

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

AUGUST 13, 2012

PRESENT

*Council President Terry E. Cohen Council Vice President Deborah S. Campbell
Councilwoman Laura Mitchell Councilwoman Eugenie P. Shields
Mayor James Ireton, Jr. (left at 6:45 p.m.) Councilman Timothy K. Spies*

IN ATTENDANCE

City Clerk Kimberly R. Nichols, CMC, City Administrator John Pick, ICMA-CM, City Attorney Mark Tilghman, Police Chief Barbara Duncan, Public Works Director Teresa Gardner, Assistant Director of Internal Services – Procurement Catrice Parsons, 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. A moment of silent meditation was held followed by the Pledge of Allegiance.

ADOPTION OF LEGISLATIVE AGENDA

Mrs. Shields moved and Mrs. Campbell seconded to adopt the legislative agenda as presented. Mrs. Mitchell moved to amend the agenda by adding the resolution which is the acceptance of the S.A.F.E.R. Grant funds from the United States Department of Homeland Security for the hiring of additional firefighting personnel to be used by the Fire Department in the protection and delivery of emergency services to the citizens of the Salisbury Fire District. On a second by Mrs. Shields, the amendment failed on a 3 – 2 vote, with Ms. Cohen, Mrs. Campbell, and Mr. Spies voting nay and Mrs. Shields and Mrs. Mitchell voting aye.

The following comment was received from one member of the public concerning whether Council should amend the agenda by adding the S.A.F.E.R. Grant resolution:

- *requested Council to not add the resolution because public was not given enough information on this grant prior to the meeting to make a decision*

The legislative agenda, as amended, was passed on a 3-2 vote. Ms. Cohen, Mrs. Campbell and Mr. Spies voted aye and Mrs. Mitchell and Mrs. Shields voted nay.

CONSENT AGENDA – presented by City Clerk Kim Nichols

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

- Resolution No. 2190 – authorizing the approval of a memorandum of understanding with the Circuit Court for Wicomico County to provide juror parking

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

The following items were unanimously approved on a motion by Mrs. Campbell Spies and a second by Mr. Spies:

- Change Order #4 for Contract ARRA 22-08 Naylor Mill Road Regional Lift Station – (\$568,889.74)
- Police Department Surplus – One (1) Hand Gun - \$0.00
- Police Department Surplus – Four (4) Police Vehicles - \$0.00
- Change Order #2 to Contract A-22-12 Citywide Blacktop Program – \$82,000.00

RESOLUTIONS - presented by City Administrator John Pick

- Resolution No. 2187 – accepting a donation from the Target Corporation to assist in funding the annual National Night Out Against Crime event co-hosted by the Salisbury Police Department

On a motion by Mrs. Campbell and seconded by Mrs. Shields, Resolution No. 2187 unanimously passed.

- Resolution No. 2188 – accepting Maryland Department of the Environment grant funds for the construction of the Salisbury Wastewater Treatment Plant drain lift station

Mrs. Shields moved, Mrs. Campbell seconded, and Resolution No. 2188 was unanimously passed

- Resolution No. 2189 – accepting supplemental funds for the 2011 Emergency Solutions Grant from the Maryland Department of Housing and Community Development

On a motion by Mr. Spies and seconded by Mrs. Shields, Resolution No. 2189 unanimously passed.

ORDINANCES – presented by City Attorney Mark Tilghman

- Ordinance No. 2213 – 2nd reading – adjusting the capacity unit fee in accordance with Chapter 13.02 of the City Code

Mrs. Shields moved, Mrs. Campbell seconded, and Ordinance No. 2213 was unanimously passed. Mrs. Campbell abstained from the voting.

- Ordinance No. 2214 – 2nd reading – approving an amendment of the City Code to revise the scheduled dates for submission of a draft comprehensive connection charge structure to Council and adoption of same

Mrs. Shields moved and Mr. Spies seconded to approve Ordinance No. 2214 for second reading.

Mrs. Mitchell moved, Mr. Spies seconded, and the vote was unanimous to amend Ordinance No. 2214 by capitalizing the following words:

- *Director (line 31)*
- *Internal Services, Mayor, City (line 32)*
- *Council (line 33)*
- *Director (line 39)*
- *Public Works, Office, Mayor (line 40)*
- *City Council (line 41)*
- *Mayor (line 47)*
- *City Council (line 48)*

Ordinance No. 2214 for second reading was unanimously passed.

- Ordinance No. 2215 – 1st reading – creating a bike route which will run from the intersection of Camden Avenue and West College Avenue to North Division Street near the Government Office Building; providing dedicated bicycle-only lanes and shared bicycle and motorized vehicle lanes as directed by MDMUTCD Chapter 9, Traffic Control for Bicycle Facilities (MDMUTCD); installing lane striping for dedicated lanes; installing shared lane markings for shared lanes; installing bicycle markings on-pavement; and installing bike route signage along the route per the MDMUTCD

Mr. Spies moved and Mrs. Shields seconded to approve Ordinance No. 2215 for first reading. Mrs. Campbell moved, Mr. Spies seconded, and the vote was unanimous to amend Ordinance No. 2215 by making the following changes to the ordinance:

- *strike “North” on lines 20 and 48, insert “South”*
- *add the phrase “which becomes North Division Street” after the comma*

on line 21

- add the comma and phrase “, which becomes North Division Street” after the first “Street” on line 49
- strike the semi-colon on line 41, insert a period, and strike “[and]” at the end of the sentence
- add “WHEREAS, changes in traffic patterns to one-way have been eliminated by utilizing Waverly Drive” beginning on line 40, which moves the current “WHEREAS” phrase on line 40

The following remarks concerning Ordinance No. 2215 were received by two members of the public:

- thanked City Council for considering the bike lanes
- the bike lanes will help citizens maintain healthy lifestyles
- consider restricting trucks from Waverly Drive for safety purposes

Ordinance No. 2215 for 1st reading, as amended, was unanimously passed.

PUBLIC COMMENTS

Remarks were received concerning the following from one member of the public:

- request for Council to consider lowering the \$35 parking permit fee to \$20 for downtown businesses purchasing numerous parking tickets each month

ADJOURNMENT

The meeting adjourned at 7:45 p.m.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
JULY 23, 2012

TIME & PLACE: 5:45 p.m., Government Office Building – Conference Room 306
PURPOSE: Consult with legal counsel and staff to discuss pending or potential litigation concerning negotiations related to the Wastewater Treatment Plant lawsuit
VOTE TO CLOSE: Unanimous
CITATION: Annotated Code of Maryland Sections 10-508(a)(7)(8)
PRESENT: Council President Terry E. Cohen, Council Vice President Deborah S. Campbell, Councilwoman Laura Mitchell, Councilwoman Eugenie P. Shields, Councilman Timothy K. Spies, City Clerk Kimberly R. Nichols, Assistant City Administrator Loré Chambers, Ph.D., Public Works Director Teresa Gardner, City Attorney Mark Tilghman
ABSENT: Mayor James Ireton, Jr.

During the Council's July 23, 2012 legislative session, Mr. Spies moved to convene in closed session for the purpose of discussing pending or potential litigation concerning negotiations for settlement with a party related to the Wastewater Treatment Plant lawsuit. Mrs. Mitchell seconded and the vote was unanimous to close the meeting at 9:28 p.m.

City Attorney Mark Tilghman provided a summary of his discussion with Attorney Howard Goldberg concerning points raised by Council during a previous closed session held on June 18, 2012.

Council reached unanimous consensus to not accept the proposed agreement.

At 9:52 p.m., on a motion and a second by Mrs. Shields and Mr. Spies, respectively, and by unanimous vote, the closed session was adjourned and Council returned to open session.

Kimberly R. Nichols

City Clerk

Terry E. Cohen

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
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GERRI L. MOORE
ACTING DIRECTOR OF INTERNAL
SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA

August 13, 2012

- | | | |
|----|--|----------------|
| 1. | Change Order #4 for Contract ARRA 22-08 Naylor Mill Road Regional Lift Station | (\$568,889.74) |
| 2. | Police Department Surplus-One (1) Hand Gun | \$0.00 |
| 3. | Police Department Surplus-Four (4) Police Vehicles | \$0.00 |
| 4. | Change Order #2 to Contract A-22-12 Citywide Blacktop Program | \$82,000.00 |

City of Salisbury



MARYLAND



125 NORTH DIVISION STREET
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LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

COUNCIL AGENDA

August 13, 2012

TO: Mayor and City Council

SUBJECT: Change Order #4 for Contract ARRA 22-08
Naylor Mill Road Regional Lift Station

The City of Salisbury Internal Services Department, Procurement Division, received a request from Salisbury Public Works (SPW) to process Change Order #4 for Contract No. ARRA 22-08 *Naylor Mill Road Regional Life Station* the amount of -\$568,889.74. This Change Order proposes to decrease line item unit quantities and contract costs to match the quantities that were actually used during the construction process. Additional details are noted in the department memo.

The Department of Internal Services-Procurement Division requests Council's approval to approve Change Order #4 as noted above in the amount of -\$568,889.74.

Thank you,

Catrice L. Parsons

Assistant Director of Internal Services-Procurement & Parking

City of Salisbury



Salisbury



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JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

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PUBLIC WORKS
TERESA GARDNER, P.E.
DIRECTOR

MARYLAND

July 9, 2012

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

FROM: Dallas Baker, Acting Supervisory Civil Engineer

SUBJECT: Change Order No. 4
Contract No. ARRA 22-08
Naylor Mill Road Regional Lift Station

Please process change order no. 4 for the Naylor Mill Road Regional Lift Station project. This is a final balancing change order that will decrease line item unit quantities and contract costs to match the quantity levels that were actually used during construction. Construction of the project is complete and the remaining funds are not needed. The resulting change will reduce the contract amount to \$2,056,248.95 and save the City \$568,889.74. This project was funded by a MDE ARRA loan. MDE has approved the proposed change order in their attached correspondence.

Please let me know if there are any questions.

Prepared by:

Dallas Baker, P.E.
Acting Supervisory Civil Engineer

Approved by:

Teresa Gardner, P.E.
Director

FINAL BALANCING CHANGE ORDER

PROJECT Contract ARRA 22-08
Naylor Mill Road Regional Lift Station
TO: (Contractor)
American Paving Corp.
P.O. Box 790
Salisbury, MD 21803-0790

P.O. NO: 02100243-38
CHANGE ORDER NO: 4-FINAL
INITIATION DATE: 7/24/11
CONTRACT DATE: December 1, 2009
ACCOUNT NO: 86078-513026-9003

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

To complete the installation of the Naylor Mill Road Regional Lift Station, City Contract No. ARRA 22-08: reduce line item B6-F&I 24" Gravity Sewer to 1973 LF and to a cost of \$155,906.46; reduce line item B7-F&I 4' Precast Manhole to 40.72 VF and to a cost of \$17,209.09; reduce line item B8-F&I 5' Precast Manhole to 165.4 VF and to a cost of \$74,610.29; reduce line item B10-F&I 14" Force Main Open Cut to 935 LF and to a cost of \$59,596.90; reduce line item B14-F&I 12" Water Main to 1749 LF and to a cost of \$68,770.68; reduce line item B19-Mill Asphalt Surface Course to 20,476.36 SY and to a cost of \$37,471.74; reduce line item B20-F&I Asphalt Base Course to 1,835.57 TN and to a cost of \$120,964.06; reduce line item B22-F&I Aggregate Base: CR-6 to 1,736.51 CY and to a cost of \$76,093.87; reduce line item B24-B&I Select Borrow to 4,872.02 CY and a cost of \$77,952.32; reduce line item B25-Furnish and Remove Unsuitable Material to 5,026.73 CY and to a cost of \$50,267.30; reduce line item C1-Excavation Below Subgrade to 251 CY and to a cost of \$3,012.00; reduce line item C2- F&P Gravel Bedding to 0 CY and a cost of \$0.00; reduce line item C3-F&P Special Backfill to 0 CY and to a cost of \$0.00; reduce line item C4- Misc. Excavation and Refill to 0 CY and to a cost of \$0.00; reduce line item C5-F&P Misc. 4,000 psi Concrete to 0 CY and to a cost of \$0.00;

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>2,625,138.69</u>
Net change by previously authorized Change Order(s).....	\$ <u>0.00</u>
The Contract Sum prior to this Change Order was	\$ <u>2,625,138.69</u>
The Contract Sum will be decreased by this Change Order	\$ <u>568,889.74</u>
The new Contract Sum including this Change Order will be.....	\$ <u>2,056,248.95</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>December 31, 2011</u>

AUTHORIZED:

BY _____ American Paving Corp.
Teresa Gardner, P.E. Contractor:
Director of Public Works

BY _____
Catrice Parsons
Assistant Director of Internal
Services-Procurement

BY _____ BY _____
Gerri Moore
Acting Director of Internal Services

BY _____
Terry Cohen
President, City Council

BY _____
Mark Tilghman
City Solicitor

DATE _____

DATE _____ DATE _____

City of Salisbury



MARYLAND

Salisbury



2010

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JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

COUNCIL AGENDA

August 13, 2012

To: Mayor and City Council

Subject: Surplus Items-One (1) Handgun

The City of Salisbury Internal Services Department-Procurement Division received a request from the Salisbury Police Department to declare the following handgun surplus:

Department	Make	Model	Serial#
Police Department	Glock	21-45 caliber handgun	ACU534

Upon declaration of surplus, and as approved by the Council, the aforementioned handgun will be given to the retiring police officer; Lieutenant Robert Kemp. Additional details are noted in the department memo.

Thank You,

Catrice L. Parsons

Assistant Director Internal Services-Procurement and Parking

City of Salisbury



147th

POLICE DEPARTMENT

BARBARA DUNCAN
Chief of Police



45th

699 W. SALISBURY PARKWAY
SALISBURY, MARYLAND 21801

410-548-3165

July 27, 2012

TO: Catrice Parsons
Assistant Director Internal Services - Procurement

FROM: PFC Danny Parsons
Quartermaster – Salisbury Police Department

SUBJECT: INVENTORY (WEAPONS)

The Salisbury Police Department has a history of giving retired Police Officers their duty weapon as a retirement gift. With Chief Duncan's approval, I am requesting the Salisbury City Council declare as surplus, one Glock, Model 21, 45 caliber handgun with a serial number of ACU534. This weapon will be given to Lieutenant Robert Kemp. Lieutenant Robert Kemp retired from the Salisbury Police Department on July 27, 2012.

Respectfully Submitted,

PFC Danny Parsons 0194
Quartermaster
Salisbury Police Department

DP
8/6/12

City of Salisbury



MARYLAND

Salisbury



2010

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ASSISTANT CITY ADMINISTRATOR

COUNCIL AGENDA

August 13, 2012

To: Mayor and City Council

Subject: Surplus Items-Four (4) Police Vehicles

The City of Salisbury Internal Services Department-Procurement Division received a request from the Salisbury Police Department to declare the following items surplus:

Department	Unit #	Year	Make	Model	VIN#
Police Department	8	2003	Ford	Crown Victoria	2FAFP71W83X142383
Police Department	9	2004	Ford	Crown Victoria	2FAFP71W34X119286
Police Department	24	2002	Ford	Crown Victoria	2FAFP71W92X113859
Police Department	47	2006	Ford	Crown Victoria	2FAFP71W86X120176

Upon declaration of surplus, as approved by the Council, Unit# 8, 9, and 24 will be traded in for new and/or upgrade police vehicles, whereas, Unit #47 will be donated to Parkside High School's Criminal Justice Program. Additional details are noted in the department memo.

Thank You,

Catrice L. Parsons

Assistant Director Internal Services-Procurement and Parking

City of Salisbury



147th

POLICE DEPARTMENT

BARBARA DUNCAN

Chief of Police



45th

**699 W. SALISBURY PARKWAY
SALISBURY, MARYLAND 21801**

410-548-3165

July 19, 2012

To: Catrice Parsons
Assistant Director Internal Services - Procurement

From: PFC Danny Parsons 0194
Salisbury Police Department - Quartermaster

Subject: Surplus Vehicles

Three of the vehicles listed below, #8, #9, and #24 will be traded in for new and/or upgraded vehicles. One of the vehicles listed below, #47 will be donated to Parkside High School, Criminal Justice Program, to be utilized by criminal justice students. The below listed vehicles are in poor condition, out dated, and/or of poor working condition. Vehicle #47 is in the best condition of the four and should be the vehicle donated to Parkside High School. I am requesting that the below listed vehicles declared surplus by the City of Salisbury Council and that vehicle #47 be donated to Parkside high School. This list of vehicles is as follows:

1. Unit# 8 – 2003 Ford Crown Victoria, VIN# 2FAFP71W83X142383
163,592 Miles
2. Unit# 9 – 2004 Ford Crown Victoria, VIN# 2FAFP71W34X119286
179,591 Miles
3. Unit# 24 – 2002 Ford Crown Victoria, VIN# 2FAFP71W92X113859
154,158 Miles
4. Unit# 47 – 2006 Ford Crown Victoria, VIN# 2FAFP71W86X120176
145,172 Miles

Thank You,

PFC Danny Parsons 0194
Quartermaster
Salisbury Police Department

City of Salisbury



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ASSISTANT CITY ADMINISTRATOR

COUNCIL AGENDA

August 13, 2012

TO: Mayor and City Council

SUBJECT: Change Order #2 to Contract No. A-22-12

Citywide Blacktop Program

The City of Salisbury Internal Services Department, Procurement Division, received a request from Salisbury Public Works (SPW) to process Change Order #2 for Contract No. A-22-12 *Citywide Blacktop Program* in the amount of \$82,000.00; with George & Lynch, Inc. This Change Order proposes to pave portions of four streets (Bateman, Avery, South Division, and Onley). Additional details are noted in the department memo.

Funds are available in the Project Account number 30100-428300-10008 "*Only Bateman Intersection*".

The Department of Internal Services-Procurement Division requests Council's approval to approve Change Order #2 as noted above to George & Lynch, Inc. in the amount of \$82,000.00.

Thank you,

Catrice L. Parsons

Assistant Director Internal Services-Procurement and Parking

City of Salisbury



MARYLAND

Salisbury



2010

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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: April 10, 2012
SUBJECT: Change Order No. 2
Contract No. A-22-12
Citywide Blacktop Program

An original Citywide Blacktop (Bituminous Concrete) Contract was awarded in November 2011 to the lowest responsive and responsible bidder; George & Lynch Inc. The Contract was awarded to pave Carroll Street (Rt. 13 to Snow Hill Road) & North Division Street (Rt. 50 to William Street) with Camden Avenue (South Blvd to College Ave) being added in March 2012.

Since the award of the original Contract, the need has been established to pave Bateman Street as well as a portion of 3 streets in close proximity to this project.

Bateman Street	Wayne to South Division St.
Avery Street	Wayne to South Division
South Division St.	Halsey Drive to Avery Street
Onley Road	South Division St. To Perry Drive

As such, George & Lynch has agreed to extend current pricing for Contract number A-22-12.

In addition, the 2012 Milling contract extension was awarded to George & Lynch in February 2012. When one vendor manages both milling & paving it makes for easy coordination and minimized time between the milling operation and the overlay. The substantial completion date will increase to August 23, 2012.

	<u>Original Bid</u>	<u>Requested Increase</u>	<u>New Contract Sum</u>
Citywide Blacktop	\$189,750.00	\$82,000.00	\$ 271,750.00

Funds are available in account number 30100-428300-10008

William Sterling
William Sterling
Project Manager

Approved by:

Teresa Gardner
Teresa Gardner, P.E.
Director of Public Works

CHANGE ORDER

#2

PROJECT: **Contract Nos. A-22-12**
Citywide Blacktop Contract

P.O. NO: 02120204-00

TO: **George & Lynch**
150 Lafferty Lane
Dover, DE 119901

CHANGE ORDER NO 2
INITIATION DATE: July 25, 2012
CONTRACT DATE: November 16, 012
ACCOUNT NO: 30100-428300-10008

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

In association with the traffic signal improvements at Onley Road & South Division and the Bateman Streetscape there is a need to add 4 sections of streets to the current Citywide Blacktop Contract.

- Bateman Street Wayne Street to South Division Street
- Avery Street Wayne Street to South Division Street
- South Division St. Halsey Drive to Avery Street
- Onley Road South Division Street To Perry Drive

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>113,750.00</u>
Net change by previously authorized Change Orders	\$ <u>76,000.00</u>
The Contract Sum prior to this Change Order was	\$ <u>189,750.00</u>
The Contract Sum will be (increased), (decreased), (unchanged) by this Change Order	\$ <u>82,000.00</u>
The new Contract Sum including this Change Order will be.....	\$ <u>271,750.00</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>August 23, 2012</u>

AUTHORIZED:

BY: _____ Theresa Gardner, P.E. Director of Public Works DATE: _____	Vendor: _____ BY: _____ Printed name _____ Title BY: _____ Sign for Identification	BY: _____ Catrice Parsons, Assistant Director of Internal Services-Procurement Division DATE: _____ Funding/Bid Award As Approved by City Council By: _____ Terry E. Cohen President, City Council DATE: _____
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BY: _____ Mark Tilghman City Solicitor DATE: _____	DATE: _____	
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