



City of Salisbury



CITY COUNCIL SPECIAL MEETING AGENDA

April 7, 2014
Government Office Building

4:30 p.m.
Room 301

Times shown for agenda items are estimates only.

- 4:30 p.m. CALL TO ORDER
- 4:31 p.m. WELCOME/ANNOUNCEMENTS
- 4:33 p.m. ORDINANCE – City Attorney Mark Tilghman
- Ordinance No. 2284 – 2nd reading – amending the FY2014 General Fund to appropriate \$75,500 for making street maintenance improvements to portions of Mill Street, W. Main Street and W. Market Streets
- 4:36 p.m. AWARD OF BIDS – Assistant Director of Internal Services – Procurement & Parking
Jennifer L. Miller
- Contract A-22-12 R-1, Change Order #3, Citywide Blacktop Program
 - Contract A-24-13, Change Order #3, Citywide Paving Milling
- 4:40 p.m. RESOLUTION – City Administrator Tom Stevenson
- Resolution No. 2383 – to approve a lease agreement between the City of Salisbury and the Chamber of Commerce for the Salisbury Festival

ADJOURNMENT

Copies of the agenda items are available for review
in the City Clerk's Office
Room 305 – City/County Government Office Building
410-548-3140
or
on the City's web site
www.ci.salisbury.md.us

City Council meetings are conducted in open session unless otherwise indicated. All or part of the Council's meetings can be held in closed session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland 10-508(a), by vote of the City Council.

Proposed agenda items for April 14, 2014 (subject to change)

- Ordinance No. 2280 - 2nd reading - approving a budget amendment of the FY2014 Fire Department budget to transfer funds from the City's General Fund surplus to the Fire Department's turnout gear account
- Ordinance No. 2282 - 2nd reading – approving an amendment of the FY2014 Government Office Building Capital Outlay budget to appropriate funds to cover a new phone system for City employees at the Government Office Building
- Ordinance No. 2283 - 2nd reading – amending the FY2014 General Fund to appropriate \$10,000 for a contribution to support the 2014 Red, White and Boom fireworks display
- Ordinance No. 2285 - 2nd reading - approving an amendment of the FY2014 Consulting Fee budget to appropriate funds to cover an environmental study at the building commonly known as "The Bricks", City-owned surplus property located at 432-434 E. Church Street, Salisbury, MD
- Ordinance No. ____ - 1st reading – Elected Officials Pay
- Resolution No. ____ - accepting funds awarded through the JAG Program for maintenance and upgrading of computer hardware

41 ATTEST:

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46 Kimberly R. Nichols, City Clerk

Jacob R. Day, President
Salisbury City Council

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48 Approved by me this _____ day of _____, 2014

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53 James Ireton, Jr. Mayor

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City of Salisbury



MARYLAND



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

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER
ASST. DIRECTOR OF INTERNAL SERVICES

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

Council Agenda - Award of Bids

April 7, 2014

- | | |
|---|-------------|
| 1. Contract A-22-12 R-1, Change Order #3
Citywide Blacktop Program | \$86,500.00 |
| 2. Contract A-24-13, Change Order #3
Citywide Pavement Milling | \$22,500.00 |

City of Salisbury



MARYLAND



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

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER
ASST. DIRECTOR OF INTERNAL
SERVICES

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

Council Agenda

April 7, 2014

TO: Mayor and City Council

SUBJECT: Contract No. A-22-12 R-1, Change Order #3
Citywide Blacktop Program

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Salisbury Public Works Department to process Change Order #3 for Contract No. A-22-12 R-1, Citywide Blacktop Program. In conjunction with the Community Legacy Pedestrian Connectivity Project, SPW desires to extend paving improvements to the nearby intersections of West Market and Camden, and along Mill Street into the intersection of Riverside, Camden and Carroll Street.

In addition to utilizing Community Legacy grant monies to cover the cost of this change order, the budget amendment proposed by Ordinance No. 2284 also provides additional funding. Upon Council's 2nd reading and adoption of this ordinance, \$32,800 from the Street Maintenance account will be utilized to process this change order.

The requested funds to process Change Order #3 to Contract #A-22-12 R-1 are available in the following accounts:

Community Legacy Phase I (12800-513026-73007)	\$18,230.00 (currently available)
Community Legacy Phase II (12800-513026-73009)	\$35,470.00 (currently available)
Street Maintenance Acct (31000-534318)	<u>\$32,800.00 (available w/ approval of Ord. 2284)</u>
	\$86,500.00

The City of Salisbury Internal Services Department, Procurement Division, request Council's approval to process Change order #3, Contract A-22-12 R-1, in the amount of \$86,500.00 to George and Lynch, to perform this additional work.

Sincerely,

Jennifer Miller
Assistant Director of Internal Services – Procurement and Parking

City of Salisbury



MARYLAND



JAMES IRETON, JR.
MAYOR

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

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

MICHAEL S MOULDS, P.E.
DIRECTOR OF PUBLIC WORKS

To: Jennifer Miller, Assistant Director of Internal Services-Procurement Division
From: Michael Moulds, Director of Public Works
Date: March 28, 2014
Re: Contract A-24-13; Change Order No. 3
Contract A-22-12 R-1; Change Order No. 3
Mill Street, W. Main and W. Market Streets Paving Project

Attached are two (2) change orders to provide milling and paving in coordination with the Pedestrian Improvements project at the intersection of Mill Street and Main Street. Work is currently being performed under a Community Legacy Pedestrian Connectivity Project at the intersection. Ordinance No. 2284 provides for a budget amendment to perform additional street improvements on Mill Street and W. Market Street.

Community Legacy Grant (CLG) funds are being used for the milling and paving of the Mill Street and Main Street intersection, and an additional \$20,000 of paving. Pending 2nd reading and adoption of Ordinance No. 2284, the City Street Maintenance account will be used for the milling and paving of West Market Street and the extension of Mill Street. The change order is summarized below:

George and Lynch – paving change order:

CLG Funds	12800-513026-73007	\$18,230
CLG Funds	12800-513026-73009	\$35,470
Street Maintenance Account	31000-534318	<u>\$32,800</u>
Total for paving:		\$86,500

Rota-Mill – milling change order

CLG Funds	12800-513026-73009	\$8,300
Street Maintenance Account	31000-534318	<u>\$14,200</u>
Total for milling		\$22,500

The contract time for each contract will be extended by 2 months.

Michael S. Moulds, P.E.
Director of Public Works

CHANGE ORDER

#3

PROJECT: **Contract No. A-22-12 R-1**
Citywide Blacktop Program

P.O. NO: **02130208**

TO: **Mr. Dennis Dinger**
George & Lynch
150 Lafferty Lane
Dover, DE 19901

CHANGE ORDER NO: # 3
INITIATION DATE: March 28, 2014
CONTRACT DATE: February 15, 2013
ACCOUNT NO: 31000-534318, 12800-513026-73007
12800-513026-73009

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

Change Order #3 to this contract is to fund the paving of Mill Street, West Main Street and West Market Street in coordination with the Mill Street and Main Street pedestrian improvements project.

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>165,000.00</u>
Net change by previously authorized Change Orders	\$ <u>410,000.00</u>
The Contract Sum prior to this Change Order was.....	\$ <u>575,000.00</u>
The Contract Sum will be (increased), (decreased), (unchanged) by this Change Order	\$ <u>86,500.00</u>
The new Contract Sum including this Change Order will be	\$ <u>661,500.00</u>
The Contract Time will be (increased), (decreased), (unchanged) by this Change Order by () days or (2) months	
The date of substantial completion as of the date of this Change Order ... therefore is	<u>June 30, 2014</u>

AUTHORIZED:

BY: _____ Michael Moulds, P.E. Director of Public Works DATE: _____	Vendor: <u>George & Lynch</u> BY: _____ Printed name _____ Title BY: _____ Sign for Identification DATE: _____	BY: _____ Jennifer Miller, Assistant Director of Internal Services-Procurement Division DATE: _____
BY: _____ Keith A. Cordrey Director of Internal Services DATE: _____		Funding/Bid Award As Approved by City Council By: _____ Jacob R. Day President, City Council DATE: _____
BY: _____ Mark Tilghman City Solicitor DATE: _____		

City of Salisbury



MARYLAND



125 NORTH DIVISION STREET
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KEITH A. CORDREY
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JENNIFER MILLER
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JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

Council Agenda

April 7, 2014

TO: Mayor and City Council

SUBJECT: Contract No A-24-13, Change Order #3
Citywide Pavement Milling

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Salisbury Public Works Department to process Change Order #3 for Contract No. A-24-13, Citywide Pavement Milling. In conjunction with the Community Legacy Pedestrian Connectivity Project, SPW desires to extend paving improvements to the nearby intersections of West Market and Camden, and along Mill Street into the intersection of Riverside, Camden and Carroll Street.

In addition to utilizing Community Legacy grant monies to cover the cost of this change order, the budget amendment proposed by Ordinance No. 2284 also provides additional funding. Upon Council's 2nd reading and adoption of this ordinance, \$14,200 from the Street Maintenance account will be utilized to process this change order.

The requested funds to process Change Order #3 to Contract #A-24-13 are available in the following accounts:

Community Legacy Phase I (12800-513026-73009)	\$ 8,300.00 (currently available)
Street Maintenance Acct (31000-534318)	<u>\$14,200.00 (available w/ approval of Ord. 2284)</u>
	\$22,500.00

The City of Salisbury Internal Services Department, Procurement Division, requests Council's approval to process Change Order #3, Contract A-24-13, in the amount of \$22,500.00 to Rota-Mill, Inc. to perform this additional work.

Sincerely,

Jennifer Miller
Assistant Director of Internal Services – Procurement and Parking

City of Salisbury



MARYLAND



JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

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

MICHAEL S MOULDS, P.E.
DIRECTOR OF PUBLIC WORKS

To: Jennifer Miller, Assistant Director of Internal Services-Procurement Division
From: Michael Moulds, Director of Public Works
Date: March 28, 2014
Re: Contract A-24-13; Change Order No. 3
Contract A-22-12 R-1; Change Order No. 3
Mill Street, W. Main and W. Market Streets Paving Project

Attached are two (2) change orders to provide milling and paving in coordination with the Pedestrian Improvements project at the intersection of Mill Street and Main Street. Work is currently being performed under a Community Legacy Pedestrian Connectivity Project at the intersection. Ordinance No. 2284 provides for a budget amendment to perform additional street improvements on Mill Street and W. Market Street.

Community Legacy Grant (CLG) funds are being used for the milling and paving of the Mill Street and Main Street intersection, and an additional \$20,000 of paving. Pending 2nd reading and adoption of Ordinance No. 2284, the City Street Maintenance account will be used for the milling and paving of West Market Street and the extension of Mill Street. The change order is summarized below:

George and Lynch – paving change order:

CLG Funds	12800-513026-73007	\$18,230
CLG Funds	12800-513026-73009	\$35,470
Street Maintenance Account	31000-534318	<u>\$32,800</u>
Total for paving:		\$86,500

Rota-Mill – milling change order

CLG Funds	12800-513026-73009	\$8,300
Street Maintenance Account	31000-534318	<u>\$14,200</u>
Total for milling		\$22,500

The contract time for each contract will be extended by 2 months.

Michael S. Moulds, P.E.
Director of Public Works

CHANGE ORDER

#3

PROJECT: **Contract No. A-24-13**
Citywide Pavement Milling

P.O. NO: **02130231**

TO: **Ms. Ruth Mast**
Rota-Mill Inc.
784 Memorial Highway
Oley, PA 19547

CHANGE ORDER NO: # 3
INITIATION DATE: March 28, 2014
CONTRACT DATE: January 22, 2013
ACCOUNT NO: 31000-534318
12800-513026-73009

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

Change Order #3 to this contract is to fund the roadway milling of Mill Street, West Main Street and West Market Street in coordination with the Mill Street and Main Street pedestrian improvements project.

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>24,363.00</u>
Net change by previously authorized Change Orders	\$ <u>80,502.00</u>
The Contract Sum prior to this Change Order was.....	\$ <u>104,865.00</u>
The Contract Sum will be (increased), (decreased), (unchanged) by this Change Order	\$ <u>22,500.00</u>
The new Contract Sum including this Change Order will be	\$ <u>127,365.00</u>
The Contract Time will be (increased), (decreased), (unchanged) by this Change Order by () days or (2) months	
The date of substantial completion as of the date of this Change Order ... therefore is	<u>June 30, 2014</u>

AUTHORIZED:

BY: _____ Michael Moulds, P.E. Director of Public Works DATE: _____	Vendor: <u>Rota-Mill</u> BY: _____ Printed name _____ Title BY: _____ Sign for Identification DATE: _____	BY: _____ Jennifer Miller, Assistant Director of Internal Services-Procurement Division DATE: _____
BY: _____ Keith A. Cordrey Director of Internal Services DATE: _____		Funding/Bid Award As Approved by City Council By: _____ Jacob R. Day President, City Council DATE: _____
BY: _____ Mark Tilghman City Solicitor DATE: _____		

INTER

OFFICE

MEMO

OFFICE OF THE MAYOR

To: City Council
From: Tom Stevenson
Subject: Lease of City Property for Salisbury Festival
Date: April 2, 2014

Attached is a copy of the proposed lease agreement between the Salisbury Area Chamber of Commerce and the City of Salisbury for the use of City owned parking lots 1, 9, 10, 15 and Church Street in connection with the annual Salisbury Festival. In addition to the lease agreement is a resolution for Council consideration approving this contractual agreement with the Salisbury Area Chamber of Commerce. There are no significant changes in the plans of the Salisbury Area Chamber of Commerce for the Salisbury Festival this year as it affects the proposed lease agreement.

If you have any questions, please let me know.

LEASE

THIS AGREEMENT, made this _____ day of _____, 2014
between the CITY OF SALISBURY, Landlord, and SALISBURY AREA CHAMBER OF
COMMERCE, Tenant.

1. WITNESSETH, that the said Landlord hereby rents to the said Tenant, Salisbury Area Chamber of Commerce, the area known as the Plaza, Division Street from Rt. 50 to Market Street, Main Street from Division Street to Rt. 13, Circle Avenue, Camden Avenue, Parking Lot #1 (full lot), Parking Lot #10 and Parking Lot #15, Parking Lot #9, and Church Street (behind Government Office Building) for the sum of One Dollar (\$1.00) per day payable in advance. Parking Lot #1 (full lot) shall be from 5:00 p.m., Wednesday, April 23 through 5:30 a.m., Monday, April 28, 2014. Parking Lot #10 shall be from 6:00 a.m., Saturday, April 26, 2014 through 5:00 p.m. All carnival equipment must be removed from Lot #1 before 5:30 a.m., Monday, April 29, 2014. Parking Lot #15 shall be from 5:00 a.m. to 4:00 p.m., Saturday, April 26, 2014. Parking Lot #9 shall be from 5:00 p.m., Thursday, April 24, 2014 through 5:00 p.m., Sunday, April 27, 2014. Church Street (behind the Government Office Building) from 5:00 p.m., Thursday, April 23, 2014 through 5:00 p.m., Sunday, April 27, 2014. All of the above areas are to be used for the Salisbury Festival.

2. And the said Tenant hereby covenants with the said Landlord to pay the rent aforesaid, keep the premises in good order and to surrender the peaceful and quiet possession of the same at the end of the said term in as good condition as when received. Tenant will not do, suffer or permit anything to be done in or about the premises which will contravene any policy of insurance of the Landlord, nor use, nor permit their use for the purposes other than those of the Salisbury Area Chamber of Commerce. Tenant further covenants that it will not at any time assign this agreement, or sublet the property thus let, or any portion thereof, without the consent in writing of the said Landlord, or its representatives. Tenant further covenants that no alterations or repairs will be made to the leased premises without prior consent of the Landlord, and that whatever alterations or repairs the said Tenant shall be permitted to make shall be done at Tenant's own expense.

3. Tenant further covenants as follows:

A. At least one-week prior to the event, provide to the City a Certificate of Insurance naming the City as an additional insured. Such certificate will evidence that the Tenant has insurance in the following amounts: General Commercial

Liability (General Aggregate \$2,000,000; Each Occurrence \$1,000,000; Fire Damage \$300,000; and Medical Expense \$10,000).

- B. To keep property clean and in good repair during term of lease.
 - C. To permit access to property by authorized City employees.
 - D. To remove all improvements, material and equipment and restore property to its original condition, except such as may have been removed by City forces, by midnight, Sunday, April 27, 2014, with the exception of two (2) flat bed trucks, three (3) water "buffaloes" and the "porta-potties," which shall be removed by midnight, Monday, April 28, 2014.
 - E. To comply with all City ordinances.
 - F. To cooperate fully with routine or emergency activities of City agencies.
 - G. To allow no lewd or indecent actions, conduct, language, pictures or portrayals in the activities or events presented by Tenant on the Premises, and nothing is to be presented, used, sold or solicited that is against the law, or contrary to, or forbidden by, the ordinances of the City of Salisbury and the laws of the State of Maryland. Tenant agrees to abide by and to be bound by the decisions of Landlord should any questions of propriety arise under this paragraph.
 - H. To have all facades, signs, etc., approved by the Department of Building, Permits & Inspections.
4. Tenant knows, understands and acknowledges the risks and hazards associated with using the property and hereby assumes any and all risks and hazards associated therewith. Tenant hereby irrevocably waives any and all claims against the City or any of its officials, employees or agents for any bodily injury (including death), loss or property damage incurred by the Tenant as a result of using the property and hereby irrevocably releases and discharges the City and any of its officials, employees or agents from any and all claims of liability arising out of or associated with the use of the property.
5. Tenant shall indemnify and hold harmless the City and its officials, employees and agents from and against any and all liabilities, judgements, settlements, losses, costs or charges (including attorney's fees) incurred by the City and any of its officials, employees

or agents as a result of any claim, demand, action or suit relating to any bodily injury (including death), loss or property damage caused by, arising out of, related to or associated with the use of the property by the Tenant or by the Tenant's members, employees, agents or invitees.

6. Tenant shall pay the City for any and all physical loss or damage to the property (including the cost to repair or replace the property) caused by, arising out of, relating to or associated with the use of the property by the Tenant or by the Tenant's members, employees, agents or invitees.

7. IT IS FURTHER AGREED that if the Tenant shall violate any of the foregoing covenants on its part herein made, the Landlord shall have the right without formal notice to reenter and take possession.

IN WITNESS WHEREOF, the said parties have hereunto subscribed their names and affixed their seals the day and year first before written.

ATTEST:

CITY OF SALISBURY

Kimberly Nichols
CITY CLERK

_____(SEAL)
Jacob R. Day
PRESIDENT, City Council
LANDLORD

ATTEST:

SALISBURY AREA
CHAMBER OF COMMERCE

By: _____(SEAL)
TENANT