

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

AUGUST 22, 2016

PUBLIC OFFICIALS PRESENT

*Council President John “Jack” R. Heath
Councilman Muir Boda
Councilman James Ireton, Jr.*

*Mayor Jacob R. Day
Councilwoman April Jackson*

PUBLIC OFFICIALS NOT PRESENT

Council Vice-President Laura Mitchell

IN ATTENDANCE

City Clerk Kimberly R. Nichols, City Administrator Tom Stevenson, City Attorney Associate Peter Golba, Senior Buyer – Procurement & Parking Michael Lowe, and interested citizens.

CITY INVOCATION – PLEDGE OF ALLEGIANCE

The City Council met in regular session at 6:03 p.m. in Council Chambers. Council President John “Jack” R. Heath called the meeting to order and invited The Very Reverend Frieda L. Malcolm, Rector at St. Alban’s Episcopal Church to deliver the invocation. Thereafter, the Pledge of Allegiance was recited.

PRESENTATIONS

- **Community Organization Presentation**
Christine Chestnutt, City of Salisbury Safe Streets Coordinator/Crime Analyst was invited to the podium to discuss the recent National Night Out in Salisbury, held on August 2, 2016 in the Salisbury City Park. She reported an estimated 1,500 people attended the multi-cultural event this year. She raised about \$4,000, including the donations of 43 bikes, to put the event on.
- **Certificate of Appreciation**
Mayor Day presented Ms. Chestnutt with a Certificate of Appreciation for her efforts this year in planning the exceptional National Night Out event in Salisbury, Maryland.

ADOPTION OF LEGISLATIVE AGENDA

Mr. Ireton moved, Ms. Jackson seconded, and the vote was unanimous to adopt 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. Boda and Mr. Ireton, respectively:

- August 1, 2016 Special Meeting Minutes
- August 1, 2016 Work Session Minutes
- August 8, 2016 Council Meeting Minutes
- **Resolution No. 2654** – approving the appointment of Barry Dressel to the Historic District Commission for term ending August 2019
- **Resolution No. 2655** – approving the reappointment of Bradley T. Phillips to the Historic District Commission for term ending August 2019
- Approving a Manufacturing Exemption request for PolyOne Designed Structures & Solutions LLC for their equipment purchased in 2015

AWARD OF BIDS – presented by Senior Buyer – Procurement & Parking Michael Lowe

Mr. Ireton moved, Ms. Jackson seconded and the vote was unanimous to approve the Award of Bids consisting of the following item:

- Contract 121-16 Paleo WTP Well #2 Rehabilitation \$111,835.00

RESOLUTION – presented by City Administrator Tom Stevenson

- **Resolution No. 2650** – proposing the annexation to the City of Salisbury of certain area of land contiguous to and binding upon the northerly corporate limit of the City of Salisbury, to be known as the “PennTex – Dagsboro Road Annexation” and the application of a City zoning classification to same area located on the northerly side of and binding upon Dagsboro Road and the northeast quadrant of the intersection of North Salisbury Blvd. MD RTE. 13 and Dagsboro Rd

Ms. Jackson moved and Mr. Ireton seconded to approve Resolution No. 2650.

Mr. Boda moved to amend Resolution No. 2650 by striking “and westerly” on Line 20. Mr. Ireton seconded and the motion was unanimously passed.

Resolution No. 2650, as amended, was unanimously approved.

- **Resolution No. 2651** - approving the annexation plan of the “PennTex – Dagsboro Road Annexation”

Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous to approve Resolution No. 2651. It was announced the Public Hearing for the “PennTex – Dagsboro Road Annexation” will be held on September 26, 2016 at 6:00 p.m. in Council Chambers.

PUBLIC HEARING/2nd READING – ORDINANCE NO. 2400 – presented by City Attorney Associate Peter Golba

- **Ordinance No. 2400** – 2nd 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 17.216.080, Wall Signage permitted in the Office and Service Residential District

Mr. Boda moved and Ms. Jackson seconded to approve Ordinance No. 2400 for second reading, followed by the presentation of the ordinance by City Attorney Associate Peter Golba.

At 6:25 p.m., President Heath opened the Public Hearing, and there being no speakers, closed the Public Hearing. President Heath called for a motion and second to approve Ordinance No. 2400; Messrs. Ireton and Boda motioned and seconded, respectively. Ordinance No. 2400, for second reading, was passed by unanimous vote in favor.

ORDINANCES – presented by City Attorney Associate Peter Golba

- **Ordinance No. 2397**- 2nd reading- amending Sections 8.11.020 of Chapter 8.11 The Fire Prevention Code; 15.04.010 of Chapter 15.04 Building Code, 15.12.020 of Chapter 15.12 Electrical Standards; 15.24.040 of Chapter 15.24 Housing Standards

Ms. Jackson moved, Mr. Ireton seconded, and the vote was unanimous to approve Ordinance No. 2397 for second reading.

- **Ordinance No. 2398** – 2nd reading - approving an amendment of the FY17 Budget to appropriate funds for traffic equipment repairs and maintenance

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2398 for second reading.

- **Ordinance No. 2399** – 2nd reading - to abandon an area of land being a portion of an unnamed 20-foot wide alley accessed from West Market Street and traversing City Parking Lot 11

Mr. Ireton moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2399 for second reading.

DISCUSSION AND MOTION TO CONVENE IN CLOSED SESSION

Mr. Heath asked if the criteria for Closed Sessions had been with the advertisement of the pending Closed Session. Mr. Golba replied that the State Government Article §10-508(a)(7), to consult with counsel to obtain legal advice on a legal matter, was allowed as a Closed Session item, and his knowledge of the topic may also meet another statutory authority item, but would rather discuss it in Closed Session before making any statements about the topic.

Mr. Heath called for a motion to convene in Closed Session; Mr. Boda moved and Ms. Jackson seconded.

Mr. Ireton reported he was unclear whether “contract employee” falls within the City’s definition of “employees”, and added that Council typically does not convene in Closed Session just to discuss something at the request of an individual or group.

Mr. Heath stated he would rely on legal counsel whether or not the information constituted statutory authority to convene in Closed Session, and if during Closed Session he did not feel the discussion was appropriate for Closed Session, he would adjourn.

The vote was (3-1) to convene in Closed Session. Mr. Ireton voted “nay”. Council convened in Closed Session at 6:41 p.m.

At 6:45 p.m., upon a motion and seconded by Mr. Ireton and Mr. Boda, respectively, and by unanimous vote in favor, Mr. Heath adjourned the Closed Session and reported to the Public in Open Session that Council had met in Closed Session to consult with counsel on a legal matter.

Immediately thereafter, the Open Session was adjourned.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
AUGUST 22, 2016

TIME & PLACE: 6:41 p.m., Government Office Building – Room 301
PURPOSE: To consult with counsel to obtain legal advice on a legal matter
VOTE TO CLOSE: 3-1 (Councilman Ireton voted “nay”)
CITATION: Annotated Code of Maryland §10-508(a)(7)
PRESENT: Council President John “Jack” R. Heath, Mayor Jacob R. Day, Councilwoman April Jackson, Councilman Muir Boda, Councilman James Ireton, Jr., City Administrator Tom Stevenson, Curator of Poplar Hill Mansion/Public Works Sarah Meyers, Friends of Poplar Hill Mansion members Nancy Robertson, Jeanne Mears, and Sharon Murphy, City Attorney Associate Peter Golba, and City Clerk Kimberly R. Nichols
NOT PRESENT: Council Vice-President Laura Mitchell

During the City Council Legislative Session, at 6:36 p.m. Council President Heath asked City Attorney Associate Peter Golba if the advertised notice for the Closed Session met the criteria. Mr. Golba stated that State Government Article §10-508(a)(7), (“to consult with counsel to obtain legal advice on a legal matter”) was a Closed Session item, and the topic may also meet another statutory authority item, but would determine that in Closed Session.

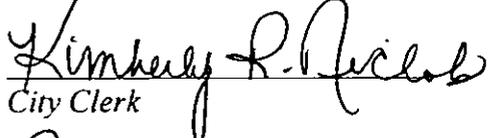
Mr. Boda moved, Ms. Jackson seconded, and the vote was 3-1 to convene in Closed Session. Mr. Ireton cast the “nay” vote, stating he was unclear whether “contract employee” fell within the City’s definition of “employees”.

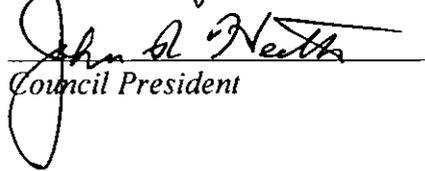
Mr. Heath stated he would rely on legal counsel as to whether the reason met constituted statutory authority to convene in Closed Session and, if he felt the discussion was inappropriate for Closed Session, he would adjourn. Council convened in Closed Session at 6:41 p.m.

President Heath asked Mses. Meyers, Robertson, Mears, and Murphy to exit the room.

At 6:45 p.m., Mr. Ireton moved, Mr. Boda seconded, and the vote was unanimous (4-0) to adjourn the Closed Session. Mr. Heath adjourned the Closed Session and immediately reported to the Public in Open Session that Council had met in Closed Session to consult with counsel on a legal matter. No votes were taken nor consensus reached.

Thereafter, the Open Session was adjourned.


City Clerk


Council President