

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

DECEMBER 12, 2011

PRESENT

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

*Council Vice President Deborah S. Campbell
Councilwoman Eugenie P. Shields
Mayor James Ireton, Jr.*

IN ATTENDANCE

City Clerk Brenda Colegrove, MMC, City Administrator John Pick, ICMA-CM, Assistant City Administrator Loré Chambers, City Attorney Paul Wilber, Acting Internal Services Director Gerri Moore, Fire Chief Jeff Simpson, 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.

CERTIFICATES OF APPRECIATION – presented by Mayor James Ireton, Jr.

United Way - Ms. Pam Gregory, Director of Donor Relations, and Ms. Ginny Reid-Matern, Vice President of the Wicomico County Campaign, accepted a certificate citing that City employees had donated \$5,600 to the United Way campaign. A Certificate of Appreciation was presented to Sherrell McBride (Mayor’s Office) for serving as the City’s coordinator for the campaign.

Just Zoo It – The following individuals received Certificates of Appreciation for serving on the Just Zoo It Committee:

- | | | |
|-----------------------------|----------------------|--------------------------|
| <i>Cathy Bassett, Chair</i> | <i>Marty Neat</i> | <i>Mary Seemann</i> |
| <i>Annie Bassett</i> | <i>Ashley Bosche</i> | <i>Leonora Dillon</i> |
| <i>Will Bassett</i> | <i>Amy Sevigny</i> | <i>Kayla Smith</i> |
| <i>Debi Rus</i> | <i>Judy Herman</i> | <i>Stacey Weisner</i> |
| <i>Jenni Pastusak</i> | <i>Jill McCabe</i> | <i>Roxane Gabrielson</i> |
| <i>Joel Hamilton</i> | <i>Kim Nechay</i> | |

ADOPTION OF LEGISLATIVE AGENDA

Mrs. Campbell moved and Mr. Spies seconded to adopt the legislative agenda as presented. Mrs. Shields requested to remove Resolution No. 2124 (reappointment of Barbara E. Loreman to the Historic District Commission) from the Consent Agenda for discussion immediately

following the Consent Agenda. The legislative agenda, as amended, was unanimously adopted.

CONSENT AGENDA – presented by City Clerk Brenda Colegrove

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

- November 21, 2011 work session minutes
- November 28, 2011 closed session minutes
- November 28, 2011 regular meeting minutes
- Resolution No. 2123 – amending and supplementing Resolution No. 2119 to change certain references in the Resolution from Acting Director of Internal Services to Director of Internal Services
- Resolution No. 2125 – reappointment of Carol Bradley and Roland Leimann to the Zoo Commission for terms expiring December 31, 2014.
- Resolution No. 2126 – approving a lease with Shore Fresh Growers Association for the purpose of operating a producer's farmers' market in Downtown Salisbury
- Resolution No. 2127 – accepting funds of \$37,875 awarded through a grant from the Department of Housing and Community Development, Emergency Solutions Grant to provide funding to the following organizations: Diakonia, Inc. (\$10,250), Village of Hope (\$10,250), Second Chance Help (\$7,125) and Samaritan Ministries (\$10,250)
- Resolution No. 2128 – accepting donations (\$10,000) from the Delmarva Zoological Society for the establishment of a contingency fund for the construction of the new Animal Health Clinic at the Salisbury Zoological Park

RESOLUTION NO. 2124 - REAPPOINTMENT OF BARBARA E. LOREMAN TO THE HISTORIC DISTRICT COMMISSION FOR A TERM TO EXPIRE DECEMBER 31, 2014

Mrs. Campbell moved and Mr. Spies seconded to approve Resolution No. 2124. Mrs. Mitchell moved and Mrs. Shields seconded to take the Resolution back to a work session for discussion. The motion failed with Mrs. Mitchell and Mrs. Shields voting aye and Mrs. Campbell, Ms. Cohen and Mr. Spies voting nay. Resolution No. 2124 passed with Mrs. Campbell, Ms. Cohen and Mr. Spies voting aye. Mrs. Shields voted nay and Mrs. Mitchell abstained.

PRESENTATION OF AUDIT – presented by Pam Baker

Ms. Pam Baker from the auditing firm of Barbacane, Thornton and Company summarized the results of the City's Audit Report as of June 30, 2011. An unqualified or clean audit opinion was rendered by the auditing firm.

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

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

- *RFP 06-12 Engineering Services for Parsons Road Pavement Replacement* \$63,900

RESOLUTIONS – presented by City Administrator John Pick

- *Resolution No. 2129 – declaring that Windsor Development, LLC is eligible to receive Enterprise Zone benefits for property located at 1751 Westwood Drive*

Resolution No. 2129 passed unanimously on a motion and a second by Mr. Spies and Mrs. Shields, respectively.

- *Resolution No. 2130 – extending the moratorium (for a period of up to 90 days or until new code or procedures are adopted) established by Resolution No. 2101 on certain actions in connection with multi-family residences in R-5, R-8 and R-10 zoning districts that are suspected of being used in an illegal, non-conforming manner*

On a motion by Mr. Spies and seconded by Mrs. Campbell, Resolution No. 2130 passed unanimously.

- *Resolution No. 2131 – accepting a Maryland Emergency Management Agency Grant authorized by the Federal Emergency Management Agency for a foam carrying trailer and appliances for the Salisbury Fire Department*

Resolution No. 2131 passed unanimously on a motion by Mrs. Campbell and seconded by Mrs. Mitchell.

ORDINANCES – presented by City Attorney Paul Wilber

- *Ordinance No. 2182 - 1st reading – approving an amendment (\$667,500) of the FY12 Water and Sewer Fund Budget to cover costs of the Wastewater Treatment Plant litigation*

Ordinance No. 2182 for first reading passed unanimously on a motion by Mrs. Mitchell and seconded by Mrs. Shields.

- *Ordinance No. 2183 - 1st reading – approving an amendment (\$11,481.95) of the FY12 Fire Department Budget to accept insurance funds associated with repairing damage to the roof and infrastructure of Fire Station #2*

On a motion by Mr. Spies and seconded by Mrs. Campbell, Ordinance No. 2183 for first reading passed unanimously.

PUBLIC COMMENTS

One citizen commented on the rental inspection program. A copy of the comments/questions is attached and made a part of these minutes.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

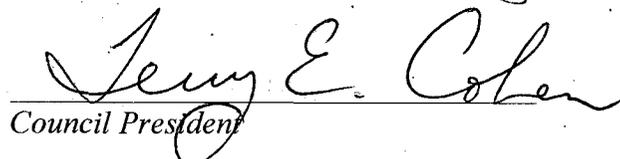
**CITY OF SALISBURY, MARYLAND
CLOSED SESSION
DECEMBER 12, 2011**

TIME & PLACE: 4:33 p.m., Government Office Building – Conference Room 306
PURPOSE: Consult with city attorney/staff on pending litigation
VOTE TO CLOSE: Unanimous
CITATION: Annotated Code of Maryland Sections 10-508(a)(7)(8)
PRESENT: Council President Terry E. Cohen, Council Vice President Deborah S. Campbell, Councilwoman Laura Mitchell, Councilwoman Eugenie P. Shields, Councilman Timothy K. Spies, City Clerk Brenda J. Colegrove, Assistant City Administrator Loré Chambers, City Attorney Paul Wilber, Attorney Howard Goldberg (via telephone), Public Works Director Teresa Gardner, Dale Pusey

The Council convened in open session at 4:30 p.m. in Conference Room 306 of the Government Office Building. At 4:33 p.m., Mrs. Shields moved to convene in closed session to consult with legal counsel and staff on pending litigation pertaining to the Wastewater Treatment Plant (WWTP) as permitted under the Annotated Code of Maryland Sections 10-508(a)(7)(8). Mr. Spies seconded and the vote was unanimous.

Councilmembers unanimously concurred with the recommendation put forth by the City Attorney. On a motion by Mrs. Campbell, seconded by Mrs. Mitchell, and by unanimous vote, the Council adjourned the closed session at 5:32 p.m. and returned to open session for adjournment.


City Clerk


Council President

City of Salisbury



MARYLAND

Salisbury



2010

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

GERRI L. MOORE
ACTING DIRECTOR OF INTERNAL
SERVICES
PROCUREMENT DIVISION

JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORE L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

COUNCIL AGENDA

December 12, 2011

1. RFP 06-12 Engineering Services for Parsons Road Pavement Replacement Award \$63,900.00

City of Salisbury



MARYLAND

Salisbury



2010

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

JAMES IRÉTON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORE L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

GERRI L. MOORE
ACTING DIRECTOR OF INTERNAL
SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA

December 12, 2011

TO: Mayor and City Council

SUBJECT: Recommendation of Award for RFP 06-12

Engineering Services for Parsons Road Pavement Replacement

The City of Salisbury Internal Services Department-Procurement Division, received a request from the Salisbury Public Works ("SPW") to solicit bids for Engineering Services for Parsons Road Pavement Replacement.

Under RFP 06-12, the Procurement Division requested bids for this project. The Procurement Division followed standard bid practices by advertising in the Daily Times, on the City of Salisbury's website, utilizing the City's vendor list, and advertising on the State of Maryland's website; eMaryland Marketplace. A total of nineteen (19) vendors were sent bid packages with eleven (11) vendors submitting a bid by the due date and time, November 29, 2011 at 2:30 p.m.

SPW has reviewed the bids in accordance with the contract documents, reviewed references, and the ranking matrix and has chosen to award the project to AMT, who has the highest ranking according to the ranking matrix, as listed above.

The four vendors whose RFP bid prices were lower than AMT are not being considered for award of this RFP due to their terms and conditions not being acceptable to SPW, the projected timeline was unacceptable, not enough redundancy in staff for this type of project size and scope, and/or they did not provide a responsive RFP bid submission.

<u>Vendor</u>	<u>RFP Bid Price</u>	<u>Ranking Score</u>
AMT	\$63,900.00	3.58

GMB	\$67,250.00	3.56
URS	\$44,200.00	3.46
ARRO	\$39,500.00	3.43
DBF	\$65,700.00	3.36
BAI	\$85,365.00	3.29
Pennoni	\$69,880.00	3.07
EBA	\$98,500.00	3.05
Lane Engineering	\$46,435.00	2.94
Wallace, Montgomery, & Assoc.	\$131,400.00	2.88
David Myers & Assoc.	\$57,600.00	2.79

After review of the submitted bids, the Department of Internal Services-Procurement Division requests Council's approval to accept the bid as noted above from AMT. Additional details are noted in the department memo.

Thank you,



Catrice L. Parsons

Assistant Director of Internal Services-Procurement & Parking

City of Salisbury



MARYLAND

JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

Salisbury



2010

125 NORTH DIVISION ST., RM 202
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

PUBLIC WORKS
TERESA GARDNER, P.E.
DIRECTOR

TO: Catrice Parsons – Assistant Director of Internal Services-Procurement Division
FROM: Bruce Horne – Project Engineer-Salisbury Public Works
SUBJECT: Award of Bid Recommendation for RFP 06-12
Engineering Services for Parsons Road Pavement Replacement
DATE: December 02, 2011

Bids were opened on Tuesday, November 29, 2011 at 2:30 p.m. for RFP 06-12 “Engineering Services for Parsons Road Pavement Replacement”. The City received eleven (11) responses to RFP 06-12. Salisbury Public Works (“SPW”) has reviewed the bids in accordance with the contract documents, evaluation criteria, reviewed references and has chosen to award the project to A. Morton Thomas and Associates (“AMT”).

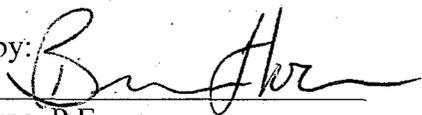
AMT’s project approach, expertise with traffic control, experience in pavement design, and commitment to a very aggressive design schedule makes the firm a good choice for this project. AMT received very high praise from the references they provided for municipal pavement projects.

Listed below are the eleven firms and their rankings, highest to lowest.

<u>Vendors</u>	<u>Ranking Score</u>
AMT	3.58
GMB	3.56
URS	3.46
ARRO	3.43
DBF	3.36
BAI	3.29
Pennoni	3.07
EBA	3.05
Lane Engineering	2.94
Wallace, Montgomery & Assoc.	2.88
David Myers & Assoc.	2.79

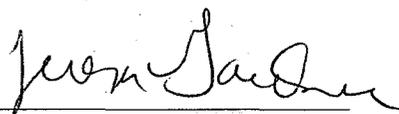
The total recommended award amount for this contract is \$63,900.00. Funds are available in account number 01000-214000-33120 (*Traffic Signal Parson/Pemberton*).

Prepared by:



Bruce Horne, P.E.
Project Engineer

Approved by:



Teresa Gardner, P.E.
Director, Salisbury Public Works

STATEMENT FOR CLOSING A MEETING

Location: Rm. 306 - G.O.B.

Date: 12-12-11

Time: 4:33 pm.

Motion: Mrs. Shields

Seconded By: Mr. Spies

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Deborah S. Campbell	{✓}	{ }	{ }	{ }
Terry E. Cohen	{✓}	{ }	{ }	{ }
Laura Mitchell	{✓}	{ }	{ }	{ }
Eugenie P. Shields	{✓}	{ }	{ }	{ }
Timothy K. Spies	{✓}	{ }	{ }	{ }

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

- (1) To discuss:
 - { } (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
 - { } (ii) Any other personnel matter that affects one or more specific individuals.
- (2) { } To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.
- (3) { } To consider the acquisition of real property for a public purpose and matters directly related thereto.
- (4) { } To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.
- (5) { } To consider the investment of public funds.
- (6) { } To consider the marketing of public services.
- (7) {✓} To consult with counsel to obtain legal advice on a legal matter.
- (8) {✓} To consult with staff, consultants, or other individuals about pending or potential litigation.
- (9) { } To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

- (10) {} To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
- (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans.
- (11) {} To prepare, administer or grade a scholastic, licensing, or qualifying examination.
- (12) {} To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13) {} To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- (14) {} Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPICS TO BE DISCUSSED:

Litigation (WWTP)

REASON FOR CLOSING:

Consult with city attorney & staff on pending litigation

Terry E. Cohen
Terry E. Cohen
Council President
City of Salisbury

Mitchell David
12/12/11

Council Meeting 12/12/2011

To be able to make an educated decision on a Rental Inspection Program I believe ALL The data needs to be produced. Currently, the Council and the Public have only received data in reference to the "Random Mandatory" Inspection Program. From the information that has been provided at the Work Sessions one would conclude that there has only been 89 rental inspections performed in 2011. That is only partly true! NSCC additionally performs Comprehensive Inspections during the year under different programs or reasons. That data to my knowledge has not been requested by Council nor has the data been made available to the public. I am requesting the data for Comprehensive Inspections other than the "Random Mandatory" Inspection Program. These other programs or reasons include:

1. Administratively NSCC performs Comprehensive Inspections on New Unit Registrations before issuing a Unit License. How many Comprehensive Inspections have taken place since 2008?
2. NSCC performs Comprehensive Inspections at the property owner's request. How many since 2008?
3. NSCC conducts NESP inspections. How many Comprehensive Rental Inspections have been conducted since 2008?
4. NSCC performs Comprehensive Inspections at the tenant's request. How many since 2008?
5. I believe I have listed all of the programs or reasons for Comprehensive Inspections, however, if I have missed any please add to the list.

Without this information how can anyone truly and accurately decide what type of program would best fit Salisbury.