

**CITY OF SALISBURY, MARYLAND**

**#11 Meeting**

**July 12, 2010**

**PRESENT**

*Council President Louise Smith  
Councilwoman Deborah S. Campbell*

*Councilwoman Eugenie P. Shields  
Councilwoman Terry E. Cohen*

**ABSENT**

*Council Vice President Gary Comegys*

**IN ATTENDANCE**

*Assistant City Clerk Kimberly Nichols, CMC, Assistant City Administrator Loré Chambers, City Attorney Paul Wilber, Public Works Director Teresa Gardner, Internal Services Director Pam Oland, Acting Deputy Fire Chief Dru Bragg, Acting Police Chief Ivan Barkley, Planning and Zoning Director Jack Lenox, Building, Permitting and Inspections Director William Holland, and interested Citizens and Members of the Press.*

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**CONVENING - ADOPTION OF AGENDA**

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

*Ms. Cohen moved and Mrs. Shields seconded to adopt the agenda as presented. Ms. Cohen moved and Mrs. Shields seconded to amend the agenda by moving Ordinance No. 2116, approving abandonment of an existing utility easement on property known as Heritage Condominium and for the release of the deed of easement of the existing utility easement to the owner of the property, from the Consent Agenda and placing it immediately following Resolution No. 1944. The motion unanimously passed.*

**PRESENTATION** – presented by George Whitehead

*Dr. George Whitehead, 2010 Chairman of the City of Salisbury All-America City Committee, congratulated the City of Salisbury for being winners of the 61<sup>st</sup> annual All-America City award and presented a certificate to Mayor Ireton and Council President Smith.*

**CONSENT AGENDA** - presented by Assistant City Clerk Kim Nichols

*The Consent Agenda, consisting of the following items, was unanimously approved on a motion by Mrs. Campbell and seconded by Ms. Cohen:*

- *June 14, 2010 minutes*
- *July 6, 2010 Special Meeting minutes*
- *Resolution No. 1936 – accepting a monetary donation of \$1,800 from the Salisbury Area Chamber of Commerce to the Salisbury Police Department for the purchase of surveillance equipment and digital cameras*
- *Resolution No. 1937 – accepting the replacement recognition sign for recognizing donors and their support of the Zoo from the Zoo Commission for the Salisbury Zoological Park*
- *Resolution No. 1938 – accepting a new east gate entry sign from MaTech Corp. for the Salisbury Zoological Park*
- *Resolution No. 1939 – approving a 3-year lease agreement for \$1.00 per year between the City and GNI Properties, Inc. for the use of the property located at 117 Princeton Avenue for a Neighborhood Service Center*
- *Resolution No. 1940 – reappointment of Tom Hayes to the Building Board of Adjustments and Appeals for a term ending June 30, 2015*
- *Manufacturing Exemption Request by DiCarlo Precision Instrument, Inc. - granting an exemption from personal property tax for equipment purchased in 2009 for a total savings of \$3,213 over the next five years*

**AWARD OF BIDS** - presented by Internal Services Director Pam Oland

*On a motion by Ms. Cohen and seconded by Mrs. Campbell, the following items were unanimously approved:*

1. *Surplus of Items – Police Duty Weapon for retiree* \$0
2. *Surplus of Items – Equipment (Fire Department turnout gear)* \$0

**PUBLIC HEARING** – presented by City Attorney Paul Wilber

- *Ordinance No. 2113 – establishing fee schedule for a Sidewalk Café permit fee and an annual sidewalk café renewal fee*

*No public comments were received.*

**RESOLUTION NO. 1941– ACCEPTING THE MARYLAND ENERGY ADMINISTRATION JANE E. LAWTON CONSERVATION LOAN PROGRAM FUNDS (\$142,800) FOR THE PARKING GARAGE** – presented by Assistant City Administrator Loré Chambers

*Mrs. Campbell moved to approve Resolution No. 1941. Mrs. Shields seconded and the Resolution unanimously passed.*

**RESOLUTION NO. 1942 – ADOPTING THE 2010 CITY OF SALISBURY COMPREHENSIVE PLAN** – presented by Assistant City Administrator Loré Chambers

*Mrs. Shields moved and Ms. Cohen seconded to approve Resolution No. 1942.*

*Ms. Cohen moved and Mrs. Campbell seconded to amend Resolution No. 1942 by inserting the words “was held” in the second paragraph after “Mayor and City Council of Salisbury” to read, “WHEREAS, a joint meeting with the Mayor and City Council of Salisbury was held on October 13, 2008, in which it was determined that the City of Salisbury should have its own, separate Comprehensive Plan; and”. The motion was unanimously approved.*

*Ms. Cohen moved and Mrs. Campbell seconded to amend Resolution No. 1942 by inserting the words “and Zoning” between “Planning” and “Commission” in the first paragraph to read, “WHEREAS, pursuant to Article 66B §3.05(b) of the Annotated Code of Maryland, the Salisbury Planning and Zoning Commission determined the 1997 Metro Core Plan should be updated and amended to reflect the goals, objectives and implementation strategies exclusive to the City of Salisbury; and”. The motion was unanimously approved.*

*Ms. Cohen moved and Mrs. Campbell seconded to amend Resolution No. 1942 by inserting the words, “the Salisbury Planning and Zoning Commission held” after the word “WHEREAS” and striking the words “was held” from the second paragraph to read, “WHEREAS, the Salisbury Planning and Zoning Commission held a joint meeting with the Mayor and City Council of Salisbury on October 13, 2008, in which it was determined that the City of Salisbury should have its own, separate Comprehensive Plan; and”. The motion was unanimously approved.*

*Ms. Cohen moved and Mrs. Campbell seconded to amend Resolution No. 1942 by removing the period from the fourth paragraph after the word “ordinance” and removing the period from the fifth paragraph after the word “plan”. The motion was unanimously approved.*

*Ms. Cohen moved and Mrs. Campbell seconded to amend Resolution No. 1942 by removing the word “and” from the end of the fifth paragraph after the word “plan” to read “WHEREAS, pursuant to Article 66B §4.09 of the Annotated Code of Maryland, the responsibility for implementation of the provisions of the plan are realized through the adoption of the applicable zoning ordinances and regulations, planned development ordinances and regulations, subdivision ordinances and regulations, and other land use ordinances and regulations that are consistent with the plan”;. The motion was unanimously approved.*

*Resolution No. 1942, as amended, unanimously passed.*

**RESOLUTION NO. 1943 – AUTHORIZING ACTING CHIEF OF POLICE TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SALISBURY POLICE DEPARTMENT AND THE U.S. MARSHALLS SERVICE** – presented by Assistant City Administrator Loré Chambers

*Mrs. Campbell moved to approve Resolution No. 1943. Ms. Cohen seconded and Resolution No. 1943 unanimously passed.*

**RESOLUTION NO. 1944 – ACCEPTING THE PROPOSED CAPACITY FEE REPAYMENT PLAN FOR OASIS CAR WASH** – presented by Assistant City Administrator Loré Chambers

Ms. Cohen moved and Mrs. Shields seconded to approve Resolution No. 1944. Resolution No. 1944 failed on a 2-2 vote with Mrs. Campbell and Ms. Cohen voting nay and Mrs. Shields and Mrs. Smith voting aye.

**ORDINANCE NO. 2116 – 1<sup>ST</sup> READING – ABANDONMENT OF AN EXISTING UTILITY EASEMENT THAT HAS BEEN RELOCATED AND FOR WHICH THE CITY HAS BEEN GRANTED A REPLACEMENT EASEMENT ON PROPERTY KNOWN AS HERITAGE CONDOMINIUM, IN THE SALISBURY ELECTION DISTRICT, WICOMICO COUNTY, STATE OF MARYLAND, AND FOR THE RELEASE OF THE DEED OF EASEMENT OF THE EXISTING UTILITY EASEMENT TO THE OWNER OF THAT PROPERTY** –

presented by City Attorney Paul Wilber

On a motion by Ms. Cohen and seconded by Mrs. Campbell, Ordinance No. 2116 for first reading was unanimously passed.

**ORDINANCE NO. 2114 – 1<sup>ST</sup> READING – AUTHORIZATION OF DEBT (\$142,800) – JANE E. LAWTON LOAN FOR REPLACEMENT OF LIGHTS IN THE PARKING GARAGE** – presented by City Attorney Paul Wilber

On a motion by Mrs. Shields and seconded by Mrs. Campbell, Ordinance No. 2114 for first reading was unanimously passed.

**ORDINANCE NO. 2115 – 1<sup>ST</sup> READING – REFINANCING LEASE/PURCHASE OF FIRE STATION #16** – presented by City Attorney Paul Wilber

On a motion by Ms. Cohen and seconded by Mrs. Campbell, Ordinance No. 2115 for first reading was unanimously passed.

**ORDINANCE NO. 2117 – 1<sup>ST</sup> READING – AMENDING SECTIONS 15.04.010 THROUGH 15.04.040 OF CHAPTER 15.04 BUILDING CODE AND ADOPTING SECTION 15.04.010 STANDARD BUILDING CODES AND CORRESPONDING AMENDMENTS TO THE 2009 INTERNATIONAL BUILDING CODE IN SECTION 15.04.020** – presented by City Attorney Paul Wilber

Mrs. Campbell moved and Mrs. Shields seconded to approve Ordinance No. 2117. Mrs. Shields moved and Mrs. Campbell seconded to remove the word “through” and replace with “and” on line two in the introductory paragraph. The motion was unanimously approved.

Mrs. Campbell moved and Mrs. Shields seconded to amend the NOW, THEREFORE paragraph as follows:

- *line two - remove the word "Chapters" and replace with "Sections"*
- *line two - remove the word "through" and replace with "and"*
- *line three - after the word "repealed" insert the words "and reenacted" followed by a comma*

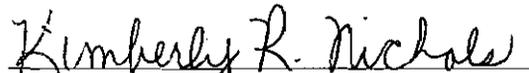
*The motion was unanimously approved. Ordinance No. 2117 for first reading, as amended, was unanimously passed.*

**PUBLIC COMMENTS**

*Four members of the public commented on the following:*

- *litter and overgrown grass in Woodcock Park*
- *submitting PIA requests (attached and made part of these minutes)*
- *witnesses questioned by police officers directly in front of criminals*
- *Ordinance No. 2117 and sprinkler system requirements*
- *financing the Oasis Car Wash*

*With no further business, the meeting adjourned at 7:25 p.m.*

  
*Assistant City Clerk*

  
*Council President*

CITY OF SALISBURY  
PUBLIC INFORMATION ACT  
REQUEST FORM

Date of Request 7-12-10

Stuart Leer

Applicant Name

P.O. 1128

Street Address

Salisbury MD 21802

City, State, Zip

443-783-4503

Home Phone

410-742-2859

Business Phone

GLEER20@Comcast.net

E-Mail Address

Description of Requested Public Document:

Any and all communications between City Attorney and Mayor James Iration regarding two (2) P.I.A. forms submitted by Stu Leer on 6/1/2010

This request is for both verbal & written communication

Form of Response:

Inspection of documents only

Copies of documents (Requires prepayment of copying costs - \$.25 per page, unless separate departmental fee schedule applies. No fee will be assessed if totaling \$1.00 or less.)

Method of delivery:

Pick up (You will be notified by telephone or E-Mail when documents are available.)

Mail to address indicated above (Requires prepayment of postage costs.)

The City of Salisbury will produce the requested documents within thirty (30) days if the documents are available. If your request is denied, you will be notified within ten (10) days.

If the request requires more than two (2) hours to research and compile, you may be charged for the employee's time after the first two hours. You will be notified of the estimated cost and, if the scope of work is extensive, a \_\_\_% deposit may be required.

[Signature]  
Applicant's Signature

FOR OFFICE USE ONLY

REQUEST NO. \_\_\_\_\_

Department Custodian's  
Signature \_\_\_\_\_

Request: Approved \_\_\_\_\_ Completed \_\_\_\_\_ (date)  
Denied \_\_\_\_\_ Denial letter \_\_\_\_\_ (date)

JUL 12 2010

CITY OF SALISBURY  
PUBLIC INFORMATION ACT  
REQUEST FORM

Date of Request 7-12-10

Stuart Leer  
Applicant Name

P.O. Box 1128 Salisbury, MD. 21802  
Street Address City, State, Zip

443-783-4503 410-742-2859 SLeer20@Concert.NET  
Home Phone Business Phone E-Mail Address

Description of Requested Public Document:  
Copy of citations for properties noted  
on attached list submitted to City Council  
on 6/28/10.

Form of Response:

- Inspection of documents only
- Copies of documents (Requires prepayment of copying costs - \$.25 per page, unless separate departmental fee schedule applies. No fee will be assessed if totaling \$1.00 or less.)

Method of delivery:

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[Signature]  
Applicant's Signature

FOR OFFICE USE ONLY

REQUEST NO. \_\_\_\_\_

Department Custodian's  
Signature \_\_\_\_\_

Request: Approved \_\_\_\_\_ Completed \_\_\_\_\_ (date)  
Denied \_\_\_\_\_ Denial letter \_\_\_\_\_ (date)

JUL 12 2010

CITY OF SALISBURY  
PUBLIC INFORMATION ACT  
REQUEST FORM

Date of Request 6/1/2010

Stuart Leer  
Applicant Name

P.O. 1128 Salisbury, MD 21802  
Street Address City, State, Zip

443 783 4503 410 742 2859 SLeer 20@Comcast.net  
Home Phone Business Phone E-Mail Address

Description of Requested Public Document:  
Copy of Letter or if Telephone request  
who called for case history: Stu Leer, M&L Rentals LLC  
Also Total cost To compile This record!

Form of Response:

- Inspection of documents only
- Copies of documents (Requires prepayment of copying costs - \$.25 per page, unless separate departmental fee schedule applies. No fee will be assessed if totaling \$1.00 or less.)

Method of delivery:

- Pick up (You will be notified by telephone or E-Mail when documents are available.)
- Mail to address indicated above (Requires prepayment of postage costs.)

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Stuart Leer  
Applicant's Signature

FOR OFFICE USE ONLY

REQUEST NO. \_\_\_\_\_

Department Custodian's  
Signature \_\_\_\_\_

Request: Approved \_\_\_\_\_ Completed \_\_\_\_\_ (date)  
Denied \_\_\_\_\_ Denial letter \_\_\_\_\_ (date)

JUL 12 2010

CITY OF SALISBURY  
PUBLIC INFORMATION ACT  
REQUEST FORM

Date of Request 6/1/2010

STUART LEER

Applicant Name

P.O. Box 1128

Street Address

Salisbury, MD. 21802

City, State, Zip

4437834303

Home Phone

4101422859

Business Phone

stleer20@comcast.net

E-Mail Address

Description of Requested Public Document:

Copy of letter or verbal request (who made) for  
"Calls for service - 2009/2010 911 - Stu Leer" Also Total  
cost to compile this record.

Form of Response:

Inspection of documents only

Copies of documents (Requires prepayment of copying costs - \$.25 per page, unless separate departmental fee schedule applies. No fee will be assessed if totaling \$1.00 or less.)

Method of delivery:

Pick up (You will be notified by telephone or E-Mail when documents are available.)

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[Signature]  
Applicant's Signature

FOR OFFICE USE ONLY

REQUEST NO. \_\_\_\_\_

Department Custodian's  
Signature \_\_\_\_\_

Request: Approved \_\_\_\_\_ Completed \_\_\_\_\_ (date)  
Denied \_\_\_\_\_ Denial letter \_\_\_\_\_ (date)

## **NSCC PROPERTY VIOLATIONS**

|                         |  |
|-------------------------|--|
| <b>513 Camden</b>       | <b>Weeds curb /gutter<br/>Chipping paint window trim</b>                   |
| <b>809 Camden</b>       | <b>No Address Numbers visible<br/>Mold on Dormers</b>                      |
| <b>607 Camden</b>       | <b>Weeds curb/gutter</b>   |
| <b>723 Camden</b>       | <b>Furniture on curb over w/e<br/>Illegal vinyl Fence on back property</b> |
| <b>731 Camden</b>       | <b>Mold</b>  |
| <b>803 Camden</b>       | <b>Paint chipping<br/>Mold</b>   |
| <b>301 Clairmont</b>    | <b>Mold and weeds</b>  |
| <b>427 Pennsylvania</b> | <b>Mold</b>  |
| <b>437 Virginia</b>     | <b>Trash and Weeds</b>   |
| <b>455 Monticello</b>   | <b>Over grown bushes and grass over<br/>10"</b>                            |
| <b>401 Monticello</b>   | <b>Grass over 10"</b>  |
| <b>411 Forest</b>       | <b>Mold</b>  |
| <b>904 Russell</b>      | <b>Weeds curb/gutter</b>   |

**419 Princeton**

**Mold**

**414 Virginia**

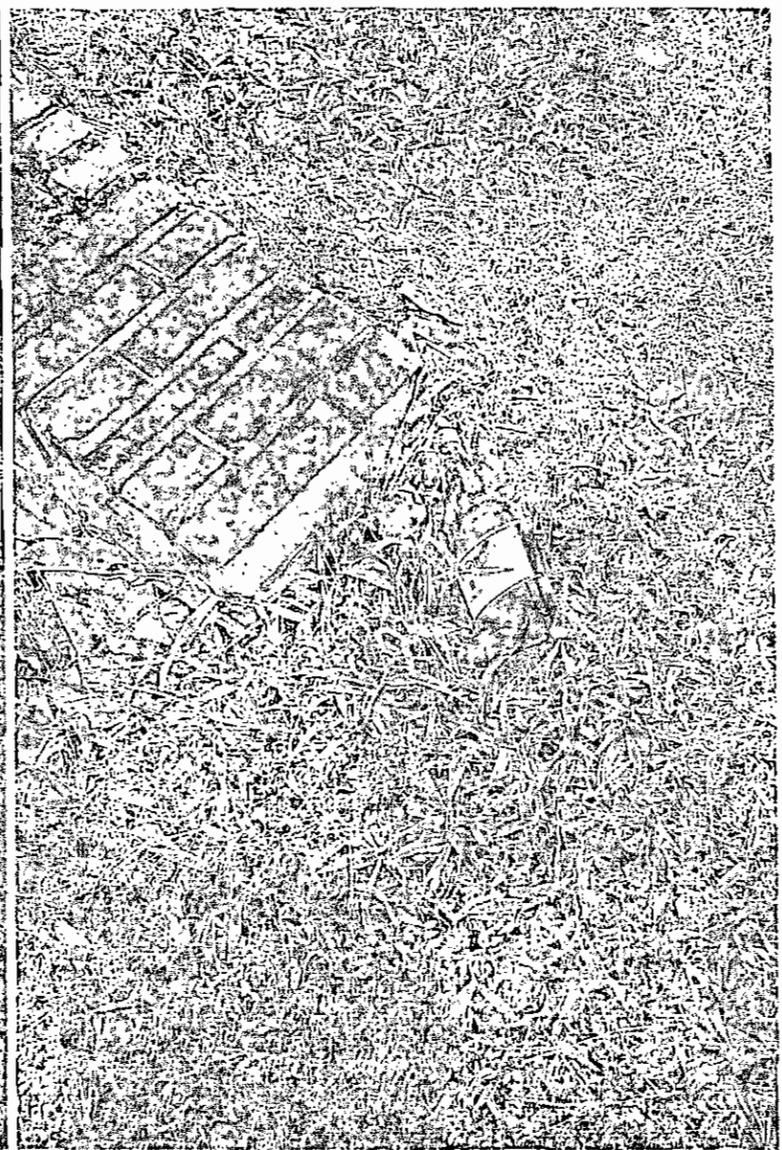
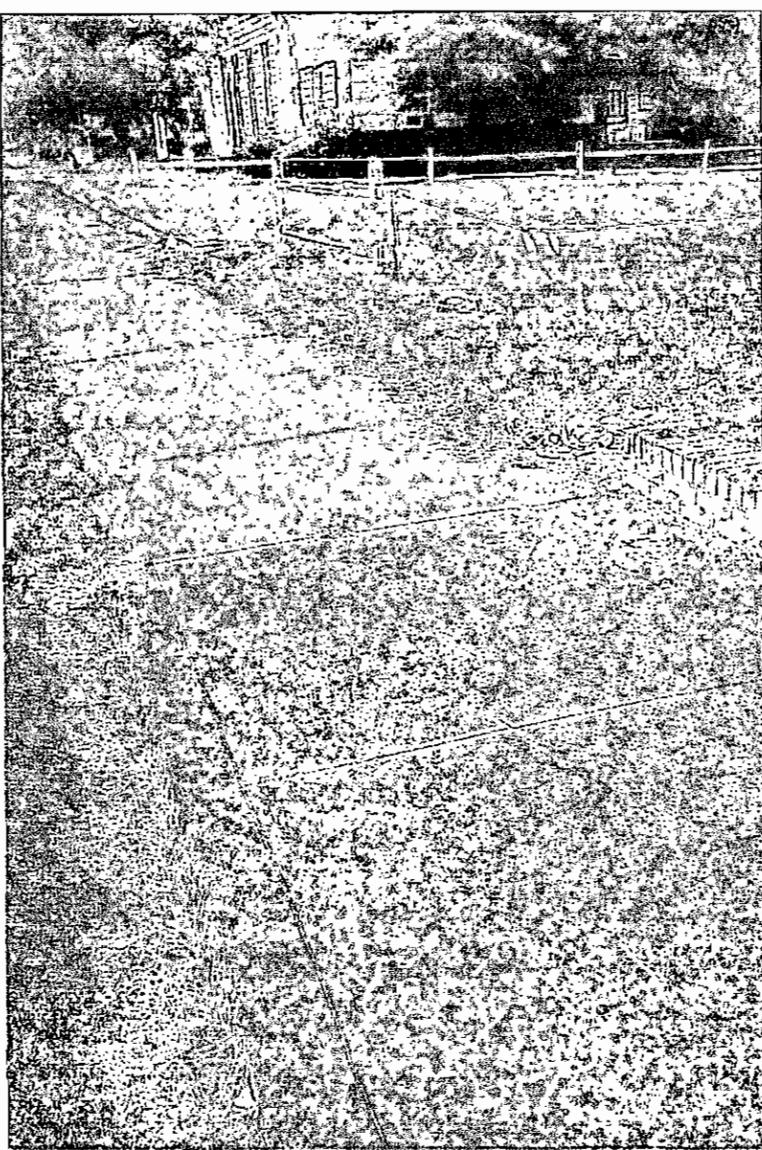
**Chipping paint, wood pile side of house over grown with weeds, Un-tagged vehicle in Drive way, Fence falling apart, trash in back yard.**

**Princeton and Somerset Streets west of Camden most of the properties have weeds in the curb and gutters.**

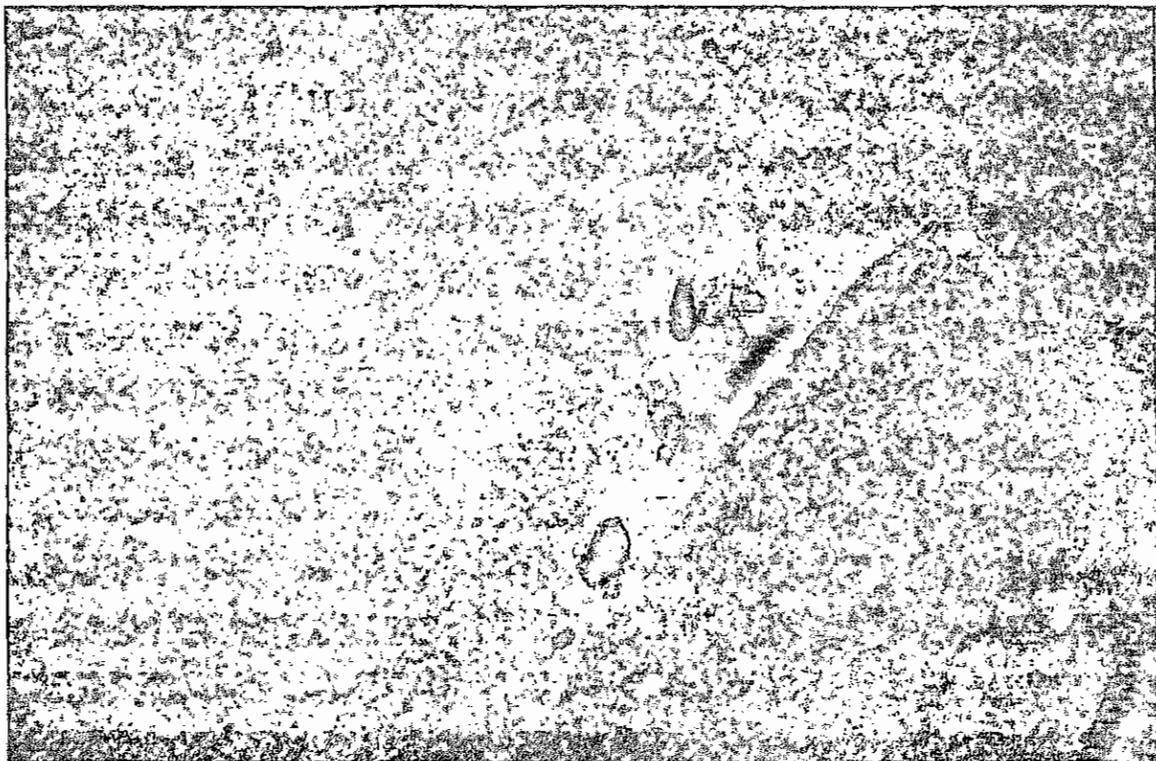
**City Park just after Newton Street – weeds over 10” high in curb and gutters.**

**West Rt. 50 going out of town – weeds over 10” in curbs and gutters.**

**Camden area streets not swept – trash in storm drains**



Park - Camden Ent.



Typical Storm Drain

JUL 12 2010

# City of Salisbury



JAMES IRETON, JR.  
MAYOR

JOHN R. PICK  
CITY ADMINISTRATOR

LORÉ CHAMBERS  
ASSISTANT CITY ADMINISTRATOR

MARYLAND

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

July 12, 2010

Page No.

- |    |                                     |     |
|----|-------------------------------------|-----|
| 1. | Surplus of Items-Police Duty Weapon | -0- |
| 2. | Surplus of Items-Equipment          | -0- |

# City of Salisbury



JAMES IRETON, JR.  
MAYOR

JOHN R. PICK  
CITY ADMINISTRATOR

LORÉ CHAMBERS  
ASSISTANT CITY ADMINISTRATOR

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

PAMELA B. OLAND  
DIRECTOR OF INTERNAL SERVICES  
PROCUREMENT DIVISION

MARYLAND

## COUNCIL AGENDA

July 12, 2010

TO: Mayor and City Council

SUBJECT: Surplus Police Weapon

The City of Salisbury Internal Services Department, Procurement Division, received a request from the City of Salisbury Police Department to declare the following duty weapon from Sergeant James E. Klaverweiden as surplus property.

Glock Model #21, 45 caliber handgun      Serial # L11392

Sergeant Klaverweiden retired at the end of May, 2010 from the City of Salisbury Police force and it is customary to provide retired officers with their weapons upon retirement. With approval, once this item is declared surplus, it will be given to Sergeant Klaverweiden.

Thank you.

Karen D. Reddersen  
Assistant Director of Internal Services-Procurement Division



147th

POLICE DEPARTMENT

ALLAN J. WEBSTER, SR.  
*Chief of Police*

# City of Salisbury



45th

699 W. SALISBURY PARKWAY  
SALISBURY, MARYLAND 21801

410-548-3165

June 11, 2010

**TO: Karen Redderson  
Procurement**

**FROM: PFC D. Parsons  
Quartermaster**

**SUBJECT: INVENTORY (WEAPON)**

The Salisbury Police Department has a history of giving retiring Police Officers their duty weapon as a retirement gift. With Chief Barkley's approval, I am requesting the Salisbury City Council declare as surplus, one Glock, Model 21, 45 caliber handgun with a serial number of APC814 on the receiver and slide and serial number L11392 on the barrel. This weapon will be given to Sergeant James E. Klaverweiden, who retired at the end of May 2010.

Respectfully Submitted,

PFC Danny Parsons 0194  
Quartermaster  
Salisbury Police Department

# City of Salisbury



MARYLAND

JAMES IRETON, JR.  
MAYOR

JOHN R. PICK  
CITY ADMINISTRATOR

LORÉ CHAMBERS  
ASSISTANT CITY ADMINISTRATOR

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

July 12, 2010

TO: Mayor and City Council

SUBJECT: Surplus Items-Turnout Gear

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Fire Department to declare the items as surplus:

| Item          | Quantity | Original Purchase Value | Condition  |
|---------------|----------|-------------------------|--|
| Turnout Coats | 8        | \$7,120.00              | Retired from use-do not meet NFPA 1581 Standard Requirements; Exceed 10 years of service |
| Turnout Pants | 2        | \$1,208.00              | Retired from use-do not meet NFPA 1581 Standard Requirements; Exceed 10 years of service |

This personal protective equipment has reached or surpassed its usable life as interior structural firefighting equipment per National Fire Protection Association Standard 1581, Sections 10.2.1 and Annex A.10.2.1. This equipment will be destroyed upon declaration of surplus by City Council, to ensure they will not be used in any future fire fighting or emergency activities.

Thank you.

Karen D. Reddersen  
Assistant Director of Internal Services-Procurement Division

# Fire Department

## City of Salisbury

Departmental

# MEMO

 **To:** Karen Reddersen, Deputy Director Internal Services

**Date:** 29 June 2010

**From:** Richard A. Hoppes, Acting Fire Chief

**Subject:** Surplus of P.P.E

The Maintenance and Supply Section officer, Lt. Hoppes, has notified me that we have a number of pieces of turn out gear that according to NFPA 1851, "Standard on the Selection, Care, and Maintenance of Protective Structural Fire Fighting and Proximity Fire Fighting – 2008 Edition", has reached or surpassed their usable life as an interior structural firefighting ensemble. The following is a list of those items and their associated costs:

- Turnout Coats: 8 ea. X \$890.00 = \$7,120.00
- Turnout Pants: 2 ea. X \$604.00 = \$1,208.00

**Total            \$8,328.00**

In accordance with NFPA 1851 Section 10.1.2, "Structural fire fighting ensembles and ensemble elements *shall* (emphasis added) be retired in accordance with 10.2.1, no more than 10 years (emphasis added) from the date the ensembles or ensemble elements were manufactured." This is further explained in Annex 'A' of the standard in Section A.10.1.2 where it states, "After discussion of the concept of mandatory retirement for protective elements, the consensus of the technical committee, led by the fire service segment, is that the life of a turnout suit is generally less than 10 years."

The standard also provides guidance on the proper method of disposing of the retired articles. According to Section 10.2.1, "Retired structural fire fighting ensembles and ensemble elements and proximity fire fighting ensembles and ensemble elements *shall* (emphasis added)

be destroyed or disposed of in a manner ensuring that they will not be used in any fire fighting or emergency activities, including live fire training.”

I have directed Lt. Hoppes to remove these items from service and box them up to prevent them from inadvertently being placed in service. By virtue of this memorandum I am asking to move to have these items declared surplus with the intent to dispose of them in accordance with the NFPA 1851 standard by destroying them to prevent them from being utilized as structural firefighting gear, thus avoiding a potential litigious situation for the department and the City. Should you have need of further information please do not hesitate to call on me.