



and Mr. Spies voted "aye" and Mmes. Mitchell and Shields voted "nay."

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

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

- March 4, 2013 work session minutes
- March 11, 2013 regular meeting minutes

**RESOLUTION**

- Resolution No. 2266 – approving the appointment of Rabbi Arnold L. Bienstock to the Ethics Commission for a term ending 9/30/2016

On a motion and seconded by Mrs. Shields and Mr. Spies, respectively, Resolution No. 2266 was unanimously passed with a 4 – 0 vote. Ms. Cohen abstained from the voting.

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

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

- Change Order #2 to RFP 04-14 Fitzwater St. Sewage Lift Station Rpl. & Upgrade - \$11,100.00

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

- Ordinance No. 2235 – 2<sup>nd</sup> reading – approving a budget amendment of the FY13 General Fund to appropriate funds received from the speed camera program for the purchase of computers and related equipment for seven new police patrol vehicles

Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to approve Ordinance No. 2235 for second reading.

- Ordinance No. 2238 – 2<sup>nd</sup> reading - requiring businesses entering into agreements with the City of Salisbury, or filing appeals with or seeking relief or approval from the City of Salisbury to provide business ownership information

Mr. Spies moved and Mrs. Campbell seconded to approve Ordinance No. 2238 for second reading.

City Attorney Mark Tilghman presented the ordinance, explained the changes made since

*the last meeting, and noted his email sent earlier in the day in which the amended document was distributed to Council, of which copies were provided at the table.*

*The following comments were received from three (3) members of the public:*

- *requested Council to remove the requirement to provide birthdates and social security numbers on the form*
- *voiced concern about identity fraud*
- *expressed interest in ownership information, not the personal numbers*

*On a motion and seconded by Mrs. Campbell and Mr. Spies, respectively, the following amendments (provided in the draft by Mr. Tilghman) to Ordinance No. 2238 were passed by a 3 – 2 vote in favor. Ms. Cohen, Mrs. Campbell, and Mr. Spies voted “aye”; Mmes. Mitchell and Shields voted “nay.”*

- *Line 5 – strike “AGREEMENTS” and insert “CONTRACTS”*
- *Line 36 – insert comma after “business”*
- *Lines 37, 39, 43, 62, and 63 – strike “agreement ” and insert “contract”*
- *Line 37, 38, 40, 43, and 58 – strike “of Salisbury”*
- *Line 38 – insert “equal or” before “exceed”*
- *Line 40 – strike uppercase “C” and replace with lowercase “c” in “commissions”*
- *Line 40 – strike uppercase “B” and replace with lowercase “b” in “boards”*
- *Line 44 – insert commas after “person” and “business”; strike “or” and insert “or entity” after “business”*
- *Line 45 – strike the “y” in “any”*
- *Line 46 – strike the period and insert a comma after “Code”*
- *Line 46 –insert “a contract in which the City receives a contract price negotiated by the State, County, or other governmental entity pursuant to section SC16-3A.(9), or a contract with a publically traded company.” after “Code”*
- *Line 49 – strike “to a” and insert “also” after “shall”*
- *Line 50 – strike “of Salisbury” and insert “other” after “or”*
- *Line 51 – strike “of Salisbury” and insert “allow any routine registration or not to” after “to”*
- *Line 52 – insert “other” after “or”*
- *Line 54 – strike “or” and insert “ , or entity” after the first “business”*
- *Lines 67and 71 – strike “and”*
- *Line 69 – strike “executed” and insert “entered into”*
- *Line 72 – strike “from and” and insert “thirty (30) days”*
- *Line 72 – insert “and that this Ordinance shall not apply to contracts entered into before the effective date of this Ordinance” after “passage,”*

- *Line 73 – strike “executed” and “final passage”*

*On the Business Disclosure Form, the following amendments were also passed:*

- *Section A – headline now reads “Entity required to complete Business Disclosure Form*
- *Section A – “Or Social Security Number for Individual” is added after Tax Identification*
- *Section C – strike “For other entities,” and lower case “l”; insert uppercase “L” in “List”*

*At 7:21 p.m., Council recessed briefly to discuss additional language with Mr. Tilghman, and reconvened at 7:33 p.m.*

*Mrs. Campbell moved and Mr. Spies seconded to amend Ordinance No. 2238 by inserting the following language at the end of sub-paragraph B on Line 50:*

*“where a person, business, or entity meets the fiscal year threshold set forth in 1.17A as a result of any one or more transactions, the said person, business, or entity shall submit the required business disclosure form within ten (10) days after being notified by the Director of Internal Services that the fiscal year threshold has been met.”*

*At Mrs. Shields suggestion, the previous motion and second also amended Line 56 by striking “ten (10)” and inserting “fifteen (15).”*

*The amendments passed by a 3 – 2 vote in favor. Ms. Cohen, Mrs. Campbell, and Mr. Spies voted “aye” and Mmes. Mitchell and Shields voted “nay.”*

*Mrs. Campbell moved and Mr. Spies seconded to amend the ordinance with the following:*

- *Lines 68 and 69 – strike “and” and “from and”, and insert “thirty (30) days” before the word “after”*
- *Line 69, insert “, and that this Ordinance shall not apply to contracts entered into before the effective date of this Ordinance.” after the word “passage”*

*The amendments passed by a 3 – 2 vote in favor with “aye” votes from Ms. Cohen, Mrs. Campbell, and Mr. Spies and “nay” votes from Mmes. Mitchell and Shields.*

*Ordinance No. 2238 for second reading, as amended, was passed by a 3 – 2 vote in favor. Ms. Cohen, Mrs. Campbell, and Mr. Spies voted “aye” and Mmes. Mitchell and Shields*

voted "nay."

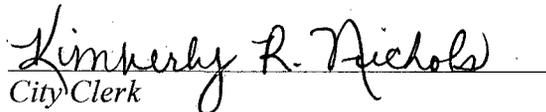
**PUBLIC COMMENTS**

The following comments were received from three (3) members of the public:

- thanked the City Council for agreeing to take the false alarm fees back to work session
- the false alarm ordinance creates the most expensive fines in the Country
- residents will take the law into their own hands to avoid paying the false alarm fees
- concern over identity fraud (Ordinance No. 2238)
- State of Maryland and City of Frederick disclosure forms do not require social security numbers or birthdates
- referenced the Privacy Act of 1974 and the City will open itself up for a lawsuit (Ordinance No. 2238)

**ADJOURNMENT**

Council President Cohen adjourned the legislative meeting at 8:16 p.m.

  
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  
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KEITH CORDREY  
DIRECTOR OF INTERNAL SERVICES  
PROCUREMENT DIVISION

## COUNCIL AGENDA

**March 25, 2013**

1. Change Order #2 to RFP 04-14 Fitzwater St. Sewage Lift Station Rpl. & Upgrade \$11,100.00

# City of Salisbury



MARYLAND



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## COUNCIL AGENDA

March 25, 2013

TO: Mayor and City Council

SUBJECT: Change Order #2 to RFP 04-11

### Fitzwater St. Sewage Lift Station Replacement & Upgrade

The Procurement Department received a request from Public Works to process Change Order #2 for the aforementioned RFP in the amount of \$11,100.00; with GMB. This Change Order proposes for GMB to hire Hillis-Carnes to perform soil investigation to determine if soil remediation will be necessary. Additional details are noted in the department memo.

Funds are available in account number 30200-513026-55011 "Construction".

The Procurement Department requests Council's approval to approve Change Order #2 as noted above to GMB in the amount of \$11,100.00.

Thank you,

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

# City of Salisbury



MARYLAND

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MAYOR

JOHN R. PICK  
CITY ADMINISTRATOR

LORÉ L. CHAMBERS  
ASSISTANT CITY ADMINISTRATOR



125 NORTH DIVISION ST., RM 202  
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PUBLIC WORKS  
TERESA GARDNER, P.E.  
DIRECTOR

February 25, 2013

## MEMORANDUM

**TO:** Catrice Parsons - Assistant Director of Internal Services  
Procurement Division

**FROM:** Teresa Gardner, P.E.  
Director, Public Works

**SUBJECT:** Fitzwater St. Sewage Lift Station Replacement & Upgrade  
Change Order No. 2  
Contract No. RFP 04-11

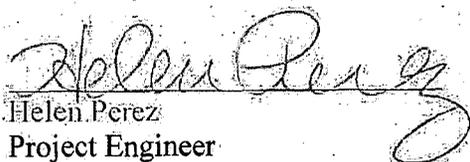
Please process Change Order No. 2 for the Fitzwater St. Sewage Lift Station project. This change order increases the contract cost by \$11,100.00 by allowing George, Miles & Buhr (GMB) to hire Hillis-Carnes to perform more soil investigation to determine if soil remediation will be necessary.

In order to further investigate the possibility, and to maybe limit the remediation actions necessary during construction, GMB proposes the additional testing during plan development. This will help to eliminate any differing site condition issues during construction. The additional \$11,100.00 will be used in a change order to GMB to revise their scope of work to determine the limits and type of contamination.

The contract time will not be extended for GMB to perform this additional work.

Funds are available in account 30200 513026 55011. Let me know if you have any questions.

Prepared by:

  
Helen Perez  
Project Engineer

Approved by:

  
Teresa Gardner, P.E.  
Director

**CHANGE ORDER**

PROJECT Contract RFP 04-11  
Fitzwater St. Lift Station

P.O. NO: 02110281-00  
CHANGE ORDER NO: 2

TO: (Contractor)  
George, Miles & Buhr  
206 West Main Street  
Salisbury, MD 21801

DATE: 2/25/13  
CONTRACT DATE: 2/15/11  
ACCOUNT NO: 30200 513026 55011

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

George, Miles & Buhr (GMB) proposes additional soil testing during plan development to investigate the possibility, and maybe limit the remediation actions, necessary during construction. This will help to eliminate any differing site condition issues during construction. The additional money will be used to revise GMB's scope of work to determine the limits and type of soil contamination.

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>119,996.00</u>
Net change by previously authorized Change Order(s) .....	\$ <u>52,071.00</u>
The Contract Sum prior to this Change Order was .....	\$ <u>172,067.00</u>
The Contract Sum will be increased by this Change Order .....	\$ <u>11,100.00</u>
The new Contract Sum including this Change Order will be .....	\$ <u>183,167.00</u>
The Contract Time will be increased by this Change Order .....	<u>0 days</u>
The date of substantial completion as of the date of this Change Order therefore is .....	<u>Nov. 29, 2013</u>

**AUTHORIZED:**

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

BY \_\_\_\_\_  
George, Miles & Buhr  
Contractor

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

BY \_\_\_\_\_  
Keith Cordrey  
Acting Director of Internal Services

BY \_\_\_\_\_

BY \_\_\_\_\_  
Terry Cohen  
President, City Council

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

\_\_\_\_\_  
Title

DATE \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_