

AS AMENDED ON JULY 23, 2018

ORDINANCE NO. 2496

AN ORDINANCE OF THE CITY OF SALISBURY TO ESTABLISH THE EIREANN MHOR SUBDIVISION AS A SPECIAL ASSESSMENT DISTRICT FOR THE PURPOSE OF FINANCING THE COST OF STORMWATER MANAGEMENT SYSTEM REPAIRS BY ASSESSING EACH LOT OWNER THE SUM OF \$158.00, COLLECTABLE IN ONE INSTALLMENT ON THE REAL PROPERTY TAX BILL.

WHEREAS, the City Council of the City of Salisbury, Maryland, passed Resolution No. 2851 determining that the Eireann Mhor Subdivision is a special assessment district, which would receive special benefits from the repairs to its stormwater management areas, and providing for the payment of \$158.00 by each lot owner in one installment on the real property tax bill; and

WHEREAS, the City Council held a public hearing on August 13, 2018 as required by Salisbury Charter 14-1 et seq.; and

WHEREAS, the City Council desires to enact an ordinance to establish the special assessment district and to require the collection of the special assessment from each lot owner.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that pursuant to Salisbury Charter Sections 14-1 et seq. that:

1. A special assessment district is established on the South side of and binding upon Dykes Road, as follows:

ALL lots within the Eireann Mhor Subdivision.

2. The special assessment of expenditures up to Twenty Four Thousand Dollars (\$24,000.00) based on the actual final completed work shall be equally assessed on each of the 152 (# of lots) in the Eireann Mhor Subdivision. The special assessment shall be collectable from each lot owner in one installment of \$158.00 ~~on the annual~~ as a real property tax bill.

3. A special assessment shall not be levied against properties owned by the Eireann Mhor Homeowner's Association, Inc.

4. The special assessment shall be levied and collected, have the same priority rights, and bear the same interest and penalties in every respect as City real property taxes.

5. The special assessment shall be collected solely for the purpose of paying for the cost, up to \$24,000.00 of the stormwater management system repairs needed throughout the subdivision.

AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from an 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 23rd day of July, 2018, and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 13th day of August, 2018.

ATTEST:

Kimberly R. Nichols
Kimberly R. Nichols, City Clerk

John R. Heath
John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS 16th day of AUGUST, 2018.

Jacob R. Day
Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda Pollack, P.E., Director of Infrastructure and Development *AP*
Date: June 15, 2018
Re: Eireann Mhor Stormwater system maintenance and special assessment

The Eireann Mhor subdivision had been experiencing flooding and large areas of standing water (> 48 hours). In November 2016, the City conducted an inspection of the Eireann Mhor subdivision stormwater system and subsequently issued the attached Notice of Violation citing maintenance needed to the subdivisions stormwater swale and outfall. The Eireann Mhor Home Owners Association (HOA) had not been collecting any reserve funds for infrastructure owned by the HOA, such as their stormwater system. The HOA consists of 152 property owners.

Following the initial Notice of Violation, the HOA obtained an independent quote for stormwater maintenance that exceeded their financial capability. In May 2017, the HOA petitioned the City to assist with the required maintenance. At the time, the Department of Public Works proceeded on the basis that cost of repairs would be fronted by the City and then reimbursed through collections from the property owners via a Special Assessment to be placed on the tax bill. This process is in accordance with City Code 13.28.100.B.3.

In August 2017, the Department of Infrastructure and Development (DID) developed a scope of work for the maintenance items and received quotes. The HOA preauthorized funding of \$20,000. Bid received greatly exceeded the HOA budget. The City received three bids ranging from \$124,000.00 to \$177,573.20. After the initial bids came in high, DID and the HOA met numerous times to revise the approach to include a phased, multi-year solution. DID recommends the HOA complete necessary maintenance to restore effectiveness of the Eireann Mhor stormwater system within three years. The estimated total necessary maintenance is \$125,000.

In April 2018, bids were received for a reduced scope of work through RFQ 14-18. Four bids were received and ranged from \$44,517.00 to \$175,843.00. DID negotiated with the low bidder to further reduce the scope of work for the first phase of restoration to be under \$24,000.00 (\$158.00 per property). The HOA is satisfied with the scope and fee, per the attached letters dated April 24, 2018 and May 4, 2018. DID worked with the Legal Department to prepare the attached resolution and ordinance for Council review.

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



INSPECTION REPORT SHEET FOR STORM WATER MANAGEMENT FACILITIES

Legend: AC Acceptable X Not Acceptable
NC Not Complete NA Not Applicable
C See "Comments" NI Not Inspected
 Section for Explanation

Facility Name: Eireann Mhor Subdivison Date Approved: 10-12-90
 (As-Built)

Street Address: Galway Circle and Limrock Court

Latitude: 38° 20' 11'' N Longitude 75° 35' 58'' W District: 08 Map: 0117 Parcel: 0182A

Owner/ Address: C/o Larry J Causey & Sons, P.O Box 1411

Type of Facility: Retention swale and outfall structure

Maintenance Agreement Complete? YES NOT APPLICABLE

Project ID #: Eireann Mhor Sub.

Date of Agreement: 3/26/90 Liber/Folio: 1217/0166

Watershed Code: 02130301 Drainage Area: 6.81AC IMP Acres:

TOT Drain: 6.81AC CON Purpose: NEWD ADC Map: 22A3 Built Date: 10/12/90

Pictures Taken: YES NO

Inspection

Inspector's

Date: 11/9/16 Part. AsB, 1 yr., 3 yr. Name: Kevin Moran Initialed: KWM

Routine

1. Vegetation Condition

- AC A. Embankment slopes & reservoir bottom completely covered with live vegetation.
- AC B. Grass cut (or crown vetch uncut).
- X C. Embankment erosion occurring.
- AC D. Thistle, multiflora rose, noxious weeds, etc.
- AC E. No trees on or within 15 ft. of the toe of slope of a fill embankment, within a 25 ft. radius from control structure, or along fence line.

2. Fencing and Public Access

- NA A. Fencing upright and intact.
- NA B. Fence gate in place & locked – public access to reservoirs denied.
- NA C. Unauthorized vehicular access to maintenance roads and ramps denied.
- NA D. Fence crossing ES complies with standards.

3. Principal Spillway (Pipe Outfall)

NA A. All parts of metal riser and exposed metal pipes bituminous -coated. Corrosion in barrel invert?

(Check one)

- NA 1. Bituminous coating intact
- NA 2. Bituminous coating gone, no rust
- NA 3. Rusted invert
- NA 4. Rust holes in pipe
- NA 5. Rust holes in pipe with visible voids
- NA 6. Joint failures, open joints
- NA B. Trash racks undamaged and in place.
- NA C. Riser and anti-vortex device in place and in good condition.
- NA D. Riser openings correctly sized, without trash or sediment collected.
- AC E. Proper earth cover over pipes maintained. Barrel is not exposed.
- NA F. Minimum 1 ft. between anti-vortex device and embankment slope.
- NA G. Riser, low-flow pipe and barrel free of debris and sediment.

4. Emergency Spillway (Weir in Embankment)

- NA A. Completely stabilized (vegetated, gabions or rip rap).
- NA B. No settlement or erosion in inlet, level section or outlet section.
- NA C. Correct dimensions and elevations maintained (see "As Built" plans).

5. Embankments

- NA A. No uneven settlement of embankment top; top remains at "As Built" elevation.
- NA B. Embankment stable-no apparent sloughing or sliding.
- NA C. No cracking in embankment.
- NA D. No seepage at toe of downstream slope or wet area.
- NA E. Rodent holes in embankment.
- NA F. Holes adjacent to control structure or over barrel indicating piping or joint failure.

6. Outfall Channels

- AC A. Outfall channels properly stabilized.
- X B. No siltation of outfall channel; no trash in channel.
- X C. No erosion in channel/swale downstream of stabilized channel.
- X D. Velocity breakers in place as designed and approved.

7. Reservoir Area and Pilot Channel

- NA A. Pond bottom dry 24 hours after end of rainfall (dry pond only)
- NA B. Pilot channel stabilized & unsilted or incoming pipes/channels stabilized & intact.
- NA C. Flow from pilot channel can enter riser
- NA D. Stone in extended detention device is not silted
- NA E. No erosion adjacent to pilot channel stabilization.
- X F. No trash or debris dumped in reservoir area.
- NA G. Dimensions are the same as approved for "As Built" plans.
- AC H. No apparent dumping of liquids other than storm water has occurred.
- X I. Significant sedimentation has not occurred.
- AC J. No filling or excavation has occurred without grading/building permit.

8. Evidence of Overflow

- X A. Uncontrolled release over pond or infiltration pit, embankment or over curb.
- X B. Too much ponding in areas of parking lot, roof or underground storage.
- X C. Reports of flooding and/or excessively wet conditions downstream.

9. Porous Paving

- NA A. Paving clean and uncoated.
- NA B. Signs posted indicating area as porous-paved.
- NA C. Overflow storm drain system in good operating condition.
- NA D. No evidence of uncontrolled release or downstream flooding.

10. **COMMENTS OF INSPECTION:** **WEATHER:** Clear Cool, Low 60's

1. Stormwater outfall located at the Southwest corner of the development was observed to be completely blocked with leaf debris and trash. This blockage during a recent major rain event caused the stormwater to overflow into adjacent property (Parcel 3276) and damaged a previously re-constructed Stormwater Basin.

2. The swale leading to the outfall structure was observed to be choked with leaves, grass clippings and trash. Periodic maintenance is required to prevent the blockage of outfall structure.

11. **Description of needed maintenance and/or corrective action**

COMMENTS:

- 1) Clean debris and trash from swale leading to outfall structure.
- 2) Trim back tree branches over swale to allow for ease of swale maintenance.
- 3) Clean out basin around outfall structure.
- 4) Establish stone check dams in swale leading to outfall structure.

INSPECTOR SIGNATURE / DATE Kerrin S. Moran 11/10/16

S:\Public_Works\Technical Services\Forms\Storm Water\Stormwater Inspection Form-Master.doc

Revised 10.17.16

EIREANN MHOR HOMEOWNER'S ASSOCIATION, INC.
P.O. BOX 1411
Salisbury, MD 21802
eireannmohrhoa@yahoo.com

April 24, 2018

City of Salisbury
Department of Public Works
C/O Charles Kulp, Project Engineer
125 N. Division Street
Salisbury, Maryland 21801

Dear Sir,

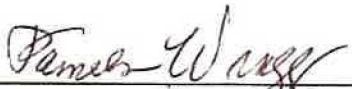
This letter is intended to communicate the Eireann Mhor Homeowners Association, Inc.'s formal request to have the City of Salisbury assist in the repair and maintenance of the community's storm water drainage facilities.

We request the following actions be performed by the City of Salisbury on behalf of the Eireann Mhor Homeowners Association (EMHOA):

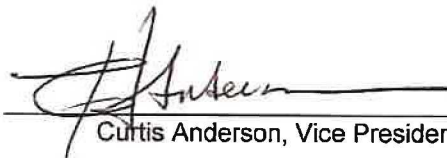
- Bidding of the project as detailed in the attached **Scope of Services** and mutually agreed upon by the EMHOA and the City of Salisbury.
 - The EMHOA estimates the total cost of the project will range between \$15,000 - \$20,000. We request further consultation should the obtained bids exceed the cost estimate.
- Billing of the project through special assessments allocated equally to each homeowner within the Eireann Mohr Development.
 - The EMHOA has reserved \$5,000 to be utilized towards the total project cost. We request the remaining balance be billed through the special assessment.
 - We request the special assessment be allocated over a period of one year (i.e. four quarters with the City's water/sewer bill) to migrate the financial burden on homeowners.

This formal request is hereby authorized via signatures by the current Board Members of the Eireann Mohr Homeowners Association, Inc.

Thank you.



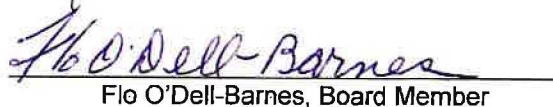
Pamela Wragg, President



Curtis Anderson, Vice President



Linda Ames, Board Member



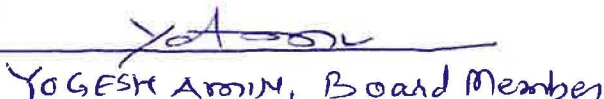
Flo O'Dell-Barnes, Board Member



Jackie Cox, Board Member



Craig Ames, Board Member



YOGESH ARORA, Board Member

EIREANN MHOR HOMEOWNER'S ASSOCIATION, INC.
P.O. BOX 1411
Salisbury, MD 21802
eireannmohrhoa@yahoo.com

May 4, 2018

Mr. Charles F. Kulp, Project Engineer
Department of Infrastructure and Development
City of Salisbury
125 N. Division Street
Salisbury, MD 21801

Dear Mr. Kulp,

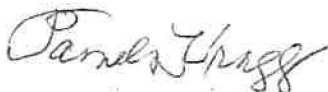
This letter serves as a summary of the items discussed as per our meeting on Wednesday May 2, 2018. It also outlines what was understood and agreed to by the Eireann Mhor Homeowners Association (EMHOA) board members in attendance (Pamela Wragg, Flo O'Dell, Kraig Ames and Curtis Anderson).

The EMHOA agrees to and understands that:

1. The recommended contractor, CHESAPEAKE TURF,LLC of 5652 N. Nithsdale Dr., Salisbury, MD, is to perform the work and enter right-of-ways of the Eireann Mhor properties as necessary to perform the outlined work in the amended and quoted upon Statement of Work.
2. The budget amount of not to exceed \$24,000 to perform all Line Items 101-106 except Line Item 105.
3. Line Item 105 may be performed considering two options: Option 1, perform in full except for not grading the bank to the original 4:1 ratio to use up the rest of the \$24,000 budget amount; or, Option 2, perform only as much linear-foot (LF) work until the \$24,000 budget cap is reached (estimated at 340 LF of the original 1,100 LF).
4. The \$24,000 will be billed on the annual tax assessment (Special tax assessment) and not the water/sewer bill.

Thank you, Mr. Kulp, for your careful consideration and cordial cooperation.

Sincerely,



Pamela Wragg,
EMHOA Board President