

**CITY OF SALISBURY, MARYLAND**

**REGULAR MEETING**

**JULY 27, 2015**

**PUBLIC OFFICIALS PRESENT**

*Vice President Laura Mitchell*

*Councilwoman Eugenie P. Shields*

*Councilman Timothy K. Spies*

**PUBLIC OFFICIALS NOT PRESENT**

*Mayor James Ireton, Jr.*

*Council President Jacob R. Day*

*Councilman John "Jack" R. Heath*

**IN ATTENDANCE**

*City Clerk Kimberly R. Nichols, CMC, City Administrator Tom Stevenson, Assistant City Administrator Julia Glanz, 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 6:05 p.m. in Council Chambers. Vice President Mitchell called the meeting to order and reported out to the Public that Council had met in Closed Session at 5:53 p.m. to receive legal advice on pending litigation and to consult with the City Attorney regarding a legal matter.*

*Pastor John Kalfayan from Crossroads Church of God provided the City Invocation, followed by the Pledge of Allegiance to the flag of the United States of America.*

**PRESENTATIONS**

**Proclamation - National Night Out** - presented by Council Vice President Laura Mitchell

*Mrs. Mitchell presented the National Night Out proclamation to Ms. Christine Chestnut, City of Salisbury Safe Streets Coordinator, proclaiming August 4, 2015 as National Night Out in the Salisbury City Park.*

**Certificate of Appreciation** – presented by City Council President Laura Mitchell

*Mrs. Mitchell presented a Certificate of Appreciation to Christine Chestnut for planning and coordinating the 2015 National Night Out event to be held August 4, 2015.*

*Ms. Chestnut stated that approximately 1,500 people are expected to attend this years'*

*National Night Out event in Salisbury. The nationwide event was designed to bring awareness to crime prevention, to generate support for organizations such as Neighborhood Watch, Dogwalker Watch and Nextdoor.com to strengthen Police and community partnerships, and to send a message to criminals that crime is not welcome.*

*Designed to be held in the individual neighborhoods, National Night Out in the City of Salisbury will be held again in the City Park as it is a welcoming location for everyone from all of the neighborhoods and there is ample room to hold the events. Local churches and individuals have donated bikes and other prizes for the giveaways for the children.*

**Community Organization Presentation - PAC 14** – presented by PAC 14 Executive Director Creig Twilley

*PAC 14 Executive Director Creig Twilley joined Council at the podium to discuss the Public, Educational and Government (PEG) Channel. PAC 14 is a non-profit, no commercial PEG channel dedicated to community-based programming. Mr. Twilley reported Wicomico County and Salisbury citizens (anyone 18 years of age or older) can borrow PAC 14's recording equipment and produce their own program. PAC 14 is currently seeking more local producers from the community.*

*PAC 14 can be accessed online at [www.pac14.org](http://www.pac14.org). Programming can be viewed via live streaming, YouTube, or through VOD (Video on Demand).*

*Mr. Twilley discussed the importance of donations to PAC 14, which can be made directly from the website or through the Community Foundation of the Eastern Shore. There is an endowment fund set up at the Community Foundation of the Eastern Shore where money is invested from the earnings for the benefit of PAC 14.*

### **ADOPTION OF LEGISLATIVE AGENDA**

*Mrs. Shields moved, Mr. Spies seconded, and the vote was unanimous to approve the legislative agenda as presented.*

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

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

- *May 26, 2015 closed session minutes (separate envelope)*
- *June 1, 2015 closed session minutes (separate envelope)*
- *June 16, 2015 special meeting minutes*
- *June 16, 2015 closed session minutes (separate envelope)*
- *June 22, 2015 regular meeting minutes*
- *Resolution No. 2525 - to rename and re-establish the City Park Committee to the City Parks & Recreation Committee*
- *Resolution No. 2527 - declaring that David and Dawn Brown are eligible to receive*

*Enterprise Zone benefits for property located at 1121 South Salisbury Boulevard,  
Salisbury, Maryland*

**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 Mr. Spies and seconded by Mrs. Shields:*

- *RFP 03-15 Engineering Services for Gordy Road Water Main Extension*

**RESOLUTIONS** – presented by City Administrator Tom Stevenson

- **Resolution No. 2528** – *authorizing execution of a cable franchise agreement between the City and Comcast of Delmarva, LLC*

*Mrs. Shields moved, Mr. Spies seconded and the vote was unanimous to approve Resolution No. 2528 as presented.*

- **Resolution No. 2529** – *to approve a project to construct or rehabilitate a minimum of four homes in the greater Church Street Neighborhood to be sold to low or very low income families over the next two years*

*Mrs. Shields moved and Mr. Spies seconded to approve Resolution No. 2529.*

*Mr. Spies moved, Mrs. Shields seconded and the vote was unanimous to amend Resolution No. 2529 by inserting “of” after “approves” on Line 17.*

*Resolution No. 2529, as amended, was unanimously approved.*

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

- **Ordinance No. 2344** – *2<sup>nd</sup> reading – establishing a Community Development Projects Fund*

*Mrs. Shields moved and Mr. Spies seconded to approve Ordinance No. 2344 for second reading.*

*Mr. Tilghman reported that at the first reading of the ordinance on July 13, 2015, Council requested that language be added to reflect that the property would not be retained by the City, but would be returned to the tax rolls or transferred to a nonprofit entity. He then introduced the amendments.*

*Mr. Spies moved to amend Line 27 by adding “Budget” after “2016” and Line 32 by inserting “to be returned to the tax rolls or transferred to a nonprofit entity” after “properties.” Mrs. Shields seconded, and the vote to amend the Ordinance was unanimous.*

*Ordinance No. 2344, as amended for second reading, was unanimously approved.*

- **Ordinance No. 2345** – 2<sup>nd</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

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

- **Ordinance No. 2346** – 1<sup>st</sup> reading - approving an amendment of the FY 2015 General Fund Budget to appropriate additional funding for Local Government Insurance Trust

*Mrs. Shields moved and Mr. Spies seconded to approve Ordinance No. 2346 for first reading.*

*Mr. Spies moved, Mrs. Shields seconded and the vote was unanimous to amend Ordinance No. 2346 by striking "City" on Line 8, striking the "s" in expenditures on Line 9, and inserting "an" after "for" on Line 9.*

*Ordinance No. 2346, as amended for first reading, was unanimously approved.*

- **Ordinance No. 2347** – 1<sup>st</sup> reading - amending Title 12, Streets, Sidewalks and Public Places, Chapter 12.24 Wicomico River Regulations, of the City Code by adding Sections 12.24.040 and 12.24.050 for the purpose of establishing criteria for river access and standards for Riverwalk construction under the direction and supervision of the Public Works Department

*Mr. Spies moved and Mrs. Shields seconded to approve Ordinance No. 2347 for first reading.*

*Mr. Spies moved and Mrs. Shields seconded to amend Ordinance No. 2347 by the following:*

- Line 19 – strike "and" and insert "or"
- Line 33 – insert "s" at the end of the word "Section"
- Line 41 – insert "end" after "west"
- Line 63 – insert "applications" after "submit" and strike "redevelop" and insert "redevelopment"

- **Ordinance No. 2348** – 1<sup>st</sup> reading- to amend Chapter 15.22.040(b) of the Salisbury Municipal Code to change the registration billing date for vacant buildings located in the City

*Mrs. Shields moved and Mr. Spies seconded to approve Ordinance No. 2348 for first reading.*

*Mr. Spies suggested striking "procedures" and inserting "procedural" on Line 13 and Mr. Tilghman recommended capitalizing all the departments named within the ordinance.*

*Ordinance No. 2348 for first reading was unanimously approved.*

- **Ordinance No. 2349** – 1<sup>st</sup> reading – amending Sections 1.16.100 C to increase the amount of fines contained therein (changing the municipal infraction limit from \$500 to \$1,000)

*Mrs. Shields moved, Mr. Spies seconded, and the vote was unanimous to approve Ordinance No. 2349 for first reading.*

- **Ordinance No. 2350** -1<sup>st</sup> reading - amending Section 8.20 Noise, of the Salisbury Municipal Code

*Mrs. Shields moved and Mr. Spies seconded to approve Ordinance No. 2350 for first reading.*

*Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to amend Ordinance No. 2350 by the following:*

- *Line 119 - strike "or less"*
- *Line 158 - strike "motor vehicle or horse-drawn"*

*Ordinance No. 2350, as amended for first reading, was unanimously approved.*

- **Ordinance No. 2351** -1<sup>st</sup> reading - amending Section 17.184 – Environmental Noise Standards, of the Salisbury Municipal Code

*Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to approve Ordinance No. 2351 for first reading.*

### **ADJOURNMENT**

*There being no requests for public comments, Council Vice President Mitchell Day adjourned the Legislative Session at 7:31 p.m.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
JULY 13, 2015

*TIME & PLACE:* 7:44 p.m., Government Office Building – Council Chambers, Room 301  
*PURPOSE:* to consider the acquisition of real property for a public purpose and matters directly related thereto

*VOTE TO CLOSE:* Unanimous (5-0)

*CITATION:* Annotated Code of Maryland §10-508(a)(3)

*PRESENT:* Council President Jacob R. Day, Council Vice President Laura Mitchell, Councilwoman Eugenie P. Shields, Councilman John “Jack” R. Heath, Councilman Timothy K. Spies, Assistant Director Internal Services – Procurement Jennifer Miller, City Clerk Kimberly R. Nichols, City Administrator Tom Stevenson, Assistant City Administrator Julia Glanz, City Attorney Mark Tilghman

*NOT PRESENT:* Mayor James Ireton, Jr.

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*The City Council convened in Legislative Session in Council Chambers (Room #301) of the Government Office Building at 6:03 p.m. Upon the conclusion of the legislative agenda, Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to convene in Closed Session consider the acquisition of real property for a public purpose and matters directly related thereto in accordance with the Annotated Code of Maryland §10-508(a)(3).*

*Council discussed the Parking Lot 30 RFP (development of the property) and the lease with the State of Maryland (for the lot located at the Multi-Service Building).*

*At 7:55 p.m., on a motion and seconded by Mrs. Mitchell and Mrs. Shields, respectively, and by unanimous vote in favor (5-0), the Closed Session was adjourned and Council reconvened in Open Session.*

*President Day reported that while in Closed Session Council agreed to the Lot 30 RFP and to the lease terms with the State of Maryland.*

*With no further business to discuss, the meeting thereafter adjourned.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
JULY 20, 2015

*TIME & PLACE:* 1:09 p.m., Government Office Building – Council Chambers, Room 301  
*PURPOSE:* before a contract is awarded or bids are opened, 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, Vice President Laura Mitchell, Councilwoman Eugenie P. Shields, Councilman Timothy K. Spies, City Clerk Kim Nichols, Assistant City Administrator Julia Glanz, Assistant Director Internal Services – Procurement Jennifer Miller, Planning & Zoning Director Jack Lenox, and City Attorney Mark Tilghman  
*NOT PRESENT:* Mayor James Ireton, Jr., Councilman John “Jack” R. Heath

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*The City Council convened in Open Session in Council Chambers (Room #301) of the Government Office Building at 1:09 p.m. Mrs. Shields 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 discussed the Parking Lots 1 & 11 development and Comcast Cable Franchise Agreement negotiations with Attorney Dan Cohen, CBG Consulting President Tom Robinson and PAC 14 Executive Director Creig Twilley.*

*At 7:24 p.m., on a motion and seconded by Mrs. Shields and Mr. Spies, respectively, and by unanimous vote in favor (4 – 0) the Closed Session was adjourned. Council reconvened in Open Session and Mr. Day reported that while in Closed Session Council had discussed the nearly completed Comcast Cable Franchise Agreement with the consultants and PAC 14 leadership.*

*The Open Session adjourned at 5:19 p.m.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
JULY 27, 2015

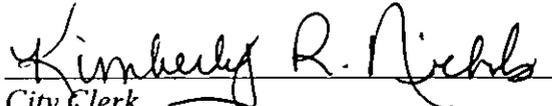
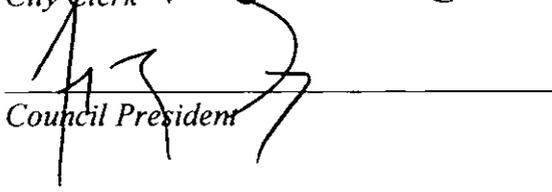
*TIME & PLACE:* 5:53 p.m., Government Office Building – Council Chambers, Room 301  
*PURPOSE:* to consult with counsel to obtain legal advice on a legal matter and to consult with staff, consultants, or other individuals about pending or potential litigation  
*VOTE TO CLOSE:* Unanimous (3-0)  
*CITATION:* Annotated Code of Maryland §10-508(a)(7)(8)  
*PRESENT:* Council Vice President Laura Mitchell, Councilwoman Eugenie P. Shields, Councilman Timothy K. Spies, City Clerk Kim Nichols, City Administrator Tom Stevenson, Assistant City Administrator Julia Glanz, and City Attorney Mark Tilghman  
*NOT PRESENT:* Mayor James Ireton, Jr., Council President Jacob R. Day, and Councilman John “Jack” R. Heath

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*The City Council convened in Open Session in Council Chambers (Room #301) of the Government Office Building at 5:53 p.m. Mrs. Shields moved, Mr. Spies seconded, and the vote was unanimous (3–0) to convene in Closed Session to consult with counsel to obtain legal advice on a legal matter and to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with the Annotated Code of Maryland §10-508(a)(14).*

*Council discussed the legal matter with City Attorney Mark Tilghman and received an update on a pending case.*

*At 6:00 p.m., on a motion and seconded by Mr. Spies and Mrs. Shields, respectively, and by unanimous vote in favor (3-0), the Closed Session was adjourned. Council immediately reconvened in Legislative Session and Mrs. Mitchell reported that while in Closed Session Council had consulted with the City Attorney on a legal matter and pending litigation.*

  
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City Clerk  
  
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Council President