

AS AMENDED ON OCTOBER 24, 2011

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

OCTOBER 10, 2011

PRESENT

*Council President Terry E. Cohen
Councilwoman Laura Mitchell
Councilman Timothy K. Spies*

*Council Vice President Deborah S. Campbell
Councilwoman Eugenie P. Shields
Mayor James Ireton, Jr. (left 6:10 p.m.)*

IN ATTENDANCE

City Clerk Brenda Colegrove, MMC, City Administrator John Pick, ICMA-CM, Assistant City Administrator Loré Chambers, City Attorney Paul Wilber, Acting Internal Services Director Gerri Moore, Assistant Internal Services-Procurement Director Catrice Parsons, Fire Chief Jeff Simpson, Neighborhood Services and Code Compliance Director Tom Stevenson 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 Cohen called the meeting to order. A moment of silent meditation was held followed by the Pledge of Allegiance.

PROCLAMATION/CERTIFICATES OF APPRECIATION – presented by Mayor James Ireton, Jr.

October 9-15, 2011 was proclaimed “Fire Prevention Week 2011” in the City of Salisbury. Fire Chief Jeff Simpson, along with Assistant Chief James Gladwell and Firefighter/EMT Aaron Colegrove, accepted the proclamation.

Certificates of Appreciation were presented to the Maryland Army National Guard for assisting the Emergency Operations Center during Hurricane Irene. Accepting the certificates on behalf of the National Guard were 1LT Terri Davis, along with PFC Christopher McMullen, PFC John McMullen, SPC Jeremy Lambertson, SPC Gregory Morris and PFC Blaine Peters.

ADOPTION OF LEGISLATIVE AGENDA

Mr. Spies moved and Mrs. Shields seconded to adopt the agenda as presented. Mrs. Mitchell moved to amend the agenda by adding Resolution No. 2110 (accepting federal funds through an Edward Byrne Memorial Justice Assistance Grant Program) to the Consent Agenda. Mrs.

Shields seconded and the amendment passed unanimously. The legislative agenda, as amended, was adopted unanimously.

CONSENT AGENDA – presented by City Clerk Brenda Colegrove

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

- *September 19, 2011 work session minutes*
- *September 26, 2011 regular meeting minutes*
- *September 26, 2011 closed session minutes*
- *Resolution No. 2106 - accepting grant funds of \$4,750 in cooperation with the Maryland Office of Highway Safety to provide overtime reimbursement to police officers participating in the "Smooth Operator" program*
- *Resolution No. 2107 - accepting grant funds of \$4,750 in cooperation with the Maryland Office of Highway Safety to provide for overtime reimbursement to police officers participating in DUI enforcement*
- *Resolution No. 2108 - accepting grant funds of \$500 in cooperation with the Maryland Office of Highway Safety to provide for overtime reimbursement to police officers participating in traffic enforcement during the 2012 "Bike Week"*
- *Resolution No. 2110 - accepting federal funds awarded by the U.S. Justice Department through an Edward Byrne Memorial Justice Assistance Grant Program for maintaining and upgrading the technology of the Salisbury Police Department - \$68,807 grant with \$12,007 of the funds to be forwarded to the Wicomico County Sheriff's Office*

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

The following item was unanimously approved on a motion by Mrs. Shields and seconded by Mrs. Mitchell:

- *Declaration of surplus – service handgun -0-*

ORDINANCES – presented by City Attorney Paul Wilber

- *Ordinance No. 2175 - 2nd reading - adding Chapter 15.21 to the Salisbury Municipal Code to create a foreclosed property registry*

Ordinance No. 2175 for second reading was unanimously approved on a motion and a second by Mrs. Shields and Mr. Spies, respectively.

- *Ordinance No. 2176 - 2nd reading - establishing a fee schedule (\$25) to register a foreclosed residential property
On a motion by Mrs. Mitchell and seconded by Mrs. Shields, Ordinance No. 2176 for second reading was unanimously approved.*

PUBLIC COMMENTS *(unanimous consensus from Council to take public comments prior to discussion of Charter Amendment No. 2109)*

Two citizens commented on the following issues:

- *Council's decision on The Bricks*
- *Wastewater Treatment Plant*
- *ship on the north prong of the river*
- *Pemberton Apartments*
- *river pollution*
- *U.S. Marshal's Office*
- *Downtown revitalization*
- *vacant spaces on Plaza*

RECESS

The Council recessed (by unanimous consensus) at 6:30 p.m. and reconvened at 6:45 p.m. in order to accommodate the 6:45 p.m. time slot for discussion of Charter Amendment Resolution No. 2109.

CHARTER AMENDMENT – City Attorney Paul Wilber

- *Resolution No. 2109 – amending the City of Salisbury Charter Sections § SC9-1, § SC9-2 and § SC9-3 (Article IX – Department of Law) to grant the City Council the appointment and oversight authority of the City Solicitor, any assistant City Solicitors and additional legal counsel, and to make minor clarifications to the duties of the City Solicitor and any Assistant City Solicitors; and to amend Charter Section § SC4(C) to reflect the appointment and termination process for the City Clerk, the City Administrator, the City Solicitor and all other department heads; and to amend Salisbury Charter Section § SC4-5 to state that the City Clerk and City Solicitor are not supervised by the City Administrator*

Mr. Spies moved and Mrs. Campbell seconded to approve Resolution No. 2109. Mrs. Shields moved and Mrs. Mitchell seconded to postpone Resolution No. 2109 for further discussion at a work session. The motion failed to pass with Mrs. Mitchell and Mrs. Shields voting aye and Mrs. Campbell, Ms. Cohen and Mr. Spies voting nay. Mrs.

Mitchell moved and Mrs. Shields seconded to suspend the Council's rules on discussion in order to extend debate. The motion failed to pass with Mrs. Mitchell and Mrs. Shields voting aye and Mrs. Campbell, Ms. Cohen and Mr. Spies voting nay.

Mrs. Campbell moved and Mr. Spies seconded to amend the title and the first Whereas paragraph of Resolution No. 2109 by inserting a space between the § symbol and the letters SC. All voted in favor of the amendment with the exception of Mrs. Shields who voted nay.

Mrs. Campbell moved and Mr. Spies seconded to amend Resolution No. 2109 as follows:

- *handwritten page 4, last Whereas paragraph - insert the section symbol § and a space before the SC3-4 and SC4-5 on the beginning of the second line and on the same line insert the word "update" then a comma before the word "clarify" and insert after the word "clarify" the words "and resolve current and future inconsistencies in" so that the second line of the Whereas paragraph reads as follows: "§ SC3-4 and § SC4-5 is necessary to update, clarify and resolve current and future inconsistencies in the appointment process, termination process"*
- *handwritten page 4, Now, Therefore, Be It Resolved paragraph - change the word "of" to the word "to" so that the line reads as follows: "timely and full access to the City Solicitor, any Assistant City Solicitors and additional"*
- *handwritten page 6 in Section § SC3-4C:*
 - *line 5 – insert the section symbol § and a space before SC9-1 and after the word "SC9-1" insert a comma and the word "respectively"*
 - *line 8 – remove the space between the letters SC and the numbers 2-10 to be consistent with all other Charter section references*
 - *line 11 – after the sentence reads "All subordinate officers and employees of the offices, departments and agencies" insert a comma and add the phrase "excepting those serving under the City Clerk and the City Solicitor" followed by a comma so that the sentence reads as follows: "All subordinate officers and employees of the offices, departments and agencies, excepting those serving under the City Clerk and the City Solicitor, shall be appointed by the Mayor on the recommendation of the head of the office, department or agency concerned subject to budgetary appropriations."*
- *handwritten page 7:*
 - *second line from the top – after the words "agency head" and before the period, insert the words "excepting those serving under the City Clerk and the City Solicitor" so that this portion of the sentence reads as follows: "...all subordinate officers and employees may be removed by the Mayor on the recommendation of the appropriate office, department or agency head, excepting those serving under the City Clerk and the City Solicitor"*

The above amendments passed on a 3-2 vote with Mrs. Campbell, Ms. Cohen and Mr. Spies voting aye and Mrs. Mitchell and Mrs. Shields voting nay.

Mrs. Mitchell moved and Mrs. Campbell seconded to amend Resolution No. 2109 by adding an additional Whereas paragraph (prior to the Now, Therefore, Be It Resolved paragraph) to read as follows:

“Whereas, the City Council is concerned with monetary efficiency and the use of taxpayer dollars, it is the intent with this amendment that the taxpayer burden for legal services would be reduced by this change.”

The amendment failed to pass with Mrs. Mitchell voting aye and Mrs. Campbell, Ms. Cohen, Mrs. Shields and Mr. Spies voting nay.

Charter Amendment Resolution No. 2109, as amended, passed on a 3-2 vote with Mrs. Campbell, Ms. Cohen and Mr. Spies voting aye and Mrs. Mitchell and Mrs. Shields voting nay. The Charter Amendment would become effective on November 29, 2011, subject to the right of petition to referendum (petition received on or before the 40th day – November 19, 2011).

ADJOURNMENT

The meeting adjourned at 8:20 p.m.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
OCTOBER 17, 2011

TIME & PLACE: 1:25 p.m., Government Office Building – Council Chambers (Room 301)
PURPOSE: Consult with legal counsel and staff on pending/potential litigation matters
VOTE TO CLOSE: Unanimous
CITATION: Annotated Code of Maryland Sections 10-508(a)(7)(8)
PRESENT: Council President Terry E. Cohen, Council Vice President Deborah S. Campbell (left 3:25 p.m.), Councilwoman Laura Mitchell, Councilwoman Eugenie P. Shields, Councilman Timothy K. Spies, City Clerk Brenda J. Colegrove, City Administrator John Pick, Assistant City Administrator Loré Chambers, City Attorney Paul Wilber, Public Works Director Teresa Gardner, Dale Pusey

At 1:25 p.m., in an open work session of the City Council in Council Chambers of the Government Office Building, Mrs. Mitchell moved to convene in closed session to consult with legal counsel and staff on pending litigation involving the Wastewater Treatment Plant (WWTP), MDE and MTBE, and to consider whether or not the city should pursue litigation pursuant to a “privileged and confidential” memo from the city attorney as permitted under the Annotated Code of Maryland Sections 10-508(a)(7)(8). Mr. Spies seconded and the vote was unanimous.

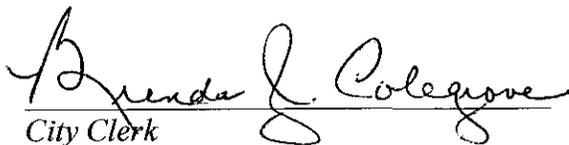
WWTP – Unanimous consensus to move forward with obtaining co-counsel due to the development of CDG bringing in AquaLaw as a third party; the mayor was in concurrence

MDE – Status report only – no action taken

MTBE – Unanimous consensus from Council to move forward on the issue as soon as Council receives additional information from legal counsel.

“Privileged and Confidential Memo from city attorney – The Council unanimously agreed, with the mayor’s concurrence, to move forward with initiating litigation.

On a motion by Mr. Spies, a second by Mrs. Mitchell, and by unanimous vote, the Council adjourned the closed session at 3:28 p.m. and reconvened in open session.


City Clerk


Council President

City of Salisbury



MARYLAND

Salisbury



2010

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3190
Fax: 410-548-3192

PAMELA B. OLAND
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ E. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

COUNCIL AGENDA

October 10, 2011

1. Declaration of Surplus-Service Handgun

\$0.00

City of Salisbury



MARYLAND

Salisbury



2010

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3190
Fax: 410-548-3192

JAMES IRETON, JR.
MAYOR

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CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

PAMELA B. OLAND
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA

October 10, 2011

To: Mayor and City Council

Subject: Surplus Items-Service Handguns

The City of Salisbury Internal Services Department-Procurement Division received a request from the Salisbury Police Department to declare the following handgun surplus:

Department	Make	Model	Serial #
Police Department	Glock	21-45 caliber handgun	WG654

Upon declaration of surplus, and as approved by the Council, the aforementioned handgun will be given to the retiring police officer. Additional details are noted in the department memo.

Thank You,

Catrice L. Parsons

Assistant Director Internal Services-Procurement and Parking



147th

POLICE DEPARTMENT

BARBARA DUNCAN

Chief of Police



45th

**699 W. SALISBURY PARKWAY
SALISBURY, MARYLAND 21801**

410-548-3165

September 26, 2011

TO: Catrice Parsons
Assistant Director Internal Services - Procurement

FROM: PFC Danny Parsons
Quartermaster – Salisbury Police Department

SUBJECT: INVENTORY (WEAPONS)

The Salisbury Police Department has a history of giving retiring Police Officers their duty weapon as a retirement gift. With Chief Duncan's approval, I am requesting the Salisbury City Council declare as surplus, one Glock, Model 21, 45 caliber handgun with a serial number of WG654. This weapon will be given to Police Officer Kenny Wilson. Police Officer Wilson retired at the end of August 2011.

Respectfully Submitted,

PFC Danny Parsons 0194
Quartermaster
Salisbury Police Department

10/17/11

STATEMENT FOR CLOSING A MEETING

Location: COUNCIL CHAMBERS
GOB - Rm. 301

Date: 10/17/11
Time: 1:25 PM

Motion: Mitchell

Seconded By: Spies

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Deborah S. Campbell	{✓}	{ }	{ }	{ }
Terry E. Cohen	{✓}	{ }	{ }	{ }
Laura Mitchell	{✓}	{ }	{ }	{ }
Eugenie P. Shields	{✓}	{ }	{ }	{ }
Timothy K. Spies	{✓}	{ }	{ }	{ }

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

- (1) To discuss:
 - { (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
 - { (ii) Any other personnel matter that affects one or more specific individuals.
- (2) {} To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.
- (3) {} To consider the acquisition of real property for a public purpose and matters directly related thereto.
- (4) {} To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.
- (5) {} To consider the investment of public funds.
- (6) {} To consider the marketing of public services.
- (7) {✓} To consult with counsel to obtain legal advice on a legal matter.
- (8) {✓} To consult with staff, consultants, or other individuals about pending or potential litigation.
- (9) {} To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

- (10) {} To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
 - (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans.
- (11) {} To prepare, administer or grade a scholastic, licensing, or qualifying examination.
- (12) {} To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13) {} To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- (14) {} Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPICS TO BE DISCUSSED:

Pending litigation issues involving WWTP, MDE, and MPEBE and to consider whether or not the city should pursue litigation pursuant to a "privileged & confidential" memo from the city attorney.

REASON FOR CLOSING:

Consult with legal counsel and staff on next possible steps regarding litigation.

Terry E. Cohen
 Terry E. Cohen
 Council President
 City of Salisbury