

ORDINANCE NO. 2552

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY2020 BUDGET TO APPROPRIATE A DEVELOPER CONTRIBUTION FOR STREET LIGHTING IMPROVEMENTS.

WHEREAS, the City of Salisbury Department of Infrastructure and Development has received a request from PennTex Ventures to pay a fee in lieu of installing streetlights along Dagsboro Road associated with the Aldi project; and

WHEREAS, PennTex Ventures has committed to pay the amount of \$35,000 in lieu of installing five (5) streetlights; and

WHEREAS, the Department of Infrastructure and Development seeks to use the developer contribution to perform streetlight improvements throughout the City where there are no streetlights or where streetlights are in need of replacement or upgrade; and

WHEREAS, the Department of Infrastructure and Development has reviewed the site in question and is satisfied that there is sufficient lighting along Dagsboro Road where the Aldi project is located.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that the City's Fiscal Year 2020 budget is hereby amended as follows:

1. Increase the Developer Reimbursements (01000-424250) budget by \$35,000.00
2. Increase the Traffic Control and Highway Lighting Operating (22000-546006) budget by \$35,000.00

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 12th day of August 2019, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the 26th day of 2019.

ATTEST:


Kimberly R. Nichols, City Clerk


John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS:

27th day of AUGUST, 2019


Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda H. Pollack, P.E., Director of Infrastructure & Development
Date: July 23, 2019
Re: Budget Amendment – Aldi street light fee in lieu of

AP

The Department of Infrastructure & Development received a request from PennTex Ventures regarding the installation of street lights along Dagsboro Road at the new Aldi store. Please see the attached letter dated July 16, 2019. The approved construction drawings showed five (5) new City standard street lights along Dagsboro Road. The installation of the street lights were also referenced in the Public Works Agreement and discussed at the pre-construction meeting. The street lights have not been installed.

PennTex is requesting being allowed to pay a fee in lieu of installing the street lights. Per the attached letter, their reasons include that there is adequate lighting already on that portion of Dagsboro Road, that the lights detract from the aesthetics and that the lights would be in conflict with their landscaping. PennTex is offering \$35,000 to the City. The Department of Infrastructure and Development agrees that this is an adequate offer to furnish and install five (5) street lights.

If the City accepts the fee in lieu of, the Department of Infrastructure and Development recommends using the funds for either installing street lights in areas that do not have lights, or replacing old street lights and upgrading to the new City standard.

The Department of Infrastructure and Development does not want to make a fee in lieu of program for street lights the norm. It is our preference to have developers install street lights on the adjacent City owned streets, per our standard. Due to the various factors listed in the attached PennTex letter and since the parking lot lighting also lights the roadway, we can support the fee in lieu of in this unique situation.

Unless you or the Mayor have further questions, please forward a copy of this memo and the ordinance to the City Council.



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July 16, 2019

Ms. Amanda Pollack, P.E., Director
Department of Infrastructure and Development
City of Salisbury
125 N. Division Street – Room 202
Salisbury, MD 21801
E – Apollack@salisbury.md
P – 410.548.3170

Re: Streetlighting – Aldi Grocery Market
30248 Dagsboro Road, Salisbury, MD 21804

Dear Ms. Pollack,

As you know, in conjunction with the development of the above noted project, we entered into a Public Works Agreement (hereinafter 'PWA') which outlined certain improvements to be provided by the developer, PennTex Ventures, LLC (hereinafter 'PTV').

One of the improvements required by the PWA is installation of five (5) new City standard streetlights along Dagsboro Road. On behalf of PennTex Ventures, LLC; the developer of the project, please accept this letter as our formal request that we be permitted to provide a fee to the City of Salisbury in the amount of \$35,000 in lieu of installation of the lights.

The intent of the lighting is to provide illumination of the roadway and pedestrian walkways along Dagsboro Road. That said, there currently exist streetlights along the opposite side of Dagsboro Road which provide an adequate light level and which were further supplemented by parking lot lighting installed in conjunction with the Aldi project. We believe that to install five (5) additional lights would detract from the aesthetics by 'over-lighting' the area. Further, the location of the City lights is in direct conflict with landscaping and street trees installed along Dagsboro Road in conjunction with the Aldi; the heads would be located between the canopies.

PTV believes that the dollars associated with this improvement requirement could be better spent in other areas of Salisbury where there is a greater need for streetlighting. Accordingly, we respectfully request that the City accept the noted payment of a fee in lieu of the installation of the lighting; whereby the City can choose to allocate such funding to some other part of the City where better lighting is warranted.