

CITY OF SALISBURY, MARYLAND

#24 MEETING

DECEMBER 14, 2009

PRESENT

*Council President Louise Smith
Councilwoman Deborah S. Campbell
Councilwoman Eugenie P. Shields*

*Council Vice President Gary A. Comegys
Councilwoman Terry E. Cohen
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, Acting Public Works Director Chip Messick, Internal Services Director Pam Oland, Neighborhood Services and Code Compliance Director Tom Stevenson, and Members of the Press.

CONVENING - ADOPTION OF AGENDA

The City Council met in regular session at 6:00 p.m. in Council Chambers of the City/County Government Office Building. Council President Smith called the meeting to order. The Lord's Prayer and the Pledge of Allegiance were recited.

Mr. Comegys moved and Ms. Cohen seconded to adopt the agenda as presented. Mr. Comegys moved to amend the agenda by: 1) removing the November 23, 2009 minutes from the Consent Agenda (for discussion prior to the Consent Agenda); 2) adding Ordinance No. 2096 for first reading (FY10 budget amendment to cover cost of creating a Crime Intervention Specialist position); and 3) moving the audit presentation to a later time in the meeting since the auditor was in route. Ms. Cohen seconded and the amendment passed unanimously.

Ms. Cohen moved to remove the December 7, 2009 Special Meeting minutes from the Consent Agenda (for discussion following the November 23, 2009 minutes). Mrs. Campbell seconded and the amendment passed unanimously.

The agenda, as amended, was unanimously adopted.

UNITED WAY PRESENTATION

Kathleen Mommé, representing the United Way, accepted a certificate from the City of Salisbury for the City's donation of \$9,359. Loré Chambers, Carla Elie and Sherrell McBride received Certificates of Appreciation for coordinating the United Way campaign for the City.

PRESENTATION OF AUDIT – presented by Pam Baker

The FY09 audit and financial statements were presented by Ms. Pam Baker from the audit firm of Barbacane, Thornton and Company. An unqualified or clean opinion was rendered.

APPROVAL OF NOVEMBER 23, 2009 MINUTES

Mr. Comegys moved and Mrs. Shields seconded to approve the November 23, 2009 minutes. Ms. Cohen moved to include the December 9, 2009 closed session. Mr. Comegys seconded and the amendment passed unanimously. The November 23, 2009 minutes, as amended, were unanimously approved.

APPROVAL OF DECEMBER 7, 2009 SPECIAL MEETING MINUTES

Ms. Cohen moved and Mr. Comegys seconded to approve the December 7, 2009 Special Meeting minutes. Ms. Cohen moved and Mrs. Campbell seconded to amend the paragraph beginning with "After discussion" by striking "since the Mayor did not support the budget amendment" and inserting "as required by Salisbury Charter Section 7-49 Emergency Appropriations." After discussion, Ms. Cohen withdrew her original motion and moved to end the sentence after "withdrew his motion." Mrs. Shields seconded. The amendment passed on a 4-1 vote with Mr. Comegys voting nay. The December 7, 2009 Special Meeting minutes were approved on a 4-1 vote with Mr. Comegys voting nay.

CONSENT AGENDA – presented by City Clerk Brenda Colegrove

On a motion and a second by Mrs. Campbell and Mrs. Shields, respectively, the Consent Agenda consisting of the following items was unanimously approved:

- Resolution No. 1868 – accepting \$5,000 from the Wicomico County Narcotics Task Force to fund equipment and/or training to enhance law enforcement efforts
- Resolution No. 1869 – accepting the donation of professional services from Vantage Point Solutions Group for hosting the Salisbury Marina website
- Resolution No. 1870 – accepting the donation of professional services from Jones & Frank Corp. for the preliminary design of a new above ground fuel system and the Salisbury Marina
- Resolution No. 1871 – appointment of Neale Smith to the Ethics Commission for a term ending December 31, 2013

ORDINANCES – presented by City Attorney Paul Wilber

- Public Hearing and 1st Reading – Ordinance No. 2093 – reallocation of General Obligation bond proceeds

Mr. Comegys moved and Mrs. Shields seconded to approve Ordinance No. 2093 for first reading. No public comments were received. Ordinance No. 2093 for first reading passed unanimously.

- Ordinance No. 2094 – 1st reading – amending FY10 Sewer Fund Budget

Ms. Cohen moved and Mrs. Campbell seconded to approve Ordinance No. 2094 for first reading. Ms. Cohen moved and Mrs. Campbell seconded to amend Ordinance 2094 to reduce the amount from \$430,000 to \$350,000. The amendment passed on a 3-2 vote with Mrs. Campbell, Ms. Cohen and Mrs. Smith voting aye and Mrs. Shields and Mr. Comegys voting nay. Ordinance No. 2094 for first reading passed on a 4-1 vote with Mrs. Shields casting the nay vote.

- Ordinance No. 2095 – 1st reading – amending Section 5.22.270(A) of the Salisbury Municipal Code to increase the percentage of the cable television franchise fee that is dedicated for the Public, Educational and Governmental (PEG) channel

Ms. Cohen moved and Mr. Comegys seconded to approve Ordinance No. 2095 for first reading. Ms. Cohen moved and Mrs. Campbell seconded to amend Ordinance No. 2095 by substituting the language to read “at least 20% and no more than 30%.” The motion failed with Mrs. Campbell and Ms. Cohen voting aye and Mrs. Shields, Mrs. Smith and Mr. Comegys voting nay. All voted in favor of Ordinance No. 2095 for first reading with the exception of Mrs. Campbell’s abstention.

- Ordinance No. 2096 – 1st reading – budget amendment providing additional funds(\$20,000) to cover the cost of creating a Crime Intervention Specialist position

Ordinance No. 2096 for first reading passed unanimously on a motion by Mrs. Campbell and seconded by Ms. Cohen.

RESOLUTIONS – presented by City Administrator John Pick

- Resolution No. 1872 – approving Debt Policy

Resolution No. 1872 was unanimously approved on a motion and a second by Mr. Comegys and Ms. Cohen, respectively.

- Resolution No. 1873 – declaring that Holiday Inn/Parth Hospitality is eligible to receive Enterprise Zone benefits for property located at 300 S. Salisbury Blvd.

On a motion by Ms. Cohen and seconded by Mr. Comegys, Resolution No. 1873 was unanimously approved.

PUBLIC COMMENTS

Comments received from five citizens related to the following issues: 1) cleaning of lights in the elevator; 2) amending the Charter to change to one election; 3) crime; and 4) standardized lease.

CONVENE IN CLOSED SESSION

At 8:00 p.m., Mrs. Shields moved to convene in closed session for a personnel matter as permitted under the Annotated Code of Maryland Section 10/508(a)(1). Ms. Cohen seconded and the vote was unanimous.

The regular meeting adjourned at 8:01 p.m.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
DECEMBER 14, 2009

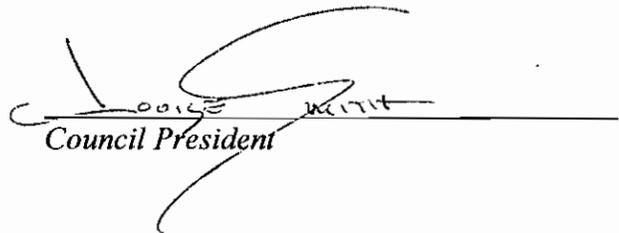
TIME & PLACE: 8:00 p.m. – Council Chambers - Government Office Building
PURPOSE: Personnel matter
VOTE TO CLOSE: Unanimous
CITATION: Annotated Code of Maryland Section 10-508(a)(1)
PRESENT: Council President Louise Smith, Council Vice President Gary Comegys, Councilwoman Deborah Campbell, Councilwoman Terry Cohen, Councilwoman Eugenie Shields, City Clerk Brenda Colegrove, Mayor James Ireton, Jr. *, City Administrator John Pick*, Assistant City Administrator Loré Chambers*, Teresa Gardner (* present for part of the closed session).

At 8:00 p.m., in Council Chambers, Mrs. Shields moved to convene in closed session for a personnel matter as permitted under the Annotated Code of Maryland Section 10-508(a)(1). Ms. Cohen seconded and the vote was unanimous.

Following the interview, a consensus (unanimous) was given by Council to Administration.

At 9:15 p.m., on a motion and a second by Mrs. Campbell and Mrs. Shields, respectively, the closed session adjourned.


City Clerk


Council President

STATEMENT FOR CLOSING A MEETING

Location: Room 301 - GOB

Date: 12/14/09

Time: 8:00 pm

Motion: Shields

Seconded By: Cohen

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Deborah S. Campbell	{✓}	{ }	{ }	{ }
Terry E. Cohen	{✓}	{ }	{ }	{ }
Gary A. Comegys	{✓}	{ }	{ }	{ }
Eugenie P. Shields	{✓}	{ }	{ }	{ }
Louise Smith	{✓}	{ }	{ }	{ }

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:

Personnel Matter

REASON FOR CLOSING:

Public Work Director appointment


Louise Smith
Council President
City of Salisbury