



# City of Salisbury

## CITY COUNCIL AGENDA



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**AUGUST 1, 2013**  
**Government Office Building**

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**SPECIAL MEETING**

**10:00 a.m.**  
**Room 301**

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Times shown for agenda items are estimates only.

10:00 a.m. CALL TO ORDER

10:01 a.m. WELCOME/ANNOUNCEMENTS

10:04 a.m. ORDINANCE – City Attorney Mark Tilghman

1

- Ordinance No. 2259 - 2<sup>nd</sup> reading - amending and supplementing Ordinance No. 2044, passed by the Council on December 17, 2007, approved by the Mayor on December 19, 2007 and effective on December 19, 2007, as amended and supplemented by Ordinance No. 2069, passed by the Council on January 12, 2009, approved by the Mayor on January 13, 2009 and effective on January 13, 2009, as further amended and supplemented by Ordinance No. 2139, passed by the Council on February 28, 2011, approved by the Mayor on March 1, 2011, and effective on March 1, 2011, in order to authorize and empower City of Salisbury to use and apply a portion of the proceeds of the \$3,605,000 City of Salisbury Public Improvements Bond of 2008 issued on January 22, 2008 (the “2008 bond”) (i) originally allocated to a project identified therein as “Waverly Drive Storm Sewer Project” to a project identified herein as “Salisbury Zoo – Animal Health Building Construction” and (ii) to costs of construction as well as engineering of repairs of the Riverwalk along the Wicomico River East Prong, all as further described herein; providing that this title is a fair statement of the substance of this ordinance; and otherwise generally relating to the use of proceeds of the 2008 bond.

10:10 a.m. RESOLUTION – Interim City Administrator M. Thomas (Tom) Stevenson

2

- Resolution No. 2310 - amending and supplementing Resolution No. 1620, adopted by the Council on January 14, 2008, approved by the Mayor on January 15, 2008 and effective on January 15, 2008, as amended and supplemented by Resolution No. 1750, adopted by the Council on January 12, 2009, approved by the Mayor on January 13, 2009 and effective on January 13, 2009, as further amended and supplemented by Resolution No. 2034, adopted by the Council on February 28, 2011, approved by the Mayor on March 1, 2011 and effective on March 1, 2011, in order to authorize and empower City of Salisbury to use and apply a portion of the proceeds of the \$3,605,000 City of Salisbury Public Improvements Bond of 2008 issued on January 22, 2008 (the “2008 bond”) (i) originally allocated to a project identified therein as “Waverly Drive Storm Sewer Project” to a project identified herein as “Salisbury Zoo – Animal Health Building Construction” and (ii) to costs of construction as well as engineering of repairs of the Riverwalk along the Wicomico River East Prong, all as further described herein; authorizing, directing or empowering City officials and employees to take certain actions with respect to the 2008 bond; and otherwise generally relating to the use of proceeds of the 2008 bond.

10:15 a.m.      AWARD OF BIDS – Assistant Director Internal Services - Procurement      3  
Catrice Parsons

- Award of Contract No. 117-10 Rebid Animal Health Building - Salisbury Zoological Park

10:20 a.m.      ADJOURNMENT

**Copies of the agenda items are available for review  
in the City Clerk's Office  
Room 305 – City/County Government Office Building  
410-548-3140  
or  
on the City's web site  
[www.ci.salisbury.md.us](http://www.ci.salisbury.md.us)**

**City Council meetings are conducted in open session unless otherwise indicated. All or part of the Council's meetings can be held in closed session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland 10-508(a), by vote of the City Council.**

Posted: July 25, 2013

# City of Salisbury



MARYLAND

Salisbury



2010

125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801

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JAMES IRETON, JR.  
MAYOR

TOM STEVENSON  
ACTING CITY ADMINISTRATOR

AMANDA POLLACK, P.E.  
ACTING DIRECTOR OF  
PUBLIC WORKS

TO: Tom Stevenson, Acting City Administrator  
FROM: Amanda Pollack, Acting Director *AP*  
DATE: July 23, 2013  
SUBJECT: Animal Health Building - Salisbury Zoological Park – Bond Amending Ordinance

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Attached for second reading is the Ordinance associated with amending the 2008 bond to provide funding for the Zoo Animal Health Building. Per the July 22, 2013 Council meeting, the items adopted by Amendment at the July 22, 2013 have been added, and bond counsel has noted additional related changes.

Additionally, Bond Counsel added language beginning on Line 256 regarding utilizing all other funds associated with the Zoo Animal Health Building project first, per Council's request.

Unless you or the Mayor has further questions, please forward this to the City Council.

AS AMENDED ON AUGUST 1, 2013  
Ordinance No. 2259

1  
2  
3 AN ORDINANCE OF THE CITY OF SALISBURY ENTITLED AN ORDINANCE  
4 AMENDING AND SUPPLEMENTING ORDINANCE NO. 2044, PASSED BY THE COUNCIL  
5 ON DECEMBER 17, 2007, APPROVED BY THE MAYOR ON DECEMBER 19, 2007 AND  
6 EFFECTIVE ON DECEMBER 19, 2007, AS AMENDED AND SUPPLEMENTED BY  
7 ORDINANCE NO. 2069, PASSED BY THE COUNCIL ON JANUARY 12, 2009, APPROVED  
8 BY THE MAYOR ON JANUARY 13, 2009 AND EFFECTIVE ON JANUARY 13, 2009, AS  
9 FURTHER AMENDED AND SUPPLEMENTED BY ORDINANCE NO. 2139, PASSED BY  
10 THE COUNCIL ON FEBRUARY 28, 2011, APPROVED BY THE MAYOR ON MARCH 1,  
11 2011, AND EFFECTIVE ON MARCH 1, 2011, IN ORDER TO AUTHORIZE AND EMPOWER  
12 CITY OF SALISBURY TO USE AND APPLY A PORTION OF THE PROCEEDS OF THE  
13 \$3,605,000 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2008 ISSUED ON  
14 JANUARY 22, 2008 (THE "2008 BOND") (I) ORIGINALLY ALLOCATED TO A PROJECT  
15 IDENTIFIED THEREIN AS "WAVERLY DRIVE STORM SEWER PROJECT" TO A  
16 PROJECT IDENTIFIED HEREIN AS "SALISBURY ZOO - ANIMAL HEALTH BUILDING  
17 CONSTRUCTION" AND (II) TO COSTS OF CONSTRUCTION AS WELL AS ENGINEERING  
18 OF REPAIRS OF THE RIVERWALK ALONG THE WICOMICO RIVER EAST PRONG. ALL  
19 AS FURTHER DESCRIBED HEREIN; PROVIDING THAT THIS TITLE IS A FAIR  
20 STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE; AND OTHERWISE  
21 GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2008 BOND.  
22  
23

RECITALS

24 WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the  
25 "City"), is authorized and empowered by Sections 31 to 37, inclusive, of Article 23A of the  
26 Annotated Code of Maryland, as replaced, supplemented or amended (the "Enabling Act"), and  
27 Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as published in Municipal  
28 Charters of Maryland, as replaced, supplemented or amended (the "Charter"), to borrow money for  
29 any proper public purpose and to evidence such borrowing by the issuance and sale of its general  
30 obligation bonds; and  
31

32 WHEREAS, pursuant to the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and  
33 Ordinance No. 2044, passed by the Council of the City (the "Council") on December 17, 2007,  
34 approved by the Mayor of the City (the "Mayor") on December 19, 2007 and effective on  
35 December 19, 2007 (~~the "Original Ordinance"~~ "Ordinance No. 2044"), the City authorized general  
36 obligation bonds to be issued from time to time in one or more series in an aggregate principal  
37 amount not to exceed Four Million One Hundred Twenty-nine Thousand Dollars (\$4,129,000) (the  
38 "Authorized Bonds") in order to finance, reimburse or refinance the "costs" (as defined in Section  
39 3(b) of Ordinance No. 2044) of the projects identified in Section 3(b) of Ordinance No. 2044  
40 (herein referred to as the "Authorized Projects" and referred to as the "Projects" in Ordinance No.  
41 2044); and  
42

Underlining : Indicates material added by amendment after introduction  
~~Strike-through~~ : Indicates material deleted by amendment after introduction

43 WHEREAS, pursuant to Resolution No. 1620, adopted by the Council on January 14, 2008,  
44 approved by the Mayor on January 15, 2008 and effective on January 15, 2008 (~~the~~ “Original  
45 Resolution” “Resolution No. 1620”), the City determined to borrow money for the public purpose  
46 of financing or reimbursing “costs” (as defined in Section 2(b) of Resolution No. 1620) of the  
47 Authorized Projects specified in Section 2(a) of Resolution No. 1620 (which included all of the  
48 Authorized Projects other than the one identified in Ordinance No. 2044 as “Salisbury Zoo –  
49 Animal Health Building Construction” plus a portion of the authorized “Costs of Issuance”), and  
50 to evidence this borrowing by the issuance and sale of its Public Improvements Bond of 2008 in  
51 the principal amount of Three Million Six Hundred Five Thousand Dollars (\$3,605,000) (the  
52 “2008 Bond”); and

53  
54 WHEREAS, pursuant to the Enabling Act, Sections SC7-45 and SC7-46 of the Charter,  
55 Ordinance No. 2044 and Resolution No. 1620, the City issued and delivered the 2008 Bond to  
56 SunTrust Equipment Finance & Leasing Corporation on January 22, 2008; and

57  
58 WHEREAS, Section 2 of Resolution No. 1620 provides that proceeds of the 2008 Bond  
59 shall be appropriated and allocated to the specified Authorized Projects identified therein, subject to  
60 the further provisions of such Section 2 (which projects are referred to as the “Projects” in  
61 Resolution No. 1620); and

62  
63 WHEREAS, subsequent to the passage of Ordinance No. 2044 and Resolution No. 1620  
64 and the issuance of the 2008 Bond, the City determined that instead of applying \$500,000.00 of the  
65 proceeds of the 2008 Bond (exclusive of investment earnings that may be applied for such purpose)  
66 to the project identified as “Elevated Water Tower/North – Engineering” in both Ordinance No.  
67 2044 and Resolution No. 1620, the City would apply such 2008 Bond proceeds to engineering  
68 costs for water storage that may involve a water tank, a water tower or some other type of  
69 improvement for water storage and that may be located in a different geographic area of the City  
70 other than the northern area and, therefore, determined to modify the description of such project  
71 and to remove the geographic reference to such project as contained in Ordinance No. 2044 and  
72 Resolution No. 1620 (the “2009 Modified Project”); and

73  
74 WHEREAS, pursuant to Ordinance No. 2069, passed by the Council on January 12,  
75 2009, approved by the Mayor on January 13, 2009 and effective on January 13, 2009  
76 (“Ordinance No. 2069”), and Resolution No. 1750, adopted by the Council on January 12, 2009,  
77 approved by the Mayor on January 13, 2009 and effective on January 13, 2009 (“Resolution No.  
78 1750”), the City respectively amended and supplemented Ordinance No. 2044 and Resolution  
79 No. 1620 in order to provide for the application of \$500,000.00 of the proceeds of the 2008 Bond  
80 (exclusive of investment earnings that may be applied for such purpose) to costs of the 2009  
81 Modified Project; and

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83 WHEREAS, by issuance of the 2008 Bond, the City did not exhaust all of the bonding  
84 authority provided for in Ordinance No. 2044, but Resolution No. 1620 provided that the  
85 \$322,000.00 maximum principal amount of 2008 Bond proceeds authorized to be applied to the  
86 Beaverdam Drive Bridge – Repair project identified in Ordinance No. 2044 (exclusive of  
87 investment earnings that may be applied for such purpose) were allocated to the 2008 Bond; and  
88

89 WHEREAS, while the City originally intended to repair Beaverdam Drive Bridge, in 2011,  
90 it determined that Beaverdam Drive Bridge would likely need to be replaced, and the City  
91 determined to allow the use of proceeds of the 2008 Bond for costs of any combination of repair  
92 and/or replacement of the Beaverdam Drive Bridge and related activities (the “2011 Modified  
93 Project”); and  
94

95 WHEREAS, pursuant to Ordinance No. 2139, passed by the Council on February 28, 2011,  
96 approved by the Mayor on March 1, 2011 and effective on March 1, 2011 (“Ordinance No. 2139”),  
97 and Resolution No. 2034, adopted by the Council on February 28, 2011, approved by the Mayor on  
98 March 1, 2011 and effective on March 1, 2011 (“Resolution No. 2034”), the City respectively  
99 amended Ordinance No. 2044, as amended and supplemented by Ordinance No. 2069, and  
100 Resolution No. 1620, as amended and supplemented by Resolution No. 1750, in order to provide  
101 for the application of proceeds of the 2008 Bond to the 2011 Modified Project; and  
102

103 WHEREAS, the term “costs” has identical meanings as used in Ordinance No. 2044,  
104 Ordinance No. 2069 and Ordinance No. 2139; and  
105

106 WHEREAS, Ordinance No. 2044, as amended and supplemented by Ordinance No. 2069  
107 and Ordinance No. 2139, is herein referred to as the “Existing Ordinance”, and Resolution No.  
108 1620, as amended and supplemented by Resolution No. 1750 and Resolution No. 2034, is herein  
109 referred to as the “Existing Resolution”; and  
110

111 WHEREAS, Ordinance No. 2044 provides that not to exceed \$500,000.00 of proceeds of  
112 the bonds authorized thereby may be applied to costs of a project identified therein as “Salisbury  
113 Zoo – Animal Health Building Construction”, and as noted above, by issuance of the 2008 Bond,  
114 the City did not exhaust all of the bonding authority provided for in Ordinance No. 2044; and  
115

116 WHEREAS, pursuant to the Enabling Act, Sections SC7-45 and SC7-46 of the Charter,  
117 Ordinance No. 2044, Ordinance No. 2071, passed by the Council on January 26, 2009, approved by  
118 the Mayor on January 27, 2009 and effective on January 27, 2009 (“Ordinance No. 2071”) and  
119 Resolution No. 1850, adopted by the Council on October 26, 2009, approved by the Mayor on  
120 October 26, 2009, and effective on October 26, 2009 (“Resolution No. 1850”), the City on  
121 November 6, 2009 issued and delivered its \$2,600,000 City of Salisbury Public Improvements  
122 Bond of 2009 (the “2009 Bond”), up to \$500,000.00 of the proceeds of which (exclusive of

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123 investment earnings that may be applied for such purpose) were allocated to the project identified in  
124 Ordinance No. 2044 as “Salisbury Zoo – Animal Health Building Construction”; and

125  
126 WHEREAS, pursuant to Ordinance No. 2093, passed by the Council on December 21,  
127 2009, approved by the Mayor on December 24, 2009 and effective on December 24, 2009, and  
128 Resolution No. 1874, adopted by the Council on December 21, 2009, approved by the Mayor on  
129 December 24, 2009 and effective on December 24, 2009, the City amended and supplemented  
130 Ordinance No. 2071 and Resolution No. 1850, respectively, to expand the scope of one of the  
131 projects to which proceeds of the 2009 Bond were allocated, but did not change the allocation of  
132 not to exceed \$500,000.00 of the proceeds of the 2009 Bond (exclusive of investment earnings that  
133 may be applied for such purpose) to the project identified in Ordinance No. 2044 and Resolution  
134 No. 1850 as “Salisbury Zoo – Animal Health Building Construction”; and

135  
136 WHEREAS, the City has determined that costs of the project described in Ordinance No.  
137 2044 as “Salisbury Zoo – Animal Health Building Construction” are more than authorized to be  
138 financed by such Ordinance; and

139  
140 WHEREAS, by issuance of the 2009 Bond, the City exhausted the bonding authority  
141 provided in Ordinance No. 2044 for the project described therein as “Salisbury Zoo – Animal  
142 Health Building Construction”; and

143  
144 WHEREAS, the Existing Ordinance and the Existing Resolution provide that up to  
145 \$1,300,000.00 of the proceeds of the 2008 Bond may be applied to costs of the project identified  
146 therein as “Waverly Drive Storm Sewer Project” (exclusive of investment earnings that may be  
147 applied for such purpose), and the City has determined that other sources of funding are available  
148 for such project and would like to redirect up to \$539,000.00 of the proceeds of the 2008 Bond  
149 allocated to the “Waverly Drive Storm Sewer Project” (exclusive of investment earnings that may  
150 be applied for such purpose) to the project identified in the Existing Ordinance as “Salisbury Zoo –  
151 Animal Health Building Construction” (~~the “2013 Modified Project”~~), *in addition to* proceeds of  
152 the 2009 Bond authorized to be applied to such project as described in these Recitals; and

153  
154 WHEREAS, the Existing Ordinance and the Existing Resolution provide that up to  
155 \$100,000.00 of proceeds of the 2008 Bond may be applied to costs of the project identified therein  
156 as “Riverwalk – Engineering for Repairs Along Wicomico River East Prong”, and the City would  
157 like to spend proceeds of the 2008 Bond for construction costs of such project; and

158  
159 WHEREAS, the redirection of up to \$539,000.00 of proceeds of the 2008 Bond to the  
160 “Salisbury Zoo – Animal Health Building Construction” project (exclusive of investment earnings  
161 that may be applied for such purpose) as described in the second preceding WHEREAS clause, and  
162 the expansion of the project described in the preceding WHEREAS clause to include construction  
163 costs, are collectively referred to herein as the “2013 Modified Project”; and

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WHEREAS, accordingly, the City desires to revise the description of the projects as set forth in the Existing Ordinance in order to allow proceeds of the 2008 Bond to be applied to costs of the 2013 Modified Project.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that the Recitals to this Ordinance are incorporated by reference herein and deemed a substantive part of this Ordinance. Capitalized terms used in the Sections of this Ordinance that are not defined therein shall have the meanings given to such terms in the Recitals.

SECTION 2. BE IT FURTHER ORDAINED that (a) pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and Ordinance No. 2044, Section 3(b) of Ordinance No. 2044, Section 1(a) of Ordinance No. 2069, and Section 2(a) of Ordinance No. 2139 are hereby deleted in their respective entireties and inserted in place thereof shall be the following:

“(b) With respect to the projects listed below, the word “costs” as used in Section 2 hereof shall include, as applicable, land and right-of-way acquisition and development; site and utility improvements; acquisition, construction, expansion, reconstruction, replacement, renovation, rehabilitation, improvement, installation, furnishing and equipping activities and expenses; planning, design, engineering, architectural, feasibility, surveying, financial and legal expenses; costs of issuance (which may include costs of bond insurance or other credit enhancement); interest during construction and for a reasonable period thereafter (whether or not expressly so stated); and any such costs that may represent the City’s share or contribution to the financing, reimbursement or refinancing of any such project. The total Bond (or BAN, as identified in Section 7 hereof) funds to be appropriated or applied to the costs of such projects (exclusive of any investment earnings that may be applied for such purposes) shall be allocated among the following public purpose projects in the maximum principal amount set forth opposite each, except as otherwise herein provided:

[CONTINUED ON FOLLOWING PAGE]

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	<u>Project Description</u>	<u>Maximum Principal Amount</u>
1.	Waverly Drive Storm Sewer Project <u>and</u> Salisbury Zoo – Animal Health Building Construction	\$ 1,300,000.00
2.	Fire Station #2 – Renovations	90,000.00
3.	Fire Station #16 - Truck Replacement	950,000.00
4.	Riverwalk – <u>Engineering and Construction</u> for Repairs Along Wicomico River East Prong	100,000.00
5.	Beaverdam Drive Bridge	322,000.00
6.	Mill Street Bridge – Repairs	327,000.00
7.	Salisbury Zoo – Animal Health Building Construction	500,000.00
8.	Water Storage – Engineering	500,000.00
9.	Costs of Issuance	40,000.00
	Total	<u>\$ 4,129,000.00</u>

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The projects identified in items 1-9 above are collectively referred to herein as the “Projects”. With respect to the project identified in item 1 above, it is the City’s current intention that the total Bond (or BAN) funds to be appropriated or applied to the costs of the project identified in such item 1 as “Waverly Drive Storm Sewer Project” shall not exceed \$761,000.00 and the total Bond (or BAN) funds to be appropriated or applied to the costs of the project identified in such item 1 as “Salisbury Zoo – Animal Health Building Construction” shall not exceed \$539,000.00 (exclusive of investment earnings that may be applied for such purposes). The City, without notice to or the consent of any holders of the Bonds (or the holders of any of the BANs, as applicable), may reallocate the maximum principal amount of the Bonds (and of any of the BANs, as applicable) to be spent among any of the Projects identified herein in compliance with applicable budgetary procedures or applicable law. Further, it is the intention of the City that proceeds of the Bonds (or of any of the BANs, as applicable) may be spent on any applicable costs (as defined above) relating to the Projects identified in items 1-9 above.”

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(b) By undertaking the amendments to Section 3(b) of Ordinance No. 2044, Section 1(a) of Ordinance No. 2069 (which amends Section 3(b) of Ordinance No. 2044) and Section 2(a) of Ordinance No. 2139 (which further amends Section 3(b) of Ordinance No. 2044, as amended by Ordinance No. 2069) provided for in subsection (a) of this Section 2, the City is revising the description of the project identified as number 1 in Section 3(b) of Ordinance No. 2044, Section

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222 1(a) of Ordinance No. 2069 and Section 2(a) of Ordinance No. 2139 to allow for application of  
223 2008 Bond proceeds to costs of the project identified therein as "Salisbury Zoo – Animal Health  
224 Building Construction" in the amount of up to \$539,000.00 (exclusive of investment earnings that  
225 may be applied for such purpose); to the extent the City does not apply up to \$539,000.00 of the  
226 proceeds of the 2008 Bond to the project identified in item 1 of Section 2(a) above as "Salisbury  
227 Zoo – Animal Health Building Construction" (exclusive of investment earnings that may be applied  
228 for such purpose), such proceeds shall be applied to the project identified in item ~~1~~ 4 of Section  
229 2(a) above as ~~"Waverly Drive Storm Sewer Project"~~ "Riverwalk – Engineering and Construction  
230 for Repairs Along Wicomico River East Prong". By undertaking the amendments provided for in  
231 subsection (a) of this Section 2, the City is superseding the amendments to Section 3(b) of  
232 Ordinance No. 2044 provided for in Section 1(a) of Ordinance No. 2069 and Section 2(a) of  
233 Ordinance No. 2139, without undoing the intended effect of Section 1(a) of Ordinance No. 2069,  
234 and Section 2(a) of Ordinance No. 2139 with respect to the projects identified therein, respectively,  
235 as "Water Storage – Engineering" and "Beaverdam Drive Bridge". Furthermore, by undertaking  
236 the amendments provided for in subsection (a) of this Section 2, the City is *not* changing the  
237 allocation of proceeds of the Authorized Bonds in the Existing Ordinance to the project identified  
238 in item 7 of subsection (a) above as "Salisbury Zoo – Animal Health Building Construction", which  
239 were appropriated for the purposes of the 2009 Bond as described in the Recitals to this Ordinance.  
240

241 (c) The projects identified in the chart set forth in subsection (a) above are collectively  
242 referred to herein as the "2013 Revised Projects". From and after the effective date of this  
243 Ordinance, all references to the Projects in the Existing Ordinance shall be deemed to be references  
244 to the 2013 Revised Projects, as identified in this Ordinance. From and after the effective date of  
245 this Ordinance, the provisions of this Section 2 shall supersede the provisions of Section 3(b) of  
246 Ordinance No. 2044, Section 1(a) of Ordinance No. 2069 and Section 2(a) of Ordinance No. 2139  
247 with respect to the application of proceeds of the Authorized Bonds.  
248

249 (d) Notwithstanding the foregoing provisions of this Section 2, proceeds of the 2008  
250 Bond may not be applied to costs of the 2013 Modified Project unless and until the City adopts a  
251 resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No.  
252 1620, as amended and supplemented by Resolution No. 1750, and as further amended and  
253 supplemented by Resolution No. 2034, to allow proceeds of the 2008 Bond to be applied to costs of  
254 the 2013 Modified Project.  
255

256 (e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the 2008  
257 Bond shall be applied to costs of the project identified in item 1 of subsection (a) above as  
258 "Salisbury Zoo – Animal Health Building Construction" in the amount of up to \$539,000.00  
259 (exclusive of investment earnings that may be applied for such purpose) only after other sources of  
260 funding for such project are first applied for such purpose.  
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262            SECTION 3. BE IT FURTHER ORDAINED that from and after the effective date of this  
263 Ordinance, the Existing Ordinance shall be deemed amended and supplemented as provided herein  
264 and all other terms and provisions of the Existing Ordinance shall remain in full force and effect.  
265

266            SECTION 4. BE IT FURTHER ORDAINED that the title of this Ordinance shall be  
267 deemed to be, and is, a fair statement of the substance of this Ordinance for publication and all  
268 other purposes.  
269

270            SECTION 5. BE IT FURTHER ORDAINED that this Ordinance shall become effective  
271 following approval by the Mayor or subsequent passage by the Council following the Mayor's veto  
272 in accordance with the provision of Section SC2-12 of the Charter; provided, however, in the event  
273 the City fails to adopt a resolution making corresponding amendments to the provisions of Section  
274 2(a) of Resolution No. 1620, as amended and supplemented by Resolution No. 1750, and as further  
275 amended and supplemented by Resolution No. 2034, to allow proceeds of the 2008 Bond to be  
276 applied to costs of the 2013 Modified Project, the City may not apply proceeds of the 2008 Bond  
277 for such purpose, notwithstanding the effective date of this Ordinance. Pursuant to Charter Section  
278 SC2-16, this Ordinance shall not be subject to petition to referendum.  
279

280 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury  
281 held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013,  
282 and thereafter, a statement of the substance of this Ordinance having been published as required by  
283 law, was finally passed by the Council \_\_\_\_\_ [as introduced] \_\_\_\_\_ [as amended]  
284 [CHECK APPLICABLE LINE] on the \_\_\_\_\_ day of \_\_\_\_\_,  
285 2013.  
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288 ATTEST:  
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291 \_\_\_\_\_  
292 Kimberly R. Nichols, City Clerk

293 \_\_\_\_\_  
294 Jacob R. Day, City Council President

295 APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013  
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297 \_\_\_\_\_  
298 James Ireton, Jr., Mayor  
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300 #156290:58111.001  
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# City of Salisbury



MARYLAND

Salisbury



2010

125 NORTH DIVISION STREET  
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JAMES IRETON, JR.  
MAYOR

TOM STEVENSON  
ACTING CITY ADMINISTRATOR

AMANDA POLLACK, P.E.  
ACTING DIRECTOR OF  
PUBLIC WORKS

TO: Tom Stevenson, Acting City Administrator  
FROM: Amanda Pollack, Acting Director   
DATE: July 23, 2013  
SUBJECT: Animal Health Building - Salisbury Zoological Park – Bond Amending Resolution

---

Pending the second reading and adoption of the Ordinance associated with amending the 2008 bond to provide funding for the Zoo Animal Health Building, attached is the draft resolution amending the resolutions relating to the 2008 bond.

Unless you or the Mayor has further questions, please forward this to the City Council.

Resolution No. 2310

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2  
3 A RESOLUTION OF THE CITY OF SALISBURY ENTITLED A RESOLUTION AMENDING  
4 AND SUPPLEMENTING RESOLUTION NO. 1620, ADOPTED BY THE COUNCIL ON  
5 JANUARY 14, 2008, APPROVED BY THE MAYOR ON JANUARY 15, 2008 AND  
6 EFFECTIVE ON JANUARY 15, 2008, AS AMENDED AND SUPPLEMENTED BY  
7 RESOLUTION NO. 1750, ADOPTED BY THE COUNCIL ON JANUARY 12, 2009,  
8 APPROVED BY THE MAYOR ON JANUARY 13, 2009 AND EFFECTIVE ON JANUARY 13,  
9 2009, AS FURTHER AMENDED AND SUPPLEMENTED BY RESOLUTION NO. 2034,  
10 ADOPTED BY THE COUNCIL ON FEBRUARY 28, 2011, APPROVED BY THE MAYOR ON  
11 MARCH 1, 2011 AND EFFECTIVE ON MARCH 1, 2011, IN ORDER TO AUTHORIZE AND  
12 EMPOWER CITY OF SALISBURY TO USE AND APPLY A PORTION OF THE PROCEEDS  
13 OF THE \$3,605,000 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2008,  
14 ISSUED ON JANUARY 22, 2008 (THE "2008 BOND") (I) ORIGINALLY ALLOCATED TO A  
15 PROJECT IDENTIFIED THEREIN AS "WAVERLY DRIVE STORM SEWER PROJECT" TO  
16 A PROJECT IDENTIFIED HEREIN AS "SALISBURY ZOO - ANIMAL HEALTH BUILDING  
17 CONSTRUCTION" AND (II) TO COSTS OF CONSTRUCTION AS WELL AS ENGINEERING  
18 OF REPAIRS OF THE RIVERWALK ALONG THE WICOMICO RIVER EAST PRONG, ALL  
19 AS FURTHER DESCRIBED HEREIN; AUTHORIZING, DIRECTING OR EMPOWERING  
20 CITY OFFICIALS AND EMPLOYEES TO TAKE CERTAIN ACTIONS WITH RESPECT TO  
21 THE 2008 BOND; AND OTHERWISE GENERALLY RELATING TO THE USE OF  
22 PROCEEDS OF THE 2008 BOND.  
23

24 RECITALS

25 WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the  
26 "City"), is authorized and empowered by Sections 31 to 37, inclusive, of Article 23A of the  
27 Annotated Code of Maryland, as replaced, supplemented or amended (the "Enabling Act"), and  
28 Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as published in Municipal  
29 Charters of Maryland, as replaced, supplemented or amended (the "Charter"), to borrow money for  
30 any proper public purpose and to evidence such borrowing by the issuance and sale of its general  
31 obligation bonds; and  
32

33 WHEREAS, pursuant to the Enabling Act, Sections SC7-45 and SC7-46 of the Charter,  
34 Ordinance No. 2044, passed by the Council of the City (the "Council") on December 17, 2007,  
35 approved by the Mayor of the City (the "Mayor") on December 19, 2007 and effective on  
36 December 19, 2007 ("Ordinance No. 2044") the City authorized general obligation bonds to be  
37 issued from time to time in one or more series in an aggregate principal amount not to exceed Four  
38 Million One Hundred Twenty-nine Thousand Dollars (\$4,129,000) (the "Authorized Bonds") in  
39 order to finance, reimburse or refinance the "costs" (as defined in Section 3(b) of Ordinance No.  
40 2044) of the projects identified in Section 3(b) of Ordinance No. 2044 (herein referred to as the  
41 "Authorized Projects" and referred to as the "Projects" in Ordinance No. 2044); and  
42

43 WHEREAS, pursuant to Resolution No. 1620, adopted by the Council on January 14, 2008,  
44 approved by the Mayor on January 15, 2008 and effective on January 15, 2008 ("Resolution No.  
45 1620"), the City determined to borrow money for the public purpose of financing or reimbursing

46 “costs” (as defined in Section 2(b) of Resolution No. 1620) of the Authorized Projects specified  
47 in Section 2(a) of Resolution No. 1620 (which included all of the Authorized Projects other than  
48 the one identified in Ordinance No. 2044 as “Salisbury Zoo – Animal Health Building  
49 Construction”) plus a portion of the authorized “Costs of Issuance”), and to evidence this  
50 borrowing by the issuance and sale of its Public Improvements Bond of 2008 in the principal  
51 amount of Three Million Six Hundred Five Thousand Dollars (\$3,605,000) (the “2008 Bond”);  
52 and

53  
54 WHEREAS, pursuant to the Enabling Act, Sections SC7-45 and SC7-46 of the Charter,  
55 Ordinance No. 2044 and Resolution No. 1620, the City issued and delivered the 2008 Bond to  
56 SunTrust Equipment Finance & Leasing Corporation on January 22, 2008; and

57  
58 WHEREAS, Section 2 of Resolution No. 1620 provides that proceeds of the 2008 Bond  
59 (which is referred to as the “Bond” in Resolution No. 1620) shall be appropriated and allocated to  
60 the specified Authorized Projects identified therein, subject to the provisions of such Section 2  
61 (which projects are referred to as the “Projects” in Resolution No. 1620); and

62  
63 WHEREAS, subsequent to the passage of Ordinance No. 2044 and Resolution No. 1620 and  
64 the issuance of the 2008 Bond, the City determined that instead of applying \$500,000.00 of the  
65 proceeds of the 2008 Bond (exclusive of investment earnings that may be applied for such purpose)  
66 to the project identified as “Elevated Water Tower/North – Engineering” in both Ordinance No.  
67 2044 and Resolution No. 1620, the City would apply such 2008 Bond proceeds to engineering  
68 costs for water storage that may involve a water tank, a water tower or some other type of  
69 improvement for water storage and that may be located in a different geographic area of the City  
70 other than the northern area and, therefore, determined to modify the description of such project  
71 and to remove the geographic reference to such project as contained in Ordinance No. 2044 and  
72 Resolution No. 1620 (the “2009 Modified Project”); and

73  
74 WHEREAS, pursuant to Ordinance No. 2069, passed by the Council on January 12,  
75 2009, approved by the Mayor on January 13, 2009 and effective on January 13, 2009  
76 (“Ordinance No. 2069”), and Resolution No. 1750, adopted by the Council on January 12, 2009,  
77 approved by the Mayor on January 13, 2009 and effective on January 13, 2009 (“Resolution No.  
78 1750”), the City respectively amended and supplemented Ordinance No. 2044 and Resolution  
79 No. 1620 in order to provide for the application of \$500,000.00 of the proceeds of the 2008 Bond  
80 (exclusive of investment earnings that may be applied for such purpose) to costs of the 2009  
81 Modified Project; and

82  
83 WHEREAS, by issuance of the 2008 Bond, the City did not exhaust all of the bonding  
84 authority provided for in Ordinance No. 2044, but Resolution No. 1620 provided that the  
85 \$322,000.00 maximum principal amount of 2008 Bond proceeds authorized to be applied to the  
86 “Beaverdam Drive Bridge – Repair” project identified in Ordinance No. 2044 (exclusive of  
87 investment earnings that may be applied for such purpose) were allocated to the 2008 Bond; and

88  
89 WHEREAS, while the City originally intended to repair Beaverdam Drive Bridge, in 2011 it  
90 subsequently determined that Beaverdam Drive Bridge would likely need to be replaced, and the

91 City determined to allow the use of proceeds of the 2008 Bond for costs of any combination of  
92 repair and/or replacement of the Beaverdam Drive Bridge and related activities (the "2011 Modified  
93 Project"); and  
94

95 WHEREAS, pursuant to Ordinance No. 2139, passed by the Council on February 28, 2011,  
96 approved by the Mayor on March 1, 2011 and effective on March 1, 2011 ("Ordinance No. 2139"),  
97 and Resolution No. 2034, adopted by the Council on February 28, 2011, approved by the Mayor on  
98 March 1, 2011 and effective on March 1, 2011 ("Resolution No. 2034"), the City respectively  
99 amended Ordinance No. 2044, as amended and supplemented by Ordinance No. 2069, and  
100 Resolution No. 1620, as amended and supplemented by Resolution No. 1750, in order to provide for  
101 the application of proceeds of the 2008 Bond to the 2011 Modified Project; and  
102

103 WHEREAS, Ordinance No. 2044, as amended and supplemented by Ordinance No. 2069,  
104 and Ordinance No. 2139, is herein referred to as the "Existing Ordinance", and Resolution No.  
105 1620, as amended and supplemented by Resolution No. 1750 and Resolution No. 2034, is herein  
106 referred to as the "Existing Resolution"; and  
107

108 WHEREAS, the term "costs" has identical meanings as used in the Existing Ordinance and  
109 the Existing Resolution; and  
110

111 WHEREAS, Ordinance No. 2044 provides that not to exceed \$500,000.00 of proceeds of  
112 the bonds authorized thereby may be applied to costs of a project identified therein as "Salisbury  
113 Zoo – Animal Health Building Construction", and as noted above, by issuance of the 2008 Bond,  
114 the City did not exhaust all of the bonding authority provided for in Ordinance No. 2044; and  
115

116 WHEREAS, pursuant to the Enabling Act, Sections SC7-45 and SC7-46 of the Charter,  
117 Ordinance No. 2044, Ordinance No. 2071, passed by the Council on January 26, 2009, approved by  
118 the Mayor on January 27, 2009 and effective on January 27, 2009 ("Ordinance No. 2071") and  
119 Resolution No. 1850, adopted by the Council on October 26, 2009, approved by the Mayor on  
120 October 26, 2009, and effective on October 26, 2009 ("Resolution No. 1850"), the City on  
121 November 6, 2009 issued and delivered its \$2,600,000 City of Salisbury Public Improvements Bond  
122 of 2009 (the "2009 Bond"), up to \$500,000.00 of the proceeds of which (exclusive of investment  
123 earnings that may be applied for such purpose) were allocated to the project identified in Ordinance  
124 No. 2044 as "Salisbury Zoo – Animal Health Building Construction"; and  
125

126 WHEREAS, pursuant to Ordinance No. 2093, passed by the Council on December 21,  
127 2009, approved by the Mayor on December 24, 2009 and effective on December 24, 2009, and  
128 Resolution No. 1874, adopted by the Council on December 21, 2009, approved by the Mayor on  
129 December 24, 2009 and effective on December 24, 2009, the City amended and supplemented  
130 Ordinance No. 2071 and Resolution No. 1850, respectively, to expand the scope of one of the  
131 projects to which proceeds of the 2009 Bond were allocated, but did not change the allocation of not  
132 to exceed \$500,000.00 of the proceeds of the 2009 Bond (exclusive of investment earnings that may  
133 be applied for such purpose) to the project identified in Ordinance No. 2044 and Resolution No.  
134 1850 as "Salisbury Zoo – Animal Health Building Construction"; and  
135

136 WHEREAS, the City has determined that costs of the project described in Ordinance No.  
137 2044 as “Salisbury Zoo – Animal Health Building Construction” are more than authorized to be  
138 financed by such Ordinance; and  
139

140 WHEREAS, by issuance of the 2009 Bond, the City exhausted the bonding authority  
141 provided in the Existing Ordinance for the project described therein as “Salisbury Zoo – Animal  
142 Health Building Construction”; and  
143

144 WHEREAS, the Existing Ordinance and the Existing Resolution provide that up to  
145 \$1,300,000.00 of the proceeds of the 2008 Bond may be applied to costs of the project identified  
146 therein as “Waverly Drive Storm Sewer Project” (exclusive of investment earnings that may be  
147 applied for such purpose), and the City has determined that other sources of funding are available  
148 for such project and would like to redirect up to \$539,000.00 of the proceeds of the 2008 Bond  
149 allocated to the “Waverly Drive Storm Sewer Project” (exclusive of investment earnings that may  
150 be applied for such purpose) to the project identified in the Existing Ordinance as “Salisbury Zoo –  
151 Animal Health Building Construction”, *in addition to* proceeds of the 2009 Bond authorized to be  
152 applied to such project as described in these Recitals; and  
153

154 WHEREAS, the Existing Ordinance and the Existing Resolution provide that up to  
155 \$100,000.00 of proceeds of the 2008 Bond may be applied to costs of the project identified therein  
156 as “Riverwalk – Engineering for Repairs Along Wicomico River East Prong”, and the City would  
157 like to spend proceeds of the 2008 Bond for construction costs of such project; and  
158

159 WHEREAS, the redirection of up to \$539,000.00 of proceeds of the 2008 Bond to the  
160 “Salisbury Zoo – Animal Health Building Construction” project (exclusive of investment earnings  
161 that may be applied for such purpose) as described in the second preceding WHEREAS clause, and  
162 the expansion of the project described in the preceding WHEREAS clause to include construction  
163 costs, are collectively referred to herein as the “2013 Modified Project”; and  
164

165 WHEREAS, accordingly, the City desires to revise the description of the projects as set  
166 forth in the Existing Resolution in order to allow proceeds of the 2008 Bond to be applied to costs  
167 of the 2013 Modified Project.  
168

169            SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
 170 THE CITY OF SALISBURY, MARYLAND that the Recitals to this Resolution are incorporated  
 171 by reference herein and deemed a substantive part of this Resolution. Capitalized terms used in  
 172 the Sections of this Resolution that are not defined therein shall have the meanings given to such  
 173 terms in the Recitals.

174  
 175            SECTION 2. BE IT FURTHER RESOLVED that (a) pursuant to the authority of the  
 176 Enabling Act, Sections SC7-45 and SC7-46 of the Charter and Resolution No. 1620, Section 2(a) of  
 177 Resolution No. 1620, Section 1(a) of Resolution No. 1750 and Section 2(a) of Resolution No. 2034  
 178 are hereby deleted in their respective entireties and inserted in place thereof shall be the following:

179  
 180            SECTION 2. BE IT FURTHER RESOLVED that (a) pursuant to the  
 181 authority of the Enabling Act, the Charter and the Ordinance, the City hereby  
 182 determines to borrow money and incur indebtedness for the public purpose of  
 183 financing or reimbursing the costs of the following public purpose projects in the  
 184 maximum principal amount set forth opposite each such project, subject to  
 185 subsection (c) below:  
 186

<u>Project Description</u>	<u>Maximum Principal Amount</u>
1.    Waverly Drive Storm Sewer Project <u>and</u> Salisbury Zoo – Animal Health Building Construction	\$ 1,300,000.00
2.    Fire Station #2 – Renovations	90,000.00
3.    Fire Station #16 - Truck Replacement	950,000.00
4.    Riverwalk – Engineering and Construction for Repairs Along Wicomico River East Prong	100,000.00
5.    Beaverdam Drive Bridge	322,000.00
6.    Mill Street Bridge – Repairs	327,000.00
7.    Water Storage – Engineering	500,000.00
8.    Costs of Issuance	16,000.00
Total	<u>\$ 3,605,000.00</u>

187  
 188            The projects identified in items 1 - 8 above are collectively referred to herein as the  
 189 “Projects”. With respect to the project identified in item 1 above, it is the City’s  
 190 current intention that the total Bond (as defined in Section 3 hereof) funds to be  
 191 appropriated or applied to the costs of the project identified in such item 1 as  
 192 “Waverly Drive Storm Sewer Project” shall not exceed \$761,000.00 and the total  
 193 Bond funds to be appropriated or applied to the costs of the project identified in such  
 194 item 1 as “Salisbury Zoo – Animal Health Building Construction” shall not exceed  
 195 \$539,000.00 (exclusive of investment earnings that may be applied for such  
 196 purposes). Further, it is the intention of the City that proceeds of the Bond may be  
 197 spent on any applicable costs (as defined in subsection (b) below) relating to the  
 198 Projects identified in items 1-8 above.”

199  
200 (b) By undertaking the amendments to Section 2(a) of Resolution No. 1620, Section  
201 1(a) of Resolution No. 1750 (which amends Section 2(a) of Resolution No. 1620) and Section 2(a)  
202 of Resolution No. 2034 (which further amends Section 2(a) of Resolution No. 1620) provided for in  
203 subsection (a) of this Section 2, the City is revising the description of the project identified as item 1  
204 in Section 2(a) of Resolution No. 1620, Section 1(a) of Resolution No. 1750 and Section 2(a) of  
205 Resolution No. 2034 to allow for application of 2008 Bond proceeds to costs of the project  
206 identified therein as “Salisbury Zoo – Animal Health Building Construction” in the amount of up to  
207 \$539,000.00 (exclusive of investment earnings that may be applied for such purpose); to the extent  
208 the City does not apply up to \$539,000.00 of the proceeds of the 2008 Bond to the project identified  
209 in item 1 of Section 2(a) above as “Salisbury Zoo – Animal Health Building Construction”  
210 (exclusive of investment earnings that may be applied for such purpose), such proceeds shall be  
211 applied to the project identified in item 4 of Section 2(a) above as “Riverwalk – Engineering and  
212 Construction for Repairs Along Wicomico River East Prong”. By undertaking the amendments  
213 provided for in subsection (a) of this Section 2, the City is superseding the amendments to Section  
214 2(a) of Resolution No. 1620 provided for in Section 1(a) of Resolution No. 1750 and Section 2(a) of  
215 Resolution No. 2034, without undoing the intended effect of Section 1(a) of Resolution No. 1750  
216 and Section 2(a) of Resolution No. 2034 with respect to the projects identified therein, respectively,  
217 as “Water Storage – Engineering” and “Beaverdam Drive Bridge”.

218  
219 (c) The projects identified in the chart set forth in subsection (a) above are collectively  
220 referred to herein as the “2013 Revised Projects”. From and after the effective date of this  
221 Resolution, all references to the Projects in the Existing Resolution shall be deemed to be references  
222 to the 2013 Revised Projects, as identified in this Resolution. From and after the effective date of  
223 this Resolution, the provisions of this Section 2 shall supersede the provisions of Section 2(a) of  
224 Resolution No. 1620, Section 1(a) of Resolution No. 1750 and Section 2(a) of Resolution No. 2034  
225 with respect to the application of proceeds of the 2008 Bond.

226  
227 (d) Notwithstanding the foregoing provisions of this Section 2, proceeds of the 2008  
228 Bond may not be applied to costs of the 2013 Modified Project unless and until the City enacts an  
229 ordinance making corresponding amendments to the provisions of Section 3(b) of Ordinance No.  
230 2044, as amended and supplemented by Ordinance No. 2069, and as further amended and  
231 supplemented by Ordinance No. 2139, to allow proceeds of the 2008 Bond to be applied to costs of  
232 the 2013 Modified Project.

233  
234 (e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the 2008  
235 Bond shall be applied to costs of the project identified in item 1 of subsection (a) above as  
236 “Salisbury Zoo – Animal Health Building Construction” in the amount of up to \$539,000.00  
237 (exclusive of investment earnings that may be applied for such purpose) only after other sources of  
238 funding for such project are first applied for such purpose.

239  
240 **SECTION 3.** BE IT FURTHER RESOLVED that, subject to the provisions of Section  
241 2(d) of this Resolution, any two of the Mayor, the City Administrator (or any individual serving in  
242 such position in an acting or interim capacity, as applicable) and the Director of Internal Services  
243 are hereby authorized and empowered to supplement the Tax and Section 148 Certificate dated

244 January 22, 2008, executed and delivered in connection with the issuance of the 2008 Bond, as the  
245 same may have been supplemented to date, in order to evidence the expectations of the City as to  
246 the application of the proceeds of the 2008 Bond following the effective date of this Resolution.  
247

248 SECTION 4. BE IT FURTHER RESOLVED that, subject to the provisions of Section 2(d)  
249 of this Resolution, the Mayor, the City Administrator (or any individual serving in such position in  
250 an acting or interim capacity, as applicable), the Director of Internal Services, the City Clerk and all  
251 other appropriate officials and employees of the City, as applicable, are hereby authorized and  
252 directed to take any and all action necessary to provide for application of the proceeds of the 2008  
253 Bond to finance or reimburse the costs of the 2013 Revised Projects and to execute and deliver all  
254 documents, certificates and instruments necessary or appropriate in connection therewith or in  
255 connection with the transactions contemplated by this Resolution.  
256

257 SECTION 5. BE IT FURTHER RESOLVED that, subject to the provisions of Section  
258 2(d) of this Resolution, from and after the effective date of this Resolution, the Existing Resolution  
259 shall be deemed amended and supplemented as provided herein and all other terms and provisions  
260 of the Existing Resolution shall remain in full force and effect.  
261

262 SECTION 6. BE IT FURTHER RESOLVED that this Resolution shall become effective  
263 upon adoption by the Council and approval by the Mayor; provided, however, in the event the City  
264 fails to enact an ordinance making corresponding amendments to the provisions of Section 3(b) of  
265 Ordinance No. 2044, as amended and supplemented by Ordinance No. 2069, and as further  
266 amended and supplemented by Ordinance No. 2139, to allow proceeds of the 2008 Bond to be  
267 applied to costs of the 2013 Modified Project, the City may not apply proceeds of the 2008 Bond for  
268 such purpose, notwithstanding the effective date of this Resolution. Pursuant to Charter Section  
269 SC7-46A, this Resolution may not be petitioned to referendum.  
270

271  
272  
273

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

274  
275 THIS RESOLUTION was introduced and read at a meeting of the Council of the City of Salisbury  
276 held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013,  
277 and was adopted by the Council \_\_\_\_\_ [as introduced] \_\_\_\_\_ [as amended] [CHECK  
278 APPLICABLE LINE] on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

279  
280 ATTEST:

281  
282  
283

284 \_\_\_\_\_  
Kimberly R. Nichols, City Clerk Jacob R. Day, City Council President

285  
286

287 APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

288  
289  
290

291 \_\_\_\_\_  
James Ireton, Jr., Mayor

292  
293  
294 #156303;58111.001

295  
296

# City of Salisbury



MARYLAND

JAMES IRETON, JR.  
MAYOR

TOM STEVENSON  
ACTING CITY ADMINISTRATOR



125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801  
Tel: 410-548-3170  
Fax: 410-548-3107

AMANDA POLLACK, P.E.  
ACTING DIRECTOR OF  
PUBLIC WORKS

TO: Catrice Parsons, Assistant Director of Internal Services-Procurement Division  
FROM: Amanda Pollack, Acting Director *AP*  
DATE: July 22, 2013  
SUBJECT: Award of Contract No. 117-10 Rebid  
Animal Health Building - Salisbury Zoological Park

To maintain accreditation, the Salisbury Zoological Park was in need of an Animal Health Building with animal holding areas, a surgery room, necropsy room, and an office area. In 2009, Davis, Bowen and Freidel (DBF) were awarded a contract to provide a design for the new building. It was the City's goal to make this building as green and energy efficient as possible, which includes geothermal heating & air and maximum use of exterior light. Over the past year, Salisbury Public Works has worked with DBF to complete a design that would meet the needs of the City as well as Association of Zoos and Aquariums (AZA) requirements.

Bids were opened on Tuesday, July 2, 2013, at 2:30 p.m. from four (4) different contractors. The bids for complete construction ranged from a low bid of \$2,317,000.00 to a high bid of \$2,534,000.00. The attached bid tabulation offers a breakdown of the bid totals provided from each contractor.

Gardiner & Gardiner Contracting, LLC	\$ 2,019,068.00 Non-Responsive Bid
GGI Builders, Inc.	\$ 2,317,000.00
Harkins Contracting Inc.	\$ 2,395,000.00
Willow Construction, LLC	\$ 2,534,000.00

Based on available funding, Public Works and Internal Services-Procurement Division met with the two (2) lowest responsive bidders to discuss possible value engineering options. Subsequently a revised Form of Proposal 117-10 Rebid Best & Final was provided to the two lowest most responsive bidders. The attached bid tabulation offers a breakdown of the best & final bid totals provided from each contractor.

GGI Builders, Inc.	\$1,797,000.00
Harkins Contracting, Inc.	\$1,849,000.00

Salisbury Public Works reviewed the best & final bid packages. GGI Builders, Inc. was the lowest, responsive, responsible bidder with a bid of \$1,797,000.00. GGI Builders, Inc. received outstanding recommendations from each of the references contacted and their skill in project management by meeting deadlines and budgets was noted on multiple occasions.

Public Works recommends that the base contract include the fire sprinkler system and casework, therefore those costs were added back into the best & final price. We also recommend that Public Works purchase the generator and animal cages separately from this contract. Finally, we recommend accepting the deduct alternative to not install the additional geothermal wells at this time.

Based on the price bid and company qualifications, Salisbury Public Works recommends awarding the Contract for the Animal Health Building at Salisbury Zoological Park to GGI Builders, Inc. in the amount of \$1,907,000.00. Funds are available in account number 31178-513026-43006.

A handwritten signature in cursive script that reads "Amanda Pollack". The signature is written in black ink and is positioned above a horizontal line.

Amanda Pollack, P.E.

Acting Director, Salisbury Public Works