



# City of Salisbury



## CITY COUNCIL AGENDA

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October 26, 2015  
Government Office Building

6:00 p.m.  
Room 301

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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. CITY INVOCATION – Rev. James Riley, Nelson Memorial United Methodist Church

6:05 p.m. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

6:07 p.m. PRESENTATIONS

- **Proclamation** – Women Supporting Women
- **Community Organization Presentation** – Just ZOO it! – presented by Cathy Bassett

6:20 p.m. ADOPTION OF LEGISLATIVE AGENDA

6:22 p.m. CONSENT AGENDA – City Clerk Kim Nichols

- **May 14, 2015** budget session minutes
- **May 18, 2015** budget session minutes
- **May 21, 2015** budget session minutes
- **June 1, 2015** budget session minutes
- **September 8, 2015** closed session minutes (separate envelope)
- **September 21, 2015** work session minutes
- **September 28, 2015** regular meeting minutes
- **October 5, 2015** closed session minutes (separate envelope)
- **October 5, 2015** work session minutes
- **Resolution No. 2559** - to approve a Maryland Department of Housing and Community Development, Main Street Improvement Program grant application for funds to provide for a Downtown Ambassador Program and to authorize the Mayor to sign all documents necessary for the receipt of said funds
- **Resolution No. 2560** - accepting federal grant funds awarded through the Department of Justice's Bulletproof Vest Partnership Program for the purchase of protective vests for each police officer
- **Resolution No. 2561** - approving the reappointment of Joel Olive to the Central City District Commission for the term ending 9/30/2017
- **Resolution No. 2562** - approving the reappointment of Jacob Holloway to the Central City District Commission for the term ending 9/30/2017

- **Resolution No. 2563** - approving the reappointment of Mary Buffington to the Traffic and Safety Committee for the term ending July 31, 2017
- **Resolution No. 2564** - accepting the donation of a staff vehicle, two mobile command vehicles, a rescue boat / motor / trailer, and portable radios and equipment for the Salisbury Fire Department to use in efforts to enhance its capabilities in providing the effective and efficient delivery of Fire, Rescue and Emergency Medical Services and to improve the quality of life for the Citizens of the City of Salisbury and the Salisbury Fire District

6:27 p.m. AWARD OF BIDS – Assistant Director of Internal Services – Procurement & Parking  
Jennifer L. Miller

- Contract 107-16, CCTV for Water Utilities Division
- RFP 14-15, Change Order #1, Salisbury Bike Route

6:37 p.m. RESOLUTIONS – City Administrator Tom Stevenson

- **Resolution No. 2565** - Malone/College Ave & Snow Hill Rd Annexation and setting date for the public hearing
- **Resolution No. 2566** -Malone/College Ave & Snow Hill Rd Annexation Agreement/Plan

6:50 p.m. ORDINANCES – City Attorney Mark Tilghman

- **Ordinance No. 2360** - 1<sup>st</sup> reading- to amend Chapter 15.24 Housing Standards of the Salisbury City Code to change Building Official to Housing Official and to change BOCA Mechanical Code to National Fuel Gas Code and to otherwise correct portions of the text
- **Ordinance No. 2361** - 1<sup>st</sup> reading- amending Chapter 8.04.050 of the Salisbury Municipal Code to provide for the enforcement of this section by the Chief of Police, the Fire Chief and the Director of Neighborhood Services and Code Compliance
- **Ordinance No. 2362** - 1<sup>st</sup> reading- approving a budget amendment of the FY 2016 General Fund to appropriate funds for the replacement of survey equipment
- **Ordinance No. 2363** - 1<sup>st</sup> reading- approving an amendment of the FY 2016 General Fund Budget to appropriate funds for the purchase and installation of fencing for Phase 1 of the Salisbury Skatepark
- **Ordinance No. 2364** - 1<sup>st</sup> reading - amending Chapter 3, Revenue and Finance, of the City Code by adding Chapter 3.22 for the purpose of establishing an advanced telecommunications systems property tax credit

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 website [www.ci.salisbury.md.us](http://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 9, 2015 (subject to change)**

- Resolution No. \_\_\_\_ - Acquisition of 709 W. Isabella Ave
- Ordinance No. 2360 – 2<sup>nd</sup> reading- to amend Chapter 15.24 Housing Standards of the Salisbury City Code to change Building Official to Housing Official and to change BOCA Mechanical Code to National Fuel Gas Code and to otherwise correct portions of the text
- Ordinance No. 2361 – 2<sup>nd</sup> reading- amending Chapter 8.04.050 of the Salisbury Municipal Code to provide for the enforcement of this section by the Chief of Police, the Fire Chief and the Director of Neighborhood Services and Code Compliance
- Ordinance No. 2362 – 2<sup>nd</sup> reading- approving a budget amendment of the FY 2016 General Fund to appropriate funds for the replacement of survey equipment
- Ordinance No. 2363 – 2<sup>nd</sup> reading- approving an amendment of the FY 2016 General Fund Budget to appropriate funds for the purchase and installation of fencing for Phase 1 of the Salisbury Skatepark
- Ordinance No. 2364 – 2<sup>nd</sup> reading - amending Chapter 3, Revenue and Finance, of the City Code by adding Chapter 3.22 for the purpose of establishing an advanced telecommunications systems property tax credit

Posted: October 22, 2015

1 SALISBURY CITY COUNCIL  
2 BUDGET WORK SESSION  
3 MAY 14, 2015  
4

5 Public Officials Present  
6

Council Vice President Laura Mitchell Councilwoman Eugenie P. Shields  
Councilman John “Jack” R. Heath (arrived 12:00 pm) Councilman Timothy K. Spies

7  
8 Public Officials Not Present  
9

10 Mayor James Ireton, Jr.  
11 Council President Jacob R. Day  
12

13 In Attendance  
14

15 City Clerk Kim Nichols, City Administrator Tom Stevenson, and Internal Services Director  
16 Keith Cordrey

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17  
18 The City Council convened in a Budget Work Session at 11:10 a.m. in Conference Room 306 of  
19 the Government Office Building.  
20

21 Council began the budget session with discussion of the following revisit list items:  
22

23 **Comcast**  
24

25 Mr. Stevenson discussed changing the percentage from 30% to 20%. PAC14’s additional money  
26 (\$2 million) is to be received over a period of ten years and is Capital money. When the current  
27 agreement was reached there was some capital funding included, but there was no ongoing  
28 capital contribution provided for in the agreement and PAC14 has funded capital items through  
29 fund raising and operating funds. Attorney Dan Cohen, City representative in the Comcast  
30 contract negotiations, estimated a 5% increase and Mr. Stevenson recommended using that until  
31 a more concrete number was received. Mr. Cordrey would increase their share, and would return  
32 to the item when the exact number is received.  
33

34 **Workers Comp**  
35

36 *Mr. Cordrey received the Workers Comp quote and the adjustment will likely be close to*  
37 *\$450,000.00.*  
38

39 **Neighborhood Services and Code Compliance (NSCC) Safety Shoes**  
40

41 NSCC safety shoes – *Council reached consensus to add \$1,000 (for five employees) to buy work*  
42 *shoes and Mr. Stevenson will find out whether they want to require steel-toed boots.* NSCC will  
43 have to decide if they want to change their policy to require safety shoes for the inspectors

44 working in the field. If they do not wish to require safety shoes, they can just not spend the  
45 budgeted amount.

46

47 **Community Development Specialist**

48

49 The new position (Community Development Specialist) is not included in the budget but the  
50 Grant Specialist is included. Mr. Stevenson stated the Council would receive a presentation from  
51 Mayor Ireton on Monday during the May 18 Work Session concerning the initiative. Council  
52 agreed to insert a placeholder until the Mayor’s plan can be heard, but they would need to  
53 remember the position is not included in the budget.

54

55 **City Clerk/Assistant City Clerk reclassifications**

56

57 *Council approved funding the classification increases of one grade for the City Clerk and*  
58 *Assistant City Clerk positions as recommended by Human Resources.*

59

60 **Live Near your Work**

61

62 The City still has the House Keys for Employees program, but the Live Near Your Work  
63 program has ended. Council agreed that funds should be provided for employees to purchase  
64 homes in the City limits. They discussed reasons why people would want to live in Salisbury.

65

66 **Consultant for Planning & Zoning (P & Z) Review**

67

68 Mr. Stevenson reported that P & Z Deputy Director Lori Carter estimated the cost of a consultant  
69 to re-write the Zoning Code and train office staff would be approximately \$250,000.

70

71 **Salisbury Police Department (SPD) Revisit List Items**

72

73 Chief Duncan and Colonel Meienschein joined Council at the table to discuss the items on the  
74 revisit list.

75

- 76 • Body cameras – The least amount would be \$5,500 per month for three years. *Council*  
77 *reached consensus to add the funds for body cameras (\$184,000) which includes data*  
78 *storage and extended warranty.*
- 79 • Combining two positions – Safe Streets Coordinator and Crime Analyst – Chief Duncan  
80 reported that last year SPD was awarded \$260,000 for Safe Streets (included the salary  
81 and fringe benefits for the Safe Streets Community Prosecutor, Safe Streets Coordinator  
82 and Crime Analyst). There was also funding awarded for street level operations in  
83 overtime for SPD and the County Sheriff’s Department. The award was reduced this year  
84 to \$208,000 and in order to maintain the operations, SPD would like to combine the  
85 Crime Analyst and Safe Streets Coordinator positions (acknowledging the value of the  
86 Community Prosecutor and wishing to fully fund that position) for the salary of \$56,000  
87 for the part-time position to perform both jobs. Colonel Meienschein told Council it was  
88 inevitable that funding will be cut again next year, and the County should begin

89 absorbing some or all of the salary for the Prosecutor's position. In about three weeks, the  
90 SPD will know if the proposal of combining the two positions has been accepted. The  
91 sooner the Council knows whether the proposal has been accepted, the better.

92  
93 Council will receive more information later in an upcoming budget session on the Community  
94 Development Specialist and the Form-based code.

95  
96 Mrs. Shields asked Mr. Cordrey to include funds for lunch and coffee for Council when they  
97 have to attend daylong meetings.

98  
99 *Mrs. Mitchell noted that Mayor Ireton's budget did not include funding the employee picnic, and*  
100 *Council reached consensus to include \$5,000 for the funding.*

101  
102 With no further discussion, Mrs. Mitchell adjourned the Budget Work Session at 12:50 p.m.

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105 \_\_\_\_\_  
106 City Clerk

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109 \_\_\_\_\_  
110 Council President

1 SALISBURY CITY COUNCIL  
2 BUDGET WORK SESSION  
3 MAY 18, 2015  
4

5 Public Officials Present  
6

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

7  
8 Public Officials Not Present  
9

10 Mayor James Ireton, Jr.  
11 Council President Jacob R. Day  
12 Councilman John “Jack” R. Heath  
13

14 In Attendance  
15

16 City Clerk Kim Nichols, Assistant City Administrator Julia Glanz, and Internal Services Director  
17 Keith Cordrey  
18

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19 The City Council convened in a Budget Work Session at 9:30 a.m. in Conference Room 306 of  
20 the Government Office Building.  
21

22 **Police Personnel Committee**  
23

24 Officers Brandon Caton and Nick Amendolagine from the Salisbury Police Department (SPD)  
25 joined Council to discuss the Police department budget. They reported retention of employees  
26 remains the principal problem with employment. The following is a synopsis of the discussion:  
27

- 28 • Nighttime differential – they make twenty cents and twenty-five cents in their nighttime  
29 differential. This amount has not changed since 1988. Any person working the night shift  
30 hours is only making twenty cents more per hour. As a comparison, Salisbury University  
31 police make \$1 for nighttime differential and they work 12-hour shifts. This increase has  
32 been overlooked for about thirty years.
- 33 • Non-sworn personnel work very hard and should be recognized, especially dispatchers.
- 34 • Funding increased amounts for differential pay would cost \$17,000 - \$25,000 per year
- 35 • They started the Police Academy with fourteen people and have lost four already
- 36 • Stress levels are high, but most officers are too prideful to take stress leave
- 37 • Officers are frustrated because they aren’t seeing incremental increases
- 38 • One of the officers left to take an eleven thousand dollar pay cut to work somewhere else
- 39 • Right now they have ten new officers in the Academy who are basically worthless to the  
40 City for the first year
- 41 • There is quick burn-out with the new officers during field training

- 42 • SPD must field train their new officers quicker than other police departments because
- 43 there is a lot more going on in Salisbury
- 44 • SPF has one of the longest field training programs in the area because when they are cut
- 45 loose, they have to operate at a much higher level than other neighboring towns
- 46 • There are a lot of retirements coming up (in that transitional phase where seniors are
- 47 looking to retire) and many are concerned about their employee benefit rate at retirement
- 48 • Benefits (like gym memberships) could be given to those who stay healthy and use their
- 49 memberships
- 50 • Police Officers and Fire Officers can retire long before they are eligible for Medicare
- 51 • Mrs. Mitchell told about House Keys for Employees where \$2,500 is given for down
- 52 payments for homes in the City
- 53 • Having an officer in the neighborhood helps the community
- 54 • Mr. Spies commented that providing housing in barracks rent-free for a year or so to new
- 55 hires would be an attractive incentive to draw officers to Salisbury
- 56 • Mrs. Mitchell asked Mr. Cordrey to see what the difference in the SPD's shifted
- 57 differential would mean to the budget's bottom line, and the 25 cents differential since
- 58 1988 was shocking to hear.
- 59 • Mrs. Shields wants to see SPF receive a step increase before 2017
- 60 • *Council reached consensus to see the differential increased to between eighty cents and a*
- 61 *dollar per hour*
- 62 • Mrs. Shields indicated Public Safety was the number one concern before new positions
- 63 should be added. Mrs. Mitchell agreed with Mrs. Shields, but added that it comes down
- 64 to choices, and Public Safety is always Council's top priority. They just did put \$700,000
- 65 into the SPD in 2014 and another million dollars in FY15.
- 66 • Mrs. Mitchell asked Mr. Cordrey to find out how many vacation days were forfeited at
- 67 the SPD over the past three years, and see how many positions are in jeopardy of losing
- 68 days off.
- 69 • Council was concerned with police officers getting their appropriate days off

### 71 **Planning, Zoning and Community Development (P & Z)**

72  
73 Chief of Planning Keith Hall joined Council to provide an update on the City's form-based code  
74 and planning initiatives. The City has a roadmap on land use and has to work out implementation  
75 going from a trails', biking and walkers' component. The more the City can define in an adopted  
76 plan the easier it will be to obtain State and Federal funding for implementation. More often  
77 lately, the State and Federal governments are reluctant to fund "piecemeal" projects but opt to  
78 fund plans to totality. These tools could be very beneficial to achieving the City's goals.

79  
80 Mr. Hall also reported they have a very rough lineation of what an Urban Greenway is, but do  
81 not have a plan of what it will be. The Parks Committee should examine the Urban Greenway  
82 when creating the Park Master Plan. He recommended the Committee get price estimates when  
83 adding that scope for the contract.

85 Council did not reach consensus for budgeting purposes; the update was for Council's  
86 informational purposes only.

87

88 **Council Discussion on Follow-up List**

89

- 90 • Community Development Corporation Specialist - Mayor Ireton will discuss this in the  
91 afternoon's Work Session.
- 92 • Thursday, May 21, 2015 is the final date Council can deliberate because Mr. Cordrey  
93 needs time to create the Budget Ordinance and related materials on June 8, 2015.
- 94 • Council reached consensus to include the SPD differential (eighty cents to one dollar per  
95 hour)
- 96 • Workers Comp adjustment is correct per Mr. Cordrey
- 97 • Safe Streets position is already funded since the SPD has received the award
- 98 • Council reached consensus to not leave the 2% cut in Water & Sewer Rates

99

100 Ms. Glanz informed Council that Neighborhood Services and Code Compliance withdrew their  
101 request for safety shoes (\$1,000).

102

103 The next Budget Session will be held on Thursday, 21, 2015 from 3:00 p.m. to 6:00 p.m.

104

105 With no further discussion, Mrs. Mitchell adjourned the Budget Work Session at 11:06 p.m.

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109 \_\_\_\_\_  
City Clerk

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113 \_\_\_\_\_  
Council President

1 CITY OF SALISBURY  
2 BUDGET WORK SESSION  
3 MAY 21, 2015  
4

5 Public Officials Present  
6

7 Council Vice President Laura Mitchell  
8 Councilman Timothy K. Spies

Councilwoman Eugenie P. Shields  
Councilman John "Jack" R. Heath  
(via teleconferencing)

9  
10 Public Officials Not Present  
11

12 Mayor James Ireton, Jr.  
13 Council President Jacob R. Day  
14

15 In Attendance  
16

17 Assistant City Clerk Diane C. Nelson, CMC, City Administrator Tom Stevenson, Assistant City Administrator  
18 Julia Glanz, Community Development Director Deborah Stam, Public Works Deputy Director Amanda Pollack,  
19 and Internal Services Director Keith Cordrey  
20

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21 The City Council convened in work session at 3:10 p.m. in Conference Room 306 of the Government  
22 Office Building to discuss components of the FY16 Budget.  
23

24 Vice President Mitchell invited Internal Services Director Cordrey and City Administrator Stevenson to review  
25 remaining budget items in the FY16 Budget for Council consideration.  
26

27 Discussion topics included:  
28

- 29 • Council Meals for long sessions - \$250.00
- 30 • Police Department
  - 31 ○ Equipment Request – \$10,000.00 – did not hear back from SPD
  - 32 ○ Police Department Night/Shift Differential Rates – maintain or increase rates
- 33 • Public Works (PW) Retirement Incentive Program
  - 34 ○ How often incentive offered
  - 35 ○ Whether to include in FY15 or FY16 Budget
- 36 • Replace/rehab failing Telephone and Internet Systems at Zoo
  - 37 ○ Rough estimate \$80,000.00 – split 50/50 City and Zoo Commission
  - 38 ○ Capital Improvement Plan (CIP) Budget versus Capital Outlay item in Budget
- 39 • Maryland Broadband Cooperative
  - 40 ○ Components of original quote versus comprehensive quote proposed in CIP
  - 41 ○ PW coordinating Maryland Broadband with Downtown Masterplan – (*standalone Broadband*  
42 *would be more costly*)
  - 43 ○ Masterplan in three phases/CIP Budgets - How Broadband will be installed/connected/made  
44 available to citizens/businesses and when to energize Broadband, according to Masterplan phases  
45 or once stubs are available for hookup
  - 46 ○ Reserve surplus versus preserve debt capacity
  - 47 ○ Fund from current year revenues (PAYGO) or add to bond
- 48 • Community Development Coordinator Specialist Position/Community Development Corporation (CDC)
  - 49 ○ Position Job Description and office set-up/furniture costs
  - 50 ○ Responsibilities - Grant Specialist Position versus CDC Coordinator Specialist Position
  - 51 ○ No debt service yet for \$500,000.00 CDC funding request/no interest cost in operating budget
  - 52 ○ Goals for the Corporation/City control over properties pursued
  - 53 ○ CDC - in competition with Community Development, Salisbury Neighborhood Housing Service  
54 (SNHS), and Habitat?

- 55 ○ SNHS and Habitat already coordinating efforts; both have networks in place
- 56 ○ SNHS expecting influx of \$1 million dollar line of credit/SNHS limit on property inventory/SNHS
- 57 offers credit counseling, homeowner workshops, access to sources for funding downpayments
- 58 ○ Establish Corporation versus meet with SNHS Board to provide \$100,000.00 directed grant to
- 59 SNHS to be used for City specified properties; source of funding for grant
- 60 ● Interns and Summer Jobs for Youth
- 61 ○ Historical trends in conjunction with reduction in violent crimes for youth that work
- 62 ○ Mayor continue College Interns but not beyond existing Departmental Positions
- 63 ○ Possibility of partnering with the Chamber
- 64 ● Comments/Suggestions for FY17 budget process
- 65 ○ Schedule Personnel Committees early in the process and before Department Heads
- 66 ○ Provide justification for budget requests prior to Council reviewing the Budget
- 67 ○ Acknowledgement of improvement in budget process from FY15 to FY16
- 68 ○ Council Goal Setting in August prior to Mayor and Department Heads reviewing/preparing budgets
- 69 for following fiscal year to make sure Council and Administration goals are aligned with
- 70 anticipated result of fewer Council changes to Administration budget
- 71 ○ Administration to begin CIP discussion in August and budget discussion in January for following
- 72 fiscal year
- 73 ○ Upcoming – significant budget (s) CIP item for SPD - Communications Center because all radios
- 74 will be obsolete
- 75

76 After discussion, Council reached majority consensus to make adjustments as follows:

- 77
- 78 ● *Allocate \$250.00 for Council Meals for long meeting sessions*
- 79 ● *Remove (\$10,000.00) requested for Police Equipment*
- 80 ● *Adopt Police Department Night/Shift Differential Rates of .50 & .55*
- 81 ● *Include PW Retirement Incentive Program in FY16*
- 82 ● *Allocate \$40,000.00 as Capital Outlay toward replacement/rehabilitation of Phone/Internet Systems at Zoo*
- 83 *(Zoo Commission to pay remaining \$40,000.00)*
- 84 ● *Fund Maryland Broadband - \$197, 500.00 from current year revenue (PAYGO) and closely monitor*
- 85 *surplus (Mr. Cordrey to resend email to Council chronicling budget surplus history, indicating PW now*
- 86 *spending annual \$500,000.00 allocated for Street Paving - there will be less unspent money from Street*
- 87 *Paving to contribute to surplus in future years as was in prior years)*
- 88 ● *Eliminate Community Development Corporation and accompanying Coordinator Specialist*
- 89 *Position/associated costs*
- 90 ● *Community promotion to SNHS remains at \$40,000.00 – meet with SNHS Board and Director to establish*
- 91 *rules for a City-directed \$100,000.00 grant to SNHS – prepare budget amendment if/when details worked*
- 92 *out*
- 93

94 Internal Services Director Cordrey indicated that Council adjustments today resulted in a \$40,000.00 net reduction

95 in use of surplus, and an updated spreadsheet reflecting the adjustments would be emailed to Council.

96

97 The Budget Work Session adjourned at 4:40 p.m.

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100 \_\_\_\_\_

101 Assistant City Clerk

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103 \_\_\_\_\_

104

105 Council President

1 SALISBURY CITY COUNCIL  
2 BUDGET WORK SESSION  
3 JUNE 1, 2015  
4

5 Public Officials Present  
6

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

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

7  
8 Public Officials Not Present  
9

10 Councilman John "Jack" R. Heath  
11

12 In Attendance  
13

14 City Clerk Kim Nichols, City Administrator Tom Stevenson, Assistant City Administrator Julia  
15 Glanz, and Internal Services Director Keith Cordrey  

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16  
17 The City Council convened in a Budget Work Session at 7:28 a.m. in Council Chambers, Room  
18 301 of the Government Office Building following the regularly scheduled Work Session and a  
19 Closed Session, which adjourned at 7:24 p.m. President Day reported to the public that while in  
20 Closed Session Council received an update from consultants and PAC 14 leadership regarding  
21 the Comcast Franchise agreement. No consensus was reached concerning the agreement.  
22

23 Mayor Ireton thanked Council for their many hours of work on the budget during the past several  
24 weeks but stated he would not support the Council's budget for the following reasons:  
25

- 26 • Community Development Initiative not supported by Council
- 27 • Fire Inspection Permit not supported by Council
- 28 • Councilman Heath's directive by Council to negotiate on behalf of the City
- 29 • Council has kept the rate cuts for County residences and Urban Services in the budget but  
30 removed the rate cuts to City residents
- 31 • Council has added \$240,000 to revise City Codes. Mayor Ireton asked if this was for  
32 downtown, neighborhoods, the commercial corridor, etc.  
33

34 Mayor Ireton thanked Council for placing the broadband matter into Surplus and remarked he  
35 was trying to understand Council's point of view since they normally steer away from spending  
36 from Surplus.  
37

38 Mayor Ireton reported that the \$500,000 bond funds was for more than just tax sale, it was for  
39 Clean/Liens, demolitions, and the great number of things that was agreed upon. Regarding the  
40 \$100,000 to Salisbury Neighborhood Housing Service (SNHS), Mayor Ireton explained that  
41 SNHS does not demolish houses. They do an excellent job to keep people in their homes during  
42 the recession, but there has not been a large scale changing of our neighborhoods by SNHS.

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Additionally, Mayor Ireton discussed the following FY16 Budget topics with Council:

- **Fire Inspection Permit**

- Mayor Ireton reported he was told the Fire Inspection Permit could not be created.
- Mayor Ireton stated Mr. Heath should not have received permission to meet with the personnel.
- Mr. Stevenson stated that the Fire Inspection Permit was in the budget but Mr. Heath was asked to meet with Chief Hoppes, Mr. Lenox and Mr. Wright, and it would then come out of the budget if nothing came of the mediation. It is showing in the budget as a revenue and an expense.
- Mr. Day thought the consensus was to remove it.
- Mrs. Mitchell stated it came back for discussion because it was budget neutral item (equal revenue lines in and out).
- Mrs. Shields stated that it was clear at the last budget meeting that Mr. Wright, Chief Hoppes, and Mr. Lenox had not met and discussed the Fire Inspection Permit process, and so Council suggested they sit down and discuss the plan. Mrs. Shields suggested they meet, and it would be a good idea if Mr. Heath was part of the discussion since he had related experiences and understood both sides.
- Mrs. Mitchell added that Mr. Heath's role was to get the answers to Council's questions.
- Mayor Ireton was concerned that with Mr. Heath's role as president of a County fire company, the revenue could drop for his company if this was done in the City. He would agree if the City could raise revenue and not hire additional staff.

Mrs. Mitchell noted they received conflicting reports and figures from Chief Hoppes and Mr. Lenox. Council's questions concerned the conflicting reports and whether there was a duplication of services and enhanced services. Mr. Heath was the Council member who had the expertise to discuss with them.

Council reached consensus to remove the \$320,000 and have the conversation after the Fire Service Agreement was discussed with the County.

- **Rate Cuts to County Urban Services District**

Mayor Ireton stated he put the rate cuts in for County Urban Services along with the rate cuts for residents. Previous Councils have used monies from development funds such as annexations and placed them in certain accounts to be spent in certain ways. One of the ways the City remains competitive with neighboring municipalities is in keeping our rates steady over the past several years. Mayor Ireton indicated Urban Services District customers are charged based upon the number of fixtures since sewerage cannot be metered. He asked if the Council was serious about cutting the rates of people who live outside of City limits before they cut the rates of people living in City limits, and wished to bring that perspective to Council before they make final budget deliberations.

88 Mayor Ireton asked if Council could even them out in some way to keep the rates as  
89 competitive as possible with Delmar and Fruitland.  
90

91 • **Form Based Code and Planning Initiatives**  
92

93 Mayor Ireton expressed concern because \$240,000 was a large amount to spend all at  
94 once on planning if it was not going to be completed in one year.  
95

96 **Community Development Initiative (CDI)**  
97

98 Mayor Ireton stated that if Council does not find the money in the budget to hire someone  
99 to do this job then we must be prepared to answer community requests. Mr. Day noted  
100 that if funds were available for the City to acquire property for neighborhood stabilization  
101 purposes, and those properties are transferred to a qualified partner like Salisbury  
102 Neighborhood Housing Service (SNHS) or Habitat for Humanity, this could be created  
103 and the perimeters by which properties would be able to be transferred to a qualified  
104 partner. Mayor would like some funds allocated for this in the budget.  
105

106 **Mayor and Council Discussion**  
107

108 Mrs. Shields remarked that all of the topics discussed this evening should have been discussed in  
109 a Goal Setting Session so that Council could be on the same page with Administration, and they  
110 should not be compromising like this at the last hour.  
111

112 Mr. Day suggested the planning piece be reduced to \$100,000 stipulating that certain projects be  
113 completed this year. Additionally, some amount for the CDI could be funded through bonds with  
114 perimeters that City acquired property must be transferred in the end to a qualified partner.  
115

116 Mr. Day suggested it might be wiser to use the allocated CDI funds to acquire property and  
117 transfer it to qualified partners instead of funding a particular organization and directing how  
118 they use those funds. Council agreed that giving property to qualified partners (SNHS, Habitat,  
119 etc.) was not directly profitable to the City, but was a tool that the City can use that private  
120 industry cannot or will not use. Mr. Day suggested reviewing how much impact the added funds  
121 get and what effect it has on staff, and if this initiative should increase with added staff, that  
122 could be addressed next year.  
123

124 With no further discussion, President Day adjourned the Budget Work Session at 8:48 p.m.  
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128 \_\_\_\_\_  
129 City Clerk  
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131 \_\_\_\_\_  
132 Council President

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CITY OF SALISBURY  
WORK SESSION  
SEPTEMBER 21, 2015

Public Officials Present

Council President Jacob R. Day Vice President Laura Mitchell  
Councilwoman Eugenie P. Shields (left 3:48 pm) Councilman John “Jack” R. Heath  
Councilman Timothy K. Spies

Public Officials Not Present

Council President Jacob R. Day

In Attendance

City Clerk Kimberly Nichols, City Administrator Tom Stevenson, Assistant City Administrator Julia Glanz, Neighborhood Services & Code Compliance Director Susan Phillips, Salisbury Fire Department Assistant Chief Darrin Scott, Salisbury Fire Lieutenant Eric Cramer, City Attorney Mark Tilghman, interested citizens and members of the press.

-----  
On September 21, 2015, Salisbury City Council convened in a Work Session at 2:35 p.m. in Council Chambers, Room 301 of the Government Office Building. President Day thanked the public for their patience in waiting for Council to arrive, as all of the Council members had attended the Grand Opening Tour and Ribbon Cutting for the new Rivers Edge Apartments, located on Fitzwater Street in Salisbury.

**Accepting a Donation of 126 Delaware Avenue**

Neighborhood Services & Code Compliance Director Susan Phillips joined Council at the table to discuss the donation of the property located at 126 Delaware Avenue to the City.

Ms. Phillips reported the attorney for the property owner approached her about donating the property to the City. The house is in very poor condition and should be demolished. She spoke with Community Development Director Debbie Stam about receiving funds from the Community Development Block Grant to cover the demolition (approximately \$10,000 to \$12,000). The owner is HSBC Holdings, not the name reported in the packet. She also reported Habitat for Humanity has offered their property at 122/124 Delaware Avenue (a double lot) as a donation to the City. This was not requested for consideration at this time but Ms. Phillips and Mr. Stevenson wanted to share the fact that this lot was adjacent to these properties. The three lots could potentially be joined and made into a large City-owned property.

Mr. Day noted that Habitat for Humanity was normally the recipient of property from the City and asked why they did not want the property. Mr. Stevenson reported one of the two had a retention pond on it, and Habitat was not interested in developing the property. Administration has reached out to St. Francis de Sales Church about possibly starting a community garden there.

43  
44 Council reached unanimous consensus to advance the donation to legislative session.

45  
46 **Accepting a Donation of 317 & 325 Lake Street**

47  
48 Mr. Stevenson reported the Maryland Department of the Environment (MDE) and the  
49 Environmental Protection Agency (EPA) contacted him about Council's request to test the  
50 property again. Both agencies were uninterested in repeating the testing since if the City accepts  
51 the property as a donation the soil will still have to be removed if it is disturbed. Mr. Stevenson  
52 asked Council to accept the donation of the property without repeating the testing.

53  
54 The following are Council's comments and discussion points:

- 55
- 56 • Mrs. Shields - the building on the property needs to be demolished.
  - 57 • Mr. Day - Council needs to discuss and see what the owner is willing to do because there  
58 will be demolition costs and he felt the City should not bear those costs with the \$50,000  
59 for outstanding charges contributable to municipal infractions, removal of debris, grass  
60 cutting, weed removal, administrative fees and a deed of trust debt.
  - 61 • Mr. Heath - if the property was worth the money it would already have been bought, but  
62 no business would buy that piece of property without first indemnifying themselves from  
63 future accidents. That is standard in any business, especially in the oil-based industries.  
64 He indicated the City should find out exactly what will have to be done, and noted any  
65 estimates received for cleanup will likely be underestimated.
  - 66 • Mr. Spies - if additional contaminants are found through demolition or construction, can  
67 the property be placed back on the Brownfield's list? He suggested acting with caution.
  - 68 • Mrs. Mitchell - if it can go back on the Brownsfields list, the City of Salisbury would be  
69 eligible to get funds where a private investor would not necessarily. They also have  
70 revitalization grants as part of Brownsfields funds. If they have already come off the list,  
71 they may still possibly be eligible. She was most concerned that if contamination is there,  
72 it is there. Refusing to do anything with the property because it might be contaminated, or  
73 pretending it is not there, or not moving forward, does not make it go away. It could be  
74 leaching into our groundwater and has to be somebody's responsibility to figure out  
75 whether or not it is there, and clean it up. She would like to find out if there is the option  
76 to go back to Brownfields funds for cleanup and revitalization, now that it is off the list.
  - 77 • Mr. Day - if the City recognizes there is a risk that we are unwilling to take, and if we do  
78 nothing but demolish and clear the site, that would be fine. The City needs to be placed in  
79 the best possible position and not at risk for hundreds of thousands or millions of dollars.

80  
81 After discussion, Council reached unanimous consensus for the City to have a discussion with  
82 Dr. Kapilof's attorney concerning indemnification, the cost of demolition, the possibility of the  
83 City doing the demolition, and getting a lien on the property prior to advancing the donation to  
84 legislation session.

85  
86 **Waiving Central System Line Fees & W& S Fees for 425 Cole Circle – Habitat for**  
87 **Humanity**

88

89 Assistant City Administrator Julia Glanz reported that Habitat for Humanity Executive Director  
90 Molly Holligoss came to the City with the idea of waiving the central system line fees and the  
91 water and sewer tap fees for 425 Cole Circle. These fees are to reimburse the City for the  
92 installation of water and sewer services in City streets. Public Works will be performing the  
93 installation at no cost to Habitat for Humanity, resulting in a savings of \$13,219.86. This effort  
94 will make a large impact in the Doverdale Neighborhood.

95  
96 Council reached unanimous consensus to advance the resolution to legislative session to waive  
97 the fees.

### 98 99 **Non-Conforming Safety Enhancements**

100  
101 Neighborhood Services & Code Compliance (NSCC) Director Susan Phillips, Salisbury Fire  
102 Department Assistant Chief Darrin Scott, and Salisbury Fire Lieutenant Eric Cramer joined  
103 Council at the table. Ms. Phillips reported that at a Work Session earlier in the year in which the  
104 registration of multi units was discussed, Council concluded to bring life safety standards for  
105 those multi units. She reported the proposal will enhance the life/safety of multiple occupancy  
106 structures housing three (3) or more units and includes having smoke alarms, carbon monoxide  
107 detectors and fire extinguishers in each unit.

108  
109 Lt. Cramer reported the legislation would require a smoke alarm in every bedroom, and a carbon  
110 monoxide detector and fire extinguisher in each unit. He reported that State Law requires every  
111 multi-family rental to have a smoke alarm in every bedroom and could amend the language to  
112 specify ABC type fire extinguishers, a general-purpose type of fire extinguisher.

113  
114 Mrs. Shields asked if they could change “multi-family dwelling” to “non-conforming”. She  
115 asked about extinguisher inspections, and Lt. Cramer informed Council that they are now good  
116 for ten years, with the expiration date stamped on the bottom. Ms. Phillips added that checking  
117 the expiration dates would be added to the NSCC Code Enforcements inspection lists.

118  
119 Mrs. Mitchell had questions for E. and G:

- 120 • E. - anyone tampering with or interfering with the effectiveness of the detectors shall be  
121 charged with a misdemeanor. Is it the property owner’s responsibility to make sure it has  
122 not been tampered with? Who will get the misdemeanor charge?
- 123 • G. - asked if the type of alarm that has a handle on the wall that you pull downwards to  
124 sound the alarm is the type that should be placed in the common area. Ms. Phillips  
125 answered yes, and it does not have to be monitored but must be loud to alert everyone in  
126 the structure to an emergency. Lt. Cramer said this type was included to ease the burden  
127 of the owner, rather than to interconnect all of the smoke alarms, which would require  
128 extensive electrical work. This would not be required if there was no common area.

129  
130 Ms. Phillips would share the updated legislation with Council after incorporating the following  
131 changes in the legislation: G. – specifying alarms will be placed where common areas exist;  
132 15.24.1230 – approved type shall be defined as ABC fire extinguishers; and throughout the  
133 legislation, change “multi-family dwelling” to “non-conforming uses”.

134  
135 Council reached consensus to advance the legislation to an upcoming legislative session.

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The following comments were received from one member of the public:

- The ABC extinguisher is good as it comes in different sizes.
- The State of Maryland phased-in smoke detector laws since 1975 with about seven (7) different requirements, depending on when the structure was built. Currently there are no requirements for smoke alarms in individual bedrooms unless the house was built after a certain date. Most of these properties you are addressing were built prior to that date.
- The current law does not require that there be a smoke alarm in each bedroom, but does require one on each level.
- It is a great idea to have one in each bedroom. The sealed battery, 10 year detectors only cost about \$25, will save lives, and should be in all properties. This type should be required everywhere.
- Two mini smoke detectors (one on each level and one in each bedroom) should suffice.
- He did not know the law, but all of his properties that have a gas appliance like a stove, water heater, dryer, or natural gas furnace have a carbon monoxide detector in that room. If there's going to be a problem it will be in the room the appliance is located, and it does not make sense to place carbon monoxide detectors throughout the entire apartment.
- He wanted to request Council to modify the legislation where it states carbon monoxide detectors be in every room just like smoke detectors.
- On D - on page one, he questioned the "Power Source"

President Day asked if they could edit C – where multi-family dwelling owners must provide and install carbon monoxide detector alarms in every dwelling unit that has fuel-fired appliances, in the room in which the fuel-fired appliance is. Mrs. Mitchell questioned if a dryer was in a basement, would the sound of an alarm travel up, as would the gas. She thought not necessarily.

Lt. Cramer then discussed the NFPA standard for the installation of carbon monoxide alarms, which references every floor in each unit.

Ms. Phillips will amend the section dealing with carbon monoxide detectors to include one being required on each floor in every unit if there are fuel-fired appliances in the structure.

There being no further business to discuss, Council adjourned at 3:55 p.m.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council President

1 **CITY OF SALISBURY, MARYLAND**

2  
3 **REGULAR MEETING**

September 28, 2015

4  
5 **PUBLIC OFFICIALS PRESENT**

6  
7 *Council President Jacob R. Day*

*Mayor James Ireton, Jr.*

8 *Council Vice-President Laura Mitchell*

*Councilman John “Jack” R. Heath*

9 *Councilwoman Eugenie P. Shields*

*Councilman Timothy K. Spies*

10  
11 **IN ATTENDANCE**

12  
13 *Assistant City Clerk Diane C. Nelson, CMC, City Attorney Mark Tilghman, Internal Services Director*  
14 *Keith Cordrey, Public Works Deputy Director Amanda Pollack, Zoo Director Ralph Piland, Salisbury-*  
15 *Wicomico Planning and Zoning Director Jack Lenox, Salisbury-Wicomico Economic Development*  
16 *Executive Director David Ryan, Business Development Specialist Laura Kordzikowski, District 38B-*  
17 *Wicomico County Delegate Carl Anderton, Jr. and interested citizens and members of the press*

18  
19 \*\*\*\*\*

20  
21 **MEDITATION – PLEDGE OF ALLEGIANCE**

22  
23 *The City Council met in regular session at 6:00 p.m. in Council Chambers. Council President Day*  
24 *called the meeting to order; a moment of silent mediation was held followed by the Pledge of*  
25 *Allegiance.*

26  
27 **PRESENTATION – Introduction of Delegate Carl L. Anderton, Jr.**

28  
29 *Delegate Anderton spoke briefly about his journey from Mayor of Delmar, Maryland to State Delegate*  
30 *for Wicomico County, encouraging the City to reach out to his office for letters of support for grant*  
31 *applications, for assistance with economic development issues, or for any other matters the City deemed*  
32 *necessary. He outlined a plan to conduct a Roundtable Discussion prior to the next State Legislative*  
33 *Session between all Wicomico County Municipalities’ Elected Officials and State Legislators as an*  
34 *opportunity to meet and greet, ask questions, share concerns, and to align efforts toward making*  
35 *Wicomico County “the best place to call home.”*

36  
37 *Delegate Anderton can be reached on his cell at 443-359-1335 and on social media at Facebook,*  
38 *Twitter, and Instagram.*

39  
40 *President Day and Mayor Ireton thanked Delegate Anderton for his service as an elected official,*  
41 *including his time spent while Mayor of Delmar, as President of the Maryland Municipal League, “the*  
42 *Association of Maryland’s Cities and Towns” which works to “strengthen and support municipal*  
43 *government through advocacy and the development of effective leadership.”*

44  
45 **PRESENTATION – Proclamation of Economic Development Week in Salisbury**

46  
47 *Mayor Ireton presented a proclamation to Salisbury-Wicomico Economic Development (SWED)*  
48 *Executive Director David Ryan and City of Salisbury Business Development Specialist Laura*  
49 *Kordzikowski proclaiming September 28-October 2, 2015 as Economic Development Week in*

50 *Salisbury; he thanked both for their economic development efforts on behalf of the City and then invited*  
51 *each to make comments.*

52  
53 *Ms. Kordzikowski provided an overview of her almost two years as the City's Business Development*  
54 *Specialist and the many opportunities that had been available to collaborate with SWED, the Salisbury*  
55 *Area Chamber of Commerce, various State entities, and local businesses to effect Manufacturing*  
56 *Exemptions and Enterprise Zone Benefits for businesses, expansion of the Arts & Entertainment*  
57 *District, increased occupancy, Community Legacy Façade Grants all in Downtown Salisbury, and*  
58 *rental properties becoming owner-occupied as homeowners had taken advantage of the Conversion Tax*  
59 *Credit Program.*

60  
61 *Mr. Ryan, Executive Director since 1993, provided an overview of SWED and the various relationships*  
62 *established in both the public and private sectors at National, State and local levels including Salisbury*  
63 *University, the City of Salisbury, and area businesses which have supported SWED's goal to attract and*  
64 *preserve jobs as well as investment in the Salisbury-Wicomico Community. Mr. Ryan acknowledged*  
65 *that he and SWED are still heavily involved on a daily basis in the Labinal transition, dealing with the*  
66 *aftermath of Labinal Power Systems' decision to consolidate operations in Texas. In closing, Mr. Ryan*  
67 *thanked the Mayor and Council for the City's many years of support, and the opportunity to work with*  
68 *talented City staff to positively influence economic development and sustainability in our Community.*

69  
70 *President Day thanked Ms. Kordzikowski and Mr. Ryan for their dedication to economic development*  
71 *in the Salisbury-Wicomico Community.*

72

73 **ADOPTION OF LEGISLATIVE AGENDA**

74

75 *Mr. Heath moved and Mr. Spies seconded to approve the legislative agenda.*

76

77 *Vice President Mitchell moved and Mrs. Shields seconded to remove Ordinance No. 2354 - approving a*  
78 *budget amendment of the FY16 General Fund Budget to make changes to approved positions in the Zoo*  
79 *Division of the Department of Public Works as part of a reorganization plan and Ordinance No. 2355 –*  
80 *approving a budget amendment of the FY16 General Fund Budget to appropriate the funds returned on*  
81 *contract, both for First Reading, from the Consent Agenda to be placed directly after the Ordinances on*  
82 *the Regular Agenda; President Day offered an amendment to the motion by suggesting the Ordinances*  
83 *be placed in numerical order “along with” rather than “directly after” the Ordinances on the Regular*  
84 *Agenda. Thereafter, the motion as amended passed on a unanimous vote in favor thereby approving the*  
85 *legislative agenda as amended.*

86

87 **CONSENT AGENDA** – presented by Assistant City Clerk Diane Nelson

88

89 *The Consent Agenda consisting of the following items was approved as amended on a unanimous vote*  
90 *in favor on a motion by Vice President Mitchell that was seconded by Mr. Spies:*

91

- 92 • *April 20, 2015 budget session minutes*
- 93 • *April 21, 2015 budget session minutes*
- 94 • *April 23, 2015 budget session minutes*
- 95 • *August 17, 2015 work session minutes*
- 96 • *August 24, 2015 regular meeting minutes*
- 97 • *Resolution No. 2547 – approving the appointment of Andy Kitzrow to the Historic District*

- 98            *Commission for term ending 9/28/2018*
- 99            • *Resolution No. 2548 – approving the appointment of Jeanne Mears to the Friends of Poplar Hill*
- 100           *Mansion Board of Directors for term ending 12/31/2018*
- 101           • *Resolution No. 2549 – in response to Resolution No. 2513, as approved by Mayor James Ireton,*
- 102           *Jr. on June 25, 2015 - staggering of terms*
- 103           • *Resolution No. 2550 – accepting the donation of the real property located at 324 Poplar Hill*
- 104           *Avenue, Salisbury, Maryland 21801, from the owner Christine Wolfe*
- 105           • *Resolution No. 2551 – accepting the donation of the real property located at 527 Wailes Street,*
- 106           *Salisbury, Maryland 21801, from the estate of James W. Windsor*
- 107           • *Resolution No. 2552 – accepting the donation of the real property located at 524 East Isabella*
- 108           *Street, Salisbury, Maryland 21801, from the estate of James W. Windsor*
- 109           • *Manufacturing Exemption request – Delmar Brewing Company, LLC*
- 110           • *Manufacturing Exemption request – Delmarva Printing and Design, Inc.*
- 111           • *Manufacturing Exemption request – DiCarlo Precision Instrument, Inc.*
- 112           • *Manufacturing Exemption request – Pepsi Bottling Ventures, LLC*

113

114    **RESOLUTIONS** – presented by Internal Services Director Keith Cordrey

115

- 116           • *Resolution No. 2553 – transferring funds held in the Water Impact Fund and the Sewer Impact*
- 117           *Fund into the Water Sewer Fund to fund projects providing additional water sewer capacity*

118

119           *Vice President Mitchell moved, Mr. Heath seconded, and after discussion, the vote was*

120           *unanimous to approve Resolution No. 2553 as presented.*

121

- 122           • *Resolution No. 2554 – transferring funds held in the Depreciation Reserve Fund into the Water*
- 123           *Sewer Fund to fund replacement of Water and Sewer Facilities*

124

125           *Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to approve Resolution*

126           *No. 2554 as presented.*

127

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

129

- 130           • *Ordinance No. 2353 – 2nd reading - granting a utility easement to Delmarva Power & Light*
- 131           *Company across City owned property on Marine Road in Salisbury, Maryland*

132

133           *Mr. Heath moved and Mrs. Shields seconded to approve Ordinance No. 2337 for second*

134           *reading.*

135

136           *Mr. Tilghman presented the ordinance and included the administrative addition of “attached*

137           *hereto” after “Agreement” on Line 20, since the Agreement was in fact attached behind the*

138           *ordinance; thereafter, Ordinance No. 2353 was unanimously approved for second reading.*

139

- 140           • *Ordinance No. 2354 - 1st reading – approving a budget amendment of the FY16 General Fund*
- 141           *Budget to make changes to approved positions in the Zoo Division of the Department of Public*
- 142           *Works as part of a reorganization plan*

143

144           *Vice President Mitchell moved and Mrs. Shields seconded to approve Ordinance No. 2354 for*

145           *first reading.*

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*After discussion, Ordinance No. 2354 was unanimously approved for first reading.*

- *Ordinance No. 2355 - 1st reading- approving a budget amendment of the FY16 General Fund Budget to appropriate the funds returned on contract*

*Mr. Spies moved and Mrs. Shields seconded to approve Ordinance No. 2355 for first reading.*

*After discussion, Ordinance No. 2355 was unanimously approved for first reading.*

- *Ordinance No. 2356 – 1st reading - amending Title 12, Streets, Sidewalks and Public Places, Chapter 12.24 Wicomico River Regulations, of the City Code by adding Sections 12.24.040 and 12.24.050 for the purpose of establishing criteria for river access and standards for riverwalk construction under the direction and supervision of the Public Works Department*

*Mrs. Shields moved and Mr. Heath seconded to approve Ordinance No. 2356 for first reading.*

*After discussion, Ordinance No. 2356 was unanimously approved for first reading.*

- *Ordinance No. 2357 – 1st reading – to further authorize the issuance of bonds to fund projects listed in Schedule B of the FY16 Budget Ordinance which included the issuance of \$4,726,000 in bonds*

*Vice President Mitchell moved and Mrs. Shields seconded to approve Ordinance No. 2357 for first reading.*

*After discussion, Ordinance No. 2357 was unanimously approved for first reading.*

**PUBLIC COMMENTS**

*One member of the public shared comments and concerns regarding the City of Salisbury’s Automated Speed Enforcement Program.*

*With no further business to discuss, President Day adjourned the Legislative Session at 6:50 p.m.*

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*Assistant City Clerk*

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*Council Vice President*



- 44 • Not all landlords are greedy, but many of them help people
- 45 • Rent control will destroy all real estate in Salisbury
- 46 • The proposal is for rent reduction, not stabilization
- 47 • Rent control will cause lower end markets to drop and there will be many vacant
- 48 properties. This will drive property values down across the board
- 49 • There is not control on gas or bread
- 50 • This is not what the free market is all about
- 51 • In most cases City homeowners own houses right beside rentals and range from being
- 52 well maintained to poorly maintained
- 53 • The experiment will not work but will result in more foreclosures
- 54 • Less rent equals less maintenance
- 55 • We need more, not fewer, homeowners in Salisbury
- 56 • You cannot get a thirty year mortgage on a rental property
- 57 • This proposed legislation will destroy neighborhoods
- 58 • If you cap someone's rent to \$350, why would they ever want to own a home?
- 59 • Banks will foreclose and tenants will be removed from the City properties and rent homes
- 60 in the County
- 61 • How will the City determine what fair rent is? Fair rent is fluid.
- 62 • How does the City expect a board to determine fair rent

63

64 Council and Mayor provided the following comments:

65

- 66 • Mr. Spies – Has issues with the fact that out of the 8,600 students that attend SU, about
- 67 2200 live on Campus. Approximately 6,400 live somewhere. Where are they living? Why
- 68 did this come up four (4) weeks before the election? This issue should be discussed for
- 69 years. He has done his homework, too and this is not a long-term solution to anything and
- 70 takes a bite out of everywhere it goes. He was happy the public came out and spoke to the
- 71 subject. For this period of time, with one month until the elections, this is a “fluff” issue.
- 72 He encouraged everyone to continue this dialogue whether or not he is still a Councilman
- 73 in another five (5) weeks. Let us look at our rental issues over time.
- 74 • Mayor Ireton – Mr. Williams did most of the research during the summer before he was
- 75 hired as a Grant Specialist.
- 76 • Mr. Heath - Asked Mr. Williams how many of the landlords did he speak with in
- 77 developing the reports. (Mr. Williams answered none). Mr. Heath expressed frustration
- 78 because if you put reasonable people in a room and sit down to discuss goals, you can
- 79 probably achieve a solution. We need to talk with the stakeholders.
- 80 • Mrs. Shields – This is a very serious issue, and as presented, does not think anything
- 81 positive will become of this. Needs to discuss with those in the rental business.
- 82 • Mr. Day – If we only discuss one proposed solution we miss an opportunity. He has
- 83 many questions based on what he read and heard today. The issue is bigger than just rent,
- 84 but also is chronic and debilitation poverty. The issue of homeownership must also be
- 85 discussed. If there are disadvantages, how thoroughly have we analyzed them? If we have
- 86 not, let us go through the process. Only four (4) states have rent control laws (and
- 87 Maryland is one of the four) and 36 states have outlawed them. If the states that allow it
- 88 and the few municipalities that it is allowed have the highest rents in the Country (and
- 89 Salisbury is kind of close to that) is rent control going to be the solution? If the “club” of

90 really high rents is where rent control exists, and we do not want to be in that “club”  
91 anymore, then maybe that is not the policy solution. We need to discuss this with the  
92 stakeholders.

- 93 • Mayor Ireton – Nobody is present from the rental community or from a single-family  
94 neighborhood, and there is a reason for that. Just because the people are not in the room  
95 does not mean the problem does not exist. Apologized for dropping this topic in  
96 Council’s lap so close to an election, but will not stop talking about this.

97  
98 Council reached unanimous consensus to advance the topic for discussion to the Mayor’s  
99 pending items list.

100

101 Following a ten-minute recess, Council reconvened in Work Session at 6:40 p.m.

102

### 103 **Advance Telecommunications Systems Property Tax Credit**

104

105 Mr. Williams stated that with the City spending funds to install the 1-gigabit fiber optic cable  
106 downtown, the tax credit was being proposed to encourage investment in downtown. If  
107 substantial renovations were made to downtown commercial or residential properties that meet  
108 state of the art Amsel Communication Systems’ standards as determined by the Director of  
109 Internal Technology Bill Garrett in accordance with the standard provided, a property tax credit  
110 would be awarded in the amount of 10% of the renovations. The amount will be determined by a  
111 third party appraisal, paid for by the entity making the renovations.

112

113 Mr. Williams reported that Business Development Specialist Laura Kordzikowski would  
114 administer the grant, and she has requested the application be modeled after the Enterprise Zone.  
115 The tax credit itself would be handled by Internal Services – Finance.

116

117 Mr. Day invited Mr. Garrett to the table and asked if the credit applies to state of the art  
118 communications and utility equipment and allowing for that standard to be applied to  
119 accommodating advanced computer and telecommunication systems, could Council have an idea  
120 of what those might be? Mr. Garrett responded that the standard is just a wiring standard to  
121 ensure that the renovation is capable of handling ten (10) years of future technology.

122

123 Mr. Williams asked Council to review Mr. Cordrey’s attachments where over five years 10%  
124 credit will be applied each year, or the tax is otherwise due, whichever is greater. If a tax credit  
125 for \$50,000 but taxes due are only \$2,000, the City will not pay the property owner the \$48,000  
126 difference. By having the 10% total, it allows for inequitable returns.

127

128 Council reached unanimous consensus to advance the discussion to another work session to  
129 review Mr. Cordrey’s comparisons and scenarios on low cost improvements compared to high  
130 cost improvements.

131

### 132 **Malone/College Avenue & Snow Hill Road Annexation**

133

134 Building, Permits and Inspections Director Bill Holland and Planner Chris Jakubiak joined  
135 Council at the table to review the annexation documents for the Malone/College Avenue  
136 annexation.

137  
138 Mr. Holland reported the Malone/College Avenue & Snow Hill Road Annexation received a  
139 favorable recommendation from the Planning Commission for the property to be rezoned to  
140 General Commercial.

141  
142 Mr. Jakubiak discussed the Annexation Plan and Annexation Agreement and reported the  
143 following:

- 144
- 145 • The property to be annexed is 2.71 acres and is located on E. College Avenue and Snow  
146 Hill Road, NW quadrant.
  - 147 • The proposed use is Commercial.
  - 148 • The City's Comprehensive Plan contains this property within the Municipal Growth  
149 Boundary, so annexation is consistent with the Comp Plan. The Comp Plan anticipates  
150 that this property would be annexed at some point.
  - 151 • The zoning is consistent with the proposed land use.
  - 152 • The developer has proposed a concept plan for the site's development to include two (2)  
153 commercial buildings (restaurant and retail mixed building).
  - 154 • The project involves a series of pedestrian improvements around the perimeter of the  
155 site.
  - 156 • The applicant must pay the fee of \$13,000 to the City for each lot that is being  
157 developed.
  - 158 • The fees are used by the City to reinvest in the City.
  - 159 • The annexation agreement recommends a buffer retained to separate this commercial  
160 site. from the adjoining residential properties. The buffer must remain a forest.
  - 161 • The applicant must address LEED standards and environment design and energy  
162 performance standards.

163  
164 Council reached unanimous consensus to advance the resolutions to the October 26, 2015  
165 Legislation for first reading and to set the date for the public hearing.

166  
167 **Accepting Grant Funds for Protective Vests for Police Officers**

168  
169 Police Chief Duncan joined Council at the table to discuss the resolution to accept \$21,049.03.00  
170 in federal grant funds awarded through the Department of Justice's Bulletproof Vest Partnership  
171 Program to purchase protective vests for each Salisbury police officer. She informed Council that  
172 this is a matching grant fund. The Police Department receives state funding for new hires and  
173 federal funding for replacement vests. All the vests are scheduled out on a five (5) year rotation,  
174 in accordance with the manufacturers recommended lifespan of the vest. The needed number can  
175 vary based upon the number of officers hired.

176  
177 The federal grant is received every two years and must be used during the next two-year period,  
178 and the state grant is received every other year and must be spent in the same year it is received.

179  
180 Council reached unanimous consensus to move the resolution to the next legislative agenda.

181  
182 **Revisions to 15.24.270 Building/Housing Official**

183  
184 Neighborhood Services and Code Compliance (NSCC) Director Susan Phillips joined Council to  
185 discuss changes to 15.24 Building/Housing Official. The chapter incorrectly refers to the  
186 building official instead of the housing official in numerous places throughout the City code. Ms.  
187 Phillips reported that because of the needed change in subsection 15.24.270C, Neighborhood  
188 Services & Code Compliance has to forward some cases to the Department of Building, Permits  
189 & Inspections to enforce, and this recommendation will streamline code enforcement. She also  
190 reported that subsection 15.24.1090B incorrectly refers to the BOCA Mechanical Code and  
191 should be corrected to reflect the proper code reference of the National Fire Gas Code.

192  
193 Council reached unanimous consensus to advance the legislation to an upcoming legislative  
194 agenda.

195  
196 **ECV/False Alarms Billing**

197  
198 Ms. Phillips reported the Fire Department, Police Department, and Internal Services – Finance  
199 have collaborated in developing a process that will allow the City to enforce the provisions of the  
200 false alarm ordinance. The Fire and Police Department both send bills to the Finance Office, and  
201 once they reach the six (6) or more occurrences, a municipal infraction is issued. NSCC has  
202 developed a streamlined process. Ms. Phillips offered rather than the Finance Office begin that  
203 billing, NSCC would absorb the citations. At the same time NSCC writes the citations they will  
204 also send the bill. The ordinance would have to give permission to the Housing Official or  
205 designee to write the citations.

206  
207 Council reached unanimous consensus to advance the legislation to a legislative agenda.

208  
209 **Public Works Robot Replacement**

210  
211 Public Works director Mike Moulds reported a budget amendment was needed to replace a  
212 broken piece of surveying equipment (robotic total station). He explained the total station was  
213 the main piece of equipment used by the survey crew for locating property corners and  
214 construction stakeout. The equipment was damaged in the field and will cost \$28,994 to replace.  
215 LGIT will be cover the replacement cost over the \$10,000 deductible. The insurance payment  
216 will be handled as a reimbursement.

217  
218 Mr. Moulds stated a budget amendment will be needed to purchase the equipment and a second  
219 budget amendment will reimburse surplus for the amount less \$10,000.

220  
221 Council reached unanimous consensus to advance the item to legislative agenda.

222  
223 There being no further business to discuss, Council adjourned at 7:19 p.m.

224  
225 \_\_\_\_\_  
226 City Clerk

227  
228 \_\_\_\_\_  
229 Council President

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INTER

OFFICE

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# MEMO

## *OFFICE OF THE MAYOR*

**To:** City Council  
**From:** Theo Williams, Laura Kordzikowski  
**Subject:** Main Street Improvement Program Grant – “Downtown Ambassadors”  
**Date:** 14 October, 2015

---

Attached is a resolution of support for the City to apply for a grant from DHCD through their Main Street Improvement Program. At the request of the administration and Council President Day, Ms. Kordzikowski and Mr. Williams have been working on an application for a pilot “Downtown Ambassadors” program. Modelled off of numerous other cities throughout North America, these “ambassadors” will act as walking information booths, assisting visitors with finding businesses, restaurants, and services in the Downtown. In the words of Mr. Day, they will act as “ambassadors of good will to visitors, business owners, and patrons.” The proposed program will be staffed by four energetic and personable individuals, two of whom work a lunch shift (11am-2pm) and the other two work a dinner shift (5pm-8pm), six days a week (Monday-Saturday). These ambassadors will also staff Downtown events such as 3<sup>rd</sup> Friday and 1<sup>st</sup> Saturday. Additionally, they will attend a few large events each semester at Salisbury University to promote the Downtown. The program will run May 1<sup>st</sup> through October 31<sup>st</sup>, 2016, with training occurring in the month of April.

In total, the cost required to staff this program amounts to \$18,563; this includes both wages and the City’s FICA and W/C contributions. With the additional costs of uniforms and radios, the City will be requesting \$19,000. No match is required by the grant, but we have included a number of in-kind donations. Ms. Kordzikowski will oversee the creation of the program, the hiring of the ambassadors, their training, and the oversight of their work throughout the program; we estimate this will require a total of 100 hours. Salisbury’s HR Department will

process all the necessary paperwork, totaling forty hours. The requested radios will enable them to communicate directly with SPD's Downtown Officer, Aaron Hudson.

The City's intention of this pilot program is to demonstrate to the Downtown business community the necessity of Downtown Ambassadors. These ambassadors will not only assist visitors and patrons, but will increase the flow of knowledge between Downtown business owners, City staff, and the community. The possibility of DHCD funding this pilot program will demonstrate just how valuable that knowledge sharing will be.

**RESOLUTION NO. 2559**

A RESOLUTION OF THE CITY OF SALISBURY TO APPROVE A MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, MAIN STREET IMPROVEMENT PROGRAM GRANT APPLICATION FOR FUNDS TO PROVIDE FOR A DOWNTOWN AMBASSADOR PROGRAM AND TO AUTHORIZE THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY FOR THE RECEIPT OF SAID FUNDS.

WHEREAS, the Maryland Department of Housing and Community Development (DHCD) has solicited applications from eligible jurisdictions to apply for funding under the Main Street Improvement Program for fiscal year 2016; and

WHEREAS, the City of Salisbury is eligible to apply for funds from DHCD; and

WHEREAS, Downtown revitalization is an important aspect of the City's initiatives and creation of a welcoming ambassador program is a much needed asset.

NOW, THEREFORE, BE IT RESOLVED THAT, the Council of the City of Salisbury, Maryland does hereby authorize the submission of an application for Main Street Improvement Program funds to forward the City's Downtown Revitalization initiatives. This will be accomplished by applying for \$ 19,000 to provide for a seasonal Downtown Ambassador program.

BE IT FURTHER RESOLVED THAT, James P. Ireton, Jr., Mayor is authorized and empowered to execute any and all documents required for the submission of this grant application; and

BE IT FURTHER RESOLVED THAT, copies of this Resolution be sent to the Secretary of the Department of Housing and Community Development of the State of Maryland for consideration by the Technical Assistance Grant board.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on October 26, 2015, and is to become effective immediately.

ATTEST:

\_\_\_\_\_  
Kimberly R. Nichols  
CITY CLERK

\_\_\_\_\_  
Jacob R. Day  
COUNCIL PRESIDENT

APPROVED BY ME THIS

\_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
James Ireton, Jr., Mayor

# City of Salisbury



JAMES IRETON JR.  
MAYOR  
TOM STEVENSON  
CITY ADMINISTRATOR



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



BARBARA DUNCAN  
CHIEF OF POLICE

September 9, 2015

TO: Tom Stevenson  
FROM: Colonel David Meienschein  
SUBJECT: Resolution- Bullet Proof Vest Partnership Program

Attached, please find a Resolution to accept \$21,049.03.00 in federal grant funds, awarded through the Department of Justice's Bulletproof Vest Partnership Program, for the purchase of protective vests for each police officer.

David Meienschein  
Assistant Chief of Police

1 RESOLUTION No. 2560

2  
3 A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY ACCEPTING  
4 FEDERAL GRANT FUNDS AWARDED THROUGH THE DEPARTMENT OF  
5 JUSTICE'S BULLETPROOF VEST PARTNERSHIP PROGRAM FOR THE PURCHASE OF  
6 PROTECTIVE VESTS FOR EACH POLICE OFFICER.

7  
8 WHEREAS, federal grant funds have been awarded by the U.S. Department of Justice's  
9 Bulletproof Vest Partnership Program; and

10  
11 WHEREAS, these federal grant funds will allow the Salisbury Police Department to  
12 purchase protective vests for each police officer; and

13  
14 WHEREAS, these vests will provide added protection against serious injury.

15  
16 NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF  
17 SALISBURY, MARYLAND that the awarded grant funds in the amount of \$21,049.03.00 is  
18 accepted and shall be used to for the purchase of protective vests for each police officer.

19  
20 THIS RESOLUTION was duly passed at a meeting of the Council of the City of  
21 Salisbury held on \_\_\_\_\_ 2015, and is to become effective immediately upon  
22 adoption.

23  
24  
25  
26 ATTEST;

27  
28  
29 \_\_\_\_\_  
30 Kimberly R. Nichols, City Clerk

\_\_\_\_\_   
Jacob R. Day, President  
Salisbury City Council

31  
32  
33 APPROVED BY ME THIS:

34  
35 \_\_\_\_\_ Day of \_\_\_\_\_, 2015

36  
37  
38 \_\_\_\_\_  
39 James Ireton Jr, Mayor  
40

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INTER

OFFICE

# MEMO

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## *OFFICE OF THE MAYOR*

**To:** Tom Stevenson  
**From:** Karen Nolan  
**Subject:** Reappointment to the Central City District Committee  
**Date:** October 2, 2015

---

Mayor Ireton would like to reappoint the following person to the Central City District Commission.

<u>Name</u>	<u>Term Ending</u>
Joel V. Olive	09/30/2017

Attached you will find information from Mr. Olive and the Resolution necessary for his reappointment. Please forward this information to the City Council so it may be placed on their agenda for the next Council meeting. Please let me know if you have any questions.

Attachment

JOEL V. OLIVE  
300 Newton Street, Salisbury, Maryland (410)430-5114 | jolive@mojossalisbury.com

Thursday, September 24, 2015

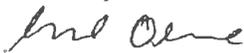
Jim Ireton  
City Administrator  
Office of the Mayor  
City of Salisbury Maryland  
125 N. Division Street  
Salisbury, Maryland 21801-4940

Dear Mayor Jim Ireton,

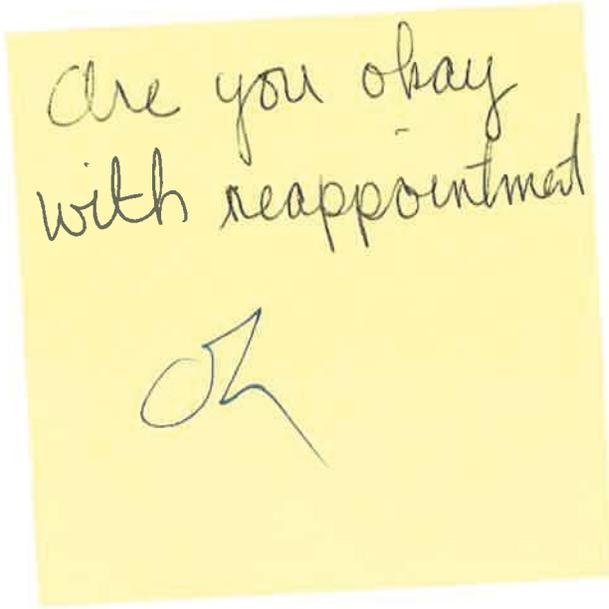
As a proud member of the Salisbury community, I would like to continue with being involved with the ever growing development of the City of Salisbury. I have a strong interest in the community and downtown as a whole. With that being said I would like to continue my position on the Central City District Commission. I believe that I am still qualified to assist in advising the Mayor and Council on various issues in the Central Business District in matters pertaining to parking, bond financing, property acquisition, special tax district rates, and the general advancement of the area.

I appreciate you taking the time to review my credentials and experience. Again, I thank you for your consideration in this matter. If you have any questions or concerns, please call me at (410)430-5114. I look forward to hearing from you soon.

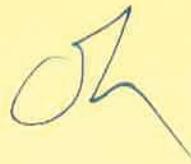
Sincerely,



JOEL V. OLIVE



Are you okay  
with reappointment



**RESOLUTION NO. 2561**

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BE IT RESOLVED by the City of Salisbury, Maryland that the following individual is reappointed to the Central City District Commission for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Joel V. Olive	9/30/2017

The above resolution was introduced, read and passed at the regular meeting of the Council of the City of Salisbury held on the \_\_\_\_\_ day of October 2015.

\_\_\_\_\_  
Kimberly R. Nichols  
CITY CLERK

\_\_\_\_\_  
Jacob R. Day  
COUNCIL PRESIDENT

APPROVED BY ME THIS  
\_\_\_\_\_ day of October 2015

\_\_\_\_\_  
James Ireton, Jr.  
MAYOR

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INTER

OFFICE

# MEMO

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## *OFFICE OF THE MAYOR*

**To:** Tom Stevenson  
**From:** Karen Nolan  
**Subject:** Appointment to the Central City District Committee  
**Date:** October 1, 2015

---

Mayor Ireton would like to reappoint the following person to the Central City District Commission.

<u>Name</u>	<u>Term Ending</u>
Jacob T. Holloway	09/30/2017

Attached you will find information from Mr. Holloway and the Resolution necessary for his appointment. Please forward this information to the City Council so it may be placed on their agenda for the next Council meeting. Please let me know if you have any questions.

Attachment

309 Prince Street  
Salisbury, MD 21804

Office of the Mayor  
Attn: Donna Haag  
125 N. Division Street, Room 304  
Salisbury, MD 21801

1 September 2015

Dear Mayor Ireton:

I have served on the Central City District Commission since 2013 and my term expires on the 30th of this month. I am interested in being reappointed to the Commission.

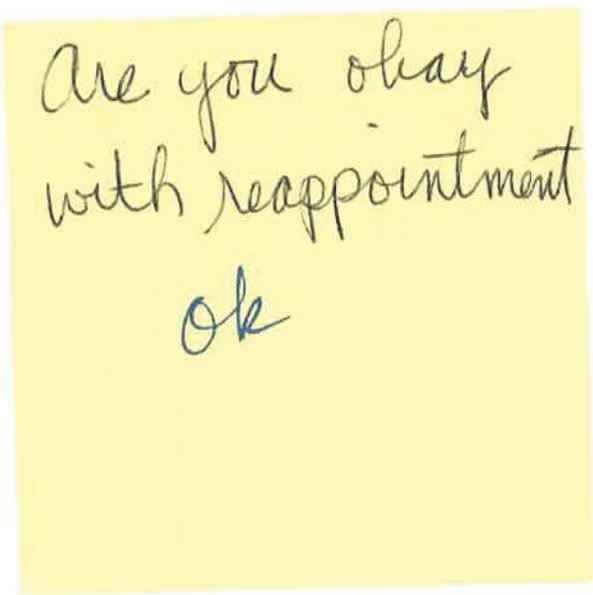
I have enjoyed participating in discussions about our changing downtown. I have learned a lot about the parking and development issues the area is facing, having attended the public Main Street Master Plan meetings. I have served as the chairperson of the Commission since 2014. If reappointed, I believe I can continue fostering discussions and ideas for our central business district, the health of which is vital to Salisbury as a whole.

Should your office wish to contact me for further information, I can be reached by phone at 443-735-5420 or by email at [jacob1207@gmail.com](mailto:jacob1207@gmail.com).

Appreciatively,

/s/ Jacob Holloway

Jacob T. Holloway



Are you okay  
with reappointment  
ok

**RESOLUTION NO. 2562**

BE IT RESOLVED by the City of Salisbury, Maryland that the following individual is reappointed to the Central City District Commission for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Jacob Holloway	9/30/2017

The above resolution was introduced, read and passed at the regular meeting of the Council of the City of Salisbury held on the \_\_\_\_\_ day of October 2015.

\_\_\_\_\_  
Kimberly R. Nichols  
CITY CLERK

\_\_\_\_\_  
Jacob R. Day  
COUNCIL PRESIDENT

APPROVED BY ME THIS  
\_\_\_\_\_ day of October 2015

\_\_\_\_\_  
James Ireton, Jr.  
MAYOR

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INTER

OFFICE

# MEMO

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*OFFICE OF THE MAYOR*

**To:** Tom Stevenson  
**From:** Stephanie Lowry  
**Subject:** Reappointment to the Traffic and Safety Committee  
**Date:** October 8, 2015

---

Mayor Ireton would like to reappoint the following person to the Traffic and Safety Committee:

<u>Name</u>	<u>Term Ending</u>
Mary Buffington	7/2017

Attached you will find information from Ms. Buffington and the Resolution necessary for her reappointment. Please forward this information to the City Council so it may be placed on their agenda for the next Council meeting. Please let me know if you have any questions.

Attachment

Mary Buffington  
507 W. College Ave.  
Salisbury, MD 21801  
October 2, 2015

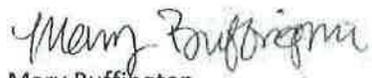
Office of the Mayor  
125 N. Division St.  
Salisbury, MD 21801

Mayor Ireton,

I would like to be re-appointed to my position on Salisbury's Traffic and Safety Committee. My term expired in July. I find this committee valuable to our area as it provides an avenue for residents to voice their neighborhood concerns.

I look forward to the continuation of representing my neighborhood and working toward a safer community.

Sincerely,

  
Mary Buffington

Are you ok  
with reapp to  
Traffic + Safety?  
Karon  
OK per Mayor  
10/8/15  
KM

**RESOLUTION NO. 2563**

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BE IT RESOLVED by the City of Salisbury, Maryland that the following individual is reappointed to the Traffic and Safety Committee for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Mary Buffington	7/31/2017

The above resolution was introduced, read and passed at the regular meeting of the Council of the City of Salisbury held on the \_\_\_\_\_ day of October 2015.

\_\_\_\_\_  
Kimberly Nichols  
CITY CLERK

\_\_\_\_\_  
Jacob R. Day  
COUNCIL PRESIDENT

APPROVED BY ME THIS  
\_\_\_\_\_ day of October 2015.

\_\_\_\_\_  
James Ireton, Jr.  
MAYOR



*From the Office of the  
Fire Chief*

**To:** Mr. Tom Stevenson, City Administrator

**Date:** 22 September 2015

**From:** Richard A. Hoppes, B.S., Fire Chief

**Subject:** Gifting from Volunteer Corporations

The members of the Salisbury Fire Department Inc., Company No.1 (Fire Station #1), Salisbury Fire Company No. 2 (Fire Station #2), and the Salisbury Fire Department Inc. (Fire Station #16) corporations have, utilized funds appropriated to them to purchase various assets for use in the departments operations and are described below:

Year	Make/Model	VIN / Serial Number	Value / Costs
2013	Ford Explorer (Chief 1 vehicle)	VIN – 1FM5K8D85DGB78946	\$ 36,000.00
2013	Ford Explorer (AC 2 / Safety Vehicle)	VIN – 1FM5K8AR4DGB71323	\$ 32,000.00
2014	Carolina Skiff 2180 DLX (Marine 16)	S/N - EKHB5034K415	\$ 8,000.00
2014	90 HP Mercury Motor (Marine 16)	S/N - 1B355808	\$ 10,000.00
2013	Load Rite Trailer	S/N - 1ZEAAVRA3DA006916	\$ 2,000.00
2015	Chevrolet Tahoe (AC 1 / Command)	VIN – 16NSK3EC1FR688240	\$ 90,000.00
2014	Motorola Portable Radios & associated equipment	Various	\$ 68,000.00
		<b>Total Contribution =</b>	<b>\$ 246,000.00</b>

These vehicles and equipment are new or replacements to the emergency service fleet and inventory that enhance the department's capabilities in the effective and efficient delivery of public safety services. The volunteers wish to gift these apparatus and equipment to the City for inclusion in the Fire Department's fleet vehicle and equipment inventory. In compliance with City policy such gifts can only be accepted with the approval of the City Council. Attached you will find a resolution to accept this equipment for consideration by the City Council.

Should you have additional questions regarding this information please feel free to contact me.

cc: File

RESOLUTION NO. 2564

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND ACCEPTING THE DONATION OF A STAFF VEHICLE, TWO MOBILE COMMAND VEHICLES, A RESCUE BOAT / MOTOR / TRAILER, AND PORTABLE RADIOS AND EQUIPMENT FOR THE SALISBURY FIRE DEPARTMENT TO USE IN EFFORTS TO ENHANCE ITS CAPABILITIES IN PROVIDING THE EFFECTIVE AND EFFICIENT DELIVERY OF FIRE, RESCUE AND EMERGENCY MEDICAL SERVICES AND TO IMPROVE THE QUALITY OF LIFE FOR THE CITIZENS OF THE CITY OF SALISBURY AND THE SALISBURY FIRE DISTRICT.

WHEREAS, the volunteer members of the Salisbury Fire Department constantly seek to enhance the department's capabilities in the effective and efficient delivery of public safety services through their contributions of equipment and apparatus to the City; and,

WHEREAS, funds appropriated to the Volunteer Corporations have been expended by the Salisbury Fire Department Inc., Company No.1 (Fire Station #1), Salisbury Fire Company No. 2 (Fire Station #2), and the Salisbury Fire Department Inc. (Fire Station #16) to purchase various apparatus and equipment with a total value of \$246,000.00, to be donated to the City of Salisbury Fire Department for inclusion in its inventory of emergency vehicles and equipment; and,

WHEREAS, both the Fire Chief and the Mayor have recommended that the City accept the donation of these vehicles and equipment; and,

WHEREAS, the City's gift policy requires that such gifts can only be accepted with the approval of City Council,

NOW, THEREFORE IT BE RESOLVED that the City of Salisbury accepts these gifts and expresses its sincere appreciation to the Salisbury Fire Department Inc., Company No.1 (Fire Station #1), Salisbury Fire Company No. 2 (Fire Station #2), and the Salisbury Fire Department Inc. (Fire Station #16) membership of the Salisbury Fire Department for their generous gifts listed below for inclusion in the department's inventory of emergency vehicles:

Year	Make/Model	VIN / Serial Number	Value / Costs
2013	Ford Explorer (Chief 1 vehicle)	VIN – 1FM5K8D85DGB78946	\$ 36,000.00
2013	Ford Explorer (AC 2 / Safety Vehicle)	VIN – 1FM5K8AR4DGB71323	\$ 32,000.00
2014	Carolina Skiff 2180 DLX (Marine 16)	S/N - EKHB5034K415	\$ 8,000.00
2014	90 HP Mercury Motor (Marine 16)	S/N - 1B355808	\$ 10,000.00
2013	Load Rite Trailer	S/N - 1ZEAAVRA3DA006916	\$ 2,000.00
2015	Chevrolet Tahoe (AC 1 / Command)	VIN – 16NSK3EC1FR688240	\$ 90,000.00
2014	Motorola Portable Radios & associated equipment	Various	\$ 68,000.00

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on Monday, \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2015, and is to become effective immediately upon adoption.

ATTEST:

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\_\_\_\_\_  
Kimberly R. Nichols  
CITY CLERK

\_\_\_\_\_  
Jacob R. Day  
PRESIDENT, CITY COUNCIL

\_\_\_\_\_  
James Ireton, Jr.  
MAYOR, CITY OF SALISBURY

Approved this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2015.

# 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.  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

## **COUNCIL AGENDA – Award of Bids**

**October 26, 2015**

- |   |              |
|---|--------------|
| 1. Contract 107-16<br>CCTV for Water Utilities Division | \$209,904.00 |
| 2. RFP 14-15, Change Order #1<br>Salisbury Bike Route   | \$ 28,835.00 |

# City of Salisbury



MARYLAND



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

KEITH A. CORDREY  
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER  
ASST. DIRECTOR OF INTERNAL  
SERVICES

JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

## Council Agenda

October 26, 2015

TO: Mayor and City Council

SUBJECT: Award of Bid  
Contract 107-16  
Purchase of CCTV for Water Utilities Division

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Department of Public Works, Water Utilities Division, to purchase a Raush Electronics USA, LLC, CCTV through Mid-Atlantic Waste Systems utilizing a cooperative purchasing program, HGACBuy.

Per Section SC 16-3 "General Policy of Competitive Bidding, Exceptions" of the City of Salisbury Charter, competitive bidding procedures performed by the City of Salisbury are not necessary or appropriate in the following circumstance:

"(9) Contracts in which the City receives a contract price negotiated by the State, County, or other governmental entity pursuant to a valid contract."

This Charter designation, therefore, allows the City of Salisbury to participate in cooperative purchasing activities, such as HGACBuy. The Houston-Galveston Area Council (H-GAC) is a unit of local government and a political subdivision of the State of Texas. All products offered through HGACBuy have been awarded by virtue of a public competitive process. The contracts awarded by the H-GAC Board are then made available to local governments nationwide through the HGACBuy Cooperative Purchasing Program. The City of Salisbury is a long-standing member of HGACBuy through the execution of an Interlocal Contract, which sets out the conditions, requirements and processes of the procurement.

The Procurement Division has obtained a copy of the Rausch Electronics USA contract, which was competitively bid through HGACBuy, and has confirmed the validity of the contract, and that the prices quoted by Mid-Atlantic do not exceed the HGAC contract prices.

There are sufficient funds in account 96116-577025-60007 (WS Vehicles – CCTV Inspection Camera).

The Procurement Department requests Council's approval to award Contract 107-16 to Mid-Atlantic Waste Systems, in the amount of \$209,904.00.

Sincerely,

Jennifer Miller  
Assistant Director of Internal Services – Procurement and Parking

# City of Salisbury



MARYLAND



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

JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

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

To: Jennifer Miller  
Assistant Director Internal Services  
Procurement Division

From: Walter Webster  
Water Utilities Superintendent

Date: October 8, 2015

RE: Acquisition for CCTV

Funds were allocated in the FY2016 budget to purchase the new CCTV at an estimated cost of \$209,904.00. The City has secured the funding in this amount for this purchase and the Water Utilities Department is prepared to proceed with the acquisitions of this equipment.

The new CCTV with lateral launch purchase will assist in the proper operations and maintenance of the City of Salisbury public sewer and storm drain systems. This is to be used in daily inspection to determine near to exact problem areas throughout the sewer and storm drain system. The CCTV with lateral launch will possibly reduce SSO events and flooding during storm events. Immediate inspection of sink holes on roadways due to poor compaction, root intrusion, failed materials, etc. for the eighty (80) plus year old sewer and storm drain system. The CCTV usage provides documentation of cause and can determine ownership of fault concerning LGIT claims. In preparation of this purchase, a work group was assigned to investigate the needs of the organization. A crawler camera with a lateral launch system to inspect laterals off the mains was determined to be the best fit for our needs.

In the Salisbury Charter, **Article XVI, Purchases and Sales; City Property Inventory of the City Charter, Section 16-3 General policy of competitive bidding; exceptions** provides for exceptions to the City's competitive bidding processes. The City of Salisbury is currently piggy backing off of the State of Maryland, HGAC-buy for the CCTV with lateral launch.

Normally, the competitive bidding process must be conducted for the purchase of such items. However, Section 16-3 of the City Charter provides for exceptions to this process including "(9) Contracts in which the City receives a contract price negotiated by the State, County or other governmental entity pursuant to a valid contract". This exception ensures efficiency and cost effectiveness for the City in that it saves valuable time in the acquisition process and also saves the City the normal costs associated with advertising and conducting a formal bid process.

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 CCTV for \$209,904.00. Funding for the equipment is available in the FY2016 budget account #96116-577025-60007.

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



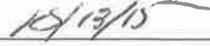
Walter Webster  
Water Utilities Superintendent



Date



Michael S. Moulds, PE  
Director of Public Works



Date



Division of THC Enterprises, Inc.

Easton, MD \* Baltimore, MD \* Chesapeake, VA Chester, PA \*  
Clinton, MD \* Cheswick, PA \* Salem, VA

Phone 800-338-7274 Fax 410-820-9916

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# PROPOSAL

## SOLD TO

Walter Webster  
Salisbury, City of  
404 W Isabella St  
Salisbury, MD 21801

## SHIP TO

Walter Webster  
Salisbury, City of  
404 W Isabella St  
Salisbury, MD 21801

Quote #	RSSQ25384
Account	
Terms	
Date	10/14/15

410-548-3103

webster@ci.salisbury.md.us

410-548-3103

webster@ci.salisbury.md.us

Sales Rep Colin Kraus

QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
-----	-------------	------------	-----------

*PER HGAC SC01-15 CONTRACT PRICING*

1	Product Code G038 RAUSCH: RT-T Carmate trailer, dual torsion axles, electric brakes, 12-16' x 7;	\$209,904.00	\$209,904.00
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Product Code G040 RAUSCH: Trailer mainline installation, 6-36" pipe diameter, 4.3w gasoline generator, tongue mounted, KS135 mainline camera, Eco Star PCU, color monitor, data display system, PC and reporting software, Quadro 300 cable reel assembly with 1000' cable, L135 steerable transporter with electric lift, rearview camera and inclination, maintenance and tool kit: 2 day customer training;

Product Code H067 RAUSCH: MO-OP2 Module LL150 Lateral Launch System, 3-10" lateral pipe diameter, consisting of Quadro Sat cable ree with 450 ft camera cable connected to 100 ft lateral launch cable, modules SKM, PM,ZKM, and KS60 pan and tilt camera, MC40 lateral camera with upright picture, software package, factory system integration, spare parts kit, 2 day customer training;

Product Code H071 RAUSCH: UPG-OP1 Upgrade from Quadro 300 cable reel with 1,000 ft. cable to Elka600 cable reel w/ 1,300 feet cable, includes factory installation, rack mount with slide and drawer.

*\*\* Dealer Installed / Supplied Items \*\**

1	Freight to Salisbury, MD		
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*Terms: Net 30 Days*

*Delivery: TBD*

*All Built Per Manufacturer's Standard Specifications*

*Price includes freight.*

*Price includes installation.*

QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
-----	-------------	------------	-----------

*Price includes mounting.*

Subtotal	\$209,904.00
Federal Excise Tax	\$0.00
Sales Tax	
<b>TOTAL*</b>	<b>\$209,904.00</b>

*\*Total does not include optional items*

# City of Salisbury



MARYLAND



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

KEITH A. CORDREY  
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER  
ASST. DIRECTOR OF INTERNAL  
SERVICES

JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

## Council Agenda

October 26, 2015

TO: Mayor and City Council

SUBJECT: Change Order #1  
RFP 14-15  
Salisbury Bike Route – Wayfinding & Safety Enhancements Project

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Department of Planning & Zoning to issue Change Order #1 to RFP 14-15 Salisbury Bike Route – Wayfinding & Safety Enhancements Project. The original solicitation for RFP 14-15 was awarded to ARRO Consulting in June 2015, with a scope of work that specified the following:

- Design services for pavement markings and signage for the Salisbury Urban Greenway.
- Design services for wayfinding on the Orange and Red Routes, including development of design guidelines.
- Design services for 4 kiosks along the Salisbury Bike Route.

Funds then became available in FY16 to retain consulting services for the preparation of the Salisbury Bike Masterplan. Given the overlap in process, the ability to ensure consistency between the two bicycle planning projects and the cost saving potential of retaining the current engineering firm to perform these additional services, the Procurement Department recommends that it is in the best interest of the City of Salisbury to award this change order to ARRO Consulting to avoid duplicity of procedure.

There are sufficient funds in account 19000-513400 to support this change order.

The Procurement Department requests Council's approval to award Change Order #1 to ARRO Consulting, Inc., in the amount of \$28,835.00.

Sincerely,

Jennifer Miller  
Assistant Director of Internal Services – Procurement and Parking



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT  
P.O. BOX 870  
125 NORTH DIVISION STREET, ROOMS 203 & 201  
SALISBURY, MARYLAND 21803-4860  
410 548-4860  
FAX: 410 548-4955



JAMES IRETON, JR.  
MAYOR

BOB CULVER  
COUNTY EXECUTIVE

TOM STEVENSON  
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

**TO:** Jennifer L. Miller, Assistant Director of Internal Services-Procurement  
**FROM:** John F. Lenox, AICP, Director of Planning, Zoning, and Community Development  
Keith D. Hall, AICP, Project Manager  
**DATE:** October 15, 2015  
**SUBJECT:** Change Order No. 1  
Contract No. RFP 14-15  
Salisbury Bike Route – Wayfinding & Safety Enhancements Project

Please process Change Order No. 1 for the Salisbury Bike Route – Wayfinding & Safety Enhancements Project. This change order will authorize planning services for the consultant engineer, ARRO Consulting, Inc. (ARRO) and their subcontractor ALTA Planning and Design, to perform the Scope of Work (SOW) for the Salisbury Bike Master Plan project. In FY 2016, the City allocated funding to the Salisbury-Wicomico Department of Planning, Zoning, and Community Development to retain professional consulting services to prepare the Salisbury Bike Masterplan.

Change Order No. 1 will authorize ARRO to coordinate with the Bicycle and Pedestrian Advisory, general public, and the City (Administration and Council) to prepare a Citywide Bike Master Plan. Major components of this planning initiative include: creating a GIS basemap of existing and proposed bike routes by type; prioritization of recommended improvements and expansion of regional bike network to increase connectivity between population centers and major activity generators; and incorporate the aforementioned activities into a final report containing planning-level cost estimates for each improvement. The SOW includes provisions for four (4) public meetings, including separate presentations to the Bicycle & Pedestrian Advisory Committee (BPAC) and City Council.

This change order request affords the City with the ability to ensure consistency between the two (2) bike planning projects. A primary objective of the Salisbury Bike Route – Wayfinding & Safety Enhancements Project is to develop wayfinding standards to be implemented Citywide on bike lanes. To achieve the desired outcome it is important the vendor has knowledge about the comprehensive bike network for the City. By utilizing the same vendor, it ensures the wayfinding standards can be applied uniformly for future improvements regardless of the specific location of the bike route(s). A secondary benefit of combining the tasks, is the ability to reduce the project cost by developing a combined meeting schedule for the projects; therefore, the City benefits from minimizing indirect cost associated with consultant’s travel time and fees.

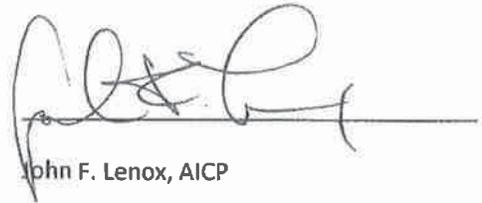
In order to allow sufficient time for developing the plan, receiving public input, and performing the associated revisions, 260 calendar days from the Notice To Proceed (NTP) has been planned for successfully completing the Salisbury Bike Masterplan. Contingent to this Change Order No. 1 being approved by City Council at the October 26<sup>th</sup> Meeting, this will entail an approximate NTP for ARRO on

November 17, 2015. The Salisbury-Wicomico County Department of Planning, Zoning, and Community Development recommends award of Change Order No.1 in the amount of \$28,835.00 to ARRO. Funding is available in account number 19000-513400.

A handwritten signature in black ink, appearing to read 'Keith D. Hall', written over a horizontal line.

Keith D. Hall, AICP

Project Manager

A handwritten signature in black ink, appearing to read 'John F. Lenox', written over a horizontal line.

John F. Lenox, AICP

Director

# Memorandum

---

**To:** Tom Stevenson, City Administrator  
**CC:** Julia Glanz, Assistant City Administrator  
**From:** William T. Holland  
**Date:** 10/14/2015  
**Re:** Malone Annexation

---

Attached are the materials for the Malone Annexation which is scheduled for the October 28<sup>th</sup> City Council meeting. The purpose of this annexation to be on the agenda is to introduce the annexation and set a date for the public hearing. Please contact me if anyone has any questions.



William T. Holland

## MEMORANDUM

To: Thomas Stevenson, City Administrator  
From: Christopher Jakubiak, AICP  
Date: October 13, 2015  
Re: Fiscal Impact, Malone – Snow Hill Road Annexation

---

The Malone – Snow Hill Road Annexation would add 2.71 developable acres to the City. The annexation is expected to have an overall net positive fiscal impact to the City estimated to be \$4,970 annually. This memorandum summarizes the costs and revenues associated with the Malone – Snow Hill Road Annexation.

### **Cost**

Cost projections are based on a snapshot marginal cost approach. The current level of service (derived from the approved FY 2016 Budget) is used to project new costs, using demand unit multipliers, which reflect how responsive a cost is to demand—that is, how much the City’s cost of providing a service is likely to vary with each additional household or job and in the present case, solely jobs since the project is entirely commercial. Some portion of all City services is fixed and therefore will remain constant in light of new development; this portion of the cost therefore is not assigned to new development<sup>1</sup>. The estimated annual cost to the City is \$18,090.

### **Revenues**

When land is annexed into Salisbury it is subject to the municipal real property tax. The property tax rate is applied to the value of land and improvements (structures) thereon. The rate is \$0.937 per \$100 of assessed value. Since the assessed value of the proposed units is unknown, this study estimates assessed values by computing the average assessed value of multiple comparable properties in the City of Salisbury. The source for the assessed values is the Maryland Department of Assessments and Taxation.

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<sup>1</sup> It is worth noting however that for the purpose of erring on the side of a conservative estimate of net impact for this Annexation, a full per employment unit cost for the police, fire, permits and inspections, and neighborhood services is assigned to each proposed unit of the commercial development, which has the effect of overstating the per unit cost and therefore understating the size of the positive fiscal impact.

Under the proposed concept development plan, the Annexation Property would be divided into two parcels. Parcel A would comprise 1.69 acres and feature 9,100 square feet of commercial retail/service/office space. Parcel B would comprise 1.02 acres and feature a fast food restaurant. The total expected revenue from full development on the annexation parcel is \$23,060.

It is difficult to make reliable projections about the activities of future businesses that may occupy new development projects. For this reason, the personal property tax receipts likely to accrue from future businesses in the Annexation Area are also not included in this analysis. Therefore, in this respect, the study undercounts revenue potential from the Annexation Area.

It is also important to note that upon annexation of a property, the City of Salisbury would begin receiving some property tax revenues from the parcel. These revenues, which typically would occur prior to actual development (and hence, the provision of standard municipal services, i.e. costs) are not included.

Lastly, the City collects user fees, license fees, and permitting fees. These are charged to applicants for permits and/or users of certain city services. These revenues are small relative to the property tax revenue and are not included in this study.

## **Conclusion**

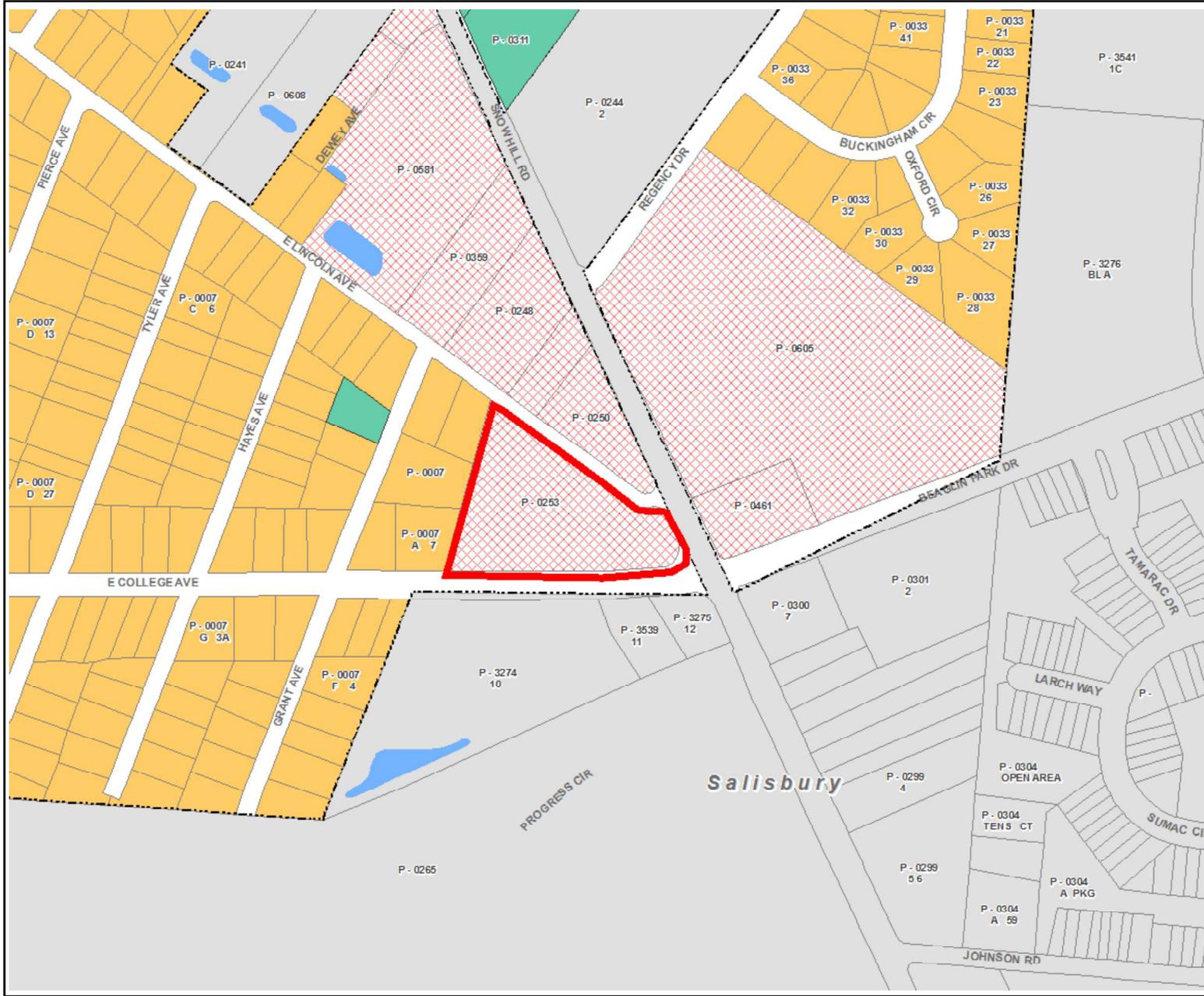
The Malone – Snow Hill Road Annexation with its proposed development in place will have a positive fiscal impact to the City of \$4,970 per year in constant 2013 dollars<sup>2</sup>.

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<sup>2</sup> This study takes into account only “direct” costs and revenues that can be tied directly to each household. “Indirect” costs and revenues, which arise from increased demand for local commercial and industrial uses, are not considered in this model.



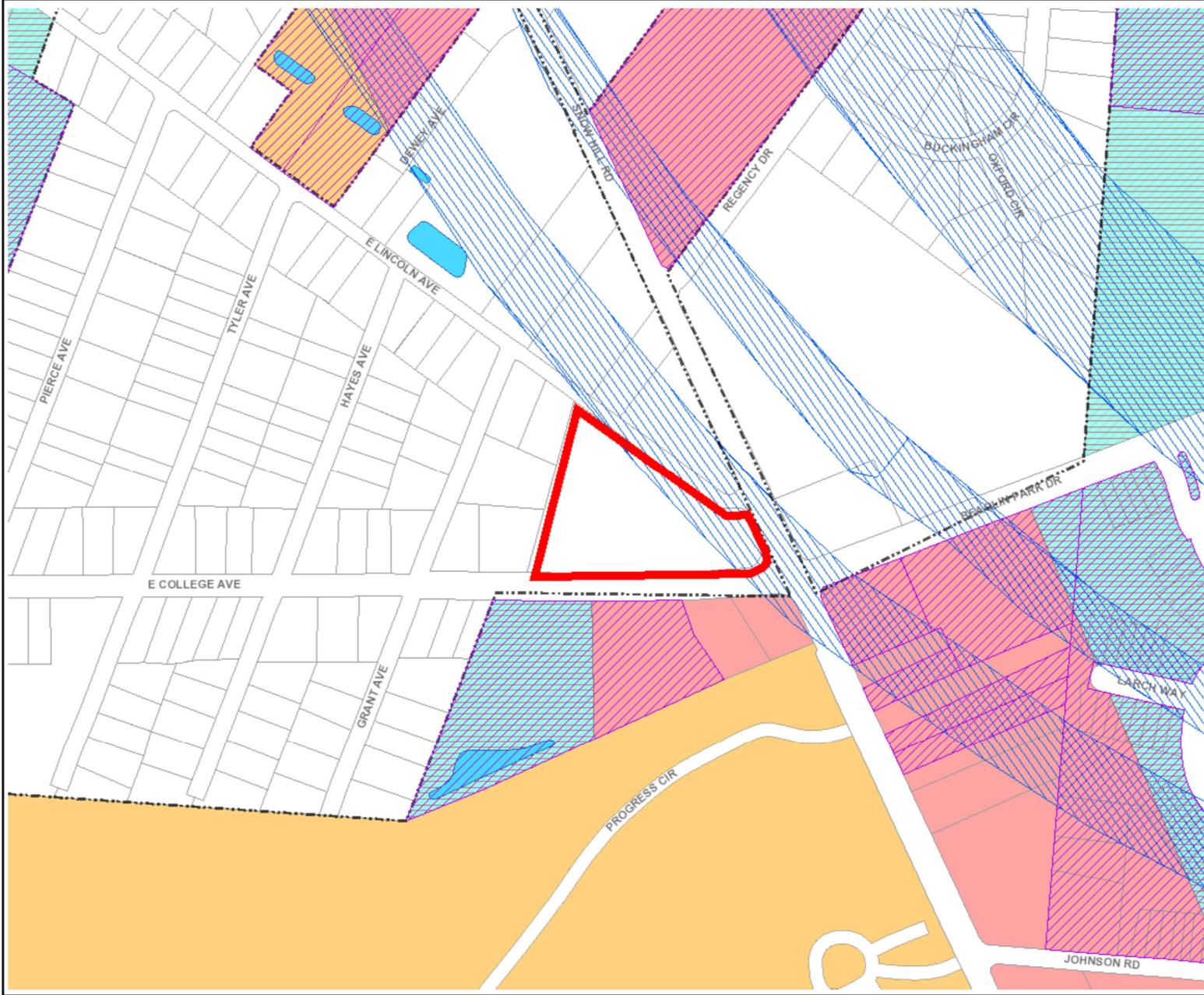
# WICOMICO COUNTY ZONING MAP



100 ft

## Malone Annexation Petition - County Zoning

# CITY OF SALISBURY



100 ft



SalisburyVermont GIS

## Malone Annexation Petition - City Zoning Map

**RESOLUTION NO. 2565**

A RESOLUTION of the City of Salisbury proposing the annexation to the City of Salisbury of certain area of land situate, contiguous to and binding upon the northerly and westerly corporate limit of the City of Salisbury, to be known as the "Malone - Snow Hill Road Annexation," and the application of a City zoning classification to same area, being an area located on the northerly side of and binding upon E. College Avenue, in the northwest quadrant of the intersection of Snow Hill Road and E. College Avenue.

WHEREAS the City of Salisbury has received a petition to annex dated December 18, 2014, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed, and being located on the northerly side of and binding upon E. College Avenue, in the northwest quadrant of the intersection of Snow Hill Road and E. College Avenue; said parcel being contiguous to and binding upon the northerly and westerly corporate limit of the City of Salisbury; and

WHEREAS the City of Salisbury has caused to be made a certification of the signatures on said petition for annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of September 17, 2015, and, as will more particularly appear by the certification of Leslie C. Sherrill, Surveyor, of the City of Salisbury, attached hereto; and

WHEREAS it appears that the petition dated December 18, 2014 meets all the requirements of the law; and

WHEREAS the public hearing is scheduled for \_\_\_\_\_ \_\_, 2015 at \_\_:\_\_ p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT it is hereby proposed and recommended that the boundaries of the City of Salisbury be changed so

33 as to annex to and include within said City all that parcel of land together with the persons residing  
34 therein and their property, contiguous to and binding upon the northerly side of E. College Avenue,  
35 and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

36 AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, THAT the annexation of the  
37 said area be made subject to the terms, conditions and agreements in Exhibits A-C attached hereto  
38 and made a part hereof.

39 AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, that the Zoning Map of the  
40 City of Salisbury shall be amended to include this newly annexed property in the General  
41 Commercial Zoning District. Said property is presently classified as Select Commercial under the  
42 zoning laws of Wicomico County.

43 AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, that the Council hold a public  
44 hearing on the annexation hereby proposed on \_\_\_\_\_, 2015, at \_:\_ p.m. in the Council Chambers  
45 at the City-County Office Building and the City Administrator shall cause a public notice of time and  
46 place of said hearing to be published not fewer than four (4) times at not less than weekly intervals,  
47 in at least one newspaper of general circulation in the City of Salisbury, which said notice shall  
48 specify a time and place at which the Council of the City of Salisbury will hold a public hearing on  
49 the Resolution, which date shall be no sooner than 15 days after the final required date of  
50 publication specified above.

51 AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, THAT this  
52 resolution shall take effect upon the expiration of forty-five (45) days following its final passage,  
53 subject, however, to the right of referendum as contained in the Local Government Article of the  
54 Maryland Code.

55  
56 The above Resolution was introduced, read and passed at the regular meeting of the Council  
57 of the City of Salisbury held on the \_\_\_ day of \_\_\_\_\_, 2015, having been duly published as required

58 by law in the meantime a public hearing was held on the \_\_\_ day of \_\_\_\_\_, 2015, and was finally  
59 passed by the Council at its regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2015.

60

61

62 _____	_____
63 Kimberly R. Nichols,	Jacob R. Day,
64 City Clerk	Council President

65

66

67

68

69

70

71

72 APPROVED BY ME this \_\_\_ day of \_\_\_\_\_, 2015.

73

74

75

76 \_\_\_\_\_

77 James Ireton, Jr.,  
78 Mayor

# CITY OF SALISBURY

## PETITION FOR ANNEXATION

To the Mayor and Council of the City of Salisbury:

I/We request annexation of my/our land to the City of Salisbury.

Parcel(s) # 253

\_\_\_\_\_

\_\_\_\_\_

Map # 48

SIGNATURE (S)

David Malone

Dec 18, 2014

Date

Fatih K. Malae

12/22/14

Date

\_\_\_\_\_

Date

\_\_\_\_\_

Date

JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

# City of Salisbury



MARYLAND



125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801

Tel: 410-548-3170

Fax: 410-548-3107

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

## CERTIFICATION

### MALONE PROPERTY – SNOW HILL ROAD ANNEXATION

This is to certify that I have verified the petitions for the annexation and that to the best of my knowledge the persons having signed the petition represent at least 25% of the registered voters residing in the area to be annexed and are the owners of at least 25% of the assessed valuation of real property located in the area to be annexed.

Leslie C. Sherrill  
Surveyor

Date: 9/17/15

Malone – Snow Hill Road Certif.

## EXHIBIT "A"

### MALONE – SNOW HILL ROAD ANNEXATION

A CERTAIN AREA OF LAND, contiguous to and binding upon the northerly and westerly Corporate Limit of the City of Salisbury to be known as "Malone – Snow Hill Road Annexation" beginning for the same at a point on the Corporate Limit, said point lying where the southerly side of East College Avenue intersects the westerly side of MD Route 12, Snow Hill Road X 1,206,514.01, Y 190,446.26; thence running by and with the westerly side of said Snow Hill Road North twenty-five degrees zero minutes zero seconds West (N 25° 00' 00" W) one hundred eighty-four decimal six, zero (184.60) feet to a point X 1,206,436.00, Y 190,613.56; thence South sixty-five degrees zero minutes zero seconds West (S 65° 00' 00" W) eighteen decimal three, zero (18.30) feet to a point where the westerly right of way line of Snow Hill Road intersect the southerly right of way line of East Lincoln Avenue X 1,206,419.41, Y 190,605.83; thence by and with the said line of East Lincoln Avenue the following three courses: (1) with a curve to the left, having a radius of one hundred sixty (R = 160.00) feet and a length of twenty-nine decimal five, five (29.55) feet, a chord bearing of North sixty-seven degrees zero minutes fifty-three seconds West (N 67° 00' 53" W) a chord distance of twenty-nine decimal five, one (29.51) feet to a point X 1,206,392.25, Y 190,617.35; (2) with a curve to the right, having a radius of two hundred forty-five decimal zero, zero (R = 245.00) feet and a length of eighty-two decimal eight, four (82.84) feet, a chord bearing of North sixty-two degrees thirty-seven minutes ten seconds West (N 62° 37' 10" W) a chord distance of eighty-two decimal four, five (82.45) feet to a point X 1,206,319.04, Y 190,655.27; (3) North fifty-two degrees fifty-five minutes fifty-eight seconds West (N 52° 55' 58" W) three hundred sixty decimal three, one (360.31) feet to a point at the northwesterly corner of the lands of Patricia & Dana Malone X 1,206,031.54, Y 190,872.45; thence running with the westerly boundary line of said property South twenty-one degrees fifty-one minutes fifty-three seconds West (S 21° 51' 53" W) four hundred four decimal zero, zero (404.00) feet to a point on the northerly right of way line of East College Avenue X 1,205,881.08, Y 190,497.51; thence crossing the said road South twenty degrees fifty-six minutes six seconds West (S 20° 56' 06" W) forty-six decimal two, one (46.21) feet to a point on the Corporate Limit X 1,205,864.57, Y 190,454.35; thence running with the Corporate Limit South eighty-nine degrees seventeen minutes eleven seconds East (S 89° 17' 11" E) six hundred forty-nine decimal four, nine (649.49) feet to the point of beginning and containing 3.502 acres, being the lands of Patrick & Dana Malone, Parcel 253 shown on Tax Map 39, and a portion of East College Avenue and Snow Hill Road . All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.

**DRAFT**

**REPORT OF ANNEXATION PLAN**

*for the*

**E. COLLEGE AVENUE – MALONE  
ANNEXATION  
TO THE CITY OF SALISBURY**

**Exhibit B**

September 22, 2015

This Annexation Plan is consistent with the Municipal Growth Element of the City of Salisbury's adopted Comprehensive Plan. The following are milestones in the public review and consideration of the proposed Annexation.

- At a work session on April 6, 2015, the Salisbury City Council reviewed the proposed annexation.
- On May 21, 2015, the Salisbury - Wicomico County Planning Commission reviewed the proposed annexation and forwarded a favorable recommendation to the Salisbury City Council for General Commercial zoning of the Property upon annexation.
- At a Salisbury City Council work session on October 5, 2015, the City Council formally reviewed the draft annexation agreement and the draft version of this Annexation Plan and directed an Annexation Resolution be drafted for review.
- A City County meeting held on *(date to be inserted)* the City Council formally reviewed this Annexation Plan and the Annexation Resolution and directed a date for a public hearing be established. The Council further directed that the Annexation Plan be forwarded to the Maryland Department of Planning and the Wicomico County Council and Executive for comment within 30 days of the public hearing as provided for by State law.

**1.0**

**GENERAL INFORMATION AND DESCRIPTION**

1.1 Petitioners

The petitioners are Patrick K. and Dana G. Malone at 8 Shavannah Drive East, in Bear, Delaware 19701.

1.2 Location

The Property is located at the intersection of E. College Avenue and Snow Hill Road (MD Route 12). E. College Avenue borders it on the south, E. Lincoln Avenue on the north, and Snow Hill Road (MD 12) on the east. The image below is an aerial photograph of the immediate vicinity. The right-of-way of E. College Avenue along the Property's frontage will also be annexed since the City's current limits run along the south side of E. College Avenue.

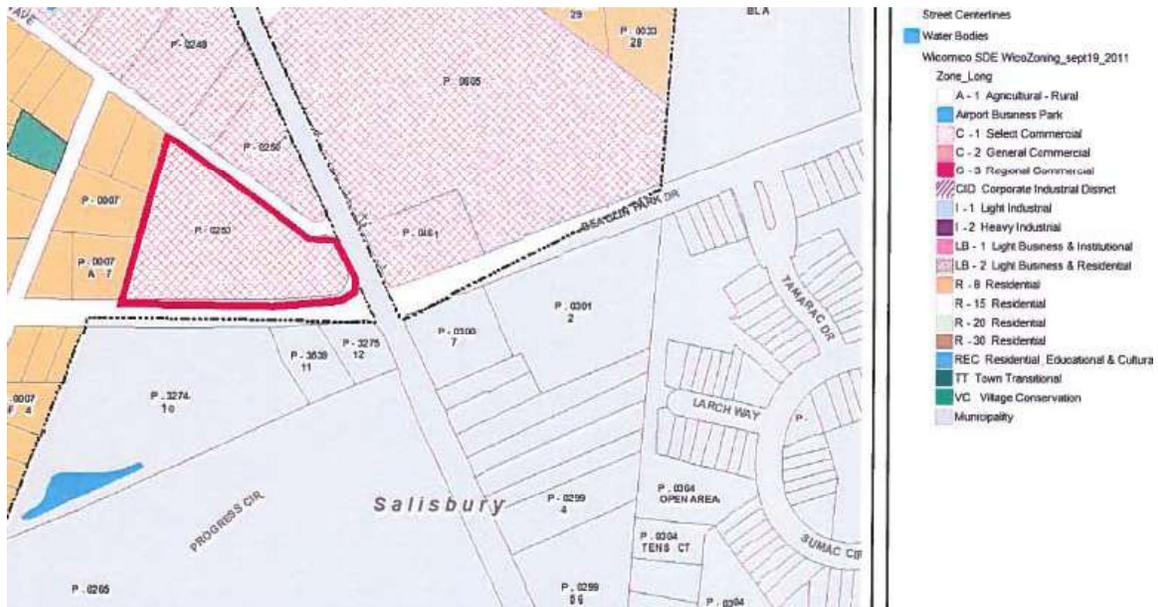


### 1.3 Property Description

Attachment “1” shows the survey of the Property and Exhibit “A” provides a metes and bounds description of the Property. The Malone Property is 2.71 acres of land and is improved with a house and detached garage. The entire annexation area, which includes the right-of-way of College Avenue, approximates to 3.3 acres.

### 1.4 Existing Zoning

The Property is zoned C-1, Select Commercial. The existing zoning is shown in the excerpt from the Wicomico County Zoning Map below. The Property adjoins an R-8 (Residential) zone on its western side.



## 2.0

### LAND USE PATTERN PROPOSED FOR THE AREA TO BE ANNEXED

### 2.1 Comprehensive Plan

The City of Salisbury adopted its current Comprehensive Plan in 2010. The Property is located within the City’s designated municipal growth area with a recommended land use of “Commercial”.

The Comprehensive Plan’s goal as it pertains to annexations is as follows: “To encourage the orderly growth and expansion of the City of Salisbury by annexing selected areas and by providing public services to newly developing areas without overburdening these facilities while continuing to maintain a high level of services to existing developments and residents of the City”.

## 2.2 Proposed Zoning

Upon annexation, the Property is proposed to be zoned General Commercial. Per Section 17.36.010 of the City Zoning Ordinance, the purpose of the District is “to provide a wide range of functional and attractive regional retail, office, service, wholesale, storage, distributing and light manufacturing activities.” In a letter to the Mayor and City Council dated May 22, 2015 recommending the annexation, the Planning Commission noted that the City’s General Commercial District is substantially consistent with the existing County zoning of C-1, Select Commercial because of the types of uses permitted.

## 2.3 Proposed Land Use

The petitioners prepared a conceptual development plan for the Property. They propose to subdivide the Property into two commercial lots and develop each: Parcel A with a 9,100 square foot commercial / retail building and Parcel B with a 4,760 square foot fast food restaurant. Parcel B, which is programed for the more intensive commercial use is located further away from the existing residential properties. See Attachment “2”, Concept Development Plan.

## 3.0

### **THE PUBLIC FACILITIES AND SERVICES NEEDED BY THE DEVELOPMENT AND THE METHODS TO PROVIDE SUCH FACILITIES AND SERVICES TO THE ANNEXED PARCEL**

#### 3.1 Roads

E. College Avenue and E. Lincoln Avenue would provide access to the Property via proposed commercial driveways. As proposed, the curb line along westbound E. College Avenue would be relocated in order to construct a deceleration lane into the commercial site and a short acceleration lane out of the site. The City Department of Public Works will ultimately evaluate and make a determination about this proposed access configuration upon the developer’s submittal of the project for City development plan review to be undertaken by the Salisbury-Wicomico County Planning Commission.

A sidewalk would be built along the full road frontage around the perimeter of the site. The Annexation Agreement between the City and the Petitioner provides that the developer will install crosswalks over Snow Hill Road and E. College Avenue and other pedestrian improvements at the intersection of E. College Avenue and Snow Hill Road at the direction of the City Department of Public Works and State Highway Administration. The State Highway Administration will require a traffic study when a development plan is eventually submitted to the City.

#### 3.2 Water and Wastewater Treatment

Development of Property in keeping with its conceptual development plan would create a demand of 2,400 gallons per



traffic impacts (such as turning movements into and out of the site) do not degrade roadway or intersection capacity or function.

The development of the site would provide commercial services that could meet the needs of motorists traveling the adjoining roads. The thoughtful use of landscape design should add to the quality of the streetscape and the installation of pedestrian improvements should improve overall safety and mobility in the area.

The site is partially wooded and a provision in the annexation agreement would ensure that a forested buffer is retained between the commercial uses and the adjoining residences to the west of the Property. There are no significant or sensitive environmental features on the site though a wellhead protection area does intersect with the easternmost edge of the Property but this does not constrain the site's development or use as proposed.

The Property is in the City's designated municipal growth area and it is eligible for annexation. The proposed uses are compatible with the land use pattern in the neighborhood and the Comprehensive Plan.

Attachment 1: Annexation Survey Plat  
Attachment 2: Concept Development Plan  
Exhibit A: Metes and Bounds Description

E. College Avenue - Malone Annexation

ANNEXATION AGREEMENT

Exhibit C

**THIS AGREEMENT** is made this \_\_\_ day of \_\_\_\_\_, 2015, by and between the City of Salisbury, a municipal corporation of the State of Maryland (hereinafter, “the City”), and Patrick K. and Dana G. Malone (hereinafter, “the Owner”) with the principal address of 8 Shavannah Drive East, Bear, Delaware 19701.

RECITALS

**WHEREAS**, the Owner is the record owner of certain real property, of 2.71 acres in size, located in Wicomico County, Maryland, (hereinafter, “the Property”), and more particularly described in Attachment “1 - Annexation Survey Plat” and Exhibit “A - Metes and Bounds Description” attached hereto and made a part hereof; and

**WHEREAS**, the Owner desires to construct upon the Property two commercial buildings and associated site improvements and/or to facilitate the sale and/or development of the Property for commercial use;

**WHEREAS**, the Property is not presently within the corporate boundaries of the City and is therefore ineligible to receive certain municipal services, including the municipal water and wastewater services, that the Owner desires to obtain for the Property; and

**WHEREAS**, the Owner desires that the City annex the Property and the City desires to annex the Property, provided that certain conditions are satisfied; and

**WHEREAS**, pursuant to the authority contained in the Local Government Article, Division II, Title 4, Subtitle 4 (Annexation) of the Annotated Code of Maryland, the Owner and the City have agreed that the following conditions and circumstances will apply to the annexation proceedings and to the Property.

**WITNESSETH:**

**1. WARRANTIES AND REPRESENTATIONS OF CITY:**

A. The City of Salisbury, the Salisbury-Wicomico County Planning Commission and Staff will be guided by this Agreement throughout the review of any development plans submitted for the Property to ensure that the provisions of this Agreement are specifically implemented. Any approval granted to a development plan by any commission, board, body, or agent of the City shall be in substantial compliance with the terms and conditions of this Agreement.

B. The parties understand and agree that the City's herein provided covenant of support is not intended, nor could it be construed, to legally prohibit the City from enacting such future ordinances or charter provisions or engineering standards or amendments deemed necessary to protect the public health, safety, and general welfare of the residents of the City, nor from applying such ordinances or charter provisions to the development of the Property, provided such application does not operate to divest prior approvals, nor interfere with the Owner's vested rights to any greater extent than the impact of such ordinances and charter resolutions upon other similarly-situated properties within the City's boundaries.

**2. WARRANTIES AND REPRESENTATIONS OF THE OWNER:**

A. This Agreement constitutes the formal written consent to annexation by the Owner as required by the Local Government Article of the Maryland Code, Section 4-403 (b)(1) and (2). The Owner acknowledges it will receive a benefit from annexation and agrees, as a bargained-for condition and circumstances applicable to the annexation, and it waives and completely relinquishes any right to withdraw its consent to annexation from the date of execution of this Agreement by all parties. The Owner further agrees that it will not petition the Annexation Resolution to referendum and that, in the event of a referendum in which it is permitted to vote, that it shall vote in favor of the Annexation Resolution.

B. The Owner warrants and represents that it have the full authority to sign this Agreement and is in fact the sole owner of the real property encompassed in the annexation area and more particularly described in Attachment "1" and Exhibit "A", and that there is no action pending against it involving it that would in any way affect its right and authority to execute this Agreement.

C. The Owner warrants and represents that it has the full power and authority to sign this Agreement and Consent and is, in fact, collectively the sole owner of not less than Twenty-five Percent (25%) of the assessed valuation of the real property within the annexation area.

**3. APPLICATION OF CITY CODE AND CHARTER**

From and after the effective date of the Annexation Resolution implementing this Agreement, all provisions of the Charter and Code of the City shall have full force and effect within the Property

except as otherwise specifically provided herein.

4. **MUNICIPAL ZONING**

Upon the effective date of the Annexation Resolution implementing this Agreement and Approval by the Mayor and City Council, the Property will be zoned General Commercial.

5. **MUNICIPAL SERVICES**

Upon the effective date of the Annexation Resolution implementing this Agreement, the City will make the Property eligible to receive all applicable municipal services to the extent that the necessary public facilities exist to provide such services. Any allocation of capacity and/or services will be made by the City according to adopted allocation plans which may be in effect at the time the Owner makes request for such capacity and/or services.

6. **STANDARDS AND CRITERIA**

Should any environmental, engineering, or other similar standard or criteria specifically noted in this Agreement be exceeded by any local, State, or Federal standard, criteria or regulation, which may be adopted subsequent to the execution of this Agreement, the newer stricter standard, criteria or regulation shall apply.

7. **CITY BOUNDARY MARKERS**

The Owner will fund and install City Boundary Markers at the boundary lines to the newly enlarged City boundaries resulting from this annexation and will provide receipt of such work completed to the City within 90 days of expiration of the 45-day referendum period. The Owner agrees that failure to comply with this provision will subject the Owner to payment of a fee to the City of Salisbury made payable at end of the 90-day period in amount of \$10,000.00 or the cost for the City's surveyor to complete the work, whichever is more.

**8. DEVELOPMENT CONSIDERATIONS**

A. Costs and Fees: The Owner agrees that it will pay the costs of annexation to the City, including, but not limited to the City's costs for legal fees, planning, and other consulting fees in connection with the preparation of this Agreement and/or the necessary annexation resolution and related documents, for publication of any required notices, and for any other cost or expense reasonably related, in the City's sole judgment, to the annexation.

B. The Owner and City agree that the Property will be developed consistent with the regulations of the zoning district classification referenced in the Annexation Resolution and in substantial conformance with the concept development plan, shown as Attachment B in the Annexation Plan.

C. Contribution to Area Improvement: In order that the Annexation Property is connected with and contributes to the improvement of the neighborhood sidewalk system and pedestrian accessibility generally, the Owner agrees to install pedestrian crosswalks on MD Route 12 at its intersection with E. College Avenue along with any related improvement required by the City Department of Public Works and/or the State Highway Administration which may include among other things, pedestrian signalization devices, ADA compliant sidewalks and crosswalks, and appropriate pavement markings.

D. Contributions to the Re-investment in Existing Neighborhoods and Housing Affordability: The Owner agrees to pay a development assessment to the City in the amount of \$13,000.00 for each of the proposed two buildings prior to the issuance of the first building permit. Such development assessment is understood by the parties to be intended for use by the City in its sole discretion for beautification, restoration, and revitalization improvements to existing neighborhoods in the City and which development assessment is understood by the parties to be in addition to and independent of the City's water and sewer comprehensive connection charges, any impact fees imposed by Wicomico County or the City, and any assessments that may be required to be paid elsewhere in this Agreement.

E. Escalation of Development Assessment: The lot assessment set forth in paragraph D above, is subject to adjustment to reflect inflation. Beginning January 1, 2016 the assessment shall be adjusted for inflation and this adjustment shall take place annually thereafter on the first day of January, for any assessment that remains unpaid. The assessment shall be adjusted by the percent change in the CPI during the previous 12-month period. The CPI to be used is the Consumer Price Index-U, All City Average, Unadjusted, published by the Bureau of Labor Statistics.

F. Community / Environmental Design: The Owner agrees to preserve a forested buffer along the western edge of the property and to transition that forest buffer into a landscaped planted area which may, at the approach to E. College Avenue, transition into an arrangement of tree plantings which will not screen the proposed building but instead allow for filtered views of the building and site from E. College Ave. The Owners agrees to plat sufficient pedestrian access easements along the perimeter of the Property and within such easements construct sidewalks to City design specifications at time of site development in locations shown on the Concept Plan, to install or extend sidewalk connections to the main entrances of each building as indicated on the Concept Plan, and to install a bike rack near each building entrance or in a location determined by the Planning Commission to most optimally meet the needs of cyclists.

The Owner further agrees to achieve LEED credit points in collaboration with the City for any development using the rating system established by the United States Green Building Council's LEED Standards for Building Design New Construction, as updated from time to time. The City and Owner/Assignee acknowledge that certain points under the rating system are unattainable because of the project's location and existing available services. Understanding this, and in order to establish a baseline, the City and Owner/Assignee will first agree to the total sum of LEED points unattainable due to these factors that are beyond the control of the Owner. The sum of these points will then be deducted from the total points possible; the difference then divided by the total points possible to arrive at a baseline quotient. Prior to development approval and / or issuance of building permit, the Owner shall submit specific findings to the City demonstrating the project has achieved, or would achieve upon development, the credit points needed for LEED Silver Certification when multiplied by the baseline quotient, to the satisfaction of the City. In keeping with this provision, the Owner/Assignee agrees specifically to adhere to the following energy and environmental performance standards:

- Site lighting fixtures shall be energy efficient and, where possible, shall utilize LED lamps for energy efficiency and long lamp life. Streetlights if used shall also be selected for highest efficiency but recognizing that streetlights may ultimately be owned and maintained by the City of Salisbury, the selection of streetlights shall be made in conjunction with the City of Salisbury Department of Public Works.
- Roadway and parking lot construction shall be accomplished mainly using recycled aggregates and base materials in addition to conventional aggregates and paving materials when acceptable recycled materials meeting the required physical properties of the design engineer are locally available.
- The HVAC systems in all building(s) on the Property shall be high-efficiency units. Air conditioning compressors will be 17 SEER, minimum unless and until higher federal, state, or local standards are required.
- Water-saving plumbing fixtures shall be used in all buildings on the Property.
- Building roofing materials on the Property shall be selected for energy efficiency and to minimize the heat island effect of dark roof coverings.
- Building finish materials that have high-recycled content shall be selected where possible. Low VOC (Volatile Organic Compound) paints and finishes shall be used.

G. The Owner, at its sole expense, agrees to extend public water and sewer services to the Property governed by the alignment, specification, sizing, and area wide coordination and system requirements and guidance provided by the City Department of Public Works recognizing that such facilities shall be sized larger than that required by the Property alone; such work to undertaken though a Public Works Agreement approved by the City.

H. The parties acknowledge and agree that the obligations set forth herein on the part of both parties pertain to the Property, unless otherwise expressly stated herein.

9. **RECORD PLAT:**

The Owner will provide the City with a copy of the final record plat for any development of the Property.

10. **MISCELLANEOUS:**

A. The obligations of the parties hereto set forth herein are contingent upon the adoption of an Annexation Resolution effecting the annexation of the Property by the Mayor and City Council of the City of Salisbury and shall be void in the event the City fails to effect such annexation or such annexation is invalidated by referendum or otherwise.

B. The use of singular verb, noun and pronoun forms in this Agreement shall also include the plural forms where such usage is appropriate; the use of the pronoun "it" shall also include, where appropriate "he" or "she" and the possessive pronoun "its" shall also include, where appropriate, "his" "hers" and "theirs."

C. From time to time after the date of this Annexation Agreement, the parties, without charge to each other, will perform such other acts, and will execute, acknowledge and will furnish to the other such instruments, documents, materials and information which either party reasonably may request, in order to effect the consummation of the transactions provided for in this Agreement.

D. This Agreement, which includes all exhibits, schedules and addenda hereto, each of which is incorporated in this Agreement by this reference, shall be recorded among the Land Records of Wicomico County and shall run with the land and be binding upon and inure to the benefit of the parties, their heirs, successors and assigns, and embodies and constitutes the entire understanding, representations, and statements, whether oral or written, are merged in this Annexation Agreement. The parties may renegotiate the terms hereof by mutual agreement, subsequent to the effective date of any Annexation Resolution adopted by the City pursuant hereto, provided that neither this Agreement nor any provisions hereof may be waived, modified or amended unless such modification is in writing and is signed by the party against whom the enforcement of such waiver, modification or amendment is sought, and then only to the extent set forth in such instrument.

E. The parties hereto acknowledge that, in entering into this Agreement, neither party has been induced by, nor has relied upon, nor included as part of the basis of the bargain herein, any representations or statement, whether express or implied, made by any agent, representative or employee, which representation or statement is not expressly set forth in this Agreement.

F. This Agreement shall be construed according to its plain meaning without giving regard to any inference or implication arising from the fact that it may have been drafted in whole or in part by or for any one of the parties hereto.

G. This Agreement, its benefit and burden, shall be assignable, in whole or in part, by the Owner without the consent of the City or of its elected officials, employees or agents, to any purchasers or contract purchasers of the property or any party thereof. However, the Owner will not transfer or

pledge as security for any debt or obligation, any interest in all or part of the Annexation Area, without first obtaining the written consent and acknowledgement of the transferee or pledgee to the Annexation Agreement and to the complete observance hereof. The Owner shall provide the City with copies of all documents of transfer or assignment, including exhibits when the documents are fully executed, regardless of recordation.

H. The captions in any Agreement are inserted for convenience only, and in no way define, describe or limit the scope of intent of this Agreement or any of the provisions hereof.

I. The laws of the State of Maryland shall govern the interpretation, validity, and construction of the terms and provisions of this Agreement. If any term or provision of this Agreement is declared illegal or invalid for any reason by a court of competent jurisdiction, the remaining terms and provisions of this Agreement shall, nevertheless, remain in full force and effect. Any suit to enforce the terms hereof or for damages or other remedy for the breach or alleged breach hereof shall be brought exclusively in the Courts of the State of Maryland in Wicomico County and the parties expressly consent to the jurisdiction thereof and waive any right that they might otherwise have to bring such action in or transfer or remove such action to the courts of any other jurisdiction.

J. All notices and other communications under this Agreement shall be in writing and shall be sent either by first class mail, postage prepaid, or by personal delivery, addressed to the parties as provided below. Notice shall be deemed given on the date delivered or attempted to be delivered during normal working hours on business days.

K.

**IF TO THE CITY:** Thomas Stevenson, City Administrator  
125 North Division Street, Room 304  
Salisbury, Maryland 21801

**WITH A COPY TO:** S. Mark Tilghman, City Attorney  
Seidel, Baker and Tilghman, P.A.  
110 North Division Street  
Salisbury, Maryland 21801

**IF TO THE OWNER:** Patrick K. and Dana G. Malone  
8 Shavannah Drive East  
Bear, Delaware 19701

**WITH A COPY TO:** Brock Parker, P.E.  
Parker & Associates, Inc.  
528 Riverside Drive  
Salisbury, Maryland 21801

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the day and year first written above.

**WITNESS:**

**THE CITY OF SALSIBURY, MARYLAND**

\_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

**WITNESS/ATTEST:**

**OWNER:**

\_\_\_\_\_

By: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_

S. Mark Tilghman, City Attorney  
**STATE OF MARYLAND**

COUNTY OF \_\_\_\_\_, to wit:

I HEREBY CERTIFY, that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public in and for the State aforesaid, personally appeared \_\_\_\_\_, who has been satisfactorily proven to be the person whose name is subscribed to the within instrument, who acknowledged himself to be a duly elected official of the City of Salisbury, a municipal corporation of the State of Maryland, and that said official, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation as such official.

WITNESS my hand and notarial seal.

\_\_\_\_\_  
Notary Public (SEAL)

My Commission Expires: \_\_\_\_\_

I HEREBY CERTIFY, that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public in and for the State aforesaid, personally appeared \_\_\_\_\_, who have been satisfactorily proven to be the persons whose names are subscribed to the within instrument, and that, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing their names.

WITNESS my hand and notarial seal.

\_\_\_\_\_  
Notary Public (SEAL)

My Commission Expires: \_\_\_\_\_

I HEREBY CERTIFY that the foregoing instrument was prepared by or under the supervision of an attorney duly admitted to practice before the Court of Appeals of Maryland.

\_\_\_\_\_  
\_\_\_\_\_, City Attorney

**RESOLUTION NO. 2566**

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A RESOLUTION of the City of Salisbury proposing the annexation to the City of Salisbury of certain area of land situate, contiguous to and binding upon the northerly and westerly corporate limit of the City of Salisbury, to be known as the “Malone - Snow Hill Road Annexation,” and the application of a City zoning classification to same area, being an area located on the northerly side of and binding upon E. College Avenue, in the northwest quadrant of the intersection of Snow Hill Road and E. College Avenue.

WHEREAS the City of Salisbury is considering the annexation of a parcel of land located on the northerly side of E. College Avenue, an improved County road; said parcel being contiguous to and binding upon the northerly and westerly corporate limit of the City of Salisbury and being more particularly described on Exhibit “A” attached hereto and made a part hereof; and

WHEREAS the City of Salisbury is required to adopt an annexation plan for the proposed area of annexation pursuant to the Local Government Article (formerly Article 23(A) Section 19(O)) of the *Maryland Annotated Code*; and

WHEREAS the public hearing is scheduled for \_\_\_\_\_, 2015 at \_:\_ p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT an annexation plan for the “Malone - Snow Hill Road Annexation,” as set forth in Exhibit “B” attached hereto and made a part hereof, is adopted for that area of land located on the northerly side of E. College Avenue; said parcel being contiguous to and binding upon the northerly and westerly corporate limit of the City of Salisbury.

AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, THAT the Council hold a public hearing on the annexation plan hereby proposed on \_\_\_\_\_, 2015 at \_:\_ p.m.. in the Council Chambers at the City-County Office Building and the City Administrator shall cause a public notice of time and place of said hearing to be published not fewer than two (2) times at not less

30 than weekly intervals, in a newspaper of general circulation in the City of Salisbury, which said  
31 notice shall specify a time and place at which the Council of the City of Salisbury will hold a public  
32 hearing on the Resolution.

33 The above Resolution was introduced and read and passed at the regular meeting of the  
34 Council of the City of Salisbury held on the \_\_\_\_- day of \_\_\_\_\_ 2015, having been duly published  
35 as required by law in the meantime a public hearing was held on \_\_\_\_\_, 2015, and was finally  
36 passed by the Council at its regular meeting held on the \_\_\_ day of \_\_\_\_\_ 2015.

37

38

39 \_\_\_\_\_  
40 Kimberly R. Nichols,  
41 City Clerk

\_\_\_\_\_

Jacob R. Day,  
Council President

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43

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45 APPROVED BY ME this \_\_\_\_ day of \_\_\_\_\_, 2015.

46

47

48 \_\_\_\_\_  
49 James Ireton, Jr.,  
50 Mayor

51

## EXHIBIT "A"

### MALONE – SNOW HILL ROAD ANNEXATION

A CERTAIN AREA OF LAND, contiguous to and binding upon the northerly and westerly Corporate Limit of the City of Salisbury to be known as "Malone – Snow Hill Road Annexation" beginning for the same at a point on the Corporate Limit, said point lying where the southerly side of East College Avenue intersects the westerly side of MD Route 12, Snow Hill Road X 1,206,514.01, Y 190,446.26; thence running by and with the westerly side of said Snow Hill Road North twenty-five degrees zero minutes zero seconds West (N 25° 00' 00" W) one hundred eighty-four decimal six, zero (184.60) feet to a point X 1,206,436.00, Y 190,613.56; thence South sixty-five degrees zero minutes zero seconds West (S 65° 00' 00" W) eighteen decimal three, zero (18.30) feet to a point where the westerly right of way line of Snow Hill Road intersect the southerly right of way line of East Lincoln Avenue X 1,206,419.41, Y 190,605.83; thence by and with the said line of East Lincoln Avenue the following three courses: (1) with a curve to the left, having a radius of one hundred sixty (R = 160.00) feet and a length of twenty-nine decimal five, five (29.55) feet, a chord bearing of North sixty-seven degrees zero minutes fifty-three seconds West (N 67° 00' 53" W) a chord distance of twenty-nine decimal five, one (29.51) feet to a point X 1,206,392.25, Y 190,617.35; (2) with a curve to the right, having a radius of two hundred forty-five decimal zero, zero (R = 245.00) feet and a length of eighty-two decimal eight, four (82.84) feet, a chord bearing of North sixty-two degrees thirty-seven minutes ten seconds West (N 62° 37' 10" W) a chord distance of eighty-two decimal four, five (82.45) feet to a point X 1,206,319.04, Y 190,655.27; (3) North fifty-two degrees fifty-five minutes fifty-eight seconds West (N 52° 55' 58" W) three hundred sixty decimal three, one (360.31) feet to a point at the northwesterly corner of the lands of Patricia & Dana Malone X 1,206,031.54, Y 190,872.45; thence running with the westerly boundary line of said property South twenty-one degrees fifty-one minutes fifty-three seconds West (S 21° 51' 53" W) four hundred four decimal zero, zero (404.00) feet to a point on the northerly right of way line of East College Avenue X 1,205,881.08, Y 190,497.51; thence crossing the said road South twenty degrees fifty-six minutes six seconds West (S 20° 56' 06" W) forty-six decimal two, one (46.21) feet to a point on the Corporate Limit X 1,205,864.57, Y 190,454.35; thence running with the Corporate Limit South eighty-nine degrees seventeen minutes eleven seconds East (S 89° 17' 11" E) six hundred forty-nine decimal four, nine (649.49) feet to the point of beginning and containing 3.502 acres, being the lands of Patrick & Dana Malone, Parcel 253 shown on Tax Map 39, and a portion of East College Avenue and Snow Hill Road . All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.

**DRAFT**

**REPORT OF ANNEXATION PLAN**

*for the*

**E. COLLEGE AVENUE – MALONE  
ANNEXATION  
TO THE CITY OF SALISBURY**

**Exhibit B**

September 22, 2015

This Annexation Plan is consistent with the Municipal Growth Element of the City of Salisbury's adopted Comprehensive Plan. The following are milestones in the public review and consideration of the proposed Annexation.

- At a work session on April 6, 2015, the Salisbury City Council reviewed the proposed annexation.
- On May 21, 2015, the Salisbury - Wicomico County Planning Commission reviewed the proposed annexation and forwarded a favorable recommendation to the Salisbury City Council for General Commercial zoning of the Property upon annexation.
- At a Salisbury City Council work session on October 5, 2015, the City Council formally reviewed the draft annexation agreement and the draft version of this Annexation Plan and directed an Annexation Resolution be drafted for review.
- A City County meeting held on *(date to be inserted)* the City Council formally reviewed this Annexation Plan and the Annexation Resolution and directed a date for a public hearing be established. The Council further directed that the Annexation Plan be forwarded to the Maryland Department of Planning and the Wicomico County Council and Executive for comment within 30 days of the public hearing as provided for by State law.

**1.0**

**GENERAL INFORMATION AND DESCRIPTION**

1.1 Petitioners

The petitioners are Patrick K. and Dana G. Malone at 8 Shavannah Drive East, in Bear, Delaware 19701.

1.2 Location

The Property is located at the intersection of E. College Avenue and Snow Hill Road (MD Route 12). E. College Avenue borders it on the south, E. Lincoln Avenue on the north, and Snow Hill Road (MD 12) on the east. The image below is an aerial photograph of the immediate vicinity. The right-of-way of E. College Avenue along the Property's frontage will also be annexed since the City's current limits run along the south side of E. College Avenue.

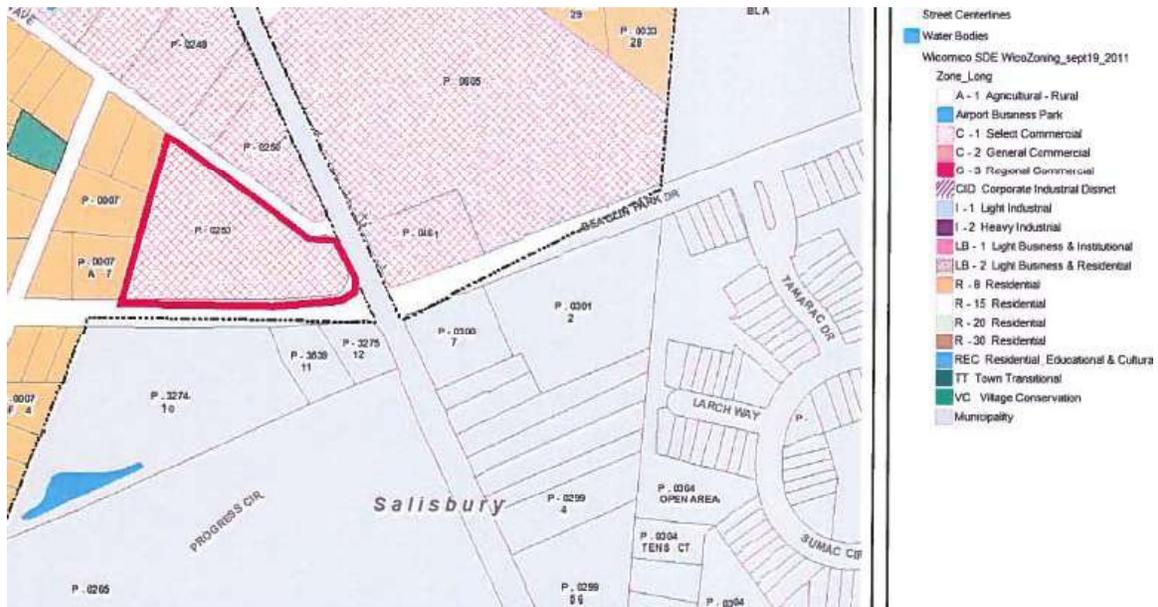


### 1.3 Property Description

Attachment “1” shows the survey of the Property and Exhibit “A” provides a metes and bounds description of the Property. The Malone Property is 2.71 acres of land and is improved with a house and detached garage. The entire annexation area, which includes the right-of-way of College Avenue, approximates to 3.3 acres.

### 1.4 Existing Zoning

The Property is zoned C-1, Select Commercial. The existing zoning is shown in the excerpt from the Wicomico County Zoning Map below. The Property adjoins an R-8 (Residential) zone on its western side.



## 2.0

### LAND USE PATTERN PROPOSED FOR THE AREA TO BE ANNEXED

### 2.1 Comprehensive Plan

The City of Salisbury adopted its current Comprehensive Plan in 2010. The Property is located within the City’s designated municipal growth area with a recommended land use of “Commercial”.

The Comprehensive Plan’s goal as it pertains to annexations is as follows: “To encourage the orderly growth and expansion of the City of Salisbury by annexing selected areas and by providing public services to newly developing areas without overburdening these facilities while continuing to maintain a high level of services to existing developments and residents of the City”.

## 2.2 Proposed Zoning

Upon annexation, the Property is proposed to be zoned General Commercial. Per Section 17.36.010 of the City Zoning Ordinance, the purpose of the District is “to provide a wide range of functional and attractive regional retail, office, service, wholesale, storage, distributing and light manufacturing activities.” In a letter to the Mayor and City Council dated May 22, 2015 recommending the annexation, the Planning Commission noted that the City’s General Commercial District is substantially consistent with the existing County zoning of C-1, Select Commercial because of the types of uses permitted.

## 2.3 Proposed Land Use

The petitioners prepared a conceptual development plan for the Property. They propose to subdivide the Property into two commercial lots and develop each: Parcel A with a 9,100 square foot commercial / retail building and Parcel B with a 4,760 square foot fast food restaurant. Parcel B, which is programed for the more intensive commercial use is located further away from the existing residential properties. See Attachment “2”, Concept Development Plan.

## 3.0

### **THE PUBLIC FACILITIES AND SERVICES NEEDED BY THE DEVELOPMENT AND THE METHODS TO PROVIDE SUCH FACILITIES AND SERVICES TO THE ANNEXED PARCEL**

#### 3.1 Roads

E. College Avenue and E. Lincoln Avenue would provide access to the Property via proposed commercial driveways. As proposed, the curb line along westbound E. College Avenue would be relocated in order to construct a deceleration lane into the commercial site and a short acceleration lane out of the site. The City Department of Public Works will ultimately evaluate and make a determination about this proposed access configuration upon the developer’s submittal of the project for City development plan review to be undertaken by the Salisbury-Wicomico County Planning Commission.

A sidewalk would be built along the full road frontage around the perimeter of the site. The Annexation Agreement between the City and the Petitioner provides that the developer will install crosswalks over Snow Hill Road and E. College Avenue and other pedestrian improvements at the intersection of E. College Avenue and Snow Hill Road at the direction of the City Department of Public Works and State Highway Administration. The State Highway Administration will require a traffic study when a development plan is eventually submitted to the City.

#### 3.2 Water and Wastewater Treatment

Development of Property in keeping with its conceptual development plan would create a demand of 2,400 gallons per

day. The developer would connect, at its expense, to existing public water and sewerage facilities in the area at the direction of the City Department of Public Work and there are no Public Works concerns about the feasibility or capacity to serve this Property upon its development. There is adequate capacity to serve the Property. The City's allocation of water and sewer taps will be dictated by the City's allocation plan.

3.3 Schools

As a non-residential use, the Property would not generate pupil enrollment and have no impact of school capacity.

3.4 Parks and Rec.

As a non-residential use in this case, the Property would have no impact on park and recreational facilities or generate a demand for them.

3.5 Fire, E.M., and  
Rescue Services

The Salisbury Fire Department provides fire suppression, technical rescue, special operations, and advanced life support (ALS-EMS) emergency medical treatment and transport services to residents of the Salisbury Fire District. It would provide services to the Property.

3.6 Police

The City of Salisbury Police Department would provide services to the Property.

3.7 Stormwater Management:

Stormwater management is governed by the Maryland Stormwater Management regulations administered locally.

3.8 Waste Collection

Commercial development in the City is served by independent waste haulers.

**4.0**

**HOW DEVELOPMENT OF THE ANNEXED PARCEL WOULD RELATE TO EXISTING/PLANNED LAND USE DEVELOPMENT, STREETS, PUBLIC FACILITIES AND SERVICES, OPEN SPACES AND NATURAL AREAS.**

The Property is located at a heavily traveled major City intersection with commercial automobile service uses on both its north and south sides. Snow Hill Road (MD Route 12), a major commercial route and a classified Principal Arterial roadway, is developed with a variety of commercial uses oriented to the highway. E. College Avenue / Beaglin Park Drive is also a road of citywide significance. It is Minor Arterial roadway and connects U.S. Route 50 to Business U.S. Route 13 and many activity centers between them and beyond. Commercial development of this parcel is not incompatible with these road functions; however, care will need to be taken to ensure that the

traffic impacts (such as turning movements into and out of the site) do not degrade roadway or intersection capacity or function.

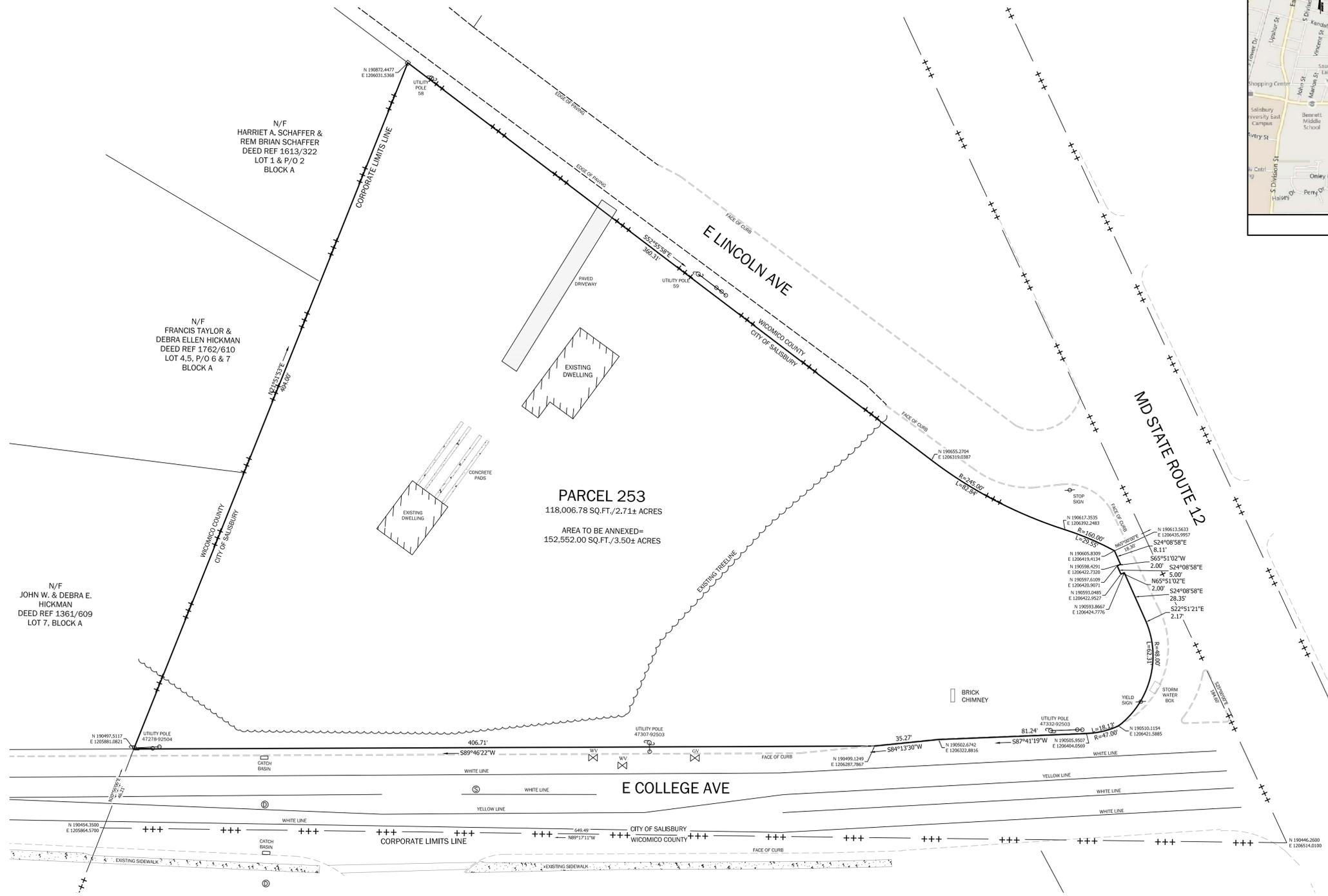
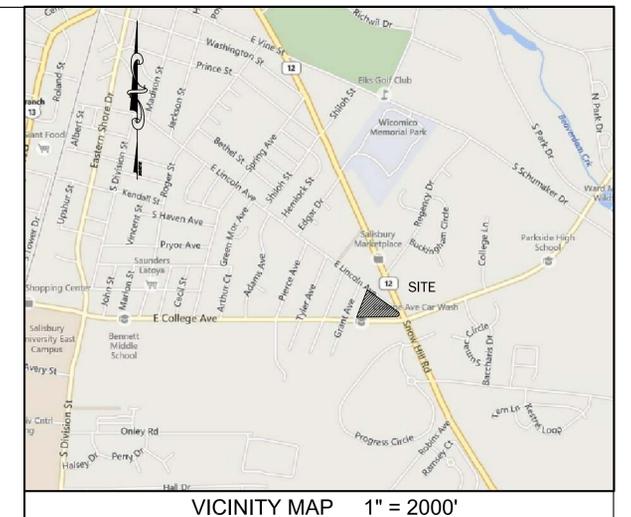
The development of the site would provide commercial services that could meet the needs of motorists traveling the adjoining roads. The thoughtful use of landscape design should add to the quality of the streetscape and the installation of pedestrian improvements should improve overall safety and mobility in the area.

The site is partially wooded and a provision in the annexation agreement would ensure that a forested buffer is retained between the commercial uses and the adjoining residences to the west of the Property. There are no significant or sensitive environmental features on the site though a wellhead protection area does intersect with the easternmost edge of the Property but this does not constrain the site's development or use as proposed.

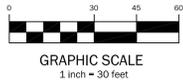
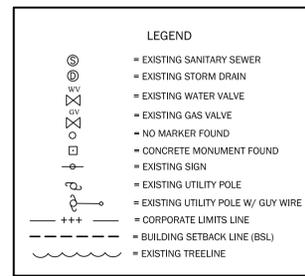
The Property is in the City's designated municipal growth area and it is eligible for annexation. The proposed uses are compatible with the land use pattern in the neighborhood and the Comprehensive Plan.

Attachment 1: Annexation Survey Plat  
Attachment 2: Concept Development Plan  
Exhibit A: Metes and Bounds Description

MD STATE GRID NAD 87



- GENERAL NOTES**
1. THE PROPERTY SHOWN HEREON IS OWNED BY: PATRICK K & DANA G MALONE 8 SHAVANNAH DRIVE EAST BEAR, DE 19701
  2. DEED REFERENCE: 3648/374.
  3. TOTAL AREA OF PROPERTY= 2.71± ACRES.
  4. TOTAL AREA TO BE ANNEXED = 3.50± ACRES.
  5. THE CURRENT WICOMICO COUNTY WATER/SEWER SERVICE CATEGORY WJ/SJ.
  6. THE PROPOSED ZONING OF THIS PROPERTY IS: GENERAL COMMERCIAL
  7. THE CURRENT ZONING OF THIS PROPERTY IS: C-1 SELECT COMMERCIAL
  8. THIS PROPERTY IS LOCATED IN G.P.R. MANAGEMENT ZONE B-1.
  9. THIS PROPERTY IS SHOWN ON F.J.R.M. COMMUNITY PANEL #240078 0028 C (PANEL 28 OF 55), DATED 9/26/84, AS BEING IN FLOOD ZONE C, AREA OF MINIMAL FLOODING.
  10. ALL FUTURE CONSTRUCTION SHALL CONFORM TO THE CITY OF SALISBURY CODE IN EFFECT AT THE TIME OF CONSTRUCTION.
  11. TRASH COLLECTION SHALL BE PRIVATE, WATER AND SEWER SHALL BE PUBLIC.



PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NUMBER 10713, EXPIRATION DATE 01/03/16.

PHILIP R. PARKER LIC. #10713 DATE \_\_\_\_\_

REVISIONS	
DATE	BY
07/10/15	EDR
10/17/15	EDR

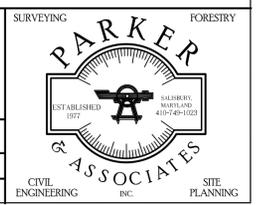
**ANNEXATION PLAT  
FOR PARCEL 253  
PATRICK AND DANA MALONE**

LOCATION: CAMDEN ELECTION DISTRICT, WICOMICO COUNTY, MARYLAND

SCALE: 1" = 30' DATE: 12/09/14 TAX MAP: 48

DRAWN BY: EDR PARCEL: 253

JOB NO.: S2079





# Memo

To: Julia Glanz  
From: Susan Phillips  
Date: 10/22/2015  
Re: Revisions to 15.24.270 Building/Housing Official

---

Attached please find an ordinance that will have the effect of amending Chapter 15.24.

Currently, this chapter incorrectly refers to the building official instead of the housing official in multiple places throughout the code. Currently because of the needed change in subsection 15.24.270C, Neighborhood Services & Code Compliance is having to forward some cases to the Department of Building, Permits & Inspections to enforce. This change will streamline enforcement.

In addition, subsection 15.24.1090B incorrectly refers to the BOCA Mechanical Code and needs to be corrected to reflect the proper code reference of the National Fire Gas Code.

Unless you have any questions please forward this memorandum to the Mayor and City Council.



27 ARTICLE VII VACANT BUILDINGS AND LAND

28 15.24.270 - General.

29 A. All vacant structures, premises and vacant land shall be maintained in a clean,  
30 safe, secure and sanitary condition, to prevent blighted conditions or an adverse  
31 impact on public health, or safety.

32 B. No structure caused to be vacant by virtue of noncompliance with the  
33 provisions of this code shall be used again for human habitation without first  
34 obtaining a certificate of occupancy from the ~~building~~ housing official. No  
35 noncomplying structure may be left vacant longer than six months. The Ceity  
36 may at that time exercise condemnation and/or demolition. The cost or expense  
37 shall be assessed as a lien on the property and shall be entered on the tax  
38 records kept by the Director of Internal Services ~~city treasurer~~ and shall be  
39 collectible as are taxes.

40 C. Each exterior door, window and opening of any vacant building shall be firmly  
41 secured and locked. Should a structure become accessible and/or a nuisance by  
42 virtue of having windows or doors repeatedly left opened and/or unlocked, they  
43 shall be firmly secured by covering the opening with plywood or other  
44 approved material. Approved material used to cover unsecured openings shall  
45 fit the openings squarely, and shall be surface coated to match the exterior  
46 house trim. No structure shall be permitted to be boarded up for any period of  
47 time in excess of six months unless fully justified by the owner in writing to the  
48 ~~building~~ housing official stating why and for what period of time the structure

49 should be permitted to remain boarded up. Any structure condemned in  
50 accordance with Section 15.24.280, which has been boarded up for a period of  
51 time exceeding six months, and has not been justified by the owner in writing  
52 to the ~~building~~ housing official, may be issued a one hundred dollar (\$100.00)  
53 citation for the first day of noncompliance and a two hundred dollar (\$200.00)  
54 citation for each day thereafter that the violation continues.

55

## 56 Article VIII – Unsafe Structures and Equipment

### 57 15.24.280 – General

58 C. Structures Unfit for Human Occupancy. A structure is unfit for human occupancy  
59 whenever the ~~building~~ housing official finds that such structure is unsafe,  
60 unlawful or, is in disrepair or lacks required maintenance, is unsanitary, vermin or  
61 rat infested, contains filth and contamination, or lacks ventilation, illumination,  
62 sanitary or heating facilities or other essential equipment required by this code.

63

### 64 15.24.290 – Closing of vacant structures.

65 If the structure is vacant and unfit for human habitation and occupancy, and is not  
66 in danger of structural collapse, the ~~building~~ housing official is authorized to post a  
67 placard of condemnation on the premises and order the structure closed ~~up~~ so as not to be  
68 an attractive nuisance. Upon failure of the owner to close ~~up~~ the premises within the time  
69 specified in the order, the ~~building~~ housing official shall cause the premises to be closed  
70 through any available public agency or by contract or arrangement ~~by~~with private persons

71 and the cost thereof shall be charged against the real estate upon which the structure is  
72 located and shall be a lien upon such real estate.

73

74 15.24.300 – Notice.

75 Whenever the building housing official has condemned a structure or equipment  
76 under the provisions of this chapter, notice shall be posted in a conspicuous place on or  
77 about the structure affected by such notice and served on the owner, agent, person or  
78 persons responsible for the structure or equipment in accordance with Section 15.24.200.  
79 The notice shall be in the form prescribed in Section 15.24.190 and shall advise the  
80 owner of the requirements of Chapter 15.22 and Section 15.24.325 herein.

81

82 15.24.320 – Prohibited occupancy.

83 The premises so ordered to be either “Vacated” or “Condemned” shall not again  
84 be occupied until a certificate of occupancy has been issued by the building housing  
85 official stating that the dwelling is in compliance with this chapter or any other existing  
86 law or ordinance.

87

88 15.24.325 – Plan for rehabilitation.

89 Within sixty (60) days after notice that the buildinghousing official has  
90 condemned a structure, the owner shall submit a plan to bring the property into  
91 compliance with the provisions of the building code. The plan should include the  
92 following:

- 93           A.     A detailed description of the work to be performed;
- 94           B.     The name and address of the person who will perform the work; and
- 95           C.     A timetable for completion of the work.

96

97   Article IX – Demolition

98   15.24.330 – General.

99           The ~~building~~housing official shall order the owner of any premises upon which is

100 located any structure which is so dilapidated, so out of repair as to be dangerous, that it

101 has been designated unfit for human habitation, unsafe, unsanitary, has been condemned,

102 and has not been put into proper repair after given sufficient notice to repair, to raze and

103 remove the structure in its entirety. An order to repair may be satisfied by demolition.

104

105   Article XIX – Boarding Houses

106   15.24.970 – Dining facilities.

107           Commercial cooking and dining facilities in a boarding house are prohibited,

108 except in kitchen areas and other areas as approved by the ~~building~~housing official.

109

110   Article XXI – Plumbing Facilities and Fixture Requirements

111   15.24.1090 Plumbing fixtures.

112   B. Appliances. All gas (natural and propane) appliances shall be installed and maintained

113 in accordance with the ~~BOCA Mechanical Code~~ National Fuel Gas Code.

114 AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY COUNCIL OF  
115 THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon  
116 final passage.

117

118

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

120 Salisbury held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 and thereafter, a statement of the

121 substance of the ordinance having been published as required by law, in the meantime,

122 was finally passed by the Council on the \_\_\_ day of \_\_\_\_\_, 2015.

123

124 ATTEST:

125

126

127

128 \_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_   
Jacob R. Day, City Council President

129

130

131 Approved by me, this \_\_\_\_\_

132 day of \_\_\_\_\_, 2015.

133

134

135

136

137 \_\_\_\_\_  
James Ireton, Jr., Mayor

# City of Salisbury



MARYLAND



125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801  
Tel: 410-334-3028  
Fax: 410-548-3192

KEITH A. CORDREY  
DIRECTOR OF INTERNAL SERVICES

JAMES IRETON, JR.  
MAYOR

TOM STEVENSON  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

To: Tom Stevenson, City Administrator  
From: Keith Cordrey, Director of Internal Services *KAC*  
Date: September 28, 2015  
Re: False Alarm Billing

---

The Fire, Police, and Finance Departments have collaborated to develop a process that will allow the city to enforce the provisions of the false alarm ordinance. A few revisions to the ordinance were found prudent to make the ordinance consistent with the most efficient and effective administration of false alarm billing. A revised ordinance is included as an attachment which includes the following revisions:

- 8.04.050 C was modified to clarify
  - o Fire and Police Chiefs will maintain the records to track number of occurrences as needed to determine if an infraction applies.
  - o Internal Services will prepare / send bills when there is no infraction (5 or less occurrences) and NSCC will prepare / send bills when there is an infraction (6 or more occurrences).
- .04.050 E was modified to expand NSCC to designate staff to act as enforcement officers as needed for issuing and serving municipal infractions.

Upon your review, please forward this to Council.



38 C. The Chief of Police and the Fire Chief ~~The Director of Internal Services~~ will maintain  
 39 accurate records of false alarms occurrences. ~~and will~~ A bill will be sent for payment  
 40 ~~thereof~~ by mailing said bill to the property owner of record of the subject location, the  
 41 designated agent, if any, and the occupant of the property if known to the Director of  
 42 Internal Services. The Director of Internal Services will send the bills for occurrences one  
 43 (1) to five (5). The Director of Neighborhood Services and Code Compliance will send the  
 44 bills, when the number of occurrences is six (6) or more.

45 D. If the false alarm bill remains unpaid for more than ninety (90) days, the Director of Internal  
 46 Services shall place a lien against the subject real property by forwarding to the last known  
 47 address of the owner as recorded in the real estate assessment records of the City of  
 48 Salisbury by written notice, a notice of lien, and such receipt shall constitute a prima facie  
 49 evidence of service upon such owner if it is signed either by the owner or by a person of  
 50 suitable age and discretion located at such address. In the event that delivery of said notice  
 51 of lien is refused by the property owner or his agent, then valid service may be accomplished  
 52 by hand delivery of same to either the property owner or a person of suitable age and  
 53 discretion employed or residing at the subject location or by posting the written notice in a  
 54 conspicuous place in or about the structure or property affected by such notice.

55 E. Municipal Infraction

56 For any violation occurring after the fifth false alarm response by the same responding  
 57 department within the same calendar year, the person owning and/or in control of the subject  
 58 real property shall be guilty of a municipal infraction and shall be subject to a fine *not* to  
 59 exceed five hundred dollars (\$500.00) for each offense as established in the table listed  
 60 below. Each false alarm response thereafter within the same calendar year shall constitute a  
 61 separate offense. Notice and service of a citation shall be as directed under Local  
 62 Government Article of the Maryland Annotated Code § 6-101, et seq. and § SC5-1(38), as  
 63 amended, concerning municipal infractions. The Chief of Police, ~~and the~~ Fire Chief and the  
 64 Housing Official are designated by the Council to direct the designated persons within their  
 65 departments to act as enforcement officers for the purpose of preparing and carrying out the  
 66 requirements for issuing and serving municipal infractions.

67 The amount of a fine shall be in accordance with the table below:

68

<b>FALSE ALARM OCCURRENCE / FINE</b>	<b>POLICE</b>	<b>FIRE</b>
6th	100.00	100.00
7th	200.00	200.00
8th	300.00	300.00
9th	400.00	400.00
10th	500.00	500.00

69

70

71

72

73

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

74 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of  
75 Salisbury held on the \_\_\_\_ day of \_\_\_\_\_, 2015 and thereafter, a statement of the substance of the  
76 ordinance having been published as required by law, in the meantime, was finally passed by the  
77 Council on the \_\_\_\_ day of \_\_\_\_\_, 2015.

78 ATTEST:

79

80 \_\_\_\_\_  
81 Kimberly R. Nichols, City Clerk

\_\_\_\_\_   
Jacob R. Day, City Council President

82

83

84

85 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

86

87

88 \_\_\_\_\_  
89 James Ireton, Jr., Mayor



JAMES IRETON, JR.  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

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

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

To: Thomas Stevenson, Jr., City Administrator  
From: Michael Moulds, Director of Public Works   
Date: September 21, 2015  
Re: Budget Amendment – Survey Equipment replacement

The Public Works Department is requesting consideration for a budget amendment to replace a broken piece of surveying equipment. The robotic total station is the main piece of equipment for the survey crew. It is used for locating property corners and existing features, as well as being used for construction stakeout. It has the ability to collect elevation data along with the location data. The data collected by this equipment is used for Boundary Surveys, As-Built Surveys, Topographic Surveys and GIS applications.

The new total station unit will have the ability to work in tandem with the GPS units that the City currently owns. Since GPS has limitations in wooded areas, the total station is needed to obtain data that cannot be collected by GPS while still being able to collect the data in the same job file. Robotic total stations are the standard survey equipment for most surveying companies and has the ability to be used as a one-man survey crew, if needed.

The City's robotic total station has been in use since 2005. It was recently damaged in the field during a surveying project. Due to its' age, the unit is obsolete. With the damage sustained in the field, it is not repairable. The City Surveyor has obtained a quote for a replacement unit. The cost is \$28,994.00 and the detailed information is attached.

The accident information has been submitted to LGIT and the replacement cost will be covered by LGIT over the \$10,000 deductible. The insurance payment will be handled as a reimbursement. Therefore, Public Works respectfully requests a budget amendment for the full amount of the replacement at this time.

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

# QUOTATION

## DiCarlo Precision Instrument, Inc.

2006 Northwood Dr.  
Salisbury, MD 21801  
(410) 749-0112

**ORDER NUMBER:** 0028911

**ORDER DATE:** 9/4/2015

**SALESPERSON:** 0001

**CUSTOMER NO:** CIT001

**SOLD TO:**

**City of Salisbury**  
125 North Division St.  
Government Office Bldg.  
Room 202  
Salisbury, MD 21801-4940  
**Confirm To:** John O'Brien  
PS RC-5 w/ Tesla

**SHIP TO:**

**City of Salisbury**  
125 North Division St.  
Government Office Bldg.  
Room 202  
Salisbury, MD 21801-4940

Phone: 410-548-3170

Fax: (410) 334-3033

CUSTOMER P.O.		SHIP VIA		F.O.B.	TERMS		
ORDERED	SHIPPED	B/O	DPI	ITEM NUMBER	UNIT	PRICE	AMOUNT
				-			
				* This equipment is the direct replacement for the Topcon GPT-8203 Robotic Total Station System *			
				-			
1.00	0.00	0.00		<b>213067112</b>	EACH	17,955.000	17,955.00
				<b>PS-103A 3" Robotic Total Station</b>			
				PS-103A 3" Robotic Total Stati		<b>Whse:</b>	000
				Includes: PS Total Station, RC-5 Instrument Handle, 2 Batteries, Dual Tray Battery Charger, USB Flash Drive, Stylus, Manuals, Complete System Carrying Case, Carrying Case Straps, Toolkit & Lens Cap			
1.00	0.00	0.00		<b>1001234-01</b>	EACH	5,495.000	5,495.00
				<b>PS Robotic Accessory Kit w/RC-5</b>			
				PS Robotic Accessory Kit w/RC-		<b>Whse:</b>	000
				Includes: RC-5 Remote, 360 Prism ATP1, 2 Batteries, Battery Charger, Prism Pole. NOT INCLUDED -> RC-5 Instrument Handle since included with PS robot. DS SERIES ROBOT MUST PURCHASE HANDLE SEPARATELY.			
1.00	0.00	0.00		<b>61106</b>	EACH	2,795.000	2,795.00
				<b>TESLA Contoller Standard, WiFi, BT</b>			
				TESLA Standard, WiFi, Bluetoot		<b>Whse:</b>	000
				5.7" VGA color touchscreen, 806MHz processor, 256Mb RAM, 4Gb flash storage, Built-in wireless Bluetooth® and WiFi connectivity, Windows Mobile 6.X. (1) Battery, charger.			
1.00	0.00	0.00		<b>1002835-01</b>	EACH	2,250.000	2,250.00
				<b>Magnet Field Controller Software</b>			
				Magnet Field ROB GPS HYB		<b>Whse:</b>	000

Continued

# QUOTATION

## DiCarlo Precision Instrument, Inc.

2006 Northwood Dr.  
Salisbury, MD 21801  
(410) 749-0112

**ORDER NUMBER:** 0028911

**ORDER DATE:** 9/4/2015

**SALESPERSON:** 0001

**CUSTOMER NO:** CIT001

**SOLD TO:**

**City of Salisbury**  
125 North Division St.  
Government Office Bldg.  
Room 202  
Salisbury, MD 21801-4940  
**Confirm To:** John O'Brien  
PS RC-5 w/ Tesla

**SHIP TO:**

**City of Salisbury**  
125 North Division St.  
Government Office Bldg.  
Room 202  
Salisbury, MD 21801-4940

Phone: 410-548-3170

Fax: (410) 334-3033

CUSTOMER P.O.		SHIP VIA		F.O.B.		TERMS	
ORDERED	SHIPPED	B/O	ITEM NUMBER	UNIT	PRICE	AMOUNT	
1.00	0.00	0.00	<b>1000183-01</b> <b>Pole Mount 4 Screw Tesla</b> Pole Mount 4 Screw Tesla	EACH	179.000	179.00	
					<b>Whse:</b>	000	
1.00	0.00	0.00	<b>90550</b> <b>Tripod, TriMax Robotic Quick Clamp*</b> Tripod, TriMax Robotic Quick C Tripod, Fiberglass Composite, Metal Head and Hardware.	EACH	320.000	320.00	
					<b>Whse:</b>	000	

\*\*\* THIS QUOTE EXPIRES ON NOVEMBER 15, 2015 AT WHICH TIME IT WILL BE REVIEWED, POSSIBLY AMENDED AND MAY BE OFFERED AGAIN IF NECESSARY \*\*\*

Net Order: 28,994.00

Freight: 0.00

Sales Tax: 0.00

**Order Total:** 28,994.00

Accepted by: \_\_\_\_\_

Date Printed: 9/15/2015 4:52:39PM



# Office of Community Development

## MEMO

---

**To: Tom Stevenson**

**From: Deborah Stam**

**Subject: FY 2016 Budget Amendment – Additional Funding for the Purchase and Installation of the Fencing Along the Street Side of the Salisbury Skatepark Site**

**Date: October 21, 2015**

---

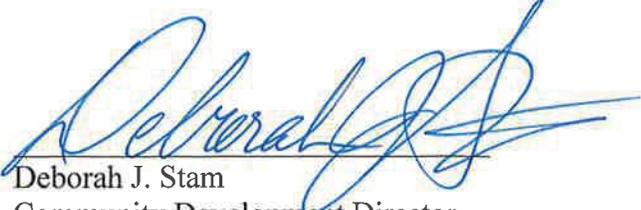
As you are aware, construction of Phase 1 of the Salisbury Skatepark is well underway. If the weather continues to cooperate the project may be completed by early November.

Phase 1 of the Skatepark project calls for the purchase and installation of fencing along the street side of the skatepark site to prevent any cars or pedestrians from being hit if a skater lost control of their skateboard. The original plan was for the remaining fencing around the perimeter of the skatepark to be installed following the completion of Phase 2.

When the grant application for Phase 1 of the skatepark was being drafted back in 2012, I obtained a rough estimate from a local fencing vendor of \$5,000 for the fencing along the street side of the site. The most recent cost estimate I have received for the fencing along the street is almost twice that amount, so I have a shortfall in the project budget of \$5,000.

Attached to this memo is a Budget Ordinance to amend the FY 2016 budget in order to appropriate the estimated additional cost of \$5,000.

Please forward this Budget Ordinance to the City Council so that it may be placed on their agenda for first reading at the legislative meeting on October 26, 2015, and for second reading on November 9, 2015.



Deborah J. Stam  
Community Development Director

Attachments



---

INTER

OFFICE

---

# MEMO

## *OFFICE OF THE MAYOR*

**To:** City Council  
**From:** Theo Williams  
**Subject:** Edits to Tax Credit for Advanced Telecommunications Systems  
**Date:** Oct 13<sup>th</sup>, 2015

---

In order to cover 100% of the cost of renovations, the added improvement to the property would have to equal approximately 10.3% or less of the original value of the building. As can be seen in the attached examples, when the value of the improvement to the building is equal to 10.3% of the value of the property, the yearly property taxes due equals 1/10<sup>th</sup> of the improvement. As shown in the first example, a \$1,300 improvement on a property worth approximately \$12,621, when reassessed would be worth \$13,921. The annual tax due would be \$130.44, while the credit would be worth \$130, saving the tax payer 100% of the cost of the renovation over the course of ten years.

The numbers supplied in the examples, however, reflect the cost of installing the upgrades, which do not translate to an equitable increase in the assessment value. These values were taken from Mr. Garrett's attached estimates of installing CAT6E and Fiber cables in variously-sized businesses. Thus, while wiring a small office with Fiber cables may cost \$16,910, the building upon its reassessment may not increase by that much and thus the real savings from the tax credit then would fall below 100%. If, however, in continuing with this example, the property was already worth \$181,000, then the taxes otherwise due would cover the cost of the renovation.

Moreover, and I hate to complicate things further, the current definition of "Cost of Qualifying Renovations" means "the added value to the property as a result of the renovations as determined by a third-party licensed appraiser," which may not be equal to the added value of

reassessment. Nor will that necessarily equal the cost of the renovations. If council wishes for this tax credit to cover 100%, or the closest to 100%, of the renovations, council would need to change the definition of “Cost of Qualify Renovations” to mean “the cost of installing the qualifying renovations.” This can become a bit convoluted if the installation of the renovations was done by the owner themselves and not a contractor.

Regardless of the definition of cost of qualifying renovations, most upgrades, according to Mr. Garrett’s examples, would be between \$1,300 and \$84,000, meaning that a building would have to be assessed at \$816,000 or less to achieve 100% return on investment. The majority of buildings in the Downtown would fall within this range. Renovations exceeding this could lead to substantial revenue loss for the City of Salisbury.

Any tweaks that council wishes me to make can easily be achieved before this ordinance goes to first reading. I look forward to any further questions that you have.

**Cc: Julia Glanz, Bill Garrett, Laura Kordzikowski, Keith Cordrey**

1 **Ordinance No. 2364**

2  
3 AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND AMENDING CHAPTER  
4 3, REVENUE AND FINANCE, OF THE CITY CODE BY ADDING CHAPTER 3.22 FOR  
5 THE PURPOSE OF ESTABLISHING AN ADVANCED TELECOMMUNICATIONS  
6 SYSTEMS PROPERTY TAX CREDIT.

7  
8 WHEREAS, Section 9-228, Tax-Property Article, of the Annotated Code of Maryland gives  
9 counties and municipalities the option to offer a tax credit on real property for renovations to  
10 commercial or residential buildings to meet state-of-the-art communications and utility standards  
11 for accommodating advanced computer and telecommunications systems; and

12  
13 WHEREAS, the City of Salisbury has an interest in incentivizing the revitalization of the  
14 Downtown; and

15  
16 WHEREAS, the enabling legislation, within the Annotated Code of Maryland, gives the  
17 municipality the ability to define the eligible area for this tax credit as within areas that are  
18 designated as sustainable communities; and

19  
20 WHEREAS, the Downtown Historic District, as defined in Salisbury Code 17.60, falls within  
21 Salisbury’s sustainable community; and

22  
23 WHEREAS, the City of Salisbury will be installing fiber optic cables in the Downtown to  
24 support and encourage the usage of advanced computer and telecommunications systems in the  
25 Downtown; and

26  
27 WHEREAS, an Advanced Telecommunications Systems Property Tax Credit will further the  
28 City of Salisbury’s aim of revitalizing the Downtown generally and encouraging the usage of  
29 advanced telecommunications system technology specifically.

30  
31 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
32 SALISBURY, MARYLAND that Chapter 3 be amended by the addition of Chapter 3.22 as set  
33 forth herein:  
34  
35  
36

37 **Chapter 3.22**

38 **ADVANCED TELECOMMUNICATIONS SYSTEMS PROPERTY TAX CREDIT**

39  
40  
41 **Sections:**

42 **3.22.010 Definitions**

43 **3.22.020 Advanced telecommunications systems property tax credit**

44 **3.22.030 Implementation**

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46 **3.22.010 Definitions**

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

- A. “Licensed Appraiser” means an appraiser that is licensed with the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors of the Maryland Department of Labor, Licensing, and Regulation.
- B. “Cost of Qualify Renovations” means the added value to the property as a result of the renovations as determined by a third-party licensed appraiser.
- C. “Eligible Area” means the area of the City of Salisbury that has been designated as the “Downtown Historic District, pursuant to the Salisbury Code 17.60.
- D. “Qualifying Renovations” means renovations to a commercial or residential building that the Director of the Department of Information Technology or his designee determines to qualify for this tax credit under the guidelines in 3.22.020(D).

**3.22.020 Advanced telecommunications systems property tax credit**

- A. Pursuant to the authorization contained in Section 9-228, Tax-Property Article, Annotated Code of Maryland, the city of Salisbury elects to provide an advanced telecommunications systems property tax credit for the taxable year beginning July 1, 2016.
- B. There is a City of Salisbury advanced telecommunications systems property tax credit against real property for commercial or residential buildings in the eligible area to which qualifying renovations have been made to meet state-of-the-art communications and utility standards for accommodating advanced computer and telecommunications system in the amount as defined in subsection (C).
- C. For any taxable year, the amount of a property tax credit granted under this chapter may not exceed the lesser of:
  - 1. Ten percent (10%) of the cost of qualifying renovations to a commercial or residential building to meet state-of-the-art communication and utility standards for accommodating advanced computer and telecommunications equipment; or
  - 2. The City of Salisbury property tax otherwise due for that taxable year.
- D. A property tax credit may be granted under this chapter if the Director of the Department of Information Technology or his designee:
  - 1. Before construction commences, review, and approves the plans for the renovations as meeting industry standards published by the Electrical Industry Association and Telecommunications Industry Association (EIA/TIA Building Standard 568); and

92 2. During construction and on completion of construction, reviews and approves  
93 the implementation of the renovations as conforming to the approved plans based  
94 on the appraisal report of a third-party licensed appraiser.  
95

96 E. The credit shall apply in each of the ten taxable years at the beginning of the fiscal year  
97 following the final approval in accordance with subsection (D)(2).  
98

99 **3.22.020 Implementation**  
100

101 A. To administer the program, the Business Development Specialist of the City of Salisbury  
102 shall distribute and receive any forms that are required for application to the program. The  
103 Business Development Specialist may begin soliciting applications beginning on the date of  
104 passage.  
105

106 B. Properties that currently receive a property tax credit under Section 9-103 or 9-103.1, Tax-  
107 Property Article, Annotated Code of Maryland, are not eligible for the Advanced  
108 Telecommunications Systems Property Tax Credit created under this chapter. If a property  
109 applies for and receives a property tax credit under Section 9-103 or 9-103.1, Tax-Property  
110 Article, Annotated Code of Maryland, the property will no longer be eligible for the property tax  
111 credit created under this chapter.  
112

113 C. The cost of the appraisal of the property shall be borne by the owner of the property.  
114

115 BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after the date of its  
116 final passage.  
117

118 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of 37  
119 Salisbury held on this \_\_\_\_\_ day of \_\_\_\_\_, 2015 and thereafter, a statement of  
120 the substance of the Ordinance having been published as required by law, was finally passed by  
121 the Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
122

123  
124 ATTEST:

125  
126 \_\_\_\_\_  
127 Kimberly R. Nichols, City Clerk

128 \_\_\_\_\_  
129 Jacob R. Day, President  
130 Salisbury City Council

131 APPROVED BY ME THIS \_\_\_\_\_ day of \_\_\_\_\_, 2015  
132

133 \_\_\_\_\_  
134 James Ireton, Jr., Mayor  
135  
136