

AS AMENDED ON APRIL 28, 2014
CITY OF SALISBURY, MARYLAND

REGULAR MEETING

April 14, 2014

PUBLIC OFFICIALS PRESENT

*Council President Jacob R. Day Council Vice President Laura Mitchell
Councilwoman Eugenie P. Shields Councilman Timothy K. Spies
Mayor James Ireton, Jr. (left 7:12 p.m.)*

PUBLIC OFFICIALS NOT PRESENT

Councilwoman Terry E. Cohen

IN ATTENDANCE

Assistant City Clerk Diane C. Nelson, CMC, City Administrator Tom Stevenson, City Attorney Mark Tilghman, Information Technology Director Bill Garrett, Public Works Director Michael Moulds, Salisbury Fire Chief Rick Hoppes, Salisbury Police Colonel Ivan Barkley, Internal Services – Procurement & Parking Senior Buyer Tom Tengman, 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 Day called the meeting to order; a moment of silent meditation was held followed by the Pledge of Allegiance.

PRESENTATION – NATIONAL LIBRARY WEEK

Mayor Ireton and President Day presented a proclamation acknowledging National Library Week to Wicomico Public Library Executive Director Andrea Berstler.

PRESENTATION – THE DAILY RECORD-MARYLAND’S TOP 100 WOMEN 2014

Mayor Ireton and President Day presented Certificates of Recognition to the following women recognized by the Daily Record for their contributions to their respective communities through their leadership, community service, and mentoring:

*Juliette B. Bell, Ph.D. - President
University of Maryland Eastern Shore ~ Somerset County, Maryland*

*Margaret “Peggy” Bradford - Executive Director
MAC Inc., Area Agency on Aging ~ Wicomico County, Maryland*

*Cindy Lunsford - Executive Vice President/Chief Operating Officer
Peninsula Regional Medical Center ~ Wicomico County, Maryland*

*Susan Purnell – Owner
Kuhn’s Jewelers ~ Wicomico County, Maryland*

Kimberly Scott - Founder and Chief Executive Officer
The Great Gourmet, Inc. ~ Dorchester County, Maryland*

**Ms. Scott, unable to attend this meeting, will be invited to future meeting for presentation of her certificate.*

COMMUNITY ORGANIZATION PRESENTATION – *Wicomico Mentor Program- presented by Mark Thompson, Coordinator for Equity Assurance and Student Mentoring at Wicomico County Board of Education (WCBOE)*

Mr. Thompson provided an overview of the WCBOE Mentor Program, highlighting achievements this year and partnerships with other organizations in the business, educational, and religious communities. He presented Mentor Program tee shirts to Council and encouraged all in the community to consider mentoring a student for one hour a week.

Mr. Thompson can be reached at 410-677-4536 or mthompson@wcboe.org.

ACKNOWLEDGEMENT

President Day acknowledged brothers Max and Jack Cuppett, Boy Scouts who are working to obtain their “Citizenship in the Community” Merit Badges by attending tonight’s meeting. President Day also acknowledged Max Cuppett’s pursuit of his Eagle Scout and inquired about his project; Scout Cuppett stated that he had built a new sign and planted flowers at the East Entrance to the Zoo and had almost completed installation of the Zoo’s 60th Anniversary Logo at the same entrance.

President Day thanked both young men for their participation in the Boy Scouts Organization.

ADOPTION OF LEGISLATIVE AGENDA

On a motion and second by Mrs. Shields and Mrs. Mitchell, respectively, the legislative agenda was adopted on a 4-0 vote in favor.

CONSENT AGENDA – *presented by Assistant City Clerk Diane Nelson*

The Consent Agenda consisting of the following items was approved as presented on a 4-0 vote in favor on a motion by Mrs. Shields that was seconded by Mrs. Mitchell:

- March 10, 2014 closed session minutes

- March 24, 2014 regular meeting minutes
- March 24, 2014 closed session minutes
- Resolution No. 2384 – approving the reappointment of Linda Wainer to the Zoo Commission for term ending 12/31/2016
- Resolution No. 2385 – declaring that TWO FARMS, INC. is eligible to receive Enterprise Zone benefits for property located at 101 N. Salisbury Boulevard, Salisbury, Maryland
- Resolution No. 2386 – declaring that DELMAR BREWING COMPANY, LLC is eligible to receive Enterprise Zone benefits for property located at 200 Elmwood Street, Salisbury, Maryland

AWARD OF BIDS – presented by Internal Services – Procurement & Parking Senior Buyer Tom Tengman

Mrs. Mitchell moved and Mrs. Shields seconded to approve the Award of Bids.

Mr. Tengman presented the following items:

- Recommendation for Award of Bid, RFP 06-14 Utility Easement for 1142 Marine Road Radio Tower (*20-yr. lease revenue)
- Declaration of Surplus-SPD Firearms (Qty 48)

After discussion, on a motion by Mrs. Mitchell that was seconded by Mrs. Shields and approved on a 4-0 vote in favor, Council removed the Utility Easement for the Marine Road Radio Tower from the Award of Bids, tabling it for further discussion; thereafter, the Award of Bids as amended was unanimously (4-0) approved.

RESOLUTIONS – presented by City Administrator M. Thomas Stevenson

- Resolution No. 2387 – accepting Federal Funds awarded by the U.S. Justice Department through an Edward Byrne Memorial Justice Assistance Grant (JAG) Program for maintaining and upgrading the technology of the Salisbury Police Department in the areas of providing an intelligence surveillance equipment and computer technology hardware

Mrs. Shields moved and Mrs. Mitchell seconded to adopt Resolution No. 2387.

Mrs. Mitchell moved, Mr. Spies seconded, and the vote was unanimous (4-0) to amend Resolution No 2387 by removing “an” in Line 6; thereafter, Resolution No. 2387 as amended, was unanimously (4-0) adopted.

- Resolution No. 2388 – authorizing the Capacity Fee of the City’s Comprehensive Connection Charge be waived for a development known as 100 North Division Street

Mr. Spies moved, Mrs. Mitchell seconded, and the vote was unanimous (4-0) to adopt Resolution No. 2388 as presented.

ORDINANCES – presented by City Attorney Mark Tilghman

- Ordinance No. 2280 – 2nd reading - approving a budget amendment of the FY2014 Fire Department budget to transfer funds from the City's General Fund surplus to the Fire Department's turnout gear account

Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2280 for second reading.

- Ordinance No. 2282 – 2nd reading - approving an amendment of the FY2014 Government Office Building Capital Outlay budget to appropriate funds to cover a new phone system for City employees at the Government Office Building

Mrs. Mitchell moved, Mrs. Shields seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2282 for second reading.

- Ordinance No. 2283 – 2nd reading - amending the FY2014 General Fund to appropriate \$10,000 for a contribution to support the 2014 Red, White and Boom fireworks display

Mrs. Shields moved, Mrs. Mitchell seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2283 for second reading.

- Ordinance No. 2284 – 2nd reading - amending the FY2014 General Fund to appropriate \$75,500 for making street maintenance improvements to portions of Mill Street, W. Main Street and W. Market Streets

Mrs. Mitchell moved, Mrs. Shields seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2284 for second reading.

- Ordinance No. 2285 – 2nd reading - approving an amendment of the FY2014 Consulting Fee budget to appropriate funds to cover an environmental study at the building commonly known as "The Bricks", City-owned surplus property located at 432-434 E. Church Street, Salisbury, MD

Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2285 for second reading.

- Ordinance No. 2286 – 1st reading - increasing the salaries of the Mayor and Council Members of the City of Salisbury

Mrs. Shields moved and Mrs. Mitchell seconded to approve Ordinance No. 2286 for first reading.

After discussion, Mrs. Shields moved, Mrs. Mitchell seconded, and the vote was unanimous (4-0) to table Ordinance No. 2286 for first reading until a later date.

There being no Public Comments, President Day called for a motion to convene in Closed Session. Mr. Spies moved and Mrs. Mitchell seconded to convene in Closed Session; President Day called for a five minute recess prior to calling for the vote.

After reconvening the Open Session with three Councilmembers present as Mrs. Shields had exited the meeting during the recess, the vote was unanimous (3-0) to convene in Closed Session to consult with counsel before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating 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 in accordance with the Annotated Code of Maryland §10-508(a)(14). The Closed Session began at 8:07 p.m.

At 9:01 p.m., on a motion and second by Mr. Spies and Mrs. Mitchell, respectively, and by unanimous vote in favor (3-0), the Closed Session was adjourned and Council reconvened in Open Session. President Day then provided the statement for the public that Council had discussed the sale/lease of a City-owned parking lot to the State of Maryland.

Thereafter, President Day adjourned the Open Session at 9:03 p.m.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
MARCH 24, 2014

TIME & PLACE: 9:23 p.m., Government Office Building – Council Chambers, Room 301

PURPOSE: To consult with counsel to obtain legal advice on a legal matter

VOTE TO CLOSE: Unanimous

CITATION: Annotated Code of Maryland §10-508(a)(7)

PRESENT: Council President Jacob R. Day, Council Vice President Laura Mitchell,
Councilwoman Eugenie P. Shields, Councilwoman Terry E. Cohen,
Councilman Timothy K. Spies, City Clerk Kimberly R. Nichols, City
Administrator M. Thomas (Tom) Stevenson, City Attorney Mark Tilghman,
Attorney Dan Cohen, and Thomas Robinson, President of CBG
Communications, Inc.

NOT PRESENT: Mayor James P. Ireton, Jr.

The City Council convened in Legislative Session in Council Chambers (Room #301) of the Government Office Building at 6:00 p.m. on March 24, 2014. At the conclusion of the agenda, Mr. Spies moved, Ms. Cohen seconded, and the vote was unanimous (on a 4-0 vote, as Mrs. Shields had exited the room prior to the voting) to convene in Closed Session to consult with counsel to obtain legal advice on a legal matter in accordance with the Annotated Code of Maryland §10-508(a)(7). The Closed Session began at 9:23 p.m.

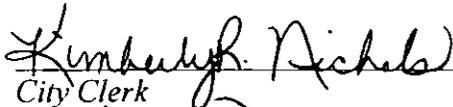
Council received an update and guidance from Messrs. Cohen and Robinson on the status of the cable franchise agreement negotiations between the City of Salisbury and Comcast.

At 10:08 p.m., on a motion and seconded by Ms. Cohen and Mr. Spies, respectively, and by unanimous vote in favor (5-0), the Closed Session was adjourned and Council reconvened in Open Session. President Day then provided the statement for the public that Council had discussed strategy and received an update and guidance on how to proceed with the City's Comcast Franchise agreement.

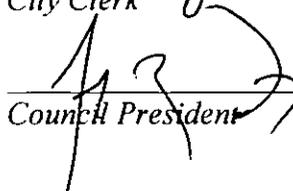
Thereafter, Council President Day adjourned the Open Session at 10:11 p.m.



Assistant City Clerk



City Clerk


Council President

City of Salisbury



MARYLAND

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

Salisbury



2010

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

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER
ASST. DIRECTOR OF INTERNAL
SERVICES

Council Agenda - Award of Bids

April 14, 2014

- | | |
|---|-----------------|
| 1. Recommendation for Award of Bid, RFP 06-14
Utility Easement for 1142 Marine Road Radio Tower
(*20-yr. lease revenue) | \$2,136,686.00* |
| 2. Declaration of Surplus – SPD Firearms (Qty 48) | \$ 0.00 |

City of Salisbury



MARYLAND

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MAYOR

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TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

Council Agenda

April 14, 2014

TO: Mayor and City Council

SUBJECT: Award of Bid – RFP 06-14
Utility Easement for Radio Tower at 1142 Marine Road

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Information Technology Department to solicit bids for a Utility Easement for the Radio Tower at 1142 Marine Road. The tower is currently owned by American Tower and is located on City-owned property.

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 three (3) vendors submitting a bid by the due date and time of February 7, 2014 at 2:30 p.m.

An initial review of the proposals by the Procurement Division concluded that all submittals were responsive and responsible. After such determination by the Procurement Division, the proposals were then evaluated utilizing the weighted average scoring method as defined in the Bid Documents. American Tower had the highest overall score and therefore the best offered proposal based on the factors of Revenue Sharing Offer, Scope of Work Expertise, Project Approach, Municipal Gov't Experience, Size of Offeror and Geographic Location of Offeror. A revenue summary has been included in the Council Packet, and additional details are noted in the IT Department memo.

The Procurement Division requests Council's approval to award the contract for RFP 06-14 to American Tower in the form of a 20-yr. lease with four (4) five-year renewal options. The first year revenue (occurring in FY15) will be a \$350,000 signing bonus. The revenue projections for the initial 20-yr. lease are \$2,136,686 (note that the actual amount may vary depending on number of tenants).

Sincerely,

Jennifer Miller

Assistant Director of Internal Services – Procurement and Parking

City of Salisbury



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Salisbury



JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

TO: Jennifer Miller, Assistant Director of Internal Services, Procurement & Parking
FROM: Bill Garrett, Director Information Technology *BG*
DATE: March 26, 2014
SUBJECT: Award of Contract RFP 06-14
Utility Easement for 1142 Marine Road Radio Tower

The City has been leasing land to American Tower at 1142 Marine Road since 1986 for a Communications Tower. The city has been granted use of the tower for its antenna needs at no charge to the City. The Information Technology Department requested proposals for a revenue sharing lease agreement.

Three firms submitted proposals to RFP 06-14 "Utility Easement for 1142 Marine Road Radio Tower" on February 7, 2014 at 2:30 P.M. After a detailed review of all proposals and financial review, the three respondents were ranked according to the criteria in the Bid documents. The evaluators met to compare individual rankings and to develop a composite ranking for each firm. During this meeting it was determined that American Tower had the best offered proposal. Ranking sequence is as shown below.

American Tower	3.952
Edge Wireless	2.575
TriStar Investors	1.875

The estimated revenue for the City is as noted below:

For FY15	\$350,000 (signing bonus)
Total for first five years	\$674,980
Total for first twenty years	\$2,136,686
Total for 40 years	\$5,669,254

**Actual amounts could be more or less depending on number of tenants.

The Information Technology Department is recommending award of a 20 year lease with four (4) five-year renewal options to American Tower.

	American Tower	Wireless Edge	TriStar
1	\$350,000*	\$400,000*	\$57,000*
5	\$674,980	\$437,585	\$194,893
20	\$2,136,686	\$1,816,396	\$884,852
40	\$5,669,254	\$5,099,505	\$2,874,549

*American Tower Includes a \$350,000 signing bonus

*Wireless Edge is a \$400,000 advance. No further payments until year 5

*TriStar includes a \$25,000 signing bonus.

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PROCUREMENT DIVISION

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MAYOR

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ACTING CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

COUNCIL AGENDA

April 14, 2014

To: Mayor and City Council

Subject: Declaration of Surplus – Police Firearms

The Procurement Division received a request from the Salisbury Police Department to declare 48 firearms as surplus. These firearms were obtained as a result of various calls for SPD service. The firearms are no longer needed in any criminal or civil court proceeding, and per Maryland law are unable to be returned to the owners or resold to a third party. Upon declaration of surplus, as approved by Council, the aforementioned firearms will be destroyed. Additional details are noted in the department memo.

Thank you,

Jennifer Miller
Assistant Director of Internal Services-Procurement & Parking

Police Department

Salisbury, Maryland

MEMORANDUM 046-14

March 19, 2014

To: Chief of Police
Major D. Meienschein
Sgt. Felts
Purchasing Department
City Council

From: Teresa Tyndall
Property Custodian

Subject: Surplus Firearms for Destruction

Attached is a copy of the 48 firearms from the Salisbury Police Department's Property Vault which were found, forfeited or unable to release to owner due to the "Maryland Law" it is illegal to possess a firearm if you were previously convicted of certain crimes of violence. These firearms will be destroyed, with your approval.

Please review the list and advise if you have any questions.

Distribution

Chief of Police
Administrative Commander
Sergeant
CALEA: 84.1.7

Property Number	Brand Name	Model	Description	Serial Number
HANDGUNS				
2001-1566	SMITH & WESSON		5 SHOT REVOLVER	86952
2001-7593 C	RUGER		9MM AUTO PISTOL W/MAGAZINE	314-66014
2001-12922	HARRINGTON & RICHARDSON		.32 CALIBER REVOLVER	267741
2001-13672	DAVIS INDUSTRIES	P-32	.32 CALIBER W/MAGAZINE	P136289
2001-14519 1 OF 2	HARRINGTON & RICHARDSON		.32 CALIBER REVOLVER	244135
2001-14519 2 OF 2	IVER JOHNSON ARMS		REVOLVER	A13036
2001-19302 C	DAVIS INDUSTRIES	P-380	.380 CALIBER W/MAGAZINE	AP456441
2002-8069	HI-POINT	CF	.380 CALIBER	P752665
2002-22906 A	IMPERIAL METALS		.22 CALIBER SHORT REVOLVER	1185750
2002-32025	CLERKE		.32 CALIBER REVOLVER	779171
2004-20931 A	GLOCK	22	SEMI AUTO HANDGUN W/MAGAZINE	EVA082
2004-22107 A	COLT	COMBAT COMMANDER	.45 CALIBER HANDGUN W/CLIP	70BS5329
2005-41134 A	KELTEC	P-11	9MM LUGER	44480
2006-31385	AMADEO ROSSI		.38 SPECIAL	J154066
2009-29471 D	SMITH & WESSON	663	.357 MAGNUM REVOLVER	BEF1446
2012-41381	GLOCK 21	21	.45 AUTO W/3 MAGAZINES	LGF686
2013-19937	PHOENIX	P-51	.225 CALIBER W/MAGAZINE	25695
2013-19964	RG		.22 CALIBER REVOLVER	451084
2013-19966	COBRA COLT		.32 CALIBER REVOLVER	31254
2013-19970	RG10		.22 CALIBER SHORT REVOLVER	659680
2013-19981	SMITH & WESSON	30-2	HANDGUN W/CLIP	A276684
2013-19984 1 of 2	FIE	E15	.22 CALIBER REVOLVER	TB44827
2013-19984 2 OF 2	TAURUS	PT-22	.22 CALIBER SEMI AUTO W/2 MAGS	ANB26769
2013-31279	CLERKE		.32 CALIBER REVOLVER	
BB GUNS				
2001-15485	DAISY POWERLINE	93	BB PISTOL	1F11691
2001-18147	MARKSMAN REPEATER		BB GUN	99309724
2002-12383	CROSMAN AIRGUN		.177 PELLET REPEATER	
2004-36721 B			BLACK BB GUN	COB911US

2008-23359	POWERLINE	15XT	.177 CALIBER	6E10225
2010- 142	POWERLINE DAISY	0.008	.177 CALIBER, W/CARTRIDGES	9H01375
BB GUNS- CONT'D				
2010-34744			AIRSOFT	90914449
2011-21020	POWERLINE	15XT	.177 CALIBER BB GUN	
2012-46784	CROSSMAN	PHANTOM	BB GUN	112910414
2013-13443	XBG		BB GUN	12J38413
2013-15270	DAISY POWERLINE	15XT	BB GUN	
2013-17991	PHANTOM		BB GUN	
2013-22116	PHANTOM		BB GUN	
2013-24346			HANDHELD STUNGUN	
2013-25328	UMAREX	XBG	AIR SOFT PISTOL	12J33280
2013-32170	UMAREX	XBG	BB GUN W/MAGAZINE	
2013-41422	DAISEY		BB GUN	1620132371 64M
2013-44586	CROSSMAN	760-25	AIRGUN BB RIFLE	
RIFLES / SHOTGUNS				
2002-1623	NEW ENGLAND		12 GAUGE SAWED OFF SHOTGUN	NONF26593 7
2004-28858	MARLIN	GLENFIELD 60	.22 CALIBER RIFLE	23348336
2012-46260	ITHACA	M-49	.22 CALIBER SHORT-LONG RIFLE	
2013-16788	TRADITIONS	T-BOLT	.50 CALIBER MUZZLE LOADER	14-13- 044984-01
2013-19960	SQUIRES BINGHAM	16	.22 LONG RIFLE	253189
2013-19971	N.R. DAVIS & SONS		12 GAUGE SHOTGUN	