

CITY OF SALISBURY
WORK SESSION
JANUARY 22, 2013

Public Officials Present

Council President Terry E. Cohen
Councilwoman Eugenie P. Shields

Councilwoman Laura Mitchell
Councilman Timothy K. Spies

Public Officials Not Present

Mayor James Ireton, Jr.
Council Vice-President Deborah S. Campbell

In Attendance

Assistant City Clerk Diane C. Nelson, CMC, City Administrator John Pick, ICMA-CM, Assistant City Administrator Lore Chambers, Ph.D., City Attorney Mark Tilghman, Internal Services Director Keith Cordrey, Public Works Director Teresa Gardner, Police Chief Barbara Duncan, Acting Fire Chief Rick Hoppes, Acting Deputy Fire Chief John Tull, Information Technology Director Bill Garrett, Human Resources Associate Jeanne Loyd, Planning and Zoning Director Jack F. Lenox, AICP, Bill Sterling, Friends of Poplar Hill Mansion Chairperson Aleta Davis, Salisbury University (SU) Facilities Director Jeffrey Downes, interested Citizens, and Members of the Press.

The City Council convened in work session at 1:30 p.m. in Conference Room 306 of the Government Office Building.

Further Discussion – Pay Classification Study

City Administrator Pick provided follow-up information regarding the addition of a benefits comparison to be included as part of the Pay Classification Study, providing a bid tabulation showing vendors' original bids as well as their adjusted prices to reflect inclusion of a benefits comparison as part of the study. He noted that Management Advisory Group's adjusted price should be increased by \$6,000 in order to reflect its \$50/job description price quote for the 120 classes of City job descriptions and allow for an equitable cost comparison of vendors for the same services provided.

Mr. Pick reported that all vendors would provide the requested 8-10 copies of a bound report but that The Singer Group was the only vendor to provide its bound copies in PowerPoint format, and confirmed that Evergreen Solutions, LLC was still the recommended vendor for the study.

Council reached consensus to advance the budget amendment for Evergreen Solutions, LLC to the January 28, 2013 Legislative Session for First Reading, with the Award of Bids to be scheduled at the time of Second Reading of the Budget Amendment at the February 11, 2013 Legislative Session; Ms. Mitchell did not support moving the budget amendment forward.

Removal of Parking Spaces on Wayne Street

Public Works Director Teresa Gardner provided background information and then presented a request initiated by SU for the City to consider a modification of the parking configuration on Wayne Street

that would remove fourteen (14) parking spaces on the east side of Wayne Street between Power Street and Bateman Street adjacent to the SU stadium, and replace them with three (3) dedicated bus parking spaces, which from the City's perspective will remove conflict points for pedestrians and bicyclists; Ms. Gardner acknowledged SU Facilities Director Jeffrey Downes' presence at the meeting should Council have questions regarding SU's request.

As discussion concluded, Council unanimously agreed to advance the Wayne Street Parking Modification Ordinance to the January 28, 2013 Legislative Session for First Reading.

Further Discussion – CIP

City Administrator Pick provided follow-up information in response to additional information requested by Council at the December 17, 2012 Work Session regarding accreditation; vehicle replacement; building activity and related capacity fees; and future bond payments in conjunction with the CIP.

With input from Mr. Pick, department heads from the Fire Department, Police Department, Information Technology, Public Works, and the Chairperson of the Friends of Poplar Hill Mansion fielded Council questions specific to their respective departments or commission, and will follow up with Council regarding additional information requested by Council.

Council recessed at 3:38 p.m. for a short break and then reconvened at 3:50 p.m.

Further Discussion – Request for Reconsideration of a Payment Plan for Oasis Car Wash

President Cohen provided background information regarding Council's 2010 consideration of a payment plan for Oasis Car Wash that did not move forward for lack of a majority vote to do so.

City Attorney Tilghman outlined the City's current creditor position regarding collection of Capacity Fees owed by Oasis Car Wash to the City in conjunction with the pros and cons of the City moving forward with a resolution accepting the proposed capacity fee payment plan for Oasis Car Wash that will be incorporated as part of a Memorandum of Understanding (MOU) between the City and the Oasis Car Wash owner.

Public Works Director Gardner reported on the continued effects of the increased gallons per day (gpd) usage by the Car Wash on the City's system given the non-performance of the Car Wash's equipment as well as the owner's concern with consistently meeting its monthly payment plan obligation to the City and his request to revisit the calculated amount of Capacity Fees due.

After discussion, there was Council consensus for the City Attorney to contact the car wash owner regarding any steps he has already taken toward paying off his current bank loan by the April 30, 2013 deadline.

1. If steps taken do not require the owner to have the City's MOU in place prior to securing funds to pay off the bank, the City Attorney will modify the MOU to include a contingency clause that the bank must be paid off prior to the agreement going into effect, and a 60-day right to

cure clause for the owner to bring current any past due payments due the City. The matter would then go before Council at a May 2013 Legislative Session, after the bank has been paid.

2. Should steps taken by the owner require that the City's MOU is in place prior to securing funds to pay off the bank, the City Attorney will make the appropriate modifications as noted above given that the bank has not yet been paid; the matter would then go back before Council at the February 11, 2013 Legislative Session.

As an aside discussion to the City recovering monies due from Oasis Car Wash, it was determined that current City code has no State allowed provision for asserting a lien automatically for unpaid Capacity Fees or other similar monies due the City that could be collected in the same manner as taxes. There was Council consensus for the City Attorney to draft an ordinance that would add lien language to the City code.

At 4:33 p.m., Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to convene in Closed Session for the purpose of consulting with counsel to obtain legal advice on a legal matter and consulting with staff about pending or potential litigation as permitted by the Annotated Code of Maryland Sections 10-508(a)(7)(8); the Closed Session began at 4:34 p.m.

On a motion by Mrs. Mitchell, seconded by Mrs. Shields, and approved on a unanimous vote in favor, Council adjourned the Closed Session at 5:12 p.m., and returned to open Work Session.

Policy Clarification

President Cohen reported that in conjunction with understanding a legal issue in Closed Session, a policy matter came up that required discussion and consensus in Open Session. The Comprehensive Plan is not regulatory, therefore even though there is no residential development in the area of the U.S. Rt. 50/Moore Annexation, the City needs to ensure that those parcels in that area will not develop residentially.

Planning and Zoning Director Jack F. Lenox provided background information on a prior combined City/County analysis of the area; the 2010 Comprehensive Plan evaluation of the area; the City's current zoning of the area; and the City's preference to maintain the area as a commercial corridor. He then outlined the process for updating the City Zoning Code to establish a district that will reflect the goals of the City's Comprehensive Plan.

There was Council consensus to move forward with updating the City Zoning Code to establish a district reflective of the Comprehensive Plan's goals, to be made available to those in that area who might apply for annexation, with Messrs. Lenox and Pick coordinating the Planning Commission and Council legislative processes.

General Discussion/Upcoming Agendas

General discussion included:

1. Renaming/dedicating Pearl Street on the occasion of the 100th birthday of a former elected official who is the oldest resident on Pearl Street
2. Swapping February 2013 Work Session meeting times

With no further discussion, the work session adjourned at 5:24 p.m.

Deane C. Nelson

Assistant City Clerk

Jerry E. Cohen

Council President