CITY OF SALISBURY, MARYLAND

#1 MEETING ***JANUARY 8, 2007***

PRESENT

Council President Michael P. Dunn
Council Vice President Gary A. Comegys
Councilwoman Deborah S. Campbell
Councilwoman Lynn B. Cathcart
Councilwoman Eugenie P. Shields

ABSENT

Mayor Barrie P. Tilghman

IN ATTENDANCE

City Clerk Brenda Colegrove, CMC, City Administrator John Pick, ICMA-CM, City Solicitor Paul Wilber, Public Works Director John Jacobs, Director of Internal Services Pam Oland, Assistant Director Internal Services-Procurement Karen Redderson, Director of Neighborhood Services and Code Compliance Tom Stevenson, Police Chief Allan Webster, Human Resources Director Mike Thompson, and interested Citizens and Members of the Press.

CONVENING – ADOPTION OF AGENDA

The City Council met in regular session at 6:00 p.m. in Council Chambers. A moment of silence was held for former President Gerald Ford followed by the Lord's Prayer and the Pledge of Allegiance.

Mr. Comegys moved and Mrs. Shields seconded to approve the agenda as presented. Mrs. Campbell moved to amend the agenda by adding (after Ordinance No. 2024), an item to discuss the Housing Board of Adjustments and Appeals postponement of the old mall hearing that had originally been scheduled for today. Mr. Comegys seconded and the amendment passed unanimously. The agenda, as amended, was unanimously approved.

CERTIFICATE OF APPRECIATION

On behalf of Mayor Tilghman, Councilwoman Shields presented a Certificate of Appreciation to Ms. Beverly Ward for her efforts with Weed and Seed, gang initiatives and replacing funding for the arts programs at several faith-based and non-profit organizations through Wicomico Partnership for Families and Children.

APPROVAL OF MINUTES

On a motion by Mrs. Shields and seconded by Mr. Comegys, the December 18, 2006 minutes were unanimously approved.

ORDINANCE NO. 2024 – 2ND READING – AMENDING 15.26.110(A) OF THE SALISBURY MUNICIPAL CODE – NON-COMPLIANCE WITH STATE'S LEAD ABATEMENT LAWS

Mrs. Cathcart moved and Mr. Comegys seconded to approve Ordinance No. 2024 for second reading. Director of Neighborhood Services and Code Compliance Tom Stevenson reviewed Ordinance No. 2024 amending Section 15.26.110(A) of the Salisbury Municipal Code to reflect that failure to comply with Article 24, Title 19-103, of the Annotated Code of Maryland shall result in the denial, non-renewal, revocation or suspension of a rental unit registration.

Ordinance No. 2024 for second reading passed unanimously.

DISCUSSION ON HOUSING BOARD OF ADJUSTMENT AND APPEALS POSTPONEMENT OF OLD MALL HEARING

Director of Neighborhood Services and Code Compliance Tom Stevenson provided a timeline of events concerning the old Salisbury Mall appeal request (copy attached and made a part of the original minutes).

AWARD OF BIDS

Mrs. Cathcart moved and Mrs. Campbell seconded to approve the Award of Bids. Director of Internal Services Pam Oland, along with Deputy Director of Public Works Chip Messick, presented the following items:

1.	*Award of Contract #RFP 12-06* *Water and Sewer Master Plan (Acct #81080-513024 - $50,000.00; 84080-513025 - $50,000.00)* *O'Brien & Gere*	*$100,000.00*
2.	*Award of Contract #RFP 8-07* *Northeast Collector Road – Phase 3 Inspection Services* *Account #31151-513020-40005 - $81,585.00; 86078-513020-56005 – $9,870.00; 82078-513020-50005 - $13,545.00)* *Johnson, Mirmiran & Thompson*	*$105,000.00*

The above items were unanimously approved.

ORDINANCE NO. 2025 – 1ST READING – AMENDING 8.16.090 OF THE SALISBURY MUNICIPAL CODE – CLARIFYING MANDATORY TRASH COLLECTION

Mr. Comegys moved and Mrs. Cathcart seconded to approve Ordinance No. 2025 for first reading. Director of Internal Services Pam Oland and Public Works Director John Jacobs introduced Ordinance No. 2025 amending Section 8.16.090 of the Salisbury Municipal Code. The Ordinance clarifies that the monthly disposal fee is mandatory for all residential units, excepting certain multi-family residential buildings, irrespective of whether they utilize the garbage collection services provided.

Ordinance No. 2025 for first reading passed unanimously.

RESOLUTION NO. 1471 – REVISING 457 DEFERRED COMPENSATION PLAN

Mr. Comegys moved and Mrs. Cathcart seconded to approve Resolution No. 1471. Human Resources Director Mike Thompson presented Resolution No. 1471 revising the 457 Deferred Compensation Plan Document to include the following four provisions: 1) deferral of sick, vacation and back pay (timing requirements); 2) protection for employees who serve in the military; 3) in-service distributions – age 70 1/2; and 4) in-service distribution – rollover assets.

Resolution No. 1471 was unanimously approved.

CONSENT AGENDA

Mrs. Shields moved and Mr. Comegys seconded to approve the Consent Agenda. City Clerk Brenda Colegrove submitted the following Consent Agenda items:

- *Resolution No. 1472 – accepting grant funds of $4,000 in cooperation with the Maryland Office of Highway Safety to provide overtime reimbursement to police officers participating in DUI and Smooth Operator enforcement;*
- *Resolution No. 1473 – accepting $8,000 in grant funds awarded through the Wicomico County Sheriff's Office to provide overtime reimbursement for the Tobacco Enforcement Youth Initiative; and*
- *Resolution No. 1474 – Mayor Tilghman's recommendation to reappoint Marshall Zugehar and Mary Zugehar to the Friends of Poplar Hill Mansion Board of Directors for terms expiring December 31, 2009.*

The Consent Agenda was unanimously approved.

RESOLUTION NO. 1475 – APPROVING ELECTION SUPPORT SERVICES AGREEMENT BETWEEN THE CITY AND DIEBOLD ELECTION SYSTEMS, INC.

Mrs. Cathcart moved and Mr. Comegys seconded to approve Resolution No. 1475. City Clerk Brenda Colegrove introduced Resolution No. 1475 approving Election Support Services Agreements with Diebold Election Systems, Inc. for the City's Primary and General Elections.

Resolution No. 1475 passed unanimously.

RESOLUTION NO. 1476 – AMENDING CITY COUNCIL REGULATIONS AND RULES OF ORDER ADDRESSING CONFIDENTIALITY OF INFORMATION SHARED IN CLOSED SESSION MEETINGS

Mr. Comegys moved and Mrs. Cathcart seconded to approve Resolution No. 1476. City Attorney Paul Wilber reviewed the proposed addition to the City Council Regulations and Rules of Order regarding the confidentiality of information shared in closed session meetings.

Mrs. Campbell voiced her concern with the last sentence and moved to amend the language so that it would not be required to be discussed in a closed session – that it could be brought to the Council at a regular meeting of the Council as a motion to be made public. Mrs. Cathcart seconded the motion. For clarification purposes, Mrs. Campbell amended her motion so that the

sentence would read "Such a request shall be raised during a regular City Council meeting." Mrs. Cathcart seconded.

After further discussion, Mrs. Campbell noted that the language also needed to be changed at the bottom of page 7. Mrs. Campbell subsequently withdrew her motion and moved to strike the language "Any request for such a vote shall be first raised during a closed session for discussion purposes prior to a vote in open session." (last sentence at the bottom of page 7) and the last sentence in the paragraph at the top of page 8 – "Such a request for disclosure shall first be raised during closed session for discussion prior to a vote in open session". Mr. Comegys seconded the motion.

After receiving comments from five members of the audience voicing their concern with the proposed addition to the Regulations and Rules of Order, Mrs. Campbell withdrew her motion and moved to postpone Resolution No. 1476 to discuss at a work session. The motion died for lack of a second. Mrs. Campbell moved to reinstate her motion to strike the language "Any request for such a vote shall be first raised during a closed session for discussion purposes prior to a vote in open session." (last sentence at the bottom of page 7) and the last sentence in the paragraph at the top of page 8 – "Such a request for disclosure shall first be raised during closed session for discussion prior to a vote in open session". Mr. Comegys seconded and the amendment passed unanimously. Resolution No. 1476, as amended, passed unanimously.

PUBLIC COMMENTS

Four members of the public commented on the following:

- *graffiti problem – asked Council to consider an Ordinance to ban the purchase of spray paint to anyone under the age of 18;*
- *asked Council their thoughts on the future of Fire Station #16;*
- *concern with short period of time allowed by Housing Board of Adjustments & Appeals for a hearing on a particular case, but the old mall hearing was granted a longer period;*
- *hoped that Council's decisions in 2007 would be all inclusive of each other*
- *accountability – checks and balances should be in place for each department.*

With no further business, the meeting adjourned at 7:50 p.m.

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City Clerk

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Council President