

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

JANUARY 9, 2012

PRESENT

*Council President Terry E. Cohen
Councilwoman Laura Mitchell*

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

ABSENT

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, Police Chief Barbara Duncan, Acting Internal Services Director Gerri Moore, Neighborhood Services and Code Compliance Director Tom Stevenson, 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

Mr. Spies moved and Mrs. Campbell seconded to adopt the legislative agenda as presented. At the request of Mrs. Mitchell and Mrs. Campbell, the December 5, 2011 work session minutes and the December 19, 2011 work session minutes were removed from the Consent Agenda for discussion immediately following the Consent Agenda.

Mrs. Campbell moved and Mrs. Shields seconded to add, as a time sensitive item, Resolution No. 2136 to the agenda (authorizing the appointment of Richard M. Duvall, Esquire, as additional legal counsel to represent the City in one NSCC violation case). Mrs. Campbell, Ms. Cohen and Mrs. Shields voted in favor, Mrs. Mitchell voted nay and Mr. Spies recused himself.

On a motion by Mrs. Shields and seconded by Mrs. Mitchell, the vote was unanimous to add, as a time sensitive item, Resolution No. 2135 (authorizing the mayor to sign an Interlocal Agreement between the City and Wicomico County in reference to the 2008 Byrne Memorial Justice Assistance Grant) to the agenda.

All voted in favor in favor to adopt the legislative agenda, as amended, with the exception of Mr. Spies' recusal.

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. Campbell:

- *December 12, 2011 closed session minutes*
- *December 12, 2011 regular meeting minutes*
- *December 19, 2011 special meeting minutes*
- *Manufacturing exemption request for Mason Dixon Machining requesting an exemption from personal property tax for equipment purchased in 2009 (\$7,140 in personal property tax)*
- *Resolution No. 2132 – approving the appointment of J. Ben Cheseldine to the Recycling Advisory Committee for a term to expire May 31, 2014*
- *Resolution No. 2133 – approving a lease with the Salisbury Area Chamber of Commerce for the purpose of operating a Park and Flea Market in downtown Salisbury (Lot #10)*
- *Resolution No. 2134 – accepting a \$2,000 donation from the Bless Our Children Campaign for the Department of Neighborhood Housing and Code Compliance annual Santa's Workshop and the Police Department's Cops for Kids effort*

MINUTES

- *December 5, 2011 work session minutes*

After clarification from the City Attorney regarding the breakdown of legal billing, the December 5, 2011 were approved unanimously on a motion by Mrs. Mitchell and seconded by Mrs. Shields.

- *December 19, 2011 work session minutes*

Mrs. Campbell moved and Mrs. Mitchell seconded to approve the December 19, 2011 minutes. Mrs. Campbell moved to amend page 2, second sentence of the first paragraph in the Feldman's Property discussion, by inserting the following language: for Council to advise whether or not it will be supportive of specific points continuing in negotiation with the City (insert after the language in parenthesis). Mr. Spies seconded and the amendment passed unanimously. The December 19, 2011 minutes, as amended, were unanimously approved.

RESOLUTIONS

- *Resolution No. 2136 - authorizing the appointment of Richard M. Duvall, Esquire, as additional legal counsel to represent the City in one NSCC violation case*

Mrs. Shields moved and Mrs. Campbell moved to approve Resolution No. 2136. Mrs. Campbell moved and Mrs. Shields seconded to amend the third Whereas paragraph to read as follows:

Whereas, Paul D. Wilber, City Solicitor, Roscoe R. Leslie, Assistant City Solicitor, and the law firm of Webb, Burnett, Cornbrooks, Wilber, Vorhis, Douse & Mason, LLP for the City of Salisbury are unable to provide legal Counsel to the City due to a conflict of interest between representation of the Mayor and City Council of Salisbury, and the requirement that the City of Salisbury have legal representation to present the NSCC case against Councilman Spies; and

The amendment passed unanimously with the exception of Mr. Spies' recusal. Resolution No. 2136, as amended, passed unanimously with the exception of Mr. Spies' recusal.

- *Resolution No. 2135- authorizing the mayor to sign an Interlocal Agreement between the City of Salisbury and Wicomico County in reference to the 2008 Byrne Memorial Justice Assistance Grant*

Resolution No. 2135 passed unanimously on a motion by Mrs. Shields and seconded by Mrs. Mitchell.

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

The following items were unanimously awarded on a motion by Mr. Spies and seconded by Mrs. Mitchell:

- *Declaration of surplus – computer towers* -0-
- *Award of street sweeper RFQ 104-12* \$160,238.00
Mid Atlantic Waste
Acct. No. 32060-558600

ORDINANCES – presented by City Attorney Paul Wilber

- *Ordinance No. 2184 - Public Hearing and 1st reading - amending Section 17.04.150 Procedure of the Salisbury Municipal Code regarding public notice provisions*

Mr. Spies moved and Mrs. Campbell seconded to approve Ordinance No. 2184 for first reading. No public comments were received during the public hearing. The following amendments passed unanimously on a motion by Mr. Spies and seconded by Mrs. Campbell:

1. *Change first line in 17.04.150C.1 to read: Notice shall be provided to all property owners within two hundred (200) feet of the subject property boundaries and to the neighborhood association and/or homeowners association, if any.*
2. *Change 17.04.150C.5 to read: Failure of a property owner, or neighborhood association, or homeowners association to receive notice under this section shall not affect the public hearing or the action on the application.*

Mrs. Mitchell moved to amend 17.04.150D to read as follows:

It shall be the responsibility of the applicable board or commission to ensure that the provisions of this article are fully complied with for all matters that come before the applicable board or commission. It shall be the responsibility of the applicable board or commission to ensure that the provisions of this article are fully complied with for all matters that come before it or the City Council.

After further clarification, however, Mrs. Mitchell withdrew the above motion and moved to amend 17.04.150D as follows:

It shall be the responsibility of the applicable board or commission to ensure that the provisions of this article are fully complied with for all matters that come before the applicable board or commission or the City Council.

Mrs. Shields seconded and the amendment passed unanimously. Ordinance No. 2184 for first reading, as amended, passed unanimously.

- *Ordinance No. 2185 - 1st reading - repealing Chapter 15.24 – Towing Companies of the Salisbury Municipal Code in its entirety and reenacting Chapter 5.64 – Towing Companies to include licensing requirements; towing and storage lot operation requirements; setting fees for towing and storage; and penalties for violation of Chapter 5.64*

Mrs. Mitchell moved and Mrs. Shields seconded to approve Ordinance No. 2185 for first reading. Mrs. Mitchell moved to amend Ordinance No. 2185 by changing the word setting to authorizing on line 6 of the title. Mrs. Shields seconded and the amendment passed unanimously.

Mrs. Mitchell moved to amend 5.64.100A, line 4, by removing the comma after the word dispatched (editorial correction). Mr. Spies seconded and the amendment passed unanimously.

Ordinance No. 2185 for first reading, as amended, passed unanimously.

- Ordinance No. 2186 - 1st reading - establishing a schedule of fees and charges applicable to vehicles towed as dispatched by the Police Department

Mrs. Shields moved and Mrs. Mitchell seconded to approve Ordinance No. 2186 for first reading. Mr. Spies moved and Mrs. Campbell seconded to amend item 3 on page 2 of Ordinance No. 2186 to read as follows:

The tow truck operator shall give a list of current towing and storage fees to the vehicle owner/operator if the vehicle owner/operator is available at the scene of the tow or to the officer on scene if the owner/operator is unavailable.

After further discussion, Mr. Spies withdrew the motion. Mrs. Mitchell moved to amend item 3 on page 2 of the Ordinance to read as follows:

The tow truck operator shall give a list of current towing and storage fees to the vehicle owner/operator at the scene of the tow or to the officer on scene if the owner/operator is unavailable.

With a second by Mrs. Shields, the amendment passed unanimously. Ordinance No. 2186, as amended, passed unanimously.

- Ordinance No. 2187 - 1st reading - amending Article XI Definitions of the Property Maintenance Code to provide a new definition of the term "Rubbish"

Ordinance No. 2187 for first reading passed unanimously on a motion and a second by Mrs. Campbell and Mrs. Mitchell, respectively.

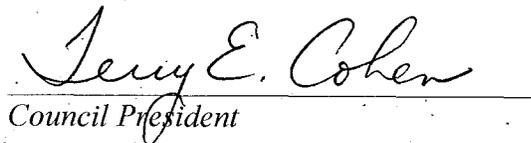
PUBLIC COMMENTS

One citizen voiced concerns with the rental inspection program (invasion of privacy).

ADJOURNMENT

The meeting adjourned at 7:43p.m.


City Clerk


Council President

City of Salisbury



MARYLAND

JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR



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

COUNCIL AGENDA

January 09, 2012

- | | | |
|----|--|--------------|
| 1. | Declaration of Surplus-Computer Hardware | \$0.00 |
| 2. | Award of Street Sweeper RFQ 104-12 | \$160,238.00 |

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

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

COUNCIL AGENDA

January 09, 2012

To: Mayor and City Council

Subject: Surplus Items-Computer Hardware

The City of Salisbury Internal Services Department-Procurement Division received a request from the Salisbury Fire Department to declare the following computer hardware surplus:

Department	Make	Hardware	Serial #
Fire Department	Gateway	One (1) Tower	S/N 0024835409
Fire Department	Gateway	One (1) Tower	S/N 0024572790
Fire Department	Gateway	One (1) Tower	S/N 0029630965
Fire Department	Gateway	One (1) Tower	S/N 0016972969
Fire Department	Gateway	One (1) Tower	S/N 0028067870
Fire Department	Gateway	One (1) Tower	S/N 0029789041
Fire Department	Gateway	One (1) Tower	S/N 0029792728
Fire Department	Gateway	One (1) Monitor 17" CRT	N/A
Fire Department	Sony	One (1) Monitor 15" LCD	N/A
Fire Department	Various	Eight (8) Keyboards	Various

Upon declaration of surplus, and as approved by the Council, the aforementioned computer towers will be disposed of. Additional details are noted in the department memo.

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: 410-548-3190
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

January 09, 2012

TO: Mayor and City Council

SUBJECT: Recommendation of Award for RFQ 104-12
Street Sweeper

The City of Salisbury Internal Services Department-Procurement Division, received a request from Salisbury Public Works ("SPW") to solicit bids for a Street Sweeper.

Under RFQ 104-12, the Procurement Division requested bids for this equipment. 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 four (4) vendors were sent bid packages with two (2) vendors submitting bids by the due date and time, December 09, 2011 at 2:30 p.m., ranging from a price of \$160,238.00 to \$178,616.00, as noted below.

- Mid Atlantic Waste\$160,238.00
- MD Industrial Trucks.....\$171,428.00
- MD Industrial Trucks.....\$178,616.00

SPW has reviewed the bids in accordance with the contract documents, reviewed references, and the evaluation criteria and has chosen to award to Mid Atlantic Waste, who was the lowest responsive and responsible vendor.

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 Mid Atlantic Waste. Additional details are noted in the department memo.

Thank you,

Catrice L. Parsons

Assistant Director of Internal Services-Procurement & Parking

City of Salisbury



MARYLAND

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

JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

TO: Catrice Parsons – Assistant Director of Internal Services-Procurement Division
FROM: Teresa Gardner – Director of Public Works
SUBJECT: Award of Bid Recommendation for RFQ 104-12
Street Sweeper
Date: December 30, 2011

Bids were opened on Friday, December 9, 2011 at 2:30 p.m. for RFQ 104-12 "Street Sweeper". The City received three (3) responses to RFQ 104-12. 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 Mid Atlantic Waste in Easton, MD who is the lowest responsive and responsible bidder.

<u>Vendor</u>	<u>Pricing</u>
Mid Atlantic Waste	\$160,238.00
MD Industrial Trucks	\$171,428.00
MD Industrial Trucks	\$178,616.00

SPW requests Council's approval to award RFQ 104-12 "Street Sweeper" to Mid Atlantic Waste in Easton, MD. There are sufficient funds in account number 32060-558600 *New Lease Payment* for the first year's lease/purchase payment of the street sweeper.

Approved by:

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