

CITY OF SALISBURY  
WORK SESSION  
DECEMBER 7, 2015

Public Officials Present

Council President John R. "Jack" Heath  
Council Vice President Laura Mitchell  
Councilman James Ireton, Jr.

Mayor Jacob R. Day  
Councilman Muir Boda  
Councilwoman April Jackson

In Attendance

City Clerk Kimberly Nichols, Assistant City Administrator Julia Glanz, Police Chief Barbara Duncan, Neighborhood Services & Code Compliance Director Susan Phillips, Public Works Director Mike Moulds, interested citizens and members of the press.

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On December 7, 2015, Salisbury City Council convened in a Closed Session at 4:00 p.m. in Council Chambers, Room 301 of the Government Office Building. At 4:47 p.m., upon adjourning the Closed Session and reconvening in Work Session, President Heath reported that Council had received an update from counsel on pending litigation while in the Closed Session.

The following is a synopsis of the topics discussed in Work Session:

**ECD Pilot Project Review**

Police Chief Barbara Duncan joined Council at the table and reported during the twelve-month ECD (electronic control device) pilot project review period the rate and severity of officer injuries and offenders was reduced. The ECD was deployed thirty-four (34) times and only used thirteen (13) times, causing only minor injuries such as abrasions and puncture wounds.

Sixteen (16) officers received ECD training and the next step will be to discuss the purchase of additional equipment and training. Chief Duncan considered ECDs very beneficial for the Police Department and the public and Mayor Day supported the purchase of additional ECD equipment.

The review was for Council information only and no action was taken nor consensus requested.

**Highway Safety Grant**

Chief Duncan asked Council to consider accepting \$14,500 in grant funds from the Maryland Highway Safety Funds to be designated for enforcement of the following traffic programs and equipment: impaired driving (\$6,000), aggressive driving (\$4,000), distracted driving (\$1,500), seat belt enforcement (\$1,000), and portable Breathalyzer tests (\$2,000).

Council reached unanimous consensus to advance the grant to legislative session.

**Audit Presentation**

Internal Services Director Keith Cordrey and Barbacane, Thornton & Company LLP Auditor Pam Baker joined Council at the table to discuss the draft audit report ending June 30, 2015.

Ms. Baker reported that last year Internal Services began creating their own financial statements from the City's Munis accounting system. This year, Mr. Cordrey's office continued working to that end, and did a very good job. She reported Barbacane, Thornton & Company LLP had no other clients who have generated this level of Management Financial Statements.

Ms. Baker reviewed the audit results, which concluded that the financial statements of the City of Salisbury were fairly presented in accordance with generally accepted accounting principles, and the City had an unmodified or clean audit opinion.

She explained that this year was the year the City would have to report its portion of the State Trust Plan's unfunded liability because of GASB68, and there will be a tremendous impact seen. The Statewide system is 71.87 percent funded, meaning a large piece is not funded. This year the City is picking up its portion of that liability, which is not something the City has the control of or responsibility to fund, but it has the responsibility to fund its required contribution.

Ms. Baker will present the final FY15 Audit Report at the December 14, 2015 Council Meeting.

### **Zoning Petition – Light Industrial- Golden Phoenix Property Management**

Gloria Smith, Salisbury – Wicomico County Planning & Zoning Planner joined Council to discuss the text amendment. She explained the request and reported no inquiries were received at the September 2015 Planning Commission Public Hearing. The recommendation was approval of the request but as a Special Exception, which would require, if adopted into the Code a use permitted by special exception, and to go to the Salisbury Board of Zoning Appeals for approval to look into access. She reported the owner has an offer pending on an adjoining property and can provide enough parking space to go with this use, and would give the Board the opportunity, if in other cases other requests are made, to ensure they provide the correct amount of parking.

Mr. Thang Tran (the owner of the property) joined Council at the table to discuss the request. The following are comments and questions discussed with Council:

- Mr. Ireton asked Mr. Tran if he has done this type of flea market in other locations. (Mr. Tran - has never had a flea market before.)
- Mr. Boda asked Mr. Tran what his hours of operation would be. (Mr. Tran – will provide 10' x 10' stations for vendors, out of the weather, and 365 days per year.)
- Mr. Boda asked about stolen items, what controls, if any, would Mr. Tran provide over what was being sold, or would vendors sell anything they wished? (Mr. Tran - he could not tell people what they could not sell, but would ensure they were not counterfeiters.)
- Mr. Boda discussed controls; visits from law enforcement, possible arrests, and suggested Mr. Tran review the Laurel Flea Market vendors and their control measures.
- Ms. Jackson discussed vendor contracts and security measures.
- Mayor Day asked Council to ponder whether they would want this allowed for everyone or allowed just as a special exception.
- Mr. Tran remarked there would be no illegal activities or drugs sold in the building.

- Mr. Ireton asked if the people who signed the affidavits of support for Mr. Tran live near the property or are they going to be renting space from him? (Mr. Tran - they were vendors at the Downtown flea market who support his inside flea market proposal.)
- Mr. Ireton asked because these two locations are almost across the street from each other, if this presents a conflict for the current flea market.
- Mr. Ireton asked when the Zoning Board approves cases like this, is it because law does not disallow it? Ms. Smith reported it would be unknown until there is an application before them and they may have questions about his operation, such as this Council has.
- Mayor Day stated from a broad Planning standpoint with respect to the Zoning Code, if something is allowed, then it is allowed. If it is not allow it, as in this case, then a decision has to be made by Council as to whether or not at this point forward it should be allowed for everyone or if the case should be a Special Exception.
- Mrs. Mitchell reiterated that this is a text amendment to allow this area to be Light Industrial whereby a flea market would be a use by special exception in any of the four areas of the City. Ms. Smith agreed, stating someone could file an application to have a flea market made out of a vacant manufacturing building and it would be processed for a public hearing before the Salisbury Board of Zoning Commissions. This case involves allowing flea markets as possible special exceptions in Light Industrial zoning.
- Mr. Tilghman reported he has not reviewed the text amendment and has some changes.
- Mr. Boda suggested allowing Mr. Tilghman time to review the language before another discussion is scheduled at Work Session.

Council reached unanimous consensus to return this discussion to the December 21, 2015 Work Session to allow Mr. Tilghman time to incorporate his changes.

### **Budget Amendment – Bucket Truck**

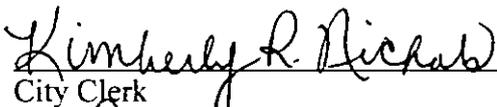
Public Works Deputy Director Amanda Pollack joined Council to discuss a budget amendment to purchase a bucket truck. The original budget was 190,000; the quote was 199,892. All of the other vehicles in the FY16 Public Works budget were under budget, and the reason they have to do a budget amendment is because the budget ordinance categorizes the Public Works accounts and they cannot transfer any other accounts.

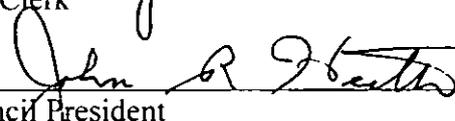
Council reached unanimous consensus to advance the budget amendment to legislative agenda.

### **General Discussion**

At the next Work Session, President Heath will discuss changing the 1:30 p.m. Work Sessions to 4:30 p.m. since Council has two full-time employees, and the upcoming budget sessions.

There being no further business to discuss, Council adjourned at 6:29 p.m.

  
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 City Clerk

  
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 Council President

December 7, 2015 Work Session