CITY OF SALISBURY, MARYLAND

#5 MEETING ***MARCH 12, 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
Mayor Barrie P. Tilghman (left at 7:25 p.m.)

IN ATTENDANCE

City Clerk Brenda Colegrove, CMC, City Administrator John Pick, ICMA-CM, City Attorney Paul Wilber, Public Works Director John Jacobs, Director of Internal Services Pam Oland, Major Jeff Livingston, Assistant Director of Internal Services-Procurement Karen Reddersen, Planning, Zoning and Community Development Director Jack Lenox, and interested Citizens and Members of the Press.

CONVENING – ADOPTION OF AGENDA

The City Council and Mayor met in regular session at 6:00 p.m. in Council Chambers. Council President Dunn called the meeting to order. The Lord's Prayer and the Pledge of Allegiance were recited. Mrs. Shields moved and Mrs. Cathcart seconded to approve the agenda as presented. Mrs. Campbell moved and Mr. Comegys seconded to remove Resolution No. 1498 (appointment to Marina Committee) from the Consent Agenda and place it on the regular agenda before Resolution No. 1500. All voted in favor of the amendment with the exception of Mrs. Cathcart. The agenda, as amended, was approved on a 4-1 vote with Mrs. Cathcart voting nay.

PUBLIC COMMENTS

Three members of the audience commented on the following issues:

- *density of old mall project;*
- *notice of wetlands permit application by City – no mention of how the loss of wetlands would be compensated for;*
- *article in newspaper relating to property on Miami Avenue (clarified that this was County property rather than City);*
- *request for progress report on Beaverdam Creek;*
- *damage incurred to Salisbury Cemetery due to vehicle accident;*
- *improvements to Dykes Road; and*
- *old mall project's impact on water supply.*

PROCLAMATION

Mayor Tilghman presented a proclamation proclaiming "Boy Scout Troop #379 and the Pack #379 Anniversary Day" in recognition of their 45th anniversary. Accepting the proclamation

were Pastor Luther Hill, Scoutmaster Howard Ward, Scout Bryant Brooks and Grants/Special Projects Director Loré Chambers.

PRESENTATION OF AUDIT REPORT

Mr. Herb Geary (TriceGeary & Myers), along with Director of Internal Services Director Pam Oland, presented the City's FY06 audit report. The City received an unqualified opinion – the highest level of assurance the accounting firm can render as an independent auditor.

APPROVAL OF MINUTES

On a motion and a second by Mrs. Shields and Mr. Comegys, respectively, the minutes of February 26, 2007 were unanimously approved.

RESOLUTION NO. 1495 – ENTERPRISE ZONE ELIGIBILITY – RESIDENCE INN BY MARRIOTT

Mr. Comegys moved and Mrs. Shields seconded to approve Resolution No. 1495. City Administrator John Pick and Mr. Ford Barton (representing Residence Inn) addressed Resolution No. 1495 declaring that Residence Inn by Marriott, located at 2323 N. Zion Road, was eligible to receive Enterprise Zone benefits. The business qualified by creating more than two full-time positions and investing more than $50,000 in the property since locating in the Enterprise Zone.

Resolution No. 1495 passed on a 4-1 vote with Mrs. Campbell voting nay.

RESOLUTION NO. 1496 – SUPPORTING THE CREATION OF A COUNCIL OF GOVERNMENTS

Mrs. Shields moved and Mr. Comegys seconded to approve Resolution No. 1496. City Administrator John Pick presented Resolution No. 1496 supporting the creation of a Council of Governments to serve as a forum for communication among all governmental entities in Wicomico County.

Resolution No. 1496 passed on a 4-1 vote with Mrs. Campbell casting the nay vote.

(The Council took a break at 7:15 p.m. and reconvened at 7:20 p.m.)

RESOLUTION NO. 1497 – AUTHORIZING THE POLICE CHIEF TO SIGN A REVISED WICOMICO COUNTY NARCOTICS TASK FORCE AGREEMENT

Mr. Comegys moved and Mrs. Campbell seconded to approve Resolution No. 1497. Major Jeff Livingston of the Salisbury Police Department introduced Resolution No. 1497 authorizing the police chief to sign a revised Wicomico County Narcotics Task Force Agreement. The agreement reflects the change in the office of the Sheriff for Wicomico County and the re-codification of Article 27 of the Maryland Annotated Code into the Criminal Law Article and the Criminal Procedure Article.

Resolution No. 1497 was unanimously approved.

CONSENT AGENDA

Mr. Comegys moved and Mrs. Campbell seconded to approve the Consent Agenda. City Clerk Brenda Colegrove presented the following item:

> ***Resolution No. 1499*** *– accepting the donation of three pecan trees from Mr. Tom Wieland for planting in the City Park.*

The Consent Agenda was unanimously approved.

RESOLUTION NO. 1498 – APPOINTMENT TO MARINA COMMITTEE

Mrs. Campbell moved and Mr. Comegys seconded to approve Resolution No. 1498. Mayor Tilghman presented Resolution No. 1498 and recommended the appointment of Mr. Phillip Donahue to the Marina Committee for a term ending January 2009.

Resolution No. 1498 passed unanimously.

RESOLUTION NO. 1500 – APPROPRIATING FUNDS FROM THE CONTINGENCY FUND FOR DOCUMENT IMAGING SYSTEM

Mrs. Cathcart moved and Mrs. Campbell seconded to approve Resolution No. 1500. City Clerk Brenda Colegrove presented Resolution No. 1500 to appropriate and authorize the expenditure of $8,009.00 from the Contingency Fund to cover the first lease/purchase payment for a document imaging system.

Resolution No. 1500 was unanimously approved.

AWARD OF BIDS

Mrs. Cathcart moved and Mr. Comegys seconded to approve the Award of Bids. The following items were presented by Assistant Director of Internal Services-Procurement Karen Reddersen:

1.	*Surplus of items – police duty weapon*	*-0-*
2.	*Contract #14-07 Document Imaging System*	*$36,640.64*
	REAMS Acct. No. 90500-559500	

The above items were unanimously approved.

ORDINANCE NO. 2028 – 2ND READING – BUDGET AMENDMENT APPROPRIATING FUNDS FROM THE CONTINGENCY FUND FOR INCREASED COSTS OF MANAGING THE MARINA

Mrs. Campbell moved and Mr. Comegys seconded to approve Ordinance No. 2028. Director of Internal Services Pam Oland, along with Mr. Mitch Nathanson (Coastal Properties), reviewed Ordinance No. 2028 for second reading. The Ordinance approves a FY07 budget amendment to

appropriate $30,000 from the Contingency Fund for the increased costs of managing the marina.

Ordinance No. 2028 for second reading passed unanimously.

ORDINANCE NO. 2030 – 1ST READING – AUTHORIZING TIF BONDS FOR VILLAGE AT SALISBURY LAKE

Mrs. Cathcart moved and Mr. Comegys seconded to approve Ordinance No. 2030 for first reading. Director of Internal Services Pam Oland and Ms. Lindsey Rader (bond counsel) introduced Ordinance No. 2030 authorizing TIF bonds for the Village at Salisbury Lake project in an aggregate principal not to exceed $16,000,000 and bearing interest at a rate not to exceed 9%. A public hearing on the Ordinance is scheduled for the March 26, 2007 Council meeting.

On a motion and a second by Mr. Comegys and Mrs. Cathcart, respectively, the revised Exhibits A and B were unanimously accepted to Ordinance No. 2030.

A discussion was held concerning the five acre parcel in which it was requested that the developers negotiate with the County to obtain the parcel for overflow parking for the Civic Center. County Executive Rick Pollitt and three members of the business community related their concerns with inadequate parking and the need for this parcel to ensure the economic viability of the Civic Center. A copy of a fact sheet disseminated by Mr. Ed Urban regarding the parking impact is attached to the original minutes.

Mr. Natelson, developer for the project, acknowledged that, after completing an economic analysis, they concluded that they would be better off, and the City surpluses would be higher, if the maximum bond amount was reduced from $16,000,000 to $15,000,000. Mr. Natelson proposed this as an alternative. Ms Rader will work on the Ordinance to include the $15,000,000 for the March 26, 2007 Council meeting.

After further discussion, all voted in favor of Ordinance No. 2030 for first reading with the exception of Mrs. Campbell who voted nay.

RESOLUTION NO. 1501 – AMENDING DEFINITIONS CONTAINED IN RESOLUTION NO. 1119 (RELATING TO VILLAGE AT SALISBURY LAKE)

Bond counsel Lindsey Rader explained that Resolution No. 1501 was a "clean-up resolution" in order to provide for consistency between the definitions contained in Resolution No. 1119 and the corresponding definitions set forth in the Tax Increment Financing Act.

No action was taken on Resolution No. 1501 – introduction only. A public hearing is scheduled for the March 26, 2007 Council meeting at which time a vote will be taken.

With no further business, the meeting adjourned at 8:52 p.m.

City Clerk	*Council President*