

AS AMENDED ON MARCH 11, 2013  
CITY OF SALISBURY  
WORK SESSION  
FEBRUARY 19, 2013

Public Officials Present

Council President Terry E. Cohen  
Councilwoman Laura Mitchell  
Councilman Timothy K. Spies

Council Vice-President Deborah S. Campbell\*  
(\*left at 4:31 p.m.)  
Councilwoman Eugenie P. Shields\*\*  
(\*\*left at 3:35 p.m.)

Public Officials Not Present

Mayor James Ireton, Jr.

In Attendance

City Clerk Kim Nichols, CMC, City Administrator John Pick, ICMA-CM, Assistant City Administrator Lore Chambers, Ph.D., City Attorney Mark Tilghman, Director Internal Services Keith Cordrey, Public Works Director Teresa Gardner, Public Works Deputy Director Amanda Pollick, Police Chief Barbara Duncan, IT Director Bill Garrett, Acting Deputy Fire Chief John Tull, Planning & Zoning Planner Keith Hall, interested citizens, and members of the press.

The City Council convened in work session at 2:04 p.m. in Conference Room 306 of the Government Office Building.

**Business Disclosure Ordinance – Follow-up Discussion**

City Attorney Mark Tilghman reviewed the changes to the Business Disclosure Ordinance based upon Council's last discussion. He indicated the financial amount was removed so that Council could determine an appropriate amount, as well as the requirement for business disclosure when an applicant applies for a license. The disclosure requirement would occur only in the event of an appeal to a refusal to grant a license and would be handled like any other appeal. Mr. Tilghman explained the proposed ordinance deals primarily with businesses doing business with the City of Salisbury and entities seeking approvals or filed appeals on things other than a license with the City of Salisbury. As an example, he stated disclosure will be required for businesses involved in cases pending with the Board of Zoning Appeals.

Councilwoman Mitchell suggested bringing the discussion topic back on a future work session because the draft ordinance provided for review had not been revised by Mr. Tilghman based upon Council's last discussion. She expressed her concern about possible lawsuits arising from the City interjecting bias based upon the knowledge of ownership or interest in an LLC and saw no reason to advance the ordinance, as the Secretary of State's website can be utilized in searching for companies in which conflict may exist with the City.

(Council President Cohen called for a recess at 2:50 p.m., and Council reconvened at 2:51 p.m.)

Council President Cohen stated the differences were in the section dealing with perjury as being criminally prosecutable just on the basis of signing a document that states “under penalty of perjury” and the section dealing with administrative penalty for non-compliance and late filing. She asked Mr. Tilghman to review Lines 43, 44, and 45 of the draft ordinance for possible revisions to eliminate creating a redacting situation. The word “blank” shall be inserted on Line 44 just before “form.”

Mr. Tilghman will incorporate the changes discussed, and the ordinance will be returned to work session for further discussion.

**Resolution No. 2251 – amending Council Regulations and Rules of Order (Council travel policy)**  
**– Follow up discussion**

After a brief break, Council reconvened at 3:04 p.m.

Mrs. Mitchell referred to Line 15 of the Council Regulations and Rules of Order which states Council members must obtain approval from Council prior to travel. She noted that throughout the Employee Handbook policy references City employees, but also applies to elected officials. After discussing this with previous Council members, Mrs. Mitchell sensed this contingency in Chapter 2 of the handbook (overnight travel section) has always applied to overnight travel. She stated that this applies to all City employees and Council should not attempt to amend the Employee Handbook without conferring with Administration.

Ms. Cohen stated the proposed resolution can't change the Employee Handbook, as it is simply a guideline for the Council in using its travel budget.

After discussion, Council reached consensus to amend Attachment A of the resolution by striking Letter D in its entirety and inserting “within thirty (30) days of notification of the City Clerk” at the end of both Letters B and C, and to advance the resolution to legislative session.

**Ordinance No. 2230 – amending False Alarm fees and False Alarm schedule - Follow up discussion**

Mr. Tilghman discussed the previous changes made to Ordinance No. 2230 as a result of Council input from the last discussion and suggested changing the following on the false alarm fee schedule:

1. Remove “Fees” on line 1 of the second column; replace with “Administrative Processing Fee.”
2. Complete dividing the second column into two columns, creating a total of three columns.
3. Insert “False Alarm Response Fee” on Line 1 of third column.

In response to questions from Mrs. Campbell and Mr. Spies, Acting Deputy Fire Chief John Tull indicated that approximately 20 (twenty) entities would fall into the penalty phase of the ordinance in a year, and about 800 (eight hundred) false alarms are responded to per year.

Council reached unanimous consensus to advance Ordinance No. 2230 and the false alarm fees ordinance to the next legislative session.

After a five minute break, Council reconvened at 3:58 p.m.

### **Critical Areas Ordinance**

Planning & Zoning Director Jack Lenox introduced Tracey Gordy, MD Department of Planning, Principal Planner, Nick Kelly, Regional Program Chief of the Critical Area Commission, and Jimmy Sharp, Planning & Zoning staff member, all present to discuss the Critical Areas Ordinance.

Mr. Sharp reported that the Critical Areas Ordinance pertains to the Chesapeake Bay Critical Areas of the City of Salisbury and Wicomico County. The City and County adopted the ordinance in 1989 and are required to provide periodic updates whenever State law changes. The proposed ordinance follows new State formatting in which all Cities and Counties must adhere to in order to streamline the process. Mr. Sharp explained the ordinance is also a text amendment as some new sections have been added, such as the Riverwalk section, but aside from the restructuring, not much has changed from the prior ordinance.

Ms. Gordy added that the municipalities have had such a challenge getting these Critical Area Ordinances updated with the regulations, that the Critical Area Commission is still updating regulations, and the State's model ordinance cannot be changed except for adding particulars and circumstances unique to the City of Salisbury. She explained that this was a two year grant project enabling the completion of seven (7) municipal projects in 2011 and five (5) in 2012. The MD Department of Planning managed the grant, which ended on December 31, 2012. However, the consultant of the project will see the project through to fruition. She reported that after the City approves the document, the Critical Area Commission will schedule a "concurrence."

Council unanimously agreed that the document should be returned to Planning & Zoning for final review. Mr. Tilghman's marked up copy will be provided to Planning & Zoning and City Clerk Nichols will email the comments and corrections made by Mrs. Mitchell to Mr. Sharp.

### **CIP – Follow-up discussion (to include information on TMDL/WIP)**

Mr. Keith Hall reported that the County was mandated by executive order of the President to prepare the Watershed Implementation Plan (WIP). The Maryland Department of the Environment (MDE) gave nutrient allocations consistent with the Environmental Protection Agency (EPA) to put the Chesapeake Bay and its tributaries on a "pollution diet" by addressing wastewater treatment, septic systems, storm water management, and agriculture. He stated the City of Salisbury will focus on the WWTP sector and storm water runoff sector. Tools provided by the MDE were used to strategize the targeting of these nutrients. Executive order mandates implementation must be complete by 2025. Mr. Hall opined it would be difficult to track the level of progress, but MDE will achieve to reduce nutrients by 60% in 2017.

Mr. Hall reported planning costs for the City of Salisbury will be \$225 million, and Salisbury will be scrutinized differently from other jurisdictions in the County because the City has a NPDES (National

Pollution Discharge Elimination System) Permit. The remainder of the County is unregulated, and partly why the County is lumped together in addressing this analysis, versus the City having its own data. He stated that MDE will have the regulatory power through a permitting function to ensure the City meets the nutrient reduction expectations by 2017 and 2025. The NPDES Permit is currently under review by the MDE, and about 13,000 pounds of nitrogen must be reduced by 2025. He stated the MDE will monitor and check the water quality of the local tributaries from the City of Salisbury draining in the Wicomico River, Nanticoke River, and the Chesapeake Bay. Mr. Hall recommended tree planting as the most cost effective implementation of the goal (particularly on public owned property), and as improvements to other storm water management facilities are being made, opportunities to capitalize on reducing nutrients must remain a focus. He informed Council that the City has done what was expected financially.

Mr. Hall indicated it was entirely up to the City of Salisbury to decide if they wanted to adopt the plan or not, with conflicting messages coming from MDE on the matter. He was not recommending formal adoption and the information provided was for Council's update.

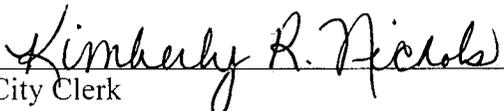
Council unanimously agreed to advance the budget amendment appropriating speed camera funds for the Police range fence to the next legislative session. This item will be removed from the CIP.

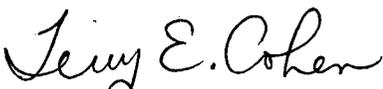
Mr. Pick requested permission to apply for a grant to replace storm windows at Poplar Hill Mansion, which was unanimously approved by Council.

#### **General Discussion/Upcoming Agenda Items**

Mr. Pick will update Council via email on any developments with the Fire Service Agreement and requested the Retirement Incentive be placed on the next work session agenda for discussion.

With no further discussion, the work session adjourned at 5:12 p.m.

  
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City Clerk

  
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Council President