



City of Salisbury

CITY COUNCIL AGENDA



**Tuesday, November 12, 2013
Government Office Building**

**6:00 p.m.
Room 301**

Times shown for agenda items are estimates only.

- 6:00 p.m. CALL TO ORDER
- 6:01 p.m. WELCOME/ANNOUNCEMENTS
- 6:03 p.m. INVOCATION/MEDITATION AND PLEDGE OF ALLEGIANCE
- 6:05 p.m. PRESENTATION - Mayor James P. Ireton, Jr.
 - Proclamation - Municipal Government Works Month
- COMMUNITY ORGANIZATION PRESENTATION
 - Public Access Channel 14 (PAC14) - Executive Director Craig Twilley
- 6:10 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:12 p.m. CONSENT AGENDA – City Clerk Kim Nichols
 - October 21, 2013 work session minutes 1a
 - October 21, 2013 closed session minutes (separate envelope) 1b
 - October 28, 2013 regular meeting minutes 1c
 - November 4, 2013 work session minutes 1d
- 6:15 p.m. AWARD OF BIDS – Assistant Director of Internal Services – Procurement & Parking 2
Jennifer L. Miller
 - Lease Services for Refuse Truck Contract RFP 01-14
 - Purchase of Refuse Truck
- 6:25 p.m. CHARTER RESOLUTION/PUBLIC HEARING – Interim City Administrator Tom Stevenson
 - Resolution No. 2348 - to amend the Charter of the City of Salisbury, Maryland 3
by establishing a Small Business, including Veteran-Owned Small Businesses
and Service-Disabled Veteran-Owned Small Businesses, Procurement
Preference to the Charter of the City of Salisbury under § SC16-3
- 6:45 p.m. ORDINANCES – City Attorney Mark Tilghman
 - Ordinance No. 2263 – 2nd reading - approving an amendment of the FY13 4a
General Fund budget to revise positions in the Internal Services Department
 - Ordinance No. 2265 – 2nd reading - amending Chapter 15.27 Property 4b
Maintenance Habitual Offender of the Salisbury Municipal Code. These
amendments strengthen the original legislation by lowering the threshold by
which a property owner can be designated a chronic nuisance property owner

- Ordinance No. 2266 – 2nd reading – approving an amendment of the FY14 General Fund budget to adjust the City’s Pay Plan with new rates assigned to grades and steps 4c
- Ordinance No. 2267 – 2nd reading – approving an amendment of the FY14 General Fund budget to adjust position grade assignments 4d
- Ordinance No. 2268 – 2nd reading – approving an amendment of the FY14 General Fund, Water & Sewer Fund, and Parking Fund budgets to appropriate funds to cover increases in employee compensation 4e
- Ordinance No. 2269 – 1st reading - amending section 15.040.010 of Chapter 15.04 Building Code of the Salisbury Municipal Code to update the reference to the International Energy Conservation Code to the 2012 Edition 4f
- Ordinance No. 2270 – 1st reading - modifying the language of the Garbage, Rubbish and Refuse Code in accordance with Chapter 8.16 of the City Code 4g

7:25 p.m. PUBLIC COMMENTS

7:30 p.m. ADJOURNMENT

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

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

Proposed agenda items for November 25, 2013 (subject to change)

- Ordinance No. 2269 – 2nd reading - amending section 15.040.010 of Chapter 15.04 Building Code of the Salisbury Municipal Code to update the reference to the International Energy Conservation Code to the 2012 Edition
- Ordinance No. 2270 – 2nd reading - modifying the language of the Garbage, Rubbish and Refuse Code in accordance with Chapter 8.16 of the City Code
- Ordinance No. ____ - establishing a mechanical permit fee
- Resolution No. ____ - accepting a donation from the Delmarva Zoological Society for the Salisbury Zoological Park

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- Proclamation - Municipal Government Works Month

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- Ordinance No. ____ - establishing a mechanical permit fee
- Resolution No. ____ - accepting a donation from the Delmarva Zoological Society for the Salisbury Zoological Park

CITY OF SALISBURY
WORK SESSION
OCTOBER 21, 2013

Public Officials Present

Council President Jacob R. Day
Mayor James Ireton, Jr.

Council Vice-President Laura Mitchell
Councilman Timothy K. Spies

Public Officials Not Present

Councilwoman Terry E. Cohen
Councilwoman Eugenie P. Shields

In Attendance

City Clerk Kimberly R. Nichols, CMC, Interim City Administrator M. Thomas (Tom) Stevenson, Jr., City Attorney Mark Tilghman, Public Works Director Mike Moulds, Public Works Deputy Director Amanda Pollack, Building, Permitting, and Inspections Director Bill Holland, Internal Services Director Keith Cordrey, Human Resources Manager Jeanne Loyd, interested citizens, members of the press.

The City Council convened in Work Session at 3:10 p.m. in Council Chambers of the Government Office Building following the conclusion of the Closed Session. Council President Day provided a statement out to the public that Council had met in Closed Session to receive options on the possible purchase of property for a public use and to receive an update on pending litigation. No action was taken by Council.

Stormwater Utility Feasibility Study

Council was joined by Berlin Mayor Wm. "Gee" Williams, Berlin Water Resources Director Jane Kreiter, EA Engineer Darl Kolar, Public Works Director Mike Moulds, and Public Works Deputy Director Amanda Pollack. The Town of Berlin officials shared their experiences in the development of their Stormwater Utility and addressed the concerns and questions of City Council and City staff.

After discussion, Council reached unanimous consensus to approve the development of an ordinance to establish the utility. Mrs. Pollack indicated that Public Works would closely examine Berlin's and other Maryland ordinances in which Stormwater Utilities have been created.

Garbage Ordinance changes

Mrs. Pollack discussed the changes made to the draft ordinance as a result of the July 15, 2013 work session. Items of discussion included:

- Upholstered furniture and bedding infested with bed bugs must be encased in sheeting, shrink wrap, or trash bags. Shrink wrap is unnecessary, and trash bags can be taped together.

- Maximum number of trash cans will remain at six (6)
- Yard waste pickup calls to be received by 6:00 a.m. on Monday is ideal
- Yard waste in bags (even biodegradable bags) are emptied at the landfill
- Line 282 – insert “elsewhere”
- Line 303 – not sure \$25 fine is effective
- There must be three (3) violations before a fine is issued. Seems like too many chances are layered on before a fine is charged.
- Signage by Public Works to assist those in violation

Council reached unanimous consensus to advance the ordinance to the next legislative session.

Records Retention Policy

Council briefly discussed the records retention policy with Mr. Tom Stevenson and City Clerk Nichols. The topic will be returned for discussion in the November 4, 2013 Work Session.

2012 International Energy Conservation Code

Bill Holland, Director of Building, Permitting, and Inspections (BPI) joined Council at the table to discuss the 2012 International Energy Conservation Code (IECC). He reported the State of Maryland adopted the IECC and has mandated all cities and counties to also adopt the code. Last year, the State of Maryland provided two - eight week training classes (two nights per week) to City officials, as the code is quite complicated. Mandated mechanical requirements accompany the IECC.

Mr. Holland recommended that the City of Salisbury implement a mechanical permitting process, and to have the inspections and reviews performed by third party inspectors.

Council reached unanimous consensus to advance the topic to Legislative Session following another Work Session.

(Council reconvened in Work Session at 5:33 p.m. after a six minute recess.)

Pay and Classification Study

Human Resources Manager Jeanne Loyd, Internal Services Director Keith Cordrey, and Tom Stevenson joined Council at the table to discuss the three (3) ordinances required in order to implement the City of Salisbury employee pay increases and upgrades.

After discussion, Council reached unanimous consensus to advance the three (3) ordinances to the next Legislative Session.

Pay for Elected Officials

Mark Tilghman was asked to examine if the Council could pass an ordinance to establish a “built in COLA” for the next seated Council, to begin in 2015 after the elections. He would look at examples from other Maryland towns and cities and report back at the next work session (November 4, 2013).

General Discussion

President Day reminded the public of the upcoming *Coffee With Your Council*, to be held on November 6, 2013 at 6:00 p.m. at Bethany Lutheran Church, located at 817 Camden Avenue in Salisbury. Coffee and refreshments will be served and the public will be afforded the opportunity to discuss topics in an informal setting with their Council representatives.

Thereafter, President Day adjourned the Work Session at 6:27 p.m.

City Clerk

Council President

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

OCTOBER 28, 2013

PUBLIC OFFICIALS PRESENT

*Council President Jacob R. Day
Mayor James P. Ireton, Jr.
Councilwoman Terry E. Cohen*

*Council Vice President Laura Mitchell
Councilwoman Eugenie P. Shields
Councilman Timothy K. Spies*

IN ATTENDANCE

City Clerk Kimberly R. Nichols, CMC, City Attorney Mark Tilghman, Police Chief Barbara Duncan, Building, Permitting, and Inspections Director Bill Holland, IT Director Bill Garrett, Fire Chief Rick Hoppes, Zoo Director Ralph Piland, Public Works Director Mike Moulds, Public Works Deputy Director Amanda Pollack, Community Development Director Debbie Stam, Internal Services Director Keith Cordrey, Interim Neighborhood Services and Code Compliance Director Susan Phillips, Human Resources Manager Jeanne Loyd, 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 Day called the meeting to order; a moment of silent mediation was held followed by the Pledge of Allegiance.

CERTIFICATES OF RECOGNITION – presented by Mayor James P. Ireton, Jr.

Mayor Ireton presented a Certificate of Recognition to Salisbury University (SU) Head Coach Jim Berkman, the coach with the most wins in NCAA men's lacrosse history with a 419-43 (.907) record at SU. Coach Berkman was inducted into the National Lacrosse Hall of Fame on October 26, 2013 in a ceremony at the Grand Lodge Hunt Valley, MD.

Also recognized by Mayor Ireton were the coaches, staff and members of the Salisbury University Women's Lacrosse Team, winners of the 2013 NCAA Division III Championship on May 19, 2013.

Certificates of Recognition were presented to: Head Coach Jim Nestor; Assistant Coaches Liz Filgueras, Rebecca Michalski, Allie Wheatley, and Anna Sparr; Athletic Trainers Alyssa Fisher and Chelsea Klein; Team Managers Haley Hines and Emily McBee; and team members Halie Lear, Melissa Webster, Shannon Carta, Samantha Duranti, Meghan Toomey, Laura Maskell, Allison Toomey, Kara O'Rourke, Alyssa Hardesty, Shelby Nemecek, Maggie Roundy, Elizabeth Anderson, Summer Washburn, Alyssa Harmke, Lauren Feusahrens, Dominique DiPino, Kara Koolage, Katelyn Blondino, Hayden Hutzell, Katie Bollhorst, Bethany Baer, Kate Haker, Jess Crew, Kylie Hanley, Kat Gartner, Katelin Talbert, Chelsea Weinstein, and Ashton Wheatley.

43 **COMMUNITY ORGANIZATION PRESENTATION** – presented by Stacey Weisner

44
45 Ms. Stacey Weisner, Delmarva Zoological Society (DZS) Executive Director, joined Council at the
46 table after offering t-shirts and donation canisters to the Mayor, City Council, City Clerk, City
47 Attorney, and Interim City Administrator. She reported on the **Just Zoo It** Halloween fundraiser in
48 which children in the Lower Shore schools will be asking for donations for capital improvement
49 projects at the Salisbury Zoo while Trick or Treating. The **Just Zoo It** campaign has raised more
50 than \$55,000 in just three years with all monies going directly to help Renew the Zoo. She provided
51 the following web address for online donations: www.RenewTheZoo.com.

52
53 **ADOPTION OF LEGISLATIVE AGENDA**

54
55 Mrs. Shields moved and Mrs. Mitchell seconded to approve the legislative agenda.

56
57 Mrs. Mitchell motioned to remove the October 7, 2013 Work Session minutes from the consent
58 agenda to be placed directly after the consent agenda.

59
60 The legislative agenda, as amended, was unanimously approved.

61
62 **CONSENT AGENDA** – presented by City Clerk Kim Nichols

63
64 The Consent Agenda, amended and consisting of the following items, was unanimously approved on
65 a motion by Mrs. Mitchell that was seconded by Mrs. Shields:

- 66
67
- 68 • October 7, 2013 closed session minutes
 - 69 • October 14, 2013 regular meeting minutes
 - 70 • Resolution No. 2345 – appointing Lynne Pollitt Bratten to the Housing Board of Adjustments
71 & Appeals
 - 72 • Resolution No. 2346 – appointing Michael Ian Welker to the Friends of Poplar Hill Mansion
73 Board of Directors for a term ending 10/31/2016
 - 74 • Resolution No. 2347 – appointing David A. Plotts to the City Park Committee for a term
75 ending 10/31/2016

76 **OCTOBER 7, 2013 WORK SESSION MINUTES**

77
78 Mrs. Mitchell moved and Ms. Cohen seconded to approve the October 7, 2013 Work Session
79 minutes.

80
81 Mrs. Mitchell moved, Mrs. Shields seconded, and the vote was unanimous to amend the minutes by
82 inserting on Line 92 after the word “increase”, “**with the exception of certain members of the**
83 **Salisbury Police Department,**”.

84
85 The October 7, 2013 Work Session minutes, as amended, were unanimously approved.

88 **AWARD OF BIDS** – presented by Deputy Director Internal Services – Procurement Jennifer Miller

89

90 Mrs. Shields moved and Mrs. Mitchell seconded to approve the Award of Bids.

91

92 Mrs. Mitchell expressed concern that the full price of the refuse truck was budgeted (RFP01-14) for
93 purchase, yet it is now being proposed for lease. Mrs. Shields questioned whether the items #2 and
94 #3 were referring to the same refuse truck, and was concerned it may be a mistake.

95

96 On a motion by Mrs. Mitchell, seconded by Ms. Cohen, and by unanimous vote in favor, items #2,
97 Lease Services for Refuse Truck Contract RFP01-14 (\$261,629.65) and #3, Purchase of Refuse
98 Truck \$247,062.93) were removed from the Award of Bids.

99

100 The amended Award of Bids, consisting of the following items, was unanimously approved:

101

- 102 • Caprice Police Patrol Vehicles Contract 103-14 - \$168,655.00
- 103 • Waverly Drive Water Quality Inlets Contract 115-13 - \$494,085.60

104

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

106

- 107 • Ordinance No. 2263 – 1st reading – approving an amendment of the FY14 General Fund
108 budget to revise positions in the Internal Services Department

109

110 Mrs. Mitchell moved and Mrs. Shields seconded to approve Ordinance No. 2263 for first
111 reading.

112

113 Mr. Tilghman suggested that position No. 1., Deleting Assistant Director of Finance, must
114 occur in the Charter and should be omitted from Ordinance No. 2263 because a separate
115 Charter amendment to delete it from the Charter will have to be done.

116

117 Mrs. Mitchell moved to delete No. 1 in the first chart, beginning on Line 18 and to move the
118 other line numbers up so that there are numbers one through five only. Mrs. Shields
119 seconded, and the vote was unanimous.

120

121 Ordinance No. 2263 for first reading, as amended, was unanimously approved.

122

- 123 • Ordinance No. 2264 – 2nd reading – approving a budget amendment for the FY13 General
124 Fund to appropriate funds received from the Speed Camera Program for purchase of eight
125 (8) Glock training handguns for simunitions training

126

127 On a motion and seconded by Ms. Cohen and Mrs. Mitchell, respectively, Ordinance No.
128 2264 for second reading was unanimously approved.

129

- 130 • Ordinance No. 2265 – 1st reading – amending Chapter 15.27 Property Maintenance
131 Habitual Offender of the Salisbury Municipal Code. These amendments strengthen the
132 original legislation by lowering the threshold by which a property owner can be designated

133 *a chronic nuisance property owner.*

134
135 *Mrs. Mitchell moved and Mr. Spies seconded to approve Ordinance No. 2265 for first*
136 *reading.*

137
138 *Mrs. Shields moved, Mrs. Mitchell seconded, and the vote was unanimous to amend*
139 *Ordinance No. 2265 by the making following changes:*

- 140
141 *➤ Line 101 – strike first “owner”, insert “changes” and insert “new” before*
142 *second “owner”*

143
144 *Council asked Mr. Tilghman to review the question of using the term “housing official” in*
145 *the Code interchangeably with “Director of the Department of Neighborhood Services and*
146 *Code Compliance” in time for second reading of Ordinance No. 2265.*

147
148 *Susan Phillips, Interim Neighborhood Services and Code Compliance Director, preferred the*
149 *effective date beginning at January 1st. Mrs. Mitchell’s motion to correct the use of the*
150 *housing official term was tabled until the second reading of Ordinance No. 2265, when all*
151 *amendments will be addressed.*

152
153 *Ordinance No. 2265, as amended, for first reading, was unanimously approved.*

- 154
155 • *Ordinance No. 2266 – 1st reading – approving an amendment of the FY14 General Fund*
156 *budget to adjust the City’s Pay Plan with new rates assigned to grades and steps*

157
158 *Mrs. Shields moved and Mrs. Mitchell seconded to approve Ordinance No. 2266 for first*
159 *reading.*

160
161 *Ordinance No. 2266 for first reading was approved on a 4-0 vote. (Ms. Cohen abstained*
162 *from the voting.)*

- 163
164 • *Ordinance No. 2267 – 1st reading – approving an amendment of the FY14 General Fund*
165 *budget to adjust position grade assignments*

166
167 *Upon a motion and seconded by Mrs. Shields and Mrs. Mitchell, respectively Ordinance No.*
168 *2267 for first reading was approved on a 4-0 vote. (Ms. Cohen abstained from the voting.)*

- 169
170 • *Ordinance No. 2268 – 1st reading – approving an amendment of the FY14 General Fund,*
171 *Water & Sewer Fund, and Parking Fund budgets to appropriate funds to cover increases in*
172 *employee compensation*

173
174 *Upon a motion and seconded by Mrs. Shields and Mrs. Mitchell, respectively, Ordinance No.*
175 *2268 for first reading was approved on a 4-0 vote. (Ms. Cohen abstained from the voting.)*

176
177 *There being no public comments or further discussion, the meeting adjourned at 8:34 p.m.*

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*CITY OF SALISBURY, MARYLAND
CLOSED SESSION
OCTOBER 21, 2013*

TIME & PLACE: 1:32 p.m., Government Office Building – Council Chambers, Room 301
PURPOSE: to consider options to acquire real property for a public purpose and to receive an update from counsel on pending or potential litigation
VOTE TO CLOSE: Unanimous
CITATION: Annotated Code of Maryland Sections 10-508(a)(3)(8)
PRESENT: Council President Jacob R. Day, Mayor James P. Ireton, Jr., Council Vice President Laura Mitchell, Councilman Timothy K. Spies, Interim City Administrator Tom Stevenson, City Clerk Kimberly R. Nichols, Fire Chief Rick Hoppes, City Attorney Mark Tilghman
ABSENT: Councilwoman Terry E. Cohen, Councilwoman Eugenie P. Shields

Council convened in Open Session in Council Chambers, Room 301 of the Government Office Building on October 21, 2013. Mr. Spies moved and Mrs. Mitchell seconded to convene in Closed Session to consider the acquisition of real property for a public purpose and to receive an update from counsel about pending or potential litigation as permitted under the Annotated Code of Maryland Section 10-508(a)(3)(8). The vote to close the meeting was unanimous and the Closed Session began at 1:32 p.m.

After Council discussed the possible purchase of the real property, they reached unanimous consensus on how Administration should proceed.

Council received an update on potential litigation. No consensus was reached nor action taken.

At 2:52 p.m., on a motion and a second by Mrs. Mitchell and Mr. Spies, respectively, the vote was unanimous to adjourn the Closed Session.

Thereafter, prior to convening in the regularly scheduled Work Session, President Day provided the statement out to the public that Council had met in Closed Session, discussed options to acquire real property, and received an update from legal counsel on pending litigation.

City Clerk

Council President

CITY OF SALISBURY
WORK SESSION
NOVEMBER 4, 2013

Public Officials Present

Council President Jacob R. Day
Mayor James Ireton, Jr.

Council Vice-President Laura Mitchell
Councilman Timothy K. Spies

Public Officials Not Present

Councilwoman Eugenie P. Shields

In Attendance

City Clerk Kimberly R. Nichols, CMC, Interim City Administrator M. Thomas (Tom) Stevenson, Jr., City Attorney Mark Tilghman, Zoo Director Ralph Piland, Building, Permitting, and Inspections Director Bill Holland, Interim Director Neighborhood Services and Code Compliance Susan Phillips, interested citizens, and members of the press.

The City Council convened in Work Session at 4:30 p.m. in Council Chambers of the Government Office Building.

Mechanical Permit – Fee Schedule/Permitting Requirement

Bill Holland, Director of Building, Permitting, & Inspections, joined Council at the table to discuss the State of Maryland mandated adoption of the 2012 Energy Code. He recommended the City use a third party Mechanical Inspector for the inspections. Building, Permitting, & Inspections would be tasked with receiving the applications from the public and entering them into the computer system.

Council identified the following changes to be made to the draft ordinance:

- Line 2 – strike “Mayor and Council of the”
- Line 3 – strike “the fee schedule for”
- Line 6 – strike the comma after “Code” but leave the semi-colon
- Line 8 – strike “insure” and insert “ensure”
- Line 10 – strike “determine” and insert “verify”
- Line 16 – strike “replacing” and insert “replacement”
- Line 17 – strike the hyphen in air conditioning, strike “in new structures”, insert “shall” after “systems”, and insert a hyphen between “thirty” and “five”
- Line 18 – capitalize the word “Inspections”
- Line 28 – correct the spelling of “Ordinance”

After discussing the \$35 mechanical permit fee and Mr. Holland affirming the amount was defensible, Council reached unanimous consensus to advance the ordinance to Legislative Session.

Delmarva Zoological Society Donations (Bear Sculpture & Vermiculture Exhibit)

Ms. Stacey Weisner, Delmarva Zoological Society (DZS) Executive Director, and Ralph Piland, Salisbury Zoo Director, joined Council at the table to discuss the exhibits, valued at \$40,192.00. The items being gifted by the Delmarva Zoological Society are a life size bear sculpture created by renowned artist David Turner (valued at \$40,000.00) and a vermiculture (work composting) exhibit (valued at \$192.00).

Council reached unanimous consensus to advance the resolution to Legislative Session.

Definition of *Blight* in the Property Maintenance Code

Interim Director of Neighborhood Services and Code Compliance Susan Phillips joined Council to discuss defining *blight* in the Property Maintenance Code in order to support cases going to court.

Council identified the following changes to be made to the draft ordinance:

- Line 10 – remove quotations
- Line 18 – capitalize the word “Services”
- Line 33 – insert “from the property” before the period
-

Council reached unanimous consensus to return the topic to Work Session for further discussion.

Changes to Composition of the Housing Board of Adjustments & Appeals

Mrs. Phillips advised Council that the openings on the Housing Board of Adjustments & Appeals (HBAA) were not being filled, and found out in her research that in other cities, boards did not have the same member requirements as the HBAA. Currently, one seat is open on the HBAA.

Council discussed the following points:

- Previously had discussed a public safety officer board member
- Requirement is to be unbiased
- Should not allow HBAA membership to be all five (5) from the same professional group
- Residency should be maintained
- Board term limits

Council reached unanimous consensus to return the topic to the December 2, 2013 Work Session after Messrs. Stevenson and Tilghman have worked some more on the proposed changes.

Records Retention Policy

Mr. Stevenson joined Council to discuss the Records Retention Policy. Council expressed concern that records may be destroyed, but might be needed at a later time. Council members were interested in digital back up on the records. City Clerk Nichols was asked to contact State Archives to find out

about amending the Records Retention Schedule, and Mr. Stevenson would discuss digital archiving with IT Director Bill Garrett.

The policy will be discussed again in two weeks at the November 18, 2013 Work Session. President Day asked Council members to note which items they would like to extend the retention periods on in preparation for the next discussion on the topic.

Pay for Elected Officials

Council discussed the 12% increase recommended by the Salary Review Committee. Mrs. Mitchell indicated it was important to her to tie an increase to future Council members' salaries in order to continue to attract viable candidates. Ms. Cohen requested to first see language from Mr. Tilghman concerning Consumer Price Index (CPI) adjustments.

The subject will be brought back to Work Session on December 2, 2013 for further discussion. Council to consider making a recommendation on a four (4) year averaged CPI increase.

Proposed Meeting Schedule

Mrs. Nichols presented the proposed meeting schedule and will review the Veterans Day (November 11, 2014) date and correct the schedule, if necessary.

Council agreed to ask the general public attending the *Coffee With Your Council* if there were dates or times more convenient for them to attend City Council Meetings and Work Sessions. Mr. Spies indicated the 1:30 p.m. time for the second Work Session each month seems favorable for everyone.

Council unanimously agreed with the schedule, barring any revisions requested by the public.

General Discussion

President Day reminded the public of the upcoming *Coffee With Your Council*, to be held on November 6, 2013 at 6:00 p.m. at Bethany Lutheran Church, located at 817 Camden Avenue in Salisbury. Coffee and refreshments will be served and the public will be afforded the opportunity to discuss topics in an informal setting with their Council representatives.

Mr. Tilghman will provide an update on litigation during the November 18, 2013 Work Session.

President Day adjourned the Work Session at 7:16 p.m.

City Clerk

Council President

City of Salisbury



MARYLAND



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

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

VACANT
ASSISTANT CITY ADMINISTRATOR

COUNCIL AGENDA

November 12, 2013

- | | |
|---|--------------|
| 1. Lease Services for Refuse Truck Contract RFP 01-14 | \$261,629.65 |
| 2. Purchase of Refuse Truck | \$247,062.93 |

City of Salisbury



JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
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VACANT
ASSISTANT CITY ADMINISTRATOR

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KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

MARYLAND

COUNCIL AGENDA

November 12, 2013

TO: Mayor and City Council

SUBJECT: Recommendation of Award Contract RFP 01-14
Escrow Lease Services

The Procurement Department received a request from the Internal Services Department to obtain lease services for one (1) replacement Refuse Truck which was approved by Council in the FY2014 budget.

The Procurement Department followed standard bid practices by advertising in the Daily Times, on the City of Salisbury's website, utilizing the City's vendor list, and advertising on the State of Maryland's website; eMaryland Marketplace. A total of five (5) vendors were sent bid packages with two (2) vendors submitting a bid by the due date and time, October 3, 2013 at 2:30 P.M., as noted below.

Vendor	7 Year Rate	Yearly Payment	7 Year Total Payments	Fee	7 Year Total	Prepayment Penalty
SunTrust	1.92%	\$37,339.95	\$261,379.65	\$250	\$261,629.65	102% of balance
BB&T	2.37%	\$37,822.58	\$264,758.06	0.00	\$264,758.06	101% of balance

The City has used SunTrust in the past for lease purchases and values them as a reputable vendor. There are sufficient funds to cover this lease purchase in account 32061-558600 "New Lease Payments"

After review of the submitted bid, the Procurement Department requests Council's approval to accept the bid as noted above from SunTrust. Additional details are noted in the department memo.

Thank you,

Jennifer L. Miller
Assistant Director of Internal Services-Procurement & Parking Division

City of Salisbury



MARYLAND



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

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

VACANT
ASSISTANT CITY ADMINISTRATOR

To: Tom Tengman, Acting Assistant Director of Internal Services-Procurement & Parking

From: Keith Cordrey, Director of Internal Services

Date: October 15, 2013

Re: Contract for Escrow Leases Services RFP 01-14

Under RFP 01-14, the Procurement Division requested proposals for lease funding for one (1) refuse truck. The analysis of the bid documents has been completed and the results appear in the Table below.

SunTrust has the best rate and the least cost over the life of the lease. The advantages of the lower cost, due to lower rate, offset the disadvantage of the prepayment penalty provision in the SunTrust lease.

The Department of Internal Services recommends awarding the bid to SunTrust; a 7 Year lease for refuse truck.

Table A- Summary

Item	GL Account	FY14 Budget*	Total Cost
Refuse Truck	32061-558600	\$41,896.00	\$261,379.65

*The FY14 Budget amount is that which is shown in MUNIS as available on 10/14/13. The SunTrust annual payment of \$37,339.95 for the 7 year lease is less than the funds budgeted for 32061-558600 for FY14 (\$41,896).

Table B – RFP Comparison

Vendor	7 Year Rate	Annual Payment	7 Year Payments	Fees	Total	Prepayment Penalty
SunTrust	1.92%	\$37,339.95	\$261,379.65	\$250	\$261,629.65	102% of balance
BB&T	2.37%	\$37,822.58	\$264,758.06	0.00	\$264,758.06	101% of balance

Approved: 
Keith A. Cordrey-Director of Internal Services

City of Salisbury



JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

VACANT
ASSISTANT CITY ADMINISTRATOR

MARYLAND

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SALISBURY, MARYLAND 21801
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KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA

November 12, 2013

TO: Mayor and City Council

SUBJECT: Recommendation for Acquisition
Refuse Truck

The City of Salisbury Internal Services Department-Procurement Division received a request from Salisbury Public Works to lease purchase a Refuse Truck. This memo supports the lease purchase of the Refuse Truck; the purchase price is \$247,062.93.

The City will use the National Joint Purchase Alliance (NJPA) Contract 060612-ESG with Mid-Atlantic Waste Systems of Easton, MD. The Procurement Division requests Council's approval to award the lease purchase of the Refuse Truck to Mid-Atlantic Waste Systems of Easton, MD, in the amount of \$247,062.93.

There are sufficient funds to cover this purchase in account number 86085-577025 "Vehicles", upon award of Escrow Lease RFP 01-14.

Additional details are noted in the Department memo.

Thank you,

Jennifer L. Miller
Assistant Director of Internal Services-Procurement & Parking

City of Salisbury



MARYLAND

Salisbury



2010

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

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR

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

To: Tom Tengman
Interim Assistant Director Internal Services
Procurement Division

From: Howard, Landon, Director of Operations

Date: Sept. 4, 2013

RE: Acquisition for New Refuse Truck- SAN-7

The Sanitations Department's approved FY2014 budget includes the purchase of a automated refuse truck at an estimated cost of \$250,000.00. The City has secured the funding in this amount for the project and the Sanitation Department is prepared to proceed with the acquisition of this vehicle.

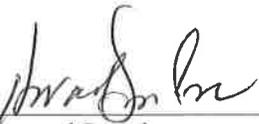
The new automated side loader would pick up trash daily, 90 & 330 gallon cans at residential and apartments complexes.

In the Salisbury Charter, Article XVI, Purchases and Sales; City Property Inventory of the City Charter, Section 16-3 A.(9) General policy of competitive bidding; exceptions provides for exceptions to the City's competitive bidding processes for contracts negotiated by another government agency. The City of Salisbury is currently piggy backing off of a NJPA awarded contract, Contract #060612-ESG.

Based on this information, we would like to request that a Purchase Transaction be initiated with Mid-Atlantic Waste Systems of Easton, MD, to complete the procurement of the new refuse truck for the purchase price of \$247,062.93. Funding for the project is available in the FY2014 Budget Account #32061-577025.

Project #: VEH0014

Should you have any questions or require additional information, please feel free to contact me immediately.



Howard Landon
Director of Operations

9-9-13

Date



Michael Moulds, P.E.
Director of Public Works

8/5/13

Date



PROPOSAL

Remittance Address
P.O. Box 64104
Baltimore, MD 21264-4104

Division of THC Enterprises, Inc.
Easton, MD * Baltimore, MD * Bedford, VA * Chesapeake, VA
Chester, PA * Clinton, MD * Cheswick, PA
Phone 800-338-7274 Fax 410-820-9916
Visit us on the web! www.mawaste.com

SOLD TO
Salisbury, City of
Ben Baker
500 Lake and Mack Street
Service Center
Salisbury, MD 21801

SHIP TO
Salisbury, City of
Ben Baker
500 Lake and Mack Street
Service Center
Salisbury, MD 21801

Quote #	RSSQ20714
Account	
Terms	
Date	08/29/13

410-548-3177

410-548-3177

Sales Rep Jack Mason

QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
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NJPA CONTRACT #060612-ESG, CITY OF SALISBURY MEMBERSHIP # 2425

1	Continuous Pack Automated Side Loader Rapid Rail 22 Cubic Yard Dump; 3.0 Cubic Yard Hopper, Self Cleaning; 96" Lift Reach; 1,600 lb Lift Capacity; Body Service Props; Tailgate Service Props; Fully Automatic Tailgate Latches; Grease Zerks - For Entire System Only; OIGAI Front Mount Tandem Vane Pump System; Lift Cylinders Cushioned Up & Down with Chrome Plated Rods; Chassis Frame Mounted Oil Tank with Level/Temperature Gauge & Oil Suction Shut-Off Valve; 3 Micron Return Line Filter with Magnetic Trap & In-Cab Filter Bypass Monitor; 140 Micron Suction Line Strainer; Fabric Guard Hose Protection for all High Pressure Hoses; In-Cab Packing Controls, Electric; Electric In-Cab Lift Controls, Rocker Style; Electric In-Cab Hoist Controls; Cortex Controller with InSight Diagnostic Display; In-Cab Tailgate Controls, Electric; In-Cab Function & Indicator Lights; Lift Reach Warning; Backup Alarm; Backup & License Plate Lights; Center Mounted Brake Light; Duplicate High & Low Mount Stop, Turn, & Tail Lights; Mid-Body Turn Signals; FMVSS #108 Clearance Lights & Reflectors; ICC Reflective Tape; Rear Mud Flap- Anti-Sail/Anti-Splash; Rear Underride Guard; Rear Camera Bracket & Flood Lights- Reverse Activated; Customer's Choice of One Color Finish Paint; Standard One (1) Year (2,000 Hours of Operation) Warranty; ANSI Z 245.1-1999 Compliant; Cavity Coat and Joint Sealer; Inside-body Front Closure; Outside Mounted Upper Packer Lube Line	\$106,977.60	\$106,977.60
1	New 2014 Peterbilt Model 320 Right Hand Drive X12 Engine: Cummins Paccar ISX12 Transmission: Allison Automatic 4500 RDS-P Front Axle: 20,000 lbs Rear Axle: 26,000 lbs Color: Gray	\$130,332.33	\$130,332.33
1	Universal Belt Grabbers with Spring Loaded Inner Arm- To Accommodate 90-300 Gallon Round Automated Barrels		
1	Full Factory Mount		
1	PB 10-02 Peterbilt chassis body builder harness		
1	Operate-in-gear-at-idle (OIGAI) Remote Mount Tandem Vane Pump with Transmission Driven, Constant Duty PTO		
1	Hopper & Lift Work Light Kit- Two Lights- In-Cab Switch		

QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
1	Peterson Multi-Function (SMART) LED Strobe / Turn Lamps- Includes LED Light Package for Entire Unit		
1	Strobe Light, Amber- In-Cab Switch- Mounted Mid Tailgate		
1	Dual High Pressure Filter Kit		
1	Continuously Welded Body Interior		
1	20 lb Fire Extinguisher with Bracket		
1	Customized Paint color - Paint Color Code NOT included in the ColorSmart Brochure		
1	Heil to add tow hooks to rear of unit		
1	Safety Vision Double Camera with Heaters & LCD Color Moinitor Camera 1 Location Mounted on Tailgate Facing Rear Camera 2 Location Hopper with Cage	\$2,573.00	\$2,573.00
1	Motorola CM200 VHF Moblie Radio/Antenna/Installed	\$925.00	\$925.00
1	Extended 5 year Trans Warranty	\$930.00	\$930.00
1	Extended 5 Year, 300,000 miles Engine Warranty	\$1,950.00	\$1,950.00
1	Extended 5 Year, 300,000 miles Engine Aftertreatment Warranty	\$825.00	\$825.00
1	Freight-Mounted Units Easton MD-Driveaway	\$2,550.00	\$2,550.00

Price includes one standard color paint. Additional charges will apply if not a standard color paint from paint brochure or a metallic paint.

All built per manufacturer's standard specifications.

No title or tag fees included.

Due to the volatility of the fuel and steel markets, prices are subject to change without notice.

Price does not include any local, state, or federal excise tax.

Approximate Delivery: 120-160 Days After Receipt of Signed Sales Order and Deposit (if applicable).

Price includes freight.

Terms: Net 30 Days

Subtotal	\$247,062.93
Federal Excise Tax	
Sales Tax	
TOTAL*	\$247,062.93

**total does not include optional items*

Memo

To: Tom Stevenson
Cc: Keith Cordrey
From: Jennifer Miller, Assistant Director of Internal Services-Procurement Division
Date: 11/6/2013
Re: City of Salisbury Procurement Preference for Veterans

Purpose: To establish a Veterans procurement preference for the City of Salisbury.

The State of Maryland has enacted a Veteran-Owned and a Disabled Veteran-Owned Small Business procurement preference.

Under the State Procurement Preference Program for Veteran-Owned Small Businesses (VOSBs) and Service-Disabled Veteran-Owned Small Businesses (SDVOSBs), these business types are allowed a price preference of up to 7% for certified VOSBs and up to 8% for SDVOSBs. This procurement preference does not preclude the City from continuing to maintain our “lowest most responsible and responsive” bid factors in determining bid award or rejection but serves as an additional layer to the current policy.

Example: If a non-preference business submits the low bid, a certified VOSB would nonetheless be awarded the contract if its bid does not exceed the low bid by more than 7% (or 8% for a SDVOSB).

The City would require the same certifications as the State to verify Veterans small business status. These certifications would include one or more of the following: registration as a small business with the Maryland DGS; currently verified and registered on www.VetBiz.gov; a copy of the DD Form 214; a copy of the Adjudication Letter from the U.S. Veterans Administration.

The attached and proposed Resolution for a Charter Amendment would add a Veterans preference to Section 2.32.050 Procedure for Competitive Bidding.

I have attached copies of FAQs and BPW Advisory No. 2009-3 to explain the State of Maryland Veteran Procurement Preference.

I have also attached a copy of our “responsible & responsive” section currently included in all of our bid documents.



BPW Advisory No.: 2009-3

Date: December 16, 2009

*Subject: PROCUREMENT – SMALL BUSINESS PRICE
PREFERENCE INCLUDING VETERAN-OWNED
SMALL BUSINESSES*

Effective: Immediately

*Martin O'Malley
Governor*

*Nancy K. Kopp
Treasurer*

*Peter Franchot
Comptroller*

*Sheila McDonald
Executive Secretary*

Purpose: To explain the Veteran-Owned and the Disabled Veteran-Owned Small Business procurement preferences.

Authority: State Finance and Procurement Article, §§14-201 and 14-206, Annotated Code of Maryland; COMAR 21.11.01.05.

Procurement Agencies That May Use the Preference: Agencies authorized to conduct small business preference procurements are the Department of Transportation, the Department of General Services, the Department of Public Safety and Correctional Services (only in connection with construction of a State correctional facility), the University System of Maryland and Morgan State University. When these agencies designate a procurement as a “small business preference,” the following applies.

Businesses That May Benefit From the Preferences: Small businesses are defined in COMAR 21.01.02.01. A small business must be certified by the Department of General Services to be eligible for award of small business preference procurements and small business reserve procurements. [This Advisory pertains to small business *preference* procurements; *see* BPW Advisory 2005-1 for information on small business *reserve* procurements.] A veteran-owned small business is a small business that is at least 51% owned and controlled by veterans. A disabled veteran-owned small business is a small business that is at least 51% owned and controlled by disabled veterans.

Note: State Law defines a veteran as one “who is domiciled in Maryland.” § 14-201, State Finance and Procurement Article. Veteran small business owners whose state of residence is other than Maryland may participate in a preference procurement only as a small business not as a veteran-owned or a disabled-veteran-owned small business.

The Preference: The using agencies may designate a procurement as a small business preference procurement. When that designation is made, the using agency must also establish the percentage preference to be applied. A certified small business is given up to a 5% base percentage preference. In addition to that base percentage preference, a veteran-owned small business receives up to another 2% preference, and a disabled-veteran-owned small business receives up

to 3%. In other words, the maximum percentage price preferences for designated small business preference procurements are 5% for certified small businesses; 7% for veteran-owned certified small businesses; and 8% for disabled veteran-owned certified small businesses.

Procedure:

Designation. Using agencies have discretion to designate which procurements will be conducted as small business preference procurements taking into account the availability of qualified, certified small businesses.

Solicitation. Once a using agency designates a small business preference procurement, the agency should directly solicit businesses listed in the DGS Small Business Directory, the federal VetBiz Registry (www.vip.vetbiz.gov), and the MDOT MBE Directory. Solicitation notices on *eMaryland Marketplace* must clearly state that the procurement is designated as “small business preference.”

Bid Evaluation. In a designated small business preference procurement, the procurement officer must accept the most favorable, responsive bid from a:

- ◆ Responsible, certified small business if the bid does not exceed the most favorable responsive bid price from a responsible bidder who is NOT a certified small business by more than 5% (or other price preference set by the agency).
- ◆ Responsible, certified veteran-owned small business if the bid does not exceed the most favorable responsive bid price from a responsible bidder who is NOT a certified small business by more than 7% (or other price preference set by the agency).
- ◆ Responsible, disabled-veteran-owned certified small business if the bid does not exceed the most favorable responsive bid price from a responsible bidder who is NOT a certified small business by more than 8% (or other price preference set by the agency).

Note: If the most favorable, responsive bid is submitted by a certified small business, and the second most favorable bid is from a veteran-owned or disabled-veteran-owned small business, the procurement officer applies the difference between the percentages (*i.e.*, 2% for veteran-owned small business and 3% for disabled veteran-owned small business).

Reporting Requirements: By September 30th annually, the Departments of General Services and Transportation and Morgan State University must report to the Board of Public Works and to the Legislative Policy Committee on the operation and effectiveness of the Preference Program in the previous fiscal year. The report must include data on participation by veteran-owned and disabled-veteran-owned small businesses.

Attachments: Attached is *Sample Solicitation Language*.

Questions concerning this Advisory may be addressed to:

*Mary Jo Childs, Procurement Advisor
Board of Public Works
410.260.7335
Fax: 410.974.5240
mchilds@comp.state.md.us*

*Bob Sharps, Director
Outreach and Advocacy
Maryland Department of Veterans Affairs
16 Francis Street, 4th Floor
Annapolis, MD 21401
bsharps@mdva.state.md.us*

Attachment to BPW Advisory 2009-3

The following language is recommended for the notice of solicitations designated as a Small Business Preference:



Designation This procurement has been designated as a Small Business Preference in accordance with Title 14, Subtitle 2, of the State Finance and Procurement Article of the Maryland Annotated Code. The preference percentages for this procurement are as follows:

- *State-certified, small business (not a veteran-owned or disabled-veteran-owned small business) _____% (not to exceed 5%)*
- *State-certified, veteran-owned small business _____% (not to exceed 7%)*
- *State-certified, disabled-veteran-owned small business _____% (not to exceed 8%)*

The procurement agency will accept the most favorable responsive bid from a responsible, certified small business if the bid does not exceed the most favorable responsive received from a bidder who is not a certified small business by more than the percentage(s) listed above.

Eligibility To be eligible for the preference, your company must have a current small business certification from the Maryland Department of General Services.

Small business size standards in Maryland are different than federal standards. You CANNOT substitute an SBA 8(a) certification or VetBiz verification for Maryland small business certification.

If your small business is eligible but not certified by the State, apply for certification on the Department of General Services website at www.smallbusinessreserve.maryland.gov and obtain a small business certification number.

State Law requires that the veteran business owner be domiciled in Maryland. There is no Maryland residency requirement for owners of small businesses participating in the Preference as small businesses without the veteran-owned or disabled-veteran-owned designation.

Required Information The bidder must provide the following to the procurement officer to prove eligibility for the preference:

- **Certified small business that is not veteran-owned or disabled veteran-owned:**
Provide the DGS small business certification number.

- **Veteran-owned certified small business:** Provide the DGS small business certification number **AND** a copy of the business owner's DD Form 214 attesting to discharge or release under conditions other than dishonorable.
- **Disabled-veteran-owned small business that is currently verified and registered on *www.VetBiz.gov*:** Provide the DGS small business certification number **AND** a copy of the letter from the U.S. Department of Veterans Affairs Verification Program showing your verification is current.
- **Disabled-veteran-owned small business that is NOT currently verified and registered on *www.VetBiz.gov*:** Provide the DGS small business certification number **AND** a copy of your DD Form 214 showing discharge or release under conditions other than dishonorable **AND** a copy of your Adjudication Letter from the U.S. Veterans Administration.

5. ACCEPTANCE OR REJECTION OF BIDS

5.1 Unless otherwise specified, the Contract will be awarded to the lowest most RESPONSIBLE and RESPONSIVE Contractor complying with the provisions of the Bid Documents, provided the price is reasonable and does not exceed the funds available, and is in the best interest of the City. The City reserves the right to reject any Bid Document from any Contractor who has previously failed to perform properly in any way or complete on time contracts of a similar nature; or a Bid Document from a Contractor who, investigation shows, is not in a position to perform the Contract; or a Bid Document from any person, firm, or corporation which is in arrears or in default to the City for any debt or contract.

5.1.1. In determining a Contractor's RESPONSIBILITY, the City may consider the following qualifications, in addition to price:

5.1.1.1. Ability, capacity, and skill to provide the commodities or services required within the specified time, including future maintenance and service, and including current financial statement or other evidence of pecuniary resources and necessary facilities;

5.1.1.2. Character, integrity, reputation, experience, and efficiency;

5.1.1.3. Quality of past and current performance on contracts, including a list of past and current contracts and other evidence of performance ability;

5.1.1.4. Previous and current compliance with laws and ordinances relating to contracts with the City and to the Contractor's employment practices;

5.1.1.5. Evidence of adequate insurance to comply with Contract Terms and Conditions;

5.1.1.6. Statement of current work load and capacity;

5.1.1.7. Explanation of methods to be used in fulfilling the Contract.

5.1.2. The Contractor, if requested, will be prepared to supply evidence of its qualifications, listed above, and its capacity to perform the Work; such evidence to be supplied within a specified time and to the satisfaction of the City.

5.1.3. In determining a Contractor's RESPONSIVENESS, the City will consider whether the Contractor's Bid Document conforms in all material respects to the City's Bid Documents requirements. The City reserves the right to waive any irregularities that may be in its best interest to do so.

5.2 The City will have the right to reject any and all Bid Documents, or where applicable to accept in whole or in part, to add or delete quantities, to waive any informalities or irregularities in the Bid Documents received, to reject a Bid Document not accompanied by required bid security or other data required by the Bid Documents, and to accept or reject any Bid Document which deviates from the specifications when it is in the City's best interest. Irrespective of any of the foregoing, the City will have the right to award the Contract in its own best interests.

5.3 City personal property taxes must be on a current basis. If any such taxes are delinquent, they must be paid before Contract award. Failure to pay will result in the Contract award to another Contractor.

VETERAN-OWNED SMALL BUSINESS PREFERENCE IN MARYLAND FREQUENTLY ASKED QUESTIONS

What is the Veteran-Owned Business Preference?

Governor O'Malley signed a bill into law establishing Maryland's Procurement Preference Program for Veteran-Owned Small Businesses (VOSBs) and Service-Disabled Veteran-Owned Small Businesses (SDVOSBs). The Law was effective as of October 1, 2008. The Law establishes a percentage price preference of up to 7% for certified VOSBs and up to 8% for SDVOSBs. The VOSB and SDVOSB certification is restricted to veterans domiciled in Maryland.

How is Maryland's Program different from the Federal Program for service-disabled, veteran-owned small business?

There are many differences between the Programs:

- *The small business size standards are different.*

Maryland Law defines a small business as..."a business, other than a broker, which meets the following criteria:

- (a) It is independently owned and operated;
- (b) It is not a subsidiary of another firm;
- (c) It is not dominant in its field of operation;
- (d) Its wholesale operations did not employ more than 50 persons, and its gross sales did not exceed an average of \$4,000,000 in its most recently completed 3 fiscal years;
- (e) Its retail operations did not employ more than 25 persons and its gross sales did not exceed an average of \$3,000,000 in its most recently completed 3 fiscal years;
- (f) Its manufacturing operations did not employ more than 100 persons, and its gross sales did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;
- (g) Its service operations did not employ more than 100 persons, and its gross sales did not exceed an average of \$10,000,000 in its most recently completed 3 fiscal years;
- (h) Its construction operations did not employ more than 50 persons, and its gross sales did not exceed an average of \$7,000,000 in its most recently completed 3 fiscal years; and
- (i) Its architectural and engineering services did not employ more than 100 persons, and its gross sales did not exceed an average of \$4,500,000 in its most recently completed 3 fiscal years." COMAR 21.01.02.01(B)(80)

Maryland regulations are available online at <http://www.dsd.state.md.us/comar>.

- *Maryland expanded the Program to include veteran-owned small businesses as well as service-disabled veteran-owned small businesses.*
- *The Maryland Program is a procurement price preference unlike the Federal Program which is a procurement set-aside.*

Under Maryland's Law, certified VOSBs and SDVOSBs compete for State contracts along with businesses that are not certified small businesses (non-preference businesses). If a non-preference business submits the low bid, a certified VOSB would nonetheless be awarded the contract **if its bid does not exceed the low bid by more than 7%.¹** If a non-preference business submits the low bid, a certified SDVOSB would nonetheless be awarded the contract **if its bid does not exceed the low bid by more than 8%.**

If I am registered with the Federal Government's VETBIZ (The Center for Veterans Enterprise Web Portal), do I also have to register with the State of Maryland?

Yes. Since Maryland's small business size standards are different than the Federal Program, you must register as a small business on the Maryland Department of General Services' website.

<https://www.smallbusinessreserve.maryland.gov>

Before you register, double check to make sure your business falls within Maryland small business size standards found in COMAR 21.01.02.01(B)(80).

It is important to note that the small business certification also enables your business to participate in the State's Small Business Reserve Program. The Reserve Program requires certain State agencies to structure their contracts so that at least 10 percent of their total procurement dollars for goods, supplies, services, maintenance, construction, construction-related services, architectural service, and engineering go to certified small businesses. The State paid \$131 million to Small Business Reserve businesses in FY 2008.²

After I register as a small business on the DGS website, am I done? Can I start bidding on Preference Procurements immediately?

Yes. But each time you bid, you must submit the following documentation with your bid.

If you are currently verified and registered on www.VetBiz.gov - A copy of the letter from the U.S. Department of Veterans Affairs Verification Program showing your verification is current.

If you are bidding as a VOSB but are not registered on VetBiz – a copy of your DD Form 214 showing discharge or release under conditions other than dishonorable.

If you are bidding as a SDVOSB but are not registered on VetBiz - a copy of your DD Form 214 showing discharge or release under conditions other than dishonorable AND a copy of your Adjudication Letter from the U.S. Veterans Administration.

¹ Low bid is not the sole determining factor for award. See COMAR 21.05.02.13

² Fiscal Year 2008 Small Business Reserve Report, Governor's Office of Minority Affairs

Make sure to maintain your State small business certification. Like the Federal Program, annual recertification is required.

How do I find out about State procurements that are subject to the Preference?

Whether or not your business is eligible for certification as a VOSB or SDVOSB, you should register your company as a vendor on eMaryland Marketplace. It's free, and you will have access to State bidding opportunities for procurements over \$15,000. You can register at

<https://ebidmarketplace.com>

If your business is certified as a VOSB or SDVOSB, check the solicitation notices for those State agencies authorized to participate in the Preference Program. The solicitation notices will state whether the procurement is subject to the Preference.

Who can I talk with if I have more questions?

The Maryland Department of General Services is responsible for the small business certification program.

Department of General Services
Small Business Reserve Program
301 West Preston Street , Room M-3
Baltimore , Maryland 21201
e-mail at sbadmin@dgs.state.md.us .
Phone: 410-767-4270

The Maryland Department of Veterans Affairs is available to help with questions on the many programs available to Maryland's veterans including your status as a service-disabled veteran.

Robert C. Sharps (Bob)
Director, Outreach and Advocacy
16 Francis Street, Fourth Floor
Annapolis, Maryland 21401
E mail: bsharps@mdva.state.md.us

General procurement questions may be directed to the Board of Public Works.

Board of Public Works of Maryland
Mary Jo Childs, Procurement Advisor
80 Calvert Street, Room 117
Annapolis, Maryland 21401
E mail: mchilds@comp.state.md.us
Phone: (410) 260-7335; toll-free number 1-877-591-7320.

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CITY OF SALISBURY

CHARTER AMENDMENT NO. 2348

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A RESOLUTION TO AMEND THE CHARTER OF THE CITY OF SALISBURY, MARYLAND BY ESTABLISHING A SMALL BUSINESS, INCLUDING VETERAN-OWNED SMALL BUSINESSES AND SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESSES, PROCUREMENT PREFERENCE TO THE CHARTER OF THE CITY OF SALISBURY UNDER § SC16-3.

WHEREAS, the Charter of the City of Salisbury may be amended as outlined in § SC21-1 and § SC21-2, which refers to Article 23A §§ 11-18 of the Maryland Annotated Code; and

WHEREAS, the State of Maryland has enacted a Veteran-Owned and Service-Disabled Veteran-Owned Small Business procurement preference pursuant to the State Finance and Procurement Article, §§ 14-201 and 14-206, Annotated Code of Maryland; COMAR 21.11.01.01; and

WHEREAS, the City of Salisbury has concluded that it is in the best interests of City residents to offer procurement preferences to Veteran-Owned and Service-Disabled Veteran-Owned Small Businesses; and

WHEREAS, the City of Salisbury wishes to grant Veteran-Owned and Service-Disabled Veteran-Owned Small Businesses procurement preference in the competitive bidding procedure.

NOW, THEREFORE, be it resolved by the City Council of the City of Salisbury, that Article XVI of the Charter be amended as follows:

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27

ARTICLE XVI Purchases and Sales; City Property Inventory

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§ SC16-3. General policy of competitive bidding; exceptions.

B. Contracts shall be let to the lowest evaluated and best bid in the case of purchases, or the highest and best bid in the case of sales, except that the city in every instance shall reserve the right to reject any or all bids, waive any irregularities and

31 make the award in the best interests of the city. [Added in 1962 by Res. No. 11* as
32 Sec. 144C; Amended 6-3-63 by Res. No.21**; Amended 2-14-00 by Res. No. 693]

33 C. Procurement Preference for Certified Small Businesses, Veteran-Owned
34 Small Businesses (VOSBs) and Service-Disabled Veteran-Owned Small Businesses
35 (SDVOSBs).

36 (1.) Establish a percentage price preference of up to 5% for Certified
37 Small Businesses, up to 7% for Certified VOSBs and up to 8% for Certified SDVOSBs.

38 (2.) Small businesses are as defined in Annotated Code of Maryland;
39 COMAR 21.01.02.01(B)(80), and must be certified by the Department of General
40 Services (DGS) to be eligible for this program.

41 (3.) The VOSB and SDVOSB certification is restricted to veterans
42 domiciled in Maryland; to be eligible for the program, VOSBs and SDVOSBs must be
43 certified as a small business by the DGS and provide the owner's DD Form 214
44 attesting to discharge or release under conditions other than dishonorable and, for
45 SDVOSB, provide either a copy of the U.S. Department of Veterans Affairs verification
46 letter showing current verification or a copy of the Adjudication letter from the U.S.
47 Veterans Affairs.

48
49 **AND BE IT FURTHER RESOLVED** by the City Council of the City of Salisbury that
50 this Resolution take effect fifty (50) days from and after the date of its final passage, subject to
51 the right of referendum, and that its provisions shall be implemented on the ____ day of
52 _____, 2013. The City Clerk is hereby authorized to proceed with the posting and
53 publication of this Resolution pursuant to the requirements of Article 23A of the Annotated Code
54 of Maryland.

55 This Resolution was introduced, read, and passed at a meeting of the Salisbury City
56 Council held on the _____ day of _____, 2013.

57 .
58
59 ATTEST:
60

61
62
63

Kimberly R. Nichols, City Clerk

Jacob R. Day, City Council President

This Public Notice was published in the Daily Times on November 4, 2013

NOTICE

The Council of the City of Salisbury will consider a Charter Resolution to amend the City Charter of the City of Salisbury, Maryland by establishing a small business, including veteran-owned small businesses and service-disabled veteran-owned small businesses, procurement preference to the Charter of the City of Salisbury under § SC16-3 at the **November 12, 2013 Legislative Session, which begins at 6:00 p.m.**

Contact City Clerk at 410-548-3140 for more information.

KTD-0000690624

phy 11/4, '13

AS AMENDED ON OCTOBER 28, 2013
ORDINANCE NO. 2263

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY 14 GENERAL FUND BUDGET REVISING POSITIONS.

WHEREAS, the Finance department has determined position changes are needed to procure and retain qualified staff;

WHEREAS; the position changes effected in this ordinance are estimated to result in minimal or no additional cost to the city and do not require additional salary appropriations for FY14 Budget; and

WHEREAS, the details of the concerns the position changes address, and the advantages which are expected to result, are found in the presentation booklet provided with this ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND THAT THE City's Fiscal Year 2014 General Fund Budget be and hereby is amended to include the following position changes:

No	Action	From Position	To Position	Old Grade	New Grade
1	Delete	Assistant Director Finance	NA	11	NA
2 -1	Reclassify	Accountant	Assistant Director Finance Operations	10	13
3 -2	Reclassify	Accountant	Assistant Director Finance Accounting	10	13
4 3	Reclassify	Payroll Clerk	Payroll Accountant I/or Payroll Accountant II	5	8/10
5 4	Reclassify	Account Clerk II	Revenue Clerk II	5	7
6 5	Add	NA	Revenue Clerk I Collections	NA	2

Position Title Changes (no grade revisions):

No	From	To
1	Chief Account Clerk	Utility Billing Supervisor
2	Account Clerk II	Utility Billing II
3	Account Clerk I	Utility Billing I/EMS
4	Account Clerk II	Revenue Clerk II
5	Account Clerk I	Accounts Payable II
6	Account Clerk I	Revenue Clerk I - Parking

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this 28th day of October 2013, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the ____ day of _____, 2013...

ATTEST:

Kimberly R. Nichols, City Clerk

Jacob R. Day, President
Salisbury City Council

APPROVED BY ME THIS ____ day of _____, 2013.

James Ireton, Jr., Mayor

1 AS AMENDED ON OCTOBER 28, 2013

2 ORDINANCE NO. 2265

3
4 AN ORDINANCE OF THE CITY OF SALISBURY AMENDING CHAPTER 15.27
5 PROPERTY MAINTENANCE HABITUAL OFFENDER OF THE SALISBURY MUNICIPAL
6 CODE. THESE AMENDMENTS STRENGTHEN THE ORIGINAL LEGISLATION BY
7 LOWERING THE THRESHOLD BY WHICH A PROPERTY OWNER CAN BE
8 DESIGNATED A CHRONIC NUISANCE PROPERTY OWNER.

9 WHEREAS, the Mayor and City Council have requested that the Department of
10 Neighborhood Services and Code Compliance periodically review Chapter 15.27; and

11 WHEREAS, the ongoing application, administration and enforcement of Chapter 15.27,
12 demonstrates a need for its periodic review, evaluation and amendment to keep the chapter
13 current; and

14 WHEREAS, the Department of Neighborhood Services and Code Compliance does
15 recommend approval of these proposed code changes.

16 NOW, THEREFORE, be it enacted and ordained by the City Council of the City of
17 Salisbury, Maryland, that Chapter 15.27 be amended as follows:

18 Chapter 15.27

19 PROPERTY MAINTENANCE ~~HABITUAL OFFENDER~~ CHRONIC NUISANCE
20 PROPERTY

21
22
23 Sections:

24 15.27.010 Scope.

25 15.27.020 Definitions.

26 15.27.030 ~~Non rental dwelling units~~ Property.

27 15.27.040 ~~Rental dwelling units~~ Transfer of ownership.

28 15.27.050 Civil offense.

29 15.27.060 Appeal.

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37 15.27.070 Violations – penalties.

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15.27.010 Scope.

The provisions of this chapter govern procedures for owners of property in the city who violate provisions of the Housing Code repetitively in a ~~twenty-four (24)~~ twelve (12) month period.
(Ord. 1900 (part), 2004)

15.27.020 Definitions.

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

~~“Dwelling unit” means a single unit providing living facilities for one or more persons, including permanent provision for living, sleeping and sanitation.~~

“Call for Service” means an inspection (upon receipt of a complaint or discovered during routine patrol) performed by the Department of Neighborhood Services and Code Compliance (NSCC) which results in the issuance of a notice of violation, corrective action letter or municipal citation.

~~“Habitual offender” “Chronic nuisance property owner” means any person owning one dwelling unit, a property within the city limits, who shall pay a fine assessed by the department of building, housing and zoning or be found guilty of violating Chapter 15.24 or Title 17 on three separate occasions within a twenty four (24) month period, that generates five (5) or more of the following events in any combination within the same calendar year with regard to one property: a call for service to the Department of Neighborhood Services and Code Compliance (NSCC), the payment of a fine assessed by NSCC or a finding of guilt for violating Chapters 15.24, 15.26 or Title 17.~~

~~“Person” means any individual, partnership, firm, corporation, association or other legal entity of whatsoever kind and nature.~~

~~“Rental” means leasing or allowing occupancy or usage of a dwelling unit, either directly or by an agent, inconsideration of value, including personal services, paid or tendered to or for the use or benefit of the lessor.~~

“Property” means any parcel of land, developed or undeveloped, improved or unimproved, within the city limits.

15.27.030 Nonrental dwelling units Property.

A. ~~The owner of a nonrental dwelling unit any property who that becomes an habitual offender chronic nuisance property shall be subject to inside and outside inspection of the dwelling unit by the housing official permit the housing official to perform a full comprehensive inspection of the chronic nuisance property at least two (2) times during the twelve (12) months following the chronic nuisance property designation on a schedule to be determined by NSCC~~

84 ~~and shall be assessed a fee to be set by ordinance. The dwelling unit shall receive an annual~~
85 ~~inspection, at a minimum, during each of the next five years for a fee to be determined by~~
86 ~~resolution of the council from time to time.~~

87
88 B. ~~After an owner of a nonrental dwelling unit becomes an habitual offender, all fines~~
89 ~~levied under Chapter 15.24 or Title 17 for the dwelling unit shall be tripled until the habitual~~
90 ~~offender designation is removed. a property is designated as a chronic nuisance property, the~~
91 ~~owner shall be guilty of a municipal infraction and shall be issued a fine in the amount of~~
92 ~~\$500.00 (five hundred dollars) pursuant to Chapter 15.~~

93
94 C. ~~After completion of five consecutive annual two (2) inspections with no violations~~
95 ~~under Chapter 15.24, 15.26 or Title 17, then the habitual offender chronic nuisance property~~
96 ~~designation shall terminate for that the owner of a nonrental dwelling unit that property. If~~
97 ~~violations under Chapter 15.24, 15.26 or Title 17 continue, the habitual offender chronic~~
98 ~~nuisance property designation shall continue for that the owner of the nonrental dwelling~~
99 ~~unit property until such time as a twelve (12) month period with no violation occurs.~~

100
101 D. ~~If ownership of the property owner changes, the designation will be removed after the~~
102 ~~new owner corrects all violations of Chapter 15.24, 15.26, and Title 17 of the City code, and the~~
103 ~~property is inspected and found to have no violations. The owner must also pay the inspection~~
104 ~~fee set by ordinance. Proof of change of ownership must be submitted in writing.~~

105
106 ~~D. E. If the full amount of the inspection fees due to the city regarding a particular~~
107 ~~property are not paid by the owner within thirty (30) days after billing, then the housing official~~
108 ~~shall cause to be recorded in the finance office for the city a sworn statement showing the~~
109 ~~amount of fees due and the. All fees shall be a lien on the property, collectible in the same~~
110 ~~manner as real estate city taxes are collected.~~

111 (Ord. 1974 (part), 2005; Ord. 1900 (part), 2004)

112 113 **15.27.040 Rental dwelling units Transfer of Ownership.**

114
115 A. ~~1. After an owner of a rental dwelling unit becomes an habitual offender, all fines~~
116 ~~levied under Chapter 15.24 or Title 17 for that dwelling unit shall be tripled until the~~
117 ~~habitual offender designation is removed.~~

118 ~~2. After an owner of a rental dwelling unit becomes an habitual offender, the~~
119 ~~occupancy of that dwelling unit by unrelated persons shall, in appropriate zones, be~~
120 ~~permanently reduced to two unrelated persons, not including the children of either of~~
121 ~~them.~~

122 B. ~~1. A license shall be required for a rental dwelling unit which is the subject of the~~
123 ~~habitual offender designation for a fee of five hundred dollars (\$500.00). The license~~
124 ~~and license fee shall be required for five consecutive years, unless the rental dwelling~~
125 ~~unit changes ownership to a legal entity which is not owned or controlled by the~~
126 ~~habitual offender and the new owner corrects all violations of Chapter 15.24 or Title~~
127 ~~17, or the dwelling unit receives five annual inspections with no violations of Chapter~~
128 ~~15.24 or Title 17. The habitual offender designation then terminates for that owner of~~
129 ~~the rental dwelling unit. If violations under Chapter 15.24 or Title 17 continue, then~~

130 the habitual offender designation shall continue for that owner of the rental dwelling
131 unit.

132 —2. ~~If violations under Chapter 15.24 or Title 17 continue for one year after the~~
133 ~~habitual offender designation, then the owner's license under Section 15.26.040 shall~~
134 ~~be revoked for the subject rental dwelling unit, and the owner shall give sixty (60)~~
135 ~~days' notice to vacate to the tenants of that rental dwelling unit. Any security deposit~~
136 ~~shall be returned pursuant to the provisions of Real Property Article, Title 8,~~
137 ~~Annotated Code of Maryland. The owner of the rental dwelling unit may correct all~~
138 ~~violations of Chapter 15.24 or Title 17 and after inspection and payment of a one~~
139 ~~thousand dollars (\$1,000.00) fee to the city, the owner's license for that rental~~
140 ~~dwelling unit shall be reinstated.~~

141 C. ~~The owner of a rental dwelling unit who becomes an habitual offender shall be~~
142 ~~subject to inside and outside inspection of the dwelling unit by the housing official.~~
143 ~~The dwelling unit shall receive an annual inspection during each of the next five years~~
144 ~~for a fee to be determined by resolution of the council from time to time.~~

145 D. ~~If the full amount of the inspection and license fees due to the city are not paid by the~~
146 ~~owner within thirty (30) days after billing, then the housing official shall cause to be~~
147 ~~recorded in the finance office for the city a sworn statement showing the amount of~~
148 ~~fees due and the fees shall be collectible in the same manner as real estate taxes are~~
149 ~~collected.~~

150 (Ord. 1974 (part), 2005; Ord. 1960, 2005; Ord. 1900 (part), 2004)

151
152 In the event the chronic nuisance property owner transfers ownership of the subject
153 property to another person, the chronic nuisance property owner shall inform the housing
154 official, in writing, within five (5) business days after the transfer has occurred.

155
156 **15.27.050 Civil offense.**

157
158 Designation as ~~an habitual offender~~ the owner of a chronic nuisance property shall be a
159 civil offense and not a criminal offense.

160 (Ord. 1900 (part), 2004)

161 **15.27.060 Appeal.**

162
163 A. Any person wishing to appeal a determination of the Director of the Department of
164 Neighborhood Services and Code Compliance regarding the provisions of this chapter shall file a
165 written notice of appeal with the Department of Neighborhood Services and Code Compliance
166 within twenty-one (21) days after receipt of a notice sent pursuant to the provisions of this
167 chapter. The notice of appeal shall contain a statement of grounds for the appeal. The notice of
168 appeal shall be accompanied by a fee of one hundred dollars (\$100.00).

169
170 B. The Director of the Department of Neighborhood Services and Code Compliance shall
171 refer the appeal to the Housing Board of Adjustments and Appeals. The board shall meet
172 monthly, or more frequently at the call of the chair, to hear appeals. The board shall notify the
173 owner in writing of the time and place of the hearing, pursuant to the rules of the Housing Board
174 of Adjustments and Appeals.

175

176 C. When hearing appeals under this chapter, the board shall follow the procedures set
177 forth in Chapter 15.24 of the Salisbury Municipal Code.

178 D. If the board overturns the decision of the housing official, the owner shall be refunded
179 the one hundred dollar (\$100.00) appeal fee.

180 **15.27.070 Violations – Penalties.**

181 In addition to the fine imposed for the designation of a chronic nuisance property, an
182 owner in violation of any provision of this chapter shall be guilty of a municipal infraction for
183 each violation and shall be subject to a fine not to exceed five hundred dollars (\$500.00) per
184 violation. Each day a violation remains uncorrected, it is a separate violation subject to an
185 additional citation and fine.
186 (Ord. No. 2163, 7-25-11)

187

188 AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY,
189 MARYLAND, that the Ordinance shall take effect upon final passage.

190

191 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of

192 Salisbury held on the 28th day of October, 2013 and thereafter, a statement of the substance of

193 the ordinance having been published as required by law, in the meantime, was finally passed by

194 the Council on the ___ day of _____, 2013.

195 ATTEST:

196

197 _____
198 Kimberly R. Nichols, City Clerk

Jacob R. Day, City Council President

199

200

201

202 Approved by me, this _____ day of _____, 2013.

203

204

205

206 _____
207 James Ireton, Jr.,
Mayor

ORDINANCE NO. 2266

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY 14 GENERAL FUND BUDGET TO ADJUST THE CITY’S PAY PLAN WITH NEW RATES ASSIGNED TO GRADES AND STEPS.

WHEREAS, the City engaged Evergreen Solutions to consult with the City in order to determine appropriate rates assigned to grades and steps; and

WHEREAS; the Human Resource department used the study and collaborated with department heads in order to formulate a new pay plan with revised rates for grades and steps; and

WHEREAS, the details of the new recommended pay plan are attached;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND THAT THE City’s Fiscal Year 2014 General Fund Budget be and hereby is amended to include the pay plan detailed in the following pages and the new pay plan will be effective on January 11, 2014.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this 28th day of October 2013, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the ____ day of _____, 2013.

ATTEST:

Kimberly R. Nichols, City Clerk

Jacob R. Day, President
Salisbury City Council

APPROVED BY ME THIS ____ day of _____, 2013.

James Ireton, Jr., Mayor

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ORDINANCE NO. 2267

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY 14 GENERAL FUND BUDGET TO ADJUST POSITION GRADE ASSIGNMENTS.

WHEREAS, the City engaged Evergreen Solutions to consult with the City in order to determine appropriate pay grades assigned to positions; and

WHEREAS; the Human Resource department used the study and collaborated with department heads in order to assign the appropriate grade to positions; and

WHEREAS, the positions which required a new grade are detailed in the schedule attached herein; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND THAT THE City's Fiscal Year 2014 General Fund Budget be and hereby is amended to include the position grade assignments detailed in the following pages effective on January 11, 2014.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this 28th day of October 2013, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the ____ day of _____, 2013.

ATTEST:

Kimberly R. Nichols, City Clerk

Jacob R. Day, President
Salisbury City Council

APPROVED BY ME THIS ____ day of _____, 2013.

James Ireton, Jr., Mayor

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ORDINANCE NO. 2268

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY 14 GENERAL FUND, WATER SEWER FUND, AND PARKING BUDGETS TO APPROPRIATE FUNDS TO COVER INCREASES IN EMPLOYEE COMPENSATION.

WHEREAS, the City engaged Evergreen Solutions to consult with the City in order to determine appropriate pay grades assigned to positions and a new pay plan; and

WHEREAS; the Human Resource department used the study and collaborated with department heads in order to assign the appropriate grade to positions and formulate a new pay plan; and

WHEREAS, the recommended changes require an increase in personnel cost in order to fund the changes effective January 11, 2014; and

WHEREAS, the City's FY2014 budget does not contain appropriations sufficient to cover this expense.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND THAT THE City's Fiscal Year 2014 General Fund Budget is hereby amended to include the following increases:

	Increase Amount
City Council / City Clerk Dept.	1,832.56
Mayor's Office/Community Promotions Dept.	12,318.27
Internal Services Dept.	13,562.44
Information Technology Dept.	5,209.76
Police Dept.	67,192.49
Fire Dept.	34,406.57
Building Permits & Inspections Dept.	4,554.17
Neighborhood Services Dept.	9,742.28
PW-Traffic Control Dept.	4,633.18
PW-Resource Management Dept.	3,687.67
PW-Engineering Dept.	11,023.25
PW-Streets and Lighting Dept.	16,561.88
PW-Sanitation Dept.	22,648.45
PW-Fleet Management Dept.	3,910.34
PW-Carpenter Shop Dept.	1,090.61
PW-Recreation and Culture Dept.	19,627.17
Current Year Surplus (01000-469810)	232,001.09

1
2 NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF
3 SALISBURY, MARYLAND THAT THE City's Fiscal Year 2014 Parking Fund Budget is hereby amended to
4 include the following increases:
5

	Increase Amount
Parking Fund	2,234.00
Current Year Surplus (10100-469810)	2,234.00

6
7 NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF
8 SALISBURY, MARYLAND THAT THE City's Fiscal Year 2014 Water Sewer Fund Budget is hereby amended
9 to include the following increases:
10

	Increase Amount
Water Fund	28,221.50
Sewer Fund	113,119.74
Current Year Surplus (60100-469810)	141,341.24

11
12 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on
13 this 28th day of October 2013, and thereafter, a statement of the substance of the Ordinance having been published
14 as required by law, was finally passed by the Council on the ____ day of _____, 2013.
15

16 **ATTEST:**

17
18 _____
19 Kimberly R. Nichols, City Clerk

Jacob R. Day, President
Salisbury City Council

20
21
22
23 APPROVED BY ME THIS ____ day of _____, 2013.
24

25 _____
26 James Ireton, Jr., Mayor
27
28

Memorandum

To: Tom Stevenson, Interim City Administrator

From: William T. Holland

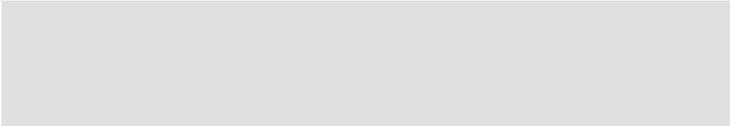
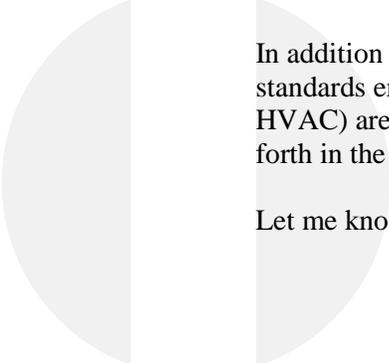
Date: 11/6/2013

Re: 2012 Energy Conservation Code

Tom, attached is an ordinance replacing the 2009 International Energy Conservation Code (IECC) with the 2012 IECC. The purpose of updating the IECC is that the state of Maryland is mandating that all municipalities/counties to comply with minimum state energy requirements for new structures and existing structures that are altered or enlarged which affects the building thermal envelope, mechanical systems and lighting.

In addition to recommending the changes to the energy code, I'm recommending to adopt standards ensuring that mechanical systems (Heating, Ventilation, Air Conditioning, HVAC) are installed, sized correctly, and designed in conjunction with the standards set forth in the 2012 IECC.

Let me know if you have any questions.



1 **CITY OF SALISBURY**

2 **ORDINANCE NO. 2269**

3
4 AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION
5 15.040.010 OF CHAPTER 15.04 BUILDING CODE OF THE SALISBURY MUNICIPAL
6 CODE TO UPDATE THE REFERENCE TO THE INTERNATIONAL ENERGY
7 CONSERVATION CODE TO THE 2012 EDITION.

8 **WHEREAS**, the ongoing application, administration and enforcement of Chapter 15.04,
9 Building Code, of the Salisbury Municipal Code, demonstrates a need for its periodic review,
10 evaluation and amendment to keep Chapter 15 current; and

11 **WHEREAS**, the Mayor and City Council may amend Chapter 15, Building Code,
12 pursuant to the authority granted in SC 2-15 of the Salisbury City Charter and § 12-501, et seq.
13 of the Public Safety Article, Maryland Annotated Code and related COMAR regulations; and

14 **WHEREAS**, the Mayor and City Council have requested that the Department of
15 Building, Permits and Inspections periodically review Chapter 15 in light of existing building
16 trends and practices and code updates; and

17 **WHEREAS**, the Department of Building, Permits and Inspections does recommend
18 approval of the proposed code changes.

19 **NOW, THEREFORE**, be it enacted and ordained by the Council of the City of
20 Salisbury, Maryland, that Section 15.040.010 be amended as follows:

21 **Chapter 15.04**

22 **BUILDING CODE**

23
24
25 **15.040.010 Adoption of Standard Codes.**

26
27 The City of Salisbury adopts the following Standard Codes:

- 28
29 A. International Building Code (2009) (IBC);
30 B. International Residential Code (2009) (IRC);
31 C. International Energy Conservation Code (~~2009~~ 2012 edition)
32 D. International Mechanical Code (2006);
33 E. International Existing Building Code (2009);
34 F. Maryland Accessibility Code;
35 G. National Electric Code (2009);

36 H. National Fire Protection Association 101 Life Safety Code, 2009, including state
37 modifications.
38

39 AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY
40 OF SALISBURY, MARYLAND, that the Ordinance shall take effect January 1, 2013.
41

42 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of
43 Salisbury held on the _____ day of _____, 2013 and thereafter, a statement of the
44 substance of the ordinance having been published as required by law, in the meantime, was
45 finally passed by the Council on the ___ day of _____, 2013.

46 ATTEST:
47

48 _____
49 Kimberly R. Nichols, City Clerk

Jacob R. Day, City Council President

50
51
52
53 Approved by me, this _____ day of _____, 2013.
54
55

56 _____
57 James Ireton, Jr., Mayor

City of Salisbury



JAMES IRETON, JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR



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

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

MARYLAND

To: Tom Stevenson, Acting City Administrator
From: Mike Moulds, Director
Amanda Pollack, Deputy Director
Date: October 24, 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 code changes were discussed at the July 15, 2013 and October 21, 2013 work sessions. 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. Public Works will work with Internal Services on the process to alert the Bulk Pick-Up crew as to what items have been paid for.

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

If refuse containers are in disrepair and are unusable, then the customer will receive a notice to replace their container within thirty days.

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, shrink wrap, or another non-permeable material, such as trash bags. Specialized shrink wrap does not need to be purchased. Residents can tape together trash bags to achieve the desired effect.

- **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. Additionally, the service charge amount for returning a refuse container was increased. The fines for scavenging and improper placement of containers was kept at \$25. All other municipal infractions are based on severity of the offense and range from \$100 to \$500 based on the discretion of the person issuing the municipal infraction.

- **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. (F.)**

The City provides the blue recycling bins.

Attached is an Ordinance which identifies the code modifications and additions. Unless you or the Mayor has further questions, please forward a copy of this memo to the City Council.

1 | **ORDINANCE NO. 2270**_____

2
3 AN ORDINANCE OF THE CITY OF SALISBURY MODIFYING THE LANGUAGE OF THE
4 GARBAGE, RUBBISH AND REFUSE CODE IN ACCORDANCE WITH CHAPTER 8.16 OF
5 THE CITY CODE.

6
7 WHEREAS, the City established the Garbage, Rubbish and Refuse Code in Chapter 8.16 of the
8 City Code by passage of Ordinance No. 1874 in 2003; and

9
10 WHEREAS, the City acknowledges that the Code should be updated to reflect current operations
11 and requirements for City garbage collection services; and

12
13 WHEREAS, the City seeks to eliminate the terminology for rubbish and define yard waste; and

14
15 WHEREAS, the Director of Public Works provided the City Council a recommendation of the
16 proposed modifications to Chapter 8.16 at the July 15, 2013 and October 21, 2013 City Council
17 work sessions.

18
19 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
20 SALISBURY, MARYLAND that Chapter 8.16 be modified and additional sections added as
21 follows:

22
23 **Chapter 8.16**

24
25 **GARBAGE, RUBBISH YARD WASTE AND REFUSE**

26
27 Sections:

28 **8.16.010 Definitions.**

29 **8.16.020 Service standards for residential properties.**

30 **8.16.030 Service standards for nonresidential properties.**

31 **8.16.040 Applicable regulations for private collection.**

32 ~~**8.16.050 Scavenging--Special collections of recyclable materials.**~~

33 **8.16.060 Collection rules and regulations.**

34 **8.16.070 Special sanitary provisions.**

35 **8.16.080 Violations--Penalties.**

36 **8.16.090 Monthly disposal fee.**

37 ~~**8.16.100 Recycling in the multi-family sector.**~~

38
39 **8.16.010 Definitions.**

40
41 As used in this chapter, the following terms shall have the meanings indicated:

42
43 "Ashes" means the solid residue of the combustion of solid fuels used in heating or
44 cooking as occurring in households.

45
46 ~~"Cartons" and "boxes" means containers of such size as to be difficult to dispose of in an
47 approved container by virtue of size, shape or construction.~~

48
49 "Garbage" means the waste materials from normal household living conditions, including

50 waste foodstuffs of vegetable or animal origin, paper products, fabrics, plastic and metal
51 containers, bottles, crockery and other similar materials, free of hazard of explosion,
52 conflagration or hazard to collection personnel.

53
54 “Hazardous Waste” is any waste material, including “Garbage,” derived from a
55 household that would be listed as Hazardous Waste under the Resource Conservation and
56 Recovery Act, but for the fact that the waste is derived from a household. Household Hazardous
57 Waste may include but is not limited to: agricultural chemicals, cleaning agents and solvents,
58 paint, pesticides, and preservatives.

59
60 "Managing Authority" shall include a landlord, property manager, condominium
61 association board of directors, or any other person in charge of property located in the Multi-
62 Family Sector.

63
64 "Multi-Family Sector" includes all Residential Units intended for multiple-family use,
65 including, but not limited to, apartments, condominiums and other ownership arrangements
66 physically located in buildings joined together or situated in groups or clusters.

67
68 "Nonresidential Property" includes mixed-use properties which contain residential and
69 nonresidential uses within the same structure.

70
71 “Owner” is any person, agent, firm or corporation having a legal or equitable interest in
72 the property; or recorded in the official records of the sState, eCounty or eCity of Salisbury,
73 Maryland as holding title to the property; or otherwise having control of the property, including a
74 tenant, occupant, and guardian of the estate of any such person and the executor or administrator
75 of the estate of such person if ordered to take possession of real property by a court.

76
77 “Person” is an individual, corporation, partnership or any other group acting as a unit.

78
79 "Recyclable Materials" shall consist of such paper, metal, glass and plastic as shall be
80 designated suitable for recycling.

81
82 "Refuse" means ~~a combination of all of the items listed above to form a composite~~
83 residential type solid waste material. ~~solid waste accumulations of “Garbage” and “Yard Waste”~~
84 as defined herein.

85
86 "Residential Unit" shall consist of one of the following:

- 87
88 1. A single-family dwelling;
89
90 2. Each separate dwelling unit contained within a multiple-family building;
91 except that each rooming or boarding house, capable of occupancy by five
92 or more residents, regardless of the number of individual rooms contained
93 therein (provided that no room contains an independent cooking area)
94 shall be counted as two Residential Units.
95

96
97 "Rubbish" "Yard Waste" means garden, lawn, and tree trimmings; and leaves, ~~bricks,~~
98 ~~masonry and metal or wooden objects~~ which can be deposited in an approved container, or well
99 ~~as~~ tree and shrubbery limbs securely bundled in lengths not exceeding four feet in length and not
100 more than forty (40) pounds.

101 (Prior code § 81-1)

102 103 **8.16.020 Service standards for residential properties.**

104
105 A. It shall be the responsibility of the ~~department of public works~~ Department of
106 Public Works to provide a weekly collection of residential ~~refuse~~ Refuse.

107
108 B. Collection shall be rendered at the curb, roadside or City alley abutting the
109 residential property. Hardship cases due to advanced age, disability or infirmity, when confirmed
110 by the Sanitation Superintendent as designated by the Director of Public Works, may be afforded
111 the special service of Refuse container carryout. Under no circumstances shall public
112 ~~works~~ Public Works employees or agents shall not enter private property to collect ~~refuse~~ Refuse,
113 except as may be provided in this chapter noted above.

114
115 C. It shall be the responsibility of the ~~department of public works~~ Department of
116 Public Works to protect the property of residents from unnecessary damage or abuse resulting
117 from any ~~refuse~~ Refuse collection activity. Claims for damage to premises or containers must be
118 supported by ~~reasonable~~ sufficient evidence to receive consideration for replacement or
119 reimbursement.

120
121 D. The ~~city~~ City may, at its option, provide bulk collection service where residences
122 are concentrated in high-density ~~situations~~. In these cases, the appropriate management
123 ~~organization, community association, condominium association or the like~~ shall be officially
124 notified of the details of the service to be rendered. It shall be the responsibility of the ~~public~~
125 ~~works~~ Public Works department ~~Department~~ to make agreements with the appropriate
126 management organization for the placement of bulk containers on either public, private or
127 common ownership property. The standard of service shall be sanitary, and containers shall be
128 maintained in a non-offensive manner.

129
130 E. Nothing in this chapter shall preclude the provision of contractual collection
131 services as opposed to collection by municipal employees and equipment.

132
133 F. The ~~city~~ City assumes no responsibility for collection of ~~refuse~~ Refuse ~~and rubbish~~
134 from ~~nonresidential~~ Nonresidential property Property. ~~The term "nonresidential property" shall~~
135 ~~include mixed-use properties which contain residential and nonresidential uses within the same~~
136 ~~structure.~~ Notwithstanding the above, the ~~city~~ City may assume responsibility for collection of
137 ~~refuse~~ Refuse ~~and rubbish~~ from Nonresidential p Property located within the ~~city~~ City that is used
138 exclusively as a church or other bona fide charitable, religious, social welfare or recreational
139 nonprofit organization, except medical waste generators, hospitals, non-~~city~~ City governmental
140 property or organizations and schools, public or private. Such church or other bona fide nonprofit
141 organization must provide substantial social services to the community. A church or ~~such~~ other

142 | bona fide nonprofit organization must apply for collection to the ~~department of public~~
143 | ~~works~~Department of Public Works, setting forth the name and address of the organization, the
144 | volume of ~~trash~~Refuse estimated to be generated, the social services provided to the community
145 | and such other information as may be required by the ~~department~~Department. The ~~department~~
146 | Department will then determine whether the church or other bona fide nonprofit organization
147 | qualifies for collection. An appeal of the decision of the ~~d~~Department may be made in writing to
148 | the ~~city~~City councilCouncil.
149 | (Ord. 1736 § 1, 1999)

150 | **8.16.030 Service standards for nonresidential properties.**

151 |
152 |
153 | A. Any Nonresidential ~~establishments~~Property not served by municipal collection
154 | shall provide appropriate containers for private collection.

155 |
156 | B. All ~~n~~Nonresidential establishmentsProperties shall have all ~~refuse~~Refuse and
157 | ~~nonresidential-type waste materials~~ removed from their premises no fewer than one time per
158 | week.
159 | (Prior code § 81-3)

160 | **8.16.040 Applicable regulations for private collection.**

161 |
162 | Private individuals or firms engaged in the business of ~~refuse~~Refuse collection in the
163 | ~~city~~City of Salisbury or who may use the streets of Salisbury for the transport of these materials
164 | shall be subject to all federal, state ~~or~~and local laws, ordinances, codes or regulations applicable
165 | to the operation and maintenance of motor vehicles, including air and noise pollution laws and
166 | regulations.
167 | (Prior code § 81-4)

168 | **8.16.050 Scavenging--~~Special collections of recyclable materials.~~**

169 |
170 | It is unlawful for anyone to disturb any ~~refuse~~Refuse or recycling containers or to remove
171 | their covers or any contents thereof, except the occupants of the premises on which the
172 | containers are placed or their duly authorized agents or the duly authorized employees or agents
173 | of the ~~city~~City of Salisbury.
174 | (Ord. 1874, 2003; prior code § 81-5)

175 | **8.16.060 Collection rules and regulations.**

176 |
177 | All ~~refuse~~Refuse must be stored and offered for collection in an approved container
178 | unless exempted herein. The regulations are as follows:

179 |
180 | A. Approved ~~refuse~~Refuse containers shall be watertight cans made of ~~metal or~~
181 | heavy-duty rubberized or plastic material, with handles and tight-fitting covers. ~~Cans shall not~~
182 | ~~exceed twenty (20) gallons' capacity, Containers shall be ninety-five (95) gallon roll out carts on~~
183 | wheels, and not more than six ~~(6)cans- containers~~ will be permitted for each ~~residence~~Residential
184 | Unit. Refuse containers may be purchased from the City. Containers must be placed at the curb

188 or as otherwise directed, with the handle away from and parallel to traffic. Printed instructions on
189 the container shall be followed.

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

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

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

207 EB. Items too bulky for placement in an approved container may be offered for
208 collection on a weekly basis and on a schedule as set by the ~~department of public~~
209 ~~works~~Department of Public Works. Tree and shrubbery limbs, as well as other ~~wooden~~
210 ~~rubbish~~Yard Waste, will be collected, provided that they are cut into lengths not exceeding four
211 (4) feet and securely tied in bundles not exceeding forty (40) pounds in weight. ~~Nonbundled yard~~
212 ~~debris shall be contained in approved plastic bags as provided for in subsection (B) of this~~
213 ~~section. Plastic or biodegradable bags with a capacity of thirty (30) gallons or less and~~
214 ~~maintaining complete closed integrity may be used for non-bundled Yard Waste. However, it~~
215 ~~shall be the Owner's responsibility to maintain these bags until they are collected by City~~
216 ~~collection crews. Yard Waste pickup normally occurs on Mondays. The Owner shall contact the~~
217 ~~City Service Center by six (6) a.m. on Monday to schedule Yard Waste pickup (excluding~~
218 ~~holidays) for that week.~~

220 FC. All ~~receptacles/containers~~ and lids shall be maintained in a clean and sanitary
221 condition. They shall not be set out for collection containing free liquids or rainwater. They shall
222 be kept free of dead animals, vermin, lice, maggots or the like and unreasonably offensive odors
223 resulting from the lack of cleanliness, ~~animal~~-feces or items which may be infectious or disease-
224 bearing. ~~Receptacles/Containers~~ which have become excessively worn or corroded shall be
225 promptly replaced at the Owner's expense.

227 GD. ~~Receptacles/containers~~Containers shall be placed at the curb or roadside or alley
228 by six (6:00) a.m. on the scheduled day of collection but shall not be so placed prior to five
229 (5:00) p.m. on the day before collection, and empty ~~receptacles/containers~~ shall be removed to
230 the premises from the curb, roadside or alley by eleven (11:00) p.m. of the day of collection.
231 ~~Receptacles/containers~~Containers shall not be kept at the curb or roadside between scheduled
232 collections, and they shall be stored on the premises at such locations to be unseen from the
233 public streets or roads or from the front yards of immediate neighboring property.

234
235 ~~_____ H. _____ The number of garbage receptacles collected from any dwelling unit shall not~~
236 ~~generally exceed six twenty gallon containers per pickup. During leaf season, more leaf~~
237 ~~containers may be placed for collection.~~

238
239 - ~~_____ E. _____~~ Where collection service is provided in high-density dwelling areas, the
240 individual residents or the management, community or condominium organization shall be
241 responsible for the transporting of ~~refuse~~Refuse to the containers provided and for the
242 maintenance and cleanliness of the areas adjacent to the containers. The developer, ~~property~~
243 ~~owner or and~~ legally responsible management organization shall ~~further~~ be responsible for
244 provision of accessible space for bulk containers, paved and screened from public view. Such
245 provisions shall be approved by the ~~city~~City. Material acceptable for containerized collection
246 service shall, in all respects, be compatible with the definitions for ~~refuse~~Refuse as defined in
247 this chapter.

248
249 ~~_____ F. _____~~ It is unlawful and a violation of this chapter for any ~~P~~person, ~~firm or corporation~~
250 to place residential or nonresidential waste, including but not limited to ~~garbage, refuse~~Refuse ~~and~~
251 ~~rubbish~~, on the property of another without the consent of the ~~owner~~Owner of the property.

252
253 ~~_____ G. _____ A Person shall not place Refuse in public containers within the City limits, with~~
254 ~~the exception of Downtown Plaza residents, who may place their Refuse in containers~~
255 ~~specifically designated in the Downtown area to accept Refuse from Downtown Plaza residents.~~
256 ~~Waste generated outside of the corporate limits of the City of Salisbury shall not be disposed of~~
257 ~~or placed in any private or public containers within the City limits.~~

258
259 ~~_____ H. _____ Upholstered furniture, mattresses and box springs infested with bed bugs shall be~~
260 ~~completely encased and sealed tightly before discarding them from an infested dwelling. Heavy~~
261 ~~polyvinyl sheeting, shrink wrap, or other non-permeable material shall be used to seal infested~~
262 ~~beds. Items shall be labeled with a prominent message indicating that these are infested items~~
263 ~~(i.e. "BED BUG INFESTED ITEM").~~

264
265 ~~_____ I. _____ Bulk pickup service is available to residential locations. To receive pickup of~~
266 ~~large, bulky items, a Person must first pay the required fee to the Internal Services Department.~~
267 ~~Once the fee is paid, the Internal Services Department will notify the Department of Public~~
268 ~~Works and an appointment will be made for pickup.~~

269
270 ~~_____ J. _____ Items prohibited for collection include, but are not limited to: tires, building~~
271 ~~materials, hazardous, radioactive or medical wastes, ashes, rocks, dirt, sod, paint and motor oil.~~

272
273 ~~_____ K. _____ Owners shall be notified if their Refuse container is in disrepair and is unusable.~~
274 ~~This includes, but is not limited to: missing lids, leaking containers and damaged or missing~~
275 ~~wheels or handles. Owners have thirty (30) days to purchase a new Refuse container or~~
276 ~~adequately repair their existing container.~~

277 (Prior code § 81-6)

278
279 **8.16.070 Special sanitary provisions.**

280
281 | The removal of apparel, bedding, furniture or other ~~refuse~~Refuse from any premises
282 where infectious or contagious disease prevails or has prevailed shall be specially arranged and
283 performed under the direction of the responsible local health authority. Such removals shall be
284 arranged for and be the responsibility of the attending physician and/or local health authority.
285 (Prior code § 81-7)

286
287 **8.16.080 Violations--Penalties.**
288

289 | A. Any ~~property owner, tenant or other person~~Person violating any of the provisions
290 of this chapter unless noted otherwise, shall be guilty of a municipal infraction ~~punishable by and~~
291 shall be subject to a minimum fine of ~~twenty-five dollars (\$25.00)~~one hundred dollars (\$100) per
292 infraction up to a maximum fine of five hundred dollars (\$500).
293

294 | AB. Violations under this chapter, unless otherwise noted, shall be deemed municipal
295 infractions pursuant to the City Code and state law, and fines levied hereunder shall be payable
296 to the City of Salisbury and mailed to the Department of Internal Services within twenty (20)
297 days of service of the municipal infraction citation. Notice and service of a citation shall be as
298 directed under the Local Government Article of the Maryland Annotated Code § 6-101, et seq.
299 and § SC5-1(38), as amended, concerning municipal infractions.
300 (Ord. 1707, 1999)
301

302 | C. With respect to violations of Section 8.16.050 Scavenging, any Person violating
303 the provisions of this section shall be guilty of a municipal infraction and shall be subject to a
304 fine of twenty-five dollars (\$25.00).
305

306 | BD. With respect to violations of Section 8.16.060(GD) Collection Rules and
307 Regulations, Containers, the following procedure will apply:
308

- 309 | 1. For an initial violation, a dated adhesive notice ~~will shall~~ be posted on the
310 ~~receptacle container and written notice shall be sent to the property o~~Owner's
311 address on file with the City and/or property owner's agent.
312
- 313 | 2. For a second violation, written notice ~~will shall~~ be sent to the ~~property o~~Owner's
314 address on file with the City and/or property owner's agent and a copy of said
315 notice ~~will shall~~ be posted in a conspicuous place on the property/~~dwelling unit~~.
316
- 317 | 3. For a third violation, a twenty-five dollar (\$25.00) ~~citation fine~~ for a municipal
318 infraction shall be issued to the ~~occupant(s) of the property/dwelling unit and a~~
319 ~~written notice will be mailed to the~~ Owner~~property owner and/or property owner's~~
320 agent. In buildings containing more than one dwelling unit, a twenty-five dollar
321 (\$25.00) ~~citation fine~~ for a municipal infraction ~~will shall~~ be issued to the ~~property~~
322 ~~o~~Owner as a common area ~~trash Refuse~~ violation, ~~unless each dwelling unit has a~~
323 separate trash Refuse receptacle/container and each trash Refuse
324 receptacle/container is marked to identify an assigned dwelling unit.
325

- 326 | 4. For a fourth and any subsequent violation, the cityCity of Salisbury is authorized
327 | to remove the ~~trash-Refuse receptacle~~/container from the property. A service
328 | charge of ~~twenty five~~ifty dollars (~~\$25~~50.00) shall be paid in advance for return of
329 | the ~~trash-Refuse receptacle~~/container. Written notice ~~will~~shall be sent to the
330 | ~~property o~~Owner's address on file with the City and/or property owner's agent.
331 |
332 | 5. With respect to any property, if six (6) months have elapsed since the last date of
333 | an enforcement procedure, then the enforcement procedure shall begin anew with
334 | subsection (B)(1) of this section.
335 |
336 | 6. When requested by cityCity enforcement personnel, ~~property o~~Owners shall
337 | provide names of all occupant(s) residing at their property locations.
338 |
339 | 7. ~~Occupant(s)~~All Owners and occupants of an Owner's property locations, shall
340 | will be jointly and severally liable for payment of a ~~eitation~~fine for municipal
341 | infraction.

342 |
343 | ~~———— C. ——— Citations under this chapter shall be deemed municipal infractions under Chapter~~
344 | ~~1.16, and fines levied hereunder shall be payable to the cityCity of Salisbury and mailed to the~~
345 | ~~department Department of finance Internal Services within ten days of receipt of the citation.~~
346 | ~~(Ord. 1707, 1999)~~

347 | **8.16.090 Monthly disposal fee.**

348 |
349 | A. Each ~~residential-Residential unit~~Unit (including churches and other bona fide
350 | ~~charitiesnonprofit organizations~~) to which cityCity garbageRefuse collection services are
351 | provided shall be charged a disposal fee in an amount established annually in the cityCity budget
352 | ordinance. The disposal fee ~~will~~shall be billed quarterly and be made a part of the cityCity water
353 | and sewer bill. A five-percent (5%) penalty ~~will~~shall be added after forty-five (45) days if the
354 | fee is unpaid. No ~~residential-unit~~Residential Unit within the cityCity of Salisbury shall be
355 | ~~permitted to refuse city garbage collection services, and the failure to utilize such services shall~~
356 | ~~not exempt any residential unit~~ from payment of the fees described herein regardless of whether
357 | the services are used.
358 |

359 |
360 | B. The ~~o~~Owner of each ~~residential-unit~~Residential Unit shall purchase a cityCity-
361 | approved ~~trash-Refuse collection receptacle~~container.
362 |

363 | C. If the ~~department of public works~~Department of Public Works determines that a
364 | ~~residential-unit~~Residential Unit regularly produces collectible ~~trash-Refuse~~ requiring two or more
365 | ~~trash-Refuse collection receptacles~~containers, then the ~~o~~Owner of the ~~residential-unit~~Residential
366 | Unit shall be required to purchase and use additional ~~trash-Refuse collection~~
367 | ~~receptacles~~containers.
368 |

369 | D. A multi-family residential building with a central ~~trash-Refuse~~ collection area
370 | utilizing ~~trash-Refuse collection receptacles~~ containers larger than three hundred thirty (330) one
371 | hundred (100) gallons may be approved by the ~~department of public works~~Department of Public

372 | Works for exclusion from the requirements of ~~subsection A.8.16.060A.~~

373

374 | E. The ~~owner~~ Owner of a ~~residential unit~~ Residential Unit who violates the provisions of
375 | this section shall be ~~guilty of a municipal infraction and shall receive~~ issued a written notice of
376 | the ~~initial~~ violation, which shall be delivered via first class U.S. mail, postage prepaid, to the
377 | Owner's last known address on file with the City. If the ~~owner~~ Owner of a ~~residential~~ Residential
378 | ~~dwelling~~ Unit does not comply within seven (7) days of ~~the~~ written notice, the ~~owner~~ Owner shall be
379 | ~~subject to~~ guilty of a municipal infraction and shall be subject to a fine as set forth in Chapter
380 | 4-16 pursuant to the City Code and state law, and fines levied hereunder shall be payable to the
381 | City of Salisbury and mailed to the Department of Internal Services within twenty (20) days of
382 | service of the municipal infraction citation. Notice and service of a citation shall be as directed
383 | under the Local Government Article of the Maryland Annotated Code § 6-101, et seq. and §
384 | SC5-1(38), as amended, concerning municipal infractions.

385 | (Ord. 2025 § 1, 2007: prior code § 81-9)

386

387 | **8.16.100 Recycling in the multi-family sector.**

388

389 | A. The ~~city~~ City Council finds that undertaking a long term commitment to
390 | remove ~~and recycle certain~~ Recyclable Mmaterials from the solid waste stream is a necessary part
391 | of the ~~city~~ City's integrated solid waste management system of recycling, resource recovery and
392 | land filling. The ~~city~~ City Council also finds that the objectives of the comprehensive solid
393 | waste management plan adopted under state law will be promoted by establishing a recycling
394 | program.

395

396 | B. Recycling service is available to Residential Units. Recyclable Materials will be
397 | collected weekly on the same day as Garbage collection.

398

399 | ~~———— B. ——— The term "multi-family sector" includes all residential dwelling units intended for~~
400 | ~~multiple family use, including, but not limited to, apartments, condominiums and other~~
401 | ~~ownership arrangements physically located in buildings joined together or situated in groups or~~
402 | ~~clusters.~~

403

404 | ~~———— C. ——— The term "managing authority" shall include a landlord, property manager,~~
405 | ~~condominium association board of directors, or any other person in charge of property located in~~
406 | ~~the multi-family sector.~~

407

408 | ~~———— D. ——— The term "recycling coordinator" shall be the title of such individual from time to~~
409 | ~~time designated by the director of public works of the city of Salisbury to organize, coordinate~~
410 | ~~and publicize the collection of recyclable materials.~~

411

412 | ~~———— E. ——— The term "recyclable materials" shall consist of such paper, metal, glass and~~
413 | ~~plastic products as shall be designated suitable for recycling by the recycling coordinator.~~

414

415 | FC. The ~~managing authority~~ Managing Authority of any residential dwelling unit
416 | located in the ~~m~~ Multi-Ffamily ~~S~~ sector shall allow its residents to participate in the ~~city~~ City's
417 | recycling program. ~~The managing authority shall provide to each unit a container constituting no~~

418 ~~less than three cubic feet in volume.~~ The City shall provide the Managing Authority with a
419 recycling container for each unit. Alternatively, the ~~managing authority~~Managing Authority shall
420 may provide at a centralized location and containers such number of similar containers as
421 directed approved by the ~~recycling~~Recycling coordinatorCoordinator, as designated by the
422 Director of Public Works.

423
424 GD. The ~~city~~City shall collect the ~~recyclable materials~~Recyclable Materials in the
425 ~~m~~Multi-~~f~~Family ~~S~~ector where it is ~~also making regular~~regularly collecting ~~garbage~~Garbage
426 ~~collections.~~ In ~~the event~~those places that a private contractor ~~serves a specific location~~collects the
427 ~~Garbage,~~ it will be the obligation of the ~~location's managing authority~~Managing Authority to
428 provide ~~recycling services to include~~the containers and ~~to pick up the~~ ~~recyclable~~
429 ~~materials~~Recyclable Materials. ~~Each such managing authority shall keep records of the~~
430 ~~recyclable materials collected and provide same to the recycling coordinator on a monthly basis.~~

431
432 HE. A ~~managing authority~~Managing Authority ~~or a private hauling contractor who~~
433 ~~that shall~~violates subsections (~~FC~~) or (~~GD~~) of this section ~~shall be guilty of a municipal~~
434 ~~infraction and shall receive be issued~~ a written notice ~~for any single initial~~of the violation ~~which~~
435 ~~shall be delivered via first class U.S. mail, postage prepaid, to the Managing Authority's last~~
436 ~~known address on file with the City. The notice shall contain specific corrective measures to be~~
437 ~~taken to correct the violation. Compliance must be~~ ~~If the Managing Authority does not comply~~
438 ~~within seven (7) days of the written notice, and failure to comply will result in the Managing~~
439 ~~Authority shall be guilty of a municipal infraction and shall be subject to a fine one hundred~~
440 ~~dollars (\$100.00) for the first day and thereafter fifty dollars (\$50.00) per day for a continuing~~
441 ~~violation pursuant to the City Code and state law, and fines levied hereunder shall be payable to~~
442 ~~the City of Salisbury and mailed to the Department of Internal Services within twenty (20) days~~
443 ~~of service of the municipal infraction. Notice and service of a citation shall be as directed under~~
444 ~~the Local Government Article of the Maryland Annotated Code § 6-101, et seq. and § SC5-~~
445 ~~1(38), as amended, concerning municipal infractions.~~

446 (Ord. 1874, 2003)

447
448
449
450 BE IT FURTHER ORDAINED that this ordinance shall take effect on immediately upon
451 adoption.

452
453 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of
454 Salisbury held on the ___ day of _____, 2013, and thereafter, a statement of the substance of
455 the Ordinance having been published as required by law, was finally passed by the Council on
456 the ___ day of _____, 2013.

457
458 ATTEST

459
460
461
462 _____
463 Kimberly R. Nichols, City Clerk

462 _____
463 Jacob R. Day, President
Salisbury City Council

464

465 Approved by me this ____ day of _____, 2013

466

467

468

469 _____
James Ireton, Jr. Mayor