

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

JUNE 13, 2011

PRESENT

*Council President Terry E. Cohen
Councilwoman Eugenie P. Shields*

*Councilwoman Laura Mitchell
Councilman Timothy K. Spies*

Mayor James Ireton, Jr. (left 7:00 p.m.)

ABSENT

Council Vice President Deborah S. Campbell

IN ATTENDANCE

City Clerk Brenda Colegrove, MMC, City Administrator John Pick, ICMA-CM, Assistant City Administrator Loré Chambers, City Attorney Paul Wilber, Police Chief Barbara Duncan, Public Works Director Teresa Gardner, Internal Services Director Pam Oland, Neighborhood Services and Code Compliance Director Tom Stevenson and interested Citizens and Members of the Press.

MEDITATION – PLEDGE OF ALLEGIANCE - ADOPTION OF AGENDA

The City Council met in regular session at 6:00 p.m. in Council Chambers. Council President Cohen called the meeting to order. On a motion by Mr. Spies and seconded by Mrs. Mitchell, and by unanimous vote, the standing rules of order were suspended to allow for a moment of silent meditation followed by the Pledge of Allegiance.

Mrs. Mitchell moved and Mrs. Shields seconded to adopt the agenda as presented. Mrs. Mitchell moved to remove the May 17, 2011 budget work session minutes from the Consent Agenda for discussion immediately following the Consent Agenda. Mrs. Shields seconded and the amendment passed unanimously. The agenda, as amended, was unanimously adopted.

CERTIFICATES OF RECOGNITION – presented by Mayor James Ireton, Jr.

The James M. Bennett High School baseball team received Certificates of Appreciation for winning the 2011 Maryland 3A state championship. The following coaches, statisticians and team members received certificates:

*Jay Fenoglietto, Head Coach
Mike Shockley, Assistant Coach
Brandon Records, Assistant Coach
Harry Suber, Assistant Coach*

*Jeff Geary
Seth Windmuller
Ross Bednar
Josh Wyatt*

Brandon Hayward
Joe Cavalluzzo
Canaan Cropper
Hunter Greenwood
Kyle Barker
Bob Reynolds
Connor Shockley

Edward Jones
Ryan Aebly
Mark Waguespack
Zack Sterling
Devin Repine
Steve Sechler, Statistician
Brian Kragler, Statistician

CONSENT AGENDA – presented by City Clerk Brenda Colegrove

The Consent Agenda, consisting of the following items, was unanimously approved on a motion by Mrs. Shields and seconded by Mrs. Mitchell:

- May 2, 2011 work session minutes
- May 3, 2011 budget work session minutes
- May 5, 2011 budget work session minutes
- May 9, 2011 work session minutes
- May 10, 2011 budget work session minutes
- May 12, 2011 budget work session minutes
- May 18, 2011 budget work session minutes
- May 23, 2011 regular meeting minutes
- May 27, 2011 special meeting minutes
- May 31, 2011 closed session minutes
- June 6, 2011 special meeting minutes (public hearing)
- June 6, 2011 special meeting minutes
- June 8, 2011 special meeting minutes
- Resolution No. 2058 – appointment of Rachel S. Polk to the Ethics Commission for a term ending December 31, 2013
- Resolution No. 2059 – appointment of Patricia Derrick to the Recycling Advisory Committee for a term ending May 31, 2012
- Resolution No. 2060 – appointment of Matthew Drew to the Traffic and Safety Advisory Committee for a term ending July 31, 2014
- Ordinance No. 2153 – 2nd reading – abandonment of an existing utility easement that is proposed to be relocated and for which the City will be granted a replacement easement on property owned by Walgreen Company located at 917 Mt. Hermon Road
- Ordinance No. 2154 – 2nd reading - approving an amendment of the FY11 Public Works-Traffic Control, Streets and Lighting, Sanitation and Recreation and Culture budgetary accounts and the FY11 General Fund budget to appropriate additional funds (\$9,700) to pay the projected cost of fuel during the remaining portion of FY11
- Ordinance No. 2155 – 2nd reading - approving an amendment of the FY11 Public Works Fleet Management and Recreation and Culture budgetary accounts and the FY11 General Fund budget to appropriate additional funds (\$6,000) to pay the projected cost of electricity during the remaining portion of FY11

- Ordinance No. 2156 - 2nd reading - approving an amendment of the FY11 General Fund budget to address a projected shortfall (\$20,000) in the City Attorney budget
- Ordinance No. 2157 - 2nd reading - approving an amendment of the FY11 General Fund budget to appropriate funds (\$5,000) for the establishment of a K-9 Unit and the purchase of a K-9 and related equipment for the Police Department
- Resolution No. 2067 – accepting donation of equipment, supplies and services (value of \$5,000) from the Wicomico County Narcotics Task Force for the establishment of a Salisbury Police Department K-9 Unit

MAY 17, 2011 BUDGET WORK SESSION MINUTES

Mrs. Mitchell moved and Mrs. Shields seconded to approve the May 17, 2011 budget work session minutes. Mrs. Mitchell moved to amend the minutes by changing the funding amount from \$1,440 to \$17,640 for rubbish removal under Neighborhood Services and Code Compliance. Mrs. Shields seconded and the amendment passed unanimously. The May 17, 2011 budget work session minutes were unanimously approved as amended.

AWARD OF BIDS – presented by Internal Services Director Pam Oland

On a motion by Mrs. Mitchell and seconded by Mr. Spies, the Award of Bids, consisting of the following items, was unanimously approved:

- | | |
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| • Declaration of surplus – turnout gear | -0- |
| • Award of bid for RFP 106-11 | \$404,685.00 |
| Paleo Filter Media Replacement | |
| Bearing Construction | |
| Acct. No. 82075-577020 | |

ANNOUNCEMENT

Council President Cohen announced that Scout Hunter Shaner was attending this evening’s meeting as part of earning his communication badge.

PUBLIC HEARING – presented by City Attorney Paul Wilber; oath administered by City Clerk Brenda Colegrove

- Ordinance No. 2159 - amending Chapter 5.64 – Towing Companies to amend licensing requirements; towing and storage lot operation requirements; setting fees for towing and storage; and penalties for violation of Chapter 5.64
- Ordinance No. 2160 - establishing a schedule of fees and charges applicable to vehicles towed as dispatched by the Police Department

Two citizens commented on their recent difficult experiences with towing companies (copy of Mr. Jim Richardson’s comments/information attached and made a part of these minutes). Three

representatives from the towing industry voiced their concerns with new additional costs and their ability to meet expenses.

ORDINANCES – presented by City Attorney Paul Wilber

- Ordinance No. 2162 - 1st reading - amending Chapter 15 Housing of the Salisbury Municipal Code relating to the Housing Board of Adjustments and Appeals (narrowing the authority of the Board, clarifying authority to remove members of the Board and clarifying the appeal process)

Mrs. Mitchell moved and Mrs. Shields seconded to approve Ordinance No. 2162 for first reading. City Attorney Paul Wilber will modify the language (before second reading) concerning the composition of the Board (intent was to have one member from each occupational category and two members at large, residents of the city who do not have the same designated occupation). Ordinance No. 2162 for first reading passed unanimously.

- Ordinance No. 2163 - 1st reading - amending Chapter 15.26 of the Salisbury Municipal Code, Rental of Residential Premises, to modify the fees for failure to renew, re-register or obtain a Rental Dwelling Unit Owners License and/or a Rental Dwelling Unit Registration

Mrs. Mitchell moved and Mr. Spies seconded to approve Ordinance No. 2163 for first reading. City Attorney Paul Wilber and Neighborhood Services and Code Compliance Director will modify the language (before second reading) to identify the specific name of the fee that would be charged if non-compliant and to include definitions of delinquent owner and non-compliant owner.

Mrs. Mitchell moved and Mr. Spies seconded to amend 15.26.120 by adding section D to read as follows:

Should the decision of the housing official be overturned by the Housing Board of Adjustments and Appeals, the appellant shall receive a full refund of the one hundred dollar (\$100.00) appeal application fee within thirty (30) days of the date of the decision of the Board.

The amendment passed unanimously. Ordinance No. 2163, as amended for first reading, passed unanimously.

- Ordinance No. 2164 - 1st reading - establishing a fee schedule to obtain a rental unit owner license, registration of a rental dwelling unit and non-compliance or delinquency of such license or registration

Mr. Spies moved and Mrs. Mitchell seconded to approve Ordinance No. 2164 for first reading. Two editorial corrections were noted: 1) next to last paragraph – spelling of

Salisbury and 2) last paragraph (third line) – insert ordinance before having.

The following amendment was made on a motion by Mrs. Mitchell, seconded by Mr. Spies and approved on a 3-1 vote (Mrs. Shields voting nay):

AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that all fees contained herein shall be reviewed from time to time, but at least annually, for fairness and sufficiency.

Mrs. Mitchell moved and Mr. Spies seconded to amend the above amendment as follows:

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that all fees contained herein shall be reviewed from time to time, but at least annually, for fairness and sufficiency.

The amendment passed on a 3-1 vote with Mrs. Shields casting the nay vote. Ordinance No. 2164, as amended for first reading, passed on a 3-1 vote with Mrs. Shields voting nay.

RESOLUTIONS – presented by City Administrator John Pick

- Resolution No. 2057 – accepting funds awarded through a grant from the Governor's Office of Crime Control and Prevention for the Disproportionate Minority Contact Coordinator

Mrs. Shields moved and Mrs. Mitchell seconded to approve Resolution No. 2057. Resolution No. 2057 failed to pass. Mrs. Mitchell and Mrs. Shields voted aye. Ms. Cohen and Mr. Spies voted nay.

- Resolution No. 2062 – approving and accepting the Ninth Amended and Restated Trust Agreement of the Local Government Insurance Trust

Resolution No. 2062 was unanimously approved on a motion by Mrs. Mitchell and seconded by Mrs. Shields.

- Resolution No. 2063 – to establish committed fund balances and designate the Director of Internal Services to assign fund balances

On a motion and a second by Mrs. Mitchell and Mrs. Shields, respectively, Resolution No. 2063 passed unanimously.

- Resolution No. 2064 – adding two vehicles to the Salisbury Police Department's vehicle fleet that have been forfeited by the Circuit Court of Wicomico County

Resolution No. 2064 passed unanimously on a motion by Mr. Spies and seconded by Mrs. Mitchell.

- Resolution No. 2065 – renewal of a memorandum of understanding between the City of Salisbury Police Department and Salisbury University Police to allow for the Salisbury

University Police to routinely patrol off-campus student housing areas and roadways surrounding the Salisbury University campus

On a motion by Mr. Spies and seconded by Mrs. Shields, Resolution No. 2065 passed unanimously.

- Resolution No. 2066 – accepting funds awarded through a grant (\$75,000) from the Maryland Affordable Housing Trust for the rehabilitation of The Bricks

Mrs. Mitchell moved and Mrs. Shields seconded to approve Resolution No. 2066. Mrs. Mitchell moved and Mr. Spies seconded to postpone Resolution No. 2066 (upon receipt of opinion from the city attorney and missing page 7 of the agreement). All voted in favor of postponing Resolution No. 2066 with the exception of Mrs. Shields' nay vote.

PUBLIC COMMENTS

No comments.

ADJOURNMENT

On unanimous vote, the meeting adjourned at 9:01 p.m. on a motion by Mrs. Mitchell and seconded by Mr. Spies.


City Clerk


Council President