

**CITY OF SALISBURY, MARYLAND**

**REGULAR MEETING**

**APRIL 23, 2012**

**PRESENT**

*Council President Terry E. Cohen  
Councilwoman Laura Mitchell  
Mayor James Ireton, Jr.\*  
\*arrived at 6:38 p.m., left at 7:10 p.m.*

*Council Vice President Deborah S. Campbell  
Councilwoman Eugenie P. Shields  
Councilman Timothy K. Spies*

**IN ATTENDANCE**

*City Clerk Kimberly R. Nichols, CMC, City Administrator John Pick, ICMA-CM, Assistant City Administrator Lore Chambers, Ph.D., City Attorney Mark Tilghman, ~~Colonial~~ Colonel Ivan Barkley, Public Works Director Teresa Gardner, Acting Director of Internal Services Gerri Moore, Assistant Internal Services – Procurement Director Catrice Parsons, and interested Citizens and Members of the Press.*

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**MEDITATION – PLEDGE OF ALLEGIANCE**

*The City Council met in regular session at 6:00 p.m. in Council Chambers. Council President Cohen called the meeting to order. A moment of silent meditation was held followed by the Pledge of Allegiance.*

**ADOPTION OF LEGISLATIVE AGENDA**

*On a motion by Mr. Spies and a second by Mrs. Campbell, the legislative agenda was unanimously adopted. It was decided if Mayor Ireton arrived earlier than 7:00 p.m., which was when the FY 2013 Proposed Budget was scheduled for presentation, Council President Cohen would address obtaining consensus to amend the agenda to allow Mayor Ireton to present the budget at an earlier time than scheduled.*

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

*The Consent Agenda, consisting of the following items, was unanimously approved on a motion by Mrs. Mitchell and a second by Mr. Spies:*

- *March 5, 2012 work session minutes*
- *March 5, 2012 closed session minutes #1*
- *March 5, 2012 closed session minutes #2*
- *March 12, 2012 regular meeting minutes*

**AWARD OF BIDS** – presented by Assistant Internal Services – Procurement Director Catrice Parsons

The following item was unanimously approved on a motion by Mrs. Shields and a second by Mrs. Mitchell:

- *Change Order #1 Contract No. A-22-12 Citywide Blacktop Program - \$76,000.00*

**RESOLUTIONS** - presented by City Administrator John Pick

- *Resolution No. 2160 – FY12 General Obligation Bond issuance (\$7,700,000) for the Riverwalk Repairs, E. Main Street Water Valve, Isabella Street Water, E. Main Street Sewer, North Division Street Sewer, Isabella Street Sewer, Lift Station Pump Replacement, Wastewater Treatment Plant upgrade*

*On a motion and a seconded by Mrs. Shields and Mr. Spies, respectively, Resolution No. 2160 unanimously passed.*

- *Resolution No. 2161 – authorizing the Mayor to sign lease agreement with Salisbury Area Chamber of Commerce for an Arts and Crafts market.*

*On a motion and a seconded by Mrs. Shields and Mrs. Mitchell, respectively, Resolution No. 2161 unanimously passed.*

*One member of the public spoke in favor of the Arts and Crafts Market and encouraged Council to consider approving the lease agreement.*

- *Resolution No. 2162 – adjusting the capacity unit fee in accordance with Chapter 13.02 of the City Code*

*Mrs. Mitchell moved and Mr. Spies seconded to approve Resolution No. 2162. Mrs. Mitchell moved to postpone the resolution until an ordinance could be passed to change the code. Mrs. Campbell offered a friendly amendment to Mrs. Mitchell's motion to furthermore return it to a work session, and seconded the motion. The amendment unanimously passed, and Resolution No. 2162 will be postponed and returned to a work session.*

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

- *Ordinance No. 2197 – 2<sup>nd</sup> reading – FY12 budget amendment to appropriate the funds received from LGIT for one emergency Police Vehicle*

*On a motion by Mrs. Shields and seconded by Mrs. Campbell, Ordinance No. 2197 for second reading passed unanimously.*

- *Ordinance No. 2198 – 2<sup>nd</sup> reading – FY12 budget amendment to appropriate the funds received from MEMA/LGIT for storm damage reimbursement*

*On a motion by Mrs. Mitchell, seconded by Mrs. Campbell, Ordinance No. 2198 for second reading passed unanimously.*

- *Ordinance No. 2199 – 2<sup>nd</sup> reading – FY12 budget amendment to appropriate additional funds for gasoline and diesel for Public Works (sanitation collection/disposal division)*

*On a motion by Mrs. Mitchell and a second by Mr. Spies, Ordinance No. 2199 for first reading was unanimously passed.*

- *Ordinance No. 2200 – 2<sup>nd</sup> reading – FY12 budget amendment to appropriate additional funds to cover legal expenses*

*Mrs. Mitchell moved and Mrs. Shields seconded to approve Ordinance No. 2200 for 2<sup>nd</sup> reading. Mrs. Shields motioned and Mrs. Mitchell seconded to amend Ordinance No. 2200 by replacing the \$30,000 amount on lines 24 and 25 with \$100,000. The amendment was unanimously passed.*

*Ordinance No. 2200, as amended for 2<sup>nd</sup> reading, passed unanimously.*

**FY 2013 BUDGET** – presented by Mayor James Ireton, Jr.

- *Ordinance No. 2201 – 1<sup>st</sup> reading – approving the proposed FY2013 Budget and setting the date for public hearings on the proposed FY2013 Budget and the Constant Yield Tax Rate*

*Mrs. Shields moved and Mr. Spies seconded to approve Ordinance No. 2201. Gerri Moore presented a PowerPoint on the financial standing of the City. The proposed budget includes a proposed tax rate increase of 1.5 cents from .819 to .834. Mrs. Moore explained the City continues to be in good financial health, however the unreserved fund balance and debt burdens are of concern. The debt burden is tied to the wastewater treatment plant project.*

*Mayor Ireton stated City departments have slashed 1.6 million dollars from their operating budgets. Through budget cuts, furloughs, and by freezing and not funding positions, 4.6 million dollars have been saved over the past two years. Employee furloughs are not proposed this year, but health insurance will rise by 3%. No increases are proposed for Water & Sewer rates. The Mayor said funding is proposed for the four (4) most important things the City does, which are: law enforcement (proposed (5) new police vehicles and equipment and slowly close the pay parity gap in Police Officer 1 and Police Officer First Class positions); emergency medical services (proposed a new ambulance and ½ of the portable radio replacements); infrastructure (\$50,000 proposed for citywide dam safety repairs, \$15,000 for South Division Street bridge repairs); and neighborhood integrity, (one each City trash truck and City dump truck, \$750,000 for*

*Street Maintenance Program, and \$7,500 citywide playground maintenance ). If the audited financial statements for June 2012 reflect a General Fund surplus addition that meets or exceeds the 1.5 cents property tax increase, then Mayor Ireton will recommend refunding City property owners the amount of increase above the tax rate. He also proposed spending \$1.24 million of the \$9.5 million in surplus on capital improvements, paving projects and offsetting the loss in property tax revenue.*

*The following comments were received from one member of the public concerning the budget:*

- *duplication of services from the police, fire department, and animal control*
- *glad furloughs are eliminated for City employees in the proposed budget*
- *eliminate reclassifications in Mayor's office*
- *Fire Department organization chart needs to be re-evaluated (too top-heavy)*
- *Marina should pay for itself*

*On a motion by Mr. Spies and a second by Mrs. Shields, Council unanimously approved to set the date for the second reading of Ordinance No. 2201 (proposed FY2013 Budget) and the Constant Yield Tax Rate to May 14, 2012 at 6:05 p.m.*

### **PUBLIC COMMENTS**

*Remarks were received concerning the following from one member of the public:*

- *request to know the City's vision for downtown*
- *What is the City going to do to draw people downtown?*
- *What is the City giving to residents and property owners in return for their investments?*
- *consider removal of parking meters*

### **ADJOURNMENT**

*The meeting adjourned at 7:43 p.m.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
APRIL 16, 2012

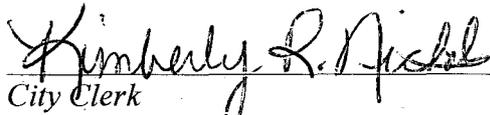
*TIME & PLACE:* 3:34 p.m., Government Office Building – Conference Room 306  
*PURPOSE:* Consult with legal counsel and staff regarding a legal matter related to litigation (Wastewater Treatment Plant)  
*VOTE TO CLOSE:* Unanimous  
*CITATION:* Annotated Code of Maryland Sections 10-508(a)(7)(8)  
*PRESENT:* Council President Terry E. Cohen, Council Vice President Deborah S. Campbell, Councilwoman Laura Mitchell, Councilwoman Eugenie P. Shields, Councilman Timothy K. Spies, Mayor James Ireton, Jr. (left at 3:55 p.m.), City Clerk Kimberly R. Nichols, City Administrator John Pick, City Attorney Mark Tilghman

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*During the Council's April 16, 2012 work session, Mrs. Campbell moved to convene in closed session for the purpose of consulting with counsel to obtain advice on a legal matter (Wastewater Treatment Plant litigation). Mrs. Shields seconded, the vote was unanimous, and the closed session began at 3:34 p.m.*

*Mr. Tilghman opined on the issues raised to him and on his assessment of certain aspects of the litigation. Following the discussion, Council agreed to receive another update from Mr. Tilghman in the near future. He requested all Council questions be emailed to him for his preparation of the next closed session.*

*At 4:35 p.m., the vote was unanimous to adjourn the closed session on a motion and a second by Mr. Spies and Mrs. Shields, respectively, and return to open session.*

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Council President

# City of Salisbury



MARYLAND

JAMES IRETON, JR.  
MAYOR

JOHN R. PICK  
CITY ADMINISTRATOR

LORÉ L. CHAMBERS  
ASSISTANT CITY ADMINISTRATOR



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

GERRI L. MOORE  
ACTING DIRECTOR OF INTERNAL  
SERVICES  
PROCUREMENT DIVISION

## COUNCIL AGENDA

April 23, 2012

1. Change Order #1 Contract No. A-22-12 Citywide Blacktop Program \$76,000.00

# City of Salisbury



MARYLAND

Salisbury



2010

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

GERRI L. MOORE  
ACTING DIRECTOR OF INTERNAL  
SERVICES  
PROCUREMENT DIVISION

JAMES IRETON, JR.  
MAYOR

JOHN R. PICK  
CITY ADMINISTRATOR

LORÉ L. CHAMBERS  
ASSISTANT CITY ADMINISTRATOR

## COUNCIL AGENDA

April 23, 2012

TO: Mayor and City Council

SUBJECT: Change Order #1 to Contract No. A-22-12  
Citywide Blacktop Program

The City of Salisbury Internal Services Department, Procurement Division, received a request from Salisbury Public Works (SPW) to process Change Order #1 for Contract No. A-22-12 *Citywide Blacktop Program* in the amount of \$76,000.00; with George & Lynch, Inc. This Change Order proposes to pave Camden Avenue, from College Avenue to South Boulevard. Additional details are noted in the department memo.

Funds are available in the Project Account number 31000-534304 "*Streets & Lots*".

The Department of Internal Services-Procurement Division requests Council's approval to approve Change Order #1 as noted above to George & Lynch, Inc. in the amount of \$76,000.00.

Thank you,

Catrice L. Parsons  
Assistant Director Internal Services-Procurement and Parking

# City of Salisbury



MARYLAND

Salisbury



2010

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

TERESA GARDNER, P.E.  
DIRECTOR OF PUBLIC WORKS

JAMES IRETON, JR.  
MAYOR

JOHN R. PICK  
CITY ADMINISTRATOR

LORÉ L. CHAMBERS  
ASSISTANT CITY ADMINISTRATOR

**TO:** Catrice Parsons-Assistant Director of Internal Services, Procurement Division  
**FROM:** William Sterling, Project Manager  
**DATE:** April 10, 2012  
**SUBJECT:** Change Order No. 1  
Contract No. A-22-12  
Citywide Blacktop Program

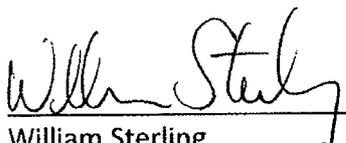
An original Citywide Blacktop (Bituminous Concrete) Contract was awarded in November 2011 to the lowest responsive and responsible bidder; George & Lynch Inc. The Contract was awarded to pave Carroll Street (Rt. 13 to Snow Hill Road) & North Division Street (Rt. 50 to William Street) within fiscal year 2012.

Since the award of the original Contract, the need has been established to pave Camden Avenue (College Avenue to South Blvd.) in fiscal year 2012. As such, George & Lynch has agreed to extend current pricing for Contract number A-22-12.

In addition, the 2012 Milling contract extension was awarded to George & Lynch in February 2012. When one vendor manages both milling & paving it makes for easy coordination and minimized time between the milling operation and the overlay. The substantial completion date will remain June 30, 2012.

	<u>Original Bid</u>	<u>Requested Increase</u>	<u>New Contract Sum</u>
Citywide Blacktop	\$113,750.00	\$76,000.00	\$189,750.00

Funds are available in account number 31000-534304 Streets/Lots.

  
\_\_\_\_\_  
William Sterling  
Project Manager

Approved by:

  
\_\_\_\_\_  
Teresa Gardner, P.E.  
Director of Public Works

**CHANGE ORDER**

PROJECT: P.O. NO: 02120204-00  
Contract No. A-22-12  
Citywide Blacktop Contract

CHANGE ORDER NO: 1  
INITIATION DATE: April 10, 2012  
CONTRACT DATE: November 16, 2011  
ACCOUNT NO: 31000-534304

TO: George & Lynch  
150 Lafferty Lane  
Dover, DE 19901

You are directed to make the following changes in this contract:

This change order is to extend the existing Citywide Blacktop (Bituminous Concrete) contract with George & Lynch, Inc. to utilize funds encumbered for the streets in the 2012 Paving Program. The substantial completion date will not change as a result of this change order.

Not valid until signed by the Owner and Department Head. Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract Sum or Contract.

The original Contract Sum was.....	<u>\$ 113,750.00</u>
Net change by previously authorized Change Order(s) .....	<u>\$ 0</u>
The Contract Sum prior to this Change Order was .....	<u>\$ 113,750.00</u>
The Contract Sum will <b>increased</b> by this Change Order .....	<u>\$ 76,000.00</u>
The new Contract Sum including this Change Order will be .....	<u>\$ 189,750.00</u>
The Contract Time will be extended <b>0</b> calendar days by this Change Order	
The date of substantial completion as of the date of this Change Order therefore is .....	<u>June 30, 2012</u>

**AUTHORIZED:**

BY \_\_\_\_\_  
Teresa Gardner  
Director of Public Works  
DATE \_\_\_\_\_

BY \_\_\_\_\_  
George & Lynch  
Contractor  
BY \_\_\_\_\_  
Title

BY \_\_\_\_\_  
Gerri L. Moore  
Acting Director of Internal Services  
DATE \_\_\_\_\_

BY \_\_\_\_\_  
Catrice Parsons  
Assistant Director of Internal Services  
Procurement

BY \_\_\_\_\_  
Mark Tilghman  
City Solicitor

BY \_\_\_\_\_  
As approved by City Council  
Terry E. Cohen  
President, City Council

DATE \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_