

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

AUGUST 27, 2012

PRESENT

*Council President Terry E. Cohen
Councilwoman Laura Mitchell
Mayor James Ireton, Jr.*

*Council Vice President Deborah S. Campbell
Councilwoman Eugenie P. Shields
Councilman Timothy K. Spies*

IN ATTENDANCE

City Clerk Kimberly R. Nichols, CMC, City Administrator John Pick, ICMA-CM, City Attorney Mark Tilghman, Public Works Director Teresa Gardner, Acting Director of Internal Services Gerri Moore, Acting Fire Chief Rick Hoppes, and interested Citizens and Members of the Press.

MEDITATION – PLEDGE OF ALLEGIANCE

The City Council met in regular session at 6:00 p.m. in Council Chambers. Council President Cohen called the meeting to order. A moment of silent meditation was held followed by the Pledge of Allegiance.

ADOPTION OF LEGISLATIVE AGENDA

Mrs. Campbell moved and Mr. Spies seconded to adopt the legislative agenda as presented.

Mrs. Mitchell moved, Mr. Spies seconded, and the vote was unanimous to amend the agenda by removing the April 26, 2012 work session minutes from the agenda for further discussion at a later date. Mrs. Mitchell requested all future work sessions be moved from Conference Room 306 to Council Chambers due to the better quality audio system in the Council Chambers.

Mrs. Mitchell moved and Mrs. Shields seconded to amend the agenda by adding the River's Edge project resolution immediately following Resolution No. 2198. The amendment failed on a 3 – 2 vote, with Ms. Cohen, Mrs. Campbell, and Mr. Spies voting nay and Mrs. Shields and Mrs. Mitchell voting aye.

The legislative agenda, as amended, was passed on a 3-2 vote. Ms. Cohen, Mrs. Campbell and Mr. Spies voted aye and Mrs. Mitchell and Mrs. Shields voted nay.

CONSENT AGENDA – presented by City Clerk Kim Nichols

The Consent Agenda, consisting of the following items, was unanimously approved on a motion by Mrs. Mitchell and a second by Mr. Spies:

- *April 26, 2012 closed session minutes*
- *May 6 – May 8, 2012 closed session minutes*
- *May 14, 2012 regular meeting minutes*
- *Resolution No. 2191 – reappointment of Patricia Derrick to the Recycling Advisory Committee*
- *Resolution No. 2192 – accepting a 1994 Chevrolet Caprice which was forfeited to the Salisbury Police Department, through the Wicomico County Circuit Court, and is requesting that the vehicle be declared surplus and sold at auction with the proceeds going to the City's General Fund*
- *Resolution No. 2194 – supporting Habitat for Humanity's application to the Department of Housing and Community Development for Community Investment tax Credits for their project to construct or rehabilitate a minimum of four homes*
- *Resolution No. 2195 – accepting grant funding from the Governor's Office of Crime Control and Prevention (GOCCP) under the Law Enforcement Training Scholarship (LETS) Program which covers the cost of specialized training for law enforcement officers*

AWARD OF BIDS – presented by Acting Director of Internal Services Gerri Moore

The following item was unanimously approved on a motion by Mrs. Campbell and a second by Mr. Spies:

- *Extension of PO02120058 for Thioguard Chemical - \$341,275.00*

PUBLIC HEARING/RESOLUTION - presented by City Administrator John Pick

- *Resolution No. 2193 –to authorize an application for the renewal and expansion of the Salisbury – Wicomico Enterprise Zone*

Mrs. Shields moved and Mrs. Mitchell seconded to approve Resolution No. 2193. Mr. Pick provided an overview of the Enterprise Zone program, which was designed to serve as an incentive for economic development in the community. The City of Salisbury has participated in the program for thirty (30) years.

Mr. Keith Hall, Planning & Zoning Long Range/Transportation Planner, was invited to the podium to review the proposed map for the public. He explained that every ten (10) years the Enterprise Zone must be re-certified and can potentially be expanded at that time. He expounded on the Priority Funding areas on the map. Both the City and County have reached consensus on the proposed expansions. The County Council requires the passage of Resolution No. 2193 in order to move forward with the application. The application is due to the State of Maryland on October 15, 2012.

Mrs. Mitchell motioned, Mrs. Shields seconded, and the vote was unanimous to amend

Resolution No. 2193 by striking the second "in" (third word from the end of the sentence) on Line 19.

Mrs. Campbell motioned, Mr. Spies seconded, and the vote was unanimous to amend Resolution No. 2193 by amending Lines 23 and 24 by changing the following:

- insert ", based on the attached map, " after the word "Expansion"
- replace "which has been" with the words "to be"
- insert "for approval to the Wicomico County Council, and pending the Council's approval, " after the word "submitted"
- insert "for its approval" before the period on Line 24

Lines 23 and 24 will read, "the Enterprise Zone Application for Renewal and Expansion, based on the attached map, to be submitted for approval to the Wicomico County Council, and pending the Council's approval, to the Maryland Department of Business and Economic Development for its approval."

Resolution No. 2193, as amended, was unanimously passed, and no comments were received during the public hearing.

ORDINANCES – presented by City Attorney Mark Tilghman

- Ordinance No. 2215 – 1st reading – creating a bike route which will run from the intersection of Camden Avenue and West College Avenue to North Division Street near the Government Office Building; providing dedicated bicycle-only lanes and shared bicycle and motorized vehicle lanes as directed by MDMUTCD Chapter 9, Traffic Control for Bicycle Facilities (MDMUTCD); installing lane striping for dedicated lanes; installing shared lane markings for shared lanes; installing bicycle markings on-pavement; and installing bike route signage along the route per the MDMUTCD

Ordinance No. 2215, as amended, was unanimously approved for second reading on a motion by Mrs. Campbell and seconded by Mrs. Shields.

The following comments were received from one member of the public:

- thanked Council for passing the legislation
 - Council shows vision and leadership in passing this legislation
 - excited to see Public Works staff (Ms. Gardner and Bill Sterling) embrace this project
 - community members and organizations are donating to the project
- Ordinance No. 2216 – 1st reading – approving a budget amendment of the FY13 General Fund to appropriate funds received from the 2012 Speed Camera Program to purchase a new network server and related software and six laptop computers

Mr. Spies motioned and Mrs. Campbell seconded to approve Ordinance No. 2216 for first reading.

Mr. Spies motioned, Mrs. Shields seconded, and the vote was unanimous to amend the ordinance by making the following changes:

- *Line 4 – strike the first “D” in AMENDMENT*
- *Line 8 – insert “(SPD)” after the word “Department”*
- *Line 16 – insert “and” before the word “hostage”*
- *Line 21 – strike the word “were” after the word “WHEREAS” and insert “were” before the word “received”*

Ordinance No. 2216 for first reading was unanimously passed.

RESOLUTIONS – presented by City Administrator John Pick

- *Resolution No. 2196 – authorizing the Chief of Police to enter into a reimbursement agreement between the City of Salisbury Police Department and the Maryland State Police (MSP) Grants Management Section to manage allocated funding for equipment and supplies for the Eastern Shore Information Center (ESIC)*

Mr. Spies motioned and Mrs. Mitchell seconded to approve Resolution No. 2196.

Mrs. Mitchell motioned, Mr. Spies seconded, and the vote was unanimous to amend Resolution No. 2196 with the following:

- *Line 5 – insert “(SPD) after the word “Department”*
- *Line 16 – insert a comma after the word “Center”*
- *Line 18 – remove “(SCP)” and insert “Procurement” in its place*
- *Line 29 – remove “this” and insert “the attached” in its place*

Resolution No. 2196, as amended, was unanimously passed.

Resolution No. 2197 – accepting Environmental Protection Agenda (EPA) grant funds for the construction of the Wastewater Treatment Plant Drain Pump Station

*Mrs. Shields motioned and Mrs. Mitchell seconded to approve Resolution No. 2197.
Mrs. Mitchell motioned, Mrs. Shields seconded, and the vote was unanimous to amend Resolution No. 2197 by making the following changes:*

- *Line 19 – strike “construct” and insert “be applied toward the construction costs for” in its place*
- *Line 23 – strike “for” and insert “to be applied toward” and strike “of” and*

insert "costs for"

Resolution No. 2197, as amended, was unanimously passed.

(After taking a break at 7:28 p.m., Council reconvened at 7:40 p.m.)

Resolution No. 2198 – accepting grant funds from the United States Department of Homeland Security Staffing for Adequate Fire & Emergency Response Grants (S.A.F.E.R.) Program for the hiring of additional firefighting personnel to be used by the Fire Department in the protection and delivery of emergency services to the citizens of the Salisbury Fire District

Mrs. Mitchell moved and Mrs. Campbell seconded to approve Resolution No. 2198.

The following comments were heard from seven (7) members of the public:

- *Council should have been notified of the grant application*
- *Council thanked for their due diligence*
- *leadership qualities and problem solving skills*
- *request to accept the grant money*
- *grant writers are paid to find pots of money for the City of Salisbury*
- *the City may not get other opportunities if they refuse to accept this grant*
- *this is a gift to the City of Salisbury with "no strings attached"*
- *in two years, fifteen (15) EMT/FF will be eligible to retire*
- *there are part-time EMT/FF who already have turn-out gear and training*

Mrs. Campbell motioned and Mr. Spies seconded to approve Resolution No. 2198 contingent upon the Administration providing Council with the FY12 financial figures (unaudited cash balance and the amount being returned to surplus) and having those figures validate that the City can afford to pay for the additional EMT/FF after two years. After discussion, the motion unanimously failed.

(Council took a break at 8:22 p.m. and reconvened at 8:28 p.m.)

Resolution No. 2198 was passed on a 4 – 0 vote. Ms. Cohen, Mrs. Mitchell, Mrs. Shields, and Mr. Spies voted aye and Mrs. Campbell abstained.

PUBLIC COMMENTS

The following remarks were received from one member of the public:

- *many resolutions have recently been inaccurately introduced as emergencies*
- *request for more notification of these emergency items*

ADJOURNMENT

The meeting adjourned at 9:06 p.m.

*CITY OF SALISBURY, MARYLAND
CLOSED SESSION
AUGUST 14, 2012*

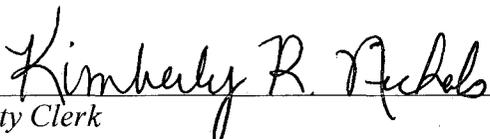
TIME & PLACE: 8:45 a.m., Government Office Building – Conference Room 306
PURPOSE: Consult with legal counsel and staff to discuss pending or potential litigation concerning negotiations related to the Wastewater Treatment Plant lawsuit
VOTE TO CLOSE: Unanimous
CITATION: Annotated Code of Maryland Sections 10-508(a)(7)(8)
PRESENT: Council President Terry E. Cohen, Mayor James Ireton, Jr., Councilwoman Laura Mitchell, Councilwoman Eugenie P. Shields, Councilman Timothy K. Spies, City Clerk Kimberly R. Nichols, City Administrator John R. Pick, Public Works Director Teresa Gardner, City Attorney Mark Tilghman, Attorneys Howard Goldberg and Paul Wilber, and Judge Joseph F. Murphy
ABSENT: Council Vice President Deborah S. Campbell,

During the Council's August 14, 2012 open session, Mrs. Mitchell moved to convene in closed session for the purpose of discussing pending or potential litigation concerning negotiations for settlement with a party related to the Wastewater Treatment Plant lawsuit. Mr. Spies seconded and the vote was unanimous to close the meeting at 8:45 a.m.

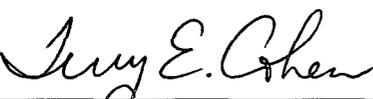
At 8:47 a.m. Council recessed in order to move the closed session to Attorney Paul Wilber's office for the settlement session. At 9 a.m., Council reconvened in closed session in Mr. Wilber's office.

Council reached unanimous consensus to not accept the proposed agreement.

At 12:03 p.m., on a motion and a second by Mrs. Mitchell and Mrs. Shields, respectively, and by unanimous vote, Council recessed the closed session to return to open session.



City Clerk



Council President

City of Salisbury



MARYLAND

JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

Salisbury



2010

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GERRI L. MOORE
ACTING DIRECTOR OF INTERNAL
SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA

August 27, 2012

1. Extension of PO02120058 For Thioguard Chemical

\$341,275.00

City of Salisbury



MARYLAND

Salisbury



2010

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ASSISTANT CITY ADMINISTRATOR

COUNCIL AGENDA

August 27, 2012

TO: Mayor and City Council

SUBJECT: Extension of PO# 02120058
WWTP Thioguard Chemical

The City of Salisbury's Procurement Department, received a request from Salisbury Public Works (SPW) to process the extension of PO# 2120058 for WWTP chemical Thioguard provided by Premier Magnesia, LLC in the amount of \$341,275.00. This PO extension proposes to increase the cost from \$1.87 to \$2.15 per gallon.

The pricing increase is due to additional equipment needed to improve the efficiency of the current system. SPW is looking to replace the current system in the next WWTP Upgrade. It is cost effective to continue service with the current vendor until the upgrades take place. Additional details are noted in the department memo.

There are sufficient funds in account number 86083-546004 "Chemicals". The Procurement Department requests Council's approval to approve the PO extension as noted above.

Thank you,

Catrice L. Parsons
Assistant Director of Internal Services-Procurement & Parking

City of Salisbury



MARYLAND

Salisbury



2010

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TERESA GARDNER, P.E.
DIRECTOR OF PUBLIC WORKS

JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

August 15, 2012

To: Catrice Parsons, Purchasing
From: Teresa Gardner, Public Works *ll*
Re: Contract Extension for Thioguard Purchase (WWTP)

Please extend Purchase Order 02120058 for the Wastewater Treatment Plant's purchase of **Thioguard®** (MgOH) for another year. Due to the addition of a second feed point, the vendor, **Premier**, has increased the cost from \$1.87 per gallon to \$2.15 per gallon. The increase per gallon covers the cost of using Premier's additional equipment (2500 gallon tank, peristaltic pump and VFD controller). Premier also provides parts and maintenance for their equipment. The cost will be guaranteed for one year.

By adding the second feed point, the efficiency of the Thioguard has improved. Because of the improved efficiency, we are able to maintain our annual cost even though the price per gallon has increased. The City has sufficient funds in our WWTP chemical budget account number 86083 546004 to cover the cost of this chemical for FY13. \$341,275.00 was budgeted for these purchases.

The use of Thioguard® is critical to safely stay within and maintain the pH limits of the WWTP discharge effluent. This product is specifically manufactured to prohibit wide excursions of pH so it is the ideal chemical to use for pH control at the WWTP.

To look into another chemical vendor for this material at this time would not be cost efficient as we would be required to rebuild the storage and delivery system. A more permanent system is being planned with the next WWTP upgrade. When the WWTP upgrade occurs it will allow us to purchase only the chemical which will eliminate the need for temporary storage and pumping systems.

Please review our request and forward to Council if our recommendation is acceptable.