



MARYLAND

**SALISBURY CITY COUNCIL
WORK SESSION AGENDA**

JULY 15, 2013

COUNCIL CHAMBERS, ROOM 301
GOVERNMENT OFFICE BUILDING

- 1:30 p.m. Garbage Ordinance changes – Further discussion – Amanda Pollack
- 2:00 p.m. Discussion of Impact on Parking in Lot #4 as a result of the Mill Street Pump Station Project – Amanda Pollack
- 2:15 p.m. Animal Health Building - MOU with Delmarva Zoological Society – Amanda Pollack
- 2:30 p.m. Free Downtown Wi-Fi – Further discussion – Bill Garrett
- 3:00 p.m. Restructuring of Executive Branch – Tom Stevenson
- 3:30 p.m. City Attorney Structure – Councilwoman Terry Cohen
- 4:00 p.m. Council Rules of Order – Council Discussion
- 4:30 p.m. Rehabilitation of 501-503 Poplar Hill Avenue – Council President Jake Day
- 4:45 p.m. Quarterly “Coffee with your Council” update – Council President Jake Day
- 5:00 p.m. General Discussion
- 5:15 p.m. Adjournment

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 10-508(a).*

City of Salisbury



Salisbury



2010

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

125 NORTH DIVISION ST., RM 202
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

AMANDA H. POLLACK, P.E.
ACTING DIRECTOR OF
PUBLIC WORKS

MARYLAND

To: Tom Stevenson, Acting City Administrator

From: Amanda Pollack, Acting Director of Public Works 

Date: July 5, 2013

Re: Garbage Ordinance Revisions

Public Works reviewed the Municipal Code Chapter 8.16, Garbage, Rubbish and Refuse, to address the use of the term "rubbish" and to update the language to reflect our current operations and requirements for City garbage collection services. The changes are outlined below:

Significant changes:

- **8.16.060 Collection rules and regulations. (G.)**

Public Works has had a long standing issue with residents and businesses using the plaza trash receptacles in lieu of weekly service. This verbiage will allow us to address the issue.

- **8.16.060 Collection rules and regulations. (I.)**

The current process for bulk pick-up allows payment after the service. Finance has had difficulty collecting the fee after the service has been provided which results in uncollected fees. We are proposing to change the process. The resident will make payment for the pick-up and then Finance will contact Public Works to schedule the pick-up.

Codify current practices:

- **8.16.060 Collection rules and regulations. (A.)**

Ninety-five (95) gallon containers are used for residential pick-up.

- **8.16.060 Collection rules and regulations. (H.)**

Upholstered furniture, mattresses and box springs infested with bed bugs must be encased in sheeting or shrink wrap.

- **8.16.060 Collection rules and regulations. (J.)**

A list of prohibited items is included.

- **8.16.080 Violations—Penalties.**

Verbiage was updated to include “owner of record” as recommended by Neighborhood Services.

- **8.16.90 Monthly disposal fee. (D.)**

The largest can the sanitation vehicles can currently handle is three-hundred-thirty (330) gallons. If a rolling dumpster is used, the City cannot accommodate collection at the location.

- **8.16.100 Recycling in the multi-family sector. (F.)**

The City has always provided the blue recycling bins.

Attached is a draft ordinance which details the proposed changes for Chapter 8.16. Also attached is a revised draft version of Chapter 8.16. Unless you or the Mayor has further questions, please forward a copy of this memo to the City Council.

52
53 **8.16.020 Service standards for residential properties.**
54

55 B. Collection shall be rendered at the curb, roadside or City alley abutting the
56 residential property. Hardship cases, such as age, disability or infirmity, when confirmed by the
57 Sanitation Superintendent, may be afforded the special service of refuse receptacle carryout.
58 ~~Under no circumstances shall~~ Public works employees or agents shall not enter private property
59 to collect refuse, except as noted above. ~~may be provided in this chapter.~~
60

61 **8.16.060 Collection rules and regulations.**
62

63 All refuse must be stored and offered for collection in an approved container unless
64 exempted herein. The regulations are as follows:
65

66 A. Approved refuse containers shall be watertight cans made of ~~metal or~~ heavy-duty
67 rubberized or plastic material, with handles and tight-fitting covers. ~~Cans shall~~
68 ~~not exceed twenty (20) gallons' capacity;~~ Containers shall be ninety-five (95)
69 gallon roll out carts on wheels, and not more than six ~~cans~~ containers will be
70 permitted for each residence. Refuse containers can be purchased from the City.
71 Containers must be placed at the curb or as otherwise directed, with the handle
72 away from and parallel to traffic. Printed instructions on the container shall be
73 followed.
74

75 ~~B. Plastic bags with a capacity of thirty (30) gallons or less and maintaining~~
76 ~~complete closed integrity may be used for all refuse. However, it shall be the~~
77 ~~property owner's responsibility to maintain these bags until they are collected by~~
78 ~~city collection crews.~~
79

80 ~~C. Receptacles for the keeping and collection of ashes shall be made of metal and of~~
81 ~~the same size and description as refuse receptacles; however, when twenty-gallon~~
82 ~~containers are used for ashes, they shall not be filled more than one-half full.~~
83 ~~Ashes shall not be offered for collection until they have cooled sufficiently to~~
84 ~~avoid a danger of fire in the body of the collection vehicle.~~
85

86 ~~D. Residents that have been supplied automated collection containers (ninety-five-~~
87 ~~gallon capacity normal or sixty-five-gallon capacity by special request) must use~~
88 ~~those containers for all refuse except as specified below. Containers must be~~
89 ~~placed at the curb or as otherwise directed, with the handle away from and~~
90 ~~parallel to traffic. Printed instructions on the container shall be followed.~~
91

92 EB. Items too bulky for placement in an approved container may be offered for
93 collection on a weekly basis and on a schedule as set by the department of public
94 works. Tree and shrubbery limbs, as well as other ~~wooden rubbish~~ yard waste,
95 will be collected, provided that they are cut into lengths not exceeding four (4)
96 feet and securely tied in bundles not exceeding forty (40) pounds in weight.
97 ~~Nonbundled yard debris shall be contained in approved plastic bags as provided~~
98 ~~for in subsection (B) of this section.~~ Plastic bags with a capacity of thirty (30)
99 gallons or less and maintaining complete closed integrity may be used for non-
100 bundled yard waste. However, it shall be the property owner's responsibility to
101 maintain these bags until they are collected by City collection crews. Yard waste
102 pickup normally occurs on Mondays. The property owner shall contact the City

- 103 | Service Center by 6 am on Monday to schedule yard waste pickup (excluding
104 | holidays) for that week.
105 |
- 106 | FC. All receptacles and lids shall be maintained in a clean and sanitary condition.
107 | They shall not be set out for collection containing free liquids or rainwater. They
108 | shall be kept free of dead animals, vermin, lice, maggots or the like and
109 | unreasonably offensive odors resulting from the lack of cleanliness, animal feces
110 | or items which may be infectious or disease-bearing. Receptacles which have
111 | become excessively worn or corroded shall be promptly replaced at the
112 | homeowner or landlord's expense.
113 |
- 114 | GD. Receptacles/containers shall be placed at the curb or roadside or alley by six a.m.
115 | on the scheduled day of collection but shall not be so placed prior to five p.m. on
116 | the day before collection, and empty receptacles/containers shall be removed to
117 | the premises from the curb, roadside or alley by eleven p.m. of the day of
118 | collection. Receptacles/containers shall not be kept at the curb or roadside
119 | between scheduled collections, and they shall be stored on the premises at such
120 | locations to be unseen from the public streets or roads or from the front yards of
121 | immediate neighboring property.
122 |
- 123 | ~~H. The number of garbage receptacles collected from any dwelling unit shall not~~
124 | ~~generally exceed six twenty-gallon containers per pickup. During leaf season,~~
125 | ~~more leaf containers may be placed for collection.~~
126 |
- 127 | HE. Where collection service is provided in high-density dwelling areas, the
128 | individual residents or the management, community or condominium
129 | organization shall be responsible for the transporting of refuse to the containers
130 | provided and for the maintenance and cleanliness of the areas adjacent to the
131 | containers. The developer, property owner or legally responsible management
132 | organization shall further be responsible for provision of accessible space for
133 | bulk containers, paved and screened from public view. Such provisions shall be
134 | approved by the city. Material acceptable for containerized collection service
135 | shall, in all respects, be compatible with the definitions for refuse as defined in
136 | this chapter.
137 |
- 138 | JF. It is unlawful and a violation of this chapter for any person, firm or corporation to
139 | place residential or nonresidential waste, including but not limited to garbage,
140 | refuse and rubbish, on the property of another without the consent of the owner
141 | of the property.
142 |
- 143 | G. The owner or occupant of any premises shall not place refuse from their premises
144 | in public containers within the City limits. Waste generated outside of corporate
145 | limits of the City of Salisbury shall not be disposed of or placed in any private or
146 | public containers within the City limits.
147 |
- 148 | H. Upholstered furniture, mattresses and box springs infested with bed bugs shall be
149 | completely encased and sealed tightly before discarding them from an infested
150 | dwelling. Heavy polyvinyl sheeting or shrink wrap shall be used to seal infested
151 | beds. Items shall be labeled with a prominent message indicating that these are
152 | infested items (i.e. "BED BUG INFESTED ITEM").
153 |

- 154 | I. Bulk pickup service is available to residential locations. To receive pickup of
155 | large, bulky items, an individual must first pay the required fee to the Finance
156 | Department. Once the fee is paid, Finance will notify the Department of Public
157 | Works and an appointment will be made for pickup.
158 |
159 | J. The following items are prohibited for placement for collection: motor vehicle
160 | tires, building materials, hazardous, radioactive or medical wastes, ashes, rocks,
161 | dirt, sod, paint and motor oil.
162 |

163 | **8.16.080 Violations--Penalties.**
164 |

- 165 | A. Any property owner, owner of record, tenant or other person violating any of the
166 | provisions of this chapter, shall be guilty of a municipal infraction punishable by a fine of twenty-
167 | five dollars (\$25.00).
168 |
169 | B. With respect to violations of Section 8.16.060(GD), the following procedure will
170 | apply:
171 |
172 | 1. For an initial violation, a dated adhesive notice will be posted on the receptacle
173 | and written notice shall be sent to the property owner and/or property owner's
174 | agent.
175 |
176 | 2. For a second violation, written notice will be sent to the property owner and/or
177 | property owner's agent and a copy of said notice will be posted in a conspicuous
178 | place on the property/dwelling unit.
179 |
180 | 3. For a third violation, a twenty-five dollar (\$25.00) citation for a municipal
181 | infraction shall be issued to the occupant(s) of the property/dwelling unit and a
182 | written notice will be mailed to the property owner and/or property owner's
183 | agent. In buildings containing more than one dwelling unit, a twenty-five dollar
184 | (\$25.00) citation for a municipal infraction will be issued to the property owner
185 | as a common area trash violation unless each dwelling unit has a separate trash
186 | receptacle/container and each trash receptacle/container is marked to identify an
187 | assigned dwelling unit.
188 |
189 | 4. For a fourth and any subsequent violation, the city of Salisbury is authorized to
190 | remove the trash receptacle/container from the property. A service charge of
191 | twenty-five dollars (\$25.00) shall be paid in advance for return of the trash
192 | receptacle/container. Written notice will be sent to the property owner and/or
193 | property owner's agent.
194 |
195 | 5. With respect to any property, if six months have elapsed since the last date of an
196 | enforcement procedure, then the enforcement procedure shall begin with
197 | subsection (B)(1) of this section.
198 |
199 | 6. When requested by city enforcement personnel, property owners shall provide
200 | names of occupant(s).
201 |
202 | 7. Occupant(s) will be jointly and severally liable for payment of a citation for
203 | municipal infraction.
204 |

205 8.16.090 Monthly disposal fee.

206

207 D. A multi-family residential building with a central trash collection area utilizing
208 trash collection receptacles larger than ~~one hundred (100)~~ three hundred thirty gallons may be
209 approved by the Department of Public Works for exclusion from the requirements of subsection
210 A.

211

212 8.16.100 Recycling in the multi-family sector.

213

214 F. The managing authority of any residential dwelling unit located in the multi-
215 family sector shall allow its residents to participate in the city's recycling program. ~~The managing~~
216 ~~authority shall provide to each unit a container constituting no less than three cubic feet in~~
217 ~~volume.~~ The City shall provide the managing authority a container that shall be provided to each
218 unit. Alternatively, the managing authority ~~shall~~ can provide at a centralized location and
219 containers ~~such number of similar containers as directed~~ approved by the Recycling Coordinator.

220

221 G. The City shall collect the recyclable materials in the multi-family sector where it
222 is also making regular garbage collections. In the event that a private contractor serves a specific
223 location, it will be the obligation of the location's managing authority to provide recycling
224 services to include the containers and to pick up the recyclable materials. ~~Each such managing~~
225 ~~authority shall keep records of the recyclable materials collected and provide same to the~~
226 ~~recycling coordinator on a monthly basis.~~

227

228 H. A managing authority or a private hauling contractor who shall violate
229 subsections (F) or (G) of this section shall be guilty of a municipal infraction and shall receive a
230 written notice for any single initial violation. Compliance must be within seven days of written
231 notice and failure to comply will result in a ~~fine~~ one hundred dollars (\$100.00) fine for the first
232 day and thereafter fifty dollars (\$50.00) per day for a continuing violation.

233

234

235 BE IT FURTHER ORDAINED that this ordinance shall take effect on immediately upon
236 adoption.

237

238 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury
239 held on the ___ day of _____, 2013, and thereafter, a statement of the substance of the
240 Ordinance having been published as required by law, was finally passed by the Council on the
241 ___ day of _____, 2013.

242

243 ATTEST

244

245

246

247 _____
Kimberly R. Nichols, City Clerk

248

249

Jacob R. Day, President
Salisbury City Council

250 Approved by me this ___ day of _____, 2013

251

252

253

254 _____
James Ireton, Jr. Mayor

1 **DRAFT REVISED VERSION OF**

2 **Chapter 8.16**

3
4 **GARBAGE, YARD WASTE AND REFUSE**

5
6 **Sections:**

7 **8.16.010 Definitions.**

8 **8.16.020 Service standards for residential properties.**

9 **8.16.030 Service standards for nonresidential properties.**

10 **8.16.040 Applicable regulations for private collection.**

11 **8.16.050 Scavenging--Special collections of recyclable materials.**

12 **8.16.060 Collection rules and regulations.**

13 **8.16.070 Special sanitary provisions.**

14 **8.16.080 Violations--Penalties.**

15 **8.16.090 Monthly disposal fee.**

16 **8.16.100 Recycling in the multi-family sector.**

17
18 **8.16.010 Definitions.**

19
20 As used in this chapter, the following terms shall have the meanings indicated:

21 "Ashes" means the solid residue of the combustion of solid fuels used in heating or
22 cooking as occurring in households.

23
24 "Garbage" means the waste materials from normal household living conditions, including
25 waste foodstuffs of vegetable or animal origin, paper products, fabrics, plastic and metal
26 containers, bottles, crockery and other similar materials, free of hazard of explosion,
27 conflagration or hazard to collection personnel.

28
29 "Recyclable materials" shall consist of such paper, metal, glass and plastic as shall be
30 designated suitable for recycling.

31
32 "Refuse" means solid waste accumulations of "garbage" and "yard waste" as defined
33 herein.

34
35 "Yard Waste" means garden, lawn, tree trimmings and leaves which can be deposited in
36 an approved container. Tree and shrubbery limbs securely bundled in lengths not exceeding four
37 feet in length and not more than forty (40) pounds.

38 (Prior code § 81-1)

39
40
41 **8.16.020 Service standards for residential properties.**

42
43 A. It shall be the responsibility of the department of public works to provide a
44 weekly collection of residential refuse.

45
46 B. Collection shall be rendered at the curb, roadside or City alley abutting the
47 residential property. Hardship cases, such as age, disability or infirmity, when confirmed by the
48 Sanitation Superintendent, may be afforded the special service of refuse receptacle carryout.
49 Public works employees or agents shall not enter private property to collect refuse, except as

50 noted above.

51

52 C. It shall be the responsibility of the department of public works to protect the
53 property of residents from unnecessary damage or abuse resulting from any refuse collection
54 activity. Claims for damage to premises or containers must be supported by reasonable evidence
55 to receive consideration for replacement or reimbursement.

56

57 D. The city may, at its option, provide bulk collection service where residences are
58 concentrated in high-density situations. In these cases, the management, community association,
59 condominium association or the like shall be officially notified of the details of the service to be
60 rendered. It shall be the responsibility of the public works department to make agreements with
61 the appropriate management organization for the placement of bulk containers on either public,
62 private or common ownership property. The standard of service shall be sanitary, and containers
63 shall be maintained in a nonoffensive manner.

64

65 E. Nothing in this chapter shall preclude the provision of contractual collection
66 services as opposed to collection by municipal employees and equipment.

67

68 F. The city assumes no responsibility for collection of refuse and rubbish from
69 nonresidential property. The term "nonresidential property" shall include mixed-use properties
70 which contain residential and nonresidential uses within the same structure. Notwithstanding the
71 above, the city may assume responsibility for collection of refuse and rubbish from
72 nonresidential property located within the city that is used exclusively as a church or other bona
73 fide charitable, religious, social welfare or recreational nonprofit organization, except medical
74 waste generators, hospitals, noncity governmental property or organizations and schools, public
75 or private. Such church or other bona fide nonprofit organization must provide substantial social
76 services to the community. A church or such bona fide nonprofit organization must apply for
77 collection to the department of public works, setting forth the name and address of the
78 organization, the volume of trash estimated to be generated, the social services provided to the
79 community and such other information as may be required by the department. The department
80 will then determine whether the church or other bona fide nonprofit organization qualifies for
81 collection. An appeal of the decision of the department may be made in writing to the city
82 council.

83 (Ord. 1736 § 1, 1999)

84

85 **8.16.030 Service standards for nonresidential properties.**

86

87 A. Nonresidential establishments not served by municipal collection shall provide
88 appropriate containers for private collection.

89

90 B. All nonresidential establishments shall have all refuse and nonresidential-type
91 waste materials removed from their premises no fewer than one time per week.

92 (Prior code § 81-3)

93

94 **8.16.040 Applicable regulations for private collection.**

95

96 Private individuals or firms engaged in the business of refuse collection in the city of
97 Salisbury or who may use the streets of Salisbury for the transport of these materials shall be
98 subject to all federal, state or local laws, ordinances, codes or regulations applicable to the
99 operation and maintenance of motor vehicles, including air and noise pollution.
100 (Prior code § 81-4)

101
102 **8.16.050 Scavenging--Special collections of recyclable materials.**

103
104 It is unlawful for anyone to disturb any refuse containers or to remove their covers or any
105 contents thereof, except the occupants of the premises on which the containers are placed or their
106 duly authorized agents or the duly authorized employees or agents of the city of Salisbury.
107 (Ord. 1874, 2003; prior code § 81-5)

108
109 **8.16.060 Collection rules and regulations.**

110
111 All refuse must be stored and offered for collection in an approved container unless
112 exempted herein. The regulations are as follows:

- 113
114 A. Approved refuse containers shall be watertight cans made of heavy-duty
115 rubberized or plastic material, with handles and tight-fitting covers. Containers
116 shall be ninety-five (95) gallon roll out carts on wheels, and not more than six
117 containers will be permitted for each residence. Refuse containers can be
118 purchased from the City. Containers must be placed at the curb or as otherwise
119 directed, with the handle away from and parallel to traffic. Printed instructions on
120 the container shall be followed.
- 121
122 B. Items too bulky for placement in an approved container may be offered for
123 collection on a weekly basis and on a schedule as set by the department of public
124 works. Tree and shrubbery limbs, as well as other yard waste, will be collected,
125 provided that they are cut into lengths not exceeding four (4) feet and securely
126 tied in bundles not exceeding forty (40) pounds in weight. Plastic bags with a
127 capacity of thirty (30) gallons or less and maintaining complete closed integrity
128 may be used for non-bundled yard waste. However, it shall be the property
129 owner's responsibility to maintain these bags until they are collected by City
130 collection crews. Yard waste pickup normally occurs on Mondays. The property
131 owner shall contact the City Service Center by 6 am on Monday to schedule yard
132 waste pickup (excluding holidays) for that week.
- 133
134 C. All receptacles and lids shall be maintained in a clean and sanitary condition.
135 They shall not be set out for collection containing free liquids or rainwater. They
136 shall be kept free of dead animals, vermin, lice, maggots or the like and
137 unreasonably offensive odors resulting from the lack of cleanliness, feces or items
138 which may be infectious or disease-bearing. Receptacles which have become
139 excessively worn or corroded shall be promptly replaced at the homeowner or
140 landlord's expense.
141

- 142 D. Receptacles/containers shall be placed at the curb or roadside or alley by six a.m.
143 on the scheduled day of collection but shall not be so placed prior to five p.m. on
144 the day before collection, and empty receptacles/containers shall be removed to
145 the premises from the curb, roadside or alley by eleven p.m. of the day of
146 collection. Receptacles/containers shall not be kept at the curb or roadside
147 between scheduled collections, and they shall be stored on the premises at such
148 locations to be unseen from the public streets or roads or from the front yards of
149 immediate neighboring property.
150
- 151 E. Where collection service is provided in high-density dwelling areas, the
152 individual residents or the management, community or condominium organization
153 shall be responsible for the transporting of refuse to the containers provided and
154 for the maintenance and cleanliness of the areas adjacent to the containers. The
155 developer, property owner or legally responsible management organization shall
156 further be responsible for provision of accessible space for bulk containers, paved
157 and screened from public view. Such provisions shall be approved by the city.
158 Material acceptable for containerized collection service shall, in all respects, be
159 compatible with the definitions for refuse as defined in this chapter.
160
- 161 F. It is unlawful and a violation of this chapter for any person, firm or corporation to
162 place residential or nonresidential waste, including but not limited to garbage,
163 refuse and rubbish, on the property of another without the consent of the owner of
164 the property.
165
- 166 G. The owner or occupant of any premises shall not place refuse from their premises
167 in public containers within the City limits. Waste generated outside of corporate
168 limits of the City of Salisbury shall not be disposed of or placed in any private or
169 public containers within the City limits.
170
- 171 H. Upholstered furniture, mattresses and box springs infested with bed bugs shall be
172 completely encased and sealed tightly before discarding them from an infested
173 dwelling. Heavy polyvinyl sheeting or shrink wrap shall be used to seal infested
174 beds. Items shall be labeled with a prominent message indicating that these are
175 infested items (i.e. "**BED BUG INFESTED ITEM**").
176
- 177 I. Bulk pickup service is available to residential locations. To receive pickup of
178 large, bulky items, an individual must first pay the required fee to the Finance
179 Department. Once the fee is paid, Finance will notify the Department of Public
180 Works and an appointment will be made for pickup.
181
- 182 J. The following items are prohibited for placement for collection: motor vehicle
183 tires, building materials, hazardous, radioactive or medical wastes, ashes, rocks,
184 dirt, sod, paint and motor oil.

185 (Prior code § 81-6)

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187 **8.16.070 Special sanitary provisions.**

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The removal of apparel, bedding, furniture or other refuse from any premises where infectious or contagious disease prevails or has prevailed shall be specially arranged and performed under the direction of the responsible local health authority. Such removals shall be arranged for and be the responsibility of the attending physician and/or local health authority. (Prior code § 81-7)

8.16.080 Violations--Penalties.

A. Any property owner, owner of record, tenant or other person violating any of the provisions of this chapter, shall be guilty of a municipal infraction punishable by a fine of twenty-five dollars (\$25.00).

B. With respect to violations of Section 8.16.060(D), the following procedure will apply:

1. For an initial violation, a dated adhesive notice will be posted on the receptacle and written notice shall be sent to the property owner and/or property owner's agent.
2. For a second violation, written notice will be sent to the property owner and/or property owner's agent and a copy of said notice will be posted in a conspicuous place on the property/dwelling unit.
3. For a third violation, a twenty-five dollar (\$25.00) citation for a municipal infraction shall be issued to the occupant(s) of the property/dwelling unit and a written notice will be mailed to the property owner and/or property owner's agent. In buildings containing more than one dwelling unit, a twenty-five dollar (\$25.00) citation for a municipal infraction will be issued to the property owner as a common area trash violation unless each dwelling unit has a separate trash receptacle/container and each trash receptacle/container is marked to identify an assigned dwelling unit.
4. For a fourth and any subsequent violation, the city of Salisbury is authorized to remove the trash receptacle/container from the property. A service charge of twenty-five dollars (\$25.00) shall be paid in advance for return of the trash receptacle/container. Written notice will be sent to the property owner and/or property owner's agent.
5. With respect to any property, if six months have elapsed since the last date of an enforcement procedure, then the enforcement procedure shall begin with subsection (B)(1) of this section.
6. When requested by city enforcement personnel, property owners shall provide names of occupant(s).

234 7. Occupant(s) will be jointly and severally liable for payment of a citation for
235 municipal infraction.

236
237 C. Citations under this chapter shall be deemed municipal infractions under Chapter
238 1.16, and fines levied hereunder shall be payable to the city of Salisbury and mailed to the
239 department of finance within ten days of receipt of the citation.
240 (Ord. 1707, 1999)

241
242 **8.16.090 Monthly disposal fee.**

243
244 A. Each residential unit (including churches and bona fide charities) to which city
245 garbage collection services are provided shall be charged a disposal fee in an amount established
246 annually in the city budget ordinance. The disposal fee will be billed quarterly and made a part of
247 the city water and sewer bill. A five-percent penalty will be added after forty-five (45) days if the
248 fee is unpaid. No residential unit within the city of Salisbury shall be permitted to refuse city
249 garbage collection services, and the failure to utilize such services shall not exempt any
250 residential unit from payment of the fees described herein. A "residential unit" shall consist of:

- 251
- 252 1. A single-family dwelling;
 - 253
 - 254 2. Each separate dwelling unit contained within a multiple-family building;
 - 255
 - 256 3. Each rooming or boarding house, capable of occupancy by five or more residents,
257 regardless of the number of individual rooms contained therein, and provided that
258 no room shall contain an independent cooking area, shall be counted as two
259 residential units.

260
261 B. The owner of each residential unit shall purchase a city-approved trash collection
262 receptacle.

263
264 C. If the department of public works determines that a residential unit regularly
265 produces trash requiring two or more trash collection receptacles, then the owner of the
266 residential unit shall be required to purchase and use additional trash collection receptacles.

267
268 D. A multi-family residential building with a central trash collection area utilizing
269 trash collection receptacles larger than three hundred thirty gallons may be approved by the
270 Department of Public Works for exclusion from the requirements of subsection A.

271
272 E. The owner of a residential unit who violates the provisions of this section shall be
273 guilty of a municipal infraction and shall receive a written notice of the initial violation. If the
274 owner of a residential dwelling unit does not comply within seven days of written notice, the
275 owner shall be subject to a municipal infraction and fine as set forth in Chapter 1.16.
276 (Ord. 2025 § 1, 2007: prior code § 81-9)

277
278 **8.16.100 Recycling in the multi-family sector.**

279

280 A. The city council finds that undertaking a long term commitment to remove and
281 recycle certain materials from the solid waste stream is a necessary part of the city's integrated
282 solid waste management system of recycling, resource recovery and land filling. The city council
283 also finds that the objectives of the comprehensive solid waste management plan adopted under
284 state law will be promoted by establishing a recycling program.

285
286 B. The term "multi-family sector" includes all residential dwelling units intended for
287 multiple-family use, including, but not limited to, apartments, condominiums and other
288 ownership arrangements physically located in buildings joined together or situated in groups or
289 clusters.

290
291 C. The term "managing authority" shall include a landlord, property manager,
292 condominium association board of directors, or any other person in charge of property located in
293 the multi-family sector.

294
295 D. The term "recycling coordinator" shall be the title of such individual from time to
296 time designated by the director of public works of the city of Salisbury to organize, coordinate
297 and publicize the collection of recyclable materials.

298
299 E. The term "recyclable materials" shall consist of such paper, metal, glass and
300 plastic products as shall be designated suitable for recycling by the recycling coordinator.

301
302 F. The managing authority of any residential dwelling unit located in the multi-
303 family sector shall allow its residents to participate in the city's recycling program. The City shall
304 provide the managing authority a container that shall be provided to each unit. Alternatively, the
305 managing authority can provide a centralized location and containers as approved by the
306 Recycling Coordinator.

307
308 G. The City shall collect the recyclable materials in the multi-family sector where it
309 is also making regular garbage collections. In the event that a private contractor serves a specific
310 location, it will be the obligation of the location's managing authority to provide recycling
311 services to include the containers and to pick up the recyclable materials.

312
313 H. A managing authority or a private hauling contractor who shall violate
314 subsections (F) or (G) of this section shall be guilty of a municipal infraction and shall receive a
315 written notice for any single initial violation. Compliance must be within seven days of written
316 notice and failure to comply will result in a one hundred dollars (\$100.00) fine for the first day
317 and thereafter fifty dollars (\$50.00) per day for a continuing violation.

318 (Ord. 1874, 2003)

319
320

City of Salisbury



Salisbury



2010

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

125 NORTH DIVISION ST., RM 202
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

AMANDA H. POLLACK, P.E.
ACTING DIRECTOR OF
PUBLIC WORKS

MARYLAND

To: Tom Stevenson, Acting City Administrator
From: Amanda Pollack, Acting Director of Public Works 
Date: July 5, 2013
Re: Mill Street Pumping Station Upgrade

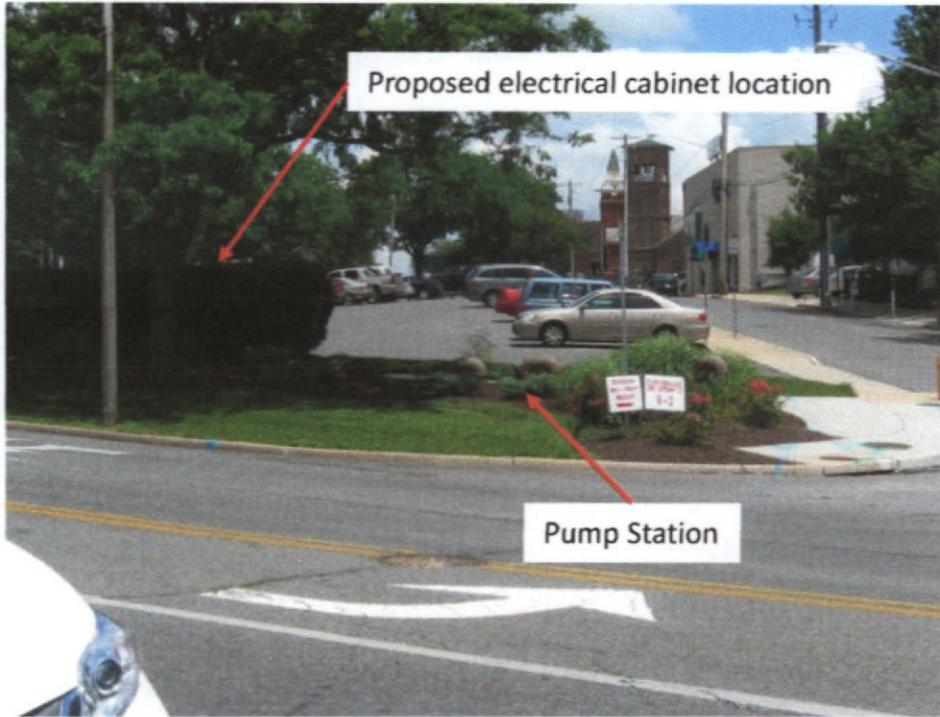
Rehabilitation of the Mill Street Pump Station is needed to provide reliable pumping equipment, a portable generator connection, improved electrical controls, and an emergency bypass connection. The construction cost is estimated to be \$230,000 and funds are available in the FY14 budget. The Mill Street Pump Station serves the downtown business area. The pump station has high levels of inflow/infiltration due to business roof drains that are connected directly to the sewer system, therefore the flow entering the station increases during rain events. This makes the operations of this station very critical. During a routine Maryland Department of the Environment (MDE) inspection in December 2012, MDE noted that this station needed corrective actions due to the lack of a bypass pumping connection. Public Works is in the process of designing an upgrade to satisfy the MDE corrective action request. Additionally, the electrical controls currently are located underground and are difficult to access. The upgrade would bring the controls above ground.

To make the electrical system improvements, a new electrical cabinet would need to be installed above ground to house all electrical components. The cabinet will be 2' deep x 10' long x 7.5' high, and will be green. The cabinet will be installed on a concrete pad. To provide room to install and access the cabinet, we are proposing to utilize two (2) parking spaces in Lot #4 permanently. The cabinet will be screened by the existing hedge row. During construction there will be temporary impacts to the parking lot to allow for construction equipment. The entrance to Lot #4 closest to Mill Street will be temporarily blocked off, along with 5 parking spaces. Attached are photos of the existing pump station with the location of the proposed electrical cabinet noted.

During the design phase, Public Works will seek Historic District Commission approval for the electrical cabinet.

Unless you or the Mayor has further questions, please forward a copy of this memo to the City Council.

Mill Street Pump Station



City of Salisbury



MARYLAND

Salisbury



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

AMANDA H. POLLACK, P.E.
ACTING DIRECTOR OF
PUBLIC WORKS

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

To: Tom Stevenson, Acting City Administrator
From: Amanda Pollack, Acting Director of Public Works 
Date: July 5, 2013
Re: Zoo Donations – Animal Health Building

The Delmarva Zoological Society (DZS) has raised funds for the new Animal Health Building. Attached is a Memorandum of Understanding from DZS to provide the funds to the City. Also attached is a Resolution to sign the MOU and accept the funding from DZS through the Zoo Commission. The Animal Health Building is a critical project for the Zoo to be eligible to continue to have Association of Zoos and Aquariums (AZA) Accreditation. Bids were received for this project in July 2, 2013 and the Award of Bids is scheduled to be discussed at the July 22, 2013 Council meeting.

Unless you or the Mayor have further questions, please forward a copy of this memo to the City Council.

1 RESOLUTION NO. _____

2
3 A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND TO SIGN A
4 MEMORANDUM OF UNDERSTANDING AND ACCEPT A DONATION FROM THE
5 DELMARVA ZOOLOGICAL SOCIETY AND ZOO COMMISSION FOR THE
6 SALISBURY ZOOLOGICAL PARK ANIMAL HEALTH BUILDING.

7
8 WHEREAS, the Council of the City of Salisbury supports the acceptance of
9 donations at the Salisbury Zoo; and

10
11 WHEREAS, the Delmarva Zoological Society would like to donate to the Zoo
12 Commission and the City funding for the Animal Health Building; and

13
14 WHEREAS, the City acknowledges that the Animal Health Building is a necessary
15 and critical project to retain the Zoo's Association of Zoos and Aquariums (AZA)
16 Accreditation; and

17
18 WHEREAS, the Delmarva Zoological Society developed the attached
19 Memorandum of Understanding that defines the responsibilities of each party in regards to
20 the funding donation.

21
22 NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury,
23 Maryland does hereby authorize the Mayor to sign the attached Memorandum of
24 Understanding from the Delmarva Zoological Society dated _____, 2013 and accept
25 the donation of funds from the Delmarva Zoological Society and the Zoo Commission for
26 the Animal Health Building.

27
28 THIS RESOLUTION was introduced and duly passed at a meeting of the Council
29 of the City of Salisbury, Maryland held on _____, 2013 and is to become effective
30 immediately upon adoption.

31 ATTEST:

32
33
34
35
36 _____
37 Kimberly R. Nichols
38 CITY CLERK

36 _____
37 Jacob R. Day
38 PRESIDENT, City Council

39
40 APPROVED by me this _____ day of _____, 2013

41
42
43
44 _____
45 James Ireton, Jr.
MAYOR, City of Salisbury

46 **WHEREAS**, the City of Salisbury is required to have the funding for the
47 construction of the Animal Health Clinic at the time the bid is awarded;

48
49 **WHEREAS**, DZS has already distributed and transferred to the City,
50 \$262,000.00 on November 9, 2010; \$11,868.00 on January 4, 2011; and \$10,000.00 on
51 November 28, 2011 for the sole purpose of constructing the Animal Health Clinic;

52
53 **WHEREAS**, DZS has requested that the Community Foundation of the Eastern
54 Shore distribute fund assets from the Renew the Zoo Fund to DZS and the Zoo
55 Commission to help finance the remaining cost of the Animal Health Clinic along with
56 the State bond and grant monies; and

57
58 **WHEREAS**, DZS and the Zoo Commission will then transfer funds received
59 from DZS's Renew the Zoo Fund to the City for the sole purpose of constructing the
60 Animal Health Clinic.

61
62 **THEREFORE**, based on the foregoing, the parties enter into the following
63 Agreement.

64
65
66 **SECTION 1. DESIGNATION OF PURPOSE FOR THE DISTRIBUTION**
67 **OF FUND ASSETS.**

68
69 DZS has authorized the Community Foundation of the Eastern Shore to distribute
70 Six Hundred Thousand Dollars and Zero Cents (\$600,000.00) from DZS's Renew the
71 Zoo Fund to the Zoo Commission directly, as set forth below in Section 2, for the sole
72 purpose of funding the construction of the Animal Health Clinic. The Zoo Commission
73 agrees to accept the distribution from the Renew the Zoo Fund in the total amount of
74 \$600,000.00 and agrees to hold all such monies in trust for the sole purpose of funding
75 the construction of the Animal Health Clinic. The Zoo Commission further agrees to
76 transfer the \$600,000.00 to the City, at such time the City requires, which is expected to
77 be on or around July 17, 2013. The City agrees to accept the \$600,000.00 from the Zoo
78 Commission and hold all such monies in trust for the sole purpose of funding the
79 construction of the Animal Health Clinic. The fund monies shall not be used by the Zoo
80 Commission or City of Salisbury for any other purpose.

81
82 DZS shall distribute and transfer _____ from DZS's Renew the Zoo
83 Fund to the City for the sole purpose of funding the construction of the Animal Health
84 Clinic. The City agrees to accept the distribution from DZS's Renew the Zoo Fund and
85 hold all such monies in trust for the sole purpose of funding the construction of the
86 Animal Health Clinic.

87
88 Upon the aforementioned transfers and distributions of funds from DZS's Renew
89 the Zoo Fund to the City, the City will have in trust the total cash amount of
90 _____ for the construction of the Animal Health Clinic.

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SECTION 2. DISTRIBUTION OF FUND ASSETS.

DZS shall authorize the distribution of DZS's Renew the Zoo Fund assets to the Zoo Commission as follows:

A. Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) shall be distributed from DZS's Renew the Zoo Fund to the Zoo Commission before June 30, 2013.

B. Three Hundred Thousand Dollars and Zero Cents (\$300,000.00) shall be distributed from DZS's Renew the Zoo Fund to the Zoo Commission after July 1, 2013, but before July 22, 2013.

SECTION 3. PROPERTY OF THE FUND ASSETS.

The monies distributed from DZS's Renew the Zoo Fund to the City shall remain the property of DZS and be held in trust by the City until payment for the construction of the Animal Health Clinic is required. If for any reason, the awarding of the bid is significantly later than July 22, 2013, DZS may demand the return of the fund assets and the City shall acquiesce to DZS's demand.

If, after first utilizing the \$960,000.00 in bond and grant monies, the Animal Health Clinic costs less than the amount held in trust by either the Zoo Commission or City, any unused monies shall be immediately returned to DZS.

SECTION 4. DZS REPRESENTATIONS.

DZS represents, acknowledges, and agrees that it authorizes the City to use the funds distributed from DZS's Renew the Zoo Fund to the City to help fund the construction of the Animal Health Clinic. It is DZS's understanding that the City is required to have immediately available the funding to cover the total cost of the Animal Health Clinic project at the time the bid is awarded to the contractor.

SECTION 5. CITY REPRESENTATIONS.

The City represents, acknowledges, and agrees that it will accept the funds from DZS's Renew the Zoo Fund for the sole purpose of helping to fund the construction of the Animal Health Clinic and agrees to hold such monies in trust until payment is required for the project. The City also represents, acknowledges and agrees that the \$283,868.00 previously distributed and transferred to the City from DZS will be used for the sole purpose of constructing the Animal Health Clinic.

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SECTION 6. TERMINATION OF AGREEMENT.

If any money distributed and transferred to the City from DZS's Renew the Zoo Fund by either DZS or the Zoo Commission is used for any purpose other than the construction of the Animal Health Clinic, the Agreement shall be terminated immediately and the City shall be responsible for reimbursing to DZS all monies misappropriated and shall be responsible for any ensuing damages or loses to DZS.

SECTION 7. ENTIRE AGREEMENT .

This Agreement represents the parties' entire agreement with respect to the matters specified herein.

SECTION 8. GOVERNING LAW AND VENUE.

It is understood that this Agreement shall be governed by and construed under and in accordance with the laws of the State of Maryland. Venue for any actions arising under this Agreement shall be in Wicomico County.

SECTION 9. SEVERABILITY.

Any provision of the Agreement which is prohibited or unenforceable shall be ineffective only to the extent of such prohibition or unenforceability without invalidating the remaining provisions thereof.

SECTION 10. ATTORNEY'S FEES.

In the event of litigation over the terms or performance of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs.

THIS AGREEMENT is hereby executed by the duly authorized representatives of the parties as of this _____ day of July, 2013.

Delmarva Zoological Society, Inc.

By _____
(Name) _____
(Title) _____

City of Salisbury

By _____
(Name) _____
(Title) _____

Memo

To: Tom Stevenson
From: Bill Garrett 
Date: 6/27/2013
Re: Free Downtown Wi-Fi Proposal

Free Downtown Wi-Fi Proposal

In an effort to help revitalize and grow the downtown Main St. area in Salisbury, this proposal is aimed at providing a free Wi-Fi Internet connection to anyone in the area of coverage. All businesses interviewed have expressed their agreement with this project, and all of the interviewed municipalities currently running a similar system have experienced growth, positive feedback or expansion directly related to their system.

Since the last time this proposal was presented before the City Council, several important changes have taken place:

- Comcast has said their service cannot be used to provide free Wi-Fi as it is against their terms and conditions. The proposed Internet feed has been changed to one provided by the Maryland Broadband Cooperative, a non-profit organization who will provide the service at cost. The result is a savings of \$3,000 per year in service charges. If in the estimated 3-6+ months of negotiations the Comcast Franchise Agreement is able to secure a free Comcast connection for Wi-Fi, we can cancel the MD Broadband CoOp service at any time at no cost.
- We are no longer requesting any funds to purchase any hardware, software, Internet service or licensing. The IT Department was able to cut costs enough during the FY13 budget period to issue purchase requisitions in order to fund the project's hardware, software, licensing and Internet service costs. The only funds we are requesting in this proposal is for the additional staff member to support this project and the expanded scope of systems and services now provided to staff and citizens of Salisbury.

Memo

To: City Council

From: Tom Stevenson *TJS*

Date: July 10, 2013

Re: Restructuring of the Executive Branch

According to my notes, during the June 17, 2013 work session discussion about the proposed reorganization of the Executive Branch, the Council requested two follow-up items; a cost breakdown for the reorganization and a solicitation for opinions about the change from the private sector.

In response to your requests, I have attached the following:

- 1) A cost breakdown for the proposed reorganization; and
- 2) A letter from the Salisbury Area Chamber of Commerce

Please let me know if you require any additional information.

cc: Mayor Ireton
Attachments

RECEIVED
JUN 26 2013

June 26, 2013



Mayor and Council
City of Salisbury
125 N. Division Street
Salisbury MD 21801-4940

Dear Mayor Ireton and Members of the City Council,

We the undersigned have reviewed the proposal for restructuring the Executive Branch of the City of Salisbury on behalf of the Board of Directors of the Salisbury Area Chamber of Commerce. As you know, our advocacy efforts are focused primarily on business, economic, workforce, and community development.

Upon an in-depth analysis of the current proposal, we have decided to neither endorse nor oppose it. We do however, very much welcome the opportunity for the City to explore such restructuring given the ongoing demographic and economic changes of the past decade.

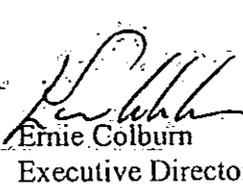
We note that the current structure is, to use a colloquial expression, "neither fish nor fowl!" ICMA, the International City/County Management Association, describes five distinct forms of local government, only two of which apply to a city the size of Salisbury: Mayor-Council and Council-Manager forms. Currently, our structure is somewhere in the middle of these two. While the proposed structure moves us closer to the Mayor-Council form, there are some unresolved questions:

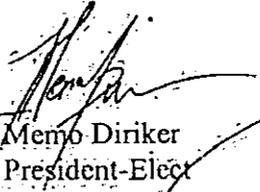
1. Is continuing with a Part-Time Mayor the best practice for our City?
2. Is the current compensation for Mayor commensurate with the job description?
3. Will the proposed structure have adequate compensation to attract the best talent?

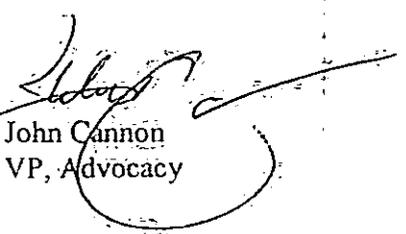
To address these and other issues, the Salisbury Area Chamber of Commerce recommends that a comprehensive community-wide dialog be undertaken as soon as practical. To facilitate such a dialog, the Chamber proposes to co-sponsor a meeting to which professionals from the ICMA will be invited, either in-person or electronically, to inform the dialog with examples, and with pros and cons of the different forms of local government.

Sincerely,


Brad Gillis
President


Ernie Colburn
Executive Director


Memo Diriker
President-Elect


John Cannon
VP, Advocacy

SALISBURY AREA
CHAMBER OF
COMMERCE

144 EAST MAIN ST.

P. O. Box 510

SALISBURY
MARYLAND
21803-0510

TELEPHONE:
(410) 749-0144

FAX:
(410) 860-9925

ACCREDITED BY
THE CHAMBER OF
COMMERCE OF THE
UNITED STATES
SINCE 1966

SERVING ALL OF WICOMICO COUNTY

www.salisburyarea.com

| Position | Grade- Step | Salary ⁽²⁾ | Fica 0.0765 | Retirement 0.1000 | Work Comp 0.0040 | Health ⁽¹⁾ | Total |
|------------------------------|----------------|-----------------------|------------------|----------------------|------------------------|-----------------------|-------------------|
| City Administrator | 18-12 | 97,511.69 | 7,459.64 | 9,751.17 | 390.05 | 11,786.32 | 126,898.87 |
| Assistant City Administrator | 15-7 | 68,736.00 | 5,258.30 | 6,873.60 | 274.94 | 12,618.58 | 93,761.43 |
| Total Existing | | 166,247.69 | 12,717.95 | 16,624.77 | 664.99 | 24,404.90 | 220,660.30 |

| | | | | | | | |
|--|------|-------------------|------------------|------------------|---------------|------------------|-------------------|
| City Administrator | 18-7 | 86,587.00 | 6,623.91 | 8,658.70 | 346.35 | 12,618.58 | 114,834.53 |
| Deputy City Administrator - Economic Development | 15-2 | 62,257.00 | 4,762.66 | 6,225.70 | 249.03 | 12,618.58 | 86,112.97 |
| Deputy City Administrator - Communications | 15-2 | 62,257.00 | 4,762.66 | 6,225.70 | 249.03 | 12,618.58 | 86,112.97 |
| Total Proposed | | 211,101.00 | 16,149.23 | 21,110.10 | 844.40 | 37,855.74 | 287,060.47 |

| | |
|--|---------------------|
| Increase | \$ 66,400.17 |
| Less: Reclass Communications Coordinator in Budget | 6,000.00 |
| Net Increase | \$ 60,400.17 |

Notes

(1) Health for proposed restructure plan is assumed to be EPO Family. Health for the existing plan is based on the health plan selected by the current employees.

(2) The Salary amounts are based on the current grade step table.

1
2 SALISBURY CITY COUNCIL
3 REGULATIONS AND RULES OF ORDER
4 As Amended on February 25, 2013
5
6

7 1. PREAMBLE
8

9 The City Council is the legislative and policy-setting part of the City's organization. The
10 Mayor is responsible for carrying out the executive and administrative duties of the city,
11 including administering the policies and enforcing the laws set by the council. The laws
12 enacted by the Council are called ordinances. Usually the policies established by the
13 Council are enacted by resolution. The Council is made up of five (5) members, elected
14 by the people to four (4) year staggered terms.
15

16 It is the fixed policy of the Salisbury City Council to facilitate the expression of views
17 and the introduction of legislation by members of the Council, and promote the orderly,
18 open discussion of issues relevant to the government of the City. These Rules shall be
19 construed to promote that policy and shall be in effect upon their adoption by a simple
20 majority of the City Council present and voting until they are amended or new rules are
21 adopted.
22

23 2. ATTENDANCE AND PARTICIPATION AT COUNCIL MEETINGS
24

25 Council members are expected to attend all meetings (regular, special, work sessions,
26 closed sessions, budget sessions) of the City Council. If a Council member cannot attend
27 a meeting of the City Council because of illness, vacation, business travel or other
28 unavoidable circumstance, the City Clerk shall be advised of such absence and shall
29 notify the entire Council. Council members shall be physically present in legislative
30 meetings in order to participate and/or vote. Any Council member may participate in
31 work session meetings via any appropriate and available electronic means, such as
32 telephone or video conference, provided that no more than one Council member is
33 exercising this option at one meeting and that no one Council member avails themselves
34 of this option more than four (4) times a year, based on the start date of the Council
35 member's term of office.
36

37 3. COUNCIL MEETINGS
38

39 A. Regular open meetings of the Salisbury City Council will be held in Room 301 of
40 the City/County Government Building, 125 N. Division Street, Salisbury,
41 Maryland, unless notice to the contrary is given. Regular meetings are held on the
42 second and fourth Mondays of each month at 6:00 p.m. except when Monday falls
43 on a legal holiday. In the event that a City holiday falls on Monday, the meeting
44 will be moved to the following Tuesday.
45

46 B. Special open or closed meetings may be held at any time and place the City
47 Council determines is appropriate.
48
49

- 1 C. All meetings of the Salisbury City Council will be tape recorded by the City
2 Clerk. A recording of an open session made by a member of the public, or any
3 transcript derived from such a recording, may not be deemed a part of the record
4 of any proceeding of the City Council of the City of Salisbury.
5
6 D. Notice of open and closed meetings will be posted on the bulletin board in the
7 lobby of the City/County Government Building, 125 N. Division Street, Salisbury,
8 Maryland and on the City's web site, reasonably in advance of the meeting.
9
10 E. The City Clerk will notify the news media of regular and special open meetings,
11 work sessions and closed sessions.
12
13 F. A representative of the news media or any member of the public may record or
14 photograph the proceedings of the City Council at an open session:
15
16 1. If the equipment is operated from a fixed position that does not block the
17 view of any other person. The equipment may be occasionally moved
18 about the room, but only to the extent that the use of the recording device
19 or camera does not become disruptive of the meeting. Artificial light may
20 be used, but only reasonably and not for any extended period of time or
21 such as to become disruptive.
22 2. If the equipment or its operator does not create a noise or confusion that
23 disturbs members of the City Council or other persons attending the
24 session.
25 3. At an open session, representatives of the news media or any member of
26 the public may place microphones on the City Council table if they are
27 kept in a central location and do not interfere with or disturb the meeting.
28 4. A representative of the news media or any member of the public who
29 desire arrangements for the use of a recording device or camera at an open
30 session in a manner not consistent with the provisions of this section may
31 request such special arrangements in advance by contacting the City
32 Clerk's Office.
33
34 G. Regular Council meetings are broadcast live on PAC14. An individual Council
35 member desiring to schedule a televised meeting, or tape meeting for later
36 broadcast, using the facilities in the Council Chambers, must receive a consensus
37 of the City Council in advance.

38
39
40 4. AGENDAS
41

- 42 A. On the agenda for each work session shall be an opportunity for Council members
43 to discuss the proposed agendas for upcoming regular Council meetings and work
44 sessions.
45

1 B. The preliminary agenda for each regular Council meeting shall be prepared by the
2 City Clerk by 4:00 p.m. on the Thursday preceding the next regularly scheduled
3 meeting by eleven (11) days. The Clerk shall distribute the preliminary agenda to
4 the administrative staff and the Council as soon as it is prepared. If any Council
5 member or a member of the administrative staff wish to add or delete an item,
6 they are to submit the request in writing, including a brief description, timeline,
7 and any other pertinent information related to the item, to the Council President
8 by noon on the Wednesday preceding the next regularly scheduled Council
9 meeting by five (5) days.

10
11 C. The Mayor, a member of the Council, or a member of the public may request that
12 an item be placed upon the agenda for a Council meeting provided such request is
13 made in writing prior to the established deadlines with a copy to the City Clerk
14 who will acknowledge receipt to the requestor. Only matters of an emergency or
15 urgent nature may be added to the agenda after those deadlines.

16
17 Any Council member wishing to present a Certificate of Appreciation or
18 Certificate of Recognition must receive a consensus of the Council in advance
19 before it is placed on an agenda.

20
21 D. The Council President shall place upon the agenda of the Council meeting any
22 item which is legal, constitutional and proper for the Council to consider,
23 provided, however, that the Council President may reasonably defer a requested
24 agenda item until a future meeting of the Council in order to secure full
25 attendance by Council members, to afford the public ample opportunity to appear
26 and observe the Council's consideration of such agenda item, or to secure the
27 input of the City's staff.

28
29 E. Items which are matters of a routine, non-controversial nature may be placed on
30 the agenda under Consent Agenda. The purpose of the consent agenda is to
31 provide a method for the expeditious handling of items which, in the opinion of
32 the Council President, City Clerk and City Administrator, will not require
33 discussion and will be approved unanimously by the Council. Items shall be
34 removed from the Consent Agenda at the request of any individual Council
35 member.

36
37 F. Except in the case of an emergency or a matter of an urgent or time sensitive
38 nature, no matter will be discussed in a Council meeting which was not
39 reasonably described in the published agenda for such meeting in accordance with
40 the City's Open Meeting rules.

41
42 G. The Mayor, the Council President, the City Administrator, the City Clerk, and all
43 persons involved in the process of creating meeting agendas, shall endeavor to
44 provide all members of the Council and other relevant City personnel as much

1 advance notice of agenda items as is feasible in the interest of fostering informed
2 discussion of such agenda items at meetings.

3
4 5. CONDUCT OF REGULAR MEETINGS

- 5
6 A. The Council President or Council Vice President shall call the meeting to order at
7 the appointed hour. In the absence of both the Council President and Council
8 Vice President, a President Pro Tem shall be selected to preside over the meeting.
9
- 10 B. After calling the meeting to order, the Council President shall entertain a motion
11 to adopt the agenda for the meeting as presented. After such motion has been
12 made and seconded, any Councilmember may request the deletion of any item on
13 the agenda, or change the order of any agenda item, or the addition of any urgent
14 or emergency item. Such changes may be approved by consensus, or in the
15 absence of a consensus, such changes shall be approved upon affirmative vote of a
16 majority of the Council. Any member of the Council may also request that an item
17 be removed from the consent agenda for discussion, for further information, or in
18 order that there might be a separate vote on that item as described in 4.E.
19
- 20 C. The Council President shall control discussion of the Council on each agenda item
21 to assure full participation in accordance with the Rules of Order.
22
- 23 D. Each agenda item shall be separately announced by the Council President for
24 purposes of discussion and consideration. To place an agenda item on the floor,
25 the Council President shall entertain a motion and a second to approve. All
26 discussion shall be germane to the agenda item.
27
- 28 E. A Council member shall speak only after being recognized by the Council
29 President. A Council member recognized for a specific purpose shall limit
30 remarks to that purpose. A Council member, after being recognized, shall not be
31 interrupted except by the Council President to enforce these rules. The Council
32 President, as a member of the Council, may enter into any discussion.
33
- 34 F. In order to afford all Council members an opportunity to speak on an agenda item,
35 a Council member may speak in debate twice on any debatable motion and may
36 speak for up to five minutes each time. A Council member may not save time or
37 transfer/yield their time to another Council member. The period of time allotted
38 for Council debate may be modified by adopting a motion to extend or limit
39 debate.
40
- 41 G. After being recognized by the Council President, a member of the Council, during
42 discussion of any agenda item, or during a public hearing, may request and receive
43 information, explanations or opinions of the Mayor, City Administrator, City
44 Solicitor, City Clerk or any City department head.

1 H. Council members are encouraged to direct comments to agenda items and to
2 conduct meetings in a professional manner as referenced in the adopted City
3 Council Code of Conduct (Resolution No.1513 – April 23, 2007).
4

5 I. For all required public hearings conducted by the City Council, citizens wishing to
6 provide testimony will be administered an oath by the City Clerk, or in the City
7 Clerk’s absence, administered by the City Attorney.
8

9 6. PUBLIC INPUT
10

11 A. Public comments should be directed to the agenda item under consideration. The
12 Council President shall rule on the germaneness of the citizen comments.
13

14 B. A citizen who has been recognized by the Council President to address the
15 Council is requested to state his or her name, whether he or she is a resident
16 within the corporate limits of Salisbury, and any organization affiliation he or she
17 is representing.
18

19 C. In order to afford all persons an opportunity to speak regarding an agenda item,
20 the Council President may impose a reasonable limit upon comments made by
21 members of the public, and/or may limit the number of times a member of the
22 public may speak regarding an agenda item.
23

24 D. Any person making personal, impertinent or slanderous remarks, or who becomes
25 boisterous in any manner that disrupts the meeting while addressing the Council,
26 may be requested by the Council President to leave the meeting immediately.
27

28 E. No placards, banners, or signs will be permitted in the Council Chambers or in
29 any other room in which the Council is meeting. Exhibits, displays and visual
30 aids used in connection with presentations to the Council are permitted.
31

32 F. A time may be established for public comments for citizens to address the Council
33 on any item which is not on the agenda for that meeting. A time limit may be
34 imposed and citizens are subject to the same rules of conduct as described above.
35 If a prepared statement is available, a copy should be given to the City Clerk.
36 Generally, members of the Council will not comment upon the comments made
37 by a member of the public. If they are administrative issues, the Council President
38 will refer them to the Mayor’s Office for a response.
39

40 Questions posed by a citizen during the public comments portion will be logged,
41 and tracked, by the City Clerk. The City Clerk will forward the questions to the
42 City Administrator for a response. All City Council members and the City Clerk
43 will be provided a copy of the response from the City Administrator.
44

1 G. Members of the public shall be courteous to their fellow citizens and the
2 proceedings while the Council is in session by avoiding conversations within the
3 Council Chambers and the entrance hallway into the Chambers.

4
5 H. Signed communications shall be accepted by the Council, but are not to be read in
6 their entirety during the meeting. Signed communications shall be submitted to
7 the City Clerk to be attached to the minutes as part of the record.

8
9 7. VOTING AND THE MAKING OF MOTIONS

10
11 A. Any member of the Council, except the Council President, may make or second a
12 motion for the Council to take action regarding any agenda item, subject to the
13 City Ethics Ordinance and State Ethics Law.

14
15 B. Any member of the Council may vote regarding any agenda item, subject to the
16 City Ethics Ordinance and State Ethics Law.

17
18 C. The Council President may not make a motion, and may second a motion only
19 when there are only three (3) members of the Council, including the President,
20 present and voting.

21
22 D. In the absence of the Council President, the Council Vice President shall be
23 subject to the same limitations upon voting and the making of motions as the
24 Council President.

25
26 E. The City Clerk shall record the name of the Council member making each motion
27 and the name of the Councilmember who seconded the motion.

28
29 F. Discussion shall be closed on any item by the Council President with the
30 concurrence of a majority of the Council. At the conclusion of debate, the
31 Council President shall call for a vote.

32
33 G. During the course of the meeting, if it becomes necessary to temporarily delay
34 action on an agenda item because of more urgent business, a Council member may
35 move to "lay the item on the table". The motion requires a second, is not
36 debatable and requires a majority vote for adoption.

37
38 H. After an agenda item has been laid on the table, it can be taken from the table by a
39 motion to "take the item from the table". The motion requires a second, is not
40 debatable and a majority vote is required. If a motion to "take from the table" is
41 not received by the close of the meeting, the agenda item dies at the end of the
42 session.

- 1 I. If a Council member wishes to “kill” a motion on the floor, a motion to “postpone
2 indefinitely” shall be used. The motion requires a second, is debatable and a
3 majority vote is required for adoption.
4
- 5 J. If a Council member wishes to defer an agenda item to another meeting, the
6 motion to “postpone to a certain time” is used. The motion requires a second, is
7 debatable and a majority vote is required for adoption.
8
- 9 K. In the absence of a rule to govern a point of procedure, the City Council shall
10 follow the general practices of the latest published edition of Robert’s Rules of
11 Order.
12

13 8. WORK SESSION MEETINGS
14

- 15 A. The Council may conduct work session meetings on matters which are expected
16 to come before the Council for formal action at a regular meeting or otherwise
17 need study by the Council. Items to be considered will be placed on the agenda by
18 the Council President. The agenda shall be distributed on the Wednesday
19 preceding the work session meeting. Because work sessions are considered
20 informal, items not appearing on the printed agenda may be considered for
21 discussion by a consensus of the Council.
22
- 23 B. At work session meetings, the Council shall receive information and presentation
24 of issues from the Mayor, City staff and/or invited resource persons. Council may
25 ask questions and may request that certain information be provided or issues be
26 addressed when items are considered further at another work session meeting or a
27 regular meeting of Council. Council may direct that matters under consideration
28 be brought forward for formal action at a regular meeting, that further study be
29 conducted if appropriate, that matters under consideration not be pursued further
30 (except for matters requiring a public hearing), or that modifications be made
31 before a matter is considered further.
32
- 33 C. Final action on items is not taken at work session meetings. The Council may
34 decide by consensus, or by a majority vote, on how to proceed on various items
35 under consideration. However, no formal vote of the Council in favor or against
36 any agenda item may be taken at a work session meeting.
37
- 38 D. Work sessions are considered public meetings under the terms of the open
39 meetings law and the public can attend. Members of the public or an interested
40 party may have the right to address the Council only on items under consideration
41 in a work session. The Council President shall control the discussion of the
42 Council and the public in accordance with the Rules of Order. Comment forms
43 shall also be made available for any member of the public to submit written
44 comments on any agenda item for consideration by the Council.

1
2 9. CLOSED SESSION MEETINGS
3

- 4 A. The Council may conduct Closed Session Meetings as permitted by State Law.
5 Everything that is discussed during a closed session, and all materials which are
6 reviewed during a closed session or are prepared in anticipation thereof, shall be
7 considered confidential. No council member shall publicly disclose any such
8 information or material. Public disclosure may be made in the event a majority of
9 the council members vote to approve the public disclosure prior to its disclosure.
10
11 B. No council member shall make any disclosures or release any information which
12 would result in the waiver of the attorney/client privilege without first obtaining
13 the approval of a majority of the council in open session.
14

15 10. PROCEDURES FOR SECURITY AT CITY COUNCIL MEETINGS
16

- 17 A. A Salisbury Police Department officer will report to the City Council Chambers at
18 least one-half hour prior to the meeting and will have their radio. Prior to the
19 meeting, a Salisbury Police Department officer will conduct a visual sweep of the
20 Council Chambers, stairways, elevators and surrounding hallways for any
21 suspicious items such as packages, letters, etc.
22
23 B. The Salisbury Police Department officer must not leave the Council Chambers
24 until the conclusion of the meeting unless an emergency occurs.
25
26 C. If a problem or disturbance arises, the following procedure will be followed:
27
28 1. The City Council President will ask the disruptive person to leave the
29 meeting room. In the event of an arrest, the Council President may be
30 summoned to court as a witness.
31
32 2. Should the person leave, no further action will be taken.
33
34 3. Should the disruptive person refuse to leave, the individual will be
35 requested to leave by the Salisbury Police Department officer. If the
36 person does not leave at that time, the individual will be arrested for
37 trespassing and/or disorderly conduct. If a second member of the
38 Salisbury Police Department is present for the meeting, that person will
39 transport and place the appropriate charges on the arrestee. If a problem
40 was not anticipated, and only a single member of the Salisbury Police
41 Department is present, the member will contact communications to have a
42 patrol officer respond to the meeting room and that officer will conduct the
43 transport while the Salisbury Police Department officer remains in the
44 meeting to ensure continued security. Once the meeting has concluded,

1 and the Council members are safely out of the building, the Salisbury
2 Police Department officer will then respond to headquarters and will
3 charge and transport the arrested subject. If an arrest occurs during the
4 City Council meeting, the Salisbury Police Department officer will notify
5 the Salisbury Police Department Commander upon the conclusion of the
6 meeting.

7
8 D. If there is no problem, the Salisbury Police Department officer will remain at the
9 meeting until its conclusion and will ensure that City personnel are safely out of
10 the building.

11
12 E. The City Council Chambers will be posted with a sign indicating the following:

13
14 "For the safety of all persons, all bags and boxes are subject to
15 search. Any persons that refuse to submit to such search may be
16 denied entry."

17
18 If a threat is received or probable cause exists to indicate that there may be a
19 problem with a bag or package, the Salisbury Police Department officer will
20 request that the subject in possession of the bag submit to a search as described. If
21 the subject refuses to allow the search, the subject will be denied entry to the
22 meeting room. If this causes further disturbance, the above policy regarding arrest
23 will be followed.

24
25 F. If information is received concerning a possible bomb threat, the Salisbury Police
26 Department officer will use the proper procedure to notify the on duty squad
27 commander who will then make the required notifications as outlined in the
28 Salisbury Police Department Written Directives #46.1.5 (BombThreats/
29 Explosions).

30
31 11. USE OF COUNCIL TRAVEL AND TRAINING BUDGET

32
33 A. Council members shall comply with the City of Salisbury Employee Handbook's
34 policies on travel.

35
36 B. Prior to incurring any travel expenses, a Council member shall obtain approval of
37 the travel from the Council. Travel expenses incurred without the prior approval
38 of Council shall not be reimbursed or, if mistakenly reimbursed, shall be refunded by
39 the Council member within thirty (30) days of written notification of the error by
40 the City Clerk.

41
42 C. No member of Council shall use more than 1/5 of the appropriated total of the
43 Council's travel and training budget without prior approval of the Council. If the
44 amount used by any Council member exceeds this amount, the excess shall not be

1 reimbursed or, if mistakenly reimbursed, shall be refunded by the Council
2 member within thirty (30) days of written notification of the error by the City
3 Clerk.
4
5

6 -----

- 7 Adopted: 10/23/00 by Resolution No. 737
- 8 Amended: 11/26/01 by Resolution No. 806
- 9 Amended: 8/26/02 by Resolution No. 876
- 10 Amended: 5/12/03 by Resolution No. 972
- 11 Amended: 12/8/03 by Resolution No. 1043
- 12 Amended: 11/28/05 by Resolution No. 1335
- 13 Amended: 3/27/06 by Resolution No. 1386
- 14 Amended: 10/23/06 by Resolution No. 1451
- 15 Amended: 1/8/07 by Resolution No. 1476
- 16 Amended: 10/8/07 by Resolution No. 1577
- 17 Amended: 11/26/07 by Resolution No. 1600
- 18 Amended: 7/14/08 by Resolution No. 1672
- 19 Amended: 7/11/11 by Resolution No. 2072
- 20 Amended: 9/10/12 by Resolution No. 2203
- 21 Amended: 2/25/13 by Resolution No. 2251

RESOLUTION NO. ____
SALISBURY CITY COUNCIL

WHEREAS, the Newtown area is Salisbury's oldest neighborhood filled with largely Victorian-era homes and churches and is the first Historic District established by the Mayor and Council of Salisbury.

WHEREAS, the values of homes is dependent in large part on efforts made by others to maintain and restore nearby structures;

WHEREAS, the City owns Poplar Hill Mansion, the oldest buildings in Newtown, which directly faces Poplar Hill Avenue and is visible for most of its length;

WHEREAS, the early 1900's home located on the corner of Isabella and Poplar Hill Avenue known as 501-503 Poplar Hill Avenue has been determined to be a contributing structure to the Newtown Historic District;

WHEREAS, 501-503 Poplar Hill Avenue requires both internal and external work and restoration in order to fulfill its role as a contributing structure to the Historic District;

WHEREAS, due to fire, the structure has holes in its roof, lacks many windows, and has other problems which caused it to be condemned by the City several years ago;

WHEREAS, 501-503 Poplar Hill Avenue is located at one of the most important intersections in the Historic District and, if demolished, would create a void in the streetscape unlikely to ever be filled by a replacement structure;

WHEREAS, repairs and renovation would positively affect values of nearby structures and thereby bring up values of such structures, as well as enhance the setting of the Poplar Hill Mansion, and contribute to further efforts of owners of homes in the neighborhood to improve their structures, thus strengthening the values of all owners of properties in the Historic District;

WHEREAS, Wicomico County Historical Properties, Inc. is a non-profit 501(c)(3) corporation which since the 1970's has both supported and undertaken historic restoration that contribute to the well-being of Salisbury and Wicomico County;

WHEREAS, it has restored a notable historic building at the corner of Market and East Main Street known as the Synagogue Building, the Whitehaven Hotel in Whitehaven, Maryland, the one-room schoolhouse located on Pemberton Elementary School grounds, and has contributed to the success of the Chipman Foundation with its church restoration on Broad Street;

WHEREAS, Wicomico County Historical Properties, Inc. has acquired 501-503 Poplar Hill Avenue with a view to restoring at least its exterior and then selling it to an interested private owner as a single family residence;

WHEREAS, Wicomico County Historical Properties, Inc. has received a grant from Preservation Maryland, the largest and most noteworthy private historical preservation organization in the State, and two Newtown residents are contributing funds and labor to start the preservation project;

WHEREAS, the Salisbury Historic District Commission has approved the restoration plans of Wicomico County Historical Properties, Inc. for exterior restoration;

WHEREAS, the support of the City of Salisbury is important to these efforts;

NOW THEREFORE, it is resolved by the Mayor and City Council as follows:

RESOLVED, that the City of Salisbury endorses and supports the efforts of Wicomico County Historical Properties, Inc. to restore the structure known as 501-503 Poplar Hill Avenue to its original exterior façade and to return the structure to private residential use;

FURTHER RESOLVED, that the President of the City Council and the Mayor are hereby authorized to sign and deliver letters of endorsement on behalf of the City in support of grant applications by Wicomico County Historical Properties, Inc. to State and Federal agencies and nonprofit grantors, and in other ways to encourage the citizens of Newtown and others interested in Salisbury's history and well-being to contribute to this worthy effort.

ATTEST:

Kim Nichols
CITY CLERK

Jacob Day
PRESIDENT, City Council

James Ireton, Jr.
MAYOR, City of Salisbury

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND SUPPORTING GRANT SUBMISSIONS BY WICOMICO COUNTY HISTORICAL PROPERTIES, INC. TO ANY STATE, FEDERAL AND NON-PROFIT GRANTORS FOR THE PURPOSE OF REHABIITATING THE PROPERTY KNOWN AS 501 – 503 POPLAR HILL AVENUE.

WHEREAS, the Council recognizes that the aforementioned property has been in disrepair for some time; and

WHEREAS, Wicomico County Historical Properties, Inc. has acquired the property with the intent of restoring it for the purpose of residential use; and

WHEREAS, the Council recognizes that restoring this property will have a beneficial effect on the surrounding properties in the Newtown area, and

WHEREAS, the Council of the City of Salisbury supports the efforts of Wicomico Historical Properties, Inc. to rehabilitate the property known 501 – 503 Poplar Hill Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury, Maryland does hereby support Wicomico County Historical Properties Inc. in its effort to attain grant monies for the purpose of rehabilitating 501 – 503 Poplar Hill Avenue and authorizes the Mayor and/or Council to sign and deliver letters of endorsement for any grants submitted by the aforesaid to any State, Federal or non-profit grantors.

THIS RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on _____, 2013 and is to become effective immediately upon adoption.

ATTEST:

Kimberly R. Nichols
CITY CLERK

Jacob R. Day
PRESIDENT, City Council

APPROVED by me this _____ day of _____, 2013

James Ireton, Jr.
MAYOR, City of Salisbury