

CITY OF SALISBURY, MARYLAND

#11 MEETING

MAY 26, 2009

PRESENT

*Council President Louise Smith
Councilwoman Terry E. Cohen*

*Council Vice President Gary A. Comegys
Councilwoman Eugenie P. Shields
Mayor James Ireton, Jr.*

ABSENT

Councilwoman Deborah S. Campbell

IN ATTENDANCE

City Clerk Brenda Colegrove, MMC, City Administrator John Pick, ICMA-CM, Assistant City Administrator Loré Chambers, City Solicitor Paul Wilber, Acting Fire Chief Rick Hoppes, Acting Public Works Director Chip Messick, Internal Services Director Pam Oland, and Members of the Press.

CONVENING - ADOPTION OF AGENDA

The City Council met in regular session at 6:00 p.m. in Council Chambers of the City/County Government Office Building. Council President Smith called the meeting to order. The Lord's Prayer and the Pledge of Allegiance were recited.

The agenda, as presented, was unanimously approved on a motion by Mrs. Shields and seconded by Ms. Cohen.

CONSENT AGENDA – presented by City Clerk Brenda Colegrove

On a motion and a second by Ms. Cohen and Mrs. Shields, respectively, the Consent Agenda consisting of the following items was unanimously approved:

- *May 11, 2009 minutes*
- *Resolution No. 1785 – appointment of Melanie L. Perreault to the Historic District Commission for a term ending May 2012*
- *Resolution No. 1786 – appointment of Muir Boda to the Recycling Advisory Committee for a term ending May 2010*
- *Resolution No. 1787 – reappointment of Deborah Campbell to the PAC14 Board of Directors – term expires on the date of the 4th annual meeting of PAC14*

AWARD OF BIDS – presented by Internal Services Director Pam Oland

On a motion by Mr. Comegys and seconded by Ms. Cohen, the Award of Bids consisting of the following was unanimously approved:

Recommendation of Award Contract #116-09-BT	\$175,898.50
Blacktop Program Acct. No. 31000-534318	
American Paving Corporation	

FY10 BUDGET – presented by Council President Louise Smith

Resolution No. 1779 – adoption of water and sewer rates (increasing water rates by 13% and sewer rates by 15%)

Ms. Cohen moved and Mr. Comegys seconded to approve Resolution No. 1779. Ms. Cohen disclosed that the Council did not discuss in budget session the issue of restoring the waived capacity fees for affordable housing. However, the issue has been scheduled for discussion at the June 1, 2009 work session. Resolution No. 1779 passed unanimously.

Ordinance No. 2078 for second reading – adoption of FY10 budget

Ms. Cohen moved and Mrs. Shields seconded to approve Ordinance No. 2078 for second reading. Mrs. Shields moved and Ms. Cohen seconded to approve Ordinance No. 2078 as amended for second reading.

Due to lack of a consensus regarding health insurance at the last budget session, Mr. Comegys moved and Mrs. Shields seconded for Council to vote on, or have a consensus on, the item in Exhibit A under City Council, titled health insurance, like we did for every other item on this Exhibit. For clarification, Mr. Wilber opined that if Council approved Ordinance No. 2078, as amended for second reading, they would be approving funding for health insurance for Council members.

After discussion, Mr. Comegys' motion failed to pass on a 2-2 vote. Mr. Comegys and Mrs. Shields voted aye; Ms. Cohen and Mrs. Smith voted nay.

Ms. Cohen offered a motion to amend the first AND BE IT FURTHER ORDAINED paragraph on page two of Ordinance No. 2078 to read as follows:

AND BE IT FURTHER ORDAINED by the Salisbury City Council that these summary amounts shall be spent under the limitations of the attached list herein known as the FY10 budget Items Adjusted By Council (Exhibit A) whether the amounts are added, deleted, reduced or increased, as these changes adjust the mayor's proposed budget and explanatory materials FY10 which contain the details required by SC7-8 and SC7-12 including "all proposed expenditures"

stated in "separate provisions" for "the administration, operation and maintenance of each office, department or agency of the city itemized by character and object of expenditure" as required by our Charter.

The motion died for lack of a second. Ms. Cohen moved and Mr. Comegys seconded to amend page two, item 2, by deleting "Resolution No. 283" and inserting "the Salisbury Municipal Code, Section 3.12.010" in its place. The amendment passed unanimously.

Ordinance No. 2078, as amended on second reading, passed unanimously.

RESOLUTION – presented by City Administrator John Pick

Resolution No. 1784 – approving the transfer of property by the State of Maryland to construct, maintain, landscape and/or grade roadway and bridge appurtenances as a part of the State Roads System of Maryland

Resolution No. 1784 was unanimously approved on a motion and a second by Ms. Cohen and Mr. Comegys, respectively.

PUBLIC COMMENTS

Two members of the audience commented on the following:

- *Surplus firehouse – suggested utilizing as an addition to the Library*
- *Cost of equipping one police officer to put on the street*
- *Homestead Tax Credit for City residents*
- *Ethics concern with voting on health insurance*

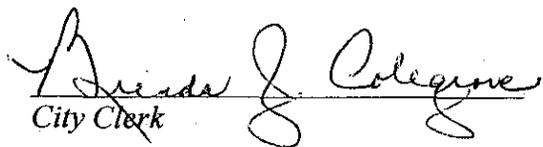
The meeting adjourned at 7:03 p.m.

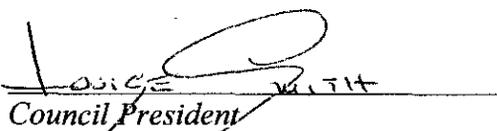
CITY OF SALISBURY, MARYLAND
CLOSED SESSION
JUNE 1, 2009

TIME & PLACE: 6:24 p.m. – Conference Room 306 Government Office Building
PURPOSE: Consult with legal counsel
VOTE TO CLOSE: Unanimous
CITATION: Annotated Code of Maryland Sections 10-508(a)(7)
PRESENT: Council President Louise Smith, Council Vice President Gary Comegys, Councilwoman Deborah Campbell, Councilwoman Terry Cohen, Councilwoman Eugenie Shields, Mayor James Ireton, Jr., City Clerk Brenda Colegrove, City Administrator John Pick, Assistant City Administrator Loré Chambers, City Attorney Paul Wilber, Planning, Zoning and Community Development Director Jack Lenox

At 6:24 p.m., in Conference Room 306 of the Government Office Building, Mr. Comegys moved to convene in closed session to consult with the City Attorney relating to his privileged and confidential memo pertaining to the legality of imposing impact fees other than for water and sewer as permitted under the Annotated Code of Maryland Section 10-508(a)(7). Mrs. Shields seconded and the vote was unanimous.

After discussion, the Council asked the City Attorney to obtain further information and report back to Council. On a motion and a second by Mr. Comegys and Ms. Cohen, respectively, the closed session adjourned at 6:55 p.m.


City Clerk


Council President

City of Salisbury



MARYLAND

PAMELA B. OLAND

DIRECTOR OF INTERNAL SERVICES

PURCHASING DIVISION

DEPARTMENT OF INTERNAL SERVICES

125 N. DIVISION STREET, ROOM 104

SALISBURY, MD 21801

410-548-3190

FAX: 410-548-3192

COUNCIL AGENDA

May 26, 2009

Page No.

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|----|--|---------------|
| I. | Recommendation of Award Contract # 116-09-BT
Blacktop Program
(Acct. No. 31000-534318) | \$ 175,898.50 |
|----|--|---------------|

City of Salisbury



PAMELA B. OLAND

DIRECTOR OF INTERNAL SERVICES

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DEPARTMENT OF INTERNAL SERVICES
125 N. DIVISION STREET, ROOM 104
SALISBURY, MD 21801
410-548-3190
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MARYLAND COUNCIL AGENDA

May 26, 2009

TO: Mayor and City Council

**SUBJECT: Recommendation of Award Contract # 116-09-BT
Blacktop Program**

The City of Salisbury Internal Services Department, Procurement Division, received a request from Salisbury Public Works to solicit proposals to furnish, deliver, and apply bituminous concrete paving on a variety of city streets as noted in the attached memo. Under Contract 116-09-BT, the Procurement Division requested proposals for this project. The Procurement Division followed standard bid practices by advertising in the Daily Times, on the City of Salisbury's website, utilizing the City's vendor list and advertising on the State of Maryland's website, Emaryland Marketplace. A total of twelve (12) vendors were sent proposal packages with three (3) vendors submitting a proposal by the due date and time, May 8, 2009 at 2:30 p.m.

Bid results for the project are as follows:

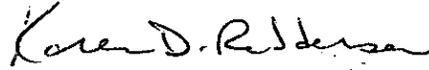
Vendor	Base Bid
American Paving Corporation	\$175,898.50
Chesapeake Paving and Sealing, Inc.	\$190,077.00
George and Lynch, Inc.	\$199,100.00

An analysis of the bid documents was conducted by SPW, with a recommendation to award Contract #116-09-BT to the lowest, responsive and responsible bidder, American Paving Corporation, in the amount of \$175,898.50. The contract amount is within budget and lower than the engineer's estimate of \$227,500.00 by 22.7%, thus the work is financially feasible and cost effective.

This contract includes a price adjustment for asphalt binder as outlined by the Maryland State Highway Administration (SHA) Specifications, Section 504. Adjustments will be made based on the prevailing monthly price for asphalt as determined by SHA, if the index increases or decreases more than five (5) percent of the prevailing base index price, not to exceed a differential percent change of sixty (60) percent. Price adjustments resulting in a decreased payment will be deducted from monies owed the contractor.

Sufficient funds are available in account number 31000-534318 (Street Maintenance Program) to cover the cost of this contract. After review of the submitted bids, the Department of Internal Services-Procurement Division requests Council's approval to accept the bid as noted above from American Paving Corporation, in the amount of \$175,898.50.

Thank you.



Karen D. Reddersen
Assistant Director of Internal Services-Procurement Division

**CITY OF SALISBURY
DEPARTMENT OF PUBLIC WORKS**

May 12, 2009

To: Karen Reddersen, Purchasing Agent
From: James Trott, Engineering Technician
Subject: Contract No. 116-09-BT Blacktop Program

Contract No. 116-09-BT bids were opened Friday, May 8, 2009 at 2:30 P.M., from paving contractors. Bidders responded as follows to furnish, deliver and apply bituminous concrete paving on the following streets.

Lehigh Avenue	- Benton St. to North Division St.
Philadelphia Avenue	- Route 13 to Benton St.
London Avenue	- Route 13 to North Division St.
Benton Avenue	- Baltimore Ave. to Philadelphia Ave.
Onley Road	- Perry Dr. to Perry Dr.
Dykes Road	- Approx. 300' East of S. Division St. to Corporate Limits

1. American Paving Corporation.....	\$175,898.50
2. Chesapeake Paving & Sealing, Inc.....	\$190,077.00
3. George & Lynch, Inc.....	\$199,100.00

The Public Works Department, upon review and evaluation of the bids submitted, recommends this contract be awarded to the lowest responsive responsible bidder, American Paving Corporation, in the amount of \$175,898.50. The contract amount, \$175,898.50, is lower than the original Engineers' Estimate of \$227,500.00, by 22.7%; therefore, this work is financially-feasible and cost-effective.

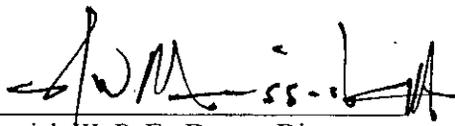
Funds are available in the following account:

Acct. No. 31000-534318 Street Maintenance Program \$ 175,898.50

By:

 5-13-09
James Trott, Engineering Technician

Approved:

 5/13/09
Newell W. Messick III, P. E., Deputy Director