

**CITY OF SALISBURY, MARYLAND**

**SPECIAL MEETING**

**SEPTEMBER 19, 2011**

**PRESENT**

*Council President Terry E. Cohen  
Councilwoman Laura Mitchell*

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

**IN ATTENDANCE**

*City Clerk Brenda Colegrove, MMC, City Administrator John Pick, ICMA-CM, Assistant City Administrator Loré Chambers, Public Works Director Teresa Gardner, Internal Services Director Pam Oland*

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**CONVENING**

*The City Council convened in a special session at 4:35 p.m. in Conference Room 306 of the Government Office Building. Council President Cohen called the meeting to order for consideration of the items listed below.*

- *Ordinance No. 2173 - 2<sup>nd</sup> reading - approving an amendment of the FY2012 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 second reading passed unanimously on a motion by Mrs. Campbell and seconded by Mrs. Mitchell.*

- *Ordinance No. 2174 - 2<sup>nd</sup> reading - approving an amendment of the FY2012 General Fund Budget to revise the restrictions placed 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 by Mr. Spies and seconded by Mrs. Shields, Ordinance No. 2174 for second reading passed unanimously.*

- *Override of mayor's veto of Resolution No. 2101- establishing a moratorium 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*

On a motion and a second by Mrs. Shields and Mrs. Campbell, respectively, the vote was unanimous to override the mayor's veto of Resolution No. 2101.

The special meeting adjourned at 4:45 p.m.

  
City Clerk

  
Council President

**ORDINANCE NO. 2173**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY 2012 GENERAL FUND BUDGET TO PROVIDE FOR THE DEPOSIT OF A LOCAL GOVERNMENT INSURANCE TRUST CLAIMS CHECK AND A DONATION CHECK FOR THE REPAIR AND/OR REPLACEMENT OF ELECTRICAL EQUIPMENT SERVING THE WINTER WONDERLAND EXHIBITS.

WHEREAS, on April 20, 2011, approximately 40 electric outlet boxes and 3 large electric panel boxes for use in the Winter Wonderland of Lights exhibits were vandalized and declared inoperable;

WHEREAS, Local Government Insurance Trust agrees to provide the City with a check up to \$4,721.35 for the replacement of the equipment;

WHEREAS, the Winter Wonderland of Lights Committee agrees to provide the City with \$1,000.00 to replace the inoperable equipment;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that the City's Fiscal Year 2012 General Fund Budget be, and is hereby amended as follows:

1. Increase General Fund Revenue-Insurance Proceeds up to \$4,721.35
2. Increase General Fund Revenue-Donations \$1,000.00
3. Increase Public Works-Traffic Control up to \$5,721.35.

BE IT FURTHER ORDAINED that this ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 12<sup>th</sup> day of September, 2011, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the \_\_\_ day of \_\_\_\_\_, 2011.

ATTEST

\_\_\_\_\_  
Brenda J. Colegrove, City Clerk

\_\_\_\_\_  
Terry E Cohen, President  
Salisbury City Council

Approved by me this \_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
James Ireton, Jr. Mayor

## ORDINANCE NO. 2174

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY 12 GENERAL FUND BUDGET TO CHANGE THE RESTRICTIONS PLACED ON FUNDS AVAILABLE FOR URBAN SALISBURY.

WHEREAS, in the FY 2012 General Fund budget, City Council attached restrictions to the use of funds allocated in the budget to Urban Salisbury; and

WHEREAS, those restrictions were included in attachment A to the original budget ordinance; and

WHEREAS, City Council desires to loosen the restrictions being placed on the use of the funds.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY OF COUNCIL OF THE CITY OF SALISBURY, MARYLAND that the City's Fiscal Year 2012 General Fund budget be and is hereby, amended as follows:

Attachment A – Note 1 will be replaced with the following note –

Note 1 - Funds available for Urban Salisbury shall be spent as follows: 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.

BE IT FURTHER ORDAINED AND ENACTED that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 12<sup>th</sup> day of September, 2011, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the \_\_\_ day of \_\_\_\_\_, 2011.

**ATTEST:**

\_\_\_\_\_  
Brenda J. Colegrove, City Clerk

\_\_\_\_\_  
Terry E. Cohen, President  
Salisbury City Council

Approved by me this \_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
James Ireton, Jr., Mayor

FY12 BUDGET					
ITEMS ADJUSTED BY COUNCIL					
Department/Fund	Increase to Revenue	Decrease to Revenue	Increase to Expense	Decrease to Expense	Add to Bond Issue
40000-546006 - Operating				500.00	
45000-523602 - Tree Trimming (park tree trimming)			11,000.00		
45000-577030 - purchase new snow blower			43,000.00		
<b>Miscellaneous</b>					
70101-588111 - Principal FY 11 Bonds remove principal for Riverwalk				15,100.00	
70101-588211 - Interest FY 11 bonds remove 1/2 yr for Riverwalk				13,000.00	
90500-501002 - Salaries - move w/c adjustment to appropriate depart.			320,000.00		
90500-501002 - Salaries - move furlough amt to appropriate depart.				52,988.00	
90500-501002 - Salaries - move Comm. Develop furlough amt				363.00	
90500-556900 - move gasoline increase to appropriate depart				120,000.00	
90500-556900 - move police ammo				10,500.00	
90500-556900 - move lighting amount				37,000.00	
90500-556900 - move SNHS increase				5,000.00	
90500-556900 - move Urban Salisbury increase				5,000.00	
90500-556900 - lease payment for street sweeper				48,000.00	
90500-556900 - lease payment for 2nd ambulance				48,022.00	
90500-556900 - move police training increase				10,149.00	
90500-577025 - move purchase of ambulance				205,000.00	
90500-577025 - move purchase of street sweeper				225,000.00	
90500-577030 - move purchase of snow blower				43,000.00	
<b>Operating Transfers</b>					
91001-599104 - Transfer to City Marina				200.00	
91001-599114 - Increase transfer to Comm. Develop for furlough change			363.00		
91001-599114 - Increase transfer to Comm. Develop for Council Furlough Change			478.00		
91001-599114 - Increase transfer to CD for reduction by Federal Government			3,928.00		
91001-599121 - remove furlough impact for COPS grant			2,641.00		
<b>Total Expense Adjustments</b>			1,638,314.00	1,603,023.00	
<b>Net (increase)/Decrease To Expenses</b>			<b>(35,291.00)</b>		
<b>TOTAL GENERAL FUND SAVINGS/(DEFICIT) FROM CHANGES</b>					

Note 1: - The following Urban Salisbury budget items will be funded by the City's contribution:  
 Items Under Arts & Entertainment: Arts on the Plaza \$1,000, Third Fridays \$6,000; Total \$7,000  
 Items Under Promotion: Downtown Advertising - SU Students \$3,150, Regional Markets \$2,100, Statewide Markets \$6,000, DHCD/MSMD Campaign \$500 Tree Lighting Ceremony \$1,500, Street Tree Lighting Program \$750, The Downtowner Event \$1,200, Free Holiday Parking \$250, New Year's Eve \$5,000, FireFest 2011 \$3,000, LEGO Contest 2012 \$500, Total \$23,950  
 Pop Up Business Contest \$4,050  
 Total Contribution \$35,000

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**MEMORANDUM**

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**TO:** ALL CITY COUNCIL MEMBERS  
**FROM:** TERRY E. COHEN, COUNCIL PRESIDENT  
**SUBJECT:** URBAN SALISBURY FUNDING COMMUNICATION  
**DATE:** 9/9/2011  
**CC:** BRENDA COLEGROVE, KIM NICHOLS, JOHN PICK, MAYOR IRETON

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For your information, below is the email I sent to Allan Hope, executive director of Urban Salisbury, in response to his request to clarify "rumors" and advise on the "official" decision of Council on the mayor's request to lift restrictions on funding:

*On Wed, Sep 7, 2011 at 1:07 PM, Terry Cohen <terryecohen@gmail.com> wrote:*

Allan,

The city clerk's office informed me you had inquired about this earlier today, so I'm happy to clarify if I can, although "official" is what happens when council takes the vote. In a nutshell, Council liberalized the restrictions so that 80% or more could be used toward any general public event with up to 20% usable for administration in support of those events...(80% program/20% admin per typical non-profit models). The allotment is then not specific to events by name by amount and allows for flexibility should the group want to add or substitute other opportunities.

If you want more information about the discussion itself, just give me a call.

We are awaiting a budget amendment ordinance from administration so that first reading can happen on Sept. 12. We may be having a special meeting on Sept. 19 for another budget ordinance's second reading. Council could consider doing second reading and passage of this amendment at that time so it wouldn't have to wait for the second meeting in September.

**RESOLUTION NO. 2101**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SALISBURY TO ESTABLISH A MORATORIUM 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

WHEREAS, the Mayor and Council recognize that a fundamental principle of zoning under Maryland law is to reduce nonconformance; and

WHEREAS the City of Salisbury desires to enact changes to the City Code and/or to City procedures in connection with the enforcement of the City's Zoning Code, specifically in connection with illegal, non-conforming uses in R-5, R-8, and R-10 zoning districts, with the goal of making enforcement more efficient, more fair, and less confusing for the City's zoning officials, the City's Board of Zoning Appeals, property owners, and members of the general public; and

WHEREAS the City of Salisbury believes that enacting the changes in enforcement procedures and/or the City Code will require a certain amount of time to complete; and

WHEREAS the City of Salisbury believes that, in the interim time between passage of this resolution and the enactment of the changes, it is equitable that a moratorium of City enforcement actions in connection with properties suspected of being used in an illegal, non-conforming manner be established.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT a moratorium is established on City enforcement actions in connection with multi-family residences in the R-5, R-8, and R-10 zoning districts that are suspected of being

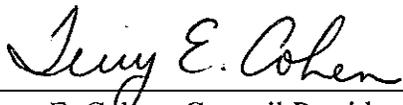


September 19, 2011

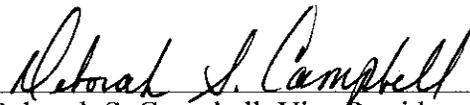
**ADDITION TO SEPTEMBER 19, 2011 SPECIAL MEETING  
(OVERRIDE OF MAYOR'S VETO OF RESOLUTION NO. 2101)**

In accordance with §SC2-4 of the Salisbury City Charter, the undersigned members of the Salisbury City Council, representing a majority of the Council, hereby call a Special Meeting to be held on Monday, September 19, 2011 in Conference Room 306 of the City/County Government Office Building (125 N. Division Street).

The Special Meeting will be held following the conclusion of the 4:00 p.m. special meeting to 1) consider Ordinance No. 2173 for 2<sup>nd</sup> reading (amendment to the FY12 General Fund Budget to provide for the deposit of a Local Government Insurance Trust claims check and a donation check for the repair and/or replacement of electrical equipment serving the Winter Wonderland exhibits); 2) Ordinance No. 2174 for 2<sup>nd</sup> reading (amendment to the FY12 General Fund Budget to revise restrictions on Urban Salisbury funding); and 3) consider overriding the mayor's veto of Resolution No. 2101 (a moratorium on 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).



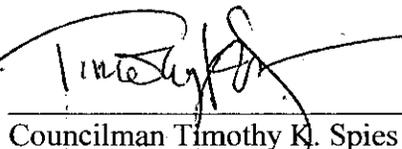
Terry E. Cohen, Council President



Deborah S. Campbell, Vice President

  
Councilwoman Laura Mitchell

  
Councilwoman Eugenie P. Shields

  
Councilman Timothy K. Spies



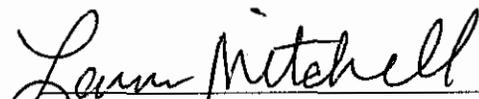
September 14, 2011

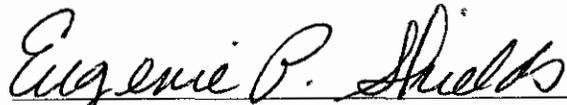
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The Special Meeting will be held following the conclusion of the 4:00 p.m. special meeting to consider Ordinance No. 2173 for 2<sup>nd</sup> reading (amendment to the FY12 General Fund Budget to provide for the deposit of a Local Government Insurance Trust claims check and a donation check for the repair and/or replacement of electrical equipment serving the Winter Wonderland exhibits) and Ordinance No. 2174 for 2<sup>nd</sup> reading (amendment to the FY12 General Fund Budget to revise restrictions on Urban Salisbury funding).

  
Terry E. Cohen, Council President

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Deborah S. Campbell, Vice President

  
Councilwoman Laura Mitchell

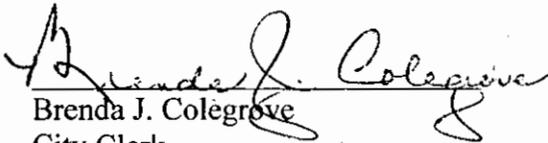
  
Councilwoman Eugenie P. Shields

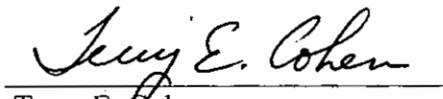
\_\_\_\_\_  
Councilman Timothy K. Spies

used in an illegal, non-conforming manner, as defined by the City's Zoning Code, for a period of 90 days or until new procedures are adopted, whichever is sooner.

The above Resolution was introduced and duly passed at the regular meeting of the Council of the City of Salisbury held on the 12th day of September, 2011, and is to become effective immediately upon adoption.

ATTEST:

  
Brenda J. Colegrove  
City Clerk

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

~~APPROVED BY ME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.~~

~~James Ireton, Jr.,  
Mayor of the City of Salisbury~~

*Not approved:*  
*Mayor James Ireton Jr.*  
*9/14/11*