

**CITY OF SALISBURY, MARYLAND**

**REGULAR MEETING**

**JULY 13, 2015**

**PUBLIC OFFICIALS PRESENT**

*Council President Jacob R. Day  
Councilwoman Eugenie P. Shields*

*Vice President Laura Mitchell  
Councilman John "Jack" R. Heath  
Councilman Timothy K. Spies*

**PUBLIC OFFICIALS NOT PRESENT**

*Mayor James Ireton, Jr.*

**IN ATTENDANCE**

*City Clerk Kimberly R. Nichols, CMC, City Administrator Tom Stevenson, Assistant City Administrator Julia Glanz, Assistant Director Internal Services – Procurement & Parking Jennifer L. Miller, City Attorney Mark Tilghman, interested citizens and members of the press  
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**CITY INVOCATION – PLEDGE OF ALLEGIANCE**

*The City Council met in regular session at 6:03 p.m. in Council Chambers. Council President Day called the meeting to order. Following the City Invocation provided by Rev. Dr. David L. McLendon, Sr. of St. James AME Zion Church, those in attendance recited the Pledge of Allegiance to the flag of the United States of America.*

**COMMUNITY ORGANIZATION PRESENTATION** – presented by Lori Brewster, Health Officer, Wicomico County Health Department

*Lori Brewster, Wicomico County Health Officer, joined Council at the podium to discuss Chronic Disease Management, one of the community's toughest issues and number one killer in Wicomico County and across the Country. She reported the following:*

- *The Health Department, through a Community Transformation Grant received five (5) years ago developed several initiatives, which the City of Salisbury has participated in including Walk at Lunch, Smoke Free Zones and Campuses, and Walking Routes.*
- *Program 1422 (new this year) was created to give Wicomico County, selected as a community in need, informational strategies to reduce death and disabilities due to diabetes, heart disease and stroke by 3% and reduce the prevalence of obesity by 3% . Strategies include strengthening community promotion of physical activity, policy development in businesses to allow people to take breaks to walk during the day to increase their activity, and developing and implementing community plans that promote walking and making walking surfaces safer for people trying to become healthy.*
- *Healthier Food Strategy incorporated in trying to implement food and beverage guidelines to reduce sodium intake and increase intake of fruits and vegetables.*

- *Creation of brochures to “Get Moving” and promote “Local. Fresh. Produce”*
- *Working with work sites to implement physical activity and nutrition policies and procedures.*
- *Working with Three Lower Counties to implement changes for data sharing because that is one of the primary family practice positions.*
- *Advertising on billboards to encourage people to have their A1C, blood pressure and cholesterol numbers regularly checked.*
- *Promoting education awareness on what people need to know about their medical conditions and teaching them how to manage their diseases.*

*Ms. Brewster reported more than 100 businesses represented at the Annual Worksite Wellness Educational Forum in the Tri-County area to educate businesses on decreasing their healthcare costs and increasing employees’ health in the past year.*

### **ADOPTION OF LEGISLATIVE AGENDA**

*The Legislative Agenda was unanimously approved on a motion and seconded by Mrs. Shields and Mrs. Mitchell, respectively.*

### **CONSENT AGENDA** – presented by City Clerk Kim Nichols

*The Consent Agenda was unanimously approved on a motion and seconded by Mrs. Shields and Mr. Heath, respectively:*

- *June 1, 2015 work session minutes*
- *June 8, 2015 regular meeting minutes*
- *Resolution No. 2516 – to approve a Maryland Department of Housing and Community Development, Community Legacy Grant application for funds for acquisition of abandoned, dilapidated houses and demolition of those houses that are beyond rehabilitation*
- *Resolution No. 2517 – declaring that Riverview Commons, LLC is eligible to receive Enterprise Zone benefits for property located at 150 West Market Street, Salisbury, MD*
- *Resolution No. 2518 – declaring that WMDT is eligible to receive Enterprise Zone benefits for property located at 202 W Main Street, Salisbury, MD*
- *Resolution No. 2519 – authorizing the Chief of Police to enter into a reimbursement agreement between the City of Salisbury Police Department and the Maryland State Police Grants Management Section to manage allocated funding for equipment and supplies for the Eastern Shore Information Center*
- *Resolution No. 2520 – 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 in the areas of providing equipment for the Salisbury Police Tactical Unit and for computer technology hardware and software*
- *Resolution No. 2521 – approving the appointment of Lee Beauchamp to the Zoo Commission for the term ending 12/31/2018*
- *Resolution No. 2522 – approving the reappointment of Darren Lumpkin to the City Park Committee for the term ending 6/30/2018*

- **Resolution No. 2523** – approving the reappointment of Thomas W. Hayes to the Building Board of Adjustments & Appeals for the term ending 6/30/2020
- **Resolution No. 2524** – approving the appointment of Edward L. Torbert to the Building Board of Adjustments & Appeals for the term ending 7/31/2020

**AWARD OF BIDS** – presented by Assistant Director of Internal Services – Procurement & Parking Jennifer L. Miller

The Award of Bids, consisting of the following item, was unanimously approved on a motion by Mrs. Shields and seconded by Mrs. Mitchell:

- Declaration of Surplus – SPD Duty Weapon – Retirement \$0.00

**PUBLIC HEARING/RESOLUTIONS - TRI COUNTY COUNCIL / WALSTON SWITCH ROAD ANNEXATION** – presented by City Attorney Mark Tilghman

- **Resolution No. 2503** - proposing the annexation to the City of Salisbury of certain area of land situate, contiguous to and binding upon the easterly corporate limit of the City of Salisbury, to be known as the “Tri County Council / Walston Switch Road Annexation,” and the application of a City zoning classification to same area, being an area located on the westerly side of and binding upon Walston Switch Road, north of the intersection of Walston Switch Road and U.S. Route 50

Mr. Heath moved and Mr. Spies seconded to approve Resolution No. 2503.

After Mr. Tilghman presented Resolution No. 2503 to the Public, Mr. Day opened the Public Hearing at 6:34 p.m. Since nobody requested to comment, Mr. Day immediately closed the Public Hearing.

Resolution No. 2503 was unanimously passed.

- **Resolution No. 2504** - to adopt an annexation plan for certain area of land situate, contiguous to and binding upon the easterly corporate limit of the City of Salisbury, to be known as the “Tri County Council / Walston Switch Road Annexation,” being an area located on the westerly side of and binding upon Walston Switch Road, north of the intersection of Walston Switch Road and U.S. Route 50

Mrs. Shields moved, Mr. Spies seconded, and the vote was unanimous to approve Resolution No. 2504.

**ORDINANCES** – presented by City Attorney Mark Tilghman

- **Ordinance No. 2338** – 2<sup>nd</sup> reading – approving a budget amendment of the FY 2015 General Fund to appropriate funds for Attorney Fees

Mrs. Mitchell moved and Mr. Spies seconded to approve Ordinance No. 2338 for second

reading.

*Mr. Spies moved to amend Ordinance No. 2338 by reducing the transferred amount of \$25,000 to \$12,500 from Surplus on Lines 18 and 19. The motion died for lack of a second.*

*After further discussion, Mr. Spies moved, Mr. Heath seconded and the vote was 4-1 (Mrs. Shields voted "nay") to amend Ordinance No. 2338 by striking Lines 18 and 19 and replacing Lines 18 through 22 with the language Council below:*

- 1. Decrease Mayors Department by \$500*
- 2. Decrease Finance Department by \$2,500*
- 3. Decrease Public Works – Sanitation by \$5,500*
- 4. Decrease Police Department by \$4,000*
- 5. Increase City Attorney by (17000-513301) by \$12,500*

*Ordinance No. 2338, as amended, for second reading, was passed on a 4-1 vote. Mrs. Shields voted "nay."*

- ***Ordinance No. 2339** – 2<sup>nd</sup> reading- pursuant to Chapter 17.228 of Title 17, Zoning of the Salisbury Municipal Code and Section 4.04 of Article 66b of the Annotated Code of Maryland for the purpose of amending Section 17.04.120, Definitions, and Section 17.28.020, Uses Permitted in the Light Business and Institutional District to add Self Storage*

*Mrs. Shields moved, Mr. Spies seconded and the vote was unanimous to approve Ordinance No. 2339 for second reading.*

- ***Ordinance No. 2340** – 2<sup>nd</sup> reading - to authorize Joy Bromley / Bundles of Joy Day Care to expand an existing day care center at 1409 South Division Street in an Office and Service Residential District as required by Title 17, Section 17.84.030a of the Salisbury Municipal Code*

*Mrs. Mitchell moved, Mrs. Shields seconded, and the vote was unanimous to approve Ordinance No. 2340 for second reading.*

- ***Ordinance No. 2341** – 2<sup>nd</sup> reading- creating a bike route which will run along West Main Street from Mill Street to the intersection of Fitzwater Street and along Fitzwater Street to the intersection with Parsons Road and along Parsons Road to the intersection of Pemberton Drive; providing dedicated bicycle-only lanes and shared bicycle and motorized vehicle lanes as directed by MDMUTCD Chapter 9, Traffic Control for Bicycle Facilities (MDMUTCD); installing lane striping for dedicated lanes; installing shared lane markings for shared lanes; installing bicycle markings on-pavement; and installing bike route signage along the route per the MDMUTCD*

*Mrs. Mitchell moved, Mrs. Shields seconded, and the vote was unanimous to approve Ordinance No. 2341 for second reading.*

- **Ordinance No. 2342** – 2<sup>nd</sup> reading- to repeal and re-enact Sections 15.04.010 and 15.04.020 of Chapter 15.04 Building Code by adopting updated standard building codes in Section 15.04.010; corresponding amendments to the International Building Code (2015) (IBC) in Section 15.04.020; enacting Section 15.04.030 amendments to the International Plumbing Code (2015) (IPC); and deleting Chapter 15.32 Plumbing Standards in its entirety

*Mr. Spies moved and Mrs. Mitchell seconded to approve Ordinance No. 2342 for second reading.*

*Mrs. Mitchell moved, Mr. Spies seconded, and the vote was unanimous to amend Ordinance No. 2342 by striking Line 42 in its entirety, adding the word “and” at the end of Line 41, and changing letter “H” to “G” on Line 43.*

*Ordinance No. 2342, as amended for second reading, was unanimously passed.*

- **Ordinance No. 2343** – 2<sup>nd</sup> reading – to amend Sections 15.24.040 Referenced Codes of the Salisbury Property Maintenance Code

*Mr. Spies moved and Mr. Heath seconded to approve Ordinance No. 2343 for second reading.*

*Mr. Heath moved, Mrs. Mitchell seconded, and the vote was unanimous to amend Ordinance No. 2343 by striking Line 32 in its entirety, adding the word “and” at the end of Line 31, and changing letter “7” on Line 33.*

*Ordinance No. 2343, as amended for second reading, was unanimously passed.*

- **Ordinance No. 2344** – 1<sup>st</sup> reading- establishing a Community Development Projects Fund

*Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to approve Ordinance No. 2344 for first reading. It was noted that Mr. Tilghman would add a clause to Ordinance No. 2345 for second reading that captures Council’s intent for the funds to be returned to the tax rolls or transferred to a nonprofit entity.*

- **Ordinance No. 2345** – 1<sup>st</sup> reading - to abandon and relocate an area of land being the unimproved roadbed of the cul-de-sac portion of Stanley Court and the easement that adjoins said roadbed, located near the intersection of Snow Hill Road and the former Johnson Road, now Stanley Court, in the City of Salisbury, Nutters Election District, Wicomico County, State of Maryland

*Mrs. Shields moved, Mr. Heath seconded and the vote was unanimous to approve Ordinance No. 2345 for first reading.*

## **PUBLIC COMMENTS**

*One member of the public commented on the following:*

- *He owns about one hundred properties in the City and has only received about six letters in reference to the "rain tax" fee.*
- *This will get "slid through" on tax bills*
- *Received a bill on two vacant lots on Fitzwater Street, and why is the tax being applied?*
- *Would like correct figures stated on "calls to service" at 707 Camden Avenue*
- *City is "going downhill"*

*At 7:43, upon a motion and seconded by Mrs. Shields and Mr. Spies, and by unanimous vote in favor, Council convened in Closed Session.*

*At 7:55, Mrs. Mitchell moved, Mrs. Shields seconded and the vote was unanimous to close the Closed Session. Council adjourned in Open Session and President Day reported to the Public that while in Closed Session, Council agreed to the Lot 30 RFP and discussed and agreed to lease terms with the State of Maryland. Thereafter, the Open Session was adjourned.*

*CITY OF SALISBURY, MARYLAND  
CLOSED SESSION A  
JULY 6, 2015*

*TIME & PLACE: 3:05 p.m., Government Office Building – Council Chambers, Room 301*  
*PURPOSE: To discuss a matter directly related to a negotiating 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*  
*VOTE TO CLOSE: Unanimous (4-0)*  
*CITATION: Annotated Code of Maryland §10-508(a)(14)*  
*PRESENT: Council President Jacob R. Day, Council Vice President Laura Mitchell, Councilwoman Eugenie P. Shields, Councilman Timothy K. Spies, City Clerk Kimberly R. Nichols, City Administrator Tom Stevenson, Assistant City Administrator Julia Glanz, Public Works Director Mike Moulds, Internal Services Director Keith Cordrey, City Attorney Mark Tilghman*  
*NOT PRESENT: Mayor James Ireton, Jr., Councilman John "Jack" R. Heath*

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*The City Council convened in Work Session in Room #301 in the Government Office Building at 2:33 p.m. At 3:05 p.m., Mr. Spies moved, Mrs. Mitchell seconded, and the vote was 4-0 (Mr. Heath was absent) to convene in Closed Session to discuss a matter directly related to a negotiating 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 in accordance with the Annotated Code of Maryland §10-508(a)(14).*

*At 3:31 p.m., on a motion and seconded by Mrs. Mitchell and Mr. Spies, respectively, and by unanimous vote in favor (4-0), the Closed Session was adjourned and Council reconvened in Work Session. President Day reported that while in Closed Session Council had discussed the Maryland Broadband contract negotiations with City Attorney Tilghman and directed Mr. Tilghman to continue the negotiations with Maryland Broadband to install fiber optics in Downtown Salisbury. Council then continued the meeting in Open Work Session.*

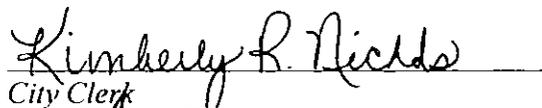
CITY OF SALISBURY, MARYLAND  
CLOSED SESSION B  
JULY 6, 2015

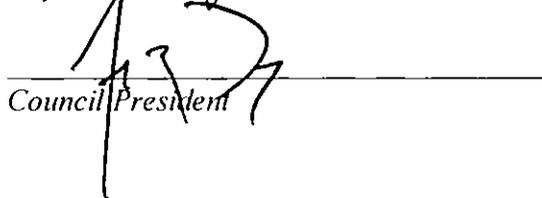
**TIME & PLACE:** 4:58 p.m., Government Office Building – Council Chambers, Room 301  
**PURPOSE:** To discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process  
**VOTE TO CLOSE:** Unanimous (4-0)  
**CITATION:** Annotated Code of Maryland §10-508(a)(14)  
**PRESENT:** Council President Jacob R. Day, Council Vice President Laura Mitchell, Councilwoman Eugenie P. Shields, Councilman Timothy K. Spies, City Clerk Kimberly R. Nichols, City Administrator Tom Stevenson, Assistant City Administrator Julia Glanz, City Attorney Mark Tilghman, SBG Communications President Tom Robinson and Attorney Dan Cohen  
**NOT PRESENT:** Mayor James Ireton, Jr., Councilman John “Jack” R. Heath

\*\*\*\*\*  
The City Council convened in Work Session in Room #301 in the Government Office Building at 2:33 p.m. At 4:58 p.m., Mrs. Mitchell moved, Mr. Spies seconded, and the vote was unanimous (4-0) to convene in Closed Session to discuss a matter directly related to a negotiating 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 in accordance with the Annotated Code of Maryland §10-508(a)(14). (Council to discuss the Comcast Cable Franchise Agreement)

At 5:01 p.m., on a motion and seconded by Mrs. Shields and Mr. Spies, respectively, and by unanimous vote in favor, the Closed Session was adjourned and Council reconvened in Open Work Session.

President Day reported that while in Closed Session Council had received updated information on the draft Comcast Cable Franchise Agreement.

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Council President

# City of Salisbury



MARYLAND

JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
INTERIM CITY ADMINISTRATOR

VACANT  
ASSISTANT CITY ADMINISTRATOR

Salisbury



2010

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

KEITH A. CORDREY  
DIRECTOR OF INTERNAL SERVICES  
PROCUREMENT DIVISION

## COUNCIL AGENDA – Declaration of Surplus

July 13, 2015

- |                              |        |
|------------------------------|--------|
| 1. Declaration of Surplus    | \$0.00 |
| SPD Duty Weapon - Retirement |        |

# City of Salisbury



MARYLAND

JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

TERENCE ARRINGTON  
ASSISTANT CITY ADMINISTRATOR

Salisbury



2010

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

KEITH A. CORDREY  
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER  
ASST. DIRECTOR OF INTERNAL  
SERVICES

## Council Agenda

July 13, 2015

TO: Mayor and City Council

RE: Declaration of Surplus – Glock, Automatic Pistol Model 21  
Salisbury Police Department

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 # |
|------------------------|-------|----------------------------|----------|
| Salisbury Police Dept. | Glock | Automatic Pistol, Model 21 | BAE 072  |

Upon declaration of surplus, and as approved by the Council, the aforementioned handgun will be given to retired police officer, Corporal Brian E. Whitman, as a retirement gift.

Thank you.

Jennifer Miller  
Assistant Director of Internal Services – Procurement and Parking

# City of Salisbury



JAMES IRETON JR.  
MAYOR  
TOM STEVENSON  
CITY ADMINISTRATOR



Maryland  
699 W. SALISBURY PARKWAY  
SALISBURY, MD 21801  
TEL: 410-548-3165



BARBARA DUNCAN  
CHIEF OF POLICE

June 03, 2015

TO: Chief B. Duncan  
FROM: Robert K. Perry  
SUBJECT: SURPLUS WEAPON

The Salisbury Police Department has a history of giving retiring Police Officers their duty weapon as a retirement gift. Therefore, I request permission to send the appropriate paperwork to the Purchasing Agent to declare, as surplus, one weapon for Corporal Brian E. Whitman who retired from the Salisbury Police Department May 31, 2015. The weapon is a Glock, Auto Pistol 45 Caliber Model 21, with a serial number of **BAE072**.

Respectfully Submitted,

*Robert K. Perry*  
Robert K. Perry 1771  
Quartermaster

Distribution:  
Chief's Office  
Colonel Meienschein

*Approved Chief Duncan 6/4/15*