

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

NOVEMBER 24, 2014

PUBLIC OFFICIALS PRESENT

Council President Jacob R. Day

Mayor James Ireton, Jr.

Council Vice President Laura Mitchell

Councilwoman Eugenie P. Shields

Councilman Timothy K. Spies

PUBLIC OFFICIALS NOT PRESENT

Councilman John "Jack" R. Heath

IN ATTENDANCE

City Clerk Kimberly R. Nichols, CMC, City Administrator Tom Stevenson, City Attorney Mark Tilghman, Assistant Director Internal Services – Procurement Jennifer Miller, Public Works Director Mike Moulds, Public Works Deputy Director Amanda Pollack, Fire Chief Rick Hoppes, interested citizens and members of the press

CITY INVOCATION – PLEDGE OF ALLEGIANCE

The City Council met in regular session at 6:03 p.m. in Council Chambers. Council President Day called the meeting to order and invited Reverend James Riley, Pastor at Nelson Memorial United Methodist Church to offer the City Invocation. Afterwards, those in attendance recited the Pledge of Allegiance to the flag of the United States of America.

COMMUNITY ORGANIZATION PRESENTATION

- *Association of Zoos and Aquariums Accreditation (AZA) – presented by Zoo Director Ralph Piland*

Mayor Ireton invited Zoo Director Ralph Piland to the podium to introduce AZA President/CEO James Maddy, who explained the City of Salisbury's AZA accreditation means the Zoo has received official recognition and approval by a group of experts, and only zoos that meet these high standards can become members of AZA. He remarked that the Zoo offers a full educational experience to children, parents, teachers, etc. and hosts approximately 300, 000 visitors each year. The City's commitment to conservation and public education sets the Salisbury Zoo apart from several hundred other organizations.

Mr. Maddy congratulated the City on the exceptional Animal Health Building and commented on the Zoo staff professionalism. Several Zoo staff members present at the Council Meeting joined Mayor Ireton and Mr. Piland at the podium, and Mr. Maddy presented the AZA Accreditation certificate, which declared the Salisbury Zoo's AZA accreditation through September 30, 2019.

ADOPTION OF LEGISLATIVE AGENDA

Mrs. Mitchell moved and Mr. Spies seconded to approve the Legislative Agenda.

Mrs. Shields moved to place Ordinance No. 2306 for second reading – amending Chapter 13, Public Services, of the City Code by adding Chapter 13.30 for the purpose of establishing a Stormwater Utility under the direction and supervision of the Public Works Department and further establishing a Stormwater Utility Fee System, directly after the Consent Agenda. Mr. Spies seconded, and the motion was unanimously approved on a 4-0 vote in favor.

The Legislative Agenda, as amended, was unanimously approved.

CONSENT AGENDA – presented by City Clerk Kim Nichols

The Consent Agenda was unanimously approved on a motion and seconded by Mrs. Mitchell and Mrs. Shields, respectively:

- *November 3, 2014 work session minutes*
- *November 3, 2014 closed session minutes (separate envelope)*
- *November 10, 2014 regular meeting minutes*
- *Resolution No. 2462 – authorizing Delmarva Collections to collect delinquent accounts*
- *Resolution No. 2463 – accepting Osprey Property Company, LLC's contribution to streetscape improvements to Fitzwater Street Corridor*

ORDINANCE

- *Ordinance No. 2306 – 2nd reading – amending Chapter 13, Public Services, of the City Code by adding Chapter 13.30 for the purpose of establishing a Stormwater Utility under the direction and supervision of the Public Works Department and further establishing a Stormwater Utility Fee System*

Mrs. Mitchell moved and Mrs. Shields seconded to approve Ordinance No. 2306 for second reading.

Council then received the following comments from five (5) members of the public:

- *A Stormwater Utility is not needed and the residents don't want more fees*

- *Too many houses are vacant now and residents won't be able to sell their homes*
- *Thanked Council for the work done on the Utility so far*
- *The revised ordinance improves the overall fairness*
- *There is a definite impact by stormwater on the Wicomico River*
- *Saluted the City for working to make the river fishable and swimmable again*
- *This Utility will increase property values and the quality of life*
- *Wicomico River used to be a clean river in which to fish and swim*
- *All TOP 100-DESTINATION CITIES have one (1) thing in common – Water, and most all did drastic things to improve their water*
- *The fee is very small compared to other City of Salisbury fees*
- *This Utility will allow Salisbury's residents to control the city's destiny by being able to fund projects*
- *Council has taken a very reasonable approach*

Council comments included:

- *This was a serious decision since many citizens live on fixed incomes, but had to consider Parsons Road, Germania Circle, Delaware Avenue and Coty Cox*
- *There are serious issues; the public should be educated on why Utility is needed*
- *This is an economic imperative for the City residents, and says something about who we are and what we care about*
- *The utility will only go towards Stormwater and not into the General Fund*
- *This helps take care of our infrastructure and resources*
- *The EPA requires the City to lower our pollutants*
- *Doing what's right isn't always the most popular*
- *More messages were received in support of the utility than any issue that's been voted on in more than a year*
- *\$40 was the recommended annual household fee, but Council felt \$20 was appropriate to begin with*
- *This is a responsible approach even if it is 105 years late*

Mayor Ireton expressed appreciation for the lead taken on this issue years ago by former Mayor Tilghman and Council Vice President Gary Comegys, and thanked Dr. Judith Stribling and City staff for their dedication and expertise.

Ordinance No. 2306 for second reading was unanimously passed on a 4-0 vote in favor.

AWARD OF BIDS – presented by Assistant Director of Internal Services – Procurement Jennifer Miller

The Award of Bids, consisting of the following items, was unanimously approved on a motion by Mr. Spies that was seconded by Mrs. Mitchell:

- *Award of Bid – RFP 02-15 Engineering Construction & Inspection Services for Parkside HS Regional Lift Station and Mill Street Pump Station Improvements – \$171,500*
- *Declaration of Surplus – Cimline Hot Box – Salisbury Public Works – \$ 0.00*
- *Declaration of Surplus – Sentry Fire Safe – Salisbury Police Department – \$ 0.00*

RESOLUTION – presented by City Attorney Mark Tilghman

- *Resolution No. 2464 – approving an agreement between the City, Salisbury Fire Company #2, Inc., and Morris and Morris Limited Partnership for the purpose and intent to exchange identified parcels of land to build a new fire station*

Mr. Spies moved and Mrs. Mitchell seconded to approve Resolution No. 2464.

Mr. Tilghman passed out the revised resolution and agreement to Council and explained the agreement placed in the agenda packet did not represent the most recent discussions with the Morris' attorney because he reviewed the changes after the packet was already prepared. He reviewed the revisions to the updated resolution and agreement as follows:

Revisions to the Resolution No. 2464-

- *Lines 15 and 27 – new paragraphs formatted to clarify the description of both real properties. There were no changes made to the verbiage of the resolution.*
- *Line 62 – “, reserving unto itself a right of way and a portion of Morris & Morris Property 4, as more particularly set forth in the agreement; and,” was removed from the paragraph in the original document.*
- *Lines 75 and 76 – inserted “, and the Mayor is hereby authorized to execute the necessary agreement (as finally approved by the City Solicitor), a proposed copy of which is attached hereto as Exhibit A.”*

Revisions to the Agreement –

- *Page 2, paragraph 7 – removed “reserving unto itself a right of way and a portion of Morris & Morris Property 4, as more particularly set forth herein”.*
- *Page 3 and 4, III – added “(3) Prior to the execution of the deed conveying the Morris & Morris Properties to the City, the City shall have Parcel 496 appraised to determine its value after the removal of all buildings and removal of all debris. Concurrently, the City shall also obtain an appraisal of Parcels 1409, 1410, 1411, 1418 and 1415 currently owned by Morris & Morris LTD Partnership. The City shall accept a charitable donation of the difference in appraised value between City Parcel 496 and the Morris & Morris Properties. Any attorney’s fees incurred by Morris & Morris LTD Partnership to accomplish this transfer shall*

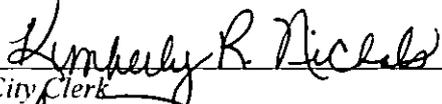
be considered a charitable donation to the City.

(4) The City shall also convey all of its right, title and interest in the area designate as "85 X 85 Parking Easement" on a plat entitled "Resubdivision Parcel 495 Map 104, City of Salisbury," attached hereto."

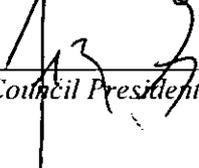
- > Page 4, V – removed "reserving unto itself an easement on and across the Morris & Morris Properties, of approximately thirty feet (30 ft.) in width, and more particularly across Morris & Morris Property 1 and Morris & Morris Property 4. Morris & Morris shall also retain ownership of a portion of the easterly part of Morris & Morris Property 4, as shown on the Site Plan attached hereto as Exhibit J."
- > Page 4, VI – removed "The Parties intend any and all conveyances of real property hereunder to qualify as a tax-free exchange under Internal Revenue Code § 1031. In accordance with the provisions of Internal Revenue Code § 1031, no gain or loss shall be recognized on the exchange of property held for productive use in a trade or business or for investment if such property is exchanged solely for property of like kind which is held either for productive use in a trade or business or for investment."

Resolution No. 2464 was unanimously approved.

As there were no requests for public comments, Council President Day adjourned the Legislative Session at 7:41 p.m.



City Clerk



Council President

City of Salisbury



MARYLAND

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR



125 NORTH DIVISION STREET
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KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER
ASST. DIRECTOR OF INTERNAL
SERVICES

Council Agenda – Award of Bids

November 24, 2014

- | | |
|---|--------------|
| 1. Award of Bid – RFP 02-15
Engineering Construction & Inspection Services
For Parkside HS Regional Lift Station and Mill Street
Pump Station Improvements | \$171,500.00 |
| 2. Declaration of Surplus – Cimline Hot Box
Salisbury Public Works | \$ 0.00 |
| 3. Declaration of Surplus – Sentry Fire Safe
Salisbury Police Department | \$ 0.00 |

City of Salisbury



MARYLAND

Salisbury



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Council Agenda

November 24, 2014

TO: Mayor and City Council

SUBJECT: Award of Bid
RFP 02-15 Engineering Construction Services for
Parkside HS Regional Lift Station and Mill Street Pump Station Improvements.

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Public Works Department to solicit bids for RFP 02-15 Engineering Construction Services for Parkside HS Regional Lift Station and Mill Street Pump Station Improvements. The project includes both construction administration and inspection services for both locations.

The Procurement Department 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 six (6) vendors submitted a bid by the due date and time of Tuesday, September 30, 2014 at 2:30 p.m. A six-person evaluation committee of Salisbury Public Works employees reviewed the vendor proposals and ranked each proposer on a scale of zero (unacceptable) to four (superior) according to the evaluation criteria established in the RFP:

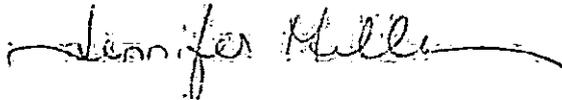
Weighting Factor	Criterion
40%	Expertise, experience, and qualifications of the Vendor, its personnel and proposed subcontractors as related to the Scope of Services, and understanding of the Scope of Services.
30%	Experience working with municipal governments and municipal projects with emphasis on projects with the City and Wicomico County or similar type municipalities and performance on all projects within the last three years.
20%	Price and billable rates.
10%	Geographic location of the Vendor relative to the location of the City and the Vendor's ability to respond to routine everyday type requests.

Vendor	Construction Administration Services	Inspection Services	Total	Composite Score	Rank
George, Miles & Buhr, LLC	\$59,000.00	\$112,500.00	\$171,500.00	3.50	1
EA Engineering	\$58,703.00	\$145,267.20	\$203,970.20	2.98	2
Cabe	\$19,900.00	\$91,450.00	\$111,350.00	2.97	3
Hazen and Sawyer	\$79,680.00	\$164,318.00	\$243,998.00	2.87	4
URS Corporation	\$58,000.00	\$171,000.00	\$229,000.00	2.62	5
Whitman, Requardt & Associates	\$158,540.00	\$124,800.00	\$283,340.00	2.56	6

George, Miles & Buhr, LLC was determined by the evaluation committee to have presented the best proposal due to their clear understanding of the work required and staff experience. There are sufficient funds to cover this purchase in account 30200-513020-55015

The Procurement Department requests Council's approval to award RFP 02-15 to George, Miles & Buhr, LLC, in the amount of \$171,500.00.

Sincerely,



Jennifer Miller

Assistant Director of Internal Services – Procurement and Parking



JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

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MICHAEL S. MOULDS, P.E.
DIRECTOR OF PUBLIC WORKS

To: Jennifer Miller, Assistant Director of Internal Services – Procurement & Parking
From: Michael S. Moulds, P.E., Director of Public Works
Paul B. Mauser, E.I., Project Engineer
Date: October 20, 2014
Re: Contract No. RFP 02-15
Engineering Construction Services for Parkside High School Regional Lift Station and Mill Street Pump Station Improvements.

Salisbury Public Works recently advertised a Request for Proposals for the Engineering Construction Services for Parkside High School Regional Lift Station and Mill Street Pump Station Improvements project. The proposals included providing engineering construction services including full time inspection for the implementation of the City's Parkside High School Regional Lift Station and Mill Street Pump Station Improvements Project.

Six firms submitted proposals to RFP 02-15 on Tuesday, September 30, 2014 at 2:30 p.m.: Cabe Associates, Inc.; EA Engineering, Science, and Technology, Inc.; George, Miles & Buhr, LLC; Hazen & Sawyer; Whitman, Requardt & Associates, LLP; and URS Corporation.

The selection committee included: Tom Messick, WWTP Collection Systems Superintendent; Jim Grindle, Senior Project Engineer; and Paul Mauser, Project Engineer.

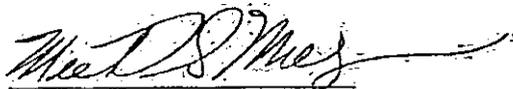
After an independent and detailed review of all the proposals, each evaluator ranked the six vendors based upon the evaluation criteria established in the RFP, which included: (40%) expertise, experience, and qualifications of the vendor; (30%) experience working with municipal governments with emphasis on City of Salisbury and Wicomico County projects; (20%) price and billable rates; and (10%) geographic location of the vendor relative to the City. The selection committee then met to compare individual rankings and to develop a composite ranking of each firm. The rating is on a scale of 0 to 4 with 0 being "Unacceptable" and 4 being "Superior".

The proposed contract costs and the composite rankings are provided below:

<u>Consultant</u>	<u>Total Fee = CA + Inspection</u>			<u>Composite Score</u>	<u>Ranking</u>
	<u>Total Fee</u>	<u>Construction Administration (CA)</u>	<u>Inspection</u>		
GMB	\$171,500.00	\$59,000.00	\$112,500.00	3.50	1
EA Engineering	\$203,970.20	\$58,703.00	\$145,267.20	2.98	2
Cabe	\$111,350.00	\$19,900.00	\$91,450.00	2.97	3
Hazen & Sawyer	\$243,998.00	\$79,680.00	\$164,318.00	2.87	4
URS	\$229,000.00	\$58,000.00	\$171,000.00	2.62	5
WRA	\$283,340.00	\$158,540.00	\$124,800.00	2.56	6
Average	\$207,193.03	-	-	2.77	-

Based on the selection committee ranking, George, Miles & Buhr, LLC presented the best team to successfully complete this project due to their clear understanding of the scope of work and technically skilled staff capable of completing the project.

Sufficient funds have been secured and are available in account 30200-513020-55015. Please issue a Purchase Order to George, Miles & Buhr, LLC in the amount of \$171,500.00 for the scope of work specified in RFP 02-15.



Michael S. Moulds, P.E.
 Director of Public Works

City of Salisbury



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Council Agenda

November 24, 2014

TO: Mayor and City Council
RE: Declaration of Surplus – Cimline Hot Box
Salisbury Department of Public Works

The Internal Services Department, Procurement Division, received a request from Salisbury Public Works to declare as surplus the Cimline Hot Box that was purchased in January 2009. The equipment failed in 2010 and was repaired, but again in 2013 it experienced the same part failure. The machine is non-functional and unable to be repaired. A copy of the department memo is attached for further information.

The Procurement Division requests Council's approval to declare the noted items "surplus" and to allow the City of Salisbury Public Works Department to dispose of the hot patch machine.

Sincerely,

Jennifer Miller
Asst. Director of Internal Services – Procurement and Parking

City of Salisbury



MARYLAND



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MICHAEL S MOULDS, P.E.
DIRECTOR OF PUBLIC WORKS

To: Jennifer Miller, Assistant Director of Internal Services – Procurement & Parking
From: Michael Moulds, Director of Public Works
Date: October 23, 2014
Re: Surplus – Cimline Hot Box

Salisbury Public Works is recommending that the City declare the Cimline Hot Box as surplus.

The Cimline Hot Box, or Hot Patcher machine, was purchased in January 2009 for \$25,870. The machine is used to heat and transport hot mix while keeping it hot all day or overnight. The tongue broke off the machine in March 2010 and was repaired by Cimline. There was a one year warranty which expired in 2010. The tongue broke off again in March 2013 and was determined to be not repairable. The failure of the equipment in 2013 was in the same location as the 2010 repair. A claim was submitted to LGIT in June 2013 and was denied because the loss was not caused by a covered cause of loss.

The City Attorney reviewed the information regarding this equipment to determine if a claim should be filed against the equipment manufacturer. After review, the City Attorney determined that if the City were to attempt to file a suit for defective repairs made by Cimline in 2010, then the City would have to prove through expert testimony that the past repairs that were made were done incorrectly. However, due to the time that has elapsed and the lack of information available, it is not recommended to pursue a suit against the manufacturer. Therefore, the Public Works Department recommends declaring the equipment as surplus.

Michael S. Moulds, P.E.
Director of Public Works

City of Salisbury



MARYLAND



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Council Agenda

November 24, 2014

TO: Mayor and City Council

RE: Declaration of Surplus – Sentry Fire Safe
Salisbury Police Department

The City of Salisbury Internal Services Department – Procurement Division received a request from the Salisbury Police Department to declare the following item surplus:

Item	Brand	Model	Serial #
Fire Safe	Sentry	MSW3517	BM958879

Upon declaration of surplus as approved by City Council, the aforementioned safe will be used to store SPD weapons. A copy of the departmental memo follows.

Thank you,

Jennifer Miller
Assistant Director of Internal Services – Procurement and Parking

City of Salisbury



JAMES IRETON JR.
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR



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



BARBARA DUNCAN
CHIEF OF POLICE

October 22, 2014

To: Jennifer Miller
From: Major David Meienschein
Subject: Recommendation for Surplus of Sentry Fire Safe

I am requesting that the attached Sentry Fire Safe be deemed surplus. Upon council approval this Safe will be incorporated into the Salisbury Police Department inventory to store SPD Weapons.

Respectfully,

A handwritten signature in black ink, appearing to read "David Meienschein" with a date "10/22/14" written at the end.

David Meienschein
Administrative Commander

Police Department
Salisbury, Maryland
MEMORANDUM 180-14
October 20 , 2014

TO: Major Meienschein
Lt Kaißer
Purchasing Department-Tom Tengman

From: Salisbury Police Department

Subject: Surplus property for departmental use

Attached is a copy of a request for a Sentry fire safe to be used as departmental property. All known owners of this property have been contacted either by mail or by phone and have made no attempt to claim this property.

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

Distribution:

Chief of Police
Administrative Commander
Administrative Lieutenant
CALEA: 84.1.7

