

SALISBURY CITY COUNCIL
WORK SESSION
JULY 7, 2011

Present

Council President Terry E. Cohen
Councilwoman Laura Mitchell

Council Vice President Deborah S. Campbell*
Councilwoman Eugenie P. Shields
Councilman Timothy K. Spies

*arrived 8:35 p.m.

In Attendance

City Clerk Brenda Colegrove, City Administrator John Pick, Assistant City Administrator Loré Chambers, City Attorney Paul Wilber, Police Chief Barbara Duncan, Internal Services Director Pam Oland

The City Council convened in a work session at 4:30 p.m. in the Training Room of Fire Station #16 (rescheduled from original date of July 5, 2011 due to elevator in Government Office Building being out of order).

Follow-up on Ethics Ordinance

City Attorney Paul Wilber reviewed the proposed revisions to the Ethics Ordinance (copy attached and made a part of these minutes). Additional recommended changes or items requiring follow-up from the Attorney General's Office included the following:

- Page 1, Section 2 – add “s” to commission
- Page 2 - Mr. Wilber to follow-up with Attorney General's Office as to whether the Commission should have a separate attorney rather than the city attorney
- Page 2, Section 4 – possibly expanding the definition of “qualified relative” (i.e., in-laws, stepparents)
- Page 4, top of page under (4) – “allows” should be struck through
- Page 4, (2)(i) – delete “until the conclusion of one year after the elected official leaves office, a former elected official may not assist or represent another party for compensation in a matter which is subject to legislative action”
- Page 5, (e)((2) – delete “the next regular session that begins” and insert “one year”
- Page 5, (e)(2) – end of sentence to read “subject to legislative action.”
- Page 5, (e)(2) – insert “or former mayor” after “former member of the City Council”
- Page 6, (4) – Mr. Wilber to follow-up with Attorney General's Office as to whether “does not apply to a gift” is correct
- Page 6, (v) – include educational events
- Page 7, (viii) – Mr. Wilber to follow-up with Attorney General's Office to determine what the intent is regarding “position”
- Page 9, Public Record – Mr. Wilber to follow-up with Attorney General's Office to determine if the City Clerk could maintain all the financial disclosure statements

- Page 10, (4) – preferred that the official automatically be notified rather than upon request
- Page 11, (2) – add “s” to “partnership”
- Page 12, (D)(1.) – insert “or legal entity” after “identity of the person”
- Page 12, (4)(i) – insert “or legal entity” after “any one person” in the third line
- Page 13, (6)(i) – insert “or legal entities” between “persons” and “doing business”
- Page 14, (A) – insert “or legal entity” after “person”
- Page 15, Section 6.(a) Financial disclosure – add Planning and Zoning Commission and Ethics Commission
- Page 15, Section 6.(a) Financial disclosure – questioned if assistant department heads should be included
- Page 15, Section 6.(c) – insert “the” between “by” and “City” in the third line
- Page 17 – Council to consider whether they want to leave the late fee as recommended by the model or increase to the amount currently in the Code
- Pages 18 and 19 – Mr. Wilber to follow-up on the amount of fines to be imposed

Follow-up on Tenants’ Rights Addendum

A copy of the original Tenants’ Rights Information Sheet and a revised draft copy is attached and made a part of these minutes. Also attached and made a part of these minutes are copies of a proposed ordinance and the March 18, 2011 e-mail from Paul Wilber distributed by Ms. Cohen. Suggestions for reformatting the form included:

- Changing the title of the form to City of Salisbury Tenants’ Rights Lease Addendum
- Include City Seal on the form or watermark of the seal
- Moving the Landlord Retaliation Prohibited portion to the top of the form
- Adding two more signature lines

Ms. Cohen will rearrange the form and possibly schedule final discussion at the July 18 work session or just bring it forward to the July 25 legislative meeting.

Follow-up on Towing Ordinance

A copy of Ordinance No. 2159, as amended on May 23, 2011, and a copy of Ordinance No. 2160 reflecting the proposed towing fee schedule discussed at the June 20, 2011 work session are attached and made a part of these minutes. Also attached, and made a part of these minutes, is a copy of a letter from Betty Cornwell (Executive Director – The Towing & Recovery Professionals of Maryland) that was received via e-mail on July 7, 2011. Mr. Fred Scheler, representing the Towing & Recovering Professionals of Maryland, joined Council for discussion. Mr. Scheler believed the City of Salisbury was in violation of the Federal Freedom of Commerce Law.

The consensus (unanimous) of Council was to remove the two ordinances from the July 11 agenda (Ordinance No. 2159 and Ordinance No. 2160 would “die”). City Administrator John Pick requested that Mr. Scheler provide specific information as to where the City’s proposal is in violation of the law and asked for suggestions to improve the legislation.

Code change to 5.22.270 Cable Television Franchise Fee

Internal Services Director Pam Oland presented the proposed change to Section 5.22.270 of the Code to reflect Council's decision during the budget process – to allow for a range in the payment amount (minimum of 20% and a maximum of 30%) of the revenue received by the city from the franchise fee to be dedicated to the PEG channel. A copy of Mrs. Oland's June 21, 2011 memo and the proposed ordinance are attached and made a part of these minutes. Mrs. Oland recommended adding "original adopted budgeted" so that the sentence to be amended would read as follows:

"A minimum of twenty (20) percent and a maximum of thirty (30%) percent of the original adopted budgeted revenue received by the city from the franchise fee will be dedicated to the public, educational, and governmental (PEG) channel, if such channel is in operation."

Ms. Cohen, Mrs. Shields and Mr. Spies consented to moving forward with the change to the Code. Mrs. Mitchell did not agree (i.e., concerned that no audit had been performed; Comcast should be notified of annexations; preferred a special revenue fund to be used for the public access channel and road projects).

Audit Rebid

Internal Services Director Pam Oland recommended appointing the audit firm of Barbacane, Thornton & Company for an additional three-year term (through FY2014) with a 3% rate increase each year. A copy of Mrs. Oland's June 23, 2011 memo addressing the recommendation is attached and made a part of these minutes. The Council unanimously consented with Mrs. Oland's recommendation of retaining the audit firm of Barbacane, Thornton & Company for an additional three-year term. Mrs. Oland noted that this contract would not be included in the Award of Bids since it was less than \$100,000.

Park and Flea Lease Agreement with Urban Salisbury

Internal Services Director Pam Oland presented the proposed lease agreement between the City and Urban Salisbury for operating a Park and Flea Market on parking lot #10 (copy attached and made a part of these minutes). Concern was expressed that certain items (i.e., knives, formula) were being sold that are prohibited in the lease. Administration will follow-up with Urban Salisbury on this issue. Unanimous consensus was given to move the lease agreement forward on the July 11 agenda under Consent Agenda.

Constituent Handicap Parking Request

The request to install a residential handicap parking space sign on Taylor Street between Alabama Avenue and Winder Street was presented by Internal Services Director Pam Oland (copy attached and made a part of these minutes). Unanimous consensus was given to move the request to the July 11 agenda under Consent Agenda.

CDBG Revised Action Plan Consensus Request

CDBG PY2011 funds to be reallocated from the Linens of the Week demolition project include the following:

- Coty Cox Branch Flood Relief/Drainage Improvements Project – Engineering Design - \$110,000
- Inlet Catch Basin Nets - \$20,000
- Demolition funds to demolish blighted properties - \$55,041

A copy of Deborah Stam's June 16, 2011 memo summarizing the CDBG projects to be completed with the reallocated funds is attached and made a part of these minutes. Council unanimously consented with moving forward with the projects.

Continuing discussion on Council Rules of Order

A copy of the Regulations and Rules of Order reflecting the changes from Council's June 20, 2011 work session and a copy of Councilwoman Mitchell's proposed changes are attached and made a part of these minutes.

Unanimous consensus was given for the following changes:

- Section 2 – add the following to the end of the last sentence: “, based on the start date of the Council member's term of office”
- Section 5 – delete in its entirety
- Section 6
 - Paragraph D - delete last sentence
 - Paragraph F - delete last sentence
 - Paragraph I – insert “required” between “all” and “public”
- Section 7
 - Paragraph B – delete “shall state his or her name, address, and organization affiliation, if they so choose” and insert “is requested to state his or her name, whether he or she is a resident within the corporate limits of Salisbury, and any organization affiliation he or she is representing”
 - Paragraph H – delete in its entirety
- Section 7
 - Paragraph G – delete in its entirety
 - Paragraph I – insert “the latest published edition of” between “of” and “Robert's Rules”

General Discussion/upcoming agendas

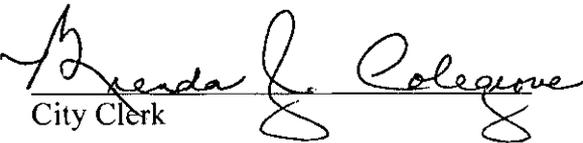
Onley Road/Bateman St./S. Division St. project – In response to a question posed by Mrs. Shields, Ms. Cohen related that she has drafted a letter to the Board of Education and will try to send it out tomorrow, July 8, 2011. The draft letter was reviewed by Mr. Wilber.

Mrs. Campbell referred to an article appearing in the newspaper regarding litigation. She questioned where The Daily Times obtained the document and expressed her concern that leaking information to the press could put the City at risk.

Mr. Spies requested that a Council member be assigned as an official member to the Recycling Committee.

Mr. Spies volunteered to attend the PAC14 meetings on Mrs. Shields' behalf during her absence after having surgery.

The work session adjourned at 9:20 p.m.


City Clerk


Council President