty shops or in need of repair, and America's small down towns disappearing. I commend you, the Council members and Mayor Day, for your efforts in the revitalizing downtown Salisbury. Just as efforts have increased to revitalize areas, encourage cluster housing and maintain green areas, it is my hope that we can also keep areas such as Leonard's Mill Pond as pristine as possible, and minimize the impacts of commercial development. I do not know the particulars of this project; however, I would suppose that a considerable sum of money will be exchanged by a few individuals and or LLC's, and the city will gain some tax revenue. As a resident of the pond I do not have any stake, nor should I, in the business dealings of the participants; however, I will have to live with the outcome and impacts of their decisions. As pond stakeholders, will PenTex Corporation, the restaurants and the City of Salisbury be as concerned about the quality of the pond environment as their pond neighbors? Will Salisbury City government work with Wicomico County to maintain a wonderful environmental asset? If the proposed annexation and development proceed, these questions will be answered. I hope the outcomes will be positive; but, I fear there may be long term effects and potential unintended consequences that have not entered into the calculus at this point.

Please see the attached photographs and if you have any questions, please feel free to email or call me at 443-614-7196. I thank you for being public servants and I wish you wisdom as you do what is best for our community.