

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

OCTOBER 28, 2019

PUBLIC OFFICIALS PRESENT

*Council President John “Jack” R. Heath
Council Vice-President Muir Boda
Councilman James Ireton, Jr.*

*Mayor Jacob R. Day (left at 6:18 p.m.)
Councilwoman Angela M. Blake
Councilwoman April Jackson*

IN ATTENDANCE

City Administrator Julia Glanz, Department of Infrastructure and Development Director Amanda Pollack, Procurement Director Jennifer Miller, Fire Chief John Tull, 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. “Jack” Heath called the meeting to order and invited Pastor Courtland Cropper of Riverside United Methodist Church to the podium to deliver the City Invocation, followed by the Pledge of Allegiance to the flag of the United States of America.

PRESENTATIONS

- **Municipal Government Works Month Proclamation**
Mayor Day recounted the many questions asked by the public about City Government and presented the Municipal Government Works Month Proclamation to promote awareness and interest of the citizens in the City’s local government. He asked all City employees in the room to stand, and said the City had 435 incredible employees who work very hard to serve their neighbors and fellow citizens from 15 City departments.
- **Special Presentation to Councilman James Ireton, Jr.**
Mayor Day reported this evening represented a moment of transition, and the City was blessed that Councilman James Ireton, Jr. had served the City for two terms each on Council and as Mayor. He had to fight a lot of battles along the way, but Salisbury was victorious because of it. Mayor Day presented Councilman Ireton with a framed City Seal and thanked him for his service to the City of Salisbury and the community.

Council President Heath invited Councilman Ireton to the podium and said that they met several years ago, and then Mayor Ireton asked Mr. Heath to chair the City’s Disability Advisory Committee. President Heath presented Councilman Ireton with a plaque in recognition and appreciation for his years of service and his dedication to the community and City of Salisbury as a member of the Salisbury City Council.

Councilman Ireton recalled 1991 when he was first asked to step into the Council

Chambers. He vividly recalled that after the prayer, Council stopped and said the Pledge of Allegiance, and he was still amazed with the words “with liberty and justice for all.” He thanked the citizens of Salisbury for the opportunity to serve them over the years.

ADOPTION OF LEGISLATIVE AGENDA

Ms. Jackson moved and Ms. Blake seconded to approve the legislative agenda as presented.

Mr. Boda moved and Mr. Ireton seconded to amend the legislative agenda by removing Resolution No. 2967 and Resolution No. 2968 from the agenda. The amendment was unanimously approved.

The legislative agenda, as amended, was approved by unanimous vote in favor.

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 Mr. Boda and Ms. Blake, respectively:

- **Resolution No. 2980**- approving the appointment of Evan Deckers to the Sustainability Advisory Committee for term ending September 2022
- **Resolution No. 2981**- approving the appointment of Mark Frieden to the Sustainability Advisory Committee for term ending October 2022
- **Resolution No. 2982**- approving the reappointment of David Plotts to the Parks and Recreation Committee for term ending November 2022

AWARD OF BIDS – presented by Procurement Director Jennifer Miller

The Award of Bids, consisting of the following item, was unanimously approved on a motion by Ms. Jackson that was seconded by Mr. Ireton.

- Change Order #2, ITB 19-120 Newton Street Community Center \$129,590.70

PUBLIC HEARING- Timber Crest SBY, LLC-Schumaker Lane Annexation- presented by City Administrator Julia Glanz

- **Resolution No. 2974**- proposing the annexation to the City of Salisbury of certain area of land contiguous to and binding upon the southerly Corporate Limit of the City of Salisbury to be known as “Timber Crest SBY, LLC-Schumaker Lane Annexation”

Two members of the Public were sworn in by City Clerk Nichols.

Mr. Boda moved and Mr. Ireton seconded to approve Resolution No. 2974. City Administrator Glanz then presented Resolution No. 2974.

At 6:25 p.m., President Heath opened the Public Hearing for Resolution No. 2974.

The following comments were received from two members of the Public:

- *Several neighbors on her street were very concerned about the homes going into a little over a 12-acre plot and the amount of traffic that will be on Schumaker Lane.*
- *There is already a lot of traffic because of the developments around the corner, and now there will also be a development on the Old Mall property.*
- *There are no sidewalks, and with Glen Avenue School and Parkside School, there are many students walking down the street to school.*
- *She understood there had been no traffic study.*
- *She asked if there could be an entrance into the development from Beaglin Park Drive, but not an exit, which may alleviate some of the traffic.*
- *She has lived there since 1989, and it has been a quiet little street. The more development that has happened, the more traffic has become unsafe. Now there will be more traffic. She asked where the safety was in that.*

Second Speaker

- *When he and his partner purchased the property, they evaluated the underlying zoning district, which was R8A. This allowed for single family residential dwelling units without exception, with a minimum lot area of 8,000 square feet. The maximum permitted density based on the land area would be approximately 70 homes. They chose not to do 70 homes, and chose to develop 65% of the permitted density. The property subject to the annexation was a residual parcel from the Rufus Johnson Estate when it was subdivided many years ago and was being brought into the development to be contiguous with the City property. Bringing the orphaned parcel in, they were requesting it be also zoned R8A.*
- *He suggested there may be a traffic management issue related to the development east of the property. There were hundreds of dwelling units in the area, and the 41 homes would not be the contributing factor to that.*
- *They have obtained preliminary site plan approval from the Planning Commission, and in the preliminary discussion, they requested they add a second entrance to the overall master plan. The initial study only allowed for a single entrance, but it was the concern of the Fire Department that a second entrance would be desirable. That was a wise decision. With the two entrances and exits leaving the property, it would diffuse the traffic that comes out of the development.*
- *The annexation was to allow the parcel to be brought into the overall parcel, currently zoned R8A. They wanted no exceptions, increased density, or extraordinary approvals and wanted to develop it consistent with the underlying zoning.*

Council questions and concerns included the following:

- *Ms. Blake asked if the corner, odd-shaped wooded lot was going to be a buffer or if a home would be built on it. The speaker said it would be undeveloped, left in trees and likely used for bio-retention.*
- *Mr. Ireton asked the speaker to repeat that they would build fewer homes on the property than they were allowed to build, and the speaker confirmed. Mr. Ireton asked for the average size of home to be built and the speaker said it would be between 1,800 and 2,000 square feet. Mr. Ireton asked if he was asked to estimate how many students would effect the school system, and the speaker said "no."*

Additional comments from the first speaker in the Public Hearing:

- *Asked how two entrances into the development alleviate the traffic. She was at the meeting where the Fire Representative wanted the extra entrance added to allow for fire engines entering and exiting. Cars were still entering and exiting.*
- *(Second speaker) The second entrance will serve to diffuse the traffic across the two entrances as opposed to having excessive cueing at a single entrance with either incoming or outgoing.*
- *He submitted that there were probably between 500 and 1,000 rooftops east of the parcel, and the additional traffic from this development will be minimized.*
- *He reiterated that they were developing the property in accordance with the R8A Zoning District, an entitlement that runs with the property.*

President Heath closed the Public Hearing at 6:37 p.m. Resolution No. 2974 was approved on a 4-0 vote, with Mr. Ireton abstaining from the vote.

- **Resolution No. 2975**- *approving the proposed annexation plan of land contiguous to and binding upon the southerly Corporate Limit of the City of Salisbury to be known as “Timber Crest SBY, LLC-Schumaker Lane Annexation”*

As there were no speakers wishing to comment on Resolution No. 2975, the Public Hearing opened and immediately closed at 6:38 p.m.

Mr. Boda moved, Ms. Jackson seconded, and the vote was 4-0 to approve Resolution No. 2975. Mr. Ireton abstained from the vote.

ORDINANCES – presented by City Attorney Mark Tilghman

- **Ordinance No. 2566**- *1st reading- approving an amendment of the FY2020 Fire Department Budget to transfer insurance funds received by the City to the Fire Department Operating Budget from the General Fund for revenue received for repairs to Ambulance A-2*

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2566 for first reading.

- **Ordinance No. 2567**- *1st reading - approving a Budget Amendment of the FY2020 Fire Department Budget to transfer funds from the City General Fund to the Fire Department Operating Budget to cover expenses for vehicle maintenance*

Mr. Ireton moved, Mr. Boda seconded, and the vote was unanimous to approve Ordinance No. 2567 for first reading.

- **Ordinance No. 2568**- *1st reading - approving an amendment of the FY20 General Fund Budget to appropriate funds needed to administer an Election in Districts One, Two, Three, Four and Five in the event of a resulting tie in the November 5, 2019 City Election*

Mr. Ireton moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2568 for first reading.

- **Ordinance No. 2569**- 1st reading - approving a Budget Amendment of the Grant Fund to appropriate funds from a Community Needs Grant, from the Community Foundation of the Eastern Shore, Inc., awarded for the City of Salisbury Youth Civics Council

Ms. Jackson moved, Mr. Ireton seconded and the vote was unanimous to approve Ordinance No. 2569 for first reading. Mr. Tilghman reported the FY19 Budget Year should be listed as FY20, and the typo would be corrected for second reading.

- **Ordinance No. 2562**- 2nd reading- to amend Sections 15.04.010, 15.04.020, and 15.04.030 of Chapter 15.04 Building Code by adopting updated standard codes in Section 15.04.010; amending the amendments to the International Building Code (2018) (IBC) in Section 15.04.020; and amending the amendments to the International Plumbing Code (2018) (IPC) in Section 15.04.030, and to amend Section 15.24.040 of Chapter 15.24 Housing Standards to adopt the updated Standard Codes

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2562 for second reading.

- **Ordinance No. 2563**- 2nd reading- approving an amendment of the City's Capital Project Fund Budget and the FY2020 General Fund Budget to appropriate funds for community centers

Mr. Ireton moved, Mr. Boda seconded, and the vote was unanimous to approve Ordinance No. 2563 for second reading.

- **Ordinance No. 2564**- 2nd reading- approving a budget amendment of the FY2020 General Fund Budget to accept and appropriate the funds received from the Heron Agility Group, Furry Friends Pet Services, and Mrs. Allison Niles in memory of her mother Mrs. Joan Clark, for the purchase of K-9 bullet proof vests

Ms. Jackson moved, Mr. Ireton seconded, and the vote was unanimous to approve Ordinance No. 2564 for second reading.

- **Ordinance No. 2565**- 2nd reading- approving an amendment of the FY20 Budget to appropriate funds for street resurfacing and concrete repair

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2565 for second reading.

COUNCIL COMMENTS

President Heath reminded the Public that next Tuesday, November 5th was Election Day.

Councilman Ireton announced he would be present on November 12th and November 18th for the Council swearing in and Organization Meeting, and thanked everyone again for the presentations. President Heath said that the presentation was done this evening because Mayor Day would not be present on November 18th and wanted to make the presentation this evening.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 6:54 p.m.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
OCTOBER 21, 2019

TIME & PLACE: 4:55 p.m., Government Office Building – Room 301
PURPOSE: to consult with counsel, staff, consultants, or other individuals about a legal matter — pending or potential litigation
VOTE TO CLOSE: Unanimous (4-0)
CITATION: Annotated Code of Maryland §3-305(b)(7)(8)
PRESENT: Council President John “Jack” R. Heath, Mayor Jacob R. Day, Council Vice-President Muir Boda, Councilwoman Angela Blake, Councilwoman April Jackson, City Attorney Mark Tilghman, and Assistant City Clerk Diane Carter
ABSENT: Councilman James Ireton, Jr.

The City Council convened in Work Session in Room 301 in the Government Office Building at 4:30 p.m. At 4:55 p.m., President Heath called for a motion to convene in Closed Session to consult with counsel, staff, consultants, or other individuals about a legal matter and pending or potential litigation as permitted under the Annotated Code of Maryland §3-305(b)(7)(8). Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous (4-0) to convene in Closed Session.

City Attorney Tilghman reviewed material and options available to Council should it move forward in pursuing a specific lawsuit on behalf of the City of Salisbury.

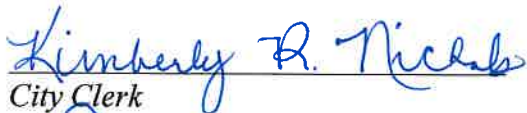
With nothing further to discuss in Closed Session, at 5:20 p.m. Ms. Blake moved, Mr. Boda seconded, and the vote was unanimous (4-0) to close the Closed Session.

Council immediately convened in Open Session where President Heath reported to the Public that while in Closed Session Council had discussed a legal matter regarding a potential lawsuit to be pursued by the City.

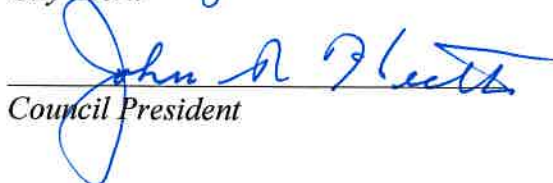
Thereafter, with no further business to discuss, the Open Session adjourned at 5:23 p.m.



Assistant City Clerk



City Clerk



Council President



City of
Salisbury
Jacob R. Day, Mayor

COUNCIL AGENDA – Award of Bids

October 28, 2019

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| 1. Change Order #2 | \$129,590.70 |
| ITB 19-120 Newton Street Community Center | |



City of
Salisbury
Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: October 28, 2019
Subject: Change Order #2 to ITB 19-120
Newton Street Community Center Remodel

The Department of Procurement received a request from the Department of Infrastructure & Development to process Change Order #2 in the amount of \$129,590.70 for Invitation to Bid (ITB) 19-120 Newton Street Community Center Remodel. This Change Order provides for revisions to interior remodel specifications at the City's request, and exterior building renovations that are required per the Historic District Commission. Upon Council's approval of Ordinance 2563 appropriating funds for community centers, funding will be available in the Community Center construction project account 98117-513026-48029.

The Department of Procurement requests Council's approval to process Change Order #2 as noted above to the contractor awarded the original bid, Ocean Tower Construction, LLC.