

AS AMENDED ON APRIL 15, 2013
CITY OF SALISBURY, MARYLAND

REGULAR MEETING

APRIL 8, 2013

PUBLIC OFFICIALS PRESENT

Council President Terry E. Cohen Mayor James Ireton, Jr. (left at 6:35p.m.)
Councilwoman Laura Mitchell Councilwoman Eugenie P. Shields
Councilman Timothy K. Spies

PUBLIC OFFICIALS NOT PRESENT

Council Vice President Deborah S. Campbell

IN ATTENDANCE

City Clerk Kimberly R. Nichols, CMC, City Administrator John Pick, ICMA-CM, Dr. Loré Chambers, City Attorney Mark Tilghman, Internal Services Director Keith Cordrey, Assistant Internal Services Director Catrice Parsons, Public Works Director Teresa Gardner, Public Works Deputy Director Amanda Pollick, Planning & Zoning Director Jack Lenox, Acting Fire Chief Rick Hoppes, interested citizens, and members of the press

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 and a moment of silent meditation was held followed by the Pledge of Allegiance.

PRESENTATION – *Mayor James Ireton, Jr.*

Mayor James Ireton, Jr. presented the “Fair Housing Month” proclamation to William Hardin, President of Shore Housing Resource Board.

ADOPTION OF LEGISLATIVE AGENDA

Mrs. Shields moved and Mrs. Mitchell seconded to adopt the legislative agenda as presented.

Mrs. Mitchell moved, Mrs. Shields seconded, and the vote was unanimous to add the following two ordinances to the agenda after Ordinance No. 2240:

- *Ordinance No. 2241 – fist reading – amending Section 8.04.050 False Alarms – violations and penalties with regard to false alarm fees and fines within the City*

- *Ordinance No. 2242 – first reading – setting updated false alarm fees*

The agenda, as amended, was passed by unanimous vote in favor.

CONSENT AGENDA – *presented by City Clerk Kim Nichols*

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

- *March 25, 2013 regular meeting minutes*
- *April 1, 2013 work session minutes*
- *Resolution No. 2267 – approving lease agreement for the Salisbury Festival*

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

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

- *Change Order #2 to Contract 117-10 Zoo Animal Health Building - \$26950.00*

RESOLUTION – *presented by City Administrator John Pick*

- *Resolution No. 2268 – adopting a Capital Improvement Plan for the five year period FY 14-18*

Mrs. Shields moved, Mrs. Mitchell seconded, and Resolution No. 2268 was approved on a 3-0 vote, with Ms. Cohen abstaining from the vote.

After a short recess, Council reconvened at 6:48 p.m.

ORDINANCES – *presented by City Attorney Mark Tilghman*

- *Ordinance No. 2236 – Public Hearing and 2nd reading – pursuant to Chapter 17.228 of Title 17, Zoning of the Salisbury Municipal Code and Section 4.04 of Article 66B of the Annotated Code of Maryland for the purpose of adding Section 17.46, Mixed Use Non-Residential Zoning District and amending Section 17.08, Districts-Maps-Boundaries (creating multi-use/non-residential zoning district)*

Mrs. Shields moved and Mr. Spies seconded to approve Ordinance No. 2236 for second reading.

No comments were received during the public hearing.

Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to amend page 3 of Ordinance No. 2236 by adding "AND EXCEPT RETAIL USES OVER 30,000 GROSS SQUARE FEET OF FLOOR AREA." under 17.46.020 PERMITTED USES, at the end of the sentence in letter C.

Mrs. Shields moved, Mr. Spies seconded, and the vote was unanimous to amend page 3 of Ordinance No. 2236 by striking letter B. in its entirety under 17.46.030 USES PERMITTED BY SPECIAL EXCEPTION, and inserting to letter B "SAME AS THE SELECT COMMERCIAL DISTRICT (SECTION 17.44.030), EXCEPT SHOPPING CENTERS OVER 30,000 GROSS SQUARE FEET OF FLOOR AREA."

Ordinance No. 2236 for second reading, as amended, was passed by unanimous vote in favor.

- *Ordinance No. 2240 – 1st reading – approving a budget amendment of the FY13 General Fund Budget to appropriate the funds received from the recovery and recycling of brass shell casings at the Salisbury Police Range to purchase new service weapons*

On a motion and seconded by Mr. Spies and Mrs. Shields, respectively, Ordinance No. 2240 was unanimously approved for first reading.

- *Ordinance No. 2241 – 1st reading – amending Section 8.04.050 False Alarms – Violations and Penalties with regard to false alarm fees and fines within the city*

Mr. Spies moved and Mrs. Mitchell seconded to approve Ordinance No. 2241 for first reading.

Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to amend Ordinance No. 2241 by inserting "or transferring a system" on Line 36 after the word "system", and inserting "or transfer" between "installation" and the comma on Line 37.

Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to amend the ordinance by replacing the period on Line 37 with a comma and inserting thereafter "with ten (10) days of the effective date."

Mrs. Mitchell moved, Mr. Spies seconded, and the vote was unanimous to amend the ordinance by inserting "TO FALSE ALARM" after "AND" on Line 5.

Mrs. Mitchell moved, Mr. Spies seconded, and the vote was unanimous to amend the ordinance by striking the period on Line 69 and inserting "and that any fines incurred on or after March 4, 2013 shall be reduced to the same level set by this ordinance."

Mrs. Mitchell moved, Mrs. Shields seconded, and the vote was unanimous to amend the ordinance by inserting "and newly transferred" between "installed" and "alarm" on Line 33; striking "a minimum of five hundred dollar (\$500.00) and a" on Lines 57 and 58; and inserting "up to a" on Line 58 before the word "maximum."

Mrs. Mitchell moved, Mrs. Shields seconded, and the vote was unanimous to amend the ordinance by inserting "April" on Line 72 before "2013."

Ordinance No. 2241 for first reading, as amended, was unanimously approved.

- *Ordinance No. 2242 – 1st reading – setting updated false alarm fees*

Mrs. Shields moved and Mrs. Mitchell seconded to approve Ordinance No. 2242 for first reading.

Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to amend Ordinance No. 2242 by the following:

- 1. Line 15 (in the False Alarm Fee Schedule) – strike the Police fee of 246.40 and insert 123.20, and strike the Fire fee of 272.09 and insert 136.05*
- 2. Line 18 – strike "since"*
- 3. Line 22 – insert "April" before "2013"*

Mrs. Mitchell moved, Mrs. Shields seconded, and the vote was unanimous to amend the False Alarm Fee Schedule on Line 15 by "rounding down" the Police fee to 120.00 and "rounding down" the Fire fee to 135.00.

Ordinance No. 2242 for first reading, as amended, was unanimously approved.

PUBLIC COMMENTS

No comments were received from the public.

ADJOURNMENT

Council President Cohen adjourned the legislative meeting at 7:47 p.m.

Kimberly R. Nichols

City Clerk

[Signature]

Council President

City of Salisbury



MARYLAND

JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

Salisbury



2010

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

KEITH CORDREY
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA

April 08, 2013

1. Change Order #2 to Contract 117-10 Zoo Animal Health Building \$26,950.00

City of Salisbury



MARYLAND



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

KEITH CORDREY
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

COUNCIL AGENDA

April 08, 2013

TO: Mayor and City Council

SUBJECT: Change Order #2 to Contract 117-10 Rebid
Zoo Animal Health Building

The Procurement Department received a request from Public Works to process Change Order #2 for the aforementioned contract in the amount of \$26,950.00; with DB&F. This Change Order proposes to increase the scope of the design per the Zoo's requested operational changes to the building and site that are needed for the Zoo to receive an AZA accreditation. Additional details are noted in the department memo.

Funds are available in project number 31178-513026-43006 "Construction".

The Procurement Department requests Council's approval to approve Change Order #2 as noted above to DB&F in the amount of \$26,950.00.

Thank you,

Catrice L. Parsons

Assistant Director Internal Services-Procurement and Parking

City of Salisbury



MARYLAND



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 CHAMBERS
ASSISTANT CITY ADMINISTRATOR

TO: Catrice Parsons, Assistant Director of Internal Services-Procurement
FROM: Teresa Gardner, Director of Public Works
DATE: March 13, 2013
SUBJECT: Change Order No. 2
Contract No. 117-10 Rebid
Zoo Animal Health Building

Please process change order no. 2 for the Salisbury Zoo Animal Health Building design contract. This change order will increase the scope of the design per the Zoo's requested operational changes to the building and site. The quality control issues regarding the rebid have been addressed separately at the Architect's cost and are not included in this change order.

The Animal Health Building project is being repackaged to be advertised for construction bids in April. The project is necessary for the Zoo to retain the Association of Zoos and Aquariums (AZA) accreditation. During the process of preparing to rebid the project, the Zoo staff has requested operational modifications to the design. One of the changes is a requirement from the current version of the AZA design manual. The changes provide improvements for operation and safety for both the animals and Zoo staff.

The additional design work includes providing a fire suppression /sprinkler system for the entire building and providing separate HVAC systems for each of the animal holding rooms. The design will modify the electric feed to serve the existing Animal Services Building with a new electric service and provide generator backup. Sitework changes include deleting parking spaces and improving an existing retaining wall. Interior changes include revisions to the skylight placement, metal doors, foot baths, lighting, necropsy room hoist, animal caging and holding pens. Finally, the specifications will include language for the commissioning of the lighting and HVAC systems. Several of these changes will help reduce future maintenance costs in the building.

The total change order is a lump sum of \$26,950.00. The design contract will be billed on a lump sum basis. The limits established in the change order are not to be exceeded without written consent by the City.

We recommend award of this change order in the net amount of \$26,950.00. Sufficient funds to complete this work are available in account number 31178-513026-43006.

Amanda Pollack, P.E.
Deputy Director

Teresa Gardner, P.E.
Director-Public Works

CHANGE ORDER

#2

PROJECT: Contract No. 117-10 Rebid
Zoo Animal Health Building

P.O. NO: 02080552

TO: Davis, Bowen & Friedel, Inc.
One Plaza East, Suite 200
Salisbury, MD 21801

CHANGE ORDER NO 2
INITIATION DATE: March 13, 2013
CONTRACT DATE: July 9, 2008
ACCOUNT NO: 31178-513026-43006

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

As a result of City requested operational changes and AZA requirements, the following new design work has been added to the contract for the Animal Health Clinic per the attached letter dated March 11, 2013:

1. Provide a fire suppression /sprinkler system for the entire building.
2. Provide separate HVAC systems for each of the animal holding rooms.
3. Modify the electric feed to serve the existing Animal Services Building with the new electric service and with the backup generator.
4. Sitework changes including deleting parking spaces and improving an existing retaining wall.
5. Interior changes to the skylight placement, metal doors, foot baths, lighting, necropsy room hoist, animal caging and holding pens.
6. Add specifications for the commissioning of the lighting and HVAC systems.

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 Time.

The original Contract Sum was.....	\$ <u>96,700.00</u>
Net change by previously authorized Change Orders.....	\$ <u>3,400.00</u>
The Contract Sum prior to this Change Order was	\$ <u>100,100.00</u>
The Contract Sum will be (increased), (decreased), (unchanged) by this Change Order	\$ <u>26,950.00</u>
The new Contract Sum including this Change Order will be	\$ <u>127,050.00</u>
The Contract Time will be (increased), (decreased), (unchanged) by this Change Order by () days or () weeks	
The date of substantial completion as of the date of this Change Order..... therefore is	<u>April 12, 2013</u>

AUTHORIZED:

BY: _____ Teresa Gardner, P.E. Director of Public Works	Vendor: <u>Davis, Bowen & Friedel, Inc.</u>	BY: _____ Catrice Parsons, Assistant Director of Internal Services-Procurement Division
DATE: _____	BY: _____ Printed name	DATE: _____
BY: _____ KEITH A. CORDREY Director of Internal Services	_____ Title	Funding/Bid Award As Approved by City Council
DATE: _____	BY: _____ Sign for Identification	By: _____ Terry E. Cohen President, City Council
BY: _____ Mark Tilghman City Solicitor	DATE: _____	DATE: _____



**DAVIS
BOWEN &
FRIEDEL, INC.**

ARCHITECTS ENGINEERS SURVEYORS

March 4, 2013
Revised March 11, 2013

City of Salisbury
Public Works Department
125 N. Division Street
Salisbury, Maryland 21801-4940

Attn: Ms. Amanda Pollack, P.E.
Deputy Director

Re: Zoo Animal Health Building
Contract No. 117-10 Rebid
DBF #094A036

Dear Ms. Pollack:

In accordance with verbal direction received from Public Works on March 8, 2013, we submit the following revised fee proposal for modifications to the Animal Health Building Construction Documents as stipulated in the review comments provided by the City/Salisbury Zoo/Delmarva Zoological Society and Andrew W. Booth & Associates dated February 8, 2013 and February 11, 2013 respectively.

TASK	FEE
1. Revisions to site (Revise retaining wall, revise parking/drive, grading)	\$3,000.00
2. Resubmit ESC Plans	\$ 400.00
3. Revise Site Water & Electric Utilities	\$1,500.00
Subtotal Site Engineering	\$ 4,900.00
4. Delete fourteen (14) skylight tubes	\$400.00
5. Change doors/door details to fiberglass	\$850.00
6. Incorporate animal enclosures into General Contract	\$400.00
7. Design and detail necropsy hoist	\$600.00
8. Make additional alterations to City Documents	\$400.00
9. Modify architectural drawings to reflect M/E/P changes	\$3,000.00
10. Design and detail new retaining wall	\$750.00
11. Overall coordination of additional services	\$3,150.00
Subtotal Architectural/Structural	\$9,550.00

Letter: Ms. Amanda Pollack, P.E., Deputy Director
City of Salisbury
March 4, 2013 (Revised March 11, 2012)
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12. Modify the electric feed to serve the existing Animal Services Building with the new electric service and the backup generator.
13. The addition of a fire sprinkler system.
14. Providing separate HVAC systems in the animal holding areas of the building.
15. Preparation of commissioning specifications for the lighting and HVAC systems.
16. Plumbing modifications to the Carnivore Pool and Aquatic Pools (overflow drains)
17. Addition of T-5 lamps for all lighting.
18. All surface mounted lights in animal areas to be changed to recessed.
19. Insert Add Alternate for five-year maintenance and service contracts by Mechanical, Plumbing and Electrical Contractors.

Subtotal M/E/P Engineering \$12,500.00

TOTAL ADDITIONAL SERVICES **\$26,950.00**

Reimbursable expenses will be invoiced in accordance with our Contract currently in place. Not included in the above additional services proposal are fees for Construction Phase Services.

Please review and don't hesitate to contact me should you have any questions.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Scott G. Rogers, AIA, LEED AP, CCBI
Associate

SGR/jsp
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cc: Mr. Frank Ennis, City of Salisbury