

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

SEPTEMBER 12, 2011

PRESENT

*Council President Terry E. Cohen
Councilwoman Laura Mitchell*

*Council Vice President Deborah S. Campbell
Councilwoman Eugenie P. Shields*

ABSENT

Councilman Timothy K. Spies

Mayor James Ireton, Jr.

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, Building, Permitting and Inspections Director William Holland, 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. A moment of silent meditation was held followed by the Pledge of Allegiance.

Mrs. Campbell moved and Mrs. Shields seconded to adopt the legislative agenda as presented. Mrs. Mitchell requested to remove the August 22, regular meeting minutes from the Consent Agenda for the purpose of amending to include the statement of Council's September 6, 2011 closed session (for discussion following the Consent Agenda).

Mrs. Mitchell moved to remove the first closed session item from the agenda due to lack of information provided to Council prior to the meeting, but the motion died for lack of a second. The legislative agenda, as amended, was unanimously adopted.

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:

- August 22, 2011 work session minutes
- August 22, 2011 closed session minutes #1
- August 22, 2011 closed session minutes #2
- Resolution No. 2094 – approving the reappointment of Charles Dashiell, Jr. to the Central City District Commission for a term ending September 30, 2013
- Resolution No. 2095 – approving the reappointment of Michael R. Wigley to the Central City District Commission for a term ending September 30, 2012
- Resolution No. 2096 – approving the reappointment of Amal Ali to the City Park Committee for a term ending September 30, 2014
- Resolution No. 2097 – approving the appointment of Bonnie Lavish to the Friends of Poplar Hill Mansion Board of Directors for a term ending December 31, 2014
- Resolution No. 2098 – approving the appointment of Tom Ayd to the Traffic and Safety Advisory Committee for a term ending July 31, 2014

ADOPTION OF AUGUST 22, 2011 REGULAR MEETING MINUTES

Mrs. Mitchell moved and Mrs. Campbell seconded to approve the August 22, 2011 regular meeting minutes. Mrs. Mitchell moved to amend the minutes by adding the statement of the September 6, 2011 closed session. Mrs. Campbell seconded and the amendment passed unanimously. The regular meeting minutes of August 22, 2011, as amended, were unanimously approved.

AWARD OF BIDS – presented by Internal Services Director Pam Oland

The following items were unanimously approved on a motion by Mrs. Mitchell and seconded by Mrs. Campbell:

- Declaration of surplus – service handguns -0-
- Declaration of surplus – utility vehicle (Chevrolet express van) -0-

RESOLUTIONS – presented by City Administrator John Pick

- Resolution No. 2099 - accepting grant funds of \$485,000 from the Maryland Department of the Environment for the Isabella Street water main

Resolution No. 2099 passed unanimously on a motion by Mrs. Shields and seconded by Mrs. Campbell.

- Resolution No. 2100 - accepting a donation of \$1,000 from the Winter Wonderland of Lights Committee for the replacement of stolen electrical equipment

On a motion by Mrs. Shields, and seconded by Mrs. Campbell, Resolution No. 2100 passed unanimously.

- Resolution No. 2101 - establishing a moratorium (90 days or until new procedures are adopted) on certain City enforcement actions in connection with multi-family residences in R-5, R-8 and R-10 zoning districts that are suspected of being used in an illegal, non-conforming manner

Resolution No. 2101 passed unanimously on a motion and a second by Mrs. Campbell and Mrs. Shields, respectively.

ORDINANCES – presented by City Attorney Paul Wilber

- Ordinance No. 2169 - 2nd reading - amending Chapter 15.24 Housing Standards to require that the administrative fee for the removal of rubbish be adjusted and that they are to be set by separate ordinance

Ordinance No. 2169 for second reading passed unanimously on a motion by Mrs. Mitchell and seconded by Mrs. Shields.

- Ordinance No. 2170 - 2nd reading - establishing the administrative fee (\$100) for violations of Article XXVI (Accumulation of Rubbish Prohibited) when such violations are abated by the Housing Official

On a motion by Mrs. Mitchell and seconded by Mrs. Campbell, Ordinance No. 2170 for second reading passed unanimously.

- Ordinance No. 2171 - 2nd reading - approving an amendment to the FY12 General Fund Budget (\$15,682.48) and utilization of PY 2005 CDBG funds (\$8,534.52) to address a partial demolition of a building located at 407 Anne Street

Ordinance No. 2171 for second reading passed unanimously on a motion by Mrs. Mitchell and seconded by Mrs. Campbell.

- Ordinance No. 2172 - 1st reading - approving an exemption of certain lots from the residential fire sprinkler requirements of the International Building Code (2009)

Ordinance No. 2172 for first reading was unanimously approved on a motion by Mrs. Shields and seconded by Mrs. Mitchell.

- Ordinance No. 2173 - 1st reading - approving an amendment of the FY12 General Fund Budget to provide for the deposit of a Local Government Insurance Trust claims check (\$4,721.35) and a donation check (\$1,000.00) for the repair and/or replacement of electrical equipment serving the Winter Wonderland exhibits

Ordinance No. 2173 for first reading passed unanimously on a motion by Mrs. Shields and seconded by Mrs. Mitchell.

- *Ordinance No. 2174 - 1st reading - approving an amendment to the FY12 General Fund Budget to revise restrictions on Urban Salisbury funding – Attachment A, Note 1, to be replaced with the following note:*

that 80% or more for general public events, including but not limited to, Arts on the Plaza, Third Fridays, Tree Lighting Ceremony, The Downtowner Event, New Year's Eve, FireFest, LEGO Contest, and Pop Up Business Contest, and up to 20% for administration in support of such events.

On a motion and a second by Mrs. Campbell and Mrs. Mitchell, respectively, Ordinance No. 2174 for first reading passed unanimously.

CONSENSUS FOR SPECIAL MEETING

Unanimous consensus was given to schedule a special meeting on September 19, 2011 to consider Ordinance No. 2173 and Ordinance No. 2174 for second reading.

PUBLIC COMMENTS

One citizen commented that elected officials should always be speaking to members of the public in a civil manner.

VOTE TO CONVENE IN CLOSED SESSION

At 7:05 p.m., Mrs. Shields moved and Mrs. Campbell seconded to convene in closed session to:

- *consult with counsel to obtain legal advice on a contractual matter as permitted under the Annotated Code of Maryland Section 10-508(a)7)*
- *consider the acquisition of real property for a public purpose and matter directly related thereto as permitted under the Annotated Code of Maryland Section 10-508(a)(3).*

Mrs. Mitchell moved to move the discussion to next Monday in order for all council members to have the information; however, no second was received. Mrs. Campbell, Ms. Cohen and Mrs. Shields voted aye to convene in closed session. Mrs. Mitchell voted nay.

ADJOURNMENT

The regular meeting adjourned at 9:25 p.m. following the conclusion of the closed session.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
SEPTEMBER 12, 2011

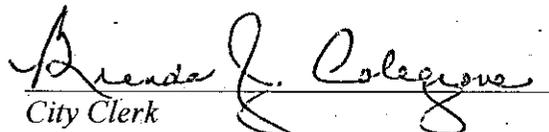
TIME & PLACE: 7:05 p.m., Government Office Building – Council Chambers (Room 301)
PURPOSE: Consult with legal counsel/acquisition of property
VOTE TO CLOSE: 3-1
CITATION: Annotated Code of Maryland Sections 10-508(a)(7)(3)
PRESENT: Council President Terry E. Cohen, Council Vice President Deborah S. Campbell (left 8:35 p.m.), Councilwoman Laura Mitchell, Councilwoman Eugenie P. Shields, City Clerk Brenda J. Colegrove, City Administrator John Pick, City Attorney Paul Wilber, Internal Services Director Pam Oland, Clay Hall, Dale Pusey, Mike Oates, Al Porianda, Pete Bozick, Chris Derbyshire
ABSENT: Councilman Timothy K. Spies

At 7:05 p.m. during the Council's regular meeting, Mrs. Shields moved and Mrs. Campbell seconded to convene in closed session to 1) consult with counsel to obtain legal advice on a contractual matter as permitted under the Annotated Code of Maryland Section 10-508(a)(7) and 2) consider the acquisition of real property for a public purpose and matter directly related thereto as permitted under the Annotated Code of Maryland Section 10-508(a)(3). All voted in favor with the exception of Mrs. Mitchell who voted nay.

Item #1 – Mr. Wilber provided an update and presented options for Council's consideration. No decision was made by Council to move forward in any particular manner; however, Mr. Wilber was requested to communicate with the bidder.

Item #2 – Public Works Director Teresa Gardner, along with Mr. Chris Derbyshire, provided a briefing on the possibility of purchasing property. This was a briefing only for Council's consideration -- no decision was taken on this item.

On a motion by Mrs. Shields, a second by Mrs. Mitchell, and by unanimous vote, the Council adjourned the closed session at 9:25 p.m. and reconvened in open session.


City Clerk


Council President

STATEMENT FOR CLOSING A MEETING

Location: Rm. 301, Govt. Office Bldg.

Date: 9-12-11
 Time: 7:05 pm

Motion: Mrs. Shields

Seconded By: Mrs. Campbell

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.

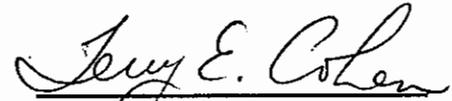
- (10) {} To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
- (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans.
- (11) {} To 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:

- 1) Real Estate Contractual Matter
- 2) Real Estate Acquisition possibility

REASON FOR CLOSING:

To obtain legal advice from legal counsel on contractual issues
and to consider possible acquisition of real estate for
public purposes.


Terry E. Cohen
Council President
City of Salisbury

City of Salisbury



MARYLAND

JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

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

COUNCIL AGENDA

September 12, 2011

- | | | |
|----|---|--------|
| 1. | Declaration of Surplus-Service Handguns | \$0.00 |
| 2. | Declaration of Surplus-Utility Vehicle | \$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

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

PAMELA B. OLAND
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA

September 12, 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 three (3) handguns surplus:

Department	Make	Model	Serial #
Police Department	Glock	21-45 caliber handgun	WG601
Police Department	Glock	21-45 caliber handgun	WG635
Police Department	Glock	21-45 caliber handgun	WG648

Upon declaration of surplus, and as approved by the Council, the aforementioned handguns will be given to retiring police officers. 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

City of Salisbury



45th

699 W. SALISBURY PARKWAY
SALISBURY, MARYLAND 21801

410-548-3165

August 16, 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 WG601. This weapon will be given to Police Officer Ignacio Rodriguez. Police Officer Rodriguez retired at the end of July 2011.

With Chief Duncan's approval, I am requesting that the Salisbury City Council declare as surplus, one Glock, Model 21, 45 caliber handgun with a serial number of WG635. This weapon will be given to Police Officer First Class Steve Ewing. Police Officer First Class Ewing retired at the end of July 2011.

Lastly, with Chief Duncan's approval, I am requesting that the Salisbury City Council declare as surplus, one Glock, Model 21, 45 caliber handgun with a serial number of WG648. This weapon will be given to Sergeant Steve Schweikert. Sergeant Schweikert retired at the end of July 2011.

Respectfully Submitted,

PFC Danny Parsons 0194

Quartermaster
Salisbury Police Department

City of Salisbury



MARYLAND

Salisbury



125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
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JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

PAMELA B. OLAND
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA

September 12, 2011

To: Mayor and City Council

Subject: Surplus Items-Utility Vehicle

The City of Salisbury Internal Services Department-Procurement Division received a request from the Salisbury Public Works-Water and Sewer Branch to declare the following vehicle surplus:

Department	Make	Model	VIN #
PW-Water & Sewer	Chevrolet	Express Van	1GCFG25M8X1134224

Upon declaration of surplus, and completion of replacement acquisition, as approved by the Council, the aforementioned vehicle will be sold at auction. Additional details are noted in the department memo.

Thank You,

Catrice L. Parsons

Assistant Director Internal Services-Procurement and Parking

City of Salisbury



MARYLAND

Salisbury



2010

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801

Tel: 410-548-3170
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TERESA GARDNER, P.E.
DIRECTOR OF PUBLIC WORKS

JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

To: Catrice Parsons
From: Mike Oates
Subject: Surplus Utility-9, 1999 - ¾ Ton Van
Date: August 31, 2011
Cc: Teresa Gardner, Tom Tengman, Ben Baker and Lynn Wright

The Water and Sewer Branch recommends Utility-9, a ¾ ton van be declared surplus. Utility-9 is a 1999 Chevy Express Van with approximately 79,449 miles, VIN number 1GCFG25M8X1134224 and is in poor to fair condition.

This van is to be replaced as approved in the 2012 budget; Water Vehicles account number 82076-577025. This van is being recommended to be auctioned due to the expectation of receiving a greater amount through the auction site versus the trade-in value of the vehicle.

Mike Oates
Acting Division Chief