

CITY OF SALISBURY, MARYLAND

SPECIAL MEETING

FEBRUARY 4, 2013

PUBLIC OFFICIALS PRESENT

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

*Council Vice President Deborah S. Campbell
Councilwoman Eugenie P. Shields (left at 12:27 p.m.)*

PUBLIC OFFICIALS NOT PRESENT

Mayor James Ireton, Jr.

IN ATTENDANCE

Assistant City Clerk Diane C. Nelson, CMC, City Attorney Mark Tilghman, interested Citizens and Members of the Press

The City Council met in special session at 11:00 a.m. in Conference Room 306 of the Government Office Building where there was Council consensus to move the meeting to Council Chambers so PAC14 could videotape the meeting using its standard equipment setup, thus enabling the production of a better video for the viewing Public.

Council President Cohen reconvened the meeting in Council Chambers for the purpose of discussing and considering taking legislative action to address the time-sensitive issue of legal interpretation and legislative intent regarding the application of Section 0308 of the Employee Handbook.

Council President Cohen provided the chronology of events that evolved into the issues now associated with the July 23, 2012 Acting Status appointment of the Fire Chief, which Council had intended for no more than six months according to the Employee Handbook.

Ms. Cohen and Mrs. Mitchell discussed the Open Meetings Compliance Board, the status of, if any, complaint to be filed with the Board regarding insufficient notice of today's meeting, followed by a brief summary of Chapter 3 of the Open Meetings Act and Council's efforts to ensure compliance when the meeting was scheduled and the Public Notice posted.

Resolution No. 2252 – agreeing to the extension of the Acting Status of the Fire Chief

Mr. Tilghman provided background information regarding the July 23, 2012 Council extension of the Acting Status of both the Fire Chief and Deputy Fire Chief; President Cohen then read the resolution for Council consideration.

Mr. Spies motioned and Mrs. Campbell seconded to adopt Resolution No. 2252.

Mr. Spies moved, Mrs. Campbell seconded, and the vote was unanimous to amend Line 25 of Resolution No. 2252 by striking "can be" and inserting "is," and to amend Line 17 by striking "12" and inserting "21" prior to ", 2013."

Mrs. Campbell moved and Mr. Spies seconded to amend Line 24 by striking "for ___ months," and inserting "until 11:59 p.m. on February 28, 2013,".

Mrs. Mitchell moved and Mrs. Shields seconded to amend Mrs. Campbell's amendment by striking "for ___ months," and inserting "for 3 months,".

Prior to the vote on Mrs. Mitchell's motion, Council President Cohen directed that the meeting stand down while the Assistant City Clerk updated the Room 306 posted door notice redirecting special meeting attendees to Council Chambers to include a notation that the work session scheduled for 12:00 p.m. in Room 306 would be delayed until the conclusion of the special meeting; no business was conducted during the special meeting until the Assistant City Clerk rejoined the meeting.

Mrs. Mitchell's motion failed to pass with Mrs. Mitchell and Mrs. Shields voting "aye" and Mr. Spies, Mrs. Campbell, and Ms. Cohen voting "nay."

Mrs. Campbell's motion to amend Line 24 by striking "for ___ months," and inserting "until 11:59 p.m. on February 28, 2013," passed on a 3-2 vote with Mrs. Mitchell and Mrs. Shields casting the "nay" votes.

Mr. Spies moved, Mrs. Campbell seconded, and the vote was unanimous to amend Line 21 by striking "can be" and inserting "is" so that Line 17 agrees with the change that was agreed to in Line 25.

The vote was unanimous to approve Resolution No. 2252 as amended.

Resolution No. 2253 – agreeing to the extension of the Acting Status of the Deputy Fire Chief

Council President Cohen confirmed with City Attorney Tilghman that Resolution No. 2253 was worded in the same manner as Resolution No. 2252, with the exception of the references to Acting Deputy Fire Chief instead of the Acting Fire Chief; Mr. Tilghman recommended making the same amendments to this resolution with the exception of maintaining the same language in the penultimate paragraph that states "or until a new Fire Chief can be appointed."

Mrs. Campbell moved and Mr. Spies seconded to adopt Resolution No. 2253.

Mrs. Campbell moved and Mr. Spies seconded to amend Resolution No. 2253 as follows:

- *Line 17 - strike "12" and insert "21" prior to ", 2013"*
- *Line 19 - strike "Deputy"*
- *Line 21 - strike "Deputy" and strike "can be" and insert "is"*
- *Line 24 - strike "for ___ months," and insert "until 11:59 p.m. on February 28, 2013,"*
- *Line 25 - strike "can be" and insert "is"*

The amendments were approved on a 3-1 vote; Mr. Spies, Mrs. Campbell, and Ms. Cohen voted "aye" and Mrs. Mitchell voted "nay."

Mr. Spies moved, Mrs. Campbell seconded, and the vote was unanimous to amend Line 13 by striking "Deputy."

Thereafter, Resolution No. 2253 was unanimously approved as amended.

The special meeting adjourned at 12:35 p.m.



Assistant City Clerk



Council President