CITY OF SALISBURY, MARYLAND

#15 MEETING ***AUGUST 13, 2007***

PRESENT

Council President Louise Smith
Council Vice President Gary A. Comegys
Councilwoman Deborah S. Campbell
Councilwoman Terry E. Cohen
Councilwoman Eugenie P. Shields
Mayor Barrie P. Tilghman (left 8:14 p.m.)

IN ATTENDANCE

City Clerk Brenda Colegrove, CMC, Assistant City Administrator Loré Chambers, City Attorney Paul Wilber, Building, Permitting and Inspections Director William Holland, Acting Public Works Director Chip Messick, Assistant Director Internal Services-Finance Gerri Moore, Acting Director Internal Services Karen Reddersen, Fire Chief David See, Police Chief Allan Webster, 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 Louise Smith called the meeting to order. President Smith extended best wishes to the West Salisbury Little League team playing in the Regional Championship game tonight with hopes of moving on to the Little League World Series in Williamsport, Pennsylvania. The Lord's Prayer and the Pledge of Allegiance were recited.

Mr. Comegys moved and Mrs. Shields seconded to approve the agenda as presented. Mrs. Campbell moved to add Resolution No. 1551 (rescinding Resolution No. 1530 and Resolution No. 1541 relative to the increase in water and sewer rates) to the agenda. Mr. Comegys seconded and the amendment passed unanimously. Mrs. Cohen moved and Mrs. Campbell seconded to remove Ordinance No. 2036 from the agenda for further discussion by Council at a work session. The amendment passed on a 4-1 vote with Mr. Comegys voting nay. The agenda, as amended, was unanimously approved.

PROCLAMATIONS

Mayor Tilghman and County Council President John Cannon read proclamations recognizing the City of Salisbury's 275th anniversary (proclamations attached and made a part of the original minutes).

CERTIFICATE OF RECOGNITION

Mayor Tilghman presented a Certificate of Appreciation to WalMart for their generosity in donating new bicycles over the last three years to the Earn-A-Bike Program.

APPROVAL OF MINUTES

On a motion by Mr. Comegys and seconded by Mrs. Shields, the July 23, 2007 minutes were unanimously approved. On a motion and a second by Mr. Comegys and Mrs. Shields, respectively, the August 6, 2007 Special Meeting minutes were unanimously approved.

CONSENT AGENDA

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

- *Resolution No. 1543 – reappointment of Bonita Creamer, Brendan Frederick and Lucilla Graff to the Traffic and Safety Advisory Committee for terms ending July 2010.*
- *Resolution No. 1544 – accepting the donation of a containment structure from Pizzagalli Construction Company for the WWTP (estimated value $2,700).*
- *Resolution No. 1545 – accepting the donation of professional painting services from Mr. W. Frank Ennis for the painting of the City Park Bandstand (estimated labor value $3,900).*

The Consent Agenda was unanimously approved.

EAST SIDE MEN'S CLUB TAX EXEMPTION REQUEST

Mr. Comegys moved and Mrs. Cohen seconded to approve the East Side Men's Club tax exemption request. Acting Director Internal Services Karen Reddersen and Mr. Michael Stein (representing East Side Men's Club), addressed East Side Men's Club request for a tax exemption of $3,672.49 ($2,191.65 real estate; $1,480.84 personal property).

The East Side Men's Club tax exemption request was unanimously approved.

AWARD OF BIDS

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

1. *Change Order for Contract #106-06* — *$99,680.00*
   Design Services-Fire Department Headquarters & Administrative Offices
   Acct. No. 31155-513020-43000
   Design Atlantic Ltd.
2. *Change Order for Contract #106-06B (05268)* — *$112,045.00*
   Fire Department Headquarters & Administrative Offices
   Acct. No. 31155-513026-43000
   Gillis Gilkerson
3. *Recommendation of Award – Contract #101-08* — *$209,675.09*
   King Street Paving Project Acct. No. 31155-577020-43000
   American Paving
4. *Recommendation of Award Contract #A-17-08* — *$172,900.00*
   Potable Water Grade Ferric Chloride 38% Acct. No. 86083-546004
   PVS Technologies, Inc.

5. *Recommendation of Contract Renewal A-03-06* *$217,550.00*
   Miscellaneous Chemicals Acct. No. 82075-546004
   Intercoastal Trading, Inc.

Items 1, 3, 4 and 5 were unanimously approved.

Mrs. Campbell moved and Mrs. Cohen seconded to vote on the glass in Item 2 separately. The motion failed on a 2-3 vote with Mrs. Shields, Mrs. Smith and Mr. Comegys voting nay. Item 2 was approved on a 4-1 vote with Mrs. Campbell voting nay.

RESOLUTION NO. 1546 – APPROVING QUIT CLAIM DEED FOR SLOPE EASEMENT (801-803 AND 805 W. MAIN STREET)

Mr. Comegys moved and Mrs. Shields seconded to approve Resolution No. 1546. City Attorney Paul Wilber presented Resolution No. 1546 approving a quit claim easement agreement to facilitate development of property located at 801-803 and 805 W. Main Street.

Mrs. Campbell moved to lay on the table Resolution No. 1546 in order to discuss Resolution No. 1547 and then return back to discussion on this Resolution. Mrs. Shields seconded the motion. The vote was 4-1 with Mr. Comegys casting the nay vote.

RESOLUTION NO. 1547 – EXTENDING THE TIME PERIOD FOR WAIVER OF LIENS FOR 801-803 AND 805 W. MAIN STREET

Mr. Comegys moved and Mrs. Campbell seconded to approve Resolution No. 1547. Acting Director Internal Services Karen Reddersen and Assistant Director Internal Services-Finance Gerri Moore introduced Resolution No. 1547. The Resolution extends the waiver of liens on 801-803 and 805 W. Main Street for 180 days after the approval of the easement provided that Don Hughes and/or R&D/622 Inc. complete development of the property in that time and that, if the property is sold prior to development, all liens will be reinstated and due to the City at closing.

After discussing the proposed 180 days request, Mrs. Shields moved and Mr. Comegys seconded to amend Resolution No. 1547 by changing the 180 days to 120 days. The amendment passed unanimously.

Mrs. Campbell moved to amend Resolution No. 1547 to require Mr. Hughes or his company to pay the outstanding liens in an amount as yet to be determined by the Department of Neighborhood Services and Code Compliance with the caveat that, if we do that, the easement articulated in Resolution No. 1546 would be granted. Mrs. Cohen seconded the motion. After a brief discussion, Mrs. Campbell amended her motion to require the payment of liens so that a compromise could be achieved in support of recovering taxpayer money. Mrs. Cohen seconded the motion. The motion failed to pass with Mrs. Shields, Mrs. Smith and Mr. Comegys voting nay and Mrs. Campbell and Mrs. Cohen voting aye.

Resolution No. 1547, as amended, passed on a 3-2 vote with Mrs. Campbell and Mrs. Cohen voting nay.

RESOLUTION NO. 1546 – APPROVING QUIT CLAIM DEED FOR SLOPE EASEMENT (801-803 AND 805 W. MAIN STREET)

Mrs. Campbell moved to take from the table Resolution No. 1546. Mr. Comegys seconded and the vote was unanimous. After discussion, Resolution No. 1546 passed on a 3-2 vote with Mrs. Campbell and Mrs. Cohen casting the nay votes.

(The Council took a break at 7:52 p.m. and reconvened at 7:58 p.m.)

RESOLUTION NO. 1551 – RESCINDING RESOLUTION NO. 1530 AND RESOLUTION NO. 1541

Mrs. Campbell moved and Mrs. Shields seconded to approve Resolution No. 1551. Resolution No. 1551, as explained by Acting Director Internal Services Karen Reddersen, rescinds Resolution No. 1530 (increasing the water and sewer rates by 10%) and rescinds Resolution No. 1541 (start date for new water and sewer rates) and maintains the current water and sewer rates.

Resolution No. 1551 passed unanimously.

ORDINANCE NO. 2035 – 2ND READING – AMENDMENT TO FY08 WATER AND SEWER BUDGET

Mr. Comegys moved and Mrs. Campbell seconded to approve Ordinance No. 2035 for second reading. Acting Director Internal Services Karen Reddersen related that Ordinance No. 2035 would need to be amended to cover the revenue shortfall in the FY08 Water and Sewer Fund budget since the rate increase was rescinded (copy of proposed amended Ordinance 2035 attached to original minutes).

Mrs. Shields moved to amend Ordinance No. 2035 as recommended by Mrs. Reddersen – increase the current surplus account by $1,000,000; decrease the water sale account by $370,000; and decrease the sewer sale account by $630,000. Mrs. Campbell seconded and the amendment passed unanimously.

Mrs. Campbell moved and Mrs. Cohen seconded to achieve 50% of these cuts by going back to the Water and Sewer Budget and making cuts from the budget with the other half from surplus. After a brief discussion, Mrs. Cohen offered a friendly amendment and moved that the Council look for a combination of cuts combined with monies out of the surplus in order to amend the budget to account for the revenue shortfall. Mrs. Campbell seconded the motion. Mrs. Cohen's amendment failed with Mrs. Shields, Mrs. Smith and Mr. Comeys voting nay and Mrs. Campbell and Mrs. Cohen voting aye. Mrs. Campbell's motion also failed with all five members voting nay.

Ordinance No. 2035, as amended, passed unanimously.

ORDINANCE NO. 2037 – 1ST READING – AMENDING CHAPTER 15.04, BUILDING CODE, OF THE SALISBURY MUNICIPAL CODE

Mr. Comegys moved and Mrs. Shields seconded to approve Ordinance No. 2037 for first reading. Director of Building, Permitting and Inspections William Holland introduced Ordinance No. 2037 repealing Sections 15.04.010 through 15.04.040 of Chapter 15.04, Building Code, and adopting Section 15.04.010 Standard Building Codes and corresponding amendments to the 2006 International Building Code (2206(IBC) in Sections 15.04.020.

Ordinance No. 2037 for first reading was unanimously approved.

RESOLUTION NO. 1548 – ESTABLISHING DATE FOR A PUBLIC HEARING – EAST NAYLOR MILL ROAD-RUARK (FORMERLY CANNON) PROPERTY ANNEXATION

Mr. Comegys moved and Mrs. Cohen seconded to approve Resolution No. 1548. Mr. Chris Jukubiak introduced Resolution No. 1548 establishing a public hearing date of September 24, 2007 for annexing 8.9 acres located on the easterly side E. Naylor Mill Road and the northwesterly side of Brewington Branch. Upon annexation the property would be zoned R-10A as recommended by the Planning Commission. Development plans include fourteen single-family homes and four duplex units.

After discussion, Resolution No. 1548, establishing a public hearing date of September 24, 2007, was unanimously approved.

RESOLUTION NO. 1549 – ENTERPRISE ZONE ELIGIBILITY – 2424 NORTHGATE, LLC

Mr. Comegys moved and Mrs. Shields seconded to approve Resolution No. 1549. Assistant City Administrator Loré Chambers, along with Mr. Blair Rinnier, presented Resolution No. 1549 requesting that 2424 Northgate, LLC is eligible to receive Enterprise Zone benefits for the property located at 2424 Northgate Drive. The company invested more than $50,000 since locating in the Enterprise Zone.

Resolution No. 1549 passed unanimously.

RESOLUTION NO. 1550 – ALLOWING URBAN SALISBURY TO CLOSE W. MAIN STREET (THE PLAZA) TO VEHICULAR TRAFFIC FOR SPECIAL EVENTS

Mr. Comegys moved and Mrs. Cohen seconded to approve Resolution No. 1550. Assistant City Administrator Loré Chambers and Urban Salisbury Director Alan Hope presented Resolution No. 1550 allowing Urban Salisbury, Inc. to close W. Main Street (The Plaza) to vehicular traffic for up to eighteen events through December 2008.
Resolution No. 1550 was unanimously approved.

PUBLIC COMMENTS

Two members of the audience commented on the following issues:

- *Salisbury Cemetery – replacement of broken monuments, tree plantings, implementation of plan of action;*
- *new fire station;*
- *inspections on City Park Bandstand and bridge; and*
- *preserving Pemberton's Goodwill historical marker (between Mill Street and railroad right-of-way).*

With no further business, the meeting adjourned at 9:03p.m.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
AUGUST 20, 2007

TIME & PLACE:	*4:32 p.m., Conference Room 305 – Government Office Building*
PURPOSE:	*Consult with legal counsel/potential litigation*
VOTE TO CLOSE:	*3-2(Mrs. Shields, Mrs. Smith, Mr. Comegys – aye; Mrs. Campbell and Mrs. Cohen - nay*
CITATION:	*Annotated Code of Maryland Sections 10-508(a)(7)(8)*
PRESENT:	*Council President Louise Smith, Council Vice President Gary Comegys, Councilwoman Deborah Campbell*, Councilwoman Terry Cohen, Councilwoman Eugenie Shields, City Clerk Brenda Colegrove, City Administrator John Pick, Assistant City Administrator Loré Chambers, Acting Director Public Works Chip Messick, Acting Director Internal Services Karen Reddersen*
	** Councilwoman Campbell left the meeting after the vote was taken.*

At 4:32 p.m. in Conference Room 305 of the Government Office Building, Mr. Comegys moved and Mrs. Shields seconded to convene in closed session to consult with counsel on a legal matter/potential litigation regarding the contract with a vendor as permitted under the Annotated Code of Maryland Sections 10-508(a)(7)(8). After a brief discussion with the City Attorney related to Mrs. Campbell's and Mrs. Cohen's concerns (questioned whether all material provided to Council was privileged and confidential), the Council voted 3-2 to convene in closed session. Mrs. Campbell and Mrs. Cohen cast the nay votes.

Mr. Wilber explained the legal issues involving the contract with the vendor and recommended a course of action for the Council to consider. After discussion, the Council arrived at a consensus as recommended by the City Attorney.

At 4:45 p.m., upon a motion and a second by Mr. Comegys and Mrs. Cohen, respectively, the Council adjourned the closed session.

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City Clerk

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Council President