

**CITY OF SALISBURY, MARYLAND**

**REGULAR MEETING**

**MAY 29, 2012**

**PRESENT**

*Council President Terry E. Cohen  
Councilwoman Laura Mitchell  
Mayor James Ireton, Jr. \*  
(arrived at 6:10 p.m., left at 6:45 p.m.)*

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

**IN ATTENDANCE**

*City Clerk Kimberly R. Nichols, CMC, City Administrator John Pick, ICMA-CM, Assistant City Administrator Lore Chambers, Ph.D., City Attorney Mark Tilghman, Public Works Director Teresa Gardner, Assistant Internal Services – Procurement Director Catrice Parsons, Colonel Ivan Barkley, and interested Citizens and Members of the Press.*

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**MEDITATION – PLEDGE OF ALLEGIANCE**

*The City Council met in regular session at 6:00 p.m. in Council Chambers. Council President Cohen called the meeting to order. A moment of silent meditation was held followed by the Pledge of Allegiance.*

**ADOPTION OF LEGISLATIVE AGENDA**

*Mrs. Shields moved and Mrs. Mitchell seconded to adopt the legislative agenda as presented. Mrs. Campbell moved and Mr. Spies seconded to amend the agenda by removing Ordinance No. 2203 from the agenda and placing it on the June 11, 2012 agenda. The amendment passed on a 3 – 2 vote, with Ms. Cohen, Mrs. Campbell and Ms. Spies voting “aye” and Mrs. Shields and Mrs. Mitchell voting “nay.”*

*The legislative agenda, as amended, was unanimously approved.*

**CONSENT AGENDA** – presented by City Clerk Kim Nichols

*The Consent Agenda, consisting of the following items, was unanimously approved on a motion by Mrs. Campbell and a second by Mr. Spies:*

- *March 19, 2012 closed session minutes*
- *March 26, 2012 regular meeting minutes*
- *March 26, 2012 work session minutes*
- *Manufacturing exemption request – Spartech Polycom*

- *Designation of honorary board members of Friends of Poplar Hill Mansion*
- *Resolution No. 2166 – donation to Salisbury Police Department Physical Fitness Room*
- *Resolution No. 2167 – donation of shotguns to Salisbury Police Department*
- *Resolution No. 2168 – appointment of trustee to Retiree Health Plan Trust (GASB#45 Trust)*

**AWARD OF BIDS** – presented by Assistant Internal Services – Procurement Director Catrice Parsons

*The following items were unanimously approved on a motion by Mr. Spies and a second by Mrs. Mitchell:*

- *Declaration of Surplus – 5 shotguns*
- *Change Order #3 to Contract #A-7-09 R2 Curb, Gutter, and Sidewalk - \$27,021.30*
- *Award Contract #110-12 Parsons Road Pavement Replacement - \$828,666.00*

**ORDINANCES** – presented by City Attorney Mark Tilghman

- *Ordinance No. 2205 – 1<sup>st</sup> reading – FY12 budget amendment to appropriate funds for a contribution to support the Red, White and Boom Fireworks Display*

*On a motion by Mrs. Campbell and seconded by Mrs. Shields, Ordinance No. 2205 failed on a 1- 4 vote, with Mrs. Shields voting “aye” and Ms. Cohen, Mrs. Campbell, Mrs. Mitchell and Mr. Spies voting “nay.”*

*The following comments were received by three members of the public:*

- *Mayor Ireton implied the \$5,000 was being donated because he stated Mr. Pick “found the money”*
- *City of Salisbury should not contribute cash because they are already providing Police, Fire, and Public Works personnel as “in-kind” services*
- *Ordinance No. 2202 – 1<sup>st</sup> reading – FY12 budget amendment to purchase properties at tax sale, along with associated costs*

*On a motion by Mrs. Shields and a second by Mr. Spies, Ordinance No. 2202 for first reading passed unanimously*

*Ordinance No. 2204 - 1<sup>st</sup> reading – FY12 budget amendment to appropriate funds received from Maryland Emergency Management Agency (MEMA) – accepting MEMA/LGIT reimbursement for storm damage*

*Ordinance No. 2204 for first reading was unanimously approved on a motion and a second by Mrs. Mitchell and Mrs. Campbell, respectively.*

- *Ordinance No. 2201– 2<sup>nd</sup> reading – adoption of FY2013 budget (setting of real property tax rate, water/sewer rates, fees and establishing appropriations)*

*Mrs. Campbell moved and Mr. Spies seconded to approve Ordinance No. 2201. Mrs. Mitchell moved to table Ordinance No. 2201 for second reading, which died for lack of a second.*

*The following comments were received from three members of the public:*

- *agreed with the Council’s budget and requested them to pass it*
- *considers the employee bonus fair to all City employees*
- *the Council was commended for its hard work on the budget*
- *urged Council to change the Charter in reference to Mayoral veto*

*Mrs. Shields moved, Mr. Spies seconded, and the vote was unanimous to substitute the “FY2013 Items Adjusted by Council (Exhibit A)” in the briefing book for the updated “FY2013 Items Adjusted by Council – Correction (Exhibit A)” provided by Gerri Moore. Line 69 on page 3 will have the word “Correction” preceded by a dash inserted just after (Exhibit A).*

*Mrs. Campbell moved, Mr. Spies seconded, and the vote was unanimous to insert the following paragraph after the paragraph that begins on line 67:*

*“AND BE IT FURTHER ORDAINED by the Salisbury City Council that, should any provision, section, paragraph or subparagraph of this budget ordinance, including any Code or text adopted hereby, be declared null and void, illegal, unconstitutional or otherwise determined to be unenforceable by a Court having competent jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any Code or text adopted hereby, with each such provision, section, paragraph or subparagraph expressly declared to be, and is deemed, severable.”*

*Ordinance No. 2201, as amended for second reading, passed on a 4 – 1 vote. Ms. Cohen, Mrs. Campbell, Mrs. Shields, and Mr. Spies voted “aye” and Mrs. Mitchell voted “nay.”*

### **PUBLIC COMMENTS**

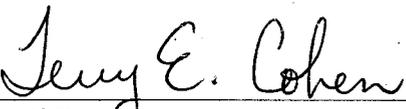
*The following comments were received from one member of the public:*

- Council President thanked for allowing public comments on the budget prior to final vote
- suggested public input meetings prior to scheduling agendas
- grants should be approved by Council prior to applications being made

**ADJOURNMENT**

*The legislative meeting adjourned at 9:26 p.m.*

  
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City Clerk

  
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Council President