

**CITY OF SALISBURY  
CITY COUNCIL MEETING  
AGENDA**

<b>Meeting #3</b>	<b>February 9, 2009</b>	<b>6:00 p.m.</b>
<b>City/County Government Office Building</b>		<b>Room 301</b>

Times shown for agenda items are estimates only.

- 6:00 p.m. CONVENE – LORD’S PRAYER – PLEDGE OF ALLEGIANCE
- 6:04 p.m. ADOPTION OF AGENDA
- 6:06 p.m. PRESENTATION – Mayor Barrie P. Tilghman
  - Berni and Jim Greene
- 6:11 p.m. BRIEFING – Director of Neighborhood Services and Code Compliance Tom Stevenson
  - September 1990 oil spill into the Wicomico River
- 6:20 p.m. CONSENT AGENDA – City Clerk Brenda Colegrove
  - January 26, 2009 minutes 1a
  - Resolution No. 1753 - appointment of Thomas Elliott to the Marina Committee for a term ending January 2011 1b
- 6:22 p.m. AWARD OF BIDS – Director of Internal Services Pam Oland 2
- 6:30 p.m. ORDINANCE – City Attorney Paul Wilber
  - Ordinance No. 2073 – 2<sup>nd</sup> reading – FY09 General Fund budget amendment to budget the receipt of lease purchase proceeds and the corresponding purchase of vehicles and equipment 3
- 6:35 p.m. PUBLIC COMMENTS
- 6:45 p.m. ADJOURN

Copies of the agenda items are available for review  
in the City Clerk’s Office  
Room 305 - City/County Government Office Building  
410-548-3140  
or  
on the City’s web site  
[www.ci.salisbury.md.us](http://www.ci.salisbury.md.us)

The City Council reserves the right to go into closed session as permitted  
under the Annotated Code of Maryland 10-508(a)

- Proposed agenda items for February 23, 2009 (subject to change)**
- Resolution – adoption of FY2010-FY2014 Capital Improvement Plan
  - Resolution – reappointment to the Marina Committee

**CITY OF SALISBURY, MARYLAND**

**#2 MEETING**

**JANUARY 26, 2009**

**PRESENT**

*Council President Louise Smith  
Councilwoman Deborah S. Campbell  
Councilwoman Eugenie P. Shields*

*Council Vice President Gary A. Comegys  
Councilwoman Terry E. Cohen  
Mayor Barrie P. Tilghman (left 6:35 p.m.)*

**IN ATTENDANCE**

*City Clerk Brenda Colegrove, MMC, City Administrator John Pick, ICMA-CM, Assistant City Administrator Loré Chambers, City Solicitor Paul Wilber, Public Works Director Jim Caldwell, Internal Services Director Pam Oland, and Members of the Press.*

\*\*\*\*\*

**CONVENING - ADOPTION OF AGENDA**

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

*Mr. Comegys moved and Ms. Cohen seconded to approve the agenda as presented. Ms. Cohen moved to remove the January 12, 2009 minutes from the Consent Agenda. Mr. Comegys seconded and the vote was unanimous. The agenda, as amended, passed unanimously.*

**JANUARY 12, 2009 MINUTES**

*Ms. Cohen moved and Mr. Comegys seconded to amend the minutes relative to the Salary Review Committee's report to reflect that the vote was unanimous to accept the immediate recommendations and to take future recommendations under consideration. After clarification on the minutes as presented, Ms. Cohen withdrew her motion.*

*On a motion and a second by Ms. Cohen and Mr. Comegys, respectively, the January 12, 2009 minutes were unanimously approved.*

**FY08 AUDIT AND FINANCIAL STATEMENTS PRESENTATION** – presented by Ms. Pam Baker

*Ms. Pam Baker from Barbacane, Thornton and Company provided an overview of the results of the FY08 audit and financial statements. A clean or unqualified opinion was rendered by the firm on the fair presentation of the financial statements and on the expenditure of federal dollars.*

**CONSENT AGENDA** – presented by City Clerk Brenda Colegrove

On a motion by Mr. Comegys and seconded by Mrs. Shields, the Consent Agenda consisting of the following items was unanimously approved:

- Resolution No. 1751 – approving Rental, License and Service Agreements between the City of Salisbury and Premier Election Agreements for the City's 2009 Primary and General Elections
- Resolution No. 1752 – reappointment of Joe Vignale to the Building Board of Adjustments and Appeals for a term ending January 2014

**AWARD OF BIDS** – presented by Director of Internal Services Pam Oland

The Award of Bids (items listed below) was unanimously approved on a motion by Mrs. Campbell and seconded by Mr. Comegys.

1. Change Order #1 for Contract #A-03-09 \$122,000.00  
Miscellaneous Chemicals  
Acct. No. 82075-546004 – Water Fund  
Intercoastal Trading, Inc.
2. Change Order #2 for Contract #A-03-09 <\$117,200.00>  
Miscellaneous Chemicals  
Acct. No. 86083-546004 – Sewer Fund  
Intercoastal Trading, Inc.

**ANNEXATION** – presented by Mr. Keith Hall

- Resolution No. 1728/Resolution No. 1729 – adoption of Leonard Lane/Michel Real Estate Partnership, LLC Annexation Plan and Leonard Lane/Michel Real Estate Partnership, LLC Annexation

On a motion by Mr. Comegys and seconded by Ms. Cohen, Resolution No. 1728 and Resolution No. 1729 were unanimously approved.

**ORDINANCES** – presented by City Attorney Paul Wilber

- Ordinance No. 2071 – 2<sup>nd</sup> reading – FY09 General Obligation Bonds (\$3.82 million Sewer fund projects – odor control at the north and south side pump stations, diminutors/comminutors for north and south side pump stations, upgrading DP&L lift station and costs of issuance)

Ordinance No. 2071 for second reading was unanimously approved on a motion by Mr. Comegys and seconded by Mrs. Campbell.

- *Ordinance No. 2073 – 1<sup>st</sup> reading – FY09 General Fund budget amendment to budget the receipt of lease purchase proceeds (\$3,113,135.49) and the corresponding purchase of vehicles and equipment*

*Ordinance No. 2073 for first reading passed unanimously on a motion and a second by Ms. Cohen and Mr. Comegys, respectively.*

### **PUBLIC COMMENTS**

*Four citizens spoke on the following issues:*

- *FY08 audit*
- *budget format*
- *PAC14*
- *Delmarva Power lift station*
- *unanswered question from previous meeting regarding the homeless*
- *Police Department vehicle purchased and being transferred to Fire Department*
- *Ordinance against begging or soliciting*
- *status of repairs to Mill Street bridge*
- *status of standpipe*
- *oil spillage from tanks on Lake Street/discharge into the river (copies of referenced newspaper articles attached to original minutes)*
- *stormwater project*
- *blog sites/media political landscape; standards of behavior*

*The meeting adjourned at 6:55 p.m.*

*CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
FEBRUARY 2, 2009*

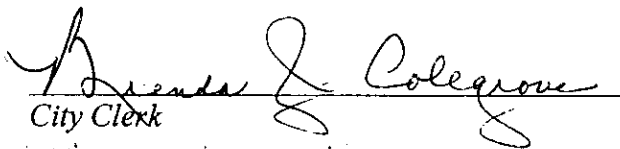
*TIME & PLACE:* 4:32 p.m. – Conference Room 305 Government Office Building  
*PURPOSE:* consult with legal counsel/potential litigation  
*VOTE TO CLOSE:* Unanimous (Mrs. Campbell was not present during the vote to close.)  
*CITATION:* Annotated Code of Maryland Sections 10-508(a)(7)(8)  
*PRESENT:* Council President Louise Smith, Council Vice President Gary Comegys, Councilwoman Deborah Campbell (arrived 4:40 p.m.), Councilwoman Terry Cohen, City Clerk Brenda Colegrove, City Administrator John Pick, Assistant City Administrator Loré Chambers, City Attorney Paul Wilber, Public Works Director Jim Caldwell  
*ABSENT:* Councilwoman Eugenie Shields

---

*At 4:32 p.m., in Conference Room 305 of the Government Office Building, Mr. Comegys moved to convene in closed session to consult with legal counsel and staff on potential litigation as permitted under the Annotated Code of Maryland Sections 10-508(a)(7)(8). Ms. Cohen seconded and the vote was unanimous (Mrs. Campbell was not present during the vote to close).*

*City Attorney Paul Wilber and Public Works Director Jim Caldwell provided an update on the issues and negotiations taking place which could potentially result in litigation. No action was taken by Council at this time.*

*On a motion by Mr. Comegys and seconded by Ms. Cohen, the closed session adjourned at 5:12 p.m.*

  
City Clerk

---

*Council President*

---

**INTER**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**OFFICE**

# MEMO

---

*OFFICE OF THE MAYOR*

**To:** John Pick  
**From:** Sherrell McBride *SM*  
**Subject:** Appointment to the Marina Committee  
**Date:** February 3, 2009

---

Mayor Tilghman would like to appoint the following person to the Marina Committee:

<u>Name</u>	<u>Term Ending</u>
Thomas Elliot	1/2011

Mr. Elliot previously served on the Marina Committee prior to 2007.

Attached is Mr. Elliott's letter of interest and the Resolution necessary for his appointment. Please forward this information to the City Council so it may be placed on the agenda for the next City Council meeting. Please let me know if you have any questions.

Attachments

CC: Mayor Tilghman

**RESOLUTION NO. 1753**

BE IT RESOLVED by the City Council of the City of Salisbury, Maryland that the following individual is appointed to the Marina Committee for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Thomas Elliot	1/2011

The above resolution was introduced, read and passed at the regular meeting of the Council of the City of Salisbury held on the \_\_\_\_\_ day of February, 2009.

\_\_\_\_\_  
Brenda J. Colegrove  
CITY CLERK

\_\_\_\_\_  
Louise Smith  
COUNCIL PRESIDENT

APPROVED BY ME THIS  
\_\_\_\_\_ day of February, 2009

\_\_\_\_\_  
Barrie P. Tilghman  
MAYOR

---

Please accept this letter as my request to be re-appointed to the Marina Commission. I served on the commission prior to 2007 and I understand that there is an opening now. I have been an active boater for thirty years and I do keep my boat at our marina during the summer months. I am a retired professor of music at Salisbury University and I have been a resident since 1985. If you would like additional information, I can be reached at [trellier@comcast.net](mailto:trellier@comcast.net) or by phone at 410-443-6421. My address is 105 Liberty Way, Fruitland Md. 21826.

Thank you for your attention.

*Thomas H. Elliott D.H.A.*

# City of Salisbury



MARYLAND

**PAMELA B. OLAND**

DIRECTOR OF INTERNAL SERVICES

**PURCHASING DIVISION**

DEPARTMENT OF INTERNAL SERVICES

125 N. DIVISION STREET, ROOM 104

SALISBURY, MD 21801

410-548-3190

FAX: 410-548-3192

## COUNCIL AGENDA

**February 9, 2009**

1. Declaration of Surplus- Vehicles

-0-

# City of Salisbury



MARYLAND

**PAMELA B. OLAND**

DIRECTOR OF INTERNAL SERVICES

**PURCHASING DIVISION**

DEPARTMENT OF INTERNAL SERVICES  
125 N. DIVISION STREET, ROOM 104  
SALISBURY, MD 21801  
410-548-3190  
FAX: 410-548-3192

## COUNCIL AGENDA

**February 9, 2009**

**TO: Mayor and City Council**

**SUBJECT: Surplus Vehicle**

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Salisbury Police Department to rescind a forfeited vehicle previously declared surplus by City Council in October, 2008. This vehicle was forfeited to the City of Salisbury through the Wicomico County Circuit Court per Court Order. After further review of the needs of the Community Action Team, it has been determined that this vehicle would allow additional independent productivity of the team and the supervisor, and would be of benefit if added to the City's Police fleet and assigned to the Community Action Team. Given the condition of the vehicle, maintenance costs will be minimal. It will not be used on a daily basis nor assigned as a take home vehicle. The Salisbury Police Department would prefer not to provide additional details about the vehicle publicly because it will be used as an unmarked, undercover vehicle.

Thank you.

Karen D. Reddersen

Assistant Director of Internal Services-Procurement Division

Salisbury Police Department  
Major Jeffrey O. Livingston  
Administrative Commander  
699 W. Salisbury Parkway  
Salisbury, Maryland  
Phone: 410-548-3158  
FAX: 410-548-3173

# Memo

To: Karen Reddersen  
From: Major Jeffrey Livingston  
CC: *Jeffrey Livingston*  
Date: January 27, 2009  
RE: Vehicle request

---

In October 2008, a vehicle that was seized by the Salisbury Police Department was forfeited to the Salisbury Police Department by the Wicomico county Circuit Court. At that time, SPD did not see a need for the vehicle and it was declared surplus by the City Council on October 13, 2008. In December 2008 a new supervisor was assigned to the Community Action Team. The new supervisor did an evaluation of the unit. In an effort to increase independent productivity from the officers assigned, each officer has been assigned a specific vehicle. The officers exchange vehicles as needed to accomplish specific tasks. Due to the supervisor not having an assigned vehicle, he has to make arrangements with officers for transportation and this requires an officer to leave his assignment when it would otherwise be unnecessary. It has delayed the supervisor's work schedule on occasion. It is requested that the council rescind the declaration of surplus for the forfeited vehicle and that it be added to the Salisbury Police Department's fleet and assigned to the Community Action Team. The cost of adding this vehicle to the Police Department's fleet would be minimal. The vehicle is in running condition and will require little maintenance. The vehicle will not be used on an every day basis and will not be assigned as a take home vehicle.

**ORDINANCE NO. 2073**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY 09 GENERAL FUND BUDGET TO BUDGET THE RECEIPT OF LEASE PURCHASE PROCEEDS AND THE CORRESPONDING PURCHASE OF VEHICLES AND EQUIPMENT.

WHEREAS, accounting rules require that governmental funds reflect the total cost of the vehicles and equipment being lease purchased and the off-setting proceeds from the lease purchase contract; and

WHEREAS, historically the City of Salisbury has only included in its annual budget the annual lease purchase payments for the vehicles and equipment being purchased through lease purchase arrangements; and

WHEREAS, in the past two audits our auditors have noted this departure from accounting rules; and

WHEREAS, the Mayor and City Council desire that the budget be developed in such a way that it is consistent with accounting rules so that this comment can be eliminated from future audits;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF COUNCIL OF THE CITY OF SALISBURY, MARYLAND that the City's Fiscal Year 2009 General Fund budget be and is hereby, amended as follows:

- 1) Increase General Fund Revenue – Lease Proceeds (01000-469311) \$3,113,135.49
- 2) Increase Police Department \$19,345.71
- 3) Increase Public Works – Traffic Control \$23,187.00
- 4) Increase Fire Department \$2,689,487.60
- 5) Increase Public Works - Streets & Lighting \$25,870.00
- 6) Increase Public Works - Sanitation \$303,524.18
- 7) Increase Public Works - Recreation & Culture \$51,721.00

AND, BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 26<sup>th</sup> day of January, 2009, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the \_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

\_\_\_\_\_  
Brenda J. Colegrove, City Clerk

\_\_\_\_\_  
Louise Smith, President  
Salisbury City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_,  
2009.

\_\_\_\_\_  
Barrie P. Tilghman, Mayor