CITY OF SALISBURY, MARYLAND

#4 MEETING ***FEBRUARY 26, 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 8:05 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, Police Chief Allan Webster, Planning and Zoning 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. On a motion by Mrs. Shields, and seconded by Mr. Comegys, the agenda as presented was unanimously approved.

CERTIFICATE OF APPRECIATION/PRESENTATION OF PLAQUE

William P. Hearne Jr. was the recipient of a Certificate of Appreciation and plaque for his dedication and generosity to the Salisbury Police Department's Mounted Patrol Unit. Mr. Hearne's daughter, Suzie, accepted the certificate and plaque on behalf of her father.

ANNOUNCEMENT

Mayor Tilghman announced that Bob Skinner, project manager in the Public Works Department for almost 37 years, passed away last week.

APPROVAL OF MINUTES

On a motion and a second by Mrs. Cathcart and Mr. Comegys, respectively, the minutes of February 12, 2007 were unanimously approved.

CONSENT AGENDA

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

- ***Resolution No. 1486*** *– Zoo Commission reappointments/appointments: reappointments of Ronald Alessi, Sr and George Mengason to serve until December 31, 2009; appointment of Linda Wainer to serve until December 31, 2007 (fill remainder of Paul Kratzer's term) and appointment of J. P. DuBuque to serve until December 31, 2009 (fill remainder of Ed Nelson's term).*
- ***Resolution No. 1488*** *– accepting donation of $39,670.50 from Mr. Richard Hazel for revisions to the scope of work for construction of the "Richard and Patricia Hazel Delmarva Trail" and accepting a grant of $7,500 from the Community Foundation of the Eastern Shore for three laptop computers.*
- ***Resolution No. 1489*** *– accepting $15,000 in State funds awarded through the Maryland Police and Correctional Training Commission grant to create a National Crime Information Center Regional Training Center at the Salisbury Police Department (purchase and install a computer lab for the mandated training).*
- ***Resolution No. 1490*** *– accepting $23,010 in State funds awarded through a Byrne Memorial Grant from the Governor's Office of Crime Control and Prevention to fund a civilian position of Crime Data Analyst and provide crime prevention information to citizens.*

The Consent Agenda was unanimously approved.

AWARD OF BIDS

Mrs. Cathcart moved and Mrs. Campbell seconded to approve the Award of Bids. Director of Internal Services Pam Oland presented the following:

1.	*Surplus of items – police vehicles*	*-0-*
2.	*Contract #105-07 Richard and Patricia Hazel Delmarva Trail* *Change Order (Acct. #10500-577015-33117)*	*$39,670.00*
3.	*Contract No. A-3-06 Miscellaneous chemicals* *Change Order (Acct. #82075-546004)*	*$55,000.00*

The above items were unanimously approved.

MANUFACTURING EXEMPTION REQUEST

Mrs. Cathcart moved and Mrs. Shields seconded to approve a manufacturing exemption request for Spartech Polycom. Director of Internal Services Pam Oland recommended that Spartech Polycom be granted an exemption from personal property tax for their equipment purchased in 2005. Over the next five years, the company would benefit from the exemption by a total savings of $39,562 in personal property tax.

The manufacturing exemption request for Spartech Polycom was unanimously approved.

ORDINANCE NO. 2026 – 2ND READING – PRD VILLAGE AT SALISBURY LAKE

Mrs. Shields moved and Mr. Comegys seconded to approve Ordinance No. 2026 for second reading. Planning and Zoning Director Jack Lenox highlighted the proposed changes for second reading of Ordinance No. 2026. The proposed changes included:

- *Section 17.121.020 (page 4, line 5) – adding "saving and excepting approximately five acres located at the corner of Glen Avenue and Civic Avenue";*
- *Section 17.121.030.B.1 (page 4) – adding at the end "provided that such uses shall be primarily for the service and convenience of the residents of the Village at Salisbury Lake and the immediate neighborhood;*
- *Section 2. (page 9) – inserting "for the benefit of lands owned by Salisbury Mall Associates, LLC" and "compliance with which shall be monitored and enforced by the Department of Planning, Zoning and Community Development in coordination with the Public Works Department and the Department of Building, Permits & Inspection"; and*
- *Page 10, item 7 – changing "Center" to "Centre".*

Mr. Comegys moved and Mrs. Cathcart seconded to amend Ordinance No. 2026 as proposed above. Mrs. Cathcart also pointed out a typo on Page 7, B4 ("that" should be" than").

Mrs. Campbell moved to amend the existing language regarding parking and replace it with "parking shall be in accordance with Section 17.196.030 of the Code." The motion died for lack of a second.

The motion to amend Ordinance No. 2026 as proposed by Mr. Lenox passed on a 4-1 vote with Mrs. Campbell voting nay.

Several members of the audience voiced their concern with Ordinance No. 2026. Copies of documents submitted by Augustine DiGiovanna, Linda Kent and Kate Manizade to be entered into the record are attached to the official minutes. Mr. Jon Natelson also submitted for the record copies of a revised preliminary subdivision plat dated February 7, 2007.

Mrs. Campbell moved to have Mr. Lenox remove any documents that were entered into the record that were duplicates, but after further discussion withdrew her motion.

Mr. Comegys moved and Mrs. Shields seconded to approve the Findings of Fact that were presented by the Planning and Zoning staff in the Briefing Book. The Findings of Fact were approved on a 4-1 vote with Mrs. Campbell voting nay. Ordinance No. 2026, as amended on second reading, was approved on a 4-1 vote with Mrs. Campbell casting the nay vote.

(The Council took a break at 7:30 p.m. and reconvened at 7:36 p.m.)

ORDINANCE NO. 2029 – 1ST READING – GRANTING RIGHT-OF-WAY EASEMENT TO VERIZON

Mr. Comegys moved and Mrs. Cathcart seconded to approve Ordinance No. 2029 for first reading. City Attorney Paul Wilber presented Ordinance No. 2029 granting a right-of-way easement across city owned land located on Naylor Mill Road to Verizon Maryland, Incorporated for a fee of $3,000. The easement allows Verizon to construct, operate, maintain, modify and replace telecommunication and electric systems.

Mr. Comegys questioned if there would be a conflict for future needs of right-of-way for widening of Naylor Mill Road. Mr. Wilber will confirm the location of the boxes for discussion at the next reading of the Ordinance.

Ordinance No. 2029 for first reading passed unanimously.

RESOLUTION NO. 1491 – CREATION OF A RECYCLING ADVISORY COMMITTEE

Mrs. Cathcart moved and Mr. Comegys seconded to approve Resolution No. 1491. Public Works Director John Jacobs introduced Resolution No. 1491 establishing a Recycling Advisory Committee and Recycling Advisory Committee Rules of Procedure.

Mrs. Campbell moved to amend Resolution No. 1491 by:

- *inserting in the first Whereas paragraph of the Resolution (after major concern) "of the Mayor and City Council of Salisbury";*
- *changing "will" to "shall" in Section 2.c (first line) of the Rules of Procedure; and*
- *changing "will" to "shall" in Section 4.a (first line) of the Rules of Procedure.*

Mrs. Cathcart seconded and the amendment passed unanimously. Resolution No. 1491, as amended, was unanimously approved.

RESOLUTION NO. 1492 – AUTHORIZING A TEMPORARY SINGLE LANE ROAD CLOSURE OF WEST ROAD

Mrs. Cathcart moved and Mr. Comegys seconded to approve Resolution No. 1492. Resolution No. 1492, as addressed by Public Works Director John Jacobs, authorizes a temporary single lane road closure (approximately 90 days) of West Road for the owners of Westwood Commerce Park to install sewer mains in the public rights-of-way.

Resolution No. 1492 passed unanimously.

RESOLUTION NO. 1493 – RATIFYING CHANGE ORDER FOR THE UPGRADE AND EXPANSION OF THE WASTEWATER TREATMENT PLANT

Mr. Comegys moved and Mrs. Cathcart seconded to approve Resolution No. 1493. Public Works Director John Jacobs reported that Resolution No. 1493 ratifies a change order to the contract to the upgrade and expansion of the Wastewater Treatment Plant. Change Order #10, in the amount of $136,323, allows Pizzagalli Construction Company to provide services for the dewatering of sludge from Lagoon #2.

Resolution No. 1493 passed unanimously.

RESOLUTION NO. 1494 – ADOPTING FY08-FY12 CAPITAL IMPROVEMENT PLAN

Mr. Comegys moved and Mrs. Cathcart seconded to approve Resolution No. 1494. City Administrator John Pick provided a power point presentation highlighting several projects included in the FY08-FY12 Capital Improvement Plan.

Resolution No. 1494 passed on a 4-1 vote with Mrs. Campbell voting nay.

RESOLUTION NO. 1487 – ADOPTING VALUES/VISION/MISSION STATEMENTS

Mrs. Comegys moved and Mrs. Shields seconded to approve Resolution No. 1487. City Administrator John Pick reviewed the proposed Values/Vision/Mission Statements via a power point presentation.

Resolution No. 1487 passed unanimously.

With no further business, the meeting adjourned at 8:30 p.m.

_____

City Clerk

_____

Council President