CITY OF SALISBURY, MARYLAND

#23 MEETING ***DECEMBER 10, 2007***

PRESENT

Council President Louise Smith
Council Vice President Gary A. Comegys
Councilwoman Deborah S. Campbell
Councilwoman Terry E. Cohen
Councilwoman Eugenie P. Shields (arrived 6:20 p.m.)
Mayor Barrie P. Tilghman (left 7:02 p.m.)

IN ATTENDANCE

City Clerk Brenda Colegrove, CMC, City Administrator John Pick, ICMA-CM, Assistant City Administrator Loré Chambers, City Attorney Paul Wilber, Internal Services Director Pam Oland, Fire Chief David See, 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 Smith called the meeting to order. The Lord's Prayer and the Pledge of Allegiance were recited.

Mr. Comegys moved and Mrs. Campbell seconded to approve the agenda as presented. Mr. Comegys moved and Ms. Cohen seconded to amend the agenda by adding Resolution No. 1610 (Enterprise Zone – Chesapeake Shipbuilding Corporation). The motion carried unanimously (Mrs. Shields was not present during vote).

Ms. Cohen moved to amend the agenda by removing Resolution No. 1605 from the Consent Agenda to be discussed separately (after Consent Agenda). Mrs. Campbell seconded and the motion carried unanimously (Mrs. Shields was not present during vote).

The agenda, as amended, was unanimously approved (Mrs. Shields was not present during vote).

CERTIFICATE OF APPRECIATION

Mayor Tilghman and Councilwoman Campbell presented a Certificate of Appreciation to Ms. Paula Morris for her outstanding contribution to the community through her development and implementation of the Kids of Honor program.

PRESENTATION OF AUDITOR'S OPINION ON FY07 AUDIT

Mr. Herb Geary (TriceGeary & Myers), along with Internal Services Director Pam Oland, provided an update on the preparation of the FY07 audit. Upon completion of the audit, the firm expected to issue an unqualified opinion – the highest level the firm could render.

PUBLIC HEARING – RESOLUTION NO. 1604 – APPROVING CALCULATION OF MAXIMUM PERMITTED COMCAST RATES

Mr. Comegys moved and Mrs. Shields seconded to approve Resolution No. 1604. City Administrator John Pick presented Resolution No. 1604 approving the calculation of maximum permitted rates for limited basic service and regulated equipment rates and installation charges as set forth in Comcast's rate filings Forms 1240 and 1205.

After receiving one public comment, Resolution No. 1604 passed unanimously.

PUBLIC HEARINGS *(presented by City Attorney Paul Wilber)*

- ***Ordinance No. 2044 - General Obligations Bonds issuance***
  Mr. Wilber recommended amending Ordinance No. 2044 as follows:

  1. *Adding $1.3 million for the Waverly Drive Storm Sewer project*
  2. *Reducing the amount to be bonded for Fire Station #2 from #375,000 to $90,000*
  3. *Deleting the following items:*
     - *Energy conservation projects -- $56,000*
     - *Engineering for Springfield Circle Storm Sewer -- $22,000*
     - *Government Office Building Boiler Replacement -- $42,500*
     - *Government Office Building Chiller Replacement -- $10,000*

  With the above changes, the amount of the proposed bond issuance would be $4,129,000 rather than $32,244,500 as listed below:

Total in Bond Ordinance	*$3,244,500*
Add Waverly Drive	*1,300,000*
Reduce Fire Station #2 renovation	*(285,000)*
Remove Energy Conservation Projects	*(56,000)*
Remove Springfield Circle Storm Drain	*(22,000)*
Remove Boiler Replacement	*(42,500)*
Remove Chiller Replacement	*(10,000)*
Recommended Total	*$4,129,000*

  Mr. Comegys moved and Mrs. Shields seconded to approve the amendment to the bond issuance as recommended. The amendment passed unanimously.

  Four members of the audience commented on the Waverly Drive project and the need for the flooding problems to be resolved. This was a public hearing only – no final action was taken by the Council.
- ***Ordinance No. 2045 – imposing a 60-day moratorium on adult establishments***
  No public comments were received. This was a public hearing only – no action was taken by Council.

AWARD OF BIDS *(presented by Internal Services Director Pam Oland)*

Mr. Comegys moved and Mrs. Shields seconded to approve the Award of Bids. The following items were unanimously approved:

1.	*Surplus of Items – Fire Department vehicles*	*-0-*
2.	*Surplus of Items – Police in-car computers*	*-0-*
3.	*Ratification of WWTP Change Order #14 (Tier 1)* *Contract #115-05 Phase 1 WWTP expansion and ENR upgrade* *Acct. #86078-577046-55501 - $12,232.69* *Acct. #86078-577046-55504 - $25,881.31*	*$38,114.00*
4.	*Ratification of WWTP Change Order #15 (Tier 2)* *Contract #115-05 Phase 1 WWTP expansion and ENR upgrade* *Acct. #86078-577046-55501 - $25,380.41* *Acct. #86078-577046-55504 - $53,698.59*	*$79,079.00*
5.	*Ratification of WWTP Change Order #16 (Tier 1)* *Contract #115-05 Phase 1 WWTP expansion and ENR upgrade* *Acct. #86078-577046-55505 - $12,232.69* *Acct. #86078-577046-55504 - $25,881.31*	*$49,004.00*
6.	*Ratification of WWTP Change Order #17 (Tier 2)* *Contract #115-05 Phase 1 WWTP expansion and ENR upgrade* *Acct. #86078-577046-55501 - $26,464.25* *Acct. #86078-577046-55504 - $55,991.75*	*$82,456.00*
7.	*Ratification of WWTP Change Order #18 (Tier 3)* *Contract #115-05 Phase 1 WWTP expansion and ENR upgrade* *Acct. #86078-577046-55505 - $34,498.27* *Acct. #86078-577046-55504 - $72,989.73*	*$107,488.00*
8.	*Recommendation of award of RFP 06-08 vehicle leasing* *Acct. # - various*	*$549,964.11*
9.	*Renewal of Contract #101-05 EMS Billing* *Acct. #24035-513069*	*8.5%*

CONSENT AGENDA *(presented by City Clerk Brenda Colegrove)*

On a motion and a second by Mr. Comegys and Mrs. Shields, respectively, the Consent Agenda (items listed below) was unanimously approved.

- *November 26, 2007 Minutes; and*
- *Resolution No. 1606 – accepting donation of three utility vehicles from the Fire Department's Volunteer Corporations.*

RESOLUTIONS *(introduced by City Administrator John Pick)*

- *Resolution No. 1605 - reappointments/appointments to Board of Zoning Appeals*
  Mr. Comegys moved and Mrs. Campbell seconded to approve Resolution No. 1605. Mrs. Campbell moved to postpone the appointment of an alternate to January in order to advertise, but subsequently withdrew the motion. Mrs. Campbell moved and Ms. Cohen seconded to withdraw Lynn Cathcart's name as an alternate from Resolution No. 1605. The motion failed to pass on a 2-3 vote with Mrs. Smith, Mrs. Shields and Mr. Comegys casting the nay votes. After further discussion, Resolution No. 1605 passed on a 3-2 vote with Mrs. Campbell and Ms. Cohen voting nay.

- *Resolution No. 1567 – Jersey Road-Lockman Property Annexation*
  Mr. Comegys moved and Mrs. Shields seconded to approve Resolution No. 1567. On the recommendation of City Administrator John Pick, Sections 2 and 3 were amended unanimously as follows (previous Section 3 becomes Section 4) on a motion by Mr. Comegys and seconded by Mrs. Shields:

  SECTION 2. AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, THAT the Report of Annexation Plan, marked as Exhibit "B", attached hereto and made a part hereof, is hereby adopted.

  SECTION 3. AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, THAT the annexation of the said area be made subject to the terms and conditions in the above described Annexation Agreement, marked as Exhibit "C", attached hereto and made a part hereof.

  Mr. Comegys moved and Ms. Cohen seconded to amend the Annexation Agreement (Exhibit "C") as recommended by the City Attorney in the Council's Briefing Book by adding the following to 1. Warranties and Representation of City:

  "F. The City zones the Property as follows:
  - *i. Thirty-six (36) acres of the Property shall be placed in the City's R-10A zoning classification; and*
  - *ii. The remainder of the Property, being the northeast portion of the Property shown as commercial on the Concept Development Plan, attached hereto and made a part hereof, shall be placed in the City's Neighborhood Business zoning classification."*

  The above amendment passed unanimously. After further discussion, Resolution No. 1567, as amended, passed unanimously. The annexation will become effective on January 24, 2008.
- *Resolution No. 1607 – authorizing temporary travel-lane shifts and closures on Johnson Road to facilitate improvements to Johnson Road (Summersgate project)*
  On a motion and a second by Mr. Comegys and Ms. Cohen, respectively, Resolution No. 1607 was unanimously approved.
- *Resolution No. 1608 – approving 10-year Water and Sewer Capital Improvement Plan*
  Resolution No. 1608 was unanimously approved on a motion by Mr. Comegys and seconded by Mrs. Shields
- *Resolution No. 1609 – approving water and sewer comprehensive connection fees*
  Resolution No. 1609 passed unanimously on a motion and a second by Mrs. Campbell and Mr. Comegys, respectively.
- *Resolution No. 1610 – Enterprise Zone eligibility – Chesapeake Shipbuilding*
  Resolution No. 1610 was unanimously approved on a motion by Mr. Comegys and seconded by Ms. Cohen.

PUBLIC COMMENTS

Two members of the public commented on the following issues: offer to purchase a digital recorder; Water and Sewer Capital Improvement Plan; comprehensive connection fees; and the audit.

With no further business, the meeting adjourned at 8:40 p.m.

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City Clerk

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Council President