



City of Salisbury

CITY COUNCIL AGENDA



August 12, 2013
Government Office Building

6:00 p.m.
Room 301

Times shown for agenda items are estimates only.

6:00 p.m. CALL TO ORDER

6:01 p.m. WELCOME/ANNOUNCEMENTS

6:05 p.m. INVOCATION/MEDITATION AND PLEDGE OF ALLEGIANCE

6:07 p.m. CERTIFICATION OF APPRECIATION – Mayor James Ireton, Jr.
• Christine Chestnutt for her contributions to National Night Out

6:12 p.m. ADOPTION OF LEGISLATIVE AGENDA

6:15 p.m. CONSENT AGENDA – City Clerk Kim Nichols

- July 15, 2013 special meeting minutes 1a
- July 15, 2013 work session minutes 1b
- July 22, 2013 regular meeting minutes 1c
- July 22, 2013 closed session minutes (separate envelope)
- August 1, 2013 special meeting minutes 1d
- August 1, 2013 closed session minutes (separate envelope)
- Resolution No. 2311 - approving the appointment of Chad Brown to the Board of Zoning Appeals for term ending 10/31/2016 1e
- Resolution No. 2312 - approving the reappointment of Dr. James C. Todd, III to the Housing Board of Adjustments and Appeals for term ending 7/31/2017 1f
- Resolution No. 2313 - accepting a private donation for the Salisbury Zoo from Mr. Daniel Morris in memory of his wife, Mrs. Beverly Trice Morris 1g
- Resolution No. 2314 - accepting grant funds awarded through the Organized Crime Drug Enforcement Task Forces (OCDETF) Program in conjunction with the Federal Bureau of Investigation (FBI) to provide for overtime reimbursement for officers participating in investigations and strategic initiatives related to gang activities/crimes in the City of Salisbury 1h
- Resolution No. 2315 - accepting grant funding from the National Association of Drug Diversion Investigators (NADDI) for investigations into prescription drug fraud by the Salisbury Police Department 1i
- Resolution No. 2316- authorizing the Chief of Police of the City of Salisbury to sign a memorandum of understanding (MOU) between the Salisbury Police Department and the Maryland Office of Highway Safety and to accept grant funding for three (3) separate traffic safety programs each with their own conditions and grant funding amounts 1j

- Resolution No. 2317 - accepting funds awarded through a grant from the Tony Hawk Foundation for the Salisbury Skatepark, Phase 1 1k
- 6:30 p.m. AWARD OF BIDS – Assistant Internal Services Director - Procurement 2
 Catrice Parsons
- Surplus of Equipment at the Waste Water Treatment Plant
 - Surplus SAN-4 Refuse Truck
 - Surplus Various Items at the City Service Center/Yard
 - Apv. of Change Order #1 to Project #5289 N. Division St. Sewer Relief Main
 - Award of Annual Contract A-3-12 R2-WTP
 - Award of Annual Contract A-3-12 R2-WWTP
- 6:45 p.m. RESOLUTIONS – Interim City Administrator M. Thomas Stevenson, Jr. 3
- Resolution No. 2318 - authorizing the Capacity Fee of the City's Comprehensive Connection Charge be waived for a development known as Rivers Edge Apartments and Studio for the Arts, which is an affordable housing development
- 7:00 p.m. ORDINANCES – City Attorney Mark Tilghman
- Ordinance No. 2257 – 2nd reading - approving a Budget Amendment of the FY2014 General Fund to appropriate funds for the addition of a Network Administrator position to the Department of Information Technology 4a
 - Ordinance No. 2258 – 1st reading - adjusting water or sewer charges in accordance with Chapter 13.04.090 of the City Code 4b
- 7:40 p.m. PUBLIC COMMENTS
- 7:45 p.m. ADJOURNMENT

**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**

City Council meetings are conducted in open session unless otherwise indicated. All or part of the Council's meetings can be held in closed session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland 10-508(a), by vote of the City Council.

Proposed agenda items for August 26, 2013 (subject to change)

- Ordinance No. 2258 – 2nd reading - adjusting water or sewer charges in accordance with Chapter 13.04.090 of the City Code

CITY OF SALISBURY, MARYLAND

SPECIAL MEETING

JULY 15, 2013

PUBLIC OFFICIALS PRESENT

Council President Jacob R. Day

Mayor James Ireton, Jr.

Council Vice President Laura Mitchell

Councilwoman Terry E. Cohen

Councilwoman Eugenie P. Shields

Councilman Timothy K. Spies

IN ATTENDANCE

City Clerk Kimberly R. Nichols, CMC, Acting City Administrator M. Thomas (Tom) Stevenson, Jr., Internal Services Deputy Director – Procurement Catrice Parsons, Public Works Acting Director Amanda Pollack, P.E., Zoo Acting Director Ann Konopik, Public Works Technical Services Manager Frank Ennis, interested citizens, and members of the press

CALL TO ORDER

The City Council convened in a Special Meeting in Council Chambers on July 15, 2013, and Council President Day called the meeting to order at 1:35 p.m.

LEGISLATIVE AGENDA

After opening remarks were provided by Mr. Day, Public Works Acting Director Amanda Pollack joined Council to explain that the Bond Counsel was still working on the resolution and ordinance required to reallocate the bond money, and the documents were not yet available. Mrs. Pollack proceeded to provide the background information to Council so that when the documents were prepared, Council would already be aware of the situation.

She clarified the project was a re-bid of the Zoo Animal Health Building originally bid last year, and after a portion of the construction work was completed, the project was stopped; re-design work was done and the project went out for re-bid. (The project is an American Zoo Association (AZA) requirement for Zoo accreditation.)

Mrs. Pollack reported that there were numerous changes to the design including the addition of a fire sprinkler to the entire building and modification of the HVAC controls of the entire mechanical electrical system (per AZA requirement so that each room could have quarantined animals with separate air handling and different temperatures throughout). The site work and soil excavation that was needed was re-examined and the project was brought into compliance

with the 2012 Energy Code.

Mrs. Pollack explained the reason for the shortage of funds (\$250,904.98), with the attached sheet provided to Council as a tool for the explanation.

After Council discussed the time required to approve the ordinance, Mr. Day stated that the first reading could be on July 22, 2013 at the Legislative Session.

ADJOURNMENT

Council President Day adjourned the Special Meeting at 2:05 p.m. Council did not vote, take action, or reach consensus, and the regularly scheduled Work Session immediately followed the conclusion of the Special Meeting.

City Clerk

Council Vice President

1 CITY OF SALISBURY
2 WORK SESSION
3 JULY 15, 2013
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5 Public Officials Present
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Council President Jacob R. Day Council Vice-President Laura Mitchell
Mayor James Ireton, Jr. (arrived at 4:30 p.m., left at 5:00 p.m.) Councilwoman Terry E. Cohen (left at 5:20 p.m.)
Councilwoman Eugenie P. Shields Councilman Timothy K. Spies (left at 3:45 p.m.)

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8 In Attendance
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10 City Clerk Kimberly R. Nichols, CMC, Interim City Administrator M. Thomas (Tom) Stevenson, Jr.,
11 City Attorney Mark Tilghman, Acting Director of Public Works Amanda H. Pollack, P.E., interested
12 citizens, and members of the press.
13

14 The City Council convened in Work Session at 2:05 p.m. in Council Chambers, Room 301 of the
15 Government Office Building.
16

17 **Garbage Ordinance changes – further discussion**
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19 Acting Director of Public Works Amanda Pollack joined Council to review the recommended changes
20 incorporated in the draft ordinance to Chapter 8.16, Garbage, Rubbish and Refuse, to address the use
21 of the term “rubbish” and to update the language to reflect current operations and requirements for City
22 garbage.
23

24 Mrs. Mitchell suggested supplying specially marked or colored yard waste bags to residents for grass
25 clippings, leaves and weeds for easy identification as compostable waste, therefore eliminating the
26 tipping fees since the County does not charge for composting waste. This process will also provide an
27 educational opportunity to encourage composting and to recognize that organic clippings are not trash.
28 Mrs. Pollack will research the cost of colored or imprinted bags.
29

30 Mrs. Mitchell shared an idea for Public Works to provide a sticker to residents who have paid for bulk
31 pickup to alleviate questions about whether items on curbs are intended for garbage or bulk pickup.
32

33 Council’s discussion points and suggested changes to the drafted ordinance included:
34

- 35 • Line 103 – researching the 6 a.m. time to verify someone is in the office at that time
- 36 • Line 154 – strike “Finance” and insert “Internal Services”
- 37 • Line 159 – insert “included but not limited to”
- 38 • Line 167 – \$25 fine may not be enough
- 39 • Line 214 – managing authority requires definition
- 40 • Line 230 – written notice for any single initial violation needs work
- 41 • Line 231 – Is the dollar amount enough to encourage compliance?
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43 Council will continue the discussion on the draft garbage ordinance at the next Work Session.

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Impact on Parking in Lot #4 as a result of the Mill Street Pump Station Project

Mrs. Pollack explained the Mill Street Pump Station serves the Downtown business area and receives significant infiltration during rain events. During the Maryland Department of the Environment’s (MDE) routine inspection of the pump station in December, 2012, it was noted corrective actions were needed due to the lack of a bypass pumping connection.

She reviewed the proposed upgrade which includes new pumps, a bypass pumping connection, a new generator connection, and electrical system improvements. All of the controls need to be brought above ground and contained in a large electrical cabinet.

Council reached unanimous consensus for Mrs. Pollack to proceed with the project.

Animal Health Building – MOU with Delmarva Zoological Society

Mrs. Pollack briefed Council on the Memorandum of Understanding (MOU) from Delmarva Zoological Society (DZS) to donate funds to the City for the new Animal Health Building, and the subsequent resolution accepting the funding from DZS through the Zoo Commission.

Per President Day, Lines 107 through 117 can be stricken as there will not be unused funds.

Council reached unanimous consensus to approve including the resolution and MOU, revised as discussed, on the July 22, 2013 Legislative Session.

Free Downtown Wi-Fi – Further discussion

Information Technology (IT) Director Bill Garrett joined Council to discuss providing Wi-Fi in Downtown Salisbury.

The following are several points Mr. Garrett discussed with Council:

- Comcast currently does not allow their service to be used for free Wi-Fi. If negotiations for a free Wi-Fi connection is secured in the Comcast Franchise Agreement, the MD Broadband Cooperative service can be easily canceled at no cost
- Savings of \$3,000 per year to be realized due to a change in the proposed Internet feed changing to MD Broadband Cooperative, a non-profit organization providing free service
- The IT Department cut enough costs during FY13 to fund much of the project, so no additional funds will be requested for hardware, software, Internet service, or licensing
- Funds are still needed for the additional staff member to support the project and assist IT
- By de-funding the *Help Desk* vendor account at \$19,000 per year, the total annual cost will be \$38,617 for the new IT position

Mr. Garrett was asked to research possible sensitivity by individuals to tower exposure. He reported the new staff position (Network Administrator) will require a salary of \$38,463. Additionally, the following will need to be funded for the position:

- 90
91 • \$2335 for FICA and Medicare
92 • \$13,625 for insurance at the “family cost” (the amount may be less, but not more)
93 • \$19 for life insurance
94 • \$5 for Blood Bank
95 • \$3053 for retirement
96 • \$116 for Workers’ Compensation

97
98 Council reached unanimous consensus for a budget amendment to be prepared to fund the Network
99 Administrator position, and to be placed on the next Legislative agenda.

100
101 **Restructuring of Executive Branch**

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103 Police Chief Barbara Duncan, Fire Chief Rick Hoppes, and Interim City Administrator Tom Stevenson
104 joined Council to discuss restructuring the Executive Branch.

105
106 Chief Hoppes informed Council the proposed organizational changes were made using the National
107 Incident Management System (NIMS) model. With Mr. Pick’s departure, it was an opportunity to
108 evaluate the structure and to recommend changes to meet the needs of the citizens.

109
110 Chief Duncan indicated the Senior Staff Team looked at the City’s strengths and weaknesses and
111 studied the current structure of government which has been in place since 1950.

112
113 Comments and thoughts from Council included the following:

- 114
115 • The recent reclassifications may not have been approved by Council if they had been aware of
116 this restructuring effort
117 • The proposed restructure may be out of balance
118 • Ms. Cohen was not present at the Work Session in which this topic was first discussed; after
119 listening to the audio, she did not currently support this restructuring effort
120 • NIMS might not be the appropriate model for City hierarchy
121 • Pay study must be shared with the Council
122 • What are the shortcomings of the Executive Office?
123 • Is a (stronger) Strong Mayor form of government needed in which the Mayor is compensated
124 above the City Administrator and is a full-time elected leader needed?
125 • If money were no object, what is the most responsive, most effective, and most efficient form
126 of City government we can have? Mr. Day asked Council to give some thought to the question.
127 • It will be very difficult to replace the City Administrator and hire two Assistant City
128 Administrators at the current salaries. With compression issues, the City Administrator would
129 earn less than some of the City Department Heads.

130
131 Mayor Ireton stated that although the proposed restructuring plan reduces the City Administrator and
132 Assistants’ salaries, but it also reduces their span of control and duties.

133
134 Chamber of Commerce Executive Director Ernie Colburn joined Council at the podium and suggested
135 the City Council and Administration discuss what the best form of government for Salisbury would be

136 at this particular time, and offered to co-sponsor assistance through the ICMA or by returning to
137 discuss the next phase.

138
139 Mr. Day suggested discussing the topic again after Council identifies additional questions.

140

141 **City Attorney Structure**

142

143 Councilwoman Cohen began the discussion on the City Attorney structure as it was her suggestion to
144 place the topic on the agenda. She indicated she had not yet discussed the structure with Mr. Tilghman,
145 but thought that considering the joint oversight and responsibility of the City Attorney with the Mayor
146 was a good idea because it would achieve shared accountability.

147

148 President Day suggested returning the subject for further discussion at a future Work Session.

149

150 **Rehabilitation of 501- 503 Poplar Hill Avenue**

151

152 President Day reported that he had met with neighbors in Newtown and with Wicomico County
153 Historic Properties, Inc. in reference to an effort to return 501 – 503 Poplar Hill Avenue into a single
154 family occupied structure, as it is currently in a state of disrepair.

155

156 The proposed resolution authorizes the Mayor and Council to sign and deliver letters of endorsement
157 for grants submitted to any State, Federal or non-profit grantors provided that there is no financial
158 commitment required by the City. Other elements of the effort include in-kind support and volunteered
159 donations from members of the community to restore the exterior of the home similar to how it looked
160 in 1905 when it was new. Previously, it had been altered to include five (5) apartments, but will be
161 restored into a single family dwelling and sold to a family who will refurbish the interior as they wish.

162

163 Council unanimously agreed to place the resolution on the July 22, 2013 Legislative Agenda.

164

165 **Council Rules of Order – Council Discussion**

166

167 Council discussed the following points in reference to the Regulations and Rules of Order:

168

- 169 • Purchase a timer to keep track of the time Council members speak on a topic
- 170 • Insert at the end of Line 32 on page 4 “for five (5) minutes.”
- 171 • Discontinue allowing teleconferencing when Council members are unable to attend meetings
- 172 • Consider allowing Council comments at the conclusion of each meeting
- 173 • Whether or not to continue the having a Police Officer present during meetings
- 174 • Council members’ 1/5 of the budget (their equal allotment)
- 175 • Whether or not Council members could continue requesting more than their equal allotment

176

177 President Day will compile the ideas and circulate to Council for further discussion at Work Session.

178

179 **Quarterly Coffee with your Council Update**

180

181 Council reached unanimous consensus for the first *Coffee with your Council* event to be held in the
182 evening either at Salisbury University or Bethany Lutheran Church. President Day will send out the
183 details to all Council members after securing the details.

184

185 **General Discussion**

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187 Being no further discussion, President Day adjourned the Work Session at 6:10 p.m.

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City Clerk

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Council Vice President

1 **CITY OF SALISBURY, MARYLAND**

2
3 **REGULAR MEETING**

July 22, 2013

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5 **PUBLIC OFFICIALS PRESENT**

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7 *Council President Jacob R. Day* *Council Vice President Laura Mitchell*
8 *Mayor James P. Ireton, Jr. (left at 7:28 p.m.)* *Councilwoman Eugenie P. Shields*
9 *Councilwoman Terry E. Cohen* *Councilman Timothy K. Spies*

10
11 **IN ATTENDANCE**

12
13 *City Clerk Kimberly R. Nichols, CMC, Interim City Administrator M. Thomas (Tom) Stevenson,*
14 *Jr., City Attorney Mark Tilghman, Acting Public Works Director Amanda H. Pollack, P.E.,*
15 *Acting Zoo Director Ann Konopik, Internal Services Director Keith Cordrey, Salisbury Police*
16 *Chief Barbara Duncan, Information Technologies Director Bill Garrett, and interested citizens*
17 *and members of the press*

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19 *****

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21 **MEDITATION – PLEDGE OF ALLEGIANCE**

22
23 *The City Council met in regular session at 6:00 p.m. in Council Chambers. After Council*
24 *President Day called the meeting to order, a moment of silent meditation was held followed by*
25 *the Pledge of Allegiance.*

26
27 **PRESENTATION – SISTER CITIES**

28
29 *Dr. George Whitehead presented Mayor Ireton with a book entitled “Our Tartu”, a gift from*
30 *Sister City Tartu, Estonia. Dr. Whitehead named Salisbury, England as Salisbury’s other Sister*
31 *City and noted Salisbury shares a friendship relationship with Dalian, China. The Sister Cities*
32 *Association of Salisbury has expressed interest in a Sister City in Central or South America.*

33
34 **ADOPTION OF LEGISLATIVE AGENDA**

35
36 *Mrs. Mitchell moved and Ms. Cohen seconded to adopt the legislative agenda as presented.*

37
38 *Ms. Cohen moved and Mr. Spies seconded to amend the agenda by postponing Resolution 2307 –*
39 *to sign a Memorandum of Understanding and accept a donation from the Delmarva Zoological*
40 *Society and Zoo Commission for the Salisbury Zoological Park Animal Health Building, to be*
41 *placed on August 1, 2013 at 10:00 a.m. with the other 20087 Bond reallocation documents. After*
42 *discussion, the motion failed on a 1-4 vote, with an “aye” vote from Ms. Cohen, and “nay” votes*
43 *from Mr. Day, Mrs. Mitchell, Mrs. Shields, and Mr. Spies.*

44
45 *The legislative agenda was adopted on a unanimous vote in favor.*

46
47 **CONSENT AGENDA** – presented by City Clerk Kim Nichols

48
49 *The Consent Agenda, as amended, and consisting of the following items, was unanimously*
50 *approved on a motion by Ms. Cohen and seconded by Mrs. Shields:*

- 51
- 52 • June 17, 2013 Work Session Minutes
 - 53 • June 17, 2013 Closed Session Minutes
 - 54 • July 8, 2013 Regular Meeting Minutes
 - 55 • July 1, 2013 Work Session Minutes
 - 56 *Mr. Spies moved, Ms. Cohen seconded, and the vote was unanimous to amend the July 1,*
57 *2013 Work Session Minutes by striking “was” on Line 62, and inserting “were.”*
 - 58 • Resolution No. 2303 – approving the appointment of Jacob T. Holloway to the Central
59 *City District Commission*
 - 60 • Resolution No. 2304 – approving the appointment of Rev. Ryan Weaver to the Central
61 *City District Commission*
 - 62 • Resolution No. 2305 – accepting a private donation from Hope and Douglas Walker for
63 *the City Parks*
- 64

65 *Mr. Spies thanked the members of the public who serve on City Boards and Committees and Ms.*
66 *Cohen thanked the Walkers for their donation to the City Park.*

67
68 **AWARD OF BIDS** – presented by Internal Services Director Keith Cordrey

69
70 *The following items were unanimously approved on a motion by Mrs. Shields and seconded by*
71 *Mrs. Mitchell:*

- 72
- 73 • *Change Order #2 to Contract 101-13 Garage Waterproofing Membrane - \$62,850.00*
- 74

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

76
77 Resolution No. 2306 – adopting a Public Works Mutual Aid agreement

78
79 *Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to approve Resolution No.*
80 *2306.*

81
82 Resolution No. 2307 – to sign a Memorandum of Understanding and accept a donation from the
83 *Delmarva Zoological Society and Zoo Commission for the Salisbury Zoological Park Animal*
84 *Health Building*

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86 *Mrs. Mitchell moved and Mrs. Shields seconded to approve Resolution No. 2307.*

87
88 *Mrs. Mitchell moved and Mr. Spies seconded to amend Resolution No. 2307 by inserting “in the*
89 *amount of \$600,000” on Line 25 after “Commission.”*

90
91 *Council approved the amendment by a unanimous vote in favor, and Resolution No. 2307 was*
92 *unanimously approved.*

93
94 *Resolution No. 2308 - supporting grant submissions by Wicomico County Historical Properties,*
95 *Inc. to any state, federal and non-profit grantors for the purpose of rehabilitating the property*
96 *known as 501-503 Poplar Hill Avenue*

97
98 *Mrs. Mitchell moved and Ms. Cohen seconded to approve Resolution No. 2308.*

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100 *Ms. Cohen moved to amend Resolution No. 2308 by striking “and/or Council” on Line 24. Mrs.*
101 *Mitchell seconded, the vote was unanimous to amend, and Resolution No. 2308, as amended,*
102 *was unanimously approved.*

103
104 *Resolution No. 2309 – accepting grant funding from the Governor’s Office of Crime Control and*
105 *Prevention (GOCCP) under the “Stop Gun Violence Reduction Grant – Cease Fire Council”*
106 *program which is specifically intended to reduce gun related crimes and target wanted offenders*
107 *in the City of Salisbury*

108
109 *On a motion and seconded by Ms. Cohen and Mrs. Mitchell, respectively, the vote was*
110 *unanimous to approve Resolution No. 2309.*

111
112 **ORDINANCES** – presented by City Attorney Mark Tilghman

- 113
114 • *Ordinance No. 2256 – 2nd reading – approving an amendment of the FY13 General Fund*
115 *Budget to appropriate funds to cover the City’s employee retirement match*

116
117 *Mrs. Mitchell moved and Mrs. Shields seconded to approve Ordinance No. 2256.*

118
119 *Ordinance No. 2256 for second reading was amended on the following motions and*
120 *seconds, and each by unanimous votes in favor:*

- 121
122 ➤ *Mr. Spies moved and Mrs. Shields seconded to strike “for” on Line 12*
123 ➤ *Ms. Cohen moved and Mrs. Shields seconded to strike “does” and insert “did”*
124 *on Line 22*
125 ➤ *Mr. Spies moved and Mrs. Shields seconded to strike “offers” and insert*
126 *“offered” on Line 9*

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128 *Ordinance No. 2256 for second reading, as amended, was unanimously approved.*

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- *Ordinance No. 2257 – 1st reading – approving a budget amendment of the FY2014 General Fund to appropriate funds for the addition of a Network Administrator position to the Department of Information Technology*

Mrs. Shields moved and Mrs. Mitchell seconded to approve Ordinance No. 2257.

Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to amend Ordinance No. 2257 by inserting “Information Technology” after “of” on Line 9.

Ordinance No. 2257 for first reading, as amended, was unanimously approved.

- *Ordinance No. 2258 – 1st reading – adjusting water or sewer charges in accordance with Chapter 13.04.090 of the City Code*

Mrs. Shields moved and Mrs. Mitchell seconded to approve Ordinance No. 2258.

Mrs. Mitchell moved to table Ordinance No. 2258 to the August 5, 2013 Work Session for further discussion, and to return the ordinance to the Legislative Session on August 12, 2013 for first reading. Mrs. Cohen seconded, and the vote was unanimous.

- *Ordinance No. 2259 - an ordinance amending and supplementing Ordinance No. 2044, passed by the Council on December 17, 2007, approved by the Mayor on December 19, 2007 and effective on December 19, 2007, as amended and supplemented by Ordinance No. 2069, passed by the Council on January 12, 2009, approved by the Mayor on January 13, 2009 and effective on January 13, 2009, as further amended and supplemented by Ordinance No. 2139, passed by the Council on February 28, 2011, approved by the Mayor on March 1, 2011, and effective on March 1, 2011, in order to authorize and empower City of Salisbury to use and apply a portion of the proceeds of the \$3,605,000 City of Salisbury Public Improvements Bond of 2008 issued on January 22, 2008 (the “2008 bond”) originally allocated to a project identified therein as “Waverly Drive Storm Sewer Project” to a project identified herein as “Salisbury Zoo – Animal Health Building Construction” as further described herein; providing that this title is a fair statement of the substance of this ordinance; and otherwise generally relating to the use of proceeds of the 2008 Bond*

Mrs. Shields moved and Mrs. Mitchell seconded to approve Ordinance No. 2259.

Mrs. Mitchell moved and Mr. Spies seconded to amend Ordinance No. 2259 by making the following changes:

- *Line 33 – strike “(the “Original Ordinance”)” and insert “(Ordinance No. 2044)”*
- *Lines 41 and 42 – strike “(the “Original Resolution”)” and insert “(Resolution*

No. 1620”)

- Line 211 – strike “Waverly Drive Storm Sewer Project” and insert “Riverwalk – Engineering and Construction for repairs along the Wicomico River East Prong”

Ordinance No. 2259 for first reading, as amended, was unanimously approved.

ADJOURNMENT

There being no public comments, prior to the adjournment, Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to convene in Closed Session for the purpose of discussing and consulting with Legal Counsel on two personnel matters as permitted under §10-508(a)(1)(7). The Closed Session began at 8:15 p.m.

Following the conclusion of the Closed Session, President Day adjourned the Legislative Session at 9:10 p.m.

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*CITY OF SALISBURY, MARYLAND
CLOSED SESSION
JULY 22, 2013*

TIME & PLACE: 8:15 p.m., Government Office Building – Council Chambers, Room 301
PURPOSE: to consult with Legal Counsel on two separate personnel matters
VOTE TO CLOSE: Unanimous
CITATION: Annotated Code of Maryland Sections 10-508(a)(1)(7)
PRESENT: Council President Jacob R. Day, Council Vice President Laura Mitchell (left at 8:50 p.m.), Councilwoman Eugenie P. Shields, Councilwoman Terry E. Cohen, Councilman Timothy K. Spies, City Clerk Kimberly Nichols, Interim City Administrator M. Thomas (Tom) Stevenson, Jr.(left at 8:30 p.m.), and City Attorney Mark Tilghman

During City Council's July 22, 2013 Legislative Session, Mr. Spies moved and Mrs. Shields seconded to go into Closed Session for the purpose of consulting with Legal Counsel on two personnel matters as permitted under the Annotated Code of Maryland Section 10-508(a)(1)(7). At 8:15 p.m., the vote was unanimous to go into closed session.

Council discussed letters from two former City employees and reached unanimous consensus for Mr. Tilghman to respond accordingly and as directed by Council.

At 9:10 p.m., the vote was unanimous to adjourn the closed session on a motion and seconded by Ms. Cohen and Mrs. Shields, respectively, and thereafter, President Day reported the statement out to the public.

City Clerk

Council Vice President

CITY OF SALISBURY, MARYLAND

SPECIAL MEETING

AUGUST 1, 2013

PUBLIC OFFICIALS PRESENT

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

*Council Vice President Laura Mitchell
Councilwoman Terry E. Cohen
Councilman Timothy K. Spies*

IN ATTENDANCE

City Clerk Kimberly R. Nichols, CMC, Interim City Administrator M. Thomas (Tom) Stevenson, Jr., Internal Services Director Keith Cordrey, Assistant Internal Services Director–Procurement Catrice Parsons, City Attorney Mark Tilghman, interested citizens, and members of the press

The City Council convened in a Special Meeting in Council Chambers on August 1, 2013, and at 10:00 a.m. Council President Day called the meeting to order.

ADOPTION OF LEGISLATIVE AGENDA

Mrs. Shields moved, Mrs. Mitchell seconded, and the vote was unanimous to adopt the Special Meeting agenda as presented.

ORDINANCE NO. 2259 – 2nd reading – amending and supplementing Ordinance No. 2044, passed by the Council on December 17, 2007, approved by the Mayor on December 19, 2007 and effective on December 19, 2007, as amended and supplemented by Ordinance No. 2069, passed by the Council on January 12, 2009, approved by the Mayor on January 13, 2009 and effective on January 13, 2009, as further amended and supplemented by Ordinance No. 2139, passed by the Council on February 28, 2011, approved by the Mayor on March 1, 2011, and effective on March 1, 2011, in order to authorize and empower City of Salisbury to use and apply a portion of the proceeds of the \$3,605,000 City of Salisbury Public Improvements Bond of 2008 issued on January 22, 2008 (the “2008 Bond”) (i) originally allocated to a project identified therein as “Waverly Drive Storm Sewer Project” to a project identified herein as “Salisbury Zoo – Animal Health Building Construction” and (ii) to costs of construction as well as engineering of repairs of the Riverwalk along the Wicomico River East Prong, all as further described herein; providing that this title is a fair statement of the substance of this Ordinance; and otherwise generally relating to the use of proceeds of the 2008 Bond

Mr. Spies moved and Mrs. Mitchell seconded to approve Ordinance No. 2259 for second reading.

Ms. Cohen moved, Mrs. Shields seconded, and the vote was unanimous to amend Ordinance No. 2259 by inserting the following changes incorporated by Bond Counsel since the first reading:

- Line 17 – insert “AND(II) TO COSTS OF CONSTRUCTION AS WELL AS ENGINEERING OF REPAIRS OF THE RIVERWALK ALONG THE WICOMICO RIVER EAST PRONG, ALL” after “CONSTRUCTION”
- Line 27 – insert “Municipal Charters of Maryland” after “in”
- Line 154 – insert “WHEREAS, the Existing Ordinance and the Existing Resolution provide that up to \$100,000.00 of proceeds of the 2008 Bond may be applied to costs of the project identified therein as “Riverwalk – Engineering for Repairs Along Wicomico River East Prong”, and the City would like to spend proceeds of the 2008 bond for construction costs of such project: and”
- Line 159 – insert “WHEREAS, the redirection of up to \$539,000.00 of proceeds of the 2008 bond to the “Salisbury Zoo – Animal Health Building Construction” project (exclusive of investment earnings that may be applied for such purpose) as described in the second preceding WHEREAS clause, and the expansion of the project described in the preceding WHEREAS clause to include construction costs, are collectively referred to herein as the “2013 Modified Project:; and”
- Line 199 – number 4 – insert “and Construction” after “Engineering”
- Line 256 – insert “(e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the 2008 Bond shall be applied to costs of the project identified in item 1 of subsection (a) above as “Salisbury Zoo – Animal Health Building Construction” in the amount of up to \$539,000.00 (exclusive of investment earnings that may be applied for such purpose) only after other sources of funding for such project are first applied for such purpose.”

Ordinance No. 2259 for second reading, as amended, was unanimously approved.

RESOLUTION NO. 2310 - amending and supplementing Resolution No. 1620, adopted by the Council on January 14, 2008, approved by the Mayor on January 15, 2008 and effective on January 15, 2008, as amended and supplemented by Resolution No. 1750, adopted by the Council on January 12, 2009, approved by the Mayor on January 13, 2009 and effective on January 13, 2009, as further amended and supplemented by Resolution No. 2034, adopted by the Council on February 28, 2011, approved by the Mayor on March 1, 2011 and effective on March 1, 2011, in order to authorize and empower City of Salisbury to use and apply a portion of the proceeds of the \$3,605,000 City of Salisbury Public Improvements Bond of 2008 issued on January 22, 2008 (the “2008 Bond”) (i) originally allocated to a project identified therein as “Waverly Drive Storm Sewer Project” to a project identified herein as “Salisbury Zoo – Animal Health Building Construction” and (ii) to costs of construction as well as engineering of repairs of the Riverwalk along the Wicomico River East Prong, all as further described herein; authorizing, directing or empowering City officials and employees to take certain actions with respect to the 2008 Bond; and otherwise generally relating to the use of proceeds of the 2008 Bond

On a motion and seconded by Mrs. Mitchell and Mrs. Shields, respectively, Resolution No. 2310 was unanimously approved as presented.

AWARD OF BIDS – *presented by Assistant Internal Services Director–Procurement Catrice Parsons*

The following item was unanimously approved on a motion by Mrs. Mitchell and seconded by Mrs. Shields:

- *Award of Contract No. 117-10 Rebid Animal Health Building – Salisbury Zoological Park - \$1,907,000.00*

ADJOURNMENT

Prior to the adjournment of the Special Meeting at 10:30 a.m., Mrs. Shields moved, Mrs. Mitchell seconded, and the vote was unanimous to convene in Closed Session for the purpose of discussing 1) the appointment of an employee, and 2) the litigation of the Oasis Car Wash and Mr. Tilghman’s conversation with the attorney representing Taylor Bank as permitted under the Annotated Code of Maryland §10-508(a)(7)(8). The Closed Session began at 10:38 a.m.

At 12:25 p.m., on a motion and seconded by Mrs. Shields and Mrs. Mitchell, respectively, and by unanimous vote in favor by those Council members present (Councilman Spies excused himself at 11:50 a.m.), President Day adjourned the Closed Session and provided the statement out to the public that Council discussed the lien on a business property located in the City and reached unanimous consensus to permit Mr. Tilghman to proceed as discussed, interviewed the candidate advanced by Mayor Ireton for the Director of Public Works position, and reached unanimous consensus by those Council members present (Councilman Spies excused himself at 11:50 a.m.) to support the candidate.

*CITY OF SALISBURY, MARYLAND
CLOSED SESSION
AUGUST 1, 2013*

TIME & PLACE: 10:35 a.m., Government Office Building – Council Chambers, Room 301
PURPOSE: To consult with counsel and staff on a legal matter and to discuss the appointment of an employee
VOTE TO CLOSE: Unanimous
CITATION: Annotated Code of Maryland Sections 10-508(a)(1)(7)(8)
PRESENT: Council President Jacob R. Day, Mayor James P. Ireton, Jr. (arrived at 12:20 p.m.), Council Vice President Laura Mitchell, Councilwoman Eugenie P. Shields, Councilwoman Terry E. Cohen, Councilman Timothy K. Spies (left at 11:50 a.m.), Interim City Administrator M. Thomas (Tom) Stevenson, Jr. (left at 11:05 a.m.), Acting Director Public Works Amanda Pollack, P.E. (arrived at 10:50 a.m., left at 11:05 a.m.), City Attorney Mark Tilghman (left at 11:05 a.m.), and the candidate for Director of Public Works (arrived at 11:05 a.m.)

During the Special Meeting in Council Chambers, Room 301 of the Government Office Building on August 1, 2013, Mrs. Shields moved and Mrs. Mitchell seconded to convene in Closed Session to consult with counsel and staff on a legal matter and to discuss the appointment of an employee recommended by Mayor Ireton as permitted under the Annotated Code of Maryland Section 10-508(a)(1)(7)(8). The vote to close the meeting was unanimous and the Closed Session began at 10:35 a.m.

After receiving a report from City Attorney Mark Tilghman on the imminent foreclosure and lien on a business property, Council reached unanimous consensus on how Mr. Tilghman should proceed.

Council interviewed the candidate for Director of Public Works and unanimously supported Mayor Ireton's decision to extend the offer to the candidate.

At 12:25 p.m., on a motion and a second by Mrs. Shields and Mrs. Mitchell, respectively, the vote was unanimous to adjourn the Closed Session and to return to the Open Session. Thereafter, President Day provided the statement out to the public and adjourned the Open Session.

City Clerk

Council Vice President

INTER

OFFICE

MEMO

OFFICE OF THE MAYOR

To: M. Thomas Stevenson
From: Sherrell McBride SM
Subject: Board of Zoning Appeals
Date: July 23, 2013

Mayor Ireton would like to appointment the following person to the Board of Zoning Appeals:

<u>Name</u>	<u>Term Ending</u>
Chad Brown	10/31/2016

Attached you will find information for Mr. Brown and the Resolution necessary for his appointment. Please forward this information to the City Council so it may be placed on their agenda for the next City Council meeting. Please let me know if you have any questions.

Attachment

CC: Mayor Ireton
Jack Lenox

CHADWICK BROWN

605 Ridge Road | Salisbury, MD 21801 | 443-366-5733 | cbrownecu@yahoo.com

EMPLOYMENT HISTORY

Product Development & Training Specialist, The Knowland Group 2009 — Current

Salisbury, MD

- Responsible for overseeing employee and client training
- Created, developed and implemented the Knowland Employee Development Pipeline, establishing processes for employee advancement
- Project manager for the launch of three key Knowland software releases: Readers, Insight, SmartPhone Leads
- Created and delivered training documentation for 6 separate departments and 14 different job roles, including inside and outside sales, customer service, call center operations, and IT skills
- Created and delivered 7 webinar based client training modules for 4 separate Knowland products/services
- Delivered live on-site training for existing clients on Knowland products
- As coordinator of new hire training, trained over 200 new hire employees as part of Knowland's "Phase 2" hiring initiative

Campus Ministry, Fellowship of Christian Athletes 2008 — 2009

Dover, DE

- Mentored student leaders local high school and college FCA groups, delivered messages at speaking engagements, and raised funds
- Planned fundraising events ranging from 10 to 100 attendees
- Facilitated sport specific coaching for groups ranging from 10-50, leading a crew of 6 coaches

Account Manager, Wilgus Insurance 2007 — 2008

Salisbury, MD

- Managed commercial accounts, including 401(k) enrollment, health, and workers comp benefits.
- Serviced 30,000+ existing P&C clients in addition to commercial duties.

Director of Operations, Peninsula Properties LTD 3/2006 — 11/1/2006

Salisbury, MD

- Negotiated the purchase and sale of residential investment properties.
- Arranged the hiring of general contractors, managed construction job sites

Marketing Intern, Long & Foster Commercial Division 2005 - 2006

- Conducted market research for commercial real estate buyer clients.
- Designed advertising fliers using programs like Microsoft Publisher and Adobe Photoshop.

EDUCATION

East Carolina University 2000-2005

- BS, Political Science
- Inducted into the Pi Sigma Alpha Political Science and Phi Alpha Theta honor societies
- Two departmental citations for excellence in research

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RESOLUTION NO. 2311

BE IT RESOLVED by the City of Salisbury, Maryland that the following individual is appointed to the Board of Zoning Appeals for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Chad Brown	10/31/2016

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 August 2013.

Kimberly R. Nichols
CITY CLERK

Laura Mitchell
COUNCIL VICE PRESIDENT

APPROVED BY ME THIS
_____ day of August 2013.

James Ireton, Jr.
MAYOR

INTER

OFFICE

MEMO

OFFICE OF THE MAYOR

To: John Pick
From: Sherrell McBride SM
Subject: Reappointment to the Housing Board of Adjustments and Appeals
Date: August 7, 2013

Mayor Ireton would like to reappoint the following person to the Housing Board of Adjustments and Appeals:

<u>Candidate</u>	<u>Term</u>
Dr. James C. Todd, III	7/31/17

Attached you will find Dr. Todd's letter and the Resolution necessary for his reappointment. Please forward this information to the City Council so it may be placed on their agenda for the next meeting. Please let me know if you have any questions.

Attachments

CC: Mayor Ireton
Tom Stevenson

RESOLUTION NO. 2312

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BE IT RESOLVED by the City of Salisbury, Maryland that the following individual is reappointed to the Housing Board of Adjustments and Appeals for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Dr. James C. Todd, III	7/31/2017

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 August 2013.

Kimberly R. Nichols
CITY CLERK

Laura Mitchell
COUNCIL VICE PRESIDENT

APPROVED BY ME THIS
_____ day of August 2013.

James Ireton, Jr.
MAYOR

City of Salisbury



MARYLAND



JAMES IRETON, JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

AMANDA H. POLLACK, P.E.
ACTING DIRECTOR OF
PUBLIC WORKS

To: Tom Stevenson, Acting City Administrator
From: Amanda Pollack, Acting Director of Public Works
Date: July 25, 2013
Re: Donation – Salisbury Zoo

Attached is a Resolution for consideration to accept One Thousand Dollars (\$1,000) from a private donation from Mr. Daniel Morris in memory of his wife, Mrs. Beverly Trice Morris. The donation was made specifically to provide for animal food at the Salisbury Zoo.

Unless you or the Mayor have further questions, please forward a copy of this memo to the City Council.

RESOLUTION NO. 2313

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND ACCEPTING A PRIVATE DONATION FOR THE SALISBURY ZOO FROM MR. DANIEL MORRIS IN MEMORY OF HIS WIFE, MRS. BEVERLY TRICE MORRIS.

WHEREAS, the Council of the City of Salisbury supports the acceptance of donations for the Salisbury Zoo; and

WHEREAS, donations assist with the cost to maintain the Salisbury Zoo; and

WHEREAS, in memory of his wife, Mrs. Beverly Trice Morris, Mr. Daniel Morris has offered to make a donation to the Salisbury Zoo to help fund animal food in the amount of \$1,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury, Maryland does hereby accept the donation of \$1,000.00 for the Salisbury Zoo Animal Supplies.

THIS RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on _____, 2013 and is to become effective immediately upon adoption.

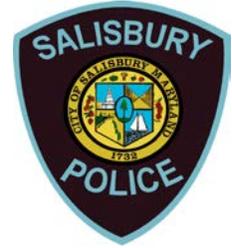
ATTEST:

Kimberly R. Nichols
CITY CLERK

Laura Mitchell
VICE PRESIDENT, City Council

APPROVED by me this _____ day of _____, 2013

James Ireton, Jr.
MAYOR, City of Salisbury



JAMES IRETON, JR.
MAYOR
TOM STEVENSON
ACTING CITY ADMINISTRATOR

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

BARBARA DUNCAN
CHIEF OF POLICE

July 23, 2013

TO: Tom Stevenson
Acting City Administrator

FROM: Major David Meienschein

SUBJECT: Resolution – OCDETF & FBI

Attached please find a Resolution to accept funds from the Organized Crime Drug Enforcement Task Forces (OCDETF) Program in conjunction with the Federal Bureau of Investigation (FBI) in the amount of \$12,000.00. These funds are to be used for overtime reimbursement for officers assisting in OCDETF investigations, strategic initiatives and prosecutions. Officers with experience in Gang related crimes will work on specified OCDETF investigations or strategic initiatives. At this time, two officers will be assigned to assist in these investigations.

Unless you, or the Mayor, have further questions, please forward this Resolution to the Salisbury City Council.

David Meienschein
Administrative Commander

Attachment

1 RESOLUTION NO. 2314

2
3 A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND ACCEPTING
4 GRANT FUNDS AWARDED THROUGH THE ORGANIZED CRIME DRUG
5 ENFORCEMENT TASK FORCES (OCDETF) PROGRAM IN CONJUNCTION WITH THE
6 FEDERAL BUREAU OF INVESTIGATION (FBI) TO PROVIDE FOR OVERTIME
7 REIMBURSEMENT FOR OFFICERS PARTICIPATING IN INVESTIGATIONS AND
8 STRATEGIC INITIATIVES RELATED TO GANG ACTIVITIES/CRIMES IN THE CITY OF
9 SALISBURY.

10
11 WHEREAS, the OCDETF Program and the FBI has awarded grant funds to the Salisbury
12 Police Department to aid in the enforcement of gang activities/crimes; and

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14 WHEREAS, these funds will provide overtime reimbursement to an officer engaging in
15 additional gang enforcement activity concerning the violations; and

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17 WHEREAS, additional enforcement of violations committed by gangs will help provide a
18 safer environment, thus improving the quality of life of the citizens of the City of Salisbury and
19 Wicomico County.

20
21 NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY
22 OF SALISBURY, MARYLAND that grant funding from the OCDETF/FBI Program in the
23 amount of \$12,000.00 be accepted and used for overtime reimbursement for officers
24 participating in the enforcement of the illegal gang activity in Salisbury, Maryland.

25
26 THIS RESOLUTION was duly passed at a meeting of the Council of the City of
27 Salisbury held on _____, 2013, and is to become effective immediately upon
28 adoption.

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31 ATTEST:

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33 _____
34 Kimberly R. Nichols
35 City Clerk

36 _____
37 Laura Mitchell, Vice President
38 Salisbury City Council

39 APPROVED BY ME THIS:

40
41 _____ Day of _____, 2013

42
43 _____
44 James Ireton Jr., Mayor
45

City of Salisbury



JAMES IRETON JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR



Maryland

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



BARBARA DUNCAN
CHIEF OF POLICE

August 5, 2013

TO: Tom Stevenson
Acting City Administrator

FROM: Major David T. Meienschein

SUBJECT: Resolution – Acceptance of Grant Funds

Attached, please find a Resolution allowing the Salisbury Police Department to accept a grant in the amount of \$5,000.00 from the NADDI (National Association of Drug Diversion Investigators). This grant is intended to assist in funding prescription drug fraud investigations. The funds will be used to finance overtime for investigations, the purchase of equipment and/or training.

Unless you, or the Mayor, have further questions, please forward this Resolution to the City Council.

A handwritten signature in black ink, appearing to read "David T. Meienschein".

David T. Meienschein
Administrative Commander

Attachment

RESOLUTION NO. 2315

A RESOLUTION OF THE CITY OF SALISBURY ACCEPTING GRANT FUNDING FROM THE NATIONAL ASSOCIATION OF DRUG DIVERSION INVESTIGATORS (NADDI) FOR INVESTIGATIONS INTO PRESCRIPTION DRUG FRAUD BY THE SALISBURY POLICE DEPARTMENT.

WHEREAS, the crimes of prescription drug fraud in the City of Salisbury and Wicomico County are on the rise; and

WHEREAS, there is a need to fund prescription drug fraud investigations and provide training and equipment to investigators; and

WHEREAS, the NADDI seeks to provide grant funding to the Salisbury Police Department to finance these investigations, purchase equipment and/or provide training related to investigative techniques of prescription fraud investigations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that Grant funds of \$5,000.00 from the National Association of Drug Diversion Investigators be accepted for use by the Salisbury Police Department.

THIS RESOLUTION was duly passed at a meeting of the Council of the City of Salisbury held on _____, 2013, and is to become effective immediately upon adoption.

ATTEST:

Kimberly R. Nichols
City Clerk

Laura Mitchell, Vice President
Salisbury City Council

APPROVED BY ME THIS:

_____ Day of _____, 2013

James Ireton Jr., Mayor

City of Salisbury



JAMES IRETON JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR



Maryland

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



BARBARA DUNCAN
CHIEF OF POLICE

August 5, 2013

TO: Tom Stevenson
Acting City Administrator

FROM: Major David Meienschein

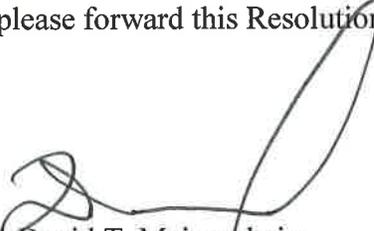
SUBJECT: Resolution – Memorandum of Understanding

Attached, please find a Resolution authorizing the Chief of Police of the City of Salisbury to sign a Memorandum of Understanding (MOU) between the Salisbury Police Department and the Maryland Office of Highway Safety. This MOU will include the following Traffic Safety Programs for which grant funding is being awarded:

- Saturation patrols and Checkpoints
- Smooth Operator
- Motorcycle Enforcement (Bike Week)

Each Resolution has slightly different terms (i.e. saturation patrols and checkpoints, smooth operator, and motorcycle safety). Each grant having different funding amounts.

Unless you, or the Mayor, have further questions, please forward this Resolution to the Salisbury City Council.


David T. Meienschein
Administrative Commander

Attachment

RESOLUTION NO. 2316

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND AUTHORIZING THE CHIEF OF POLICE OF THE CITY OF SALISBURY TO SIGN A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE SALISBURY POLICE DEPARTMENT AND THE MARYLAND OFFICE OF HIGHWAY SAFETY AND TO ACCEPT GRANT FUNDING FOR THREE (3) SEPARATE TRAFFIC SAFETY PROGRAMS EACH WITH THEIR OWN CONDITIONS AND GRANT FUNDING AMOUNTS.

WHEREAS, the Maryland Office of Highway Safety and the Salisbury Police Department will enter into an agreement to cooperate successfully in serving the people of Salisbury, Wicomico County; and

WHEREAS, this MOU will include three traffic enforcement programs including: Saturation Patrols & Checkpoints, Smooth Operator, and Motorcycle Enforcement, each having clear procedures and different funding amounts; and

WHEREAS, this funding will provide reimbursement for police officers working overtime to enforce traffic violations for each of the listed programs: and

WHEREAS, officers will prepare and submit activity and performance reports to track the number of citations issued for each program resulting in safer streets and highways for the citizens of Salisbury/Wicomico County.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the Chief of Police be authorized to sign this Memorandum of Understanding between the named agencies to accept funding for Saturation Patrols and Checkpoints (\$4,000.00, Smooth Operator (\$1,000), and Motorcycle Enforcement (\$500.00) for a total of \$5,500.00

THIS RESOLUTION was duly passed at a meeting of the Council of the City of Salisbury held on _____, 2013, and is to become effective immediately upon adoption.

ATTEST:

Kimberly R. Nichols, City Clerk

Laura Mitchell, Vice President
Salisbury City Council

APPROVED BY ME THIS:

_____ day of _____, 2013

James Ireton, Mayor



PROJECT AGREEMENT
 Maryland Highway Safety Office
 Maryland Motor Vehicle Administration
 1 Orchard Road, 2nd floor
 Glen Burnie, Maryland 21060
 PHONE 410-787-4050 FAX 410-787-4020

The formal approval of this Project Agreement and the obligation of funds to it are contingent upon the availability of anticipated federal funds, as determined by Congress, Maryland statute, or other federal or state action.

PROJECT TITLE: Law Enforcement Grant	FOR MHSO USE ONLY PROJECT NUMBER: 14-019
PROJECT AGENCY: Salisbury Police Department	
PROJECT AGENCY ADDRESS: 699 West Salisbury Parkway, Salisbury, Maryland 21801	
FUND RECIPIENT: Salisbury Police Dept	
FUND RECIPIENT ADDRESS: 125.N. Division St., Salisbury, Maryland 21801	
FEDERAL IDENTIFICATION NUMBER: 52-6000806	

The undersigned agree that the Project Agency will carry out the Project within the dates of the Project Period, in accord with the general programmatic and financial requirements set forth in the agreement, and in compliance with the Project Conditions. Reimbursement is limited to actual eligible expenditures, the total of which is not to exceed the amount of Funds Obligated from MHSO. Furthermore, the Project Agency certifies that it is eligible under grant guidelines to receive grant funds; can accept a reimbursable grant; can successfully implement the project at the indicated funding level; and accepts the provisions of the entire Agreement including its Project Conditions. At least three (3) individuals must be listed below, note that only the Project Coordinator & Project Director can be the same person. Costs may not be incurred prior to the Project Start Date listed below.

PROJECT COORDINATOR & FINANCIAL ADMINISTRATOR			
PROJECT COORDINATOR		FINANCIAL ADMINISTRATOR	
NAME: Delores Lehman		NAME: Keith Cordrey	
TITLE: Grant Manager		TITLE: Director	
AGENCY: Salisbury Police Dept		AGENCY: Salisbury City Finance	
ADDRESS: 699 W. Salisbury Parkway, Salisbury, Maryland 21801		ADDRESS: 125.N. Division St., Salisbury, Maryland 21801	
PHONE: 410-548-3165	FAX: 410-548-3173	PHONE: 410-548-3028	FAX: 410-548-3102
E-MAIL: dlehman@salisbury.com		E-MAIL: kcordrey@ct.salisbury.md.us	

PROJECT DIRECTOR & AUTHORIZING OFFICIAL SIGNATURES			
PROJECT DIRECTOR		AUTHORIZING OFFICIAL	
NAME: David Meinschien		NAME: Barbara Duncan	
TITLE: Major		TITLE: Chief	
AGENCY: Salisbury Police Dept		AGENCY: Salisbury Police Dept	
ADDRESS: 699 W. Salisbury Parkway, Salisbury, Maryland 21801		ADDRESS: 699 W. Salisbury Parkway, Salisbury, Maryland 21801	
PHONE: 410-548-3165	FAX: 410-548-3173	PHONE: 410-548-3165	FAX: 410-548-3173
E-MAIL: dmeinschein@salisbury.com		E-MAIL: bduncan@salisbury.com	
SIGNATURE & DATE:		SIGNATURE & DATE:	

FOR MHSO USE ONLY	
FEDERAL FISCAL YEAR START DATE: 10/01/2013	FUNDS OBLIGATED FROM MHSO: \$5,500.00
FEDERAL FISCAL YEAR END DATE: 09/30/2014	PROJECT START DATE:
MHSO CHIEF APPROVAL SIGNATURE & DATE:	

MARYLAND HIGHWAY SAFETY OFFICE
FFY 2014 PROJECT AGREEMENT TERMS AND CONDITIONS

It is understood and agreed by the Project Agency and Fund Recipient that grant funds received in support of this Project Agreement are subject to applicable federal and state laws and regulations pertaining to grants and to the following applicable controls, terms and conditions:

A. General Conditions

1. Formal approval of this Project Agreement and the obligation and subsequent reimbursement of funds to it are contingent upon the availability of anticipated Federal funds, as determined by Congress, Maryland statute, or other federal or state action, or the following Project Conditions. Reimbursement extends only to those costs incurred during the period of the project, and for which periodic Quarterly Reports are submitted no later than one month after the end of the reporting period, and in the case of the final Quarterly Report, one month after the Project Period End Date. Reimbursement Claims received after that time will be considered for payment on a case-by-case basis with prior written justification explaining the expected delay submitted by the Project Director. All reporting is to be accomplished within the electronic grant system.
2. This Project will be conducted and administered in accordance with applicable federal, state and local laws, rules and other requirements, using acceptable financial management, record-keeping, procurement and property control systems as outlined in 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments or 49 CFR Part 19 - Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations (as applicable) and the Maryland Highway Safety Office (MHSO) Highway Safety Project Financial Management Rules.
3. The Project Agency shall assure that all locations where programs are conducted for the public are compliant with the Americans with Disabilities Accessibility Guidelines to provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, to include those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all crosswalks, as established pursuant to the **Americans with Disabilities Act of 1990 (ADA)**, as amended, and that this information is printed on program flyers and registration forms and made available at the time the event/activity is advertised. All programs conducted and educational material provided shall include reasonable accommodations for the blind and hard of hearing as well as persons with limited English proficiency and likewise be available on program flyers and registration forms.
4. *Pursuant to the requirements of 49 CFR Part 18, Sect. 18.42 - Retention and Access Requirements for Records, all records shall be retained for three years from date the Final Claim is submitted to the MHSO.* If there is an action resulting from an audit or other action started before the expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues, or the end of the three-year period, whichever is later. The MHSO, other State agencies and appropriate Federal authorities have the right of access to any books, documents, papers, or other records in order to perform audits and examinations or make excerpts and transcripts for as long as the records are retained.
5. Only taxes that a governmental unit or non-profit organization is legally required to pay is allowable.
6. Pursuant to the requirements of the Federal Fund Accountability and Transparency Act (FFATA), the project agency will complete and return to MHSO the FFATA Reporting Form provided to them with this agreement. This form contains all the information MHSO needs to comply with the terms of the Act. Failure to complete and return the form may result in the delay of payment on the project agency's reimbursement requests.
7. All grantee agencies will use, manage, and dispose of equipment acquired under a federally funded safety grant in accordance with state laws and procedures. Such equipment shall be used for the purpose of enhancing the grantee's highway safety program. Grantees in non-compliance of this provision shall be required to return said equipment to the grantor. A single piece of equipment with an acquisition cost of \$5,000 or more must be pre-approved by the NHTSA Regional Administrator. A grantee shall not purchase a single piece of equipment in excess of \$5,000 until receiving authorization from MHSO that approval has been granted from NHTSA. Grantees will submit a completed Equipment Accountability Report with their claim for reimbursement for any equipment item purchased. The grantee is responsible for insuring all equipment items and will be liable to grantor for loss, theft, or damage to equipment.
8. A completed *Equipment Accountability Report* shall be submitted through the electronic grant system with the applicable *Quarterly Report* when reimbursement is requested for any item of equipment with a unit cost of \$250 or more. It is the responsibility of the Project Agency to institute and maintain required inventory records consistent with 49 CFR Part 18.32 DOT Implementation of Common Rule: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and the Code of Maryland Regulations (COMAR) 21.05.07. All equipment shall be used for the purposes originally authorized in this project for as long as needed for those purposes, and may not be encumbered for other uses as long as such need exists.
9. If any part of the funds obligated by this Project Agreement will be used to purchase Educational Materials (including

Paid Media (including TV, radio, and print PSAs, as well as press items). A Pre-Approval Request shall be submitted in the electronic grant system, using the information given on that form prior to initiating the purchase. All educational material to be provided shall include reasonable accommodations for the persons who are hearing impaired and who have limited English proficiency in compliance with the Americans with Disabilities Accessibility Guidelines as established in pursuant to the Americans with Disabilities Act of 1990 (ADA), as amended. Requests for reimbursement for any such items not previously approved in the electronic grant system will be denied.

10. If any part of the funds obligated by this Project Agreement will be used to cover travel not specified in the Project Agreement (location/purpose/name(s)/position(s)/number of days), a Pre-Approval Request for travel shall be submitted in the electronic grant system prior to travel and approved by the appropriate MHSO Project Manager. Requests for reimbursement for any such travel not previously approved in the electronic grant system will be denied.
11. In all bid solicitations for funded project work or materials exceeding \$10,000, the Project Agency shall include a non-discrimination clause as specified by the Maryland Department of Transportation and U.S. Department of Transportation. The Project Agency shall notify all bidders that it will affirmatively ensure that in any contract entered into pursuant to its advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to its invitation and will not be discriminated against on the grounds of political or religious opinion or affiliation, race, creed, sex, national origin, or physical/ mental handicap in consideration of an award.
12. Procurement of supplies, equipment, other tangible non-expendable personal property, and services funded in whole or in part with funds obligated by this Project Agreement shall follow applicable procurement procedures and requirements of state and local laws, rules and regulations and in any instance shall be in compliance with the federal requirements set forth in Section 18.36 Procurement of 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments or 49 CFR Part 19 - Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations (as applicable) and the Maryland Highway Safety Office (MHSO) Highway Safety Project Financial Management Rules.
13. Pursuant to the requirements of the State Finance and Procurement Article of the Annotated Code of Maryland and any amendments thereto; the Maryland Governor's Executive Order barring discrimination; Section 22(a) of the Federal-Aid Highway Safety Act of 1968 (23 U.S.C. 22 (a)); and Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794), employment in connection with this project will be provided without regard to political or religious opinion or affiliation, race, color, creed, sex, national origin, or physical or mental handicap.
14. The project agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101, *et seq.*; Pub. L. 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Civil Rights Restoration Act of 1987 (Pub. L. 100-259), which requires Federal-aid recipients and all sub-recipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse of alcoholism; (h) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.
15. Buy America Act - The applicant/grantee certifies that they will comply with the Buy America Act (23 USC 101 Note) which contains the following requirements: Only steel, iron and manufactured products produced in the United States may be purchased with federal funds unless the U.S. Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver requested submitted to and approved by the U.S. Secretary of Transportation. The MHSO will assist grantees with this process.
16. Privacy Protection - All agencies and organizations with access to or use of any personal information whatsoever from the Maryland Motor Vehicle Administration records shall comply with MVA's Privacy Protection Policy as a condition precedent to receiving access or use and payment under this Projection Agreement.
17. The Project Agency is not, nor will it make any award or permit any award (sub-grant or contract) at any tier to any

18. The signatories for the Project Agency and Fund Recipient certify that the Project Agency and Fund Recipient will provide a drug-free workplace in accordance with the Federal Drug-free Workplace Act of 1988 (49 CFR Part 29 Subpart F).
19. With regard to **Federal contracts, grants, loans, and cooperative agreements**, the signatories for the Project Agency and Fund Recipient certify to the best of their knowledge and belief that pursuant to 31 USC 1352, they are in compliance with the Lobbying Restrictions placed on the use of federal funds.
 - a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the signatories, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
 - b. If any state or local funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with the awarding of this Federal contract, grant, loan, or cooperative agreement, the signatory for the Project Agency or Fund Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions, as found at <http://www.whitehouse.gov/omb/grants/sfillin.pdf>. (A copy of any Standard Form-LLL, "Disclosure Form to Report Lobbying" submitted in accordance with this requirement shall be submitted simultaneously to MHSO.)
 - c. The Project Agency and Fund Recipient shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-grants, and contracts and subcontracts under grants, sub-grants, loans, and cooperative agreements) and that all such sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

20. None of the funds under this Project Agreement will be used for any Activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, such as invited testimony before a legislative body, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.
21. **Political Activity (Hatch Act)**. All individuals employed by a State or local agency whose principal employment is in connection with an activity that is paid in whole or in part by federal funds from a Federal agency, including grants from the Maryland Highway Safety Office, have been informed of the provisions of 5 USC, Government Organization and Employees; Part II, Civil Service Functions and Responsibilities; Chapter 15, Political Activity of Certain State and Local Employees; Sections 1501 through 1508. This statute does not apply to individuals employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization. (5 U.S.C. 1501-1508 and 5 CFR 151)

22. Other Conditions, as directed:

If the grantee or sub-grantee agency is a Law Enforcement Agency, the following additional Conditions will apply:

- a. Any law enforcement agency receiving funds from the MHSO for overtime enforcement is strongly encouraged to follow the guidelines established for vehicular pursuits that are currently in effect as issued by the International Association of Chiefs of Police.
- b. Due to the number of fatal and serious crashes occurring during nighttime hours and specifically lower nighttime seat belt usage, impairment and speed, a minimum of 50% of all grant funded overtime enforcement operations (regardless of the assigned program area, i.e.: impaired driving, smooth operator) are intended to be conducted during nighttime. Nighttime refers to hours between 9:00 p.m. and 5:00 a.m.) Deviation from the above time frame should be supported by crash and/or citation data.
- c. Due to the number of fatal and serious crashes occurring during nighttime hours and specifically lower nighttime seat belt usage, impairment and speed, a minimum of 60% of all designated "Comprehensive" overtime enforcement operations are intended to be conducted during nighttime. Nighttime refers to

- d. Law enforcement agencies using overtime enforcement are required to use the best available data to plan and implement enforcement operations. (For example: location(s), day of week, time of day should be based on crash and/or citation data)
- e. Scheduled federally funded overtime for a given enforcement detail should not exceed 6 hours.
- f. Participation in all mobilizations/traffic safety enforcement events sponsored by the National Highway Traffic Safety Administration (NHTSA) and/or MHSO is required.
- g. In order to support a high visibility enforcement campaign, coupled with a corresponding education model necessary to change driver behavior, the MHSO will coordinate paid and earned media statewide and in local jurisdictions to complement the enforcement efforts outlined in this project agreement. The outreach may include the following: TV and/or radio spots, online ads, billboards, print ads, press releases, posters, flyers, and/or incentive items. These outreach efforts will be coordinated statewide so as to ensure effective distribution of media spots for the local benefit. The project director signifies his/her understanding of the media component of the mobilization and approves the use of these public outreach techniques within his/her jurisdiction.

B. Project Administration and Management

1. A completed Quarterly Report, covering the most recent FFY quarter (or month as agreed upon by the Project Agency and the MHSO), shall be submitted by the Project Director by the date indicated in the electronic grant system, whether or not reimbursable expenditures have been made since submittal of the prior period report..
2. All Quarterly Reports shall be accompanied by approved supporting documentation. **Please refer to the MHSO Supporting Documentation Checklist for a full listing of approved documentation.** The approved documentation will be uploaded through the electronic grant system, as follows:
 - a. Salaries and benefits paid to positions (e.g., Project Coordinator, Project Director, data analyst, etc.) supported under a project - An Activity Report shall be completed and submitted for each employee (full or part-time) paid through this project, covering the same period as the Quarterly Report. The form is found under the Quarterly Report Menu in the electronic grant system. Indicate the date, number of hours and a description of the activities/tasks performed on the project during the period covered by the report. Additional back up is needed and referenced in the MHSO Supporting Documentation Checklist.
 - b. Law Enforcement Overtime – Law enforcement logs shall be completed by approved activity and submitted through this project, covering the same period as the Quarterly Report. The form is found under the Quarterly Report Menu in the electronic grant System. A certification letter on agency letterhead and signed by a supervisor not paid by the grant shall be uploaded under the supporting documentation section of the Law Enforcement Log Section.
 - c. Travel, Training and Conference Fees - copies of expense reports and/or copies of receipts, tickets, meeting agendas, etc.
 - d. Contractual Services - copies of consultant/contractor invoices, detailing service costs billed, which includes individual dates, hours, activities, etc.
 - e. Equipment - copies of vendor invoices itemizing costs billed.
 - f. Other Direct Costs – copies of vendor invoices itemizing costs billed.

Copies of Documentation should be collated and uploaded through the electronic grant system, in order by cost category and line item within each cost category, with all costs to be reimbursed by the MHSO circled, highlighted or otherwise identified. Original documentation of expenditures must be kept on file and available for inspection by state and federal officials with two (2) days notice.

3. Requests for reimbursement shall be limited to those expenditures made consistent with the provisions of this Project Agreement and the cost principles set forth in 22 CFR Part 225 - Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A-87), 2 CFR Part 220 - Cost Principles for Educational Institutions (OMB Circular A-21), or 2 CFR Part 230 - Cost Principles for Nonprofit Organizations (OMB Circular A-122), as applicable, and the Highway Safety Grant Funding Policy for NHTSA/FHWA Field-Administered Grants.
4. All funds obligated to this project shall be formally committed to project activities, scheduled and planned, by the end of the sixth project month. A mid-year review of the project may be completed by the MHSO to determine if expenditures, actual and projected, are legitimate and on schedule. Any funds not formally tied to a specific activity may be subject to de-obligation and subsequent re-allocation within the highway safety program unless written

5. If the costs reflected in the Cost Categories of the Project Agreement need to be adjusted, written approval shall be obtained from the MHSO prior to making any expenditure. Approval for Budget Modifications shall be obtained by submitting a Project Modification Request in the electronic grant system, detailing a clear justification to support the request.
6. Reimbursement of a person's Salary/Benefits is limited to that proportion of the person's time actually devoted to Project Activities. Written documentation shall be made available upon request.
7. Travel costs shall comply with the Project Agency's regulations provided they are at least as stringent as State Travel Regulations, as published by the Maryland Department of Budget and Management (DBM). In the absence of agency regulations, reimbursement for travel costs shall be in accordance with the state travel regulations and cannot exceed the Meal and Trip Reimbursement Limits set by DBM.
8. Any funds obligated by this Project Agreement for the purchase of Paid Media are subject to the requirements set forth in the NHTSA-issued Guidelines for States Using 402 Funds for Purchasing Advertising Space for Highway Safety Messages. The Project Agency shall provide detailed plans of how it will use and assess the paid advertising campaign(s) in conformance with these guidelines.
9. For any Project Activities in this Project Agreement to be carried out through the employment of a consultant or other contractor, approval for the statement of work and/or specifications shall be submitted in writing to the appropriate MHSO Project Manager prior to the assignment of work. Requests for reimbursement for such consultant services not previously approved will be denied.
10. The Project Agency shall notify the MHSO in writing of any anticipated and/or actual program income directly generated by this Project as soon as that information is known. Unless otherwise stipulated in writing, program income shall be accounted for in project records and deducted from total allowable expenditures to determine net allowable expenditures.
11. Provisions of the Single Audit Act of 1996 (P.L. 104-156) and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations, require an agency/organization which expends more than \$500,000 in federal funds in a year to provide a single or program-specific audit for each year. A Project Agency, meeting this criterion shall ensure the submittal of one copy of each required audit report directly to the Federal Audit Clearinghouse within 30 days of the report's issuance. The audit shall study and evaluate the internal accounting and administrative controls to the extent considered necessary to assess the integrity of the systems as required by generally accepted auditing standards, the standards for financial and compliance audits contained in the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the U.S. General Accounting Office, the Single Audit Act of 1996, and the provisions of OMB Circular A-133. As part of the Project Application in the electronic grant system, the Project Agency shall provide the link to the most recent single audit from the Federal Audit Clearinghouse Web site.
12. Agencies or organizations which are not subject to the provisions of OMB Circular A-133 shall provide an annual audit report of their agency's/organization's financial statements if requested.
13. Agencies requesting reimbursement for Indirect Costs shall supply all documentation required by the MHSO Policy on Indirect Costs prior to requesting reimbursement for such costs. For a copy of the MHSO Indirect Policy, please refer to the "My Training Materials" tab in the electronic grant system.

We, the officials named below, hereby certify that we have read and understand the above described Project Agreement terms and conditions and are duly authorized to legally bind the Project Agency to abide by them.

Project Director's Name

Date Signed

Project Director's Signature

Authorizing Official's Name

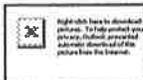
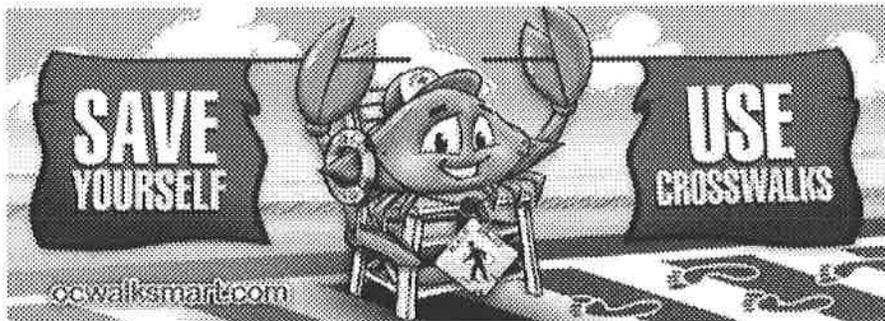
Date Signed

Maryland Highway Safety Office

Maryland Motor Vehicle Administration

Central Operations and Safety Programs

☎: 410-677-4048 Cell 410-972-7325 | ✉: kwaggoner@mdot.state.md.us



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Office of Community Development

MEMO

To: Tom Stevenson

From: Deborah Stam

**Subject: Resolution Accepting the Tony Hawk Foundation (THF)
Grant Funds for the Salisbury Skatepark, Phase 1**

Date: August 6, 2013

Last week we received a check from the Tony Hawk Foundation for the \$5,000 grant that they have awarded the City of Salisbury for Phase 1 of the Salisbury Skatepark. Attached is a copy of the cover letter that came with the check. The Salisbury Skatepark Committee will be required to raise an additional \$5,000 to match this grant award. We will provide documentation to the Foundation that this matching amount has been raised as the project progresses.

The mission of the Tony Hawk Foundation is to foster lasting improvements in society, with an emphasis on supporting and empowering youth in disadvantaged communities. The Foundation supports the creation of public skateboard parks that promote healthy, active lifestyles.

The Salisbury Skatepark project will provide a facility that will be hugely beneficial to the youth of our community. This project will serve to expand the commitment that our community has made to our local youth, by providing yet another amenity to serve their health, social and recreational needs.

The Salisbury Skatepark will be a poured-in-place concrete structure, and it will be put out to bid as a design-build contract, so that the designer and the construction contractor are working together every step of the way. The design process will include planning sessions with the local skateboarders to ensure that the final product is one which makes the end users happy. Phase 1 of the skatepark project will include the design of the project, site preparation work, construction of the first 6,000 square feet of the poured-in-place concrete, purchase and installation of some of the fencing, the Skatepark Rules / Funding Acknowledgement sign, and a couple of trash cans.

Attached is a Resolution accepting these grant funds from the Tony Hawk Foundation which have been awarded to the City of Salisbury. Please forward this Resolution to the City Council so that it may be placed on their agenda for the work session on August 19, 2013, and the council meeting on August 26, 2013.



Deborah J. Stam
Community Development Director

Attachments
CC: Ginny Hussey

29 July 2013

City of Salisbury, MD
City of Salisbury
125 North Division Street
Salisbury, MD 21801
Attn: Deborah J. Stam

Dear Deborah J. Stam,

Enclosed please find the Tony Hawk Foundation grant check in the amount of \$5,000 to be applied toward the construction of your public skatepark in Salisbury.

The Tony Hawk Foundation Board Of Directors is very pleased to be able to assist your skatepark program. We look forward to the park's eventual opening, and to hearing from you about its progress in the meantime.

Best Regards,



Miki Vuckovich
Executive Director

1
2 **RESOLUTION NO. 2317**
3
4

5 A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND ACCEPTING FUNDS
6 AWARDED THROUGH A GRANT FROM THE TONY HAWK FOUNDATION FOR THE
7 SALISBURY SKATEPARK, PHASE 1.
8

9 WHEREAS, the Council of the City of Salisbury recognizes the important role that our local
10 parks, playgrounds and recreational areas play in maintaining a healthy, pleasant, attractive
11 environment for the enjoyment of our local residents; and
12

13 WHEREAS, the Council wishes to rehabilitate, improve and expand the parks, playgrounds
14 and recreational areas within the City of Salisbury in order to improve the quality of life for all
15 citizens; and
16

17 WHEREAS, the mission of the Tony Hawk Foundation is to foster lasting improvements in
18 society, with an emphasis on supporting and empowering youth in disadvantaged communities, by
19 supporting the creation of public skateboard parks that promote healthy, active lifestyles; and
20

21 WHEREAS, the Tony Hawk Foundation has awarded a grant to the City of Salisbury for
22 Phase 1 of the Salisbury Skatepark in the amount of \$5,000.
23

24 NOW, THEREFORE, BE IT RESOLVED THAT, on this 12th day of August, 2013, that the
25 City of Salisbury, Maryland, does hereby accept the funds awarded through the Tony Hawk
26 Foundation for the project as funded and in the amount outlined above.
27

28 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of
29 the City of Salisbury, Maryland held on August 12, 2013, and is to become effective immediately.
30
31
32

33 _____
34 Kimberly R. Nichols
35 CITY CLERK
36

Laura Mitchell
COUNCIL VICE PRESIDENT

37
38 APPROVED BY ME THIS

39
40 _____ day of August, 2013
41
42

43 _____
44 James Ireton, Jr.
45 Mayor

City of Salisbury



MARYLAND



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

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

VACANT
ASSISTANT CITY ADMINISTRATOR

KEITH CORDREY
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA

August 12, 2013

1.	Surplus of Equipment at the Waste Water Treatment Plant	\$0.00
2.	Surplus SAN-4 Refuse Truck	\$0.00
3.	Surplus Various Items at the City Service Center/Yard	\$0.00
4.	Apv. of Change Order #1 to Proj. #5289 N. Division St. Sewer Relief Main	\$106,645.00
5.	Award of Annual Contract A-3-12 R2-WTP	\$115,984.00
6.	Award of Annual Contract A-3-12 R2-WWTP	\$287,184.00

City of Salisbury



JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

VACANT
ASSISTANT CITY ADMINISTRATOR

MARYLAND

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

KEITH CORDREY
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA

August 12, 2013

TO: Mayor and City Council

SUBJECT: Surplus of Various Items at the WWTP

The Procurement Division received a request from the Waste Water Treatment Plant ("WWTP") to declare the following equipment surplus:

Make	Model	Description	Reason for Surplus
Ravens	1990 Dump	Coal Bucket Trailer	No longer used-Biosolids Dept.
Brentwood Accupac	VF3000	Vertical Flow Media for Oxidic Filter Tanks	No longer used-Upgrade
Stolzrus	Wet Lime Spreader	Used to spread dewater sludge	No longer recycle to area farms
Crisafulli	Flump B	Removes Liquid Sludge From Storage Lagoons	No longer stores liquid sludge
Crisafulli	Flump A	Removes Liquid Sludge From Storage Lagoons	No longer stores liquid sludge
Parkson	1.5 Meter	Belt Filter Press & Conveyors	No longer used-Biosolids Dept.
Killerbrew	Hi Dump Trailer	Hauling Dewatered Sludge	No longer part. in sludge pgm for farms
Good Roads	112	Snow Blade	Worn blades
KMC	5 row ripper/bedder	Removes Hardpans on Fields	No longer part. in sludge pgm for farms
Peabody Myers	Vactor	Cleans Wet Wells at Lift Stations	Replaced by new machine
John Deere	Triple Deck Disk	Deck Disk Planter	No longer part. in sludge pgm for farms
Ag Chem	2505 Terragator	Injects/Sprays Treated Sludge on Fields	No longer part. in sludge pgm for farms
Ag Chem	2505 Terragator	Injects/Sprays Treated Sludge on Fields	No longer part. in sludge pgm for farms
Ag Chem	13000 Gallon Field Tank	Storage of Liquid Sludge	No longer part. in sludge pgm for farms
Hach Sigma 900		900 Pump Head Controller	Replaced with updated equipment
Hach Sigma 900		900 Refrigerator Sampler	Replaced with updated equipment
Hach Sigma 900		900 Refrigerated Sampler Weatherproof Encl.	Replaced with updated equipment
Hach Sigma 900		900 Refrigerated Sampler Weatherproof Encl.	Replaced with updated equipment
Perkin Elment	Atouic Absorption	Metal Analysis Equipment	No longer used
Lachat	Quick Chem 8000	Lab Equipment to Analyze Nitrogen, Phosphorus	No longer used

Upon declaration of surplus, as approved by Council, the aforementioned equipment will be sold at auction. Proceeds from the sale of this equipment will be placed back into the WWTP account number 86083-534302 "Equipment" and be used for the purchase of "push out" style sludge trailers. Additional details are noted in the department memo.

Thank you,

Catrice L. Parsons

Assistant Director Internal Services-Procurement and Parking

City of Salisbury



MARYLAND



125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR

AMANDA POLLACK, P.E.
ACTING DIRECTOR OF PUBLIC
WORKS

To: Catrice Parsons, Assistant Director of Internal Services-Procurement
Date: July 26, 2013
From: Amanda Pollack, Acting Director of Public Works *Amanda Pollack*
Subject: Recommendation for surplus, WWTP items

I am requesting that the attached list of equipment and vehicles that are located at the Waste Water Treatment Plant be surplused so they can be sold at auction.

The aforementioned items were purchased through a MDE grant during the Septage Facility upgrade over twenty years ago. Therefore any proceeds from the sale of these items are not reimbursable to MDE, however, must be used for wastewater related expenditures according to MDE. Hence proceeds from the sale of the items on the attached list will need to be returned to account number 86083-534302 "Equipment". Depending on the success of the auction, we anticipate utilizing the auction proceeds to purchase "push out" style sludge trailers for safety and operational reasons.

Thank you for your consideration in this matter.

Signed *Alan Porianda*
Alan Porianda

Date: 7-26-13

Superintendent, Salisbury WWTP

City of Salisbury WWTP Surplus Equipment

MAKE	MODEL	DESCRIPTION	REASON FOR SURPLUS
Ravens	1990 Dump	Coal Bucket trailer	No longer used for Biosolids Dept.
Brentwood Accupac	VF 3000	Verticle flow media for oxic filter tanks	Due to upgrade no longer used.
Stolzfus	Wet lime spreader	Used to spread dewatered sludge	No longer recycle to area farms
Crisafulli	Flump B	Removes liquid sludge from storage lagoons	City no longer stores liquid sludge
Crisafulli	Flump A	Removes liquid sludge from storage lagoons	City no longer stores liquid sludge
Parkson	1.5 meter	Belt filter press and conveyors	No longer used for Biosolids Dept.
Killerbrew	Hi Dump Trailer	Hauling dewatered sludge	City no longer participates in sludge program for farms
Good Roads	112	Snow blade	Worn blades
KMC	5 row ripper/bedder	Removes hardpans on fields	City no longer participates in sludge program for farms
Peabody Myers	Vactor	Cleans wet wells at lift stations	Replaced by new machine
John Deere	Triple deck disk	Deck disk planter	City no longer participates in sludge program for farms
Ag Chem	2505 Terragator	Injects/sprays treated sludge on fields	City no longer participates in sludge program for farms
Ag Chem	2505 Terragator	Injects/sprays treated sludge on fields	City no longer participates in sludge program for farms
Ag Chem	13000 gallon field tank	Storage of liquid sludge	City no longer participates in sludge program for farms
Hach Sigma 900		900 pump head controller	Replaced with updated equipment
Hach Sigma 900		900 refrigerator sampler	Replaced with updated equipment
Hach Sigma 900		900 refrigerated sampler weatherproof enclosure	Replaced with updated equipment
Hach Sigma 900		900 refrigerated sampler weatherproof enclosure	Replaced with updated equipment
Perkin Elment	Atouic Absorption	enclosure Metal analysis equipment	No longer used.
Lachat	Quick Chem 8000	Lab equipment to analyze Nitrogen, phosphorus	No longer used.

City of Salisbury



MARYLAND



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

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

VACANT
ASSISTANT CITY ADMINISTRATOR

KEITH CORDREY
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA

August 12, 2013

TO: Mayor and City Council

SUBJECT: Surplus-SAN-4 Refuse Truck

The Procurement Division received a request from Public Works to declare the following vehicle surplus:

Make	Description	Year	VIN #
Peterbilt	SAN-4 Refuse Truck	2002	1NPZH08X12D714239

Upon declaration of surplus, as approved by Council, the aforementioned vehicle will be sold at auction. Proceeds from the sale of this vehicle will be placed back into the account number 32061-534308 "Vehicles" and be used for repair and maintenance of vehicles. Additional details are noted in the department memo.

Thank you,

Catrice L. Parsons

Assistant Director Internal Services-Procurement and Parking

City of Salisbury



MARYLAND



125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

AMANDA POLLACK, P.E.
ACTING DIRECTOR OF PUBLIC
WORKS

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR

To: Catrice Parsons
From: Howard Landon
Subject: Surplus SAN-4, 2002 - Refuse Truck
Date: July 26, 2013
Cc: Amanda Pollack, Tom Tengman, and Ben Baker

The Sanitation Department recommends SAN-4, Refuse Truck be declared surplus. This truck is a 2002 Peterbilt with approximately 85,047 miles,
VIN # 1NPZH08X12D714239

Vehicle Condition - Poor

This vehicle is currently in poor condition high mileage, age of vehicle, and body deterioration. It has chronic electrical issues.

Body Condition- Poor

The automated body (arms, packer & body) are worn out.

All repairs would exceed the value of the vehicle and would not bring the vehicle back to a standard that would last long before something major or minor breaks again.

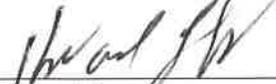
This truck was replaced as approved in the 2013 budget; Sanitation account number #32061-577025. We recommend this truck be included in the City sponsored auction rather than traded in. We hope to receive a greater amount through the auction process than the trade in offered.

Funds received from the auction would go back into Vehicles Acct.# 32061-534308 which is used for the repair and maintenance of vehicles.



Ben Baker
Vehicle Maintenance Supervisor

7-29-13
Date



Howard Landon
Director of Operations

7-29-13
Date



7/29/13

City of Salisbury



MARYLAND



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JAMES IRETON, JR.
MAYOR

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VACANT
ASSISTANT CITY ADMINISTRATOR

KEITH CORDREY
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA

August 12, 2013

TO: Mayor and City Council

SUBJECT: Surplus of Various Items at the City Service Center/Yard

The Procurement Division received a request from the City Service Center/Yard to declare the following items surplus:

Make	Model	Description	Reason for Surplus
Bayliner	BIYD 12CCE898	Boat & 120 HP	Abandoned
Aeriol	PHP-4R	Hot Box	Does not work-no parts
Front End Loader	FR-12 B	Front End Loader	Bad Motor-too costly to
Ford	1966 SS-3	Street Sweeper	Worn out-will not operate
Freightliner	2001 Freightliner	Street Sweeper	Worn out-will not operate
Ford	1997	Street Sweeper	Body Removed

Upon declaration of surplus, as approved by Council, the aforementioned items will be sold at auction. Proceeds from the sale of these items will be placed back into the account numbers 31150-546006, 32060-546006, and 47000-546006 "Operating". Additional details are noted in the department memo.

Thank you,

Catrice L. Parsons

Assistant Director Internal Services-Procurement and Parking

City of Salisbury



MARYLAND



125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

AMANDA POLLACK, P.E.
ACTING DIRECTOR OF PUBLIC
WORKS

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR

To: Catrice Parsons, Assistant Director of Internal Services – Procurement

Date: July 16, 2013

From: Amanda Pollack, Acting Director of Public Works *Amanda Pollack*

Subject: Recommendation for surplus, City Yard

I am requesting that the attached list of equipment and vehicles that are located at the City Yard go into surplus so they can be sold at auction. Please have any money made from the sales put back into operating accounts for: Street Div 31150-546006, Sanitation Div 32060-546006, and Marina 47000-546006.

Thank you for your consideration in this matter.

Howard Landon
Howard Landon, Director of Operations

7-30-13
Date

City of Salisbury CITY YARD Surplus Equipment

MAKE	MODEL	DESCRIPTION
Bayliner	BIYD 12CCE898	1998 17'17" Bayliner boat & 120 HP motor - Marina (47000-54600) Abandoned at Marina
Aeriol	PHP-4R	1998 Aeriol Hot box - Street Div (31150-546006)
Front End Loader	FR-12 B	1988 Front end Loader - Street Div (31150-546006)
Ford	1966 SS-3	Street Sweeper - SS-3 - Sanitation (32060-546006)
Freightliner	2001 Freightliner	Street Sweeper - SS-1 - Sanitation (32060-546006)
Ford	1997 Ford	Street Sweeper - SS-5 Cab and chassis only - Sanitation (32060-546006) Body removed

Doesn't work, no parts available
Bad motor, new motor will cost more than replacing the machine

Worn out, does not pick up dirt
Worn out, does not pick up dirt

May 7, 2013

City of Salisbury



MARYLAND



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

KEITH CORDREY
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

VACANT
ASSISTANT CITY ADMINISTRATOR

COUNCIL AGENDA

August 12, 2013

TO: Mayor and City Council

SUBJECT: Approval of Change Order #1 for Project #5289

North Division Street Sewer Relief Main

The Procurement Department received a request from the Public Works Department ("PWD") to process Change Order #1 for the aforementioned project in the amount of \$106,645.00; with McCrone. This Change Order proposes to address changes in the location, size, and approach to providing capacity relief to the North Division Street Sewer line and extend the contract by 447 week for a new completion date of February 07, 2014. Additional details are noted in the department memo.

Funds are available in account number 30200-513020-55012 "Engineering/Architectural".

The Procurement Department requests Council's approval to approve Change Order #1 as previously stated.

Thank you,

Catrice L. Parsons
Assistant Director Internal Services-Procurement and Parking

City of Salisbury



MARYLAND



125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

AMANDA H. POLLACK, P.E.
ACTING DIRECTOR
OF PUBLIC WORKS

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR

TO: Catrice Parsons, Assistant Director of Internal Services-Procurement
FROM: Amanda Pollack, Acting Director of Public Works *AP*
DATE: July 31, 2013
SUBJECT: Change Order No. 1
Project No. 5289
North Division Street Sewer Relief Main

Please process this change order for the North Division Street Sewer Relief Main. This amendment addresses changes in the location, size and approach to providing capacity relief to the North Division Street sewer line.

The original North Division Street Sewer Relief Main project authorized in June 2004 was to perform a feasibility study including hydraulic analysis of the existing and proposed sewer based on current and projected future flows. The scope was limited to investigation of a relief sewer to parallel an existing sewer on the East side of N. Division Street. The study included evaluation of alternatives to minimize disruption of both N. Division Street and existing utilities.

In April 2008, a report was submitted which evaluated three design options for the parallel sewer relief on the East side of N. Division Street. After a review of the prior studies and design engineering, Public Works determined that instead of a new 30" relief sewer on the east side of Division Street with future replacement of the deeper 15" and 18" sewers installed in 1926, it was more prudent to proceed with replacement of the older and deeper sewer with installation of a single 36" diameter sewer. This determination was based on a more cost effective long term solution which eliminated deeper excavation required by the smaller 30" relief line and ultimately a second excavation and reconstruction of North Division Street to replace the mains from 1926 in the future.

The total change order is \$106,645.00 per the attached letter from McCrone dated July 2, 2013. The work in this change order includes:

- Design the replacement of the 15" and 18" sewer main installed in 1926 with a 36" sewer, including house services.
- Design increasing the size of all cross connecting water mains at each block to 8". Replacement to extend to the limit of disturbance with transitions to the existing water lines.
- Design a complete reconstruction of the sidewalks disturbed during construction to current American Disabilities Act standards and construction of ADA ramps at all intersections and driveways in the project area.

- Design removal of the existing 12" water main and replacement with new 12" water main and individual house services including meters along Division Street and Baltimore Ave. to just North of London Ave due to conflicts between the proposed 36" sewer and the existing water main.
- Design of by-pass pumping for sewer and storm drains so that MDE permits for by-pass pumping can be obtained prior to the project bidding.
- Revisions to the traffic control plans to comply with current City requirements.
- Preparation of drawings to 1"=30' on 24"x36" sheets as requested for construction package.
- Additional surveying and site investigation to verify record drawings and to obtain topography associated with the new sidewalk construction.
- Submission of design segments within the State's right-of-way to MD SHA for review, approval and permitting.
- Additional soil borings and geotechnical analysis for the deeper 36" sewer.

The above scope items were beyond the original project scope. The limits established by this change order are not to be exceeded without written consent by the City.

The change order also includes adding contract duration of 447 weeks since the original contract was projected to be completed 7/15/2005.

We recommend award of this change order in the net amount of \$106,645.00. Sufficient funds to complete this work are available from a FY12 bond in account number 30200-513020-55012 Engineering/Architectural.



Amanda Pollack, P.E.
Acting Director of Public Works

CHANGE ORDER

#1

PROJECT: **Contract Nos. 5289**
North Division Street Sewer Relief

P.O. NO: **02040811-01**

TO: **McCrone, Inc**
Building 1, Suite 6
119 Naylor Mill Road
Salisbury, MD 21801

CHANGE ORDER NO: 1
INITIATION DATE: 7/31/13
CONTRACT DATE: 6/23/04
ACCOUNT NO: 30200-513020-55012

You are directed to make the following changes in this contract:

1. Design replacement of the 100 year old 15" and 18" sewer main with a 36" sewer, including house services.
2. Design increasing the size of all cross connecting water mains at each block to 8".
3. Design complete reconstruction of sidewalks disturbed during construction to current American Disabilities Act standards, and construction of ADA ramps at all intersections and driveways in the project area.
4. Design removal and replacement of the existing 12" water main and individual house services including meters along Division Street and Baltimore Ave. to just North of London Ave due to conflicts between the proposed 36" sewer and the existing water main.
5. Design of by-pass pumping for sewer and storm drains so that MDE permits for by-pass pumping can be obtained prior to the project bidding.
6. Prepare revisions to the traffic control plans to comply with current City requirements.
7. Preparation of drawings to 1"=30' on 24"x36" sheets as requested for construction package.
8. Additional surveying and site investigation to verify record drawings and to obtain topography associated with the new sidewalk construction.
9. Submission of design segments within the State's right-of-way to MD SHA for review, approval and permitting.
10. Additional soil borings and geotechnical analysis for the deeper 36" sewer.

Not valid until signed by the Owner and Department Head.

Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract Sum or Contract Time.

The original Contract Sum was	\$ <u>89,700.00</u>
Net change by previously authorized Change Orders	\$ <u>0.00</u>
The Contract Sum prior to this Change Order was	\$ <u>89,700.00</u>
The Contract Sum will be (increased) , (decreased) , (unchanged) by this Change Order	\$ <u>106,645.00</u>
The new Contract Sum including this Change Order will be.....	\$ <u>196,345.00</u>
The Contract Time will be (increased) , (decreased) , (unchanged) by this Change Order by () days or (447) weeks	
The date of substantial completion as of the date of this Change Order..... therefore is	<u>February 7, 2014</u>

AUTHORIZED:

BY: _____ Amanda Pollack, P.E. Acting Director of Public Works DATE: _____	Vendor: _____ BY: _____ Printed name _____ Title	BY: _____ Catrice Parsons, Assistant Director of Internal Services-Procurement Division DATE: _____ Funding/Bid Award As Approved by City Council By: _____
---	--	--



July 2, 2013

Ms. Amanda Pollack, Acting Public Works Director
City of Salisbury
Department of Public Works
125 N. Division Street
Salisbury, MD 21801
Phone: (410) 548-3170
Fax: (410) 548-3107
apollack@ci.salisbury.md.us

RE: Engineering Services, Revised Contract Amendment No. 1 to P.O. 020440811-01
North Division Street Sewer Relief, Engineering Services Project Order No. 5289

Dear Ms. Pollack:

McCrone, Inc. is pleased to submit this Contract Amendment for additional civil engineering, geotechnical and reimbursable costs to change the relief sewer to a 36-inch replacement sewer on North Division Street. McCrone, Inc. was issued a notice to proceed under the original contract on June 22, 2004. The basis for this Contract Amendment and associated costs are further detailed herein.

This contract amendment covers a nine-year span of time during which McCrone was directed by the City to start, stop, hold and change design objectives several times. For much of the time McCrone was idle awaiting direction from the City. Now that decisions have been made on how to proceed, we have detailed the primary changes and associated costs that we are asking for in this amendment.

\$33,479.00

1. The agreed upon location and size of the sanitary relief sewer has changed requiring redesign, redrafting and City reviews. The original relief sewer was to be on the East side of Division Street and was to replace the existing 10-12-inch sewer and leave the deeper sewer in place. In the past two years the City determined, through reviewing our alternative designs, that it was more cost effective in the long run to replace the 100-year old deeper 15-18 inch sewer on the West side of Division Street with a single 36-inch diameter sewer instead of adding a parallel shallower relief sewer. The result will be one new 36-inch sewer instead of a new 30-inch relief sewer and maintaining the old 15-18 inch sewer which would have to be replaced in the future. The eventual replacement of the old deep sewer would require the utilities above the sewer and the street be reconstructed again when the work is done. See the attached typical road and utility sections.

Combining the existing two sewers into one 36-inch sewer requires all house service connections be replaced. New house connections on the 36-inch sewer pipe will extend to the clean out at the back of sidewalk. Due to the depth, numerous utilities and surface features, it was determined to be most cost effective to reconstruct Division Street in phases, one block at a time.

The design, drawings and construction specifications of the east side relief sewer was submitted for approval to the City and then MDE on May 13, 2009. McCrone was then directed to design the replacement sewer on the west side. The 75% complete submittal was accepted by the City on February 18th, 2011. Since then, McCrone has not received all the design review comments, and we have been awaiting the approval of CA #1.

- \$11,092.00**
2. Updated standards for the American Disabilities Act (ADA) now require the complete reconstruction of the sidewalks when roads are reconstructed to provide ADA compliant handicap ramps at intersections, driveway entrances and at sidewalk lateral ramps to crossing driveways. Adjustments to driveways, lead sidewalks to the residences and adjacent yards are also included herein.
- \$7,683.00**
3. Water mains and individual services are also being replaced in Division Street from Baltimore Ave. to just north of London Ave. With the current water main alignment next to the deep excavations for the sewer, the water main will be removed and the water mains cut at intersections and house service connections. In addition, the City has asked to increase the size of the cross connecting mains under the pavement. To maintain water service while each block is being reconstructed, McCrone will design a temporary water service across the ground.
- \$16,936.00**
4. The City and MDE are now requiring that by-pass pumping for the sewer be designed up front by the engineer instead the contractor developing and submitting their plan for approval. McCrone will develop the bypass pumping design and drawings for the sewer as outlined in the email received from the City on July 9th, 2012. Also, the storm drains need bypass pumping to be designed due to the one block at a time construction phasing.
- \$7,074.00**
5. City requirements for traffic control plans have further developed and become more design oriented and detailed. Now prior to bidding, McCrone must prepare detailed means, methods and drawings for the contractor to follow and base his bid upon. Block-by-block phasing will require consideration of the greater neighborhood's one-way streets and designated no truck routes. Our pricing was originally based on the very basic 2004 MD SHA standard details which was common practice at the time.
- \$6,459.00**
6. As requested by the City, McCrone, Inc. will redraft the drawings to a scale of 1" = 30' on 24"x36" sheets due to the density of utilities and information to be shown instead of on the old City standard 11"x 25" sheets. Both water and sewer will be shown in the plan view of the drawing. The profile will be shown on the same sheet and below the plan view.
- \$10,702.00**
7. Additional surveying and investigative services were needed due to incorrect record drawings of recent storm drain work on North Salisbury Blvd and Bridgeview Street. Also, additional topographic surveying was necessary for the sidewalk construction, yard grading tie-ins and intersecting street design.
- \$5,840.00**
8. Since a portion of the construction will be in the State's right-of-way, design and construction at the intersection of North Salisbury Blvd. and Bridgeview Street will be submitted to MD SHA for review, approval and permitting.
- \$7,380.00**
9. Additional soil borings and geotechnical analysis are needed for the deeper 36-inch sewer. McCrone, Inc. will subcontract Hillis-Carnes Engineering Associates, Inc. to conduct an amendment to their original soil borings and an analysis of the soils for suitability as a foundation and backfill for the deep large-diameter sewer pipe. HCEA proposes a subsurface investigation consisting of three twenty-five foot borings in the areas previously investigated. These borings are necessary because the

Ms. Amanda Pollack
July 2, 2013
Page 3

replacement sewer depth is deeper than the parallel relief sewer. The three original fifteen-foot borings will be extended by 10-feet each and soil samples taken at 2.5 foot intervals between 15 and 25 feet. Included in the price is a traffic control plan meeting MD SHA and the City of Salisbury standards and specifications for the borings.

CONTRACT AMENDMENT #1 TOTAL = \$106,645.00

Reimbursable costs for prints, plots, mylars, photocopies, mileage, photographs, and an electronic digital copy of the final documents are included in these quoted line-item services. Final design deliverables include four paper copies and one digital CAD copy of the contract documents.

McCrone has or will make the above mentioned revisions and submit 90% drawings and documents for the City's final review. Upon receiving City comments and contract bid information, McCrone will complete the documents and make final bid sets. The 90% drawings will be submitted to MDE and Wicomico County Soil Conservation District for their review and approval. Cost estimates will be submitted at 90% and 100% of completion. A status report shall be prepared at the 90% submittal.

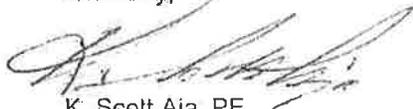
As requested by the City, the bid drawings will delineate a construction phase line on Division Street at the north PC of Hickory Street. Another phase line will be delineated at the PC of Bridgeview Street at Salisbury Blvd.

Easements along the route of construction are not anticipated based upon our discussions with the City. We understand the City has a trespass agreement for construction of new utilities and construction adjustments adjacent to the new sidewalk construction.

McCrone, Inc. will not provide construction services associated with the work at this time, but will provide services when determined necessary by the City after the work has been bid. This work would be an amendment to the contract.

Please process this Contract Amendment at your earliest convenience. Attached is an hourly breakdown of services. The total fee for contract amendment is \$106,645.00. Should you have any additional questions, please call me.

Sincerely,



K. Scott Aja, PE
Vice President

Attachment: Hourly Breakdown and Typical Road and Utility Section

40044-070213.ca#1

TASK/HOUR BREAKDOWN

PROJECT: Contract Amendment #1, N Division Street Sewer Job Number: D2040044 CLIENT: City of Salisbury

	DIRECT LABOR COSTS													E	F	
	Category of Personnel															
	Rate per Hour															
A	A	A	A	A	A	A	A	A	A	A	A	A	B	D		
Principal, PE	Project Engineer	Surveyor	Civil Engineer	Cadd Designer	Admin. Assistant	Surv. Field Crew	Direct Labor Costs	OTHER DIRECT COSTS	Reimbursables	TOTAL FEE						
Phase/Task Survey and Design per hour rates	\$165.00	\$120.00	\$112.00	\$102.00	\$95.00	\$60.00	\$142.00									
Design the 36 inch replacement sewer and abandon the relief sewer design	28	143	0	72	42	2	287.00	\$0.00					\$245.00			\$33,479.00
Replace sidewalks with ADA compliant walks. Adjust lead sidewalks, driveways and adjacent yards. (Design only, field surveying below)	12	24	0	36	16	4										
Design the replacement of the water main and service connections in Division Street. Add surface temp. water on both sides.	3	20	0	24	20	0	\$0.00	\$0.00					\$800.00			\$11,092.00
Provide detailed bypass pumping plans for the sanitary sewer and storm drainage.	\$495.00	\$2,400.00	\$0.00	\$2,448.00	\$1,900.00	\$0.00	\$7,243.00	\$0.00								\$7,683.00
Provide a detailed traffic control plan for the sewer construction, all Phases.	12	42	0	58	32	0							\$960.00			\$16,936.00
Redraft the 11x25 (40 scale) sheets onto 24x36 (30 Scale) sheets.	\$1,980.00	\$5,040.00	\$0.00	\$5,916.00	\$3,040.00	\$0.00	\$15,976.00	\$0.00								\$16,936.00
Surveying services to correct poor as-built information (MD SHA and City) at Bridgeview Ave. and surveying for ADA sidewalks & mtgs.	2	16	0	32	12	0							\$420.00			\$7,074.00
Bridgview at North Salisbury Blvd. design and submittals to MD SHA for review and approval	\$330.00	\$1,920.00	\$0.00	\$3,264.00	\$1,140.00	\$0.00	\$6,654.00	\$0.00								\$7,074.00
Additional Geotechnical Borings, Analysis, Report and Traffic Control Plan for borings	3	6	0	12	36	0							\$600.00			\$6,459.00
	\$495.00	\$720.00	\$0.00	\$1,224.00	\$3,420.00	\$0.00	\$5,859.00	\$0.00								\$6,459.00
	6	14	12	0	18	0	84									
	\$990.00	\$1,680.00	\$1,344.00	\$0.00	\$1,710.00	\$0.00	\$4,828.00	\$0.00					\$150.00			\$10,702.00
	4	16	0	20	10	2							\$150.00			\$5,840.00
	\$660.00	\$1,920.00	\$0.00	\$2,040.00	\$950.00	\$120.00	\$0.00	\$0.00					\$300.00			\$7,380.00
	2	6	0	8	12	0										
	\$330.00	\$720.00	\$0.00	\$816.00	\$1,140.00	\$0.00	\$0.00	\$4,074.00					\$300.00			\$7,380.00
	72	287	12	262	198	8	34						\$4,065.00			\$106,645.00
TOTALS:	\$11,880.00	\$34,440.00	\$1,344.00	\$26,724.00	\$18,810.00	\$480.00	\$4,828.00	\$4,074.00					\$98,506.00			\$106,645.00

REMOVE AND REPLACE ALL CURB, GUTTER & SIDEWALKS NOT MEETING ADA STANDARDS (BOTH SIDES).

TOTAL STREET SECTION RECONSTRUCTION FROM APPROX. BALTIMORE AVE. NORTH CUL-DE-SAC. (INCLUDES CURB/GUTTER AND SIDEWALKS)

REMOVE ALL PAVEMENT INCLUDING OLD CONCRETE ROAD SECTION ON DIVISION STREET (FROM APPROX. BALTIMORE AVE. NORTHWARD TO CUL-DE-SAC)

S.W. PIPE TO REMAIN UNDISTURBED

EX. 10" SAN. PIPE TO REMAIN UNDISTURBED

Ex. 2" & 3" Gas

HP GAS MAIN(S) TO BE REPLACED BY GAS COMPANY

Ex. tele. duct bank

Ex. 12" W. TO BE REPLACED, (STA. 0+00 TO 15+67±). ALSO, REPLACE SERVICE CONNECTIONS TO & INCLUDING METERS.

REMOVE AND REPLACE EX. CROSSINGS S.W. PIPES AND STRUCTURES

REMOVE AND REPLACE SERVICE CONNECTIONS TO & INCLUDING CLEANOUTS, LOCATED ONE FOOT BEHIND SIDEWALK (TYP.)

RECONNECT ALL LATERALS TO NEW SEWER

REPLACE DEEP EX. 15" & 18" SS WITH NEW 36" SS

Ex. 15" SS
Inv. = 11.5±

DATUM ELEV
10.00

DEWATERING WELL POINT DEPTH TO BE DETERMINED BY THE CONTRACTOR

TYPICAL SECTION

STA. 3+50±
SCALE: HORIZ.: 1"=30'
VERT.: 1"=3'

TYP. SECTION
FOR
N. DIVISION STREET
SALISBURY, WICOMICO COUNTY, MARYLAND

Prepared For: CITY OF SALISBURY

MICRONE

- Engineering
- Environmental Sciences
- Construction Services
- Land Planning & Surveying

ANNAPOLIS • CENTREVILLE • DOVER • ELKTON • SALISBURY

119 NAYLOR HILL ROAD, SUITE 6
SALISBURY, MD 21801

PHONE 410-548-1432 • FAX 410-548-2055

www.microne-inc.com

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DRAWN BY ML

SCALE AS SHOWN

DATE 7/13/13

JOB NO. D2040044

SHEET No. 1

City of Salisbury



MARYLAND



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

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

VACANT
ASSISTANT CITY ADMINISTRATOR

KEITH CORDREY
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA

August 12, 2013

TO: Mayor and City Council

SUBJECT: Award of Contract A-3-12 R2

Miscellaneous Chemicals-WTP & WWTP

The Procurement Department received a request from the Public Works Department to process the extension of Annual Contract A-3-12 R2 Miscellaneous Chemicals for the Water Treatment Plant ("WTP") and the Waste Water Treatment Plant ("WWTP") provided by Intercoastal Trading in the amount of \$115,984.00 and Kemira Water Solutions, Inc. in the amount of \$284,184.00, respectively. This Annual Contract extension proposes to keep costs consistent with FY13 pricing for FY14.

There are sufficient funds to cover these purchases in account numbers 82075-546004 and 86083-546004 "Chemicals", respectively.

The Procurement Department requests Council's approval to approve the award of A-3-12 R2 for the WTP and for the WWTP as previously stated.

Thank you,

Catrice L. Parsons

Assistant Director Internal Services-Procurement and Parking

City of Salisbury



MARYLAND

Salisbury



2010

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR

AMANDA H. POLLACK, P.E.
ACTING DIRECTOR
OF PUBLIC WORKS

TO: Catrice Parsons – Director of Internal Services
FROM: Amanda Pollack, P.E. – Acting Director of Public Works *AP*
DATE: July 24, 2013
SUBJECT: Recommendation for Award
Contract No A-3-12, R2
Miscellaneous Chemicals – Wastewater Treatment Plant (WWTP)
Water Treatment Plant (WTP)

All vendors, (Intercoastal and Kemira), covered under Contract No. A-3-12 R2 have agreed to renew our chemical contracts at the same pricing for one additional year. The WWTP and the WTP are both satisfied with the performance and product quality from these vendors and recommends awarding these chemical vendors a chemical supply contract for an additional year:

WWTP Total: \$287,184.00

Kemira Water Solutions Inc. Ferric Chloride 600DT @ \$478.64 (38% - 42% Solution)	\$287,184.00
--	---------------------

Funds are available in the WWTP budget: Account 86083-546004 Chemicals

WTP Total: \$115,984.00

Intercoastal Trading Sodium Hydroxide 25% \$176 dry ton x 659	\$115,984.00
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Funds are available in the WTP budget: Account 82075-546004 Chemicals

Amanda H. Pollack

Amanda H. Pollack, P.E.
Acting Director of Public Works

City of Salisbury



MARYLAND



JAMES IRETON, JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
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AMANDA H. POLLACK, P.E.
ACTING DIRECTOR OF
PUBLIC WORKS

To: Tom Stevenson, Acting City Administrator
From: Amanda Pollack, Acting Director of Public Works
Date: July 25, 2013
Re: Rivers Edge – Capacity Fee Waiver

Attached is a Resolution for consideration to waive the Capacity Fees associated with the Rivers Edge Apartments and Studio for the Arts. Also attached is the letter from Osprey Property Company, LLC requesting the waiver. Public Works has reviewed the waiver request and recommends approval. The request meets the criteria outlined in Resolution No. 1211 for Affordable Housing.

Unless you or the Mayor has further questions, please forward a copy of this memo to the City Council.



July 2, 2013

Amanda Pollack
Acting Public Works Director
Department of Public Works, City of Salisbury
125 N. Division Street, Room 202
Salisbury, Maryland 21801-4940

Via email to: apollack@ci.salisbury.md.us

Re: Rivers Edge Apartments and Studio for the Arts
660-680 Fitzwater Street, Salisbury, MD 21801

Dear Ms. Pollack:

Osprey Property Company LLC requests the Mayor and City Council to approve a water and sewer Capacity Fee Waiver under the authority of Resolution # 1211 for affordable housing. Our proposed project, Rivers Edge Apartments and Studio for the Arts, meets all the criteria stated in Resolution # 1211. Specifically all 90 units will be built and financed under a recorded and binding Extended Usage Agreement that limits, for a period of 40 years, rent charged for the units in order to make the unit affordable to households earning less than 60% of the area median income, adjusted for family size.

Based on data from a similar multifamily community in Salisbury, we anticipate using 110 gallons per unit per pay in water usage at Rivers Edge Apartments and Studio for the Arts. However in order to be conservative for the benefit of the wastewater treatment plant and the capacity fee waiver process we are requesting a waiver based on 250 gallon per day per EDU rate, this equates to 90 EDUs.

Should you have any questions, please do not hesitate to contact me at ahanson@ospreypc.com or (410) 251-2918. Thank you for your consideration and assistance in this matter.

Sincerely,

W. Andrew Hanson
Vice President
Development Manager for Rivers Edge Apartments and Studio for the Arts

Osprey Property Company LLC ■
175 Admiral Cochrane Dr, Suite 201 ■ Annapolis, MD 21401
Phone: 443-716-2579 ■ Fax: 410-224-0120
www.ospreypc.com

1 RESOLUTION NO. 2318

2
3 A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND
4 AUTHORIZING THE CAPACITY FEE OF THE CITY'S COMPREHENSIVE
5 CONNECTION CHARGE BE WAIVED FOR A DEVELOPMENT KNOWN AS
6 RIVERS EDGE APARTMENTS AND STUDIO FOR THE ARTS, WHICH IS AN
7 AFFORDABLE HOUSING DEVELOPMENT.

8
9 WHEREAS, the Osprey Property Company has requested a waiver of the Capacity
10 Fee for their development known as Rivers Edge Apartments and Studio for the Arts; and

11
12 WHEREAS, the proposed development requires ninety (90) Equivalent Dwelling
13 Units of water and sewer service and is located inside the City Limits; and

14
15 WHEREAS, the Capacity Fee for 90 Equivalent Dwelling Units is \$317,970; and

16
17 WHEREAS, one of the City's goals is to encourage the development of affordable
18 housing in the City of Salisbury; and

19
20 WHEREAS, the City Council approved a Capacity Fee waiver process under
21 Resolution No. 1211 for public sponsored or affordable housing, which means any dwelling
22 unit built or financed under a government program, regulation, or binding agreement that
23 limits for at least ten years the price or rent charged for the unit in order to make the unit
24 affordable to households earning less than 60% of the area median income, adjusted for
25 family size; and

26
27 WHEREAS, the Osprey Property Company has committed to providing affordable
28 housing at their Rivers Edge apartments to households earning less than 60% of the area
29 median income, adjusted for family size.

30
31 NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury,
32 Maryland approves the waiver of 90 Equivalent Dwelling Units of Capacity Fee for the
33 Osprey Property Company sponsored affordable housing development known as Rivers
34 Edge Apartments and Studio for the Arts.

35
36 THIS RESOLUTION was introduced and duly passed at a meeting of the Council
37 of the City of Salisbury, Maryland held on _____, 2013 and is to become effective
38 immediately upon adoption.

39
40 ATTEST:

41
42
43 _____
44 Kimberly R. Nichols
45 CITY CLERK

46 _____
47 Laura Mitchell
48 VICE PRESIDENT, City Council
49

50

51

52 APPROVED by me this _____ day of _____, 2013

53

54

55

56 _____

56 James Ireton, Jr.

57 MAYOR, City of Salisbury

AS AMENDED ON JULY 22, 2013
ORDINANCE No. 2257

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY2014 GENERAL FUND TO APPROPRIATE FUNDS FOR THE ADDITION OF A NETWORK ADMINISTRATOR POSITION TO THE DEPARTMENT OF INFORMATION TECHNOLOGY.

WHEREAS, the City of Salisbury has expanded and is planning to continue to expand the scope of Information Technology services offered to both citizens and employees; and

WHEREAS, the City of Salisbury is currently outsourcing network administration tasks to a vendor at the cost of \$120 per hour; and

WHEREAS, the City of Salisbury finds it more cost effective to reduce funding to said vendor and hire a full-time position to handle the workload; and

WHEREAS, the City of Salisbury is in need of a Network Administrator to help facilitate service to both citizens and employees.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, THAT THE City's Fiscal Year 2014 Budget be amended as follows:

- 1) Increase Information Technology Department by \$38,620
- 2) Increase General Fund Surplus Available (01000-469810) by \$38,620

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 this 22nd day of July, 2013, 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 12th day of August, 2013.

ATTEST:

Kimberly R. Nichols, City Clerk

Jacob R. Day, City Council President

APPROVED BY ME THIS: _____ day of _____, 2013

James Ireton Jr., Mayor

City of Salisbury



MARYLAND



JAMES IRETON, JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

AMANDA H. POLLACK, P.E.
ACTING DIRECTOR OF
PUBLIC WORKS

To: Tom Stevenson, Acting City Administrator
From: Amanda Pollack, Acting Director of Public Works
Date: July 16, 2013
Re: EDU Incentive Area

As discussed at the May 20, 2013 and June 17, 2013 work sessions, the establishment of an "EDU Incentive Area" is recommended as part of the Mayor's Downtown Initiative. The City owns the former Anderson Property (Linens of the Week) and the 317 EDUs associated with the business.

In Downtown Salisbury, development is encouraged within the Central Business District, the Arts & Entertaining area, and with the Sustainable Communities designation. Additionally, developers can apply for Revolving Loan Funds and Enterprise Zone credits. An EDU Incentive area would be another means of targeting growth downtown.

The following is criteria for the EDU Incentive Area:

1. The EDU Incentive Area downtown coincides with the Central Business District zoning and the Riverfront Redevelopment area.
2. The EDU Incentive Area is valid for a period of five years. After five years, the initiative will be subject to review and reauthorization.
3. There are 300 EDU's available after reserving capacity for the Linens of the Week property.
4. Applications for EDU's would be received and processed on a first come, first serve basis.
5. In the downtown area, EDU incentives would be offered for all new development and revitalization of existing buildings.
6. Outside of the downtown area, EDU incentives may be offered for revitalization of existing buildings in the Enterprise Zone.
7. Project eligibility criteria consists of whether the project meets the existing zoning criteria.
8. Requests will be submitted to the Director of Public Works for review. The Public Works Department will prepare an agreement for each property which will specify that the EDU

allocation is valid for two years, with the option to extend for two, one-year terms at the discretion of the Public Works Director.

9. The allocation time frame is defined as the time from the signing of the Agreement to when the comprehensive connection fees are paid.
10. Allocated EDUs are assigned to the property and cannot be transferred by the developer to another property.
11. Any Affordable Housing projects in this EDU area should pursue the Capacity Fee Waiver for Public Sponsored or Affordable Housing.

Attached is a draft Ordinance for consideration to provide for an EDU Incentive Area.

Unless you or the Mayor have further questions, please forward a copy of this memo to the City Council.

1 **ORDINANCE NO. 2258**

2
3 AN ORDINANCE OF THE CITY OF SALISBURY ADJUSTING WATER OR SEWER
4 CHARGES IN ACCORDANCE WITH CHAPTER 13.04.090 OF THE CITY CODE.

5
6 WHEREAS, the City established the Reduction or increase of water and sewer charges in Chapter
7 13.04.09 of the City Code by passage of Ordinance No. 1983 on January 23, 2006 and Ordinance
8 No. 2133 on January 24, 2011; and
9

10 WHEREAS, Chapter 13.04.090 states that the Council may, by ordinance, reduce or increase the
11 water and sewer charges established in this chapter; and
12

13 WHEREAS, the City seeks to encourage development and redevelopment in the Central Business
14 District located in the Downtown area; and
15

16 WHEREAS, the City seeks to reduce the capacity fees for eligible development and
17 redevelopment in the Downtown area by means of an EDU Incentive Area; and
18

19 WHEREAS, the Director of Public Works made due diligence efforts to notify as many eligible
20 developers as practical that may be potentially impacted by an EDU Incentive Area; and
21

22 WHEREAS, the Director of Public Works provided the City Council a recommendation of the
23 proposed EDU Incentive Area the May 20, 2013 and June 17, 2013 City Council work sessions,
24 and the July 22, 2013 City Council legislative meeting.
25

26 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
27 SALISBURY, MARYLAND that Chapter 13.04 be amended by the addition of Section:
28

29 **13.04.110 EDU Incentive Area**

30
31 A. An EDU Incentive Area has been established for a period of five years from the date of final
32 passage of the ordinance. The incentive shall be reevaluated prior to the end of the five year
33 period. Three hundred (300) EDU's are available to be allocated.
34

35 B. A developer may submit written documentation to the Director of Public Works to establish
36 eligibility for a project within the EDU Incentive Area if the project meets all of the following
37 criteria:
38

- 39 1. The project is within either the Downtown Development District, Central Business
40 District zoning, the Riverfront Redevelopment area, or in the Enterprise Zone area.
- 41 2. In the downtown area, the project consists of either new development or revitalization of
42 existing buildings. Outside of the downtown area and in the Enterprise Zone area, the
43 project consists of revitalization of existing buildings.
- 44 3. The project meets the current zoning criteria at the time of application.
- 45 4. The project does not qualify for the Capacity Fee Waiver for Public Sponsored or
46 Affordable Housing.
47

48 C. If eligible, the developer shall comply with the following requirements and submit the
49 required documentation to the Director of Public Works.
50

- 51 1. Written requests for EDU allocations will be submitted to the Director of Public Works
52 for review. After review, Public Works shall submit the allocation request to the Mayor
53 for approval. With the Mayor's approval, a Resolution will be forwarded to City Council
54 for their approval.
55 2. The Resolution for each property will specify that the EDU allocation is valid for two
56 years, with the option to extend for two one-year terms at the discretion of the Public
57 Works Director. The Public Works Director may refuse to grant a requested extension if
58 the Public Works Director finds that the property owner is not making good faith efforts
59 to complete the project.
60 3. The two-year time frame is defined as the time from the signing of the Resolution to the
61 time when the comprehensive connection fees are paid.
62 4. Allocated EDUs are assigned to a project and to the property on which the project is
63 located. EDUs cannot be transferred by the developer to another property.
64

65 BE IT FURTHER ORDAINED that this ordinance shall take effect from the date of its final
66 passage.
67

68 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury
69 held on the ___ day of _____, 2013, and thereafter, a statement of the substance of the
70 Ordinance having been published as required by law, was finally passed by the Council on the
71 ___ day of _____, 2013.
72

73
74 ATTEST
75

76
77 _____
78 Kimberly R. Nichols, City Clerk
79

Laura Mitchell, Vice President
Salisbury City Council

80
81 Approved by me this ___ day of _____, 2013
82

83
84 _____
85 James Ireton, Jr. Mayor