

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

MARCH 12, 2012

PRESENT

*Council President Terry E. Cohen
Councilwoman Eugenie P. Shields*

*Councilwoman Laura Mitchell
Councilman Timothy K. Spies*

ABSENT

Council Vice President Deborah S. Campbell

Mayor James Ireton, Jr.

IN ATTENDANCE

Acting City Clerk Kimberly Nichols, City Administrator John Pick, Assistant City Administrator Loré Chambers, City Attorney Mark Tilghman, Public Works Director Teresa Gardner, Acting Internal Services Director Gerri Moore, Internal Services – Procurement Assistant Director Catrice Parsons, Zoo Director Joel Hamilton and 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 reminded the public of the dates of the upcoming public forums to discuss election redistricting. A moment of silent meditation was held, followed by the Pledge of Allegiance.

ADOPTION OF LEGISLATIVE AGENDA

Mrs. Mitchell moved and Mrs. Shields seconded to adopt the legislative agenda as presented. Mrs. Mitchell moved and Mrs. Shields seconded to remove all of the minutes from the consent agenda for editorial changes and other changes.

The amendment passed unanimously. The legislative agenda, as amended, was unanimously approved.

MINUTES

- *February 21, 2012 work session minutes*

Mrs. Mitchell moved and Mrs. Shields seconded to approve the February 21, 2012 work session minutes. Mr. Spies moved to amend line 45 by removing the word “advise” and replacing with the word “advice” and placing the period in line 47 inside the quotation

marks. Mrs. Mitchell seconded and the amendment unanimously passed.

Mrs. Mitchell moved and Mr. Spies seconded to amend line 55 by placing a comma after the word "safety," and "code compliance" after the comma to read, "opinion concerning the building's safety, code compliance and handicap access issues." The amendment unanimously passed and the minutes for February 21, 2012 work session were unanimously approved as amended.

- February 21, 2012 closed session minutes

The February 21, 2012 closed session minutes were unanimously approved on a motion by Mrs. Mitchell and seconded by Mr. Spies.

- February 24, 2012 closed session minutes, February 27, 2012 regular meeting minutes and February 27, 2012 closed session minutes

On a motion by Mrs. Mitchell seconded by Mr. Spies, the Council voted unanimously to remove the February 24, 2012 closed session minutes, February 27, 2012 regular meeting minutes and February 27, 2012 closed session minutes from the agenda for corrections and to return them for adoption at a future date.

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

The following item was unanimously awarded on a motion by Mr. Spies and seconded by Mrs. Mitchell:

- Change Order #1 - Contract 117-08-PM-R1 - Citywide Paving and Milling - \$44,500.00

RESOLUTIONS – presented by City Administrator John Pick

- Resolution No. 2150 – accepting gift of \$4,879.12 for a mid-block pedestrian crosswalk on Milford Street

Resolution No. 2150 was unanimously approved on a motion by Mrs. Mitchell and a second by Mr. Spies.

- Resolution No. 2151 – approving terms and conditions for MDE Loan (Milford Street water tower)

On a motion by Mr. Spies, seconded by Mrs. Mitchell, Resolution No. 2151 was unanimously approved.

ORDINANCES – presented by City Attorney Mark Tilghman

- *Ordinance No. 2194 – 2nd reading - establishing the Harbor Pointe Planned Residential District as a special assessment district for the purpose of financing the cost of a sidewalk by assessing each lot owner the sum of \$112.92, collectable in five equal annual installments of \$22.58 on the real property tax bill*

Ordinance No. 2194 for second reading passed unanimously on a motion and a second by Mrs. Shields and Mrs. Mitchell, respectively.

- *Ordinance No. 2195 – 1st reading – FY12 budget amendment to appropriate the funds received from the Local Government Insurance Trust for damage incurred by a lightning strike to the Salisbury Zoo's telephone and Internet*

Mr. Spies moved and Mrs. Mitchell seconded to approve Ordinance No. 2195 for first reading. Mrs. Mitchell asked why the account number in the memo and ordinance were different, and Gerri Moore verified the account number listed in Ordinance No. 2195 (40000-534301) was the correct number, as the number in the memo was missing a digit. Joel Hamilton informed Council the recovery funds will be used for painting the primate and jaguar buildings, as the Salisbury Zoo already repaired the damaged systems with funds budgeted for the painting projects.

Mrs. Mitchell moved to amend Ordinance No. 2195 on line 17 by inserting "already repaired the damaged systems, but" after the word "Zoo." Mrs. Shields seconded and the amendment passed unanimously. Ordinance No. 2195, as amended on first reading, passed unanimously.

PUBLIC COMMENTS

Remarks were received concerning the following:

- *transparency of public announcements of meetings*
- *public notice of Ethics Committee meeting*
- *the election redistricting process*

ADJOURNMENT

The meeting adjourned at 6:42 p.m.

*CITY OF SALISBURY, MARYLAND
CLOSED SESSION #1
MARCH 5, 2012*

*TIME & PLACE: 5:42 p.m., Government Office Building – Conference Room #306
PURPOSE: Obtaining legal advice on capacity fees
VOTE TO CLOSE: Unanimous
CITATION: Annotated Code of Maryland Sections 10-508(a)(7)
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 P. Ireton, Jr., Acting City Clerk Kim Nichols, City Attorney Susan Tilghman, City Administrator John Pick, Public Works Director Teresa Gardner, Acting Public Works Deputy Director Dale Pusey and Public Works Development Coordinator Gary Hales*

During Council's work session discussion on capacity fees, Mrs. Campbell moved and Mr. Spies seconded to go into closed session for the purpose of obtaining legal advice on capacity fees as permitted under the Annotated Code of Maryland Section 10-508(a)(7). At 5:42 p.m., the vote was unanimous to go into closed session.

A discussion of legal issues related to the calculation of capacity fees was held. No action was required or taken by Council since the purpose of the closed session was to have legal questions addressed.

At 5:55 p.m., the vote was unanimous to adjourn the closed session on a motion and a second by Mr. Spies and Mrs. Shields, respectively.

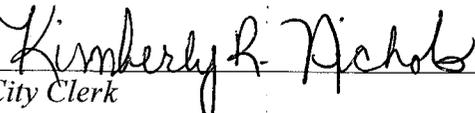
CITY OF SALISBURY, MARYLAND
CLOSED SESSION #2
MARCH 5, 2011

TIME & PLACE: 7:75 p.m., Government Office Building – Conference Room 306
PURPOSE: Personnel matter (city clerk position)
VOTE TO CLOSE: Unanimous
CITATION: Annotated Code of Maryland Section 10-508(a)(1)(i)
PRESENT: Council President Terry E. Cohen, Council Vice President Deborah S. Campbell, Councilwoman Laura Mitchell, Councilwoman Eugenie P. Shields, Councilman Timothy K. Spies, City Attorney Susan Tilghman, Office Associate Sherrell McBride (Mayor's Office)

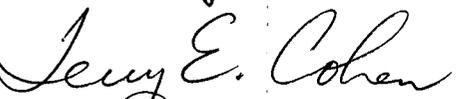
During the Council's work session, Mrs. Campbell moved to convene in closed session for a personnel matter (city clerk position) as permitted under the Annotated Code of Maryland Section 10-508(a)(1)(i). Mr. Spies seconded, the vote was unanimous and the closed session began at 7:57 p.m.

Following a discussion about the competitive search, the selection process and the narrowed field of candidates, the Council reached unanimous consensus to: 1) name a chosen candidate and 2) have the council president obtain information for Council from Human Resources and City Administrator John Pick on next steps in the process and for the offer letter to the chosen candidate.

On a motion by Mrs. Shields and a second by Mrs. Mitchell, the Council unanimously voted the closed session adjourned at 8:17 p.m. and returned to open session to adjourn the work session.



City Clerk



Council President

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

March 12, 2012

1. Change Order #1 to Contract 117-08-PM-R1 Citywide Paving & Milling

\$44,500.00

City of Salisbury



MARYLAND

Salisbury



2010

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801

Tel: 410-548-3190

Fax: 410-548-3192

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COUNCIL AGENDA

March 12, 2012

TO: Mayor and City Council

SUBJECT: Change Order #1 to Contract 117-08-PM-R1

Citywide Milling 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 117-08-PM-R1 *Citywide Milling Program* in the amount of \$44,500.00; with George and Lynch. This Change Order proposes to extend the current contract and pricing to June 30, 2012. Extending this Contract with the same vendor, that was awarded the bituminous concrete (blacktop) contract in November 2011, will allow for a continuous flow of process between the milling and paving and will allow the City to save time and funds with the management of this project. Additional details are noted in the department memo.

Funds are available in the Project Account 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 in the amount of \$44,500.00.

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

JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

TERESA GARDNER, P.E.
DIRECTOR OF PUBLIC WORKS

TO: Catrice Parsons-Assistant Director of Internal Services, Procurement Division
FROM: William Sterling, Project Manager
DATE: February 10, 2012
SUBJECT: Change Order No. 1
Contract No. 117-08-PM-R1
Purchase Order No. 02090495-01
Citywide Milling Program

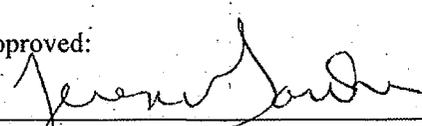
The original Citywide Milling Contract was awarded in June 2009 to George & Lynch Inc. as the lowest bidder for streets to be milled within the 2008 Fiscal year. With George & Lynch agreeing to extend this excellent price, this extension allows the City of Salisbury to maintain that price for streets to be milled in the 2012 fiscal year. The 2012 bituminous concrete (blacktop) contract was awarded as low bidder to George & Lynch in November 2011, when they manage both milling & paving, it makes for easy coordination and you have minimal time between the milling operation and the overlay. The substantial completion date needs to will be extended to June 30, 2012.

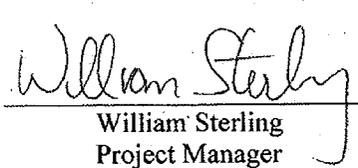
The costs is listed below:

	<u>Original Bid</u>	<u>Requested Increase</u>	<u>New Contract Sum</u>
Citywide Milling	\$30,514.00	\$44,500.00	\$75,014.00

Funds to accomplish this task are available 31000-534304 Streets/Lots and were approved in the 2012 budget.

Approved:


Teresa Gardner, P.E.
Director of Public Works


William Sterling
Project Manager

CHANGE ORDER

PROJECT: P.O. NO: 02090495-01
Contract No. 117-08-PM R1
Pavement Milling

CHANGE ORDER NO: 2
INITIATION DATE: February 02, 2012
CONTRACT DATE: June 24, 2010
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 Milling contract with George & Lynch, Inc. to utilize funds encumbered for the streets in the 2012 Paving Program. The substantial completion date will be extended to July 01, 2012.

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.....	\$ 30,514.00
Net change by previously authorized Change Order(s)	\$ 0
The Contract Sum prior to this Change Order was	\$ 30,514.00
The Contract Sum will increased by this Change Order	\$ 44,500.00
The new Contract Sum including this Change Order will be	\$ 75,014.00
The Contract Time will be extended 270 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 _____