

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

May 28, 2013

PUBLIC OFFICIALS PRESENT

*Council President Jacob R. Day
Councilwoman Eugenie P. Shields*

*Council Vice President Laura Mitchell
Councilman Timothy K. Spies*

PUBLIC OFFICIALS NOT PRESENT

*Councilwoman Terry E. Cohen
Mayor James Ireton, Jr.*

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, Public Works Director Teresa Gardner, Deputy Director of Public Works Amanda H. Pollack, P.E., Internal Services Director Keith Cordrey, Salisbury Police Chief Barbara Duncan, Neighborhood Services and Code Compliance (NSCC) Director M. Thomas (Tom) Stevenson Jr. and Housing Supervisor Susan E. Phillips, Information Technology Director Bill Garrett, Salisbury Neighborhood Housing Service Executive Director Cheryl Meadows, and interested Citizens and Members of the Press

MEDITATION – PLEDGE OF ALLEGIANCE

The City Council met in regular session at 6:00 p.m. in Council Chambers. Council President Day called the meeting to order and made a special acknowledgement of Memorial Day just prior to calling for a moment of silent meditation that was followed by the Pledge of Allegiance.

ADOPTION OF LEGISLATIVE AGENDA

Mrs. Shields moved and Mr. Spies seconded to adopt the legislative agenda as presented.

Mrs. Mitchell moved, Mr. Spies seconded, and the vote was unanimous to amend the agenda by removing May 6, 2013 Work Session Minutes, May 7, 2013 Budget Session Minutes, May 13, 2013 Regular Meeting Minutes, May 14, 2013 Budget Session Minutes and Resolution No. 2281 – approving a waiver of Resolution No. 1312 for the utility connection at 309 East Main Street from the consent agenda.

The legislative agenda, as amended, was adopted on a unanimous vote in favor.

APPROVAL OF MINUTES

Mrs. Mitchell moved and Mrs. Shields seconded to adopt the May 6, 2013 Work Session Minutes with the following amendments:

- *Line 45, strike "upcoming needed" and replace with "future"*
- *Line 78, strike "process" and replace with "processed"*
- *Line 81, strike "Kadista" and replace with correct spelling of "Cadista"*

The May 6, 2013 Work Session Minutes were adopted as amended on a unanimous vote in favor.

Mrs. Mitchell moved and Mr. Spies seconded to adopt the May 7, 2013 Budget Session Minutes after amending Line 63 by replacing the first two periods in the body of the number with commas.

The May 7, 2013 Budget Session Minutes were adopted as amended on a unanimous vote in favor.

Mrs. Mitchell moved and Mr. Spies seconded to adopt the May 13, 2013 Regular Meeting Minutes with the following amendments:

- *Line 73, insert verbiage that accurately reflects the audio as verified by the City Clerk from the May 13, 2013 Regular Meeting that the April 22, 2013 Regular Meeting minutes were unanimously adopted on the appropriate motion made.*
- *Line 75, insert verbiage that accurately reflects the audio as verified by the City Clerk from the May 13, 2013 Regular Meeting that the May 2, 2013 Budget Session minutes were unanimously adopted on the appropriate motion made.*

The May 13, 2013 Regular Meeting Minutes were adopted as amended on a unanimous vote in favor.

Mrs. Mitchell moved and Mr. Spies seconded to adopt the May 14, 2013 Budget Session Minutes after amending Line 23 by inserting "report" between "incident and "fee."

The May 14, 2013 Budget Session Minutes were adopted as amended on a unanimous vote in favor.

RESOLUTION NO. 2281 - *approving a waiver of Resolution No. 1312 for the utility connection at 309 East Main Street*

Mrs. Mitchell moved and Mr. Spies seconded, with the recommendation that "one time" be hyphenated, to adopt Resolution No. 2281 with the following amendments:

- *Line 15, strike "to waive" and insert "of a one-time waiver of"*
- *Line 16, following "1312" insert "for the project at 309 East Main Street"*
- *Line 29, insert "one-time" between "that a " and "waiver"*
- *Line 30, after "granted" include "provided that the repaving shall extend to the edge of the nearest travel lane" then "."*

Resolution No. 2281 was adopted as amended on a unanimous vote in favor.

CONSENT AGENDA – *presented by Assistant City Clerk Diane Nelson*

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

- *April 23, 2013 closed session minutes*
- *May 6, 2013 closed session minutes*
- *May 9, 2013 budget session minutes*
- *Resolution No. 2277 – adopting a Computer and Internet Use Policy to define guidelines and restrictions regarding the use of computer resources and communications technologies by City of Salisbury employees*
- *Resolution No. 2278 – adopting a Virtual Private Network (VPN) Use Policy to define guidelines and restrictions regarding the use of remote network and system access by City of Salisbury employees*
- *Resolution No. 2279 – entering into an agreement with Wicomico County, Maryland to use their emergency backup power generator to power the City Server and Network Equipment in the Government Office Building*
- *Resolution No. 2280 – declaring that SCRIBEAMERICA, LLC is eligible to receive Enterprise Zone benefits for property located at 100 East Carroll Street, Salisbury, Maryland*
- *Resolution No. 2283 – approving a reallocation of a portion of the FY13 Sewer Fund Budget to appropriate funds for a concrete breaker and backhoe*

PUBLIC HEARINGS –MAYOR’S PROPOSED FY14 BUDGET - *presented by City Administrator John Pick/Assistant City Clerk Diane Nelson administered the oath*

- *Ordinance No. 2243 – appropriating the necessary funds for the operation of the Government and Administration of the City of Salisbury, Maryland for the period July 1, 2013 to June 30, 2014, establishing the levy for the General Fund for the same fiscal period and establishing the appropriation for the Water and Sewer, Parking Authority and City Marina Funds*
- *Ordinance No. 2244 - amending water and water and sewer rates to decrease sewer rates by 6.5%, making said changes effective for all bills dated October 1, 2013 and thereafter*

unless and until subsequently revised or changed

President Day convened the Public Hearing and introduced the two budget ordinances: Mr. Pick provided an overview and presented highlights of the Mayor's proposed FY14 Budget in conjunction with the downward trend in the City's assessable tax base over recent budget years, and City Staff's continuing efforts to make budget cuts and initiate cost saving measures for the City and its taxpayers.

Mrs. Shields moved and Mrs. Mitchell seconded to approve Ordinance No. 2243; immediately thereafter one member of the Public spoke on the following topics pertaining to both Ordinance Nos. 2243 and 2244:

- *Decreasing property values in tandem with increasing property taxes*
- *Employee Health Care and Pension benefits viewed as part of employee salaries*
- *Duplication of City and County costs/services; some County costs less than City costs, City underwriting some costs that benefit both the City and County*
- *Expenses and pollutants associated with the City Zoo*
- *Water and Sewer rates in conjunction with City Water/Sewer loans and City Sewer Plant settlements*
- *Overall affordability of City living*

President Day yielded the floor to Public Comment on Ordinance No. 2244; there being no further comments on the ordinance, the Public Hearing was closed.

Council deferred the vote on both ordinances until the June 10, 2013 Council Legislative Session.

RESOLUTIONS – *presented by City Administrator John Pick*

- *Resolution No. 2282 – requesting permission to accept, from the U.S. Marshal's Service, two new vehicles currently described as a silver 2013 Dodge Caravan and a silver 2013 Ford Explorer which will be outfitted with emergency equipment, all at no cost to the City of Salisbury and will be utilized exclusively by the officers assigned to the U.S. Marshal's Service and the Capitol Area Regional Fugitive Task Force (CARFTF)*

Mrs. Shields moved and Mrs. Mitchell seconded to adopt Resolution No. 2282; after discussion, Resolution No. 2282 was unanimously passed as presented.

- *Resolution No. 2284 – approving an allocation of a portion of the MTBE settlement to appropriate funds to cover a portion of the cost of the Park Water Treatment Plant Meter and Piping Improvements Project*

Mrs. Shields moved and Mrs. Mitchell seconded to adopt Resolution No. 2284; after

discussion, Resolution No. 2284 was unanimously passed as presented.

ORDINANCES – presented by City Attorney Mark Tilghman

- Ordinance No. 2245 - 1st reading - approving a Budget Amendment of the FY13 General Fund Budget to appropriate funds received from the Speed Camera Program to purchase a Long Range Acoustic Device (LRAD) and accessories for use during natural or manmade disasters and large crowd control

Mr. Spies moved and Mrs. Mitchell seconded to adopt Ordinance No. 2245 for 1st reading; after discussion, Ordinance No. 2245 was unanimously approved for 1st reading as presented.

- Ordinance No. 2246 - 1st reading – approving a Budget Amendment of the FY13 General Fund to appropriate funds received from the Speed Camera Program for the purchase of a high intensity forensic light source and viewing glasses for criminal investigations and the purchase of a K-9 heat alarm temperature sensor and door opener

Mr. Spies moved and Mrs. Shields seconded to adopt Ordinance No. 2246 for 1st reading; after discussion, Ordinance No. 2246 was unanimously approved for 1st reading as presented.

- Ordinance No. 2247 – 1st reading - approving a Budget Amendment of the FY13 General Fund to appropriate the funds received from the Maryland Emergency Management Agency (MEMA) for emergency operations conducted in preparation and during Hurricane Sandy in October 2012

Mrs. Mitchell moved and Mr. Spies seconded to adopt Ordinance No. 2247 for 1st reading.

On a motion by Mrs. Mitchell that was seconded by Mrs. Shields and approved on a 3-0 vote in favor as Mr. Spies was out of the room when the vote was taken, Ordinance No. 2247 was amended for 1st reading by removing the “.” after “1a)” and before “Increase” on Line 23; thereafter Ordinance No. 2247 was adopted for 1st reading as amended on a 3-0 vote in favor as Mr. Spies was out of the room when the vote was taken.

- Ordinance No. 2248 - 1st reading – adjusting the Capacity Unit Fee in accordance with Chapter 13.02 of the City Code

Mrs. Shields moved and Mrs. Mitchell seconded to adopt Ordinance No. 2248 for 1st reading.

On a motion by Mrs. Mitchell that was seconded by Mrs. Shields and unanimously approved on a 3-0 vote in favor with Mr. Spies abstaining, Ordinance No. 2248 was amended for 1st reading by removing all language after "July 1, 2013" on Line 28 and inserting a "." after the date, thereby eliminating the remainder of that paragraph; thereafter Ordinance No. 2248 was unanimously adopted for 1st reading as amended on a 3-0 vote in favor with Mr. Spies abstaining.

- *Ordinance No. 2249 - 1st reading – adjusting the payment schedule for Comprehensive Connection Charges in accordance with Chapter 13.02.070 of the City Code*

Mrs. Mitchell moved and Mr. Spies seconded to adopt Ordinance No. 2249 for 1st reading.

On a motion by Mrs. Mitchell that was seconded by Mr. Spies and approved on a unanimous vote in favor, Ordinance No. 2249 was amended for 1st reading by inserting commas before and after "once paid" on Line 78.

Mrs. Mitchell moved and Mrs. Shields seconded to amend Ordinance No. 2249 for 1st reading by striking the entire sentence which begins with "Instead" on Line 80 and concludes with "property." on Line 82; after discussion, the motion failed with all Councilmembers voting against the proposed amendment.

Thereafter, Ordinance No. 2249 was unanimously approved as amended for first reading.

- *Ordinance No. 2250 – 1st reading – amending Chapter 13.04 of the City Code to create a Wastewater Credit Allowance by adding Section 13.04.100*

Mrs. Mitchell moved and Mrs. Shields seconded to adopt Ordinance No. 2250 for 1st reading.

One member of the Public spoke in favor of the Ordinance; with no further discussion, Ordinance No. 2250 was unanimously approved for 1st reading as presented.

- *Ordinance No. 2251 – 1st reading – adding Chapter 15.23 to the City Municipal Code, to create a procedure under which the City may petition the Circuit Court for appointment of a receiver to rehabilitate vacant structures, to demolish vacant structures, or to sell vacant structures or vacant lots to qualified buyers*

Mr. Spies moved and Mrs. Shields seconded to adopt Ordinance No. 2251 for 1st reading.

Mrs. Mitchell moved and Mrs. Shields seconded to amend Ordinance No. 2251 for 1st reading by removing the entire published "Section 15.23.010 Scope" and replacing it with the alternative language provided by Mr. Tilghman, absent the parenthetical

“(Alternative Section)” comment; after discussion, the amendment passed on a 3-0 vote in favor with Mr. Spies abstaining.

Thereafter, Ordinance No. 2251 was unanimously approved as amended for first reading on a 3-0 vote in favor, with Mr. Spies abstaining.

- *Ordinance No. 2252 – 1st reading – approving a Budget Amendment of the FY2013 General Fund to appropriate funds for Attorney Fees*

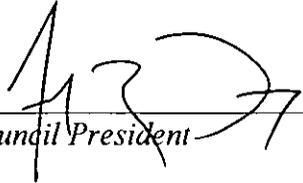
Mr. Spies moved to approve Ordinance No. 2252 for 1st reading; the motion died for lack of a second.

PUBLIC COMMENTS

There being no public comment or further business for discussion, the meeting adjourned at 7:35 p.m.



Assistant City Clerk



Council President