

**CITY OF SALISBURY, MARYLAND**

**REGULAR MEETING**

**DECEMBER 9, 2013**

**PUBLIC OFFICIALS PRESENT**

*Council President Jacob R. Day                      Council Vice President Laura Mitchell  
Councilman Timothy K. Spies*

**PUBLIC OFFICIALS NOT PRESENT**

*Mayor James P. Ireton, Jr.                                      Councilwoman Terry E. Cohen  
Councilwoman Eugenie P. Shields*

**IN ATTENDANCE**

*City Clerk Kimberly R. Nichols, CMC, City Attorney Mark Tilghman, Interim City Administrator  
M. Thomas (Tom) Stevenson, Jr., Internal Services Director Keith Cordrey, Police Chief  
Barbara Duncan, interested citizens, and members of the press*

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**MEDITATION – PLEDGE OF ALLEGIANCE**

*The City Council met in regular session at 6:00 p.m. in Council Chambers. Council President Day called the meeting to order and made several announcements; a moment of silent meditation was held followed by the Pledge of Allegiance.*

**COMMUNITY ORGANIZATION PRESENTATION** – Village of Hope – presented by Jasmine Rogers

*President Day invited Case Manager Jasmine Rogers from the Village of Hope to speak about the great things the non-profit organization has been involved with. Ms. Rogers will become the Executive Director in January, 2014.*

*The Village of Hope serves homeless women, with or without dependent children, by providing transitional housing and individualized goal-oriented programs to economically disadvantaged women to assist their transition from dependence to self-sufficiency. The agency currently can house fifteen (15) mothers and thirty-five (35) children.*

**ADOPTION OF LEGISLATIVE AGENDA**

*On a motion and seconded by Mr. Spies and Mrs. Mitchell, respectively, the legislative agenda was unanimously adopted on a 3-0 vote.*

**CONSENT AGENDA** – presented by City Clerk Kim Nichols

*The Consent Agenda, consisting of the following items, was unanimously approved (3-0) on a motion by Mrs. Mitchell that was seconded by Mr. Spies:*

- November 18, 2013 work session minutes
- November 25, 2013 regular meeting minutes
- Resolution No. 2350 – accepting grant funds from the State of Maryland through the Governor’s Office of Crime Control and Prevention to purchase mobile fingerprint scanners
- Resolution No. 2351 – supporting an application for the City of Salisbury to become a Maryland Smart Energy Community

**AWARD OF BIDS** – presented by Internal Services Director Keith Cordrey

The Award of Bids, consisting of the following item, was unanimously approved on a 3-0 vote on a motion by Mr. Spies and seconded by Mrs. Mitchell:

- Declaration of Surplus – W-16 JCB Backhoe - \$0.00

**PRESENTATION OF AUDIT** – presented by Ms. Pam Baker (Barbacane, Thornton and Co., LLP)

Ms. Pam Baker from the auditing firm of Barbacane, Thornton and Co., LLP joined Council at the podium and summarized the results of the City’s Audit Report as of June 30, 2013. An unqualified or clean audit opinion was rendered by the auditing firm.

**PUBLIC HEARING/RESOLUTION (COMCAST RATE FILING)** – presented by Interim City Administrator Tom Stevenson

- Resolution No. 2352 – 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 filing dated September 30, 2013

Mrs. Mitchell moved and Mr. Spies seconded to approve Resolution No. 2352.

Mr. Spies moved, Mrs. Mitchell seconded, and the vote was unanimous (3-0) to amend Resolution No. 2352 by striking “October 1” and inserting “September 30” on Lines 13, 22, 33, and 37.

Interim City Administrator Tom Stevenson explained that as part of the City of Salisbury’s franchise agreement obligation with Comcast, the City must review the calculations Comcast used on the forms they are required to complete. This verifies that Comcast’s proposed rates are justified by the information they have provided.

No public comments were received.

**RESOLUTIONS** – presented by Interim City Administrator Tom Stevenson

- Resolution No. 2353 – authorizing the Mayor to sign a renewal lease with the Tri-County Council for the Lower Shore of Maryland for the use of a grass strip on Calvert Street as a Shore Transit bus stop and transfer station

*On a motion and seconded by Mr. Spies and Mrs. Mitchell, respectively, Resolution No. 2353 was unanimously approved on a 3-0 vote.*

- Resolution No. 2354 – authorizing the Mayor to sign a renewal lease with the Tri-County Council for the Lower Shore of Maryland for the use of a grass strip and the sidewalk parallel thereto on Circle Avenue between the corner of Division Street and the entrance to Parking Lot #1 as a Shore Transit bus stop

*On a motion and seconded by Mrs. Mitchell and Mr. Spies, respectively, Resolution No. 2354 was unanimously approved on a 3-0 vote.*

- Resolution No. 2355 – accepting the donation of a desktop computer from the Delmarva Zoological Society for the Salisbury Zoological Park

*On a motion and seconded by Mrs. Mitchell and Mr. Spies, respectively, Resolution No. 2355 was unanimously approved on a 3-0 vote.*

**ANNEXATION RESOLUTIONS** – Merritt Mill Road/Smith Annexation – presented by Interim City Administrator Tom Stevenson

- Resolution No. 2356 – approving the Merritt Mill Road/Smith Annexation and establishing a date for the public hearing

*Mr. Spies moved and Mrs. Mitchell seconded to approve Resolution No. 2356.*

*Mrs. Mitchell moved, Mr. Spies seconded, and the vote was unanimous (3-0) to amend Resolution No. 2356 by striking “City-County” and inserting “Government”.*

*Mrs. Mitchell moved, Mr. Spies seconded, and the vote was unanimous (3-0) to amend the resolution by striking “it is hereby proposed and recommended that” on Line 27.*

*Resolution No. 2356, as amended, was unanimously approved on a 3-0 vote. Mr. Tilghman will correct the other typographical errors in the Resolution prior to the Public Hearing, which is scheduled for January 13, 2014.*

- Resolution No. 2357 – approving the Merritt Mill Road/Smith Annexation plan

*Mr. Spies moved, Mrs. Mitchell seconded, and the vote was unanimous (3-0) to approve Resolution No. 2357.*

*Mrs. Mitchell moved and Mr. Spies seconded to amend Resolution No. 2357 by striking "City-County" and inserting "Government" on Line 25.*

*Resolution No. 2357, as amended, was unanimously approved on a 3-0 vote.*

**ORDINANCES** – presented by City Attorney Mark Tilghman

- *Ordinance No. 2271 – 2<sup>nd</sup> reading - to establish a mechanical permit fee*

*Mrs. Mitchell moved, Mr. Spies seconded, and the vote was unanimous (3-0) to approve Ordinance No. 2271 for second reading.*

- *Ordinance No. 2272 – 1<sup>st</sup> reading – rezoning property (former Linens of the Week property) located on the Northerly side of Anne Street and on both sides of Short Street from General Commercial to R-5A Residential*

*Mr. Spies moved, Mrs. Mitchell seconded, and the vote was unanimous (3-0) to approve Ordinance No. 2272 for first reading.*

- *Ordinance No. 2273 – 1<sup>st</sup> reading - to authorize and empower City of Salisbury (the "City") to issue and sell from time to time, upon its full faith and credit, General Obligation Bonds in one or more series in an aggregate principal amount not to exceed three million one hundred seventy-eight thousand dollars (\$3,178,000.00), the proceeds of the sale thereof to be used and applied for the public purpose of financing, reimbursing or refinancing costs (as defined herein, which include issuance costs and capitalized interest) of the public purpose projects identified herein as: Riverwalk, Mainstreet Master Plan, Coty Cox drainage improvements, and Germania Circle*

*Mrs. Mitchell moved, Mr. Spies seconded, and the vote was unanimous (3-0) to approve Ordinance No. 2273 for first reading.*

**ADJOURNMENT**

*There being no comments received from the public, President Day adjourned the Legislative Session at 7:27 p.m.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
DECEMBER 16, 2013

**TIME & PLACE:** 1:36 p.m., Government Office Building – Room 301  
**PURPOSE:** To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals  
**VOTE TO CLOSE:** Unanimous  
**CITATION:** Annotated Code of Maryland §10-508(a)(1)  
**PRESENT:** Council President Jacob R. Day, Mayor James Ireton, Jr. (in 1:50 p.m. - 1:55 p.m.), Council Vice President Laura Mitchell, Councilwoman Terry E. Cohen (arrived 1:53 p.m.), Councilwoman Eugenie P. Shields, Councilman Timothy K. Spies, Acting City Administrator M. Thomas Stevenson, City Clerk Kimberly R. Nichols, Assistant City Clerk Diane C. Nelson, and City Attorney Mark Tilghman

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The City Council convened in Open Session in Room #301 in the Government Office Building at 1:35 p.m.

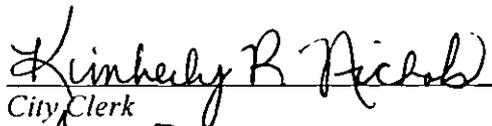
At 1:36 p.m., Mrs. Shields moved, Mrs. Mitchell seconded, and the vote was unanimous (4-0 vote as Ms. Cohen had not yet joined the meeting) to convene in Closed Session to conduct the performance evaluation of the City Clerk, Kim Nichols.

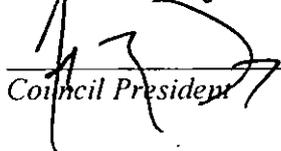
Mrs. Nichols withdrew from the meeting and Assistant City Clerk Diane Nelson remained.

After discussion, City Clerk Nichols was asked to rejoin the Closed Session, and Assistant City Clerk Nelson was excused.

On a motion by Mrs. Mitchell, seconded by Mrs. Shields, and approved on a unanimous vote in favor, President Day adjourned the Closed Session at 2:35 p.m., returned to Open Work Session, and reported that while in Closed Session Council had discussed the City Clerk's job performance and conducted the annual evaluation with City Clerk Nichols.

Thereafter, Council continued in open Work Session.

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Council President

# City of Salisbury



MARYLAND

JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
INTERIM CITY ADMINISTRATOR

VACANT  
ASSISTANT CITY ADMINISTRATOR

Salisbury



2010

125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801

Tel: 410-548-3190

Fax: 410-548-3192

KEITH A. CORDREY  
DIRECTOR OF INTERNAL SERVICES  
PROCUREMENT DIVISION

## COUNCIL AGENDA

December 9, 2013

1. Declaration of Surplus – W-16 JCB Backhoe \$0.00

# City of Salisbury



**MARYLAND**

Salisbury



2010

125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801

Tel: 410-548-3190

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KEITH A. CORDREY  
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JAMES IRETON, JR.  
MAYOR

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ACTING CITY ADMINISTRATOR

VACANT  
ASSISTANT CITY ADMINISTRATOR

## COUNCIL AGENDA

December 9, 2013

To: Mayor and City Council

Subject: Declaration of Surplus Item – JCB Backhoe

The Procurement Division received a request from the Salisbury Public Works Department, Water & Sewer, to declare a W-16, JCB Backhoe, as surplus.

Upon declaration of surplus, as approved by Council, the aforementioned equipment will be put up for auction. Additional details are noted in the department memo.

Thank you,

Jennifer Miller  
Assistant Director of Internal Services-Procurement & Parking

# City of Salisbury



MARYLAND

Salisbury



2010

125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801

Tel: 410-548-3170

Fax: 410-548-3107

JAMES IRETON, JR.  
MAYOR

TOM STEVENSON  
ACTING CITY ADMINISTRATOR

MICHAEL S. MOULDS, P.E.  
DIRECTOR OF PUBLIC WORKS

To: Jennifer Miller  
From: Walter Webster  
Subject: Surplus W-16, 1989 - JCB Backhoe  
Date: November 18, 2013  
Cc: Mike Moulds

The Water & Sewer Branch recommends W-16, JCB Backhoe be declared surplus. This backhoe is a 1989 JCB with approximately 3,041 hours.

VIN # SMBT41093526097

Vehicle Condition - Poor

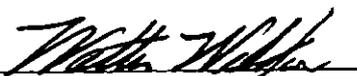
This backhoe is currently in poor condition with many hours, age of vehicle, and body deterioration. It has costly yearly expenditures and parts which are becoming hard to acquire.

Body Condition- Poor

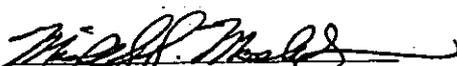
The automated body is worn out.

All repairs would exceed the value of the backhoe and would not bring the backhoe back to a standard that would last long before something major or minor breaks again.

This backhoe was replaced through funds that were allocated in the FY2013 budget. Funding for this purchase was available in account number #86083-577020. We recommend this backhoe be included in the City sponsored auction rather than traded in. We hope to receive a greater amount through the auction process than the trade in offered.

  
Walter Webster  
Water & Sewer Superintendent

11/18/13  
Date

  
Mike Moulds  
Director of Public Works

11/19/13  
Date