



City of Salisbury

CITY COUNCIL AGENDA



Monday, February 10, 2014
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. COMMUNITY ORGANIZATION PRESENTATION -
- Economic Development Action Team (E-DAT) - presented by Ernie Colburn, CEO, Salisbury Area Chamber of Commerce
- 6:20 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:22 p.m. CONSENT AGENDA – City Clerk Kim Nichols
- January 6, 2014 closed session minutes (separate envelope) 1a
 - January 31, 2014 special meeting minutes 1b
- 6:25 p.m. RESOLUTION – Acting City Administrator M. Thomas Stevenson
- PUBLIC HEARING / CHARTER RESOLUTION** – Procurement Preference Policy 2
- **Resolution No. 2348 – Public Hearing & Charter Resolution** - to amend Article XVI, Section SC 16-3 of the Charter of the City of Salisbury, Maryland to permit procurement preferences when authorized by ordinance
- 6:45 p.m. ORDINANCES - City Attorney Mark Tilghman
- PUBLIC HEARING / ORDINANCE** – Rezoning former Linens of the Week property 3a
- Ordinance No. 2272 – **Public Hearing & 2nd reading** - to rezone property located on the northerly side of Anne Street and on both sides of Short Street from General Commercial to R-5a Residential
 - Ordinance No. 2275 - 1st reading - approving a budget amendment of the FY14 General Fund to appropriate funds received from the Current Year Surplus Funds for the purchase of nine (9) Electronic Control Devices (ECD) 3b
 - Ordinance No. 2276 - 1st reading – amending Chapter 13, Public Services, of the City Code by adding Chapter 13.30 for the purpose of establishing a Stormwater Utility under the direction and supervision of the Public Works Department and further establishing a Stormwater Utility fee system 3c

- Ordinance No. 2277 - 1st reading – amending and supplementing Ordinance No. 2167, passed by the Council on August 22, 2011, approved by the Mayor on August 23, 2011 and effective on August 23, 2011, in order to (1) modify the description of the Water Quality Inlet Project provided for in Ordinance No. 2167 and (2) reduce the aggregate principal amount of general obligation bonds and general obligation bond anticipation notes authorized to be issued pursuant to Ordinance No. 2167 from one million dollars (\$1,000,000.00) to five hundred thirty-one thousand dollars (\$531,000.00) each; providing that this title is a fair statement of the substance of this ordinance; and otherwise generally relating to the use of proceeds of the bonds and the bond anticipation notes authorized to be issued pursuant to Ordinance No. 2167

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,
 by vote of the City Council.**

Proposed agenda items for February 24, 2014 (subject to change)

- Ordinance No. 2275 - 2nd reading - approving a budget amendment of the FY14 General Fund to appropriate funds received from the Current Year Surplus Funds for the purchase of nine (9) Electronic Control Devices (ECD)
- Ordinance No. 2276 - 2nd reading – amending Chapter 13, Public Services, of the City Code by adding Chapter 13.30 for the purpose of establishing a Stormwater Utility under the direction and supervision of the Public Works Department and further establishing a Stormwater Utility fee system
- Ordinance No. 2277 - 2nd reading – amending and supplementing Ordinance No. 2167, passed by the Council on August 22, 2011, approved by the Mayor on August 23, 2011 and effective on August 23, 2011, in order to (1) modify the description of the Water Quality Inlet Project provided for in Ordinance No. 2167 and (2) reduce the aggregate principal amount of general obligation bonds and general obligation bond anticipation notes authorized to be issued pursuant to Ordinance No. 2167 from one million dollars (\$1,000,000.00) to five hundred thirty-one thousand dollars (\$531,000.00) each; providing that this title is a fair statement of the substance of this ordinance; and otherwise generally relating to the use of proceeds of the bonds and the bond anticipation notes authorized to be issued pursuant to Ordinance No. 2167

Posted: February 5, 2014

1 **CITY OF SALISBURY, MARYLAND**

2
3 **SPECIAL MEETING**

JANUARY 31, 2014

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 Council President Jacob R. Day Council Vice President Laura Mitchell
8 Councilman Timothy K. Spies

9
10 **PUBLIC OFFICIALS NOT PRESENT**

11 Mayor James P. Ireton, Jr.
12 Councilwoman Terry E. Cohen
13 Councilwoman Eugenie P. Shields

14 **IN ATTENDANCE**

15
16 City Clerk Kimberly R. Nichols, CMC, Acting City Administrator M. Thomas Stevenson,
17 Community Development Director Deborah Stam, Police Chief Barbara Duncan, interested
18 citizens, and members of the press

19 *****

20
21 The City Council convened in a Special Meeting in Council Chambers on January 31, 2014.
22 Council President Jacob R. Day called the meeting to order at 9:00 a.m. and made several
23 announcements. A moment of silent meditation was held followed by the Pledge of Allegiance.

24
25 **ADOPTION OF LEGISLATIVE AGENDA**

26
27 Mrs. Mitchell moved and Mr. Spies seconded to approve the Legislative Agenda.

28
29 Mr. Spies moved to amend the agenda by removing the Award of Bids. Mrs. Mitchell seconded,
30 and the Legislative Agenda was unanimously adopted as amended on a 3-0 vote in favor.

31
32 **CONSENT AGENDA** – presented by City Clerk Kim Nichols

33
34 The Consent Agenda, consisting of the following items, was unanimously approved (3-0 vote) on
35 a motion by Mr. Spies that was seconded by Mrs. Mitchell:

- 36
37 • January 6, 2014 work session minutes
38 • January 13, 2014 regular meeting minutes
39 • Resolution No. 2363 – approving the appointment of Thomas E. Tucker to the Ethics

40 Commission for term ending 9/30/2017

- 41 • Resolution No. 2364 – approving the reappointment of Charles R. Dashiell, Jr. to the
- 42 Planning & Zoning Commission as Chairman and member for term ending 12/31/2018
- 43 • Resolution No. 2365 – approving the appointment of Harry R. McCoy to the Friends of
- 44 Poplar Hill Mansion Board of Directors for term ending 12/31/2016
- 45 • Resolution No. 2366 – approving the appointment of Louise Nock to the Friends of
- 46 Poplar Hill Mansion Board of Directors for term ending 12/31/2016
- 47 • Resolution No. 2367 – approving the appointment of Rita Tiso to the Friends of Poplar
- 48 Hill Mansion Board of Directors for term ending 12/31/2016
- 49 • Resolution No. 2368 – approving the reappointment of Karen Lutz to the Zoo
- 50 Commission for term ending 12/31/2016
- 51 • Resolution No. 2369 – approving the reappointment of Kimberly Miles to the Zoo
- 52 Commission for term ending 12/31/2016
- 53 • Resolution No. 2370 – approving the reappointment of Eric Pippen to the Zoo
- 54 Commission for term ending 12/31/2016

55
56 **RESOLUTIONS** – presented by Acting City Administrator M. Thomas Stevenson

- 57
- 58 • Resolution No. 2371 – accepting funds awarded through a grant from the Department of
- 59 Housing & Community Development

60
61 On a motion and seconded by Mr. Spies and Mrs. Mitchell, respectively, Resolution No.

62 2371 was unanimously approved (3-0 vote) as presented.

- 63
- 64 • Resolution No. 2372 – authorizing the Chief of Police to enter into a reimbursement
- 65 agreement between the City of Salisbury Police Department and the Maryland State
- 66 Police (MSP) Grants Management Section to manage allocated funding for equipment
- 67 and supplies for the Eastern Shore Information Center (ESIC)

68
69 On a motion and seconded by Mrs. Mitchell and Mr. Spies, respectively, Resolution No.

70 2372 was unanimously approved (3-0 vote) as presented.

71
72 **ORDINANCES** – presented by City Attorney Mark Tilghman

- 73
- 74 • Ordinance No. 2274 – 2nd reading – to amend Subsection 15.24.490 General Definitions
- 75 of the Property Maintenance Code of the City of Salisbury to add a definition for
- 76 “blight”

77
78 On a motion and seconded by Mr. Spies and Mrs. Mitchell, respectively, Ordinance No.

79 2274 for second reading was approved by unanimous vote in favor (3-0).

- 80
- 81 • *Ordinance No. 2275 – 1st reading – approving a budget amendment of the FY14 General*
- 82 *Fund to appropriate funds received from the Current Year Surplus Funds for the*
- 83 *purchase of nine (9) Electronic Control Devices (ECD)*

84

85 *Mr. Spies moved and Mrs. Mitchell seconded to approve Ordinance No. 2275 for first*

86 *reading.*

87

88 *Mrs. Mitchell moved, Mr. Spies seconded, and the vote was unanimous (3-0) to table*

89 *Ordinance No. 2275 for first reading until the February 10, 2014 Legislative Session due*

90 *to the lack of the four (4) Council members present to approve the ordinance for first*

91 *reading. (Four votes are required to pass budget amendments)*

92

93 **ADJOURNMENT**

94

95 *Council President Day adjourned the Special Meeting at 9:37 a.m.*

96

97

98 _____

99 *City Clerk*

100

101

102 _____

103 *Council President*



Memorandum

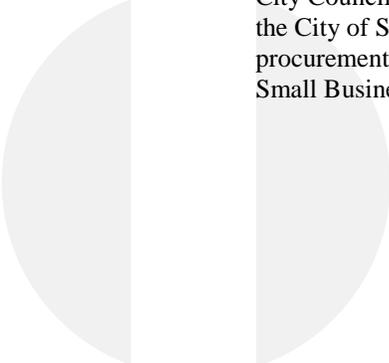
To: Tom Stevenson

CC: Keith Cordrey

From: Jennifer Miller

Date: 2/5/2014

Re: Charter Amendment Resolution for Procurement Preferences



The Procurement Department requests an amendment to the Charter of the City of Salisbury to permit the use of procurement preferences for certain types of business in accordance with the State under Maryland Law. Such an amendment would allow the Procurement Department, in conjunction with City Council, to determine which, if any, procurement preferences would be in the best interests of the City of Salisbury to pursue, and to set forth procedures and guidelines for various types of procurement preferences (i.e., Veteran-Owned Small Business; Locally-Owned; Women-Owned Small Business, Minority Business Enterprises, etc).

32 preferences for businesses located in Salisbury, Maryland and other businesses that
33 qualify to receive preference in contracts with the State under Maryland Law.

34
35 **AND BE IT FURTHER RESOLVED** by the City Council of the City of Salisbury that
36 this Resolution take effect fifty (50) days from and after the date of its final passage, subject to
37 the right of referendum, and that its provisions shall be implemented on the ____ day of
38 _____, 2014. The City Clerk is hereby authorized to proceed with the posting and
39 publication of this Resolution pursuant to the requirements of Local Government Article § 4-305
40 of the Annotated Code of Maryland.

41 This Resolution was introduced, read, and passed at a meeting of the Salisbury City
42 Council held on the ____ day of _____, 2014.

43 .

44
45 ATTEST:

46
47 _____
48 Kimberly R. Nichols, City Clerk

Jacob R. Day, City Council President

49

1
2
3 **CITY OF SALISBURY**
4 **ORDINANCE NO. 2272**
5

6 **AN ORDINANCE OF THE CITY OF SALISBURY,**
7 **MARYLAND TO REZONE PROPERTY LOCATED**
8 **ON THE NORTHERLY SIDE OF ANNE STREET**
9 **AND ON BOTH SIDES OF SHORT STREET FROM**
10 **GENERAL COMMERCIAL TO R-5A**
11 **RESIDENTIAL.**

12
13 **WHEREAS**, the Mayor and City Council have the authority to amend
14 Title 17, Zoning, of the Salisbury Municipal Code, pursuant to the authority granted by
15 Article 66B of the Annotated Code of Maryland and in accordance with the specific
16 provisions of Chapter 17.228, Amendments and Rezoning of Title 17, Zoning; and
17

18 **WHEREAS**, the Mayor and City Council have initiated action, in
19 accordance with the provisions of Chapter 17.228 of Title 17, Zoning, of the Salisbury
20 Municipal Code, to rezone property owned by the City of Salisbury; and
21

22 **WHEREAS**, the Salisbury Planning and Zoning Commission held a
23 Public Hearing on June 20, 2013, continued to July 18 and August 22, 2013, and
24 reviewed all information, and recommended that additional regulatory flexibility is
25 needed in order to support redevelopment; and
26

27 **WHEREAS**, the City Council, after a Public Hearing did, in a public
28 meeting, adopt Findings of Fact as required by Chapter 17.228.030A of Title 17, Zoning,
29 of the Salisbury Municipal Code, as to the following matters:
30

- 31 (a) The neighborhood in which the subject properties are located;
32 (b) Population change in the neighborhood;
33 (c) Availability of public facilities to serve the type of uses allowed;
34 (d) Present and future transportation patterns to serve this site;
35 (e) Compatibility of uses allowed if the zoning is changed with existing
36 and proposed development of the area.
37 (f) The relationship of such proposed amendment to the adopted Salisbury
38 Comprehensive Plan; and,
39 (g) The recommendation of the Salisbury Planning and Zoning
40 Commission.
41

42 **WHEREAS**, said Findings have been duly set forth, shall be found in the
43 minutes of the meeting or meetings at which these matters were discussed; and
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WHEREAS, the City Council has found that there has been a change in the character of the area surrounding the City of Salisbury site, and there is a need to reclassify the zoning to better reflect this change.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY MARYLAND, that the existing zoning of these properties as shown in Exhibit A attached hereto and made a part hereof, shall be reclassified from General Commercial to R-5A Residential.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage but in no event until ten (10) days after the date of the Council’s Public Hearing.

THIS ORDINANCE was introduced at a meeting of the Council on the ___ day of _____, 2013, and having been published as required by law, in the meantime, was finally passed at its meeting on the ___ day of _____, 2013.

ATTEST:

Kimberly R. Nichols
City Clerk

Jacob R. Day
President of the Council of
the City of Salisbury

Approved by me this _____
day of _____, 2013.

James Ireton, Jr.
Mayor of the City of Salisbury

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5 **RESOLUTION OF DECISION AND**
6 **FINDINGS OF FACT**
7

8 **MAYOR AND CITY COUNCIL – ANNE STREET**
9 **REZONING**

10
11 **RECLASSIFICATION OF ZONE FROM GENERAL COMMERCIAL**
12 **TO R-5A RESIDENTIAL**
13

14
15 The Mayor and City Council reviewed and considered all testimony and
16 written evidence presented a public hearing held at the request of the Mayor and City
17 Council to rezone approximately 38,551 sq. ft. of land. The rezoning site is located on the
18 northerly side of Anne Street, and on both sides of Short Street. The request is to change
19 the zoning of the subject property from General Commercial to R-5A Residential zoning.
20

21 The Council does hereby make the following Findings of Fact in
22 accordance with the provisions of Section 17.228 Amendments and Rezoning, of Title
23 17, Zoning, of the Salisbury Municipal Code.
24

25 **A. SPECIFIC FINDINGS OF FACT:**
26

27 **1. Neighborhood.**

28 The neighborhood is bounded by Naylor Street on the north, East Church
29 Street on the east, Elizabeth Street on the south, and the Railroad right-of-
30 way on the west.
31

32 **2. Population Change.**

33 There has been little population change in the designated neighborhood.
34 Staff could document only five (5) new single-family units in the
35 neighborhood since 1983 generating a population of approximately 13
36 new residents.
37

38 **3. Availability of Public Facilities.**

39 The subject properties are served or can be served from a 6 inch water line
40 and an 8 inch sewer line in Anne Street. There is also an 8 inch sewer line
41 in Short Street. The existing water line in Short Street will likely have to
42 be replaced as it is a 1 ½ inch galvanized pipe.
43

44 **4. Present and Future Transportation Patterns.**

45 The proposed rezoning area fronts on existing City streets that are shown
46 with a right-of-way width of 30 feet on the City property maps. However,

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City Public Works Staff took measurements and found that the Anne Street pavement width varies from 23-33 ft. curb-to-curb; and Short Street has a pavement width of 23 ft. (in the rezoning area). No new streets or further street widening is proposed. The existing streets are adequate for residential traffic. However, with the on-street parking that is often found there, access for trucks over two axles would be difficult for many of these properties.

5. Compatibility with Existing and Proposed Development.

The proposed area to be rezoned adjoins other lands zoned and developed residentially.

The proposed rezoning is from City General Commercial to City R-5A Residential. The proposed change should not conflict with the zoning and development of nearby properties that are already residentially zoned and developed.

6. Relationship to the Comprehensive Plan.

The Salisbury Comprehensive Plan, adopted in 2010, recommends that this area be designated for medium density residential development (5-8 dwelling units per acre). The proposed development is at a density of one unit per 5.6 acres and is within the density proposed by the Comprehensive Plan.

7. Change in the Character of the Area.

In the case of the proposed area to be rezoned, the last comprehensive rezoning in the City occurred on May 23, 1983.

Staff found that the City properties as well as the Christian Shelter property at 326 Barclay Street were likely still in manufacturing or industrial type uses in 1983. The shirt factory and the laundry uses no longer exist on 1.45 acres of the proposed area to be rezoned.

8. Mistake in Existing Zoning.

The Commission found that there is no evidence to support a rezoning based on “mistake” in the existing zoning. In 1983, the laundry and shirt factory uses were likely still existing or it was reasonable to expect that these structures might be re-used for a similar use.

87 **B. DECISION:**

88

89 **THEREFORE**, after review and consideration of all written evidence and
90 testimony during the public hearing, thereon, the Council, for the reasons stated, hereby
91 finds that there has been a Change in the Character of the Area sufficient to warrant the
92 requested rezoning from General Commercial to R-5A Residential zoning.

93

94 **NOW, THEREFORE**, upon a motion by _____,
95 seconded by _____ and duly carried, the Council hereby adopts
96 these Findings of Fact and directs that one copy of these signed and certified Findings be
97 attached to and made a part of the minutes of this meeting.

98

99

100 ATTEST:

101

102

103 _____
104 Kimberly R. Nichols
105 City Clerk

106 _____
107 Jacob R. Day
108 President of the Council of
109 the City of Salisbury

106

107

108 Approved by me this _____
109 day of _____, 2013.

110

111

112

113 _____
114 James Ireton, Jr.
115 Mayor of the City of Salisbury

City of Salisbury



JAMES IRETON JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR



Maryland

699 W. SALISBURY PARKWAY
SALISBURY, MD 21801
TEL: 410-548-3165



BARBARA DUNCAN
CHIEF OF POLICE

January 16, 2014

TO: Mr. Tom Stevenson
Acting City Administrator

FROM: Major David Meienschein

SUBJECT: Ordinance – Requesting Current Year Surplus Funds for Purchase of Electronic Control Devices, (ECD's) Pilot Program.

The Salisbury Police Department respectfully requests a transfer from the Current Year Surplus Fund to the Police Services – operating account in the amount of \$12,500.00. This transfer is for the purchase of Electronic Control Devices, (ECD's). The cost also includes Video recording devices which will be attached to each unit and all necessary supplies for initial implementation.

This equipment will be deployed within the police departments patrol squads and become part of the use of force continuum as part of a less than deadly force option to subdue non-compliant or combative offenders.

The benefit of this technology is such that police officers will have a use of force tool to gain offender compliance without having to put hands on the offender which risks injury to the police officer as well as workman compensation claims.

Unless you or the Mayor has further questions, please forward this Ordinance to the Salisbury City Council.

A handwritten signature in black ink, appearing to read "David Meienschein".

Major David Meienschein
Administrative Commander

Attachment

ORDINANCE NO. 2275

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY14 GENERAL FUND TO APPROPRIATE FUNDS RECEIVED FROM THE CURRENT YEAR SURPLUS FUNDS FOR THE PURCHASE OF NINE (9) ELECTRONIC CONTROL DEVICES (ECD).

WHEREAS, the Salisbury Police Department requests a transfer from the Current Year Surplus Fund to the Police Services—operating account in the amount of \$12,500.00 (Twelve thousand five hundred dollars). This transfer is for the purchase of Electronic Control Devices (ECDs); and

WHEREAS, this equipment will be deployed within the police department’s patrol squads and become part of the use of force continuum as part of a less than deadly force option to subdue non-compliant or combative offenders; and

WHEREAS, the benefit of this technology is such that police officers will have a use of force tool to achieve offender compliance without have to put hands on the offender, lessening the risk injury to the police officer as well as reducing workman compensation claims;

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, Speed Camera sub-account be amended as follows:

- 1) Increase Current Year Surplus Fund by \$12,500.00
- 2) Increase the Police Department budget by \$12,500.00

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this _____ day of _____, 2014, 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 _____, 2014.

ATTEST:

Kimberly R. Nichols, City Clerk

Jacob R. Day, City Council President

APPROVED BY ME THIS: _____ day of _____, 2014

James Ireton Jr., Mayor

City of Salisbury



MARYLAND



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 Stevenson, Acting City Administrator
From: Mike Moulds, Director *MM*
Amanda Pollack, Deputy Director *AP*
Date: January 9, 2014
Re: Stormwater Utility discussion

Per the discussion at the December 16, 2013 Council work session, attached is an ordinance to add a section to Code Chapter 13 to create a Stormwater Utility. The new code section identifies the purpose and use of a Stormwater Utility fee.

The effective date for the Stormwater Utility is recommended for January 1, 2015. This will provide staff time to perform impervious area calculations, develop a recommended fee and notify property owners of the fee for their properties.

Per comments at the work session, we added an "s" on line 102 to the word "dwelling." We also retitled the two types of properties. Instead of residential properties, the ordinance refers to single family properties. Non-residential has been relabeled as mixed use properties. Condominiums were added to the definition of mixed use properties.

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

ORDINANCE NO. 2276

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND AMENDING CHAPTER 13, PUBLIC SERVICES, OF THE CITY CODE BY ADDING CHAPTER 13.30 FOR THE PURPOSE OF ESTABLISHING A STORMWATER UTILITY UNDER THE DIRECTION AND SUPERVISION OF THE PUBLIC WORKS DEPARTMENT AND FURTHER ESTABLISHING A STORMWATER UTILITY FEE SYSTEM.

WHEREAS, the City maintains a system of Stormwater facilities including, but not limited to, inlets, pipes, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways; and

WHEREAS, the Stormwater System in the City needs to be upgraded, improved and regularly maintained; and

WHEREAS, the existing Stormwater System is designed to convey stormwater to limit flooding, not treat stormwater to improve water quality; and

WHEREAS, water quality is degrading due to erosion and the discharge of nutrients, metals, oil, grease, toxic materials and other substances into and through the Stormwater System; and

WHEREAS, the public health, safety and welfare is adversely affected by poor ambient water quality and extreme flooding that results from inadequate management of both the quality and quantity of stormwater; and

WHEREAS, all real property in the City uses and benefits from the maintenance of the Stormwater System; and

WHEREAS, the extent of the use of the Stormwater System by each property is dependent on factors that influence runoff, including land use and the amount of Impervious Surface on the property; and

WHEREAS, the cost of improving, maintaining, operating and monitoring the Stormwater System should be allocated, to the extent practicable, to all property owners based on the impact of runoff from the Impervious Surface Areas of their property on the Stormwater System; and

WHEREAS, management of the Stormwater System to protect the public health, safety and welfare requires that adequate revenues be generated to provide funding for the operation, improvement, maintenance and monitoring of the Stormwater System; and

WHEREAS, it is in the interest of the public to finance the Stormwater System adequately with a user charge that is reasonable and deemed by the City to be equitable so that each user of the system pays to the extent to which each user contributes to the need for it.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that Chapter 13 be amended by the addition of Section 13.30 as set forth herein:

STORMWATER UTILITY

Sections:

- 13.30.010 Creation of Stormwater Utility.
- 13.30.020 Definitions.
- 13.30.030 Establishment of Stormwater Utility Fund.
- 13.30.040 Purposes of the Fund.
- 13.30.050 Stormwater Utility Fee.
- 13.30.060 Classification of property for purposes of determination of the Stormwater Utility Fee.
- 13.30.070 Equivalent Residential Unit Rate.
- 13.30.080 Charges for tax-exempt properties.
- 13.30.090 Assessment notices.
- 13.30.100 Payment terms and penalties.
- 13.30.110 Request for correction of the Stormwater Utility Fee.
- 13.30.120 Request for credit to the Stormwater Utility Fee.

13.30.010 Creation of Stormwater Utility.

A Stormwater Utility is hereby established for the purpose of monitoring, maintaining, improving and overseeing the operation of the Stormwater System in the City of Salisbury. The Stormwater Utility shall function under the direction and supervision of the Public Works Department and the Director of Public Works.

13.30.020 Definitions.

- A. “Equivalent Residential Unit” (ERU) means the median Impervious Surface Area associated with Single Family Property in the City.
- B. “Equivalent Residential Unit Rate” means the Stormwater Utility Fee charged on an Equivalent Residential Unit (ERU). The annual Stormwater Utility Fee for a Single Family Property in the City equals the ERU rate.
- C. “Fee” or “Stormwater Utility Fee” means the charge established under this chapter and levied on owners of parcels or pieces of real property to fund the cost of operating, maintaining and improving the Stormwater System in the City.
- D. “Impervious Surface” means a surface area which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, swimming pools and any other oiled, graveled, graded, compacted, or other surface which impedes the natural infiltration of surface water.
- E. “Impervious Surface Area” means the number of square feet of horizontal surface covered by buildings and other Impervious Surfaces.
- F. “Mixed Use Property” means property other than Single Family Property. Such property shall include but not be limited to, institutional uses, apartments, care homes, hotels, motels, mixed-use buildings, mobile home parks, commercial property, industrial property, parking lots, hospitals, schools, recreational and cultural facilities, offices, condominiums and churches.

99 G. “Single Family Property” means a property which serves the primary purpose, or is zoned to
100 provide the primary purpose, of providing a permanent dwelling unit and which is classified as residential
101 in the state assessment rolls. Townhouses, single-family dwellings, semidetached dwellings, and single-
102 family attached dwellings are included in this definition.

103
104 H. “Stormwater Management” means the planning, design, construction, regulation, improvement,
105 repair, maintenance and operation of facilities and programs relating to water, flood plains, flood control,
106 grading, erosion and sediment control.

107
108 I. “Stormwater Utility Fund” means the fund created by this chapter to operate, maintain, and
109 improve the City’s Stormwater System.

110
111 J. “Stormwater System” means the system or network of storm and surface water management
112 facilities including but not limited to inlets, pipes, manholes, channels, ditches, drainage easements,
113 retention and detention basins, infiltration facilities, and other components as well as all natural
114 waterways.

115
116 **13.30.030 Establishment of Stormwater Utility Fund.**

117
118 A. The Stormwater Utility is provided to protect the waterways and land in the City by controlling
119 flooding and protecting the natural environment. The cost of designing, developing, improving,
120 operating, maintaining and monitoring the Stormwater System required in the City should, therefore, be
121 allocated, to the extent practicable, to all property owners based on their impact on the Stormwater
122 System. In order to provide a revenue to fund those cost and to fairly allocate those costs, a Stormwater
123 Utility Fund (“the Fund”) is established.

124
125 B. All revenues collected from the Stormwater Utility Fee and from grants, permit fees and other
126 charges collected under Chapter 13.30 Stormwater Utility, shall be deposited to the Fund. The City
127 Council may make additional appropriations to the Fund.

128
129 **13.30.040 Purposes of the Fund.**

130
131 All disbursements from the Fund shall be for the following purposes.

132
133 A. All costs of administration and implementation of the Stormwater Utility, including the
134 establishment of reasonable operation and capital reserves to meet unanticipated or emergency
135 Stormwater System requirements.

136
137 B. Engineering and design, debt services and related financing expenses, construction costs for new
138 facilities, and enlargement or improvement of existing facilities.

139
140 C. Operation and maintenance of the Stormwater System.

141
142 D. Monitoring, surveillance, and inspection of stormwater control devices.

143
144 E. Water quality monitoring and water quality programs.

145
146 F. Retrofitting developed areas for pollution control.

147
148 G. Inspection and enforcement activities.

149

150 H. The payment or reimbursement of debt service on bonds, notes or other obligations that finance
151 Stormwater System projects and the pledging of such revenue and fund to secure the repayment of this
152 debt service.

153

154 I. The acquisition by gift, purchase, or condemnation of real and personal property, and interest
155 therein, necessary to construct, operate, and maintain stormwater control facilities.

156

157 **13.30.050 Stormwater Utility Fee.**

158

159 An annual service charge is imposed upon all real property in the City, as of January 1, 2015, to fund the
160 Stormwater Utility. This service charge shall be known as the Stormwater Utility Fee (“Fee”). Any real
161 property annexed into the City after January 1, 2015 will be subject to a partial year charge for the
162 remainder of the first year and the full fee each year thereafter.

163

164 **13.30.060 Classification of property for purposes of determination of the Stormwater Utility Fee.**

165

166 A. For purposes of determining the Stormwater Utility Fee, all properties in the City are classified
167 into one of two classes: Single Family Property; or Mixed Use Property. Vacant parcels shall be
168 classified based on the applicable zoning for that parcel.

169

170 B. Single Family Fee. The City Council finds that the intensity of development of most parcels of
171 real property in the City classified as residential is similar and that it would be excessive and
172 unnecessarily expensive to determine precisely the square footage of the Impervious Surface Area on
173 each such parcel. Therefore, all Single Family Properties in the City shall be charged a flat Stormwater
174 Utility Fee, equal to the ERU rate, regardless of the size of the parcel or the Impervious Surface Area.

175

176 C. Mixed Use Property Fee. The Fee for Mixed Use Property in the City shall be based on the
177 numerical factor obtained by dividing the total Impervious Surface Area (square feet) of the property by
178 one ERU unit. The Impervious Surface Area for Mixed Use Property is the square footage for the
179 buildings and other improvements on the property. At the sole discretion of the Director of Public Works,
180 the Impervious Surface Area of the Mixed Use Property may be determined through site examination,
181 mapping information, aerial photographs or other available information. The minimum Stormwater
182 Utility Fee for Mixed Use Property shall equal the ERU rate for Single Family Property.

183

184 **13.30.070 Equivalent Residential Unit Rate.**

185

186 The City Council shall, by Ordinance, establish the annual (fiscal year) ERU rate for the Stormwater
187 Utility Fee. The base rate shall be calculated to ensure adequate revenues to fund the costs of the
188 Stormwater Utility and provide for the operation, maintenance, and capital improvements of the
189 Stormwater System in the City.

190

191 **13.30.080 Charges for tax-exempt properties.**

192

193 The City Council finds that all real property in the City contributes to runoff and either uses or benefits
194 from the maintenance of the Stormwater System. All real property in the City, including property that is
195 exempt from property tax by Title 7 of the Tax-Property Article, Annotated Code of Maryland, as
196 amended, shall be charged the Fee.

197

198

199 13.30.090 **Assessment notices.**

200

201 A. The Director of Public Works shall send assessment notices for the Fee to property owners of
202 Mixed Use Property prior to billing for the Fee.

203

204 B. The notice shall include the following information:

205

206 1. The Impervious Surface Area of the property.

207

208 2. The method by which the Impervious Surface Area of the property was determined.

209

210 3. The amount of the ERU rate (i.e., the Single Family Fee).

211

212 4. The number of ERU units on the property. If the number of units is a fraction, it shall be
213 rounded to the next highest whole number.

214

215 13.30.100 **Payment terms and penalties.**

216

217 A. The Stormwater Utility Fee shall be billed to the property owners at the same time that the bills
218 for water charges and sewer charges are rendered. Property owners are responsible for payment of all
219 Stormwater Utility Fees, and if any bill rendered for the Stormwater Utility Fee is not paid within forty-
220 five (45) days after the close of the billing period for which such bill was rendered, a penalty of five
221 percent of the amount of such bill shall be payable, in addition to the amount of such bill.

222

223 B. The Fee, including interest and penalties, when overdue is a lien on real property and may be
224 collected in the same manner as delinquent real property taxes or by a suit against the property owner.

225

226 13.30.110 **Request for correction of the Stormwater Utility Fee.**

227

228 A. A property owner may request correction of the Fee by submitting the request in writing to the
229 Director of Public Works after the date the assessment notice or the bill is mailed or issued to the property
230 owner. Grounds for correction of the Fee include:

231

232 1. Incorrect classification of the property for the purposes of determining the Fee;

233

234 2. Errors in the square footage of the Impervious Surface Area of the property;

235

236 3. Mathematical errors in calculating the Fee to be applied to the property; and

237

238 4. Errors in the identification of the property owner of a property subject to the Fee.

239

240 B. The Director of Public Works shall make a determination within 30 days after receipt of the
241 property owner's completed written request for correction of the Fee. The Director of Public Works
242 decision on a request for correction of the Fee shall be final.

243

244 C. A property owner must comply with all rules and procedures adopted by the City when
245 submitting a request for correction of the Fee and must provide all information necessary for the Director
246 of Public Works to make a determination on a request for correction of the Fee. If a property owner
247 alleges an error under section 13.30.110 (A)(2), the request for correction must include a certification by a
248 registered engineer or a professional land surveyor of the Impervious Surface Area of the property.
249 Failure to comply with the provisions of this subsection shall be grounds for denial of the request.

250
251 **13.30.120 Request for credit to the Stormwater Utility Fee.**
252

253 The Department of Public Works will give consideration to developing a credit program to encourage the
254 installation, operation and maintenance of State and Federal approved stormwater Best Management
255 Practices on private property.
256

257
258
259 BE IT FURTHER ORDAINED that this ordinance shall take effect on January 1, 2015.
260

261 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on
262 the ____ day of _____, 2014, and thereafter, a statement of the substance of the Ordinance having
263 been published as required by law, was finally passed by the Council on the ___ day of _____, 2014.
264

265
266 ATTEST
267

268 _____
269 Kimberly R. Nichols, City Clerk

Jacob R. Day, President
Salisbury City Council

270
271
272 Approved by me this ___ day of _____, 2014
273

274 _____
275 James Ireton, Jr. Mayor

City of Salisbury



JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

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

MARYLAND

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

TO: Tom Stevenson, Interim City Administrator
FROM: Michael Moulds, Director of Public Works
Paul Mauser, Project Engineer
DATE: January 23, 2014
SUBJECT: Amendment of Ordinance No. 2167
Waverly Drive Water Quality Inlet Project (RFP 04-12)

Please process the amendment of Ordinance No. 2167. Ordinance No. 2167 was executed on August 23, 2011 and provides the necessary documentation for the City of Salisbury to accept funding from the Maryland Department of the Environment (MDE) through their Maryland Water Quality Revolving Loan Fund (MWQLF) for the installation of 24 bioretention units along Waverly Drive. The funding will be inclusive of construction costs only and does not include reimbursement for engineering design.

The engineering design for this project officially began on September 26, 2012 when Salisbury Public Works (SPW) issued a Notice to Proceed (NTP) to Davis, Bowen and Friedel (DBF) for engineering services. As the engineering work began more than a year after the signing of Ordinance No. 2167, the project was subject to new regulations from MDE. The resulting new regulations restricted the project to being inclusive of installing only 11 larger, more expensive bioretention units, as opposed to the original 24 units.

The original funding amount for this project was approved up to \$967,680.00 based on the attached July 13, 2012 letter to the City from MDE. The \$967,680.00 figure was set as the project funding goal and the design was intended to maximize this funding without exceeding it. The attached Engineer's Estimate from DBF, dated June 10, 2013 (provided with the 100% construction submittal) estimated the construction costs as \$855,856.58. Construction bids were opened on September 20, 2013 and ranged from a high bid of \$896,165.90 to a low bid of \$494,085.60 (the low bidder, David A. Bramble, Inc., has been awarded the project pending Maryland Board of Public Works approval on March 5, 2014). As the \$494,085.60 bid was nearly half of the funding eligible level of \$967,680, SPW exhausted efforts with MDE to add more bioretention units to the project to maximize the available funding. In the attached November 8, 2013 email from Jag Khuman, Director of Maryland Water Quality Financing Administration (MWQFA), the SPW request to utilize the remaining funds was officially denied.

Lindsey A. Rader from Funk & Bolton, P.A. has prepared the attached ordinance amendment to modify the wording to reflect the changes described above. Upon approval of this ordinance amendment and approval of the project by the Maryland Board of Public Works, the City will be approved to receive an 87.5% Principal Forgiveness / 12.5% Base Loan in the amount of \$531,000. The \$531,000 includes \$12,000 for Funk & Bolton legal expenses, \$494,000 construction cost for David A. Bramble Inc., and \$25,000 in Contingency.

Paul B. Mauser, E.I.
Project Engineer

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



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101 • www.mde.state.md.us

Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

July 13, 2012

Ms. Teresa Gardner, Director
Department of Public Works
City of Salisbury
125 N. Division Street
Salisbury MD 21801-4940

RE: Waverly Drive Water Quality Storm Drain Inlets
2010 Water Quality State Revolving Fund (WQSRF) Intended Use Plan (IUP)
WQSRF Loan Amount: \$319,680 (eligible for 87.5% Principal Forgiveness NPS Loan)
Green Loan Amount: \$648,000 (eligible for 87.5% Principal Forgiveness Green Loan)

Dear Ms. Gardner:

This letter modifies the April 5, 2012 funding commitment letter. The funding allocations remain the same; however, there is a modification in the calculation of additional subsidy that may be given on the WQSRF Loan Amount of \$319,680.

Because this project is classified as a Non-point Source (NPS) project, our guidelines allow for up to 87.5% of the loan to be given in the form of a Principal Forgiveness Loan. The April 5th letter allowed for only up to 25% in Principal Forgiveness which was based solely upon Salisbury's classification as a Large Disadvantaged Community.

Please continue to work with the Department's Project Engineer for this project, Mr. Michael Kanowitz, to provide the plans and specifications as well as the supporting documentation necessary for him to approve the green components of the project.

As stated in the April 5th letter, the funding commitment is contingent upon the final construction bid documents being submitted to the Department by the December 2012 benchmark; ideally under construction by 2012.

We look forward to working with the City to move this project into loan execution. Please do not hesitate to contact me regarding the State Revolving Fund allocations and/or the loan origination process. I can be reached at 410-537-3243 or via email at ternest@mde.state.md.us.

Sincerely,

Teresa Ernest
State Revolving Fund Coordinator
State Revolving Fund Division
Water Quality Financing Administration

Cc: Mike Kanowitz
Jag Khuman
Gerri Moore
Dallas Baker
Walid Saffouri



Engineer's Estimate
Waverly Drive Water Quality Inlet Project
City of Salisbury
Wicomico County, Maryland
DBF #094A040/City Contract No. 115-13
June 10, 2013

ITEM NO.	DESCRIPTION OF WORK	SIZE OR DEPTH	UNIT	EST QTY	UNIT PRICE	TOTAL PRICE
1	Mobilization, Bonds, and Insurance (Max. 3% of Total Bid)	--	LS	--	--	\$ 24,927.86
2	Provide Traffic Control Measures	--	LS	--	--	\$ 70,000.00
3	Provide Field In-Place Density Tests	All Depths	EA	25	\$ 150.00	\$ 3,750.00
4	Furnish and Install Inlet Protection	All Types	EA	11	\$ 275.00	\$ 3,025.00
5a	Furnish and Install Precast Bioretention Unit	15x4	EA	2	\$ 36,000.00	\$ 72,000.00
5b		17x6	EA	2	\$ 55,000.00	\$ 110,000.00
5c		18x6	EA	2	\$ 57,000.00	\$ 114,000.00
5d		20x8	EA	4	\$ 75,000.00	\$ 300,000.00
6a	Furnish and Install SDR 35 PVC Outlet Pipe	4"	LF	20	\$ 65.00	\$ 1,300.00
6b		6"	LF	110	\$ 80.00	\$ 8,800.00
7	Curb and Gutter Restoration as Noted on Plans	Match Existing	LF	352	\$ 45.00	\$ 15,840.00
8	Sidewalk Restoration as Noted on Plans	Match Existing, min. 4" thick	SF	1,939	\$ 20.00	\$ 38,775.20
9	Asphalt Drive Restoration as Noted on Plans	Match Existing	SY	4.1	\$ 125.00	\$ 518.52
10	Furnish and Install Watermain and Fittings	12"	LF	125	\$ 200.00	\$ 25,020.00
CONTINGENCIES						
11	Miscellaneous Excavation and Backfill for Test Pitting	--	CY	35	\$ 30.00	\$ 1,050.00
12	Excavation Below Subgrade and Gravel Refill	--	CY	60	\$ 40.00	\$ 2,400.00
13	Furnish & Place Select Backfill	--	CY	60	\$ 20.00	\$ 1,200.00
14	Furnish & Place 4,000 PSI Concrete	--	CY	25	\$ 150.00	\$ 3,750.00
TOTAL BASE BID (ITEMS 1-14)						\$ 796,356.58
ADD ALTERNATES						
15A	Furnish and Install Precast Bioretention Unit #12.1	18x6	EA	1	\$ 57,000.00	\$ 57,000.00
16A	Provide Tree Removal as Necessary for the Installation of Precast Bioretention Unit and Appurtenances	--	LS	--	--	\$ 2,500.00
TOTAL ADD ALTERNATES (ITEMS 15A-16A)						\$ 59,500.00
TOTAL CONSTRUCTION COSTS (ITEMS 1-16A)						\$ 855,856.58

Paul Mauser

From: Jag Khuman -MDE- [<mailto:jag.khuman@maryland.gov>]

Sent: Friday, November 08, 2013 8:17 AM

To: Paul Mauser

Cc: bernetta.richards@maryland.gov; Teresa T. Ernest (teresa.ernest@maryland.gov); Sunita Boyle -MDE-; Hardik Ramaiya (hardik.ramaiya@maryland.gov); Michael Moulds; Amanda Pollack; Richard Baldwin; Tom Tengman

Subject: Re: Waverly Drive - MDE Bid Package

Paul: Thank you for the procurement package that MDE will review shortly.

Regarding your inquiry on adding additional work. The WQSRF loan/loan forgiveness financing is limited to the project costs based on low bid, for which MWQFA is offering 87.5% of the total as loan forgiveness (grant). Any additional work would be treated as a new project and you are welcome to apply for future funding in Dec/Jan 2014.

PS - We have held on to the loan/LF funding for this project in spite of delays, and we need to expend the funds quickly.

Jag

On Thu, Nov 7, 2013 at 11:52 AM, Paul Mauser <pmauser@citylivingsalisbury.com> wrote:

Mr. Khuman,

Please find attached to this email the MDE Construction Bid Approval Package for the Waverly Drive Water Quality Inlet Project in Salisbury, MD. It has been a pleasure to work with Teresa Ernest, Sunita Boyle and Hardik Ramaiya throughout the funding and design aspects of this project and I have copied them on this email. Teresa recommended that I also copy Bernetta Richards on this email. Please note that a hard copy of the MDE Construction Bid Approval Package is being mailed to your attention. Please contact me directly with any questions that you may have.

Salisbury Public Works would like to inquire about the remaining funds that were allocated to this project. The total funds for this project are based on the DBF Engineer's Construction Cost estimate of \$855,614.74, dated May 6, 2013. Mr. Rajiv Chawla confirmed that the \$855,614.74 is 100% eligible for GPR funds, in a July 29, 2013 letter to Salisbury Public Works. With good fortune, the low bidder for this project (Bramble) came in at nearly half of the engineer's estimate with a bid of \$494,085.60, leaving a total of \$361,529.14 remaining.

It is the desire of Salisbury Public Works to utilize the remaining funds to construct additional bioretention units along Waverly Drive, entailing additional design and construction costs. SPW proposes to move forward with approval of the Construction Bid Approval Package and then utilize Change Orders during the construction of the project to harvest the remaining \$361,529.14 in GPR funding. Essentially, Salisbury Public Works is

viewing the remaining funding as a great opportunity to install more bioretention units in the Waverly Drive area that will further achieve the goal of protecting and restoring the quality of our water resources. Please advise on your thoughts.

Thanks,

Paul B Mauser, E.I.

Project Engineer

City of Salisbury

Department of Public Works

125 N Division Street, Suite 202

Salisbury, MD 21801

(410) 548-3170

PMauser@ci.salisbury.md.us

www.ci.salisbury.md.us/publicworks/index.htm

Ordinance No. 2277

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SALISBURY ENTITLED AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 2167, PASSED BY THE COUNCIL ON AUGUST 22, 2011, APPROVED BY THE MAYOR ON AUGUST 23, 2011 AND EFFECTIVE ON AUGUST 23, 2011, IN ORDER TO (1) MODIFY THE DESCRIPTION OF THE WATER QUALITY INLET PROJECT PROVIDED FOR IN ORDINANCE NO. 2167 AND (2) REDUCE THE AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS AND GENERAL OBLIGATION BOND ANTICIPATION NOTES AUTHORIZED TO BE ISSUED PURSUANT TO ORDINANCE NO. 2167 FROM ONE MILLION DOLLARS (\$1,000,000.00) TO FIVE HUNDRED THIRTY-ONE THOUSAND DOLLARS (\$531,000.00) EACH; PROVIDING THAT THIS TITLE IS A FAIR STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE BONDS AND THE BOND ANTICIPATION NOTES AUTHORIZED TO BE ISSUED PURSUANT TO ORDINANCE NO. 2167.

RECITALS

WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the “City”), is authorized and empowered by Sections 19-301 through 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland (previously codified as Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland), as replaced, supplemented or amended (the “Enabling Act”), and Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as published in Municipal Charters of Maryland, as replaced, supplemented or amended (the “Charter”), to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds; and

WHEREAS, pursuant to Ordinance No. 2167, adopted by the Council of the City (the “Council”) on August 22, 2011, approved by the Mayor of the City (the “Mayor”) on August 23, 2011 and effective on August 23, 2011 (“Ordinance No. 2167”), the City authorized general obligation bonds to be issued in one or more series from time to time in an aggregate principal amount not to exceed One Million Dollars (\$1,000,000.00) (the “Authorized Bonds”) for the public purpose of financing, reimbursing or refinancing costs incurred in connection with the acquisition, construction, installation, improvement and equipping of approximately twenty-four (24) water quality inlets and related activities, improvements and appurtenances along Waverly Drive, South Boulevard, Hanover Street and Lloyd Street or otherwise in the general area of such streets, including, without limitation, related traffic control, milling and repaving, pavement marking, and curb, gutter and sidewalk restoration, together with the acquisition of necessary property rights and equipment, related site improvements and utilities, related architectural, planning, design, engineering, surveying, permitting, bidding, document development, construction administration and other costs, related financial and legal expenses and costs of issuance, all to the extent permitted by the Maryland Water Quality Financing Administration (collectively, the “Authorized Project”); and

Underlining : Indicates material added by amendment after introduction

~~Strike through~~ : Indicates material deleted by amendment after introduction

43 WHEREAS, Ordinance No. 2167 provides that the Authorized Bonds shall be sold to the
44 Maryland Water Quality Financing Administration (the “Administration”); and
45

46 WHEREAS, Ordinance No. 2167 further authorizes the City to issue and sell its general
47 obligation bond anticipation notes in one or more series from time to time in an aggregate principal
48 amount not to exceed \$1,000,000.00 (the “Authorized BANs”) in order to finance or reimburse
49 Authorized Project costs on an interim basis; and
50

51 WHEREAS, the scope of the Authorized Project has been modified since the passage of
52 Ordinance No. 2167 and (i) the City no longer expects to provide for as many as twenty-four (24)
53 water quality inlets as part of the Authorized Project and (ii) the City anticipates having to borrow
54 substantially less than One Million Dollars (\$1,000,000.00) from the Administration (or through
55 any interim financing) for project purposes; and
56

57 WHEREAS, accordingly, the City would like to modify the description of the Authorized
58 Project and reduce the authorized maximum aggregate principal amount of the Authorized Bonds
59 and the Authorized BANs provided for in Ordinance No. 2167.
60

61 SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
62 THE CITY OF SALISBURY, MARYLAND that the Recitals to this Ordinance are incorporated
63 by reference herein and deemed a substantive part of this Ordinance. Capitalized terms used in
64 the Sections of this Ordinance that are not defined therein shall have the meanings given to such
65 terms in the Recitals.
66

67 SECTION 2. BE IT FURTHER ORDAINED that (a) pursuant to the authority of the
68 Enabling Act, the Charter and Ordinance No. 2167, Section 2 of Ordinance No. 2167 is hereby
69 deleted in its entirety and inserted in place thereof shall be the following:
70

71 “SECTION 2. BE IT FURTHER ORDAINED that pursuant to the authority
72 of the MWQFA Act, the Enabling Act and the Charter, the City hereby determines
73 to borrow money and incur indebtedness for the public purpose of financing,
74 reimbursing or refinancing costs incurred in connection with the acquisition,
75 construction, installation, improvement and equipping of water quality inlets and
76 related activities, improvements and appurtenances along Waverly Drive, South
77 Boulevard, Hanover Street and Lloyd Street or otherwise in the general area of such
78 streets, including, without limitation, related traffic control, milling and repaving,
79 pavement marking, and curb, gutter and sidewalk restoration, together with the
80 acquisition of necessary property rights and equipment, related site improvements
81 and utilities, related architectural, planning, design, engineering, surveying,
82 permitting, bidding, document development, construction administration and other
83 costs, related financial and legal expenses and costs of issuance, all to the extent
84 permitted by the Administration (collectively, the “Project”). The total cost of the
85 Project not otherwise payable from other sources is not expected to exceed Five

Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

86 Hundred Thirty-one Thousand Dollars (\$531,000.00). In the event the City issues
87 any BANs (as defined in Section 11 hereof), proceeds of any Bonds (as defined in
88 Section 3 hereof) may also be applied to prepay or pay principal of, premium and/or
89 interest on such BANs, and any such expenditure shall be considered an expenditure
90 for Project purposes.”
91

92 (b) By undertaking the amendments to Section 2 of Ordinance No. 2167 provided for in
93 subsection (a) of this Section 2, the City is revising the description of the Project provided for in
94 Ordinance No. 2167 and reducing the stated maximum principal amount to be borrowed for such
95 purposes.
96

97 (c) From and after the effective date of this Ordinance, all references to the Project in
98 Ordinance No. 2167 shall be deemed to be references to the Project as defined in Section 2(a)
99 above.
100

101 SECTION 3. BE IT FURTHER ORDAINED that (a) pursuant to the authority of the
102 Enabling Act, the Charter and Ordinance No. 2167, Section 3 of Ordinance No. 2167 is hereby
103 deleted in its entirety and inserted in place thereof shall be the following:
104

105 “SECTION 3. BE IT FURTHER ORDAINED that to evidence the
106 borrowing and indebtedness authorized in Section 2 of this Ordinance, the City,
107 acting pursuant to the authority of the MWQFA Act, the Enabling Act and the
108 Charter, hereby determines to issue and sell from time to time, upon its full faith and
109 credit, one or more series of its general obligation bonds in an aggregate principal
110 amount not to exceed Five Hundred Thirty-one Thousand Dollars (\$531,000.00)
111 (individually, a “Bond” and, collectively, the “Bonds”). Each Bond shall be
112 designated “City of Salisbury Water Quality Bond” and by series or by such other
113 designation or designations as the Administration may require and as the Council
114 shall determine in the Resolution (as defined in Section 8 hereof). Each such series
115 may consist of one or more bonds and any Bond may be issued in installment form
116 and/or draw-down form.”
117

118 (b) By undertaking the amendments to Section 3 of Ordinance No. 2167 provided for in
119 subsection (a) of this Section 3, the City is reducing the aggregate principal amount of the Bonds
120 authorized to be issued pursuant to Ordinance No. 2167 to an amount not to exceed Five Hundred
121 Thirty-one Thousand Dollars (\$531,000.00).
122

123 (c) From and after the effective date of this Ordinance, the provisions of this Section 3
124 shall supersede the provisions of Section 3 of Ordinance No. 2167 with respect to the aggregate
125 principal amount of the Bonds authorized to be issued pursuant to Ordinance No. 2167.
126

Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

127 SECTION 4. BE IT FURTHER ORDAINED that (a) pursuant to the authority of the
128 Enabling Act, the Charter and Ordinance No. 2167, Section 11(a) of Ordinance No. 2167 is hereby
129 deleted in its entirety and inserted in place thereof shall be the following:
130

131 “SECTION 11. BE IT FURTHER ORDAINED that (a) pursuant to
132 the authority of the Bond Anticipation Note Enabling Act and the Charter, the City
133 may issue and sell from time to time, upon its full faith and credit, one or more series
134 of its general obligation bond anticipation notes in an aggregate principal amount not
135 to exceed Five Hundred Thirty-one Thousand Dollars (\$531,000.00) (collectively,
136 the “BANs”) prior to and in anticipation of the sale of any series of the Bonds in
137 order to finance or reimburse costs of the Project on an interim basis, including
138 paying capitalized interest on such series of the BANs within the limitations of the
139 Bond Anticipation Note Enabling Act. Any such series of the BANs may consist of
140 one or more notes and any note may be issued in installment and/or draw-down
141 form. Prior to the issuance, sale and delivery of any series of the BANs, the Council
142 shall adopt a resolution or resolutions pursuant to the authority of the Bond
143 Anticipation Note Enabling Act, the Charter and this Ordinance authorizing such
144 series of the BANs and specifying, prescribing, determining, providing for the
145 approval of or approving such matters, details, forms, documents or procedures as
146 may be authorized or required by applicable law. Unless the Council determines
147 otherwise in a resolution or resolutions providing for any series of the BANs, such
148 series of the BANs shall be sold by private negotiation due to the ability to time the
149 market, negotiate terms and thereby achieve a beneficial rate or rates and other
150 beneficial terms by undertaking a private (negotiated) sale.”
151

152 (b) By undertaking the amendments to Section 11(a) of Ordinance No. 2167 provided
153 for in subsection (a) of this Section 4, the City is reducing the aggregate principal amount of the
154 BANs authorized to be issued pursuant to Ordinance No. 2167 to an amount not to exceed Five
155 Hundred Thirty-one Thousand Dollars (\$531,000.00).
156

157 (c) From and after the effective date of this Ordinance, the provisions of this Section 4
158 shall supersede the provisions of Section 11(a) of Ordinance No. 2167 with respect to the aggregate
159 principal amount of the BANs authorized to be issued pursuant to Ordinance No. 2167.
160

161 SECTION 5. BE IT FURTHER ORDAINED that from and after the effective date of this
162 Ordinance, Ordinance No. 2167 shall be deemed amended and supplemented as provided herein
163 and all other terms and provisions of Ordinance No. 2167 shall remain in full force and effect.
164

165 SECTION 6. BE IT FURTHER ORDAINED that the title of this Ordinance shall be
166 deemed to be, and is, a fair statement of the substance of this Ordinance for publication and all other
167 purposes.
168
169

Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

