

**CITY OF SALISBURY, MARYLAND**

**REGULAR MEETING**

**MAY 13, 2019**

**PUBLIC OFFICIALS PRESENT**

*Council President John “Jack” R. Heath  
Vice-President Muir Boda  
Councilman James Ireton, Jr.*

*Mayor Jacob R. Day  
Councilwoman Angela M. Blake  
Councilwoman April Jackson*

**IN ATTENDANCE**

*City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Zoo Director Ralph Piland, Department of Infrastructure and Development Director Amanda Pollack, Procurement Director Jennifer Miller, Finance Director Keith Cordrey, Business Development Director Laura Soper, Fire Chief John Tull, Deputy Chiefs Darrin Scott and James Gladwell, EMS Captain Chris Truitt, City Clerk Kim Nichols, City Attorney Mark Tilghman, and interested citizens.*

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**CITY INVOCATION – PLEDGE OF ALLEGIANCE**

*The City Council met in regular session at 6:00 p.m. in Council Chambers. Council President John R. Heath called the meeting to order, followed by the Pledge of Allegiance to the flag of the United States of America after calling for a moment of silent meditation.*

**PRESENTATIONS**

- **EMS Week Proclamation** – Mayor Jacob R. Day presented the Emergency Medical Services (EMS) Week proclamation to proclaim the week of May 19 - May 25, 2019 as Emergency Medical Services Week in the City with the theme “EMS Strong, Beyond the Call” and encouraged the community to observe the week with appropriate programs, ceremonies and activities.

*EMS Captain Chris Truitt accepted the proclamation on behalf of the Fire Department. Chief John Tull reported on Fire Department statistics and the remarkable work the technicians are doing. The SWIFT Program has helped reduce the number of frequent, 9-1-1 users who call for non-emergency transport by 30%. The Fire Department is the first in the area to have certified, EMS bicycles.*

- **Safe Boating Proclamation** – Mayor Day presented the proclamation, accepted by Coast Guard Commander Nick Bernstein, Flotilla Command, Salisbury Unit 1201, to proclaim May 18 – May 24, 2019 as National Safe Boating Week in the City of Salisbury. Mayor Day encouraged all boaters to practice safe boating habits and to wear a life jacket at all times while enjoying the beautiful Wicomico River.
- **Maternal Mental Health Awareness Day** – Mayor Day presented the proclamation,

accepted by Meisha Shockley, to proclaim May 2019 as Maternal Mental Health Awareness Month in the City of Salisbury. Since 10% and 20% of new and expected mothers are affected by depression and mood disorders, Mayor Day encouraged collaboration with local, state and national coalitions, organizations, and agencies that are immensely informed on and devoted to this to facilitate increased awareness and education about perinatal depression.

Ms. Shockley discussed the Shore Grace Family Wellness, established to help nurture and strengthen families on the Eastern Shore as they transition into life with new babies.

- **Public service presentation** – Pierre Medina, President of Haitian Association, joined Council at the podium to discuss the 2020 Census to ensure its success. A program to teach Haitian leaders the importance of being counted in the 2020 Census would begin on May 14, 2019 at Wicomico Presbyterian Church, located at 225 North Division Street in Salisbury. The program, directed by specialists from the US Department of Commerce Census Bureau, would ensure the Haitian population that participation was nothing to fear and they could trust the confidentiality laws.

#### **ADOPTION OF LEGISLATIVE AGENDA**

Mr. Ireton moved and Ms. Jackson seconded to approve the legislative agenda. Mr. Boda motioned to amend the legislative agenda to add Resolution No. 2945 - making a declaration of official intent regarding reimbursement of proceeds from a future borrowing project for expenditures made in connection with two projects identified as roof replacement Fire Station 1 and Honeywell Guaranteed Energy Savings Performance Contract after Resolution No. 2944. Ms. Blake seconded, and the motion to amend the legislative was unanimously approved.

The May 13, 2019 legislative agenda, as amended, was unanimously approved.

#### **CONSENT AGENDA** – presented by City Clerk Kim Nichols

The Consent Agenda, consisting of the following items, was unanimously approved on a motion and seconded by Mr. Boda and Ms. Jackson, respectively:

- **April 1, 2019** Work Session minutes
- **April 8, 2019** Regular Meeting minutes
- **April 16, 2019** Special Meeting minutes
- **April 22, 2019** Regular Meeting minutes
- **Resolution No. 2938-** to approve a service and equipment lease agreement between the City of Salisbury and the Wicomico County Board of Elections
- **Resolution No. 2939-** to accept a donation of a bronze statue from the Salisbury Zoo Commission for the Salisbury Zoological Park
- **Resolution No. 2940-** declaring that Northwood Professional Center LLC is eligible to receive Enterprise Zone benefits for property located at 2324 West Zion Road, Salisbury, MD
- **Resolution No. 2941-** approving the appointment of Melissa Cervantes to the Salisbury

*Zoo Commission for term ending May 2022*

- **Resolution No. 2942-** *approving the appointment of Elise Trelegan to the Sustainability Advisory Committee for term ending May 2022*
- *Approving the Manufacturing Exemption request for Clean Air Filters, LLC*
- *Approving the Manufacturing Exemption request for Machining Technologies, Inc.*

**AWARD OF BIDS** – *presented by Procurement Director Jennifer Miller*

*The Award of Bids, consisting of the following items, was unanimously approved on a motion by Ms. Jackson and seconded by Mr. Ireton:*

- *RFP 10-15, Change Order #8, WWTP Construction Management and Inspection* \$50,000.00
- *Declaration of Surplus, SPD Duty Weapons (2) and horse trailers (2)* \$ 0.00

**RESOLUTIONS** – *presented by City Administrator Julia Glanz*

- **Resolution No. 2943-** *approving a loan to Shamrock Hospitality Group, LLC from the City's Revolving Loan Fund to assist in the purchase of restaurant equipment at 100 E Main Street, Suite 111, Salisbury, MD*

*Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Resolution No. 2943.*

- **Resolution No. 2944-** *to surplus City-owned property located between the Riverwalk and the property currently known as Parking Lot #16 and to accept the assignment of the land disposition contract from Davis Simpson Holdings, LLC to BKR Holdings, LLC for the redevelopment of parking lot #16*

*Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Resolution No. 2944.*

- **Resolution No. 2945-** *making a declaration of official intent regarding reimbursement of proceeds from a future borrowing project for expenditures made in connection with two projects identified as Roof Replacement Fire Station 1 and Honeywell Guaranteed Energy Savings Performance Contract*

*Mr. Boda moved, Mr. Ireton seconded, and the vote was unanimous to approve Resolution No. 2945.*

**FY20 BUDGET, WATER & SEWER RATES, FEES, AND CONSTANT YIELD PUBLIC HEARINGS** – *presented by City Attorney Mark Tilghman*

*President Heath asked for everyone in the audience wishing to speak to any of the four (4) Public Hearings to rise to be sworn in by City Clerk Nichols. One individual was sworn in.*

- **Ordinance No. 2539-** *appropriating the necessary funds for the operation of the Government and Administration of the City of Salisbury for the period July 1, 2019 to June 30, 2020, establishing the levy for the General Fund for the same fiscal period and establishing the appropriation for the Water and Sewer, Parking Authority, City Marina and Storm Water Funds*

*Mr. Tilghman presented Ordinance No. 2539, and President Heath opened the Public Hearing at 6:42 p.m. The following comments were received from one member of the public:*

- *Last year, assessments were up, and for the past two years, taxes have increased by 5.43 %. The current rate on a savings account is anywhere from nothing to .5%.*
- *This is another instance of increasing taxes for pet projects to benefit Salisbury University students and downtown revitalization.*
- *The City is now in the loan business for restaurants, which will probably have one of the highest and quickest mortality rates of any business in the United States. Our tax money will go to that, too.*
- *\$3 million in five (5) years for bike paths to connect Salisbury University to downtown. What is the benefit and percentage of use by the residents of Salisbury?*
- *Bonds that are going to be issued will have to be paid back with interest.*
- *It never ends – it is expanding government beyond belief; quickly and expensively.*
- *Downtown revitalization has not worked in the past twenty (20) years. It is the nature of cities and soon the Mall will be out of business because of the internet. Old name department stores are gone and discount stores are coming back. Things change and it is hard to bring them back.*
- *Some of our most treasured assets are under siege - wildlife and clean rivers.*
- *Look at Frederick's Riverwalk on the internet and then look at our Riverwalk.*

*Mayor Day pointed out that the tax rate has increased 0% - no increase at all.*

*At 6:48 p.m., President Heath closed the Public Hearing for Ordinance No. 2539.*

- **Ordinance No. 2540-** *to establish that there is no rate change for water and sewer rates. It is effective for all bills dated October 1, 2019 and thereafter unless and until subsequently revised or changed*

*Mr. Tilghman presented Ordinance No. 2540, and President Heath opened the Public Hearing at 6:49 p.m. The following comments were received from one member of the Public:*

- *Speaker said he reviewed his water bills. On 5/1/16, it started at \$10.13 for water and sewer per 1,000 gallons, and it was \$19 for trash removal. On 11/1/16, it increased 2% for water and sewer, and remained \$19 for trash.*
- *On 11/1/17, there was a 7.5% increase plus an additional \$20 increase for trash, which was 90% increased*

- On 11/1/18, there was another 5% increase on water and sewer, and another \$10 increase for trash, which was a 28% increase.
- The total amount for trash removal is now \$46.
- Most cities move it out of the Enterprise Fund into the General Fund, and that means you are not being charged in addition to the taxes you pay. That is what the City should do.
- The Mayor did have a rate increase anticipated, and did say that he did not need it. Remember this is an election year.

At 6:51 p.m., President Heath closed the Public Hearing for Ordinance No. 2540.

- **Ordinance No. 2541-** to set fees for FY2020 and thereafter unless and until subsequently revised or changed

Mr. Tilghman presented Ordinance No. 2541, and President Heath opened the Public Hearing at 6:52 p.m. As there were no requests to speak in the Public Hearing, President Heath immediately closed the Public Hearing.

- **Constant Yield Tax Rate**

Mr. Tilghman reported that Maryland law requires that the City hold a Public Hearing in regards to the issue of the Constant Yield Tax Rate. The current rate proposed in the FY20 Budget proposes an increase in Real Property Tax. For the fiscal year beginning July 1, 2019 the estimated real property accessible base will increase by 2.85%, from \$1,876,927,000 to \$1,929,427,191. If the City of Salisbury maintains the current tax rate of .9832 per 100 of assessment, real property tax revenues shall increase by 2.85% resulting in \$525,205 of new real property tax revenues. In order to fully offset the effect of increasing assessments, the real property tax rate would have to be reduced by \$.9560, the Constant Yield Tax Rate. The City of Salisbury not considering reducing its real property tax rate enough to fully offset the increased assessments. The City proposes to adopt a real property tax rate of \$.9832 per \$100 of assessment. This tax rate is 2.85% higher than the constant yield tax rate and will generate \$525,205 in additional property tax revenues.

At 6:54 p.m., President Heath opened the Public Hearing at 6:54 p.m. The following comments were received by one member of the public:

- Asked if the Council or Mayor were proposing an increase in taxes? President Heath responded that the tax rate would remain the same.
- The .9832 per \$100 was the same. Mr. Boda said if the property value increases, you would pay the same rate, but what is owed may be more.
- Mayor Day reiterated that the property rate would remain the same, but the property values, set by the State, may likely increase.
- Speaker said that the public needed it explained to them so they could understand it.
- Mayor Day said that the language required by the State confuses the matter even more.

*The Public Hearing was closed at 6:58 p.m. President Heath announced that the second reading for the Budget, Fees and Water & Sewer rates would be on June 10, 2019 at the Legislative Session at 6:00 p.m. in Council Chambers.*

**ORDINANCES** – presented by City Attorney Mark Tilghman

- **Ordinance No. 2542**- 1<sup>st</sup> reading- approving an amendment of the FY19 Budget to appropriate funds for street resurfacing and concrete repair

*Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous to approve Ordinance No. 2542 for first reading.*

- **Ordinance No. 2543**- 1<sup>st</sup> reading- approving a budget amendment of the FY19 General Fund to appropriate funds for attorney fees

*Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2543 for first reading.*

**ADJOURNMENT**

*With no further business to discuss, the meeting was adjourned at 7:01 p.m.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
APRIL 22, 2019

**TIME & PLACE:** 6:35 p.m., Government Office Building – Room 301  
**PURPOSE:** to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State  
**VOTE TO CLOSE:** Unanimous (5-0)  
**CITATION:** Annotated Code of Maryland §3-305(b)(1)  
**PRESENT:** Council President John “Jack” R. Heath, Mayor Jacob R. Day, Council Vice-President Muir Boda, Councilwoman Angela Blake, Councilman James Ireton, Jr., Councilwoman April Jackson, Business Development Director Laura Soper, Dennis Mogan, Kirk Davis, Bret Davis (teleconferenced), City Administrator Julia Glanz, City Attorney Mark Tilghman, and City Clerk Kim Nichols

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*The City Council convened in Legislative Session in Room 301 in the Government Office Building at 6:00 p.m. At 6:33 p.m., President Heath called for a motion to convene in Closed Session to discuss the appointment or assignment of a person(s) over whom the public body has jurisdiction as permitted under the Annotated Code of Maryland §3-305(b)(4). Mr. Ireton moved, Ms. Jackson seconded, and the vote was unanimous (5-0) to convene in Closed Session.*

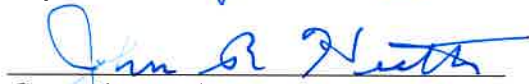
*Council conducted the interview of the three co-owners of the prospective restaurant, to be located downtown and recipient of the City’s Revolving Loan.*

*At 6:50 p.m. upon completion of the interview, Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to adjourn the Closed Session.*

*Council immediately convened in Open Session and President Heath reported that while in Closed Session Council had considered a proposal for a business.*

*Thereafter, with no further business to discuss, the Open Session adjourned at 6:52 p.m.*

  
City Clerk

  
Council President



City of  
**Salisbury**  
Jacob R. Day, Mayor

**COUNCIL AGENDA – Award of Bids**

**May 13, 2019**

- |  |             |
|--|-------------|
| 1. RFP 10-15, Change Order #8<br>WWTP Construction Management and Inspection | \$50,000.00 |
| 2. Declaration of Surplus<br>SPD Duty Weapons (2) and horse trailers (2)     | \$ 0.00     |





City of  
**Salisbury**  
Jacob R. Day, Mayor

**To:** Mayor and City Council  
**From:** Jennifer Miller  
Director of Procurement  
**Date:** May 13, 2019  
**Subject:** Change Order #8 to RFP 10-15  
WWTP Construction Management and Inspection

The Department of Procurement received a request from the Department of Infrastructure and Development to process Change Order #8 in the amount of \$50,000.00 for RFP 10-15 WWTP Construction Management and Inspection. Additional construction management and part-time inspection services are necessary to complete contract close out and General Contractor negotiation activities through June 28, 2019.

Funds are available in the Waste Water Treatment Plant project account 96113-513020-55512, and additional details are noted in the departmental memo which is attached.

The Department of Procurement hereby requests Council's approval for Change Order #8 as noted above to GHD, Inc., in the amount of \$50,000.

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Department of Procurement  
125 N Division St., #104 Salisbury, MD 21801  
410-548-3190 (fax) 410-548-3192  
[www.salisbury.md](http://www.salisbury.md)



City of  
**Salisbury**  
Jacob R. Day, Mayor

To: Jennifer Miller, Director of Procurement  
From: Amanda Pollack, P.E., Director of Infrastructure and Development *AP*  
Date: April 25, 2019  
Re: RFP 10-15 WWTP Construction Management and Inspection – Change Order No. 8

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Through RFP 10-15 Construction Management and Inspection Services for the WWTP BNR/ENR Upgrade, GHD was contracted by the City to perform construction services for the duration of construction. Per the attached proposal from GHD dated April 11, 2019, the anticipated substantial completion date of the project has gone beyond what was previously expected. Project Substantial Completion was granted as of April 3, 2019. The Contractor is now in the process of completing the punch list and providing close out documents. The services of GHD is still needed during the close out period in advance of Final Acceptance. Additionally, services of the scheduling expert may be needed in the evaluate of a time extension for the General Contractor.

Change Order No. 8 includes extending GHD's contract time to June 28, 2019, which is an additional four (4) months beyond their current contract. GHD will invoice for only actual time used. Furthermore, if a time extension to Ulliman Schutte's contract 107-15 is not granted, then the City may seek reimbursement for GHD's services through Liquidated Damages, as appropriate.

Funding for this change order is provided from bonds. The Department of Infrastructure and Development recommends approval of this change order. Please process Change Order No. 8 in the amount of \$50,000.00. Funds are available in account 96113-513020-55512.

*Amanda Pollack*

Amanda Pollack, P.E.  
Director of Infrastructure and Development



City of  
**Salisbury**  
Jacob R. Day, Mayor

**To:** Mayor and City Council  
**From:** Jennifer Miller  
Director of Procurement  
**Date:** May 13, 2019  
**Subject:** Declaration of Surplus

The Department of Procurement received requests to declare the following items as surplus:

- Salisbury Police Department – 2 duty weapons
- Salisbury Police Department – 2 horse trailers

Memos detailing these items, their condition and method of disposal are attached.

The Department of Procurement requests Council's approval to declare the noted items "surplus" and to allow the departments to dispose of as indicated.



City of  
**Salisbury**  
Salisbury Police Department

DATE: April 18, 2019

TO: Chief Barbara Duncan  
Chief of Police

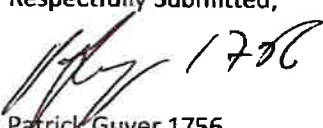
FROM: Patrick Guyer  
Quartermaster

SUBJECT: SURPLUS WEAPONS - SGT LAURA DIBBERN AND PFC JUSTIN PROCTOR

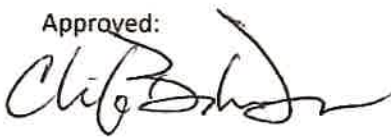
The Salisbury Police Department has a history of giving retiring Police Officers their duty weapon as a retirement gift. Therefore, I request permission to send the appropriate paperwork to the Purchasing Agent to declare, as surplus, one Glock Auto Pistol, 45 Caliber Model 21 with serial number BFRA645 for Sergeant Laura Dibbern who will be retiring from the Salisbury Police Department July 31, 2019. This weapon is valued at \$479.00.

I am also requesting permission to send the appropriate paperwork to the Purchasing Agent to declare, as surplus, one Glock Auto Pistol, 45 Caliber Model 21 with serial number WG611 for PFC Justin Proctor who has retired from the Salisbury Police Department on August 10, 2018. This weapon is valued at \$396.43.

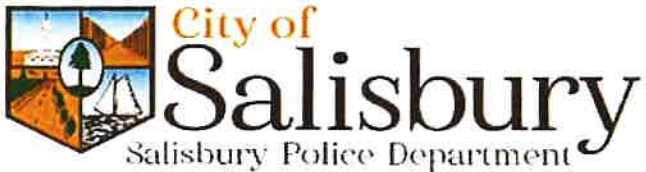
Respectfully Submitted,

  
Patrick Guyer 1756  
Quartermaster  
Administrative Division

Approved:

  
Barbara Duncan  
Chief of Police





DATE: April 10, 2019

TO: Chief Barbara Duncan  
Chief of Police

FROM: Patrick Guyer  
Quartermaster

SUBJECT: SURPLUS HORSE TRAILERS

The Salisbury Police Department is requesting that the two horse trailers listed below be declared as surplus since they are no longer able to be put into service. I request permission to send the appropriate paperwork to the Purchasing Agent to declare, as surplus, the following trailers:

1. 1996 Sundowner 2 Horse Charter Trailer w/Dressing Room  
(VIN:13SSW2223T1H17570) Purchase Price on July 19, 1996: \$8,775.00
2. 1997 Featherlite 2 Horse Trailer w/Dressing Room (VIN:  
4FGL1520XVA515698) Purchase Price on March 25, 1997: \$8,395.00

Neither of these trailers are currently useable, and a trailer company salesman that I consulted with advised that they cannot be used for trailering horses in the condition that they are in. Both trailers have been parked at the Salisbury Police Department Shooting Range for more than 5 years, and need to be removed to clear out the unused equipment that has been stored at the range.

I am requesting that these trailers be declared surplus, and once that is complete, they will be taken to Salisbury Scrap metal and destroyed.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "P. Guyer 1756".

Patrick Guyer 1756  
Quartermaster

Approved:

A handwritten signature in blue ink, appearing to read "Chief Barbara Duncan".

Chief Barbara Duncan  
Chief of Police



899 W. Salisbury Parkway  
Salisbury, MD 21801  
410-548-3165  
[www.salisburypd.com](http://www.salisburypd.com)

















