

CITY OF SALISBURY  
WORK SESSION  
NOVEMBER 19, 2012

Present

Council President Terry Cohen  
Councilman Timothy K. Spies

Council Vice President Deborah S. Campbell  
Councilwoman Eugenie P. "Shanie" Shields (left at  
5:14 p.m.)

Absent

Mayor James Ireton, Jr.  
Councilwoman Laura Mitchell

In Attendance

City Clerk Kim Nichols, CMC, City Administrator John Pick, Assistant City Administrator Loré Chambers, Ph.D., Internal Services Director Keith Cordrey, IT Director Bill Garrett, City Attorney Mark Tilghman, and interested members of the public and press.

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

**Discussion of government access needs for Cable Franchise Renewal**

City Administrator John Pick introduced CBG Communications, Inc. (CBG) President Tom Robinson, who attended the work session to provide information on the City government's cable franchise renewal activities and progress.

Mr. Robinson updated Council on the progress of the Needs Assessment, System Technical Review, Franchise Fee Review, and Legal Review. He explained CBG was in the process of projecting facility and equipment for the next ten (10) years. After deciding on the facility, equipment, channel capacity, and delivery methods to facilitate Government Access programming, a cost will be applied.

Mr. Robinson asked the Council members for their thoughts on what might need improvement, and asked for key elements that help the City of Salisbury meet its goals and mission.

The following is a synopsis of the topics of discussion:

- Insufficient sound quality is a frequent constituent complaint
- Need for updated technical equipment
- PAC14 needs better, larger office space
- It would be helpful to know what "model" communities do with their access
- Public Works could get a wide range of information out to the public
- Need for better internet service
- PAC14 doesn't have adequate infrastructure
- Need for more live programs from remote locations
- It would be helpful to have council meetings on Video On Demand
- 75% of public have high definition (HD)
- Need to be mindful that the City shares PAC14 usage with the City

Ms. Cohen praised the PAC14 staff's efforts and willingness to provide coverage, even from the most remote locations. Mr. Robinson was asked to forward the PowerPoint to the Council, and they would respond after giving more thought on the subject (copy of PowerPoint included as part of these minutes) Mr. Robinson indicated he would work on models of other cities similar in size to Salisbury for Council's follow-up and review.

### **Computer Internet Use Policy/VPN Policy**

IT Director Bill Garrett joined Council to discuss the Computer Internet Use Policy and VPN Policy. Mr. Garrett indicated he reviewed the policies after the last work session and made the suggested changes. However, Council was provided the former, unaltered versions of both policies in their packets. Council President Cohen requested the most recent, updated version of the policies, including line numbers, be returned to an upcoming work session for further discussion.

### **Follow-up Discussion – U.S. 50 East/Moore Annexation**

Ms. Cohen began discussion on the annexation by stating there were additional properties to be included in U.S. 50 East/Moore Annexation, not just the property owned by the Moore's. Because they were not mentioned in recent meetings, Ms. Cohen polled the Council members several days ago to ask whether they remembered discussing these other properties, and no one could recall.

Ms. Cohen said that when Council last discussed the annexation on October 15, 2012, Mr. Chris Jekubiak's Annexation Report, which was dated October 4, 2012, included a section entitled 1.1, Petitioners on page two (2). This section indicated the petitioners were "the City of Salisbury and separately the estate of Florence Moore for parcel 430 on Tax Map 39, The Moore Property." But when Council received the material intended for the November 13, 2012 Legislative Session, the Annexation Report included the following owners in the same 1.1, Petitioners section, which was also dated October 4, 2012:

- Milford St. Associates, Inc.
- Chesapeake Conference Association of the Seventh Day Adventist
- Mid Atlantic Farm Credit FLCA
- Meuse Post 194 Veterans of Foreign Wars of the United States, Inc.
- Professional Park of Delmarva, LLC
- Delmarva Vitrio Retenal, LLC
- 3<sup>rd</sup> Wave Property Management, LLC
- LWK Partnership
- Queens Grant, LLC
- Woodbrooke Surgery Center, LLC

Mr. Pick explained that when he reviewed the documents while preparing for legislative session, he realized that the owners listed on the Annexation Plan were "*Moore's and other properties*" and felt it should include the listing of all of the petitioners. Parcels owned by Milford Street Associates were removed from the annexation due to being undeveloped, because they are grouped together, and could potentially become a substantial development. When they are ready to be developed, they could then be annexed.

Mrs. Campbell asked whether there was a legal basis for the annexed properties to be exempt from taxes. Mr. Tilghman indicated the City was not bound by law to grant exemptions even though the

petitions requested a desire for exemption from taxation. Mr. Pick said because the other parties were asked to participate in the annexation, they should not be asked to pay advertising costs.

Questions and items to be addressed for the next work session on this annexation are:

- Can “no residential” be included in the annexation petition?
- Which parcels are developed?
- Which pay a county rate?
- Why can't the advertising costs be divided up between all of the petitioners?
- Where the parcels already have water and sewer, what is the dollar amount hit to the water and sewer fund?
- If the properties are already developed and are annexed, they are going to be eligible for a higher level of service than a vacant lot.

(Council took a break at 3:00 p.m. and reconvened in work session at 3:14 p.m.)

**Closed Session (held in accordance with Annotated Code of Maryland Section 10-508(a)(3)(7)(8))**

- Land acquisition
- Contract issue
- Litigation update

On a motion and a second from Mr. Spies and Mrs. Campbell, respectively, and by unanimous vote, Council convened in closed session at 3:36 p.m. Upon adjourning the closed session at 4:22 p.m., Council President Cohen called the open session to order, reported the following on the closed session, and reconvened the work session:

1. Council received an update only on the land acquisition, and took no action
2. Two contractual issues: 1) Council unanimously voted to approve providing a release in a contract, and 2) Council received an update on a contract, and took no action
3. Council received an update on potential litigation from Mr. Tilghman and reached consensus (unanimous) that the matter required only one (1) attorney.

**2013 Council Meeting Dates**

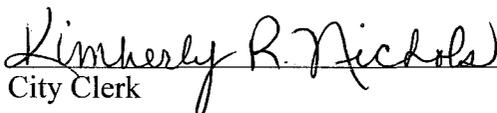
City Clerk Nichols passed out the proposed 2013 meeting dates and explained that the schedule was prepared based upon the past few schedules. The second Council meeting in December is usually included on the list, but is normally cancelled. Council unanimously agreed to: 1) leave the second legislative session in December on the schedule, but can cancel it at a later date if there are no emergency items, 2) keep the 1:30 p.m. and 4:30 p.m. work session times as they have been.

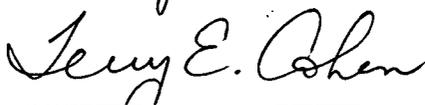
**General Discussion/Upcoming agenda items**

- ***Discussion of agenda items***  
City Clerk Nichols passed out the requested agenda items list received from Administration and Council discussed several items ready for the agenda.

- ***Discussion on accepting the grant for a skatepark to be located in the City Park***  
 Ms. Cohen told Council she received County Executive Rick Pollitt's official "no" in reference to her letter requesting a joint City/County meeting to discuss incorporating a skatepark into the County's plans for a 6.42 acre parcel behind the Wicomico Youth and Civic Center. Council discussed the proposed Skatepark site, traffic issues, other park sites, and the fact that families reside close by and suggested that Administration should have included Council in the "loop" concerning the grant application. Council reached consensus to not advance the acceptance of the grant for a skatepark to be located in the City Park.
  
- ***Flooding on Germania Circle from Tropical Storm Sandy***  
 Mrs. Shields discussed the extreme flooding of two homes on Germania Circle during Tropical Storm Sandy. The owners have been offered loans from FEMA and MEMA, but they cannot borrow money because they are elderly and on fixed incomes. Mrs. Shields asked if the City would consider purchasing their properties, and since the purchase of property is an Administrative decision, she wanted to initiate the topic in John Pick's presence. Mr. Pick recalled the City previously addressed grant funding for this purpose, and completed a required flood study. He will research the matter and make a recommendation.
  
- ***Various questions and topics of discussion asked by Mrs. Campbell***
  - Status of the Thrift Travel Inn
  - Recent notice to apply for CDBG funds should be placed on work session agenda
  - Dashboard tool needs addressing
  - Status of HUD visit
  - Status of Fire Service Agreement
  - When will new Fire Chief candidate be advanced to Council
  
- ***Discussion of status of Fire Chief position***
  - Mrs. Shields stated she considered decisions on personnel issues to be the function of Administration. Mrs. Campbell requested advice from City Attorney Tilghman about what steps Council could take within its legislative authority to correct a faulty resolution, referring to a majority of the Council members could not comply with the Charter by giving consent on a candidate advanced by the Mayor, because Council has advised the Mayor to advance another candidate other than the one who has been advanced. Mr. Spies asked if no new candidate is advanced, and the Mayor presents the same name to extend the acting status, can Council not approve that extension? There would then be no Fire Chief, and doesn't the City require a Fire Chief, acting or otherwise? Mr. Tilghman will research the topic and provide answers and advice.

With no further discussion, the work session adjourned at 5:23 p.m.

  
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 City Clerk

  
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 Council President