

CITY OF SALISBURY  
WORK SESSION  
MAY 4, 2015

Public Officials Present

Council President Jacob R. Day

Council Vice President Laura Mitchell

Councilwoman Eugenie P. Shields

Councilman John "Jack" R. Heath

Councilman Timothy K. Spies

Public Officials Not Present

Mayor James Ireton, Jr.

In Attendance

City Clerk Kimberly Nichols, City Administrator Tom Stevenson, Assistant City Administrator Julia Glanz, Building, Permits and Inspections Director William Holland, Neighborhood Services and Code Compliance Director Susan Phillips, Public Works Director Mike Moulds, City Attorney Mark Tilghman, interested citizens and members of the press.

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On May 4, 2014 City Council convened in Work Session at 4:35 p.m. in Council Chambers.

Community Presentations

- Entrepreneurship Week presentation

President Day asked Kathleen McClain, Channel 47ABC General Manager, forward to receive the proclamation on Entrepreneurship Week, as May 4, 2015 marks the beginning of Salisbury University (SU) Entrepreneurship Week.

Ms. McLain reported the 300 people expected to participate in the Shark Tank competition was doubled from the number at last year's Shark Tank event.

- SU Environmental Studies

SU students Jared Novial, Natalie Cohen, Ryan Tank and Kara Chopper were invited forward to speak about green initiatives and the steps the City of Salisbury can take in order to become a greener and more environmentally friendly city.

B & B Fee Schedule

Neighborhood Services and Code Compliance (NSCC) Director Susan Phillips joined Council to discuss the B & B Fee Schedule, and reported the amount of \$60 was determined to be an appropriate fee.

The process in which owners can apply for Bed & Breakfast Inn permits was discussed with Ms. Phillips and City Attorney Tilghman.

Council asked for Ms. Phillips to develop the steps in which to obtain a Bed & Breakfast permit in accordance with the legislation, and reached unanimous consensus to advance the fee schedule to legislative session.

### **Fire Service Agreement**

Fire Chief Rick Hoppes joined Council to provide an update on the Fire Service Agreement (FSA) meeting held on April 28, 2015 with the County officials in which Assistant City Administrator Julia Glanz also attended.

He discussed the following meeting discussion points and reported the meeting was very productive:

- All present at the meeting agreed that the Fire Service be provided in an equitable, affordable and sustainable way
- Valuation of services – an independent agency should provide the evaluation
- How much should the County be responsible for
- Geography – are our fire service districts appropriately outlined?
- How do we pay for it?
- How long should it take to negotiate a Fire Service Agreement
- How long should next FSA term be?
- The meeting was productive and positive

After discussing Mayor Ireton's "nuclear option" (to stop first responder services for those who receive fire and EMS services [in the County] but do not pay additional municipal taxes which would begin July 1, 2015) Council unanimously agreed to support removing the "nuclear option" threat to the County.

### **Flood Insurance Rate Maps**

Building, Permits and Inspections Director William Holland joined Council to discuss the finalized Flood Insurance Rate maps and the Maryland Model Floodplain Management Ordinance. He reported that recently FEMA completed a re-evaluation of flood hazards in Wicomico County and identified flood hazards and assessed flood risks. The City of Salisbury is required to adopt and show evidence of adoption of the floodplain management regulations, which meet both the federal government and State of Maryland standards, as a condition of continued eligibility in the National Flood Insurance Program. The Flood Insurance Rate Maps become effective on August 17, 2015.

Council reached unanimous consensus to advance the legislation to an upcoming legislative agenda.

### **Fixing the MWQFA loan amount for the WWTP**

Public Works Deputy Director Amanda Pollack joined Council to discuss the \$38,000,000.00 general obligation bonds authorized in Ordinance No. 2322 to be used for financing, reimbursing or refinancing costs incurred in connection with Enhanced Nutrient removal and Biological Nutrient Removal upgrades at the Wastewater Treatment Plant. The proposed resolution sets the bond amount for the loan of \$36,045,000 (\$34,545,000 Base Loan and \$1,500,000 Principal Forgiveness Loan). The project is funded through the Maryland Water Quality Financing Administration (MWQFA) at zero interest rate over a 20-year term.

Council reached unanimous consensus to advance the legislation to an upcoming legislative agenda.

#### **Accepting BNR and ENR Grants for the WWTP**

Ms. Pollack reported on the resolution to accept the grants in the amount of \$13,237,890 from the Bay Restoration Fund and \$11,491,080 from a Biological Nutrient Removal fund to fund the WWTP upgrade. The grant amounts are based on the actual construction bids and design and construction management contracts, and the project's total grant eligible percentage is 41.685%.

Council reached unanimous consensus to advance the legislation to an upcoming legislative agenda.

#### **Temporarily increasing the change order limits for the WWTP**

Ms. Pollack reported the City is operated under a Consent Order from the State of Maryland, which requires that the WWTP upgrade be started by December 31, 2017. The City's change order policy currently requires all change orders over \$5,000.00 be approved before Council. This can be time consuming and with WWTP upgrade project being under the Consent Order, change orders could potentially present time challenges.

Ms. Pollack requested the same modification and temporary increases of approval limits for change orders for the WWTP Biological Nutrient Removal and Enhanced Nutrient Removal Upgrade as was previously approved in the 2006 WWTP upgrade in Resolution No. 1360. They are as follows:

- Tier one change orders - \$50,000.00 or less and follow the same procedures that \$5,000.00 change orders currently follow (Public Works recommends, Procurement reviews and it receives approval through Internal Services and Public Works)
- Tier two change orders - between \$50,000.00 and \$100,000.00 and would additionally require the Mayor's signature
- Tier three change orders - between \$100,000.00 and \$150,000 and would require the Mayor's signature and one Council member designated to sign

All change orders over \$150,000 would require going through the current, normal channels. All of the other changes orders would still come before Council at the next legislative session for notification, confirmation, and public notice.

Ms. Pollack informed Council that there were only three change orders (out of 27 change orders in all) in the last WWTP upgrade that were greater than \$150,000.00.

Mr. Day requested the addition of the language "less than \$150,000.00" on Line 56 after "Orders" to read as follows: "7. Public Meeting: All Change Orders less than \$150,000.00 shall be placed on the Agenda of the next legislative City Council meeting after the Change Order was issued for ratification."

Ms. Pollack noted that the following additional sentence shall follow Line 56 as approved: "All Change Orders valued at more than \$150,000 shall be placed on an Agenda of a legislative City Council meeting for ratification."

Council reached unanimous consensus to advance the resolution to an upcoming agenda.

### **Ben's Red Swings Bathroom**

Ms. Pollack reported that Public Works had met with Mr. Matt Drew and Mr. Chris Eccleston on behalf of the Layton family to develop concept drawings for the construction of the restrooms to replace the portable toilets at the Ben's Red Swings playground. The Layton's have raised over \$70,000 to date. Once the project is completed, the finished building will be donated to the City, and the City of Salisbury will assume maintenance responsibilities.

Ms. Pollack informed Council that the Layton foundation would fully build the restrooms and donate the facility to the City of Salisbury. The donation would be accepted contingent upon an acceptable inspection by Public Works.

Ms. Pollack discussed the concept drawings, and explained the elevations are very similar to how the playground looks including roof pitch, ADA accessible with ramps, and above the flood plain elevation. Public Works Utilities Branch will run the water and sewer main as a donation back to the project. There will be a small lift station needed for the sewer, installed by the Layton foundation.

Council reached unanimous consensus to advance the legislation to the next agenda.

### **Motion to convene in Closed Session**

At 6:20 p.m., upon a motion and seconded by Mrs. Shields and Mrs. Mitchell, respectively, and by unanimous vote in favor, Council convened in Closed Session in accordance with the Annotated Code of Maryland §10-508(a)(7)(8)(14). (Council to discuss the lease of City land and the sale/bid of City owned land, a pending lawsuit and the settlement of a lawsuit)  
The Work Session adjourned at 4:45 p.m.

At 7:47 p.m. upon the adjournment of the Closed Session, Council reconvened in Open Work Session and President Day reported to the public that while in Closed Session Council agreed upon a lease rate for the use of City property, agreed to re-issue an RFP for another piece of City

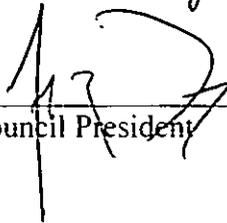
property, to consider a proposal received for an RFP on another City property, determined the parameters of a settlement of a lawsuit and received an update on a second lawsuit.

**Ben's Red Swings Bathroom (continued)**

Mr. Matt Drew and Katherine Layton joined Council to discuss the restroom project. After discussing the great fund raising efforts, lighting, fully funded amount of \$70,000, ADA accessibility, stand-alone lighting, and the ramp with two landings, Council unanimously agreed it was a great project and would place the project on an agenda for donation to the City upon the completion and inspections.

With no further business to discuss, the Work Session adjourned at 7:57 p.m.

  
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City Clerk

  
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Council President