



City of Salisbury



CITY COUNCIL AGENDA

June 22, 2015
Government Office Building

6:00 p.m.
Room 301

Times shown for agenda items are estimates only.

6:00 p.m. CALL TO ORDER

6:01 p.m. WELCOME/ANNOUNCEMENTS

6:03 p.m. MOMENT OF SILENT MEDITATION

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

6:07 p.m. COMMUNITY ORGANIZATION PRESENTATION

- LEED Presentation – presented by Jennifer Pastusak
- Salisbury Zoo Presentation – presented by Zoo Director Ralph Piland

6:25 p.m. ADOPTION OF LEGISLATIVE AGENDA

6:30 p.m. CONSENT AGENDA – Assistant City Clerk Diane C. Nelson

- May 4, 2015 closed session minutes (separate envelope)
- May 11, 2015 regular meeting minutes
- May 18, 2015 work session minutes
- May 18, 2015 special meeting minutes
- May 26, 2015 regular meeting minutes
- Resolution No. 2513 - to amend the membership requirements of the Bicycle and Pedestrian Advisory Committee
- Resolution No. 2514 - accepting Federal funds awarded by the U.S. Justice Department through an Edward Byrne Memorial Justice Assistance Grant (JAG) program for replacing the antiquated and failing security camera system at the Salisbury Police Department
- Resolution No. 2515- authorizing the Mayor to sign the grant agreement and accept a grant of \$38,500.00 from the Maryland Energy Administration for implementation of a pilot project to reduce reliance on petroleum as a fuel for transportation

6:35 p.m. AWARD OF BIDS – Assistant Director of Internal Services – Procurement & Parking
Jennifer L. Miller

- Contract 110-15 Riverwalk Improvements – Phase 2
- RFP 17-15 Engineering Services for Sewer Inflow/Infiltration Study
- Contract A-07-14, Change Order #5 Street Improvements – Curb, Gutter & Sidewalk Construction

6:40 p.m. **PUBLIC HEARINGS** – City Attorney Mark Tilghman

- **Ordinance No. 2339** -1st reading – pursuant to Chapter 17.228 of Title 17, Zoning of the Salisbury Municipal Code and Section 4.04 of Article 66B of the Annotated Code of Maryland for the purpose of amending Section 17.04.120, Definitions, and Section 17.28.020, Uses Permitted in the Light Business and Institutional District to add Self Storage
- **Ordinance No. 2340** -1st reading - Ordinance Permit- to authorize Joy Bromley/Bundles of Joy, Inc. to expand an existing day care center at 1409 South Division Street in an Office and Service Residential District as required by Title 17, Section 17.84.030A of the Salisbury Municipal Code

7:00 p.m. **ORDINANCES** – City Attorney Mark Tilghman

- **Ordinance No. 2337** – 2nd reading - to establish and delineate a flood plain district within the City of Salisbury, to provide for the issuance of permits, and to impose certain regulations on construction and land development within the District
- **Ordinance No. 2341** – 1st reading- creating a bike route which will run along West Main Street from Mill Street to the intersection of Fitzwater Street and along Fitzwater Street to the intersection with Parsons Road and along Parsons Road to the intersection of Pemberton Drive; providing dedicated bicycle-only lanes and shared bicycle and motorized vehicle lanes as directed by MDMUTCD Chapter 9, Traffic Control for Bicycle Facilities (MDMUTCD); installing lane striping for dedicated lanes; installing shared lane markings for shared lanes; installing bicycle markings on-pavement; and installing bike route signage along the route per the MDMUTCD
- **Ordinance No. 2342** – 1st reading- to repeal and re-enact Sections 15.04.010 and 15.04.020 of Chapter 15.04 Building Code by adopting updated standard building codes in Section 15.04.010; corresponding amendments to the International Building Code (2015) (IBC) in Section 15.04.020; enacting Section 15.04.030 amendments to the International Plumbing Code (2015) (IPC); and deleting Chapter 15.32 Plumbing Standards in its entirety
- **Ordinance No. 2343** – 1st reading – to amend Sections 15.24.040 Referenced Codes of the Salisbury Property Maintenance Code

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

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 July 13, 2015 (subject to change)

- Resolution No. ____ - Entering into an MOU with Maryland Broadband For Fiber Downtown
- **PUBLIC HEARING** - Resolution No. 2503 -approving Tri-County Council Annexation
- **PUBLIC HEARING** - Resolution No. 2504 -approving Annexation Plan for Tri-County Council Annexation
- **Ordinance No. 2339** -2nd reading – pursuant to Chapter 17.228 of Title 17, Zoning of the Salisbury Municipal Code and Section 4.04 of Article 66B of the Annotated Code of Maryland for the purpose of amending Section 17.04.120, Definitions, and Section 17.28.020, Uses Permitted in the Light Business and Institutional District to add Self Storage
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1 **CITY OF SALISBURY, MARYLAND**

2
3 **REGULAR MEETING**

MAY 11, 2015

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 *Council Vice President Laura Mitchell*
8 *Councilman John “Jack” R. Heath*

Councilwoman Eugenie P. Shields
Councilman Timothy K. Spies

9
10 **PUBLIC OFFICIALS NOT PRESENT**

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

14
15 **IN ATTENDANCE**

16
17 *City Clerk Kimberly R. Nichols, City Administrator Tom Stevenson, Assistant City Administrator*
18 *Julia Glanz, City Attorney Mark Tilghman, Assistant Director Internal Services – Procurement*
19 *& Parking Jennifer L. Miller, interested citizens and members of the press*

20 *****

21 **CITY INVOCATION – PLEDGE OF ALLEGIANCE**

22
23 *The City Council met in regular session at 6:05 p.m. in Council Chambers. Vice President*
24 *Mitchell called the meeting to order. Following the City Invocation by Pastor Tom Bunting,*
25 *Senior Pastor of Emmanuel Wesleyan Church, those in attendance recited the Pledge of*
26 *Allegiance to the flag of the United States of America.*

27
28 **COMMUNITY ORGANIZATION PRESENTATION**

- 29
30
 - *Adopt a Block Program - presented by Mark Thompson*

31
32 *Mr. Thompson reported on the Adopt a Block Program, started by Pastor Tom Bunting of*
33 *the Emmanuel Wesleyan Church in Salisbury. Members of the church deliver food, hope*
34 *and encouragement to over 100 households in the Church Street area every other*
35 *Saturday. They deliver fresh vegetables, clothes, household items including beds, school*
36 *supplies, Christmas gifts, literature and information from the Health Department and*
37 *Department of Social Services. A goal of Adopt a Block Program is to create a Dream*
38 *Center on Naylor and Church Street where 24 hour addiction counseling and transitional*
39 *housing will be provided to the residents. Mr. Thompson also informed the public that*
40 *they would like to create a playground in the Church Street area.*

41
42 *To celebrate Adopt a Block’s first year, Mr. Thompson invited the public on behalf of the*
43 *church to the Block Party, to be held in the parking lot across from the Christian Shelter*
44 *on May 23, 2015. To become involved or to donate clothing or food, the public may*
45 *contact Mr. Thompson at Emmanuel Wesleyan Church at www.ewchurch.com under the*
46 *“Staff” tab, or by emailing or calling any of the pastors at the church.*

- 47 • *Proclamations*
48
49 *“Adopt a Block Day” Proclamation*
50 *Vice President Mitchell presented a proclamation to Pastor Tom Bunting on*
51 *behalf of Mayor Ireton. Pastor Bunting was ordained through the Wesleyan*
52 *Church in 1985, became pastor of Emmanuel Wesleyan in 1986, and facilitated a*
53 *growth spurt, which grew the church from about 100 people to the 2,000-person*
54 *membership it has today. Because of his vision and aspiration to launch the Adopt*
55 *a Block Program, and to celebrate the first year of the program, the City of*
56 *Salisbury congratulated Pastor Bunting and proclaimed May 23, 2015 as “Adopt*
57 *a Block Day” in our City.*
58
59 • *“Bike to Work Week” Proclamation*
60 *City Administrator Tom Stevenson presented the “Bike to Work Week” in*
61 *Salisbury proclamation on behalf of Mayor Ireton to improve the public’s health*
62 *and fitness focus and to acknowledge the funding the City of Salisbury recently*
63 *received from the Maryland Department of Transportation for new bike lanes,*
64 *signage, grate replacement and a bike feasibility study. The City’s Bicycle*
65 *Pedestrian Advisory Committee and Bike-SBY promotes bicycling and organized*
66 *“Bike to Work Week” as being May 11 thru May 15, 2015. Friday, May 15, 2015*
67 *was proclaimed as “Bike to Work Day”.*
68

69 **ADOPTION OF LEGISLATIVE AGENDA**

70
71 *Mrs. Shields moved, Mr. Heath seconded and the vote was unanimous to adopt the legislative*
72 *agenda as presented.*
73

74 **CONSENT AGENDA** – presented by City Clerk Kim Nichols

75
76 *The Consent Agenda was unanimously approved on a motion and seconded by Mr. Spies and*
77 *Mr. Heath, respectively:*
78

- *April 6, 2015 closed session minutes (separate envelope)*
- *April 13, 2015 closed session minutes (separate envelope)*
- *April 20, 2015 work session minutes*
- *Resolution No. 2497 – allowing the Chief of Police or Chief’s representative to sign a memorandum of agreement and to accept funds in the amount of \$10,000.00 in cooperation with the Wicomico County Health Department Drug Prevention Office to provide for overtime reimbursement to police officers participating in a program intended to reduce under-age drinking in the City of Salisbury*

79
80 **AWARD OF BIDS** – presented by Assistant Director of Internal Services – Procurement &
81 *Parking Jennifer L. Miller*
82

83 *The Award of Bids, consisting of the following items, was unanimously approved on a motion by*
84 *Mr. Heath and seconded by Mrs. Shields:*
85

- 86 • *Contract 115-13 – Waverly Drive Water Quality Inlet Project* - \$494,085.60
- 87 • *Change Order #4 – Contract A-07-14 – Street Improvements – Curb, Gutter &*
- 88 *Sidewalk Construction* - \$ 39,500.00
- 89 • *Declaration of Surplus – “The Bricks” – City-owned property* - \$ 0.00

90

91 **RESOLUTIONS** – presented by City Administrator Tom Stevenson

92

- 93 • *Resolution No. 2498 – to establish a Green Team that will take part in the Sustainable*
- 94 *Maryland Certification process*

95

96 *Mr. Spies moved, Mr. Heath seconded, and the vote was unanimous to approve*

97 *Resolution No. 2498 as presented.*

98

- 99 • *Resolution No. 2499 – accepting the donation of various construction materials from the*
- 100 *Salisbury Skatepark Committee to be utilized in the construction of the Salisbury*
- 101 *Skatepark, in order to reduce the overall materials cost and leverage the existing*
- 102 *available project funding*

103

104 *Mrs. Shields moved, Mr. Heath seconded, and the vote was unanimous to approve*

105 *Resolution No. 2499 as presented.*

106

- 107 • *Resolution No. 2500 – accepting funds awarded through a grant from Program Open*
- 108 *Space for a boat house at the Port of Salisbury*

109

110 *Mrs. Shields moved, Mr. Heath seconded, and the vote was unanimous to approve*

111 *Resolution No. 2500 as presented.*

112

- 113 • *Resolution No. 2501 – authorizing the Mayor or the City Administrator to sign the*
- 114 *donation agreement to accept the donation of the real property located at 806 North*
- 115 *Division Street, Salisbury, Maryland 21801, from Wells Fargo Bank, N.A.*

116

117 *Mrs. Shields moved, Mr. Heath seconded, and the vote was unanimous to approve*

118 *Resolution No. 2500 as presented.*

119

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

121

- 122 • *Ordinance No. 2328 – 2nd reading – approving a budget amendment of the FY2015 Fire*
- 123 *Department Operating Budget from the General Fund Revenue received for repairs*
- 124 *performed on Tanker/Engine 1-1 and Tower 16*

125

126 *Mr. Heath moved, Mrs. Shields seconded, and the vote was unanimous to approve*

127 *Ordinance No. 2328 for second reading.*

128

- 129 • *Ordinance No. 2329 – 2nd reading – to designate a No Parking Zone on Pinehurst*
- 130 *Avenue between Smith Street and Lorecrop Avenue and a Restricted Parking Zone on*
- 131 *Pinehurst Avenue between Camden Avenue and Smith Street*

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Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to approve Ordinance No. 2329 for second reading.

- *Ordinance No. 2330 – 2nd reading – granting a utility easement to Delmarva Power & Light Company across City owned properties on Fitzwater Street and Delaware Avenue and Ridge Road in Salisbury, Maryland*

Mrs. Shields moved, Mr. Spies seconded, and the vote was unanimous to approve Ordinance No. 2330 for second reading.

- *Ordinance No. 2331 – 2nd reading – amending Title 6, Animals, of the Salisbury City Code to add definitions related to beekeeping and enacting Chapter 6.06 to authorize beekeeping, subject to certain regulations*

Mr. Spies moved, Mr. Heath seconded and the vote was 3-1 (Mrs. Shields voted “nay”) to approve Ordinance No. 2331 for second reading.

COMMENTS FROM COUNCIL

Council provided the following comments:

- *The Police Department Awards Ceremony earlier in the day was very uplifting and made him (Mr. Heath) very proud as a citizen of Salisbury*
- *Mrs. Shields stated police officers’ bravery doesn’t often get publicized*
- *The City’s police force is one of the best in the Country*
- *Over fifty groups locally serve the Lower Shore Veterans with problems including homelessness, mental and family issues, etc.*
- *It is very important to help the area veterans and thank all organizations that do so if given the opportunity*
- *Mr. Spies reminded veterans of the celebration at Poplar Hill Mansion on Saturday at 1 p.m. in which veterans of all wars and their families were invited*

ADJOURNMENT

On a motion and seconded by Mr. Spies and Mrs. Shields, respectively, and by unanimous vote in favor, Council Vice President Mitchell adjourned the Legislative Session at 7:05 p.m.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
MAY 4, 2015

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TIME & PLACE: 6:20 p.m., Government Office Building – Room 301
PURPOSE: To consult with counsel to obtain legal advice on a legal matter, to consult with staff, consultants, or other individuals about pending or potential litigation, and before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process
VOTE TO CLOSE: Unanimous (5-0)
PRESENT: Council President Jacob R. Day, Council Vice President Laura Mitchell, Councilwoman Eugenie P. Shields, Councilman Timothy K. Spies, Councilman John “Jack” R. Heath, City Clerk Kimberly Nichols, City Administrator Tom Stevenson, Assistant City Administrator Julia Glanz, Assistant Director Internal Services – Procurement & Parking Jennifer Miller, Attorney Mark Tilghman
ABSENT: Mayor James Ireton, Jr.

The City Council convened in Work Session at 4:35 p.m. in Council Chambers (Room #301) in the Government Office Building. At 6:20 p.m. Mrs. Shields moved, Mr. Heath seconded, and the vote was unanimous to convene in Closed Session. The Work Session was immediately adjourned and Council convened in Closed Session.

While in Closed Session, Council met with Assistant Director Internal Services – Procurement & Parking Jennifer Miller and determined to set a rate for the lease of a piece of City property, approved to re-bid the RFP for a second piece of property, and agreed to hear a proposal on a third piece of City property. Council also determined the parameters of a settlement of a lawsuit and received an update from City Attorney Tilghman on pending litigation.

At 7:45 p.m., on a motion and seconded by Mrs. Shields and Mrs. Mitchell, respectively, and by unanimous vote in favor, the Closed Session was adjourned and Council reconvened in Open Work Session. President Day then provided the report of Closed Session to the public.

After Council discussed the Ben’s Red Swings restroom project with Mr. Matt Drew and Katherine Layton, President Day adjourned the Work Session at 7:57 p.m.

Assistant City Clerk

Council Vice President

43 wondered if it could be included in bonded debt. Mrs. Shields noted that many Cities, which
44 have invested in this infrastructure, have done so in areas that are economically or socially
45 stagnated and asked how this would benefit the citizens of Salisbury, but she also supported the
46 project.

47
48 IT Director Bill Garrett reported that with the existing downtown Wi-Fi project, the mesh
49 antennas allow a certain amount of connections before it gets to the GOB where the internet is
50 being provided by Maryland Broadband Cooperative. This project would allow the City to run
51 one of those strands to the last building towards Mill Street and put in a backbone connection to
52 allow the free internet to be spread throughout a larger area on the west side of the City. The
53 existing infrastructure would not be expanded but this would provide free internet to those living
54 on that side of town.

55
56 Mr. Van Dopp requested that the City of Salisbury become a government agency member of the
57 cooperative for a one-time fee of \$1,500.00 which would give the City the right to talk to coop
58 management about any problem or issue with MDBC, ability to purchase telecom products and
59 services from MDBC at the lowest cost possible and receive the highest quality of service, to
60 increase market share, reach new markets affordably, reduce recurring costs, increase reliability
61 and redundancy, and enhance service.

62
63 Council reached unanimous consensus to add the topic to the budget session on May 21, 2015.
64

65 **Main Street Masterplan Update**

66
67 Ms. Pollack and Public Works Project Engineer Paul Mauser joined Kathy Walsh and Steve
68 Torgerson from A. Morton Thomas & Associates, Inc. (AMT) at the table to provide the 95%
69 update on the Main Street Masterplan Update.

70
71 Ms. Pollack reported October 2015 was the construction target date. On May 12, 2015, (last
72 week) the committees met with Public Works to give public input on the 95% plan.

73
74 (Council took a five minute break at 2:25 p.m. to work on the projector)

75
76 Points of discussion on the update included:

- 77
- 78 • Travel lanes, shared lanes and bike lanes
 - 79 • Sidewalks
 - 80 • Pedestrians
 - 81 • Traffic calmers
 - 82 • Crossings will be brick-lined and more visible
 - 83 • Options for street light fixtures (straight or goose neck)
 - 84 • Way finding poles and signs
 - 85 • Streetscape and site amenities
 - 86 • 4-foot Black benches (made in U.S.A.)
 - 87 • Ballards on W. Main Street in lieu of cones, etc.
 - 88 • Bike racks placed throughout (made in U.S.A.)

- 89 • Trash receptacles (wider openings)
- 90 • Transition between outdoors barriers and restaurants - fencing design
- 91 • Barriers mostly between the street and eating areas
- 92 • Planters a concern because who would be responsible for taking care of them?
- 93 • Street trees would provide shade but restaurants could use awnings, umbrellas, etc.
- 94 • Trees and permeable pavement
- 95 • Water off the sidewalks runs through permeable pavement where trees are planted
- 96 • This type of treescaping will last for several generations and help use up stormwater
- 97 • Will close off and dig up one block at a time from Division Street to Rt. 13

98
99 Council discussion and concerns:

- 100
- 101 • Concerned with drinking alcohol outside and didn't like the fences
- 102 • Smoking outside
- 103 • Digital LED sign
- 104 • Majority of Council liked the straight light poles rather than the goose necked (straight
- 105 light poles, not goose neck, was the City's current standard)
- 106 • Concerned with the fencing around outdoor dining
- 107

108 The Main Street Masterplan update was for Council and the public's information only.

109
110 **100 North Division Street Stair Request**

111
112 Public Works Director Mike Moulds reported Bret Davis, Realtor Consultant for Keller Williams
113 and owner of the building occupied by Echelon Restaurant at 100 N. Division Street at the
114 intersection of West Main Street and Division Street, recently contacted Public Works with the
115 proposal to construct basement stairs at his building at the same time Phase 1 of the Main Street
116 Masterplan is on location in front of his building. Mr. Davis was invited to discuss the proposal.

117
118 Mr. Moulds stated Public Works has reviewed the proposal and has concerns with the location of
119 the proposed basement stairs and the location of the proposed outdoor dining area adjacent to the
120 building due to ADA compliance. The base of the steps would protrude into the walkable
121 sidewalk area and be too close to the dining area. In addition, the concrete slab covering the
122 existing basements stairs is cracked, and if the stairs are not renovated, Public Works
123 recommends filling in the stairs so that there is a solid base underneath the sidewalk.

124
125 Mr. Davis reported he had no commitments to a business retail space for the property at the time,
126 and the space would increase the taxable revenue for the City, increase jobs, provide more space
127 downtown since only so much space is currently available, and utilize the space that is already
128 there. He requested approval of his concept plan and assured compliance with all requirements.

129
130 Mr. Moulds indicated the parking space near the stairwell might have to be eliminated so that the
131 pervious pavers could be moved out. The stairwell can be accommodated, but will require
132 tweaking and losing a parking space right there at the entrance.

133

134 Mr. Davis asked to determine today if his plans would be feasible and approved by City Council
135 (specific details to be ironed out later) or if Council disapproves altogether.

136

137 Council unanimously agreed to not refuse the project at this point, but had concerns about the
138 flow of traffic and pedestrian safety. Mr. Moulds and Mr. Davis will work together and return to
139 Work Session for further discussion on the points discussed.

140

141 (At 3:55 p.m. Council took at five-minute break)

142

143 **Splashbury Presentation**

144

145 Mr. Bradley Gillis introduced David Plotts, Joe Ollinger and Mike Wessells, all attending in
146 support of Splashbury. Mr. Gillis described this as a free, wet playground for children with
147 sprayers and sprinklers seen at amusements parks, Jolly Rogers, Splash Mountain. Sharptown
148 and Shad Landing have splash parks, and he proposed naming Salisbury's splash park
149 "Splashbury."

150

151 The exact proposed location chosen for the splash park was the ball field across the river from
152 Ben's Red Swings, but the committee was open to other locations as long as they were in the
153 City Park. Mr. Gillis was looking for consensus from City Council to allow him to continue
154 discussions with the Mayor's office to pursue an agreement and to work with Public Works.

155

156 Council unanimously supported the project and provided the following comments:

157

- 158 • Mrs. Shields asked the committee to consider building water parks in other City
159 playgrounds including Waterside Playground. The parks are closer to the children's
160 homes and would enable children to visit a water park in their own communities without
161 a lot of travel.
- 162 • Mrs. Mitchell thought the ball field location was not ideal for the water park and asked
163 the committee to consider using Picnic Island or look at other options.
- 164 • Mr. Heath asked the committee to keep working towards the ideal location and to return
165 to Council with additional ideas. This requires minimal impact on the City itself and is
166 positive for the City youth.
- 167 • Mr. Spies supported the project but suggested if the ball field was utilized, picnic tables
168 should be placed in the shade for parents to observe their children. He suggested other
169 public places could use misting stations like the Skate Park.

170

171 Council will schedule another Work Session with the Splashbury committee after the committee
172 has developed a pros/cons list, neighborhood feedback and a location narrowed down.

173

174 **City Park Committee By-law Changes**

175

176 City Park Committee Chair David Plotts joined Council to discuss the changes to the by-laws.
177 Council reached unanimous consensus to advance the legislation to the consent agenda of an
178 upcoming legislative session.

179

180 **Budget Amendment for Ammunition**

181
182 Ms. Glanz explained that the members of the Salisbury Police Department must complete
183 firearms training and officer recertification each year. The resulting ammunition brass casings
184 are collected and recycled. The revenue received and requested for the budget amendment
185 amount is \$1,470.00.00.

186
187 The Police Department's small tools account number (21021-546009) will be increased by the
188 above amount to purchase service weapons for new officers.

189
190 Council reached unanimous consensus to advance the budget amendment to an upcoming
191 legislation session.

192

193 **4-4, 4-3 Amortization - Ordinance**

194

195 Neighborhood Services & Code Compliance (NSCC) Director Susan Phillips and Mayor Ireton
196 joined Council to discuss the amortizing the legal non-conforming uses granted in 2006.

197

198 Ms. Phillips explained that 4-2 was supposed to provide relief for single-family neighborhoods,
199 and administration thinks it is time for either the legal non-conforming uses to return to a two
200 maximum unrelated or the intended use of single-family occupancy. She reported occupancy
201 issues have increased considerably (approximately 300%) in the past few years. Code
202 enforcement has been increasingly dedicating more and more time to investigating occupancy
203 complaints, and she reviewed the calls for service from the Police Department and NSCC.

204

205 Mayor Ireton explained that most of the houses were bought and paid for immediately, and most
206 of them are not associated with a mortgage. An amortizing period of two to four years would
207 accommodate the University district's build-out plans, or a shorter period could be decided upon.
208 He remarked the neighborhoods need relief and expect solutions to the noise, poor behavior,
209 littering and property appearance issues reflecting poorly on them, which is the City's
210 responsibility to the people who are protecting the health and safety of our citizens. He added
211 that the exemptions given in prior years have not changed the situations in the neighborhoods;
212 the problems have crept further from where they were.

213

214 Council comments and concerns included:

215

- 216 • Mrs. Shields indicated she considered it unfair to target college students. Why can't three
217 unrelated people live in home if it has three bedrooms? She is not a supporter of 4-2.
- 218 • Mr. Heath sympathizes with the neighbors. The experiment in 2006 should have had a
219 time period or limit attached to it, but it was set as law. Earlier in the year, there were 45
220 cases and Council approved tougher laws. Putting more houses on the market will not
221 raise the values of real estate. Do not underestimate the contribution to the economy from
222 SU and the students. Make the fines painful on the landlords who abuse the system, but
223 don't take away what the City and Council agreed to in 2006.
- 224 • In the long run, what effect will this have?
- 225 • Consider the economic impact from students that live in Salisbury or just outside the City
- 226 • Nobody has applied to be classified as a family even though they are unrelated
- 227 • Has an information packet been given to those who might want to qualify as a family?

- 228 • They need to sit down and talk with a committee of the stakeholders
- 229 • None of this would have been done if it had not been for the neighborhoods coming
- 230 forward saying this is unacceptable. Where would the neighborhoods be without 4-2?
- 231 • The only people that will be at the meetings will be landlords and those who care about
- 232 their neighborhoods.
- 233 • Believes the legislation has risk and wants another alternative.

234

235 The following public comments were heard from eight members of the public:

236

- 237 • Mayor Ireton implied the Housing Board of Adjustments and Appeals (HBAA) acted
- 238 improperly and granted landlords 4-2 exceptions improperly, but that is not what
- 239 happened. The City was about to pass a 4-2 ordinance and a suit was going to be filed
- 240 when a compromise was struck between the property owner. The City then grandfathered
- 241 those that were in the (4) unrelated use at that time (there were 158 properties
- 242 grandfathered)
- 243 • Because of the grandfathering of the properties, there were appeals filed
- 244 • NSCC have a list of prerequisites the owners had to file in order to be grandfathered
- 245 • In all incidents of the appeals, the HBAA upheld all of those decisions
- 246 • The true injustice is that people spend money and find out every other house is a multi-
- 247 family home
- 248 • Can't afford to rent homes because rentals are getting over \$2,000 per month
- 249 • People won't want to make the investment if neighbors move in and out
- 250 • These people own homes and have invested in the City and the community
- 251 • Homeowners have rights and were there before the renters
- 252 • The City must fix this problem and stop letting it drag on
- 253 • Landlords should make it known they will not put up with trash, unkempt maintenance,
- 254 and noise complaints
- 255 • If landlords are making money off of properties without property properly being managed,
- 256 they should lose their 4-2 designation
- 257 • City should try to encourage more families to live in the City
- 258 • In a five year period, 43 houses were converted to rentals on W. College Avenue
- 259 • This is all college area these people are talking about
- 260 • There are a lot of good landlords doing what they should do
- 261 • Lived in Salisbury for 45 years and college students were great and given three chances
- 262 by SU
- 263 • Problem is not just with over occupancy, but with partying male students
- 264 • It is the up to the landlords to manage their properties; not all students will or know how
- 265 to keep property properly maintained
- 266 • This is an all college area the previous speakers are talking about
- 267 • There are a lot of good landlords doing what they should be doing
- 268 • The individuals who are causing the problems are the ones who need to be addressed
- 269 • Spoke of all the benefits he pays his employees

270

271 Council reached consensus to return the discussion to work session, as they were not in support
 272 of the draft legislation at this time. Wishing for another alternative, they would like more work to

273 be done to find a solution during the summer while students are gone. Mayor Ireton will ask Mr.
274 Stevenson and Ms. Glanz to place the discussion on the planning agenda for a date in the future.

275
276 Council took at fifteen-minute break at 6:35 p.m.

277
278 **Funding to Acquire Properties at Tax Sale**

279
280 Ms. Phillips discussed the list of properties the City would like to acquire at the June 17, 2015
281 Tax Sale to rehabilitate, repurpose or demolish to help revitalize the neighborhoods they are in.

282
283 After discussion, Council reached unanimous consensus to advance the legislation to approve a
284 budget amendment to purchase the properties that the tax sale.

285
286 **Community Development Initiative discussion**

287
288 Council would discuss the Community Development position during the May 21, 2015 Budget
289 Session and asked that the job description be sent to Council before that date.

290
291 There being no further business to discuss, Council adjourned at 7:41 p.m.

292
293
294 _____
295 Assistant City Clerk

296
297
298 _____
299 Council Vice President

1 **CITY OF SALISBURY, MARYLAND**

2
3 **SPECIAL MEETING**

MAY 18, 2015

4
5 **PUBLIC OFFICIALS PRESENT**

6 *Vice President Laura Mitchell*

Councilwoman Eugenie P. Shields

Councilman Timothy K. Spies

7
8 **PUBLIC OFFICIALS NOT PRESENT**

9
10 *Mayor James P. Ireton, Jr.*

11 *Council President Jacob R. Day*

12 *Councilman John "Jack" R. Heath*

13
14 **IN ATTENDANCE**

15
16 *City Clerk Kimberly R. Nichols, City Administrator Tom Stevenson, Salisbury Wicomico Youth*
17 *Civics Council Director Thelonious Williams, interested citizens, and members of the press*

18 *******

19
20 *The City Council convened in a Special Meeting in Conference Room #306 on May 18, 2015.*

21 *Council Vice President Laura Mitchell called the meeting to order at 11:07 a.m.*

22
23 **RESOLUTION** – presented by *Thelonious Williams*

- 24
25
 - *Resolution No. 2502 – accepting funds awarded through a grant from the Community*

26 *Foundation of the Eastern Shore - Small Grants Program*

27
28 *On a motion and seconded by Mrs. Shields and Mr. Spies, respectively, Resolution No.*
29 *2502 was unanimously approved (3-0 vote) as presented.*

30
31 **ADJOURNMENT**

32
33 *Council Vice President Mitchell adjourned the Special Meeting at 11:09 a.m.*

34
35 _____
36 *Assistant City Clerk*

37
38 _____
39 *Council Vice President*

1 **CITY OF SALISBURY, MARYLAND**

2
3 **REGULAR MEETING**

MAY 26, 2015

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 *Council President Jacob R. Day*
8 *Vice President Laura Mitchell*
9 *Councilman John “Jack” R. Heath*

Mayor James Ireton, Jr. (left 6:20 p.m.)
Councilwoman Eugenie P. Shields
Councilman Timothy K. Spies

10
11 **IN ATTENDANCE**

12
13 *City Clerk Kimberly R. Nichols, Assistant City Administrator Julia Glanz, City Attorney Mark*
14 *Tilghman, Assistant Director Internal Services – Procurement & Parking Jennifer L. Miller,*
15 *interested citizens and members of the press*

16 *****

17 **CITY INVOCATION – PLEDGE OF ALLEGIANCE**

18
19 *The City Council met in regular session at 6:04 p.m. in Council Chambers. President Day called*
20 *the meeting to order. Following the City Invocation by Rev. John Wright of the Unitarian*
21 *Universalist Fellowship, those in attendance recited the Pledge of Allegiance to the flag of the*
22 *United States of America.*

23
24 **PRESENTATIONS**

25
26 *Certificates of Recognition presented to Dr. Peggy Naleppa and Dr. Veronique Diriker for being*
27 *named to 2015 Maryland Daily Record Top 100 Women*

28
29 *Mayor Ireton presented the Certificates of Recognition to Dr. Naleppa and Dr. Diriker for each*
30 *being named to the Maryland Daily Record Top 100 Women in Maryland.*

31
32 **ADOPTION OF LEGISLATIVE AGENDA**

33
34 *Mrs. Shields moved, Mrs. Mitchell seconded and the vote was unanimous to adopt the legislative*
35 *agenda as presented.*

36
37 **CONSENT AGENDA** – presented by City Clerk Kim Nichols

38
39 *The Consent Agenda was unanimously approved on a motion and seconded by Mr. Spies and*
40 *Mr. Heath, respectively:*

- 41
- *April 27, 2015 regular meeting minutes*
 - **Resolution No. 2505** – *setting the bond amount for the loan of \$36,045,000 for bonds used for financing, reimbursing or refinancing costs incurred in connection with Enhanced Nutrient Removal and Biological Nutrient Removal Upgrades at the Wastewater Treatment Plant, and is funded through the Maryland Water Quality Financing Administration at zero*

percent interest

- **Resolution No. 2506** – approving the temporary increase of the approval limits of the change orders for the upgrade of the City's Wastewater Treatment Plant
- **Resolution No. 2507** – authorizing the Mayor to sign a new contract with PAC 14, Inc.
- **Resolution No. 2509** - accepting Bay Restoration Fund Grants and Biological Nutrient Removal Grants from the Maryland Department of the Environment for the upgrade of the City's Wastewater Treatment Plant

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AWARD OF BIDS – presented by Assistant Director of Internal Services – Procurement & Parking Jennifer L. Miller

The Award of Bids, consisting of the following items, was unanimously approved on a motion by Mr. Spies and seconded by Mrs. Mitchell:

- Declaration of Surplus – Department of Public Works – Mobile Equipment and Vehicles - \$ 0.00

RESOLUTIONS – presented by Assistant City Administrator Julia Glanz

- **Resolution No. 2508** – approving the concept to construct and accepting the donation of a community built restroom building at the Ben’s Red Swings Playground in the City Park

On a motion and seconded by Mrs. Shields and Mrs. Mitchell, respectively, Resolution No. 2508 was unanimously approved.

TRI COUNTY COUNCIL ANNEXATION RESOLUTIONS

- **Resolution No. 2503** – proposing the annexation to the City of Salisbury of certain area of land situate, contiguous to and binding upon the easterly corporate limit of the City of Salisbury, to be known as the “Tri County Council/Walston Switch Road Annexation,” and the application of a City zoning classification to same area, being an area located on the westerly side of and binding upon Walston Switch Road, north of the intersection of Walston Switch Road and U.S. Route 50

Mrs. Mitchell moved, Mr. Heath seconded and the vote was unanimous to approve Resolution No. 2503.

- **Resolution No. 2504** – adopting an annexation plan for certain area of land situate, contiguous to and binding upon the easterly corporate limit of the City of Salisbury, to be known as the “Tri County Council/Walston Switch Road Annexation,” being an area located on the westerly side of and binding upon Walston Switch Road, north of the intersection of Walston Switch Road and U.S. Route 50

Mrs. Shields moved, Mr. Spies seconded, and the vote was unanimous to approve Resolution No. 2504.

ORDINANCES – presented by City Attorney Mark Tilghman

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- **Ordinance No. 2334** – 1st reading - approving a budget amendment of the FY15 General Fund budget to appropriate the funds received from the recovery and recycling of brass shell casings at the Salisbury Police Range to purchase service weapons

Mr. Spies moved, Mrs. Shields seconded, and the vote was unanimous to approve Ordinance No. 2334 for first reading.

- **Ordinance No. 2335** – 1st reading - approving an amendment of the FY15 General Fund budget to appropriate funding for purchase of property at tax sale as part of a community development initiative

Mrs. Shields moved, Mr. Heath seconded, and the vote was unanimous to approve Ordinance No. 2335 for first reading.

- **Ordinance No. 2336** – 1st reading - to establish a fee schedule to obtain a permit to operate a Bed and Breakfast Inn

Mrs. Mitchell moved, Mr. Spies seconded, and the vote was unanimous to approve Ordinance No. 2336 for first reading.

MOTION TO CONVENE IN CLOSED SESSION

On a motion and seconded by Mr. Spies and Mrs. Shields, respectively, and by unanimous vote in favor, Council convened in Closed Session at 6:50 p.m.

City Clerk

Council President

INTER

OFFICE

MEMO

Office of the Mayor

To: Tom Stevenson, City Administrator
From: Julia Glanz, Asst. City Administrator
Subject: Bicycle & Pedestrian Committee (Stagger Committee Appointments)
Date: May 26, 2015

Attached please find a resolution that will have the effect of altering the current three year terms of Bicycle & Pedestrian Committee membership. The change will create membership of four year terms that will be staggered based on odd and even years. Please note the addition of a non-voting, ex-officio member from the Salisbury-Wicomico Metropolitan Planning Organization.

Unless you or the Mayor have additional questions, please advance the cover memorandum and resolution of support to the City Council for approval.

Attachment: Resolution No. 2401

38 James Ireton, Jr., Mayor
39

City of Salisbury



JAMES IRETON JR.
MAYOR

TOM STEVENSON
ACTING CITY ADMINISTRATOR



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



BARBARA DUNCAN
CHIEF OF POLICE

April 21, 2015

TO: Tom Stevenson

FROM: Colonel David Meienschein

SUBJECT: Resolution – Acceptance of Funds for Upgrading the Salisbury Police Department's Outdated and Failing Security Camera System

Attached, please find a Resolution to accept \$33,863.00 in grant funds from the U.S. Justice Department, awarded through an Edward Byrne Memorial Justice Assistance Grant (JAG) to replace an antiquated and failing Security Camera Security at the Salisbury Police Department.

Unless you, or the Mayor, have further questions, please forward this Resolution to the City Council.

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

Colonel David Meienschein
Assistant Chief

RESOLUTION NO. 2514

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND ACCEPTING FEDERAL FUNDS AWARDED BY THE U.S. JUSTICE DEPARTMENT THROUGH AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR REPLACING THE ANTIQUATED AND FAILING SECURITY CAMERA SYSTEM AT THE SALISBURY POLICE DEPARTMENT.

WHEREAS, this Justice Assistance Grant Award can be used for technology investments and/or equipment purchases; and

WHEREAS, these funds will be utilized to replace the antiquated and failing Security Camera System at the Salisbury Police Department; and

WHEREAS, the current Security Camera System at the Salisbury Police Department was installed in 1996 and has exceeded its life cycle.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that a grant from the U.S. Justice Department in the amount of \$33,863 be accepted.

BE IT FURTHER RESOLVED, that the funds will be used for obtaining, maintaining and upgrading the technology of the Salisbury Police Department.

THIS RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on _____ day of _____, 2015 and is to become effective immediately upon adoption.

ATTEST:

Kimberly R. Nichols, City Clerk

Jacob R. Day, President
Salisbury City Council

APPROVED BY ME THIS:

_____ Day of _____, 2015

James Ireton Jr., Mayor

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

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

JULIA GLANZ
ASSISTANT CITY ADMINISTRATOR

Memorandum

To: Tom Stevenson, City Administrator
From: Mike Moulds, Director of Public Works 
Date: June 12, 2015
Copy:
Re: MEA Smart Energy Grant Acceptance Resolution

Tom, the Maryland Energy Administration (MEA) has notified us by email on June 5th that we have been awarded a grant in the amount of \$38,500 for development of a pilot project to convert six (6) city owned vehicles to propane to decrease the use of conventional petroleum vehicles. This project will continue to support the designation of Salisbury as a Maryland Smart Energy Community.

Attached is a copy of the signed Grant Agreement and proposed Resolution. Due to delays by MEA in getting the grants out, they have required that the agreement be signed and returned by June 30th in order to allocate the grant funding before the new fiscal year.

Should you have any questions or require any additional information, please do not hesitate to call.

1 RESOLUTION NO. 2515

2
3 A RESOLUTION OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO SIGN
4 THE GRANT AGREEMENT AND ACCEPT A GRANT OF \$38,500.00 FROM THE
5 MARYLAND ENERGY ADMINISTRATION FOR IMPLEMENTATION OF A PILOT
6 PROJECT TO REDUCE RELIANCE ON PETROLEUM AS A FUEL FOR
7 TRANSPORTATION.

8
9 WHEREAS, the Maryland Energy Administration has a Maryland Smart Energy
10 Communities Grant Program with funding through the Strategic Energy Investment Fund; and

11
12 WHEREAS, the purpose of the grant program is to encourage local Maryland
13 governments to adopt formal policies and implement projects to encourage energy efficiency,
14 renewable energy development, and reduce reliance on petroleum as a fuel for transportation;
15 and

16
17 WHEREAS, The City of Salisbury submitted a grant application for funding to
18 implement a pilot project to convert six City vehicles to utilize propane fuel to reduce reliance on
19 petroleum fuel for transportation; and

20
21 WHEREAS, the Maryland Energy Administration has issued a grant agreement with the
22 City of Salisbury with a grant of \$38,500 for funding the pilot project; and

23
24 WHEREAS, the City of Salisbury has adopted a policy to reduce the use of petroleum as
25 a transportation fuel by 20% within 5 years of a baseline year of 2011; and

26
27 WHEREAS, by adoption of Smart Energy policies and implementation of projects, the
28 City of Salisbury will become designated as a Maryland Smart Energy Community and will be
29 eligible to receive additional grant funding to implement these policies.

30
31 NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Salisbury,
32 Maryland does hereby authorize the Mayor to sign the attached Grant Agreement # 2015-07-
33 520S1 dated June 10, 2015 accepting the program terms and schedule, for the betterment of the
34 City and its residents, and accepts the grant of \$38,500 from the Maryland Smart Energy
35 Communities Grant Program for reduction of reliance on petroleum as a fuel for transportation.

36
37 THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting
38 of the Council of the City of Salisbury held on this ____ day of _____, 2015 and is to
39 become effective immediately upon adoption.

40
41
42 ATTEST:

43
44
45 _____
46 Kimberly R. Nichols

Jacob R. Day

47 CITY CLERK PRESIDENT, City Council

48

49 APPROVED by me this _____ day of _____, 2014

50

51

52 _____

53 James Ireton, Jr.

54 MAYOR, City of Salisbury

**MARYLAND SMART ENERGY COMMUNITIES
GRANT AGREEMENT**
(Existing Maryland Smart Energy Communities)

**STATE OF MARYLAND
MARYLAND ENERGY ADMINISTRATION**
60 West Street, Suite 300
Annapolis, Maryland 21401

hereinafter "MEA"

and

**Fiscal Year 2015 Existing Maryland Smart Energy Community:
City of Salisbury
125 N. Division Street, Room 202
Salisbury, MD 21801**

hereinafter "Grantee"

PREMISES

The Maryland Energy Administration (MEA) developed and administers the Maryland Smart Energy Communities (MSEC) Grant Program pursuant to the authority provided in Sections 9-2003 and 9-20B-01 *et seq.* of the Maryland Code, State Government Article. The MSEC Grant Program is funded through the Strategic Energy Investment Fund (SEIF). *See* Md. Code, Section 9-20B-05 *et seq.* of the State Government Article. By statute, the use of SEIF is divided into different sub-categories, including investments in cost effective energy efficiency and conservation programs, cost effective low and moderate income energy efficiency and conservation programs, and renewable and clean energy resources.

The purpose of the MSEC Grant Program is to encourage local Maryland governments, including counties and municipalities, to voluntarily adopt formal policies to encourage energy efficiency, renewable energy development, and/or reduce reliance on petroleum as a fuel for transportation, and to implement projects to achieve the objectives of such policies. To implement this purpose, the Program has two separate but related components, policy development and project development. Grantee has complied with the requirements for a New MSEC, which includes the development and formal adoption of policies promoting energy-efficiency and transportation petroleum reduction; and developing both a baseline for energy measures and an energy plan. Grantee has also received funding under an FY14 Program grant and begun its first MSEC project to retrofit City-owned streetlights in furtherance of its commitment to reduce municipal electricity consumption.

MEA issued a notice of opportunity for funding through the MSEC Grant Program for FY 2015 and, upon evaluating Grantee's application for a project to convert six city-owned police and/or public works vehicles (currently powered by gasoline or diesel) with propane to decrease use of conventional petroleum vehicles, MEA has determined that Grantee is eligible for an award in FY 15 for a Program grant as an Existing MSEC. The amount and authorized uses of the Grant Award, as well as terms, conditions, and restrictions, are set forth in this Grant Agreement.

NOW, THEREFORE, the parties hereby agree as follows:

I. Purpose of Grant

(A) Purpose. The purpose of this Maryland Smart Energy Communities Grant (the "Grant") to an Existing MSEC is to provide technical assistance and funding as part of the Program to assist Grantee in the development a project to convert six city-owned police and/or public works vehicles (currently powered by gasoline or diesel) with propane to decrease use of conventional petroleum vehicles ("the Project").

II. Project Description and Costs Eligible for Reimbursement

A. Project Description.

(1) MEA is making available this grant award for the proposed project, whose scope shall be determined through the following process.

(a) The Grantee shall complete Attachment A "MSEC Project Development Form" and submit to MEA by November 15, 2015, as specified herein in section (C)(2), unless a request for a deadline extension is submitted to MEA by November 2, 2015 and approved in writing by the MEA Program Manager. The project described in Attachment A shall be consistent with subsection (1) above.

(b) MEA will not approve a project submitted by Grantee in Attachment A that is inconsistent with the project described in Grantee's application. If Grantee anticipates any deviation from the project described in Grantee's application, Grantee must consult with the MEA Project Manager prior to October 1, 2015 and is subject to MEA approval.

(c) After review of Attachment A, MEA will provide Grantee with a completed "Project Approval Form" on the form included in Attachment B, which will describe the project approved by MEA ("the Approved Project").

(2) The completed Project Approval Form indicating the Approved Project shall be incorporated into this Agreement as Attachment B. Attachment B (Approved Project) shall not contain any terms or conditions other than a Project Description and Project Completion timeline. If Attachment B (Approved

Project) contains any terms and conditions other than a Project Description and Project Completion timeline, such terms and conditions are not incorporated into this agreement, and are not agreed to by MEA. In the event of any conflicts between Attachment B (Approved Project) and this Agreement, the terms of this Agreement shall control.

(3) The Approved Project shall meet the following requirements to be funded as an MSEC Energy Efficiency and Conservation project:

- (a) Be at least 10% more efficient than local codes or federal standards require;
- (b) Be cost effective, which is defined as having a simple payback time that is less than the useful life of the Project;
- (c) Provide substantial electricity savings that allows Grantee to make significant progress in meeting its electricity consumption reduction goal; and
- (d) Make every reasonable effort to pursue relevant utility rebates or utility incentives.

MEA shall have the complete and sole discretion to determine when these requirements are met.

(B) Reimbursable Costs

Only those costs or expenditures specified below are eligible for reimbursement under this Grant.

- (1) Direct Project Costs – At least 70% of the Grant Award shall be for reimbursement of approved expenditures associated with the Approved Project such as labor, equipment and material.
- (2) Project Preparation Costs –
 - (a) Only up to 30% of the Grant Award may be used to reimburse the local jurisdiction for approved expenditures associated with: the development and adoption of Policies, Plans or Baselines; Project design and development; feasibility studies; energy audits; reasonable administrative costs; staff time or consultant fees.
 - (b) When applicable, prior to beginning any feasibility study, the Grantee shall first gain approval by MEA. The Grantee shall show how each measure can be installed within 5 years of the Baseline year and the need for the feasibility study before embarking on a project.
 - (c) Administrative Costs – Only up to 10% of the total amount of the grant may be used for reasonable administrative costs; staff time or

consultant's fees. If Grantee uses less than 10% of the total amount of the grant for Administrative Costs, Grantee may use the remaining portion for Policy and Project Preparation Costs, consistent with subsection (a) herein above.

(C) Program Timing and Deadlines Grantee shall comply with the following deadlines unless an extension is given in writing by the Program Manager, consistent with this section:

- (1) By November 15, 2015 - Grantee shall submit to MEA a completed Attachment A "MSEC Project Development Form".
- (2) May 16, 2016 - Grantee shall complete the Project(s) approved by MEA and specified on the completed Project Approval Form.
- (3) By June 15, 2016 – Grantee shall submit to MEA all Reports and final invoices requesting Program cost reimbursements consistent with Section IV (B).

Extensions may be requested in writing in advance of a deadline, but are not guaranteed. Extensions shall only be permitted for good cause shown, such as circumstances outside of Grantee's control, as determined solely by MEA in writing.

(D) Program Requirements and Restrictions

- (1) No Project supported with the Grant Award may begin until after each of the following occurs:
 - (a) Grantee Submits to MEA a completed MSEC Project Proposal Form, attached hereto as Attachment A;
 - (b) Grantee receives the MSEC Project Approval Form, attached hereto as Attachment B, signed by MEA;
 - (c) MEA's historic preservation specialist determines that the Project will have no adverse effect on historic properties; and
 - (d) Grantee has obtained all required local, State and federal licenses, permits, and other authorizations.
- (2) A project proposed for facilities or property owned by the Grantee shall be given priority. A project proposed for facilities or property not owned by the Grantee may be considered for approval by MEA, but funding for such projects are not guaranteed.
- (3) Failure to formally adopt the Policies or complete the Project by the deadlines set forth herein may result in Grantee having to reimburse Grant funds to MEA, unless such delay is caused by factors outside of Grantee's control, as determined by MEA.

- (4) MEA will not fund projects that involve fuel switching, nor projects that reduce non-electricity energy usage. The decision to fund a project shall be at the sole discretion of MEA.
- (5) If at any time MEA determines that Grantee has not demonstrated sufficient progress toward meeting the Policy and Project deadlines set forth above, MEA may terminate this Agreement and may require that Grantee reimburse Grant funds to MEA, unless such delay is caused by factors outside of Grantee's control.
- (6) Expenditures on Policy or Project development, Plans or Baselines that have not been pre-approved in writing by MEA may not be reimbursed with Grant funds.
- (7) Reports and Invoices with appropriate documentation received by MEA after any applicable deadline may not be eligible for reimbursement with Grant funds, as determined by MEA.
- (8) All Projects must be constructed, installed and operated in compliance with all applicable local, State and federal laws, regulations, ordinances, licenses, permits, standards, and other requirements.
- (9) Grantee must comply with any procurement requirements that may apply to it with regard to Grant Program activities for which reimbursement is sought.
- (10) Grantee shall cooperate with MEA and MEA's technical contractor to identify and describe the most appropriate Project for this Program.
 - (a) The primary purpose of a proposed project must be to reduce electricity consumption, as determined by MEA.
 - (b) Grantee shall work diligently to develop credible project-specific data estimates on project costs and energy savings through a project bid and/or energy audit, or other appropriate means approved in writing by MEA.
 - (c) Grant funds may not be used for a project the primary purpose of which is "maintenance", as determined solely by MEA.
 - (d) A project involving fuel switching is generally not eligible for Grant funding, although MEA may approve such Projects as it deems appropriate.
- (11) Grantee agrees to diligently seek and apply for all rebates and other incentives that may be available through Grantee's electric utility. Such rebates and incentives shall be estimated and applied to Grant Program costs before use of Grant funds.

(12) All new construction must be performed in a Priority Funding Area, unless a waiver is approved in writing by MEA. A map of Priority Funding Areas, including a search by address feature, can be found on the Maryland Department of Planning website: <http://www.mdp.state.md.us/OurProducts/pfamap.shtml>.

Priority Funding Areas are existing communities and places where local governments want State investment to support future growth. The following areas qualify as Priority Funding Areas:

- a. Every municipality, as they existed in 1997;
- b. Areas inside the Washington Beltway and the Baltimore Beltway
- c. Areas already designated as enterprise zones, neighborhood revitalization areas, heritage areas and existing industrial land.

III. Amount and Duration of the Grant

(A) Amount of Grant Award

(1) The Grant Award shall not be greater than **Thirty-Eight Thousand, Five-Hundred Dollars (\$38,500)**. As of the Effective Date of the Agreement as defined below, Grantee may use up to 30 % of the Grant Award for Policy and Project Preparation Costs that are pre-approved by MEA in writing and consistent with Article II(B).

(2) The total amount of the Grant shall be used for the Approved Project.

(B) This Agreement must be signed by the Grantee and received by MEA no later than June 15, 2015. If this properly signed Grant Agreement is not received by MEA on or before June 15, 2015, the grant award shall automatically be revoked, and this Agreement is void unless an extension is given in writing by the MEA Program Manager.

(C) The Effective Date of this Agreement is the date that the properly executed Agreement is received by MEA, as determined by the official MEA date stamp on the first page of the Agreement.

(D) Unless an extension is permitted as described below, all activities must be completed by no later than **May 15, 2016** with all required documentation under Section IV (B) completed and submitted to MEA by no later than **June 15, 2016**. Extensions may be requested in writing in advance of a deadline, but are not guaranteed. Extensions shall only be permitted for good cause shown, such as circumstances outside of Grantee's control, as determined solely by MEA in writing.

IV. Reporting and Reimbursement Requirements

(A) The Grantee shall retain bills of sale or other satisfactory evidence of the acquisition of any real or personal property, as well as reports, activity logs, timelines, estimated and actual energy savings and/or generated, supporting documentation for any other expenses that are covered in whole or in part by any Grant Funds, and any other

information related to Grant activities for at least three years from the date that the Grantee receives final reimbursement from MEA. MEA, MEA's agents, the Department of Budget and Management, the State Comptroller, the Legislative Auditor, or any of them, may examine and audit this evidence on request, at any reasonable time within the retention period. In addition, the Grantee shall also make the worksite available to MEA, or its agents, upon request at any reasonable time for at least three years from the date that the Grantee receives final reimbursement from MEA.

(B) Program Reporting and Invoicing.

(1) Separate Expenditure Categories. When a Grant Award is divided into separate expenditure categories (energy efficiency, low and moderate income energy efficiency, renewable development, or petroleum reduction), Grantee shall maintain records separately for each distinct category. In addition, Grantee shall account for and invoice MEA separately for each distinct category.

(2) Reporting. Grantee shall submit MSEC reports ("Reports") to MEA on a monthly basis. Reports and Invoices are due to MEA by the 20th day of the month following the previous month's reporting period. The first monthly Report shall be submitted for the first full month following the Effective Date, as defined above, and for each month thereafter, even if not accompanied by an Invoice. Reporting shall continue until the Grant funds have been completely expended or the Grantee has notified MEA in writing that no additional funding will be requested under the Grant.

(3) Invoicing and Reporting.

(a) To be reimbursed, Grantee shall provide invoices and other documentation to MEA with the monthly Report.

(b) MEA may only provide Grant funds for reimbursement after receipt of appropriate invoices and reports with sufficient documentation of expenditures, as determined by MEA and consistent with Article II(B).

(c) MEA will reimburse Grantee for approved costs only after any and all available incentives offered by Grantee's electric utility provider have been fully utilized. Grant Award is to be used for net costs, after application of electric utility rebates and incentives.

(C) Grantee may submit Reports, Invoices and other documents electronically after obtaining authorization in writing from MEA. If authorization has not been obtained, Grantee shall mail Reports, Invoices and other documents to MEA at the following address:

Maryland Energy Administration
Attn: Maryland Smart Energy Communities Program
60 West Street, Suite 300
Annapolis, MD 21401

After review of the Reports, Invoices and any supporting documents or information requested by MEA, MEA shall make a final determination of whether the Grantee has met all Program requirements, terms and conditions, and process the grant award for payment as promptly as possible, if warranted. Grant funds shall not be provided for work that has yet to be performed, costs that have yet to be incurred or are not sufficiently documented, or are inconsistent with the purpose, terms and conditions of the Grant.

(D) For monitoring and evaluation purposes, the Grantee shall make available to MEA, or its agents, all reports, activities logs, work sites, timelines, estimated and actual energy savings and/or generated, or other information related to the Grant activities during regular business hours. Reporting metrics (electricity consumption data) shall be made available by the grantee to MEA for a period of five years after the project for which grant funding is received.

(E) No grant monies will be funded for costs or obligations incurred, or work performed, prior to the Effective Date of this Agreement.

(F) Prior to execution of this Agreement, Grant funds are subject to change in amount and existence based on funding availability.

(G) Multiple renewable projects on contiguous parcels of property will be considered one Project for purposes of MEA funding.

(H) An Approved Project may not receive more than one Maryland Smart Energy Communities grant from MEA.

(I) Projects must be located within the state of Maryland.

V. General Conditions

(A) Any expenditure of Grant funds that is not consistent with the purposes of the grant award, or that violates any requirement, term or condition of the Grant Program or this Agreement, may, in the sole judgment of MEA, be disallowed. Should any expenditure be disallowed, the State may require repayment to MEA for reimbursement of the Strategic Energy Investment Fund, an offset from any State grant to the Grantee in the current or succeeding fiscal year, or other appropriate action. The Grantee shall immediately repay to the State any part of the Grant that is not used for the purposes of the Program.

(B) Grantee may not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, or any other characteristic forbidden as a basis for discrimination by applicable laws, and certifies that its Constitution or by-laws contains a non-discrimination clause consistent with the Governor's Code of Fair Practices.

(C) Grantee shall ensure that all work performed pursuant to the Grant and this Agreement is completed by contractors and/or staff holding all necessary certifications

and licenses. Additionally, all work performed pursuant to the Grant shall comply with all applicable local, State, and federal building codes and other applicable laws and regulations.

(D) The person executing this Agreement on behalf of the Grantee certifies, to the best of that person's knowledge and belief, that:

- (1) He or she is authorized to sign this Agreement on behalf of the Grantee and to commit the Grantee to the obligations set forth herein.
- (2) Neither the Grantee, nor any of its officers or directors, nor any employee of the Grantee involved in obtaining contracts with or grants from the State or any subdivision of the State, has engaged in collusion with respect to the Grantee's application for the Grant or this Agreement or has been convicted of bribery, attempted bribery, or conspiracy to bribe under the laws of any state or the United States;
- (3) Neither the Grantee, nor any of its officers or directors, nor any employee of the Grantee has engaged in any practice with regard to this Grant that is inconsistent with General Provisions Article, § 5-502, Maryland Code Ann. (2014).
- (4) Grantee has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee or agent working for the Grantee, to solicit or secure the Grant or this Agreement, and the Grantee has not paid or agreed to pay any such entity any fee or other consideration contingent on the making of the Grant or this Agreement;
- (5) Grantee, if a business or non-profit organization, is incorporated or is registered to do business in the State, and is in good standing with the Maryland State Department of Assessments and Taxation;
- (6) Grantee, if a health or social welfare organization as defined by Section 7-403 of the State Finance and Procurement Article of the Annotated Code of Maryland, shall keep financial records in accordance with uniform accounting standards, as more fully described in Section 7-403;
- (7) Neither the Grantee, nor any of its officers or directors, nor any person substantially involved in the contracting or fund-raising activities of the Grantee, is currently suspended or debarred from contracting with the State or any other public entity or subject to debarment under Regulation 21.08.04.04 of the Code of Maryland Regulations; and
- (8) The Grantee is not in default on any financial obligation to the State or MEA.

VI. False Statement or Report

A person may not knowingly make or cause to be made any false statement or report in any document required to be furnished by MEA in relation to the Grant Program. For a SEIF-funded Grant, any violation of this provision is a misdemeanor and on conviction is subject to a fine not exceeding \$50,000.00 or imprisonment not exceeding 1 year or both. Md. Code, Section 9-20B-11 of the State Government Article.

VII. Historic Preservation Review

For each project being funded in whole or in part through this Agreement, a historical preservation review must first be completed by the Maryland Historical Trust (MHT) or MEA's historical preservation expert. This review ensures that no historical property is "adversely affected" through this Program. Prior to starting construction, Grantee shall assure that MEA has received documentation from MHT or MEA's historical preservation expert indicating that the Project will have no adverse effect on a historical property.

VIII. Maryland Saved Harmless

To the extent allowed by Maryland law, the Grantee agrees to defend, indemnify and hold MEA harmless from and against any and all damages, claims, lawsuits, actions, and reasonable out-of-pocket costs and expenses, in whatever form, arising from or related to the Grant. MEA expressly reserves the right of any immunity MEA or its employees may possess under State or federal law. If the Grantee is a Maryland State agency or local government, then each party shall be responsible for its own liability associated with the Grant, and neither party waives any applicable immunities.

IX. Environmental Standards and Liability

The Grantee shall ascertain and abide by all applicable environmental standards set by federal, state or local laws, rules or regulations related to the performance of the obligations pursuant to the Agreement (hereinafter referred to as "Environmental Standards"). The Grantee shall monitor its compliance with Environmental Standards and immediately halt and correct any incident of non-compliance.

In the event of any incident of non-compliance with Environmental Standards, the Grantee shall:

1. Give MEA immediate notice of the incident to the Agreement Representative, or designee, providing as much detail as possible;
2. If requested by MEA, submit a written report to MEA, identifying the source or cause of the non-compliance and the method or action required to correct the problem; and
3. Cooperate with MEA or its designated agents or contractors with respect to the investigation of such problem.

To the limits allowed by Maryland law (and without waiving any local or State government immunities that may apply if Grantee is a Maryland State or local government), the Grantee shall be liable for (a) all environmental losses, including but not limited to, costs, expenses, losses, damages, actions, claims, penalties, fines and remedial or cleanup obligations arising from its failure to comply with Environmental Standards; and (b) any hazardous material located or placed in the Project and any requirements imposed by any governmental authority with respect to hazardous materials, arising in connection with the Grant or the Project.

X. Liability Insurance

(A) For all work performed by the Grantee that is to be funded in whole or in part with grant funds provided by MEA, Grantee shall purchase and maintain comprehensive third-party legal liability insurance or its equivalent. Grantee shall also maintain other such insurance as is appropriate for the work to be performed. **For a Maryland State or local government entity that is self-insured, a document detailing the statutory basis for self-insurance may be accepted by MEA as an equivalent form of insurance under this paragraph.**

(B) All insurance must name MEA as an additional insured. The insurance provided shall include, but not be limited to, insurance protecting MEA from bodily injury and property damage, including, but not limited to all workers' compensation insurance, and errors and omissions. Grantee shall maintain insurance documentation in a Grantee-owned facility and shall provide to MEA, upon demand, a certificate or other documentation deemed appropriate by MEA, evidencing MEA's status as an additional insured.

(C) Insurance requirements may be waived or modified by MEA in writing, for good cause shown. Any such written waiver or modification shall be signed by the parties, and attached hereto and incorporated herein as part of this Agreement.

(D) Grantee shall include in all of its contracts for work that is to be funded in whole or in part with grant funds provided by MEA a provision or provisions requiring all contractors to purchase and maintain comprehensive third-party legal liability insurance and other such insurance as is appropriate for the work to be performed. All insurance provided by the contractor must name MEA as an additional insured. The insurance provided shall include, but not be limited to, insurance protecting MEA from bodily injury and property damage, including, but not limited to all workers' compensation insurance, and errors and omissions.

(E) Grantee shall maintain insurance documentation in a Grantee-owned facility and shall provide to MEA, upon demand, a certificate or other documentation deemed appropriate by MEA, evidencing MEA's status as an additional insured. Insurance requirements may be waived by MEA in writing, for good cause shown. Any such written waiver or modification shall be signed by the parties, and attached hereto and incorporated herein as part of this Agreement.

XI. MEA Access to Project Site and Ability to Use Project Information

(A) Grantee shall allow MEA employees or representatives access to the relevant building and structures so that MEA may perform monitoring visits to provide technical assistance and to ensure that project requirements are fully satisfied. Grantee shall also allow MEA employees or representatives access to the relevant project site in order to take photographs or video of the project for MEA use:

(B) The Grantee understands and agrees that MEA may use information about the project for reporting and marketing purposes, including but not limited to the project description, building type, energy measures, project costs, leveraged funds, energy and financial savings, and pictures and videos of the premises. MEA shall provide the Grantee an opportunity to review and consult with MEA to assure that a written case study, photo or video taken of its facility will not disclose confidential personal and/or business information.

(C) If the Project's location is owned or controlled by a third party at any time during the Grant period, the Grantee shall be responsible for obtaining written permission from the third party to allow MEA access to the property for all of the purposes described in this Agreement. MEA shall not provide any further reimbursement of funds under the Agreement until Grantee provides the relevant written permission.

XII. Maryland Law Prevails

The internal laws of Maryland shall govern the interpretation and enforcement of this Agreement, except for any choice of law provisions utilized by Maryland.

XIII. Agreement Binding on Successors and Assigns

This Agreement shall bind the respective successors and assigns of the parties.

XIV. Assignment or Transfer

The Grantee may not sell, transfer, or assign any of its obligations under this Agreement, or its rights, title, or interest in this Agreement, without further prior written consent of MEA.

XV. Amendments to the Grant

No amendment to this Agreement is binding unless it is in writing and signed by both parties.

XVI. Party Representatives

The following individuals shall have the authority to act under this Agreement for their respective parties, subject to all necessary approvals:

Devan Willemsen, Program Manager
Maryland Energy Administration
(410) 260-7539
(Or any such person as may be designated in writing by the Director of MEA.)

Michael Moulds, Director of Public Works
City of Salisbury
410-548-3170 Ext. 1201
(Or any other person as may be designated in writing by the Grantee's Executive Director.)

XVII. Merger

This Agreement and any terms and conditions expressly incorporated by reference herein embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations referring to the subject matter, other than those contained herein or incorporated herein by reference.

XVIII. Non-waiver of Rights; Remedies

No failure on the part of the State or MEA to exercise, and no delay in exercising, any right under this Agreement shall operate as a waiver thereof; nor shall any single or partial exercise of any such right preclude the State or MEA from further exercising that or any other right. The remedies provided under this Agreement are cumulative and not exclusive of any remedies provided by law.

THIS GRANT AGREEMENT HAS BEEN APPROVED BY THE ATTORNEY GENERAL'S OFFICE AT MEA. NO CHANGES, MODIFICATIONS, ADDITIONS OR DELETIONS TO THIS AGREEMENT ARE AUTHORIZED ABSENT SPECIFIC WRITTEN AGREEMENT BY THE PARTIES AND APPROVAL BY THE ATTORNEY GENERAL'S OFFICE AT MEA. ANY UNAUTHORIZED CHANGES, MODIFICATIONS, OR DELETIONS TO THIS FORM AGREEMENT WILL RENDER MEA'S OBLIGATIONS UNDER THIS AGREEMENT VOIDABLE AT MEA'S ELECTION.

IN TESTIMONY WHEREOF, WITNESS the hands and seals of the parties.

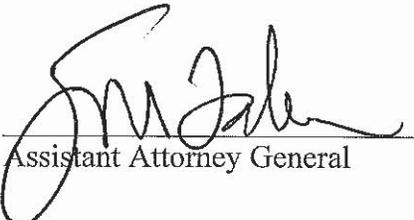
CITY OF SALISBURY

By: _____
Tom Stevenson, City Administrator, City of Salisbury, Maryland

MARYLAND ENERGY ADMINISTRATION

By: 
A. Leigh Williams, *Esq.*
Director

Approved for Form and Legal Sufficiency
this 10th day of June, 2015,


Assistant Attorney General

*Attachment A***MSEC Project Development Form***(This form denotes the information necessary to approve an MSEC funded project.)*

1. Name of Grantee	
2. Policies Passed:	
<input type="checkbox"/> Energy Efficiency <input type="checkbox"/> Renewable Energy <input type="checkbox"/> Transportation Petroleum Reduction	
3. Grant Amount	
Total Grant Amount:	
a. Direct Project Costs: Minimum 70% of total grant amount	
b. Policy and Project Preparation Costs: Maximum 30% of total grant amount	
4. Project Address	
5. Project Type	
<input type="checkbox"/> A project focusing solely on energy efficiency (i.e., a lighting upgrade, adding insulation, etc.) <input type="checkbox"/> A project focusing solely on renewable energy/clean transportation (i.e., adding solar panels to your roof) <input type="checkbox"/> A project which combines energy efficiency and renewable energy/clean transportation	
6. Percentage of Grant Per Funding Track (e.g. energy efficiency, renewable energy, or transportation petroleum reduction)	

7. Project Narrative:

8. Total Project Cost, Other Sources of Funding (e.g. Jurisdiction Match, Rebates, Other Grants, etc.)

9. Annual Energy Benefits Estimate (e.g. kWh reduced, kw installed, gallons reduced)

10. Expected Life of the Installed Equipment

11. Simple Payback of the Measures (e.g. project cost/annual savings)

12. Electricity/Fuel Cost Information	
Electric utility provider and cost of electricity, \$/kWh	
Building fuel oil cost (\$/gallon)	
Natural gas utility provider and cost of natural gas (\$/MMcf)	
Propane cost (\$/gallon)	
Gasoline cost (\$/gallon)	
Diesel cost (\$/gallon)	
Other fuels not listed above (please specify):	
13. Utility Rebates to be Pursued:	
14. Documentation of MHT Review (For MEA Use Only)	

Attachment B
For MEA Use Only

Maryland Energy Administration
Maryland Smart Energy Communities Program

MEA MSEC Project Approval

The _____ has been approved to commence with the Maryland Smart Energy Communities project Proposed in Attachment A, as modified, if necessary, in the Scope of Work section, below. The project has been determined to comply with the following requirements of the Maryland Smart Energy Communities program (all requirements must be met before proceeding):

- Reviewed to confirm that the proposed project is eligible to receive MSEC funds
- Reviewed to verify that the project will reduce electricity consumption and/or generate clean energy and/or reduce petroleum consumption.
- Reviewed and determined that the proposed project will have “no adverse effect” on any historic property.
- Reviewed to confirm that the Grantee has in place baselines and plans for the two policies they chose to pursue, and has adopted formal, written policies through their legislative or governing body committing the local government to the policies specified in the Policy Guidance Documents

SCOPE OF WORK:

EXPECTED USEFUL LIFE (YEARS): _____

PAYBACK (YEARS, attach calculations as appropriate): _____

Approved by:

_____ Date: _____

Devan Willemsen
Grant Manager, Maryland Energy Administration

Attachment C



PROJECT REVIEW FORM

Request for Comments from the Maryland Historical Trust/
MDSHPO on State and Federal Undertakings

MHT USE ONLY	
Date Received:	Log Number:

Section A: General Project Information Submit hard copy of form and all attachments to: **Beth Cole, MHT, 100 Community Place, Crownsville, MD 21032** Print Form

Project Name County

This is a new submittal OR This is additional information related Project Log Number:

Section B: Primary Contact Information

Contact Name Company/Agency

Mailing Address

City State Zip

Email Phone Number Ext.

Section C: Description of Undertaking

Location - Attach a map, preferably a section of a USGS quad, showing the location and boundaries of the project

Address City/Vicinity

List all federal and state agencies / programs (funding, permits, licenses) involved in this project (e.g. Bond Bill Loan of 2009, Chapter #; Transportation Enhancement Grant; HUD/CDBG; MDE/COE permit; etc.).	Agency Type	Agency/Program/Permit Name	Project/Permit/Tracking Number (if applicable)
	<input type="text"/>		

Proposed Work - Attach project description, scope of work, site plans / drawings

This project includes (check all applicable): New Construction Demolition Remodeling/Rehabilitation

This project involves: State or Federal Rehabilitation Tax Credits
 Properties subject to an easement held by MHT, MET, or another entity

Section D: Identification of Historic Properties

This project involves: Properties designated as historic by a local government, listed in the National Register, or included in Maryland Inventory of Historic Properties

Property/District Name

The subject property has has not been the subject of previous archeological, architectural, or historical investigations.

Please describe

- Attachments** Map Project Description/Scope of Work Site Plans/Drawings
- Photographs** - Attach prints or digital photographs showing the project site including images of all buildings and structures, preferably keyed to a site plan
- Conditions** - Attach a brief description of past and present conditions of the project area (wooded, mined, developed, agricultural uses, etc) including construction dates of buildings, if known.

MHT Determination	MHT Reviewer: _____	Date: _____
<input type="checkbox"/> There are NO HISTORIC PROPERTIES in the area of potential effect	<input type="checkbox"/> The project will have NO ADVERSE EFFECT WITH CONDITIONS	
<input type="checkbox"/> The project will have NO EFFECT on historic properties	<input type="checkbox"/> MHT REQUESTS ADDITIONAL INFORMATION	
<input type="checkbox"/> The project will have NO ADVERSE EFFECT on historic properties	<input type="checkbox"/> The project will have ADVERSE EFFECTS on historic properties	

*Attachment D***Maryland Smart Energy Communities Grant Program Monthly Report**

Instructions: Please complete and forward the MSEC Monthly Report to MEA by the 20th day of the month following the prior month's reporting period.

(Example: Submit the monthly report to MEA by August 20, 2015 for the July 2015 2014 reporting period.)

1. Local Government Name and Address:	2. Name/ Title/Phone Number of Report Submitter:	
3. Congressional District:	4. Address of Project (if different than the address shown above)	
5. Reporting Period Month: _____ Year: _____ Is this the final MSEC monthly report? <input type="checkbox"/> Yes <input type="checkbox"/> No	6. MEA Grant Number:	
7. Local Government Invoice Number (if invoices are being submitted to MEA for payment):	8. Federal Tax Identification Number:	
9. MSEC Grant Expenditures Please indicate the amount of MSEC grant funds spent during a. the reporting period and b. over the course of the project to date. Please note that if you are receiving funding from the low-to-moderate income SEIF energy efficiency allocation, as specified in Section III of the Grant Agreement, you must track, invoice, and report this funding stream separately.		
a. MSEC Grant Dollars Spent during this <u>Reporting Period</u> (\$)	Direct Project Costs (minimum 70% of total Grant amount):	
	Policy and Project Preparation Costs (maximum 30% of total Grant amount):	
	Total grant funds requested,	

	this reporting period (this number should match the invoiced amount):	
b. MSEC Grant Dollars <u>Spent to date</u> (\$)	Direct Project Costs (minimum 70% of total Grant amount):	
	Non-Project Costs (maximum 30% of total Grant amount):	
	Total grant funds requested, spent to date (this number should match the invoiced amount):	
10. Non-MSEC Grant Expenditures		
a. Utility Rebates (\$)	b. Other Project Expenditures (\$) Please include description of incentive and the \$ amount of incentive. If more than one utility incentive is obtained, please list all incentives separately.	
11. Policy Status Update		
a. Provide a brief narrative of the status of the baselines, plans, and policies required under this program.	Energy Efficiency:	
	Renewable Energy:	
	Transportation Petroleum:	
12. Project Status Update		
a. Provide a brief narrative of project milestones and/or accomplishments achieved during the reporting period. Please indicate if any specific energy measure(s) were placed into service during the reporting period.		
b. Were any obstacles encountered during the reporting period? If so, please explain.		

13. Is this your final report? Yes No

If yes, please complete section 14, below. If no, please leave section 14 blank.

14. Reporting Metrics:

The reporting metrics required for your project are listed below. Please enter N/A for any reporting metric that does not apply to your specific project. Grantees will work with their MEA grant manager to customize this section for their specific project.

<p>A. Jobs created (Hours worked) <i>Required</i> Please report the total number of hours worked (and paid for using Grant funds) by Grantee staff, contractors, and vendors</p>	
<p>B. Energy Cost Savings (\$ saved per year due to project) <i>Required</i></p>	
<p>C. Building Energy Savings <i>Required for energy efficiency projects</i></p>	
<p>i. Reduction in annual electricity consumption (MWh)</p>	
<p>ii. Reduction in annual fuel oil consumption (gal)</p>	
<p>iii. Reduction in annual natural gas consumption (MMcf)</p>	
<p>iv. Reduction in annual propane consumption (gal)</p>	
<p>v. [Insert other measure]</p>	
<p>vi. [Insert other measure]</p>	
<p>D. Renewable Energy Capacity and Generation <i>Required for renewable energy projects</i></p>	
<p>i. Amount of electricity generated by photovoltaic systems (MWh) annually</p>	

ii.	Amount of electricity generated by wind systems (MWh) annually	
iii.	Amount of electricity generated by other renewable systems (MWh) annually	
iv.	Installed photovoltaic system capacity (MW)	
v.	Installed wind capacity (MW)	
vi.	Installed capacity of all other renewable systems (MW)	
vii.	[Insert other measure]	
E. Transportation-Related Energy Savings <i>Required for transportation petroleum reduction projects</i>		
i.	Reduction in annual gasoline consumption (gal)	
ii.	Reduction in annual diesel consumption (gal)	
iii.	[Insert other measure]	
iv.	[Insert other measure]	
F. Building Retrofits (number of buildings) – Required		

City of Salisbury



MARYLAND



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

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
INTERIM CITY ADMINISTRATOR

VACANT
ASSISTANT CITY ADMINISTRATOR

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES
PROCUREMENT DIVISION

COUNCIL AGENDA – Award of Bid

June 22, 2015

- | | |
|--|----------------|
| 1. Contract 110-15
Riverwalk Improvements – Phase 2 | \$1,506,109.00 |
| 2. RFP 17-15
Engineering Services for Sewer Inflow/Infiltration Study | \$ 159,989.00 |
| 3. Contract A-07-14, Change Order #5
Street Improvements – Curb, Gutter & Sidewalk Construction | \$ 40,200.00 |

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

June 22, 2015

TO: Mayor and City Council

SUBJECT: Award of Bid
Contract 110-15
Riverwalk Improvements – Phase 2

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Department of Public Works to solicit bids for Contract 110-15 Riverwalk Improvements – Phase 2. The project will furnish all labor, materials, and equipment necessary for installing additional galvanized steel wales and tiebacks at the existing steel sheet bulkhead, replacing the concrete sidewalk, removing and reinstalling the railing system, and providing for related repairs along sections of the Riverwalk in Salisbury, Maryland.

The Procurement Department followed standard bid practices by advertising in the Daily Times, on the City of Salisbury's website, utilizing the City's vendor list, and advertising on the State of Maryland's website, eMaryland Marketplace. A total of three (3) vendors submitted a bid by the due date and time of Wednesday, May 15, 2015 at 2:30 p.m.

Vendor	Base Bid	Contingent Items	Total Bid
Murtech, Inc.	\$1,417,264.00	\$88,845.00	\$1,506,109.00
Hunter Allied of Maryland, Inc	\$1,440,341.50	\$98,170.00	\$1,538,511.50
Delmarva Veteran Builders	\$1,618,292.85	\$209,174.00	\$1,827,466.85

The vendor that submitted the lowest responsive and responsible bid was Murtech, Inc. There are sufficient funds to cover this purchase in account 30100-513026-48015.

The Procurement Department concurs with the recommendation submitted by the Department of Public Works and thereby requests Council's approval to award Contract 110-15 Riverwalk Improvements – Phase 2 to Murtech, Inc., in the amount of \$1,506,109.00.

Sincerely,

Jennifer Miller
Assistant Director of Internal Services – Procurement and Parking

City of Salisbury



MARYLAND



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: Jennifer Miller, Asst. Director of Internal Services – Procurement
From: Michael Moulds, Director of Public Works
Date: June 1, 2015
Re: Contract 110-15 Riverwalk Repairs Phase 2

Salisbury Public Works recently advertised a bid for the Riverwalk Repairs – Phase 2. The Phase 2 repairs include installing additional steel wales and helical screw tiebacks at the existing bulkhead to stabilize the bulkhead. Additionally, Phase 2 work includes removing the entire Riverwalk surface and replacing it with stamped concrete. The pattern was selected to look like a wood grain. The sidewalk surface will be colored gray. During the work, the existing railing will be removed and reinstalled.

Bids were opened on Friday, May 15, 2015 at 2:30 p.m. for Contract 110-15, Riverwalk Repairs Phase 2. Three (3) responses to this contract were received, as summarized below:

Company	Base Bid	Continent Items	Total Bid
Murtech, Inc.	\$1,417,264.00	\$88,845.00	\$1,506,109.00
Hunter Allied of Maryland, Inc.	\$1,440,341.50	\$98,170.00	\$1,538,511.50
Delmarva Veteran Builders, LLC	\$1,618,292.85	\$209,174.00	\$1,827,466.85

SPW reviewed the bids in accordance with the contract documents. The Engineer's Estimate for this phase was \$1,900,000. Murtech, Inc. is the lowest responsive and responsible bidder. Murtech recently successfully completed Phase 1 of the Riverwalk Repairs. SPW recommends awarding the contract to Murtech, Inc. in the amount of \$1,506,109.00. There is funding available from the FY12 bond issue for the Riverwalk project in account number 30100-513026-48015.

Please issue a Purchase Order to Murtech, Inc. in the amount of \$1,506,109.00 for the scope of work specified in Contract 110-15.


Amanda H. Pollack, P.E.
Deputy Director


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

City of Salisbury



MARYLAND



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

JAMES IRETON, JR.
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CITY ADMINISTRATOR

JULIA GLANZ
ASSISTANT CITY ADMINISTRATOR

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER
ASST. DIRECTOR OF INTERNAL
SERVICES

Council Agenda

June 22, 2015

TO: Mayor and City Council

SUBJECT: Award of Bid
RFP 17-15
Engineering Services for Sewer Inflow/Infiltration Study

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Department of Public Works to solicit proposals for RFP 17-15 Engineering Services for Sewer Inflow/Infiltration Study. This solicitation sought proposals from qualified and experienced firms to provide engineering services which will assist the City of Salisbury in determining where storm water inflow and groundwater infiltration is occurring in the City of Salisbury's sanitary sewer system.

The Procurement Department followed standard proposal solicitation practices by advertising in the Daily Times, on the City of Salisbury's website, utilizing the City's vendor list, and advertising on the State of Maryland's website, eMaryland Marketplace. A total of four (4) vendors submitted a bid by the due date and time of Wednesday, May 27, 2015 at 2:30 p.m.

The Department of Public Works reviewed both the technical and price proposal from each submittal, and all vendors were provided the opportunity to provide a Best and Final Offer (BAFO) based on a clarified Form of Proposal (i.e., cost proposal). All four vendors replied. Each vendor was evaluated according to the criteria specified in the bid document and ranked on a scale of 0 (unacceptable) to 4 (superior):

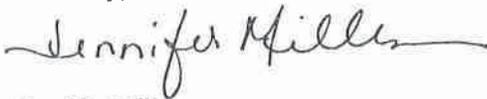
Weighting Factor	Criterion
35%	Expertise, experience, and qualifications of the Vendor Team as related to the Scope of Work, including team member experience, successful related past experience, project approach and relevant project references.
20%	The quality (detail and approach) of the I/I test plan to be submitted with the bid proposal.
15%	Experience working with municipal governments and municipal projects with emphasis on projects similar in scope to the project as described in the proposal documents.
15%	Current and projected workload and ability to complete the work in a timely manner. The Vendor is to include a Time Completion Schedule for the project.
10%	Price and billable rates
5%	Geographic location of the Vendor relative to the location of the City and the Vendor's ability to respond to routine everyday type requests.

Vendor	Evaluation Score	Evaluation Rank	# of Mini-Basins based on cost proposal
RJN Group, Inc.	3.69	1	7
GHD	3.36	2	3
Whitman, Requardt & Associates	3.26	3	2
George, Miles & Buhr, LLC	2.40	4	2

RJN Group was determined by the evaluation committee to have presented the best value proposal due to their proposed approach, experience with the type of work requested and a favorable reference.

The Procurement Department concurs with the recommendation submitted by the Department of Public Works and thereby requests Council's approval to award RFP 17-15 Engineering Services for Sewer Inflow/Infiltration Study to RJN Group, Inc., in the amount of \$159,989.00, which will provide for the study and inspection of 7 mini-basins (and the corresponding scope of work as defined in the proposal document). There are sufficient funds to cover this purchase in account 84080-513020.

Sincerely,



Jennifer Miller

Assistant Director of Internal Services – Procurement and Parking

City of Salisbury



MARYLAND



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: Jennifer Miller, Assistant Director of Internal Services – Procurement & Parking
From: Michael Moulds, Director of Public Works
Amanda Pollack, Deputy Director of Public Works
Date: June 5, 2015
Re: RFP 17-15 Engineering Services for Sewer Inflow/Infiltration Study

Salisbury Public Works recently advertised a Request for Proposals for Engineering Services for Sewer Inflow/Infiltration Study.

The Engineering Services for Sewer Inflow/Infiltration Study RFP 17-15 is seeking proposals from qualified and experienced firms to provide engineering services for a Sewer Inflow/Infiltration (I/I) Study to assist the City of Salisbury in determining where stormwater inflow and groundwater infiltration is occurring in the City of Salisbury's sanitary sewer system. The work includes gathering and reviewing background information for the City's Sewer System, development of a strategy for I/I, flowmeter study & manhole structure inspection for a specified number of mini-basins with the City's sanitary sewer system, and a final report which provides a summary of findings and recommendations for proposed replacement/repair along with cost estimate for repair/replacement.

Four (4) firms submitted proposals to RFP 17-15 Engineering Services for Sewer Inflow/Infiltration Study on May 27, 2015 at 2:30 p.m. A Selection Committee of three (3) has ranked the submitted proposals. Each member of the Selection Committee independently ranked the four respondents based upon the evaluation criteria established in the RFP. The criteria and weighting factor is shown below:

- 35% Expertise, experience, and qualifications of the Vendor Team as related to the Scope of Work, including team member experience, successful related past experience, project approach and relevant project references.
- 20% The quality (detail and approach) of the I/I test plan to be submitted with the bid proposal.
- 15% Experience working with municipal governments and municipal projects with emphasis on projects similar in scope to the project as described in the proposal documents.
- 15% Current and projected workload and ability to complete the work in a timely manner. The Vendor is to include a Time Completion Schedule for the project.
- 10% Price and billable rates.

5% Geographic location of the Vendor relative to the location of the City and the Vendor’s ability to respond to routine everyday type requests.

The proposal rating scale is from zero to four with zero being unacceptable and four being superior. After completing a detailed independent review, the Selection Committee then met to compare individual rankings and to develop a composite ranking of each firm. The proposed contract costs which were revised in Bid Clarification Memo #2 dated June 3, 2015 and the composite score of the selection committee and the proposal rankings are provided below.

Vendor/ Consultant	Task 101 Determine Strategy & provide detailed I/I Test Plan and gather and review background information on the Salisbury Sanitary Sewer System	Task 107 Flowmeter Study & Structure Inspection per mini-basin (Price based on 2-4 mini-basins)	Task 107 Flowmeter Study & Structure Inspection per mini-basin (Price based on 5-8 mini-basins)	Task 107 Flowmeter Study & Structure Inspection per mini-basin (Price based on 9-15 mini- basins)	Task 108 Final Report – Sewer System Analysis & Remediation Identification (Price based on 2-15 mini- basins)	Total Cost Task 101 + Task 103-106 + Task 107 Either Column 2, 3, 4, or 5 X # mini-basins + Task 108	Composite Score (Rating)	Rank (Result)
RJN Group	\$19,825.00	\$18,069.00	\$18,069.00	\$18,069.00	\$3,758.00	\$159,989.00 (7 mini-basins)*	3.69	1
GHD	\$12,780.25	\$50,505.30	\$42,712.81	\$39,809.17	\$13,014.15	\$204,011.84 (3 mini-basins)*	3.36	2
WRA	\$65,000.00	\$23,000.00	\$21,000.00	\$18,000.00	\$28,000.00	\$200,069.00 (2 mini-basins)* (No dye testing)	3.26	3
GMB	\$45,000.00	\$119,000.00	\$113,500.00	\$113,500.00	\$50,000.00	\$359,800.00 (2 mini-basins)* (No dye testing)	2.40	4

- Cost assumptions: Bid Item #103: 1 flow monitoring station; Bid Item #104: 1 day CCTV; Bid Item #105: 825 L.F. of dye testing; Bid Item#106: 5000 L.F. of smoke testing

Speaking with the reference from Virginia Beach, Virginia, the following comments were offered regarding the work that RJN Group had done on sewer I/I projects for their jurisdiction over the last several years:

“RJN has done a great job on scope of work for their projects. Virginia Beach has 406 pump station service areas. In the area of prioritization, preliminary site conditions done by Virginia Beach, RJN was able to add constructive recommendations to their plan. RJN has an array of technologies available enabling flow metering under various conditions. Virginia Beach has been very pleased with performance, data quality, and their strict flow data guidelines. RJN has done SSES inspections in the past and they performed those inspections well, Virginia Beach was under a consent order and RJN was always very timely and supportive. RJN has not come back to Virginia Beach for change orders or questions of scope of work. RJN has been very timely in their delivery of data.”

Virginia Beach also works with RJN’s Baltimore office as would the City of Salisbury. The Project Manager that RJN proposes to use for the City of Salisbury’s Sewer I/I project, Kevin Chumbley, has worked in the same capacity for Virginia Beach.

Based on the rankings, the Selection Committee believes that RJN Group presented the best team to successfully complete this project due to their clear understanding of the scope of work and successful completion of similar projects.

Therefore, Public Works recommends award of RFP 17-15 to *RJN Group* in the amount of \$ 159,989.00 (*One Hundred and Fifty Nine Thousand, Nine Hundred and Eighty Nine Dollars and Zero Cents*).

A handwritten signature in black ink, appearing to read "Michael S. Moulds", written over a horizontal line.

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

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

June 22, 2015

TO: Mayor and City Council

SUBJECT: Change Order #5 to Contract A-07-14
Street Improvements – Curb, Gutter & Sidewalk Construction

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Department of Public Works to process Change Order #5 in the amount of \$40,200 for Contract A-07-14 Street Improvements – Curb, Gutter & Sidewalk Construction. Additional funds have come available to provide for miscellaneous concrete improvements at Parking Lot #12 and along Wilson Street, and to upgrade the handicap ramps located at the Milford Street and South Division Street intersection.

Funds are available in the following accounts:

30100-577032-45001 S. Division St	\$11,000.00
31154-534304 Parking: Streets & Lots	\$ 5,900.00
31000-534304 Streets & Lots	\$23,300.00

The Department of Internal Services, Procurement Division, requests Council's approval for Change Order #5 as noted above to Malone and Phillips, Inc., in the amount of \$40,200.

Sincerely,

Jennifer Miller
Asst. Director of Internal Services – Procurement and Parking



City of Salisbury



MARYLAND

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: Jennifer Miller, Assistant Director of Internal Services - Procurement Division
From: Michael S. Moulds, Director of Public Works
Date: June 4, 2015
Subject: Change Order No. 5 - Contract No. A-7-14
P.O. 02150099
Citywide Concrete Program

Salisbury Public Works requests the City of Salisbury Internal Services Department, Procurement Division process Change Order #5, in the amount of \$40,200.00. This contract is a yearly contract and is utilized as funds are made available for requested projects.

Change Order #5 included two work items as noted below with the account numbers. Funds are available in these accounts:

1. To upgrade the handicap ramps located at the Milford Street and South Division Street Intersection.
30100-577032-45001 Division \$ 11,000.00
2. To provide miscellaneous concrete work at Parking Lot #12.
31154-534304 Maintenance Streets and Lots \$ 5,900.00
3. To provide miscellaneous concrete improvements along Wilson Street.
31000-534304 Streets and Lots \$ 23,300.00


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



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

TOM STEVENSON
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

June 12, 2015

TO: Tom Stevenson, City Administrator
FROM: Gloria Smith, Planner, Salisbury/Wicomico Planning & Zoning
SUBJECT: **PUBLIC HEARING – Text Amendments - Section 17.04.120 – Definitions – To add a definition for Self Storage; and Section 17.28.020 – Uses permitted in the Light Business and Institutional District to Add Self Storage - Planning Commission Recommendation**

The Salisbury Planning Commission held a public hearing on a request by Emanuel Wesleyan Church for the above-noted text amendments relative to Self-Storage facilities on property they own on the westerly side of Beaglin Park Drive. A public hearing has been advertised for the request before the Mayor and City Council on June 22, 2015.

The Commission forwarded a **Favorable** recommendation to the Mayor and City Council for adoption of the draft Ordinance.

The Commission noted that the Light Business and Institutional Districts are typically in areas along major highways, bordering residential areas, but are not likely to develop residentially. Permitted uses are generally those that do not generate continuous heavy volumes of traffic or late night hours of operation. If the amendment is approved, a Site Plan must be submitted for Commission approval prior to development of the site. Screening from the neighboring residential development will be required.

The Planning Staff report, the Commission's decision letter, and the draft Ordinance were included in the materials submitted for the Council briefing package. The Planning Staff supports the Commission's recommendation on this matter.



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

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JAMES IRETON, JR.
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

April 20, 2015

**SALISBURY/WICOMICO
FILE COPY
PLANNING**

TO: Tom Stevenson, City Administrator

FROM: John F. Lenox, AICP, Director, Salisbury/Wicomico Planning & Zoning

SUBJECT: **PUBLIC HEARING – Text Amendments - Section 17.04.120 – Definitions – To add a definition for Self Storage; and Section 17.28.020 – Uses permitted in the Light Business and Institutional District to Add Self Storage - Planning Commission Recommendation**

I. INTRODUCTION.

On April 16, 2015, the Salisbury Planning Commission held a public hearing on a request by Emanuel Wesleyan Church for the above-noted text amendments relative to Self-Storage facilities. (See Attachment A.)

II. RECOMMENDATION.

After considering the staff report and following discussion by the Commission on the proposed amendments, the Salisbury Planning Commission forwarded a **Favorable** recommendation to the Mayor and City Council for adoption of the draft Ordinance. (See Attachment B.)

Unless you or the Mayor has further questions, please forward this memo and its attachments to the City Council.

III. BACKGROUND.

The Commission noted that the Light Business and Institutional Districts are typically in areas along major highways, bordering residential areas, but are not likely to develop residentially. Permitted uses are generally those that do not generate continuous heavy volumes of traffic or late night hours of operation.

The Comprehensive Plan notes that these areas should provide a transition from residential areas to more intensive uses. The area across Beaglin Park Drive is approved for development with commercial uses in Beaglin Crossing Planned Development District.

The Commission discussed the Code requirements for submission of a Comprehensive Development Plan for development proposed in the Light Business and Institutional District and the Code requirements for appropriate screening of the use from the adjoining residential area.

Attachments

cc: Mayor James Ireton, Jr.
William Holland, Director, Building, Housing and Zoning Dept.
Mark Tilghman, City Solicitor



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

TOM STEVENSON
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

STAFF REPORT

MEETING OF APRIL 16, 2015

CASE NO.: #SP-1502

APPLICANT: Emmanuel Wesleyan Church, rep. by Darron Whitehead

REQUEST: **PUBLIC HEARING – Text Amendment - To amend Section 17.28.020 to add Self Storage Facilities in the Light Business and Institutional District.**

I. REQUEST:

Rev. Mark Bunting, Assistant Pastor at Emmanuel Wesleyan Church, and Darron Whitehead of Whitehead Real Estate Executives, have submitted a request to amend the text of the Light Business and Institutional District. Specifically, they propose the addition of Self-Storage Facilities in the District. **(See Attachment #1.)**

In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission must hold a Public Hearing on proposed Text Amendments to the Code. The Commission must forward a recommendation (within six months) to the City Council. The City Council must also hold a public hearing before granting final approval to Code text amendments (by Ordinance).

II. DISCUSSION:

Upon development of the extension of Beaglin Park Drive, the Emmanuel Wesleyan Church property was split. A 3-acre irregularly shaped lot is located on the northerly side of the roadway, opposite Dallas Drive. The parcel adjoins several lots that front on Shamrock Drive in the Rich Mae Acres subdivision. There is interest in development of the property as a self-storage facility. Currently, this use is not permitted in the Light Business and Institutional District.

The Purpose section of the Light Business and Institutional District notes that such areas are typically along major highways, bordering residential areas but are not likely to develop residentially. To protect the adjoining residential areas, these sites should be developed with

uses that do not generate continuous heavy volumes of traffic and do not have late night hours.

The Comprehensive Plan designates this area for Business and Institutional development and notes that the area benefits from high visibility and high traffic volumes. It notes that these areas should provide a transition from residential areas to more intensive uses.

There are limited areas of the City zoned Light Business and Institutional. Many of these areas are already developed with commercial or office uses, churches, and some apartment developments.

Nearby areas that could be affected by this amendment are vacant lots remaining in Woodbrooke, a 26 acre tract on the southerly side of Route 50 (on the westerly side of Phillip Morris Drive), and the area approved for development as Grand Pointe.

Self-storage facilities generate low traffic volumes and it would be anticipated that there would not be late night visitors to the facility. However, self-storage facilities are not defined in the Code at this time. In general, self-storage is permitted in the districts that permit warehousing. These districts are the General Commercial, Industrial, and Light Industrial Districts.

The Light Business and Institutional District requires submission of a Comprehensive Development Plan for Planning Commission review and approval. The Code requires a 30 ft. side setback where adjoining a residential development and a 30 ft. rear setback. Building height is limited to 40 ft.

III. RECOMMENDATION.

Staff recommends that the Commission forward a **Favorable** recommendation to the Mayor and City Council for a Text Amendment to the Salisbury Municipal Code, Section 17.28, Light Business and Institutional District as follows:

To Add Item T to Section 17.28.020 Permitted Uses – Self Storage.

In addition, Staff recommends that the Commission forward a **Favorable** recommendation to the Mayor and City Council for a Text Amendment to the Salisbury Municipal Code, Section 17.04.120, Definitions, as follows:

To Add Self Storage – A facility consisting of individual, small, self-contained units that are leased or owned for the storage of business or household goods or contractor supplies. This definition does not preclude such self-storage from inclusion within other use categories (i.e. warehousing).

COORDINATOR: Gloria Smith, Planner
DATE: April 9, 2015

Dear Planning & Zoning Commission,

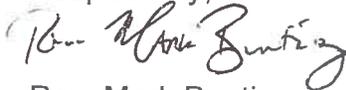
My name is Mark Bunting and I am one of the pastors of Emmanuel Wesleyan Church located at 217 Beaglin Park Dr Salisbury, MD 21804. The Church owns a 3 acre parcel across the street on Collector Rd (Par 10020 3.06 Ac NS Collector Rd R O W Sur City of Salisbury - 23/05/114667) which is for sale at this time with Darron Whitehead of Whitehead Real Estate Executives. Mr. Whitehead has located a qualified buyer that would like to build a self-storage facility on the property, but after reviewing 17.28.020 "Permitted Uses" it was discovered it was not permitted.

On behalf of the Church, I would respectfully request a "Zoning Text Amendment" under 17.28.020 to permit a self-storage facility in the LBI District that would allow this sale to move forward. This approval would be greatly appreciated by the Church and its members. Both the "Application" and "Advertising" checks will be attached with this request.

If you have any questions on the potential sale of the property please contact Darron Whitehead (410) 726-4133/ whiteheadre@comcast.net.

Thank you for your assistance in this matter and please contact me if you have any questions.

Respectfully,



Rev. Mark Bunting
Assistant Pastor
Emmanuel Wesleyan Church
(410) 749-6594/ (443) 880-8501
mark@ewchurch.com

PLANNING DEPARTMENT

RECEIVED

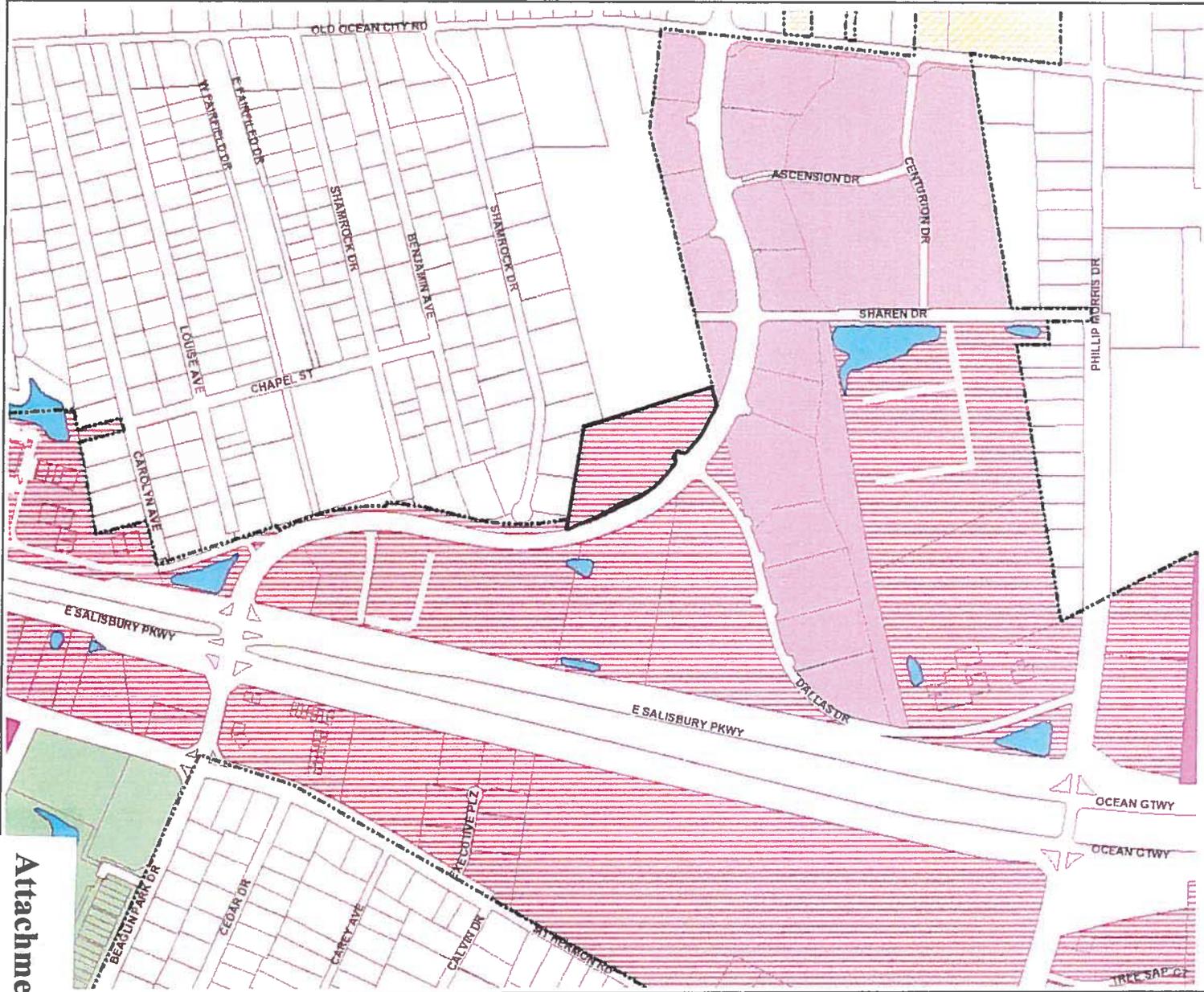
DATE 3/10/15 BY bt



Emmanuel Wesleyan Church

CITY OF SALISBURY

Salisbury Zoning



- Streams
- Water Bodies
- Street Numbers
- Municipal Areas
 - CAD
 - Delmar
 - Fruitland
 - Hebron
 - Mardela
 - Pittsville
 - Salisbury
 - Sharptown
 - Willards
- Railroads
- Parcels
- Critical Area
- Historic Districts
 - Dist_Name
 - Camden Historic District
 - Downtown Historic District
 - Newtown Historic District
- Salisbury Zoning
 - CITY_ZON
 - College & University
 - Conservation
 - CBD
 - LBI
 - General Commercial
 - Reg Comm
 - MUNR
 - Select Commercial
 - Hospital
 - Ind
 - Ind Park
 - L Ind
 - Neighborhood Business
 - OSH
 - OSR
 - PDD
 - PRD
 - R - 5
 - R - 5 A
 - R - 8
 - R - 8 A
 - R - 10
 - R - 10 A
 - Riverfront Redevelopment
- Street Centerlines

Attachment #3

171 ft

Emmanuel Wesleyan Church - City Zoning

Chapter 17.28

LIGHT BUSINESS AND INSTITUTIONAL DISTRICT

Sections :

- 17.28.010 Purpose.
- 17.28.020 Permitted uses.
- 17.28.030 Uses permitted by special exception.
- 17.28.040 Uses permitted by ordinance permit.
- 17.28.050 Accessory uses and structures.
- 17.28.060 Development standards.

17.28.010 Purpose.

The purpose of the Light Business and Institutional District is to recognize that lands located along major limited access highways running through Salisbury are exposed to large volumes of traffic and high degrees of visibility and to provide for their development while protecting adjoining residential areas. These lands are generally located between the major highways and parallel streets which border adjoining residential areas. Access to these lands is obtainable only from access roads to the major highways and streets bordering the residential areas. Because of their location and exposure to the highways, these lands are unlikely to develop as residential and are subject to pressure for development with uses that benefit from the high degree of visibility and volumes of traffic. To provide for development of these lands and to afford some protection to adjoining residential areas, the uses permitted in this district are those which may benefit from this exposure but which primarily do not generate continuous heavy volumes of traffic, noise, dust or odor, do not primarily have late evening or weekend hours and do not have the detrimental effects that intensive commercial development may have on the property values of nearby residential neighborhoods. Those uses which may generate noise, odor and have evening or weekend hours are encouraged to locate adjacent to the major access highways at the intersection of access roads to be as far from neighboring residential areas as possible. The following uses, standards and area regulations have been developed based upon this purpose, which is in accord with findings and recommendations of the City's adopted land use element of the Metro Core Comprehensive Plan. (Prior Code Section 150-59)

17.28.020 Permitted uses.

Permitted uses shall be as follows:

- A. Apartment building and project in accordance with Chapter 17.168.
- B. Bank and other financial institution.
- C. Business, government, financial or professional office.
- D. Business center in accordance with Chapter 17.172.
- E. Care home.
- F. Church or other place of worship in accordance with Chapter 17.220, excluding bus storage and maintenance, cemetery and gymnasium as an accessory use;

- G. Cultivation of land;
- H. Cultural uses, such as museum, library or art gallery;
- I. Funeral home;
- J. Medical-care facility;
- K. Medical and dental office and clinic;
- L. Radio or television broadcasting station and studio;
- M. School of general instruction, in accordance with Chapter 17.220. (Prior Code Section 150-60)
- N. Dry-cleaning pick-up station.
- O. Florist.
- P. Office supplies and equipment.
- Q. Photographic studio.
- R. Travel agency. (N through R added 12/8/97 by Ord. 1672)
- S. Group domiciliary care facility. (Added 11/13/00 by Ord. No. 1786)

17.28.030 Uses permitted by special exception.

Uses permitted by special exception shall be as follows:

- A. Restaurant excluding all other type, with a minimum seating capacity of two hundred (200) located adjacent to a major limited access highway at an access road intersection;
- B. Hairdresser shop;
- C. Apartment units as accessory uses above the first floor. (Prior Code Section 150-61)
- D. Pharmacy, free-standing. (Added 12/8/97 by Ord. 1672)

17.28.040 Uses permitted by ordinance permit.

Uses permitted by ordinance permit shall be as follows:

- A. Communication tower, in accordance with Chapter 17.220;
- B. Day-care center or nursery school, in accordance with Chapter 17.220;
- C. Utility substation, in accordance with Chapter 17.220. (Prior Code Section 150-62)

17.28.050 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Communication towers for broadcasting and receiving, not exceeding seventy-five (75) feet in height;

- B. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;
- C. Family day-care home;
- D. Day-care services for employees or patrons of a permitted use;
- E. Pharmacy, hairdresser shop, florist and printing and reproduction shop, only as accessory uses to and located within the same building as the following permitted uses:
 - 1. Apartment building and project in accordance with Chapter 17.168,
 - 2. Business, government, financial or professional office,
 - 3. Business center in accordance with Chapter 17.172,
 - 4. Medical-care facility,
 - 5. Medical and dental office and clinic. (Prior Code Section 150-63)

17.28.060 Development standards.

Development standards for the light business and institutional district shall be as follows:

- A. **Prior Approval Requirements.** Prior to the development of a tract, lot, parcel or any part of the district, a comprehensive development plan, as defined in Section 17.04.120, shall be submitted to the Planning Commission for review and approval in accordance with Chapter 17.180.
- B. **Minimum Lot Requirements.** All lots hereafter established shall meet the following minimum requirements:
 - 1. Lot area: twenty-five thousand (25,000) square feet;
 - 2. Interior lot width: one hundred (100) feet;
 - 3. Corner lot width: one hundred twenty (120) feet.
- C. **Minimum yard requirements shall be as follows:**
 - 1. Front: forty-five (45) feet from property line;
 - 2. Side, interior: two required, ten feet each, except thirty (30) feet where adjacent to a residential district;
 - 3. Side, corner: forty-five (45) feet from property line;
 - 4. Rear: thirty (30) feet from property line.
- D. The height limitation shall be forty (40) feet.
- E. Parking, loading and unloading shall be in accordance with Chapter 17.196.

- F. Access. Direct access onto a street or highway shall be reduced or eliminated wherever the City Department of Public Works determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion.
- G. Signs. See Chapter 17.216.
- H. Lighting. Lighting shall be designed so as not to throw glare onto surrounding properties. Flashing lights are prohibited.
- I. Landscaping and Screening. In addition to the requirements of Chapter 17.220, the following shall be required:
 - 1. All areas not devoted to building or required parking areas shall be landscaped as defined in Section 17.04.120 and maintained in accordance with Section 17.220.080. (Prior Code Section 150-64)

17.216.120 Signs which may be erected in light business and institutional district.

Signs which may be erected in the light business and institutional district are as follows:

- A. Signs as listed in Sections 17.216.050, 17.216.060(B) and 17.216.090(D);
- B. Business Signs. The total area of business signs on a lot shall not exceed three square feet per linear foot of street frontage. Sign locations are ground, projecting, wall, marquee, soffit and projections, as follows:
 - 1. One ground sign not exceeding fifty (50) square feet per face, not exceeding twenty-five (25) feet in height and set back fifteen (15) feet from the curblines;
 - 2. Projecting signs not exceeding six square feet in surface area, extending no closer to the curblines than fifteen (15) feet and no closer than eight feet above a sidewalk or eighteen (18) feet above a public street, alley or driveway;
 - 3. Wall signage not exceeding fifty (50) square feet in surface area per wall; (Ord. 1672, 12/8/97)
 - 4. Marquee and soffit signs not exceeding six square feet in surface area and not projecting more than twelve (12) inches beyond the marquee face or edge. (Ord. 1612 (part), 1995; Prior Code Section 150-255)



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

TOM STEVENSON
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

May 1, 2015

Mr. Darron Whitehead
5876 Tally Ho Lane
Salisbury, MD 21801

RE: #SP-1502 – PUBLIC HEARING – TEXT AMENDMENT – To Add Self-Storage to the LBI District – Emmanuel Wesleyan Church, rep. by Darron Whitehead.

Dear Mr. Whitehead:

The Salisbury Planning Commission at its April 16, 2015, meeting, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for text amendments to the Salisbury Municipal Code, to Sections 17.28, Light Business and Institutional District, and 17.04.120, Definitions, as follows:

To Add Item T to Section 17.28.020 Permitted Uses – Self Storage, and,

To Add Self Storage – A facility consisting of individual, small, self-contained units that are leased or owned for the storage of business or household goods or contractor supplies. This definition does not preclude such self-storage from inclusion within other use categories (i.e. warehousing)

This request will now be forwarded to the City Council for scheduling. Additional advertising fees will be required. You will be notified of the scheduling of the request.

If you have any questions concerning this matter, please don't hesitate to contact Gloria Smith or myself at 410-548-4860.

Sincerely,

John F. Lenox, AICP
Director

Salisbury/Wicomico Planning & Zoning

cc: Mike Moulds, Director of City Public Works Department
Bill Holland, Director of Building, Permits, and Inspections Assessments
Pastor Mark Bunting/217 Beaglin Park Drive/Salisbury, MD 21804



MARYLAND

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING OF THE SALISBURY MUNICIPAL CODE AND SECTION 4.04 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND FOR THE PURPOSE OF AMENDING SECTION 17.04.120, DEFINITIONS, AND SECTION 17.28.020, USES PERMITTED IN THE LIGHT BUSINESS AND INSTITUTIONAL DISTRICT TO ADD SELF STORAGE.

WHEREAS, the ongoing application, administration and enforcement of Title 17, Zoning of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation, and amendments that will keep Title 17 current; and

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

WHEREAS, the Mayor and City Council requested that the Salisbury Planning and Zoning Commission periodically review Title 17 in light of existing procedural practices and input from the City Council and members of the public; and

WHEREAS, Emanuel Wesleyan Church submitted an application to amend the text of Section 17.04.120 Definitions and Section 17.28.020, Uses permitted in the Light Business and Institutional District to add Self Storage; and

WHEREAS, a Public Hearing on the proposed amendments was held by the Planning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on April 16, 2015; and

WHEREAS, the Planning Commission did recommend approval of the proposed text amendments to Sections 17.04.120 and 17.28.020.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that Title 17, Zoning, of the Salisbury Municipal Code is hereby amended as follows:

AMEND SECTION 17.04.120 BY ADDING THE FOLLOWING DEFINITION:

SELF STORAGE – A FACILITY CONSISTING OF INDIVIDUAL, SMALL, SELF-CONTAINED UNITS THAT ARE LEASED OR OWNED FOR THE STORAGE OF BUSINESS OR HOUSEHOLD GOODS OR CONTRACTOR SUPPLIES. THIS DEFINITION DOES NOT PRECLUDE SUCH SELF-STORAGE FROM INCLUSION WITHIN OTHER USE CATEGORIES (I.E. WAREHOUSING).

AMEND SECTION 17.28.020, USES PERMITTED IN THE LIGHT BUSINESS AND INSTITUTIONAL DISTRICT BY ADDING ITEM T – SELF STORAGE.

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

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the ____ day of _____, 2015, and thereafter, a statement of the substance of the ordinance having

been published as required by law, in the meantime, was finally passed by the Council on the
____ day of _____, 2015.

ATTEST:

Kim Nichols
City Clerk

Jacob R. Day, President
Salisbury City Council

Approved by me this
day of _____, 2015.

James Ireton, Jr.
Mayor of the City of Salisbury

29 **NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF**
30 **SALISBURY, MARYLAND**, that Title 17, Zoning, of the Salisbury Municipal Code is hereby
31 amended as follows:

32 **AMEND SECTION 17.04.120 BY ADDING THE FOLLOWING DEFINITION:**

33
34 **SELF STORAGE – A FACILITY CONSISTING OF INDIVIDUAL, SMALL, SELF-**
35 **CONTAINED UNITS THAT ARE LEASED OR OWNED FOR THE**
36 **STORAGE OF BUSINESS OR HOUSEHOLD GOODS OR**
37 **CONTRACTOR SUPPLIES. THIS DEFINITION DOES NOT**
38 **PRECLUDE SUCH SELF-STORAGE FROM INCLUSION WITHIN**
39 **OTHER USE CATEGORIES (I.E. WAREHOUSING).**
40

41 **AMEND SECTION 17.28.020, USES PERMITTED IN THE LIGHT BUSINESS AND**
42 **INSTITUTIONAL DISTRICT BY ADDING ITEM T – SELF STORAGE.**

43
44 **AND BE IT FURTHER ORDAINED BY THE CITY OF SALISBURY,**
45 **MARYLAND**, that this Ordinance shall take effect from and after the date of its final passage,
46 but in no event until ten (10) days after the date of the Council’s Public Hearing, and

47 **THE ABOVE ORDINANCE** was introduced at a meeting of the Council on the
48 ____ day of _____, 2015, and thereafter, a statement of the substance of the ordinance having
49 been published as required by law, in the meantime, was finally passed by the Council on the
50 ____ day of _____, 2015.

51
52 ATTEST:

53
54 _____
55 Kimberly R. Nichols
56 City Clerk

54 _____
55 Jacob R. Day, President
56 Salisbury City Council

57
58 Approved by me this
59 day of _____, 2015.

60
61
62
63 _____
64 James Ireton, Jr.
65 Mayor of the City of Salisbury



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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JAMES IRETON, JR.
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

June 12, 2015

TO: Tom Stevenson, City Administrator
FROM: Gloria Smith, Planner, Salisbury/Wicomico Planning & Zoning
SUBJECT: PUBLIC HEARING – ORDINANCE PERMIT – Day Care Center Expansion – Bundles of Joy – 1409 South Division Street - Planning Commission Recommendation

The Salisbury Planning Commission held a public hearing on a request by Joy Bromley, Bundles of Joy, Inc. to expand a Day Care Center approved by Ordinance #1683 in 1998. The request has been advertised for a public hearing before the Mayor and City Council on June 22, 2015.

The Commission forwarded a **Favorable** recommendation to the Mayor and City Council for adoption of the draft Ordinance allowing for expansion of the existing day care center.

Copies of the Planning Staff report, the Commission's approval letter and the draft Ordinance were forwarded for the Council briefing package. The Planning Staff supports the Planning Commission's recommendation on this matter.



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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MAYOR

TOM STEVENSON
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BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

April 20, 2015



TO: Tom Stevenson, City Administrator
FROM: John F. Lenox, AICP, Director, Salisbury/Wicomico Planning & Zoning
SUBJECT: PUBLIC HEARING – ORDINANCE PERMIT – Day Care Center Expansion – Bundles of Joy – 1409 South Division Street - Planning Commission Recommendation

I. INTRODUCTION.

On April 16, 2015, the Salisbury Planning Commission held a public hearing on a request by Joy Bromley, Bundles of Joy, Inc. to expand a Day Care Center approved by Ordinance #1683 in 1998. (See Attachment A.)

II. RECOMMENDATION.

After considering the staff report and following discussion by the Commission on the proposed amendments, the Salisbury Planning Commission forwarded a **Favorable** recommendation to the Mayor and City Council for adoption of the draft Ordinance. (See Attachment B.)

Unless you or the Mayor has further questions, please forward this memo and its attachments to the City Council.

III. BACKGROUND.

The Commission noted that the Day Care Center was approved in 1996 under Ordinance #1640 and approved for expansion in 1998 under Ordinance #1683.

The proposed expansion is 432 sq. ft. and the Site Plan provides for the number of parking spaces required for the Code for 100 children and 18 employees. The play areas and landscaping are in place.

The adopted Ordinance requires Mayor and Council approval for transfer or relocation of the center and limited the size to the Site Plan approved in 1998.

Attachments

cc: Mayor James Ireton, Jr.
William Holland, Director, Building, Housing and Zoning Dept.
Mark Tilghman, City Solicitor



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT
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JAMES IRETON, JR.
MAYOR

BOB CULVER
COUNTY EXECUTIVE

TOM STEVENSON
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

STAFF REPORT

MEETING OF APRIL 16, 2015

CASE NO.	SP-9602-15B
APPLICANT:	Joy Bromley/Bundles of Joy, Inc.
PROPERTY OWNERS:	Same
LOCATION:	Easterly side of South Division Street, 1409 South Division Street Tax Map: #117; Parcel #3272; Grid #23
ZONING:	Office and Service Residential District
REQUEST:	Public Hearing – Ordinance Permit – Expansion of approved Day Care Center.

I. SUMMARY OF REQUEST:

A. Introduction.

The applicant proposes a 432 sq. ft. expansion to the approved Bundles of Joy Day Care Center. Section 17.84.030A of the Salisbury Municipal Code requires an Ordinance Permit to operate a day care center in this district. The Planning Commission is required to review the request and made a recommendation to the City Council. The Council will also hold a public hearing to review the request. Only the City Council can grant approval of an Ordinance Permit.

B. Development Scheme.

The Site Plan indicates the location of the building expansions at the front corners and the parking modifications. The play areas and landscaping are in place. (See Attachment #3.)

The plan proposes a 216 sq. ft. addition to each of the front corners of the building. A total of 19 parking spaces including one handicapped space and a loading/unloading area are shown on the Plan. A stormwater management facility is existing at the rear of the site and shared with the north adjoining property.

C. Access to the site area:

The site has a single access on the easterly side of South Division Street.

D. Site Description:

The property totals 0.765 acres and was developed in 1997 as Bundles of Joy Day Care center. In 1998, the Commission and Council approved a 1,750 sq. ft. expansion to the center. (See Attachment #1.)

E. Surrounding Area Development:

The surrounding area is a mixture of City and County properties and zoning districts. This property is part of a Conditional Rezoning under Ordinance #1431 which was approved by the City Council on April 11, 1988.

The adjoining properties to the north are zoned Neighborhood Business and developed with a doctor's office and the Royal Farm Store. Eireann Mhor subdivision to the east is in the City and zoned R-10 Residential. The property to the south is also zoned Office and Service Residential and developed with a doctor's office.

The residentially developed areas to the southeast, south, and southwest are in the County and zoned R-8 and R-15 Residential.

Other County properties farther north (north of Dykes Road) and zoned Light Business and Institutional. Other nearby City properties are zoned College University District. (See Attachments #2.)

F. Background:

The existing Bundles of Joy Day Care Center was approved under Ordinance#1640 on September 9, 1996 by the Salisbury City Council.

In November 1997, the Commission reviewed a proposed 1,750 sq. ft. expansion to the rear of the day care center. Ordinance #1683 was approved for the expansion in March 1998 by the City Council.

The proposed expansions will allow for better utilization of space on the northerly side of the building and a conference room and small storage area on the southerly side of the building. The potential number of enrollees will increase to 100. The parking area has been reconfigured to provide the minimum parking spaces required as well as a loading/unloading space.

II. COMPREHENSIVE DEVELOPMENT PLAN REVIEW:

A. Zoning Code Requirements Analysis:

Section 17.84.030A of the Salisbury Municipal Code requires Planning Commission review of an Ordinance Permit. A reduced copy of the Site Plan has been included as Attachment #3.

The Plan meets Code requirements with regard to setbacks, landscaping, and parking. The Planning Staff notes the following with regard to Code requirements:

1. **Refuse Disposal.** None is shown. If a dumpster is provided, screening is required on three sides.
2. **Parking.** The Code requires one parking space per 10 children and one parking space per two employees. The expansions will allow this center to have 100 children requiring 10 parking spaces and will have 18 employees requiring 9 spaces. One handicapped space is required, which is shown. However, the space does not meet the required width.
3. **Loading Space.** The Code requires a loading/unloading space for a day care center for drop-off and pick-up of children. The parking has been reconfigured to provide this space near the entrance.
4. **Fencing.** The Code requires the play area to be screened with a four (4) foot solid fence or a four (4) foot chain link fence with slats. The play area is enclosed with 6 ft. tall chain link fencing.
5. **Landscaping/Screening.** The Code requires a 10 ft. landscaping/screening area along adjacent lot lines. There is an existing wood fence along a portion of the rear property line. There are mature trees along the remainder of the rear property lines, however they appear to be on adjoining properties.

B. Stormwater Management:

This property shares a stormwater management pond with the north adjoining property.

C. Forest Conservation Program:

Forest Conservation Plan #9621 was approved on November 12, 1996 in which a fee was paid in lieu of plantings for both Lots 15A and 15B.

III. PLANNING STAFF COMMENTS/CONCERNS:

None. The applicant's engineer has met the minimum parking requirements for the proposed number of employees and children at this center.

IV. RECOMMENDATION:

Staff recommends that the Commission forward a **Favorable** recommendation to the Mayor and City Council for approval of the requested Ordinance Permit, subject to the following Conditions:

1. The site shall be developed in accordance with the approved Site Plan.
2. Subject to further review and approval by the Salisbury Public Works Department, if required.

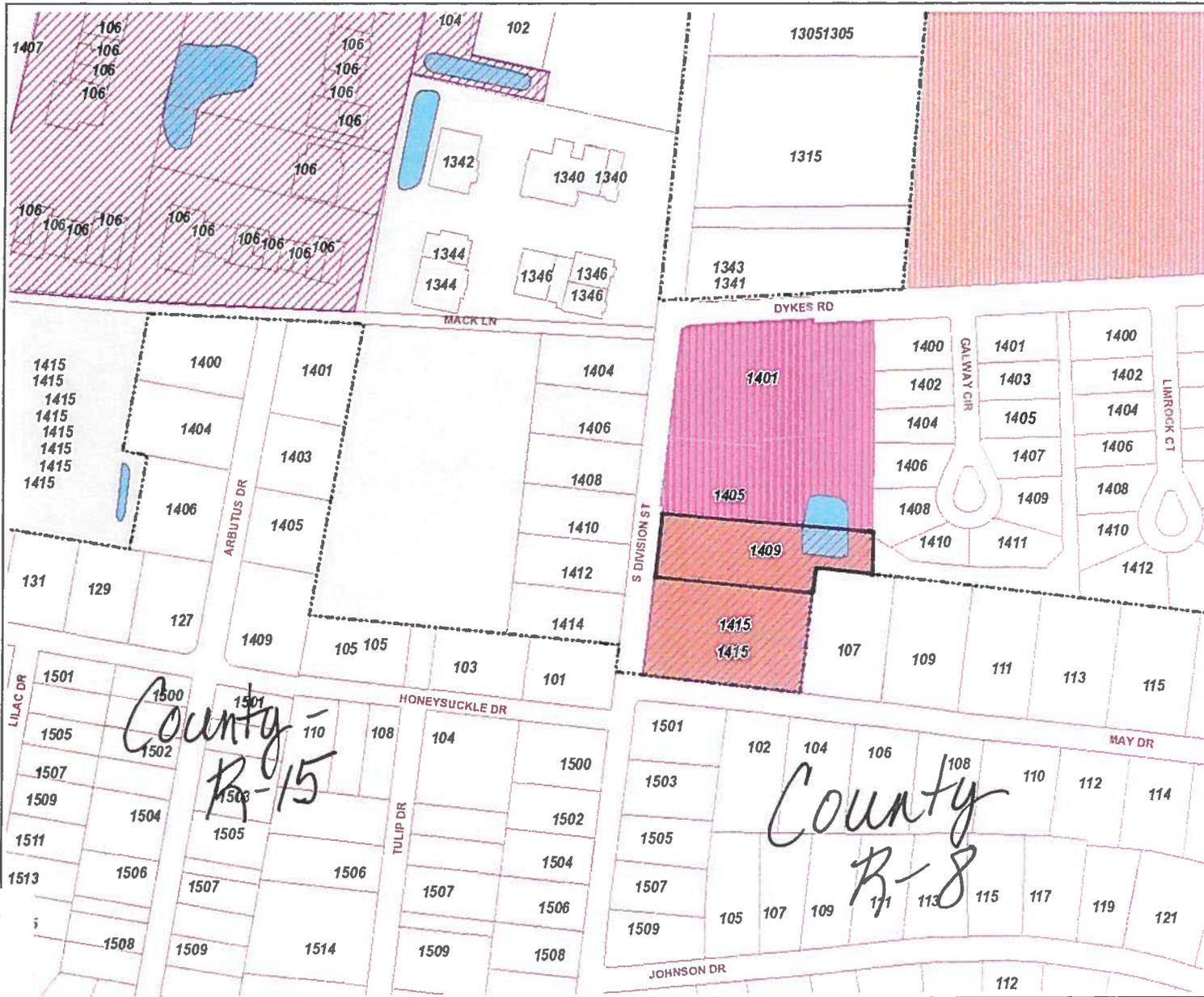


Bundles of Joy

Attachment #1

CITY OF SALISBURY

Salisbury Zoning



- Paleochannel
- Wellhead Protection Area
- Streams
- Water Bodies
- Street Numbers
- Salisbury BZA Cases
- Municipal Areas**
- CAD**
- Delmar
- Fruitland
- Hebron
- Mardela
- Pittsville
- Salisbury
- Sharptown
- Willards
- Railroads**
- Parcels
- Critical Area
- Historic Districts**
- Dist_Name**
- Camden Historic District
- Downtown Historic District
- Newtown Historic District
- Salisbury Zoning**
- CITY_ZON**
- College & University
- Conservation
- CBD
- LBI
- General Commercial
- Reg Comm
- MUNR
- Select Commercial
- Hospital
- Ind
- Ind Park
- L Ind
- Neighborhood Business
- OSH
- OSR
- PDD
- PRD
- R-5
- R-5A
- R-8
- R-8A
- R-10
- R-10A
- Riverfront Redevelopment
- Street Centerlines**

73 ft

Bundles of Joy Zoning

D R A F T

ORDINANCE NO. ____

ORDINANCE PERMIT

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, TO AUTHORIZE JOY BROMLEY/BUNDLES OF JOY, INC. TO EXPAND AN EXISTING DAY CARE CENTER AT 1409 SOUTH DIVISION STREET IN AN OFFICE AND SERVICE RESIDENTIAL DISTRICT AS REQUIRED BY TITLE 17, SECTION 17.84.030A OF THE SALISBURY MUNICIPAL CODE.

WHEREAS, the City of Salisbury has received a request in accordance with the provisions of Section 17.84.030A of Title 17, Zoning, of the Salisbury Municipal Code, on behalf of Joy Bromley/Bundles of Joy Day Care to expand an existing day care center located at 1409 South Division Street in an Office and Service Residential District; and

WHEREAS, the Mayor and City Council may grant an Ordinance Permit for certain uses as specifically listed in Title 17, Zoning, of the Salisbury Municipal Code, particularly Section 17.84.030A, and City Council, Section 17.12.080D, and

WHEREAS, the Salisbury Planning and Zoning Commission held a Public Hearing on April 16, 2015, reviewed all information, and gave a favorable recommendation to the Mayor and City Council on the request to expand the day care center on this property; and,

WHEREAS, the City Council has determined that based upon a review of all testimony and evidence presented that the request should be granted pursuant to Section 17.84.030A of Title 17, Zoning, of the Salisbury Municipal Code,

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance Permit authorizing Joy Bromley/Bundles of Joy, Inc. to expand an existing day care center at 1409 South Division Street is hereby granted, subject to the following Conditions of Approval originally imposed in Ordinance #1683:

1. Name of Applicant.

This Ordinance Permit is in the name of Joy Bromley only and shall not be transferred without approval of the City Council.

2. Nature of Operation.

This Ordinance Permit specifically authorizes Joy Bromley to operate a duly licensed Day Care Center for the number of children and infants authorized by State of Maryland Regulations at 1409 South Division Street seven days a week for 365 days a year as long as this Ordinance Permit is in effect.

3. Place of Operation.

The authority granted by the City Council in this Ordinance Permit shall pertain only to the premises known as 1409 South Division Street and shall not be relocated without compliance the Salisbury Municipal Code and approval of the City Council.

4. Rules of Operation/Conditions.

- a. This site shall be expanded in accordance with the approved Revised Site Plan dated April 2015.
- b. This Ordinance Permit shall be for children and infants subject to approval by the Office of Child Care Administration and Licensing and Regulations, Maryland Department of Human Resources.
- c. The day care center shall comply with all applicable State and local codes pertaining to licensing, health and safety, including building, fire, plumbing, and electrical codes whether or not shown on the Plans approved by the Planning Commission or City Council.
- d. A fence not less than six (6) feet in height shall be provided around the play area.

5. Crowd Control.

- a. The applicants shall be responsible for maintaining control of all users and visitors on site including any buildings and adjoining parking and play areas.
- b. In the event that company personnel feel there is an eminent danger to any enrollee or employee beyond their control, authorities are to be notified immediately.

6. Council Review.

- a. The Mayor and City Council hereby reserves the right to conduct a periodic review of the operation of the day care center in order to assure compliance with these conditions.
- b. The City Council shall be the sole determiner of compliance with these Conditions; and further reserves the right to revoke this permit upon its finding of non-compliance.

7. Change of Conditions.

No Conditions shall be altered or changed by any person other than by Ordinance, approved by the Mayor and City Council.

AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage, and

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the ____ day of _____, 2015, and thereafter, and having been published as required by law, in the meantime, was finally passed by the Council on the ____ day of _____, 2015.

ATTEST:

Kim Nichols
City Clerk

Jacob R. Day, President
Salisbury City Council

Approved by me this
day of _____, 2015.

James Ireton, Jr.
Mayor of the City of Salisbury



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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JAMES IRETON, JR
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

May 1, 2015

Joy Bromley
Bundles of Joy, Inc.
1409 S. Division Street
Salisbury, MD 21804



RE: #SP-9602-15B – PUBLIC HEARING – ORDINANCE PERMIT – Expansion of Bundles of Joy Day Care – 1409 S. Division Street – Office and Service Residential District – M-117; G-23; P-3272.

Dear Ms. Bromley:

The Salisbury Planning Commission at its April 16, 2015, meeting, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for approval of the requested Ordinance Permit, subject to the following revised Conditions of Approval:

CONDITIONS:

1. The site shall be developed in accordance with the approved Site Plan.
2. Subject to further review and approval by the Salisbury Public Works Department.

This request will now be forwarded to the City Council for scheduling. Additional advertising fees will be required. You will be notified of the scheduling of the request.

If you have any questions concerning this matter, please don't hesitate to contact Gloria Smith or myself at 410-548-4860.

Sincerely,

John F. Lenox, AICP
Director
Salisbury/Wicomico Planning & Zoning

cc: Mike Moulds, Director of City Public Works Department
Bill Holland, Director of Building, Permits, and Inspections
Assessments



MARYLAND

ORDINANCE NO. ____

ORDINANCE PERMIT

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, TO AUTHORIZE JOY BROMLEY/BUNDLES OF JOY, INC. TO EXPAND AN EXISTING DAY CARE CENTER AT 1409 SOUTH DIVISION STREET IN AN OFFICE AND SERVICE RESIDENTIAL DISTRICT AS REQUIRED BY TITLE 17, SECTION 17.84.030A OF THE SALISBURY MUNICIPAL CODE.

WHEREAS, the City of Salisbury has received a request in accordance with the provisions of Section 17.84.030A of Title 17, Zoning, of the Salisbury Municipal Code, on behalf of Joy Bromley/Bundles of Joy Day Care to expand an existing day care center located at 1409 South Division Street in an Office and Service Residential District; and

WHEREAS, the Mayor and City Council may grant and Ordinance Permit for certain uses as specifically listed in Title 17, Zoning, of the Salisbury Municipal Code, particularly Section 17.84.030A, and City Council, Section 17.12.080D, and

WHEREAS, the Salisbury Planning and Zoning Commission held a Public Hearing on April 16, 2015, reviewed all information, and gave a favorable recommendation to the Mayor and City Council on the request to expand the day care center on this property; and,

WHEREAS, the City Council has determined that based upon a review of all testimony and evidence presented that the request should be granted pursuant to Section 17.84.030A of Title 17, Zoning, of the Salisbury Municipal Code,

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance Permit authorizing Joy Bromley/Bundles of

Joy, Inc. to expand an existing day care center at 1409 South Division Street is hereby granted, subject to the following Conditions of Approval originally imposed in Ordinance #1683:

1. Name of Applicant.

This Ordinance Permit is in the name of Joy Bromley only and shall not be transferred without approval of the City Council.

2. Nature of Operation.

This Ordinance Permit specifically authorizes Joy Bromley to operate a duly licensed Day Care Center for the number of children and infants authorized by State of Maryland Regulations at 1409 South Division Street seven days a week for 365 days a year as long as this Ordinance Permit is in effect.

3. Place of Operation.

The authority granted by the City Council in this Ordinance Permit shall pertain only to the premises known as 1409 South Division Street and shall not be relocated without compliance the Salisbury Municipal Code and approval of the City Council.

4. Rules of Operation/Conditions.

- a. This site shall be expanded in accordance with the approved Revised Site Plan dated April 2015.
- b. This Ordinance Permit shall be for children and infants subject to approval by the Office of Child Care Administration and Licensing and Regulations, Maryland Department of Human Resources.
- c. The day care center shall comply with all applicable State and local codes pertaining to licensing, health and safety, including building, fire, plumbing, and electrical codes whether or not shown on the Plans approved by the Planning Commission or City Council.
- d. A fence not less than six (6) feet in height shall be provided around the play area.

5. Crowd Control.

- a. The applicants shall be responsible for maintaining control of all users and visitors on site including any buildings and adjoining parking and play areas.
- b. In the event that company personnel feel there is an eminent danger to any enrollee or employee beyond their control, authorities are to be notified immediately.

6. Council Review.

- a. The Mayor and City Council hereby reserves the right to conduct a periodic review of the operation of the day care center in order to assure compliance with these conditions.
- b. The City Council shall be the sole determiner of compliance with these Conditions; and further reserves the right to revoke this permit upon its finding of non-compliance.

7. Change of Conditions.

No Conditions shall be altered or changed by any person other than by Ordinance, approved by the Mayor and City Council.

AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage, and

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the ____ day of _____, 2015, and thereafter, and having been published as required by law, in the meantime, was finally passed by the Council on the ____ day of _____, 2015.

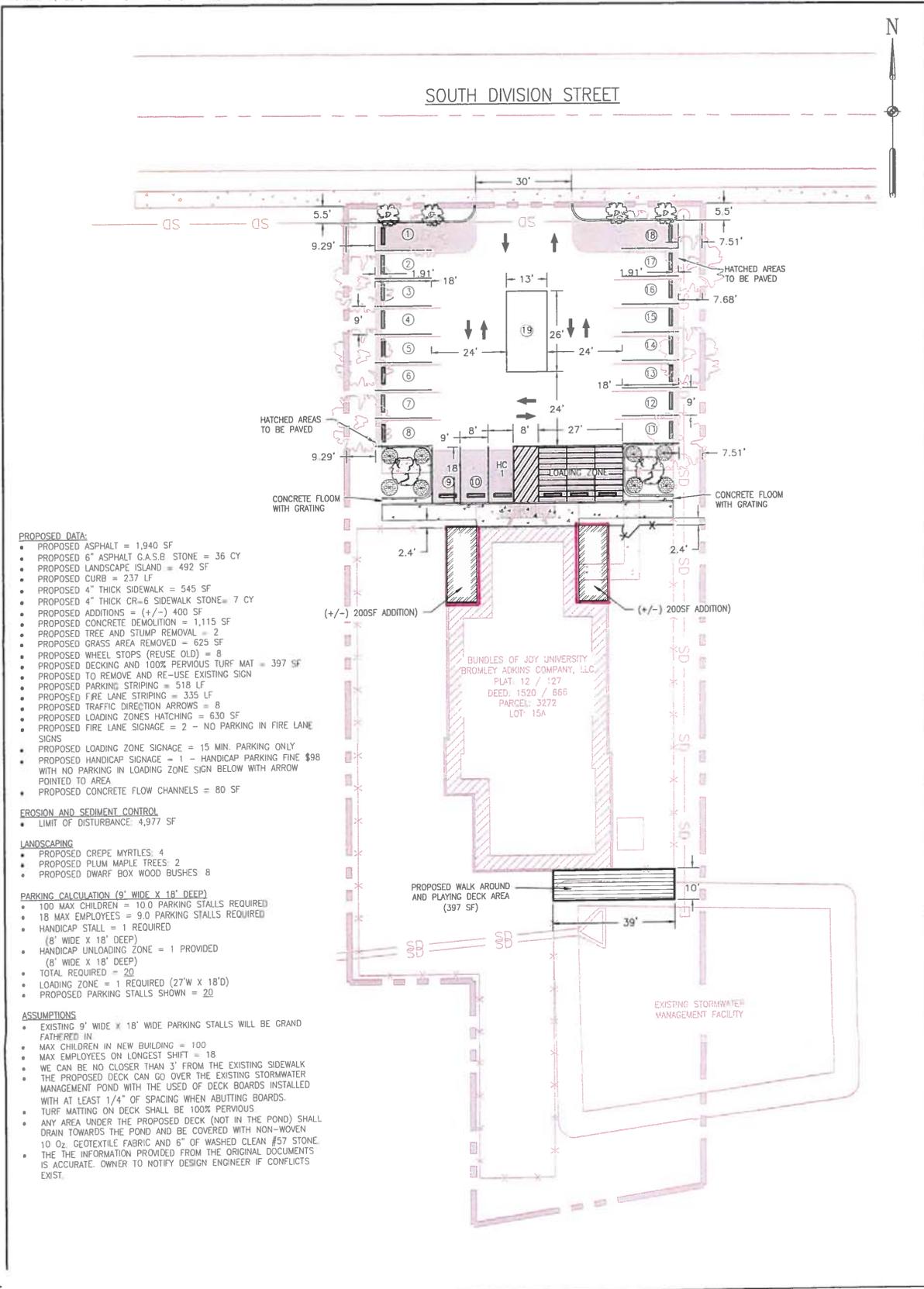
ATTEST:

Kim Nichols
City Clerk

Jacob R. Day, President
Salisbury City Council

Approved by me this
day of _____, 2015.

James Ireton, Jr.
Mayor of the City of Salisbury



PROPOSED DATA:

- PROPOSED ASPHALT = 1,940 SF
- PROPOSED 6" ASPHALT C.A.S.B. STONE = 36 CY
- PROPOSED LANDSCAPE ISLAND = 492 SF
- PROPOSED CURB = 237 LF
- PROPOSED 4" THICK SIDEWALK = 545 SF
- PROPOSED 4" THICK CR-6 SIDEWALK STONE = 7 CY
- PROPOSED ADDITIONS = (+/-) 400 SF
- PROPOSED CONCRETE DEMOLITION = 1,115 SF
- PROPOSED TREE AND STUMP REMOVAL = 2
- PROPOSED GRASS AREA REMOVED = 625 SF
- PROPOSED WHEEL STOPS (REUSE OLD) = 8
- PROPOSED DECKING AND 100% PERVIOUS TURF MAT = 397 SF
- PROPOSED TO REMOVE AND RE-USE EXISTING SIGN
- PROPOSED PARKING STRIPING = 518 LF
- PROPOSED FIRE LANE STRIPING = 335 LF
- PROPOSED TRAFFIC DIRECTION ARROWS = 8
- PROPOSED LOADING ZONES HATCHING = 630 SF
- PROPOSED FIRE LANE SIGNAGE = 2 - NO PARKING IN FIRE LANE SIGNS
- PROPOSED LOADING ZONE SIGNAGE = 15 MIN. PARKING ONLY
- PROPOSED HANDICAP SIGNAGE = 1 - HANDICAP PARKING FINE \$98 WITH NO PARKING IN LOADING ZONE SIGN BELOW WITH ARROW POINTED TO AREA
- PROPOSED CONCRETE FLOW CHANNELS = 80 SF

EROSION AND SEDIMENT CONTROL

- LIMIT OF DISTURBANCE = 4,977 SF

LANDSCAPING

- PROPOSED CREPE MYRTLES = 4
- PROPOSED PLUM MAPLE TREES = 2
- PROPOSED DWARF BOX WOOD BUSHES = 8

PARKING CALCULATION (9' WIDE X 18' DEEP)

- 100 MAX CHILDREN = 100 PARKING STALLS REQUIRED
- 18 MAX EMPLOYEES = 9.0 PARKING STALLS REQUIRED
- HANDICAP STALL = 1 REQUIRED (8' WIDE X 18' DEEP)
- HANDICAP UNLOADING ZONE = 1 PROVIDED (8' WIDE X 18' DEEP)
- TOTAL REQUIRED = 20
- LOADING ZONE = 1 REQUIRED (27' W X 18' D)
- PROPOSED PARKING STALLS SHOWN = 20

ASSUMPTIONS

- EXISTING 9' WIDE X 18' WIDE PARKING STALLS WILL BE GRAND FATHERED IN
- MAX CHILDREN IN NEW BUILDING = 100
- MAX EMPLOYEES ON LONGEST SHIFT = 18
- WE CAN BE NO CLOSER THAN 3' FROM THE EXISTING SIDEWALK
- THE PROPOSED DECK CAN GO OVER THE EXISTING STORMWATER MANAGEMENT POND WITH THE USED OF DECK BOARDS INSTALLED WITH AT LEAST 1/4" OF SPACING WHEN ABUTTING BOARDS.
- TURF MATING ON DECK SHALL BE 100% PERVIOUS.
- ANY AREA UNDER THE PROPOSED DECK (NOT IN THE POND) SHALL DRAIN TOWARDS THE POND AND BE COVERED WITH NON-WOVEN 10 Oz. GEOTEXTILE FABRIC AND 6" OF WASHED CLEAN #57 STONE.
- THE INFORMATION PROVIDED FROM THE ORIGINAL DOCUMENTS IS ACCURATE. OWNER TO NOTIFY DESIGN ENGINEER IF CONFLICTS EXIST.

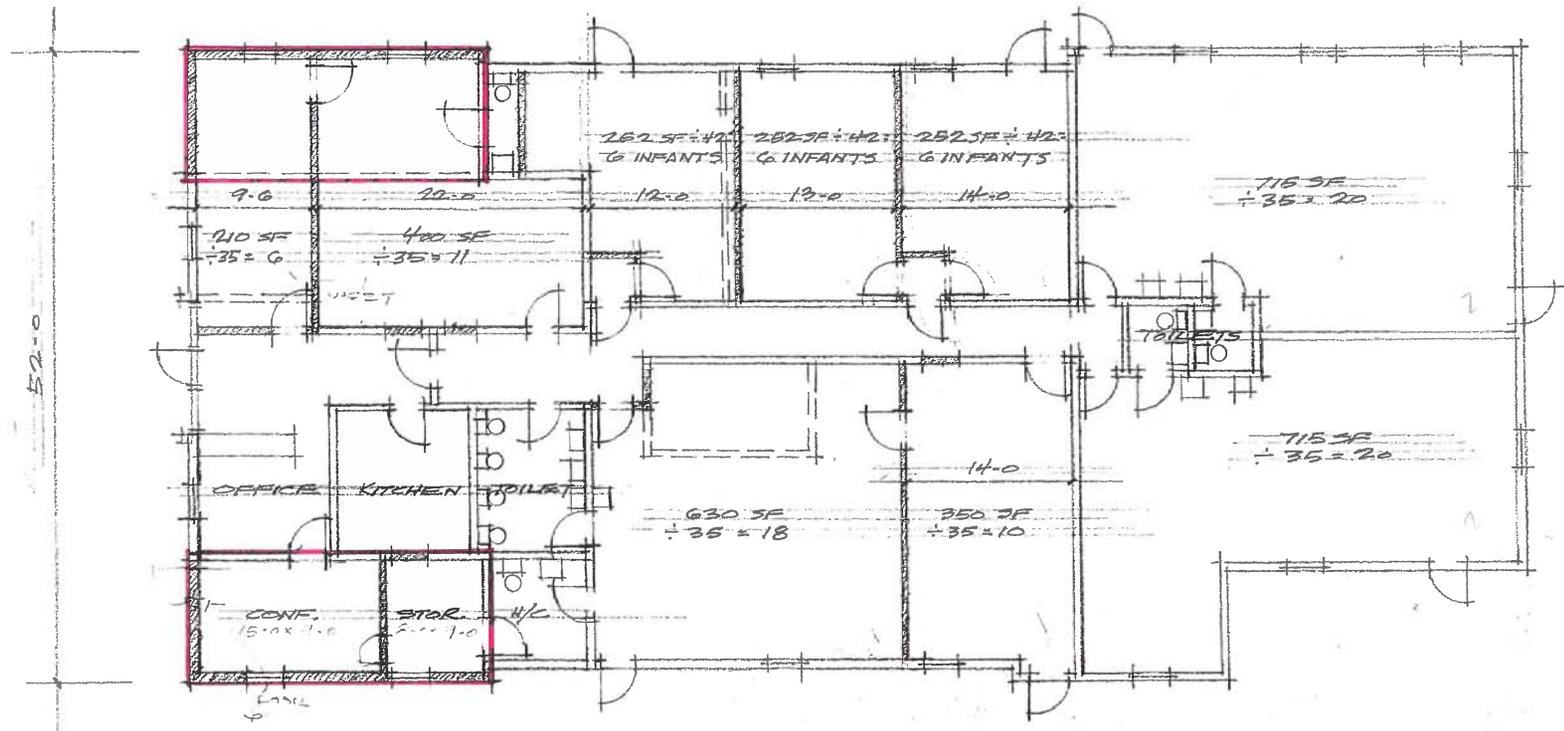


BUNDLES OF JOY
UNIVERSITY LEARNING CENTER
SAUSBURY, MARYLAND

PROPOSED SITE PLAN

SIGNED BY JOY	DRAWN BY NWH	CHECKED BY -	PROJECT MGR -	DATE APRIL 2015	PROJECT NO. -	DRAWING NO. 2 OF 3	FIGURE F-2
------------------	-----------------	-----------------	------------------	--------------------	------------------	-----------------------	---------------

Attachment #3



FLOOR PLAN 1/8" = 1'-0"

Charles W. Bowen, A.I.A.
 Architect

513 Pine Bluff Road
 Salisbury, Maryland 21801
 410-749-6948

CWB 1501 3-2-75

36 State of Maryland Regulations at 1409 South Division Street seven days a
37 week for 365 days a year as long as this Ordinance Permit is in effect.
38

39 **3. Place of Operation.**

40 The authority granted by the City Council in this Ordinance Permit shall
41 pertain only to the premises known as 1409 South Division Street and shall
42 not be relocated without compliance the Salisbury Municipal Code and
43 approval of the City Council.
44

45 **4. Rules of Operation/Conditions.**

46 a. This site shall be expanded in accordance with the approved Revised
47 Site Plan dated April 2015.

48 b. This Ordinance Permit shall be for children and infants subject to
49 approval by the Office of Child Care Administration and Licensing
50 and Regulations, Maryland Department of Human Resources.

51 c. The day care center shall comply with all applicable State and local
52 codes pertaining to licensing, health and safety, including building,
53 fire, plumbing, and electrical codes whether or not shown on the Plans
54 approved by the Planning Commission or City Council.

55 d. A fence not less than six (6) feet in height shall be provided around the
56 play area.
57

58 **5. Crowd Control.**

59 a. The applicants shall be responsible for maintaining control of all users
60 and visitors on site including any buildings and adjoining parking and
61 play areas.

62 b. In the event that company personnel feel there is an eminent danger to
63 any enrollee or employee beyond their control, authorities are to be
64 notified immediately.
65

66 **6. Council Review.**

67 a. The Mayor and City Council hereby reserves the right to conduct a
68 periodic review of the operation of the day care center in order to
69 assure compliance with these conditions.

70 b. The City Council shall be the sole determiner of compliance with these
71 Conditions; and further reserves the right to revoke this permit upon its
72 finding of non-compliance.
73

74 **7. Change of Conditions.**

75 No Conditions shall be altered or changed by any person other than by
76 Ordinance, approved by the Mayor and City Council.

77
78 **AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF**
79 **SALISBURY, MARYLAND**, that this Ordinance shall take effect from and after the date of its
80 final passage, and

81 **THE ABOVE ORDINANCE** was introduced at a meeting of the Council on the
82 ____ day of _____, 2015, and thereafter, and having been published as required by law, in the
83 meantime, was finally passed by the Council on the ____ day of _____, 2015.

84

85 ATTEST:

86

87

88

89 _____
90 Kimberly R. Nichols
91 City Clerk

Jacob R. Day, President
Salisbury City Council

91

92

93 Approved by me this

94

95 day of _____, 2015.

96

97

98

99 _____
James Ireton, Jr.

100 Mayor of the City of Salisbury

ORDINANCE NO. 2337

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, TO ESTABLISH AND DELINEATE A FLOOD PLAIN DISTRICT WITHIN THE CITY OF SALISBURY, TO PROVIDE FOR THE ISSUANCE OF PERMITS, AND TO IMPOSE CERTAIN REGULATIONS ON CONSTRUCTION AND LAND DEVELOPMENT WITHIN THE DISTRICT

WHEREAS, the State of Maryland is revising all flood maps throughout the state, and requires the City of Salisbury to update our current floodplain ordinance; and

WHEREAS, the City of Salisbury has received, by letter dated February 17, 2015, notification of the final flood elevation determinations and proof copies of the Flood Insurance Study and Flood Insurance Rate Maps; and

WHEREAS, the proof copies show the flood elevations as they will appear on the final maps; and

WHEREAS, to continue its participation in the national Flood Insurance Program, the City of Salisbury has until August 17, 2015 (6 months from the above date of notification) to submit adopted floodplain management regulations meeting Federal Emergency Management Agency (FEMA) standards; and

WHEREAS, the Salisbury Departments of Public Works and Building, Permitting & Inspections have duly and carefully considered such ordinance and have made a finding that the attached Floodplain Ordinance, meeting these standards and recently approved by FEMA, is recommended as a Model for the City; and

WHEREAS, in light of the recommendations of the Salisbury Departments of Public Works and Building, Permitting & Inspections concerning said Ordinance, and after a public hearing by the City Council, duly advertised, as required by law, at which all interested parties were afforded an opportunity to present their views, the Council believes it is desirable and in the public interest that the recommended ordinance be enacted.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, Maryland, that the proposed Floodplain Management Ordinance, comprised of a Table of Contents and pages 1 through 37, attached hereto, be enacted, as the new Chapter 15.16 of the Salisbury Municipal Code, entitled Floodplain Management, and simultaneously that any and all parts of the current Chapter 15.16 of the Salisbury Municipal Code are hereby repealed.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury, Maryland on the 8 day of June 2015, and was finally passed by the Council at its public meeting held on the 22 day of June 2015.

Diane C. Nelson
ASSISTANT CITY CLERK

Laura Mitchell
VICE PRESIDENT, City Council

52
53
54
55
56
57

APPROVED by me this ____ Day of
_____, 2015

James Ireton, Jr.
MAYOR, City of Salisbury

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

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

JULIA GLANZ
ASST. CITY ADMINISTRATOR

To: Tom Stevenson, City Administrator
From: Mike Moulds, Director of Public Works *MSM*
Date: May 21, 2015
Re: Fitzwater Street Bike Route Ordinance

Attached for consideration at the June 1, 2015 Council Work Session is a proposed ordinance establishing a bike route to extend the developing City bike route system from the Downtown area to the west side of the City.

The proposed bike route would begin at the intersection of Mill Street and W. Main Street and continue along W. Main Street to the intersection of Fitzwater Street then continuing along Fitzwater Street past the Port of Salisbury Marina to the intersection with Parsons Road, then continuing on Parsons Road to the intersection of Pemberton Drive.

The City is seeking funding in FY16 from the Maryland Department of Transportation for design of the bike route for design of the bike route.

Please let us know if you require any additional information.

47 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
48 CITY OF SALISBURY, MARYLAND that a bicycle route be created, in both
49 directions, which will run along West Main Street from Mill Street to the
50 intersection of Fitzwater Street and along Fitzwater Street to the intersection with
51 Parsons Road and along Parsons Road to the intersection of Pemberton Drive;
52 that bicycles be permitted to travel this route in dedicated/shared lanes; that
53 appropriate pavement markings be provided in the form of lane striping and
54 symbols where appropriate; and that signage be installed to identify the route.

55

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

59

60 THIS ORDINANCE was introduced and read at a meeting of the Council of the
61 City of Salisbury, Maryland held on the ___ day of _____, 2015, and,
62 thereafter, a statement of the substance of the Ordinance having been published
63 as required by law, in the meantime, was finally passed by the Council on the
64 ___ day of _____, 2015.

65

66

67 ATTEST:

68

69

70

71 _____
72 Kimberly R. Nichols
73 CITY CLERK

74 _____
75 Jacob R. Day
76 PRESIDENT, City Council

73

74

75 APPROVED BY ME THIS

76

77 _____ Day of _____, 2015

78

79

80

81

82

83 _____
84 James Ireton, Jr.

84

85 MAYOR, City of Salisbury

86

87

Memo

To: Julia Glanz
From: William T. Holland
Date: 6/17/2015
Re: Revisions to the Building Code

Attached please find an ordinance that will have the effect of amending Chapter 15 of the Salisbury Municipal Code. This amendment will remove indication of the model codes currently referenced in the Salisbury Building Code and replace them with references to the most recent editions.

All of the codes referenced within this legislation are currently being advanced by the City's Housing Official.

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

1 **ORDINANCE NO. 2342**

2 AN ORDINANCE OF THE CITY OF SALISBURY TO REPEAL AND RE-ENACT
3 SECTIONS 15.04.010 AND 15.04.020 OF CHAPTER 15.04 BUILDING CODE BY
4 ADOPTING UPDATED STANDARD BUILDING CODES IN SECTION 15.04.010;
5 CORRESPONDING AMENDMENTS TO THE INTERNATIONAL BUILDING CODE (2015)
6 (IBC) IN SECTION 15.04.020; ENACTING SECTION 15.04.030 AMENDMENTS TO THE
7 INTERNATIONAL PLUMBING CODE (2015) (IPC); AND DELETING CHAPTER 15.32
8 PLUMBING STANDARDS IN ITS ENTIRETY.

9 **WHEREAS**, the ongoing application, administration and enforcement of Title 15,
10 Buildings and Construction, of the Salisbury Municipal Code, demonstrates a need for its
11 periodic review, evaluation and amendment to keep Title 15 current; and

12 **WHEREAS**, the Mayor and City Council may amend Chapter 15.04, Building Code,
13 pursuant to the authority granted in SC 2-15 of the Salisbury City Charter and § 12-501, et seq.
14 of the Public Safety Article, Maryland Annotated Code and related COMAR regulations; and

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

18 **WHEREAS**, the adoption of the International Plumbing Code (2015) (IPC) contains
19 everything currently forming a part of Chapter 15.32 Plumbing Standards thereby making said
20 chapter redundant after the adoption of the International Plumbing Code (2015) (IPC) under this
21 ordinance; and

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

24 **NOW, THEREFORE**, be it enacted and ordained by the Council of the City of
25 Salisbury, Maryland, that Sections 15.04.010 and 15.04.020 be repealed and re-enacted as
26 outlined below, that Section 15.04.030 be enacted, and that Chapter 15.32 Plumbing Standards
27 be deleted in its entirety:

28 **Chapter 15.04**

29 **BUILDING CODE**

30
31
32 15.04.010 Adoption of Standard Codes.

33
34 The City of Salisbury adopts the following Standard Codes:

- 35
36 A. International Building Code (2015) (IBC);

- 37 B. International Residential Code (2015) (IRC);
- 38 C. International Energy Conservation Code (2015) (IECC);
- 39 D. International Mechanical Code (2015) (IMC);
- 40 E. International Plumbing Code (2015) (IPC);
- 41 F. International Fuel Gas Code (2015) (IFGC);
- 42 G. International Fire Code (2015) (IFC); and
- 43 H. International Existing Building Code (2015) (IEBC).

44

45 15.040.020 Amendments to the International Building Code (2015).

46

47 The following additions and deletions are made to the International Building Code (2015):

48

- 49 A. Chapter 1 delete Section 101.2.1 Appendices. and replace with the following:
50 Paragraph 101.2.1 Appendix provisions on Appendix B, Board of Appeals and Appendix
51 I, Patio Covers are adopted as part of the IBC.
- 52 B. Chapter 1 delete [A] 101.4.4 Property Maintenance.
- 53 C. Chapter 1 amend [A] 102.6 Existing Structures. The legal occupancy of any structure
54 existing on the date of adoption of this code shall be permitted to continue without
55 change, except as otherwise specifically provided for in this code, the International
56 Building Code, or the International Fire Code.
- 57 D. Chapter 1 delete [A] 104.2.1 Determination of substantially improved or substantially
58 damaged existing buildings and structures in flood hazard areas.
- 59 E. Chapter 1 delete [A] 105.2 Work exempt from permit: 2. Fences not over 7 feet
60 (2134mm) high and replace with the following:
61 [A] 105.2 Work exempt from permit.
62 2. Fences less than fifty (50) lineal feet.
- 63 F. Chapter 1 add [A] 105.2.14 Work exempt from permit: 14. to read as follows:
64 “Replacement windows, doors, vinyl/aluminum siding and custom trim.”
65 Exception: Windows being replaced in bedrooms shall not be reduced in size or shall
66 comply with the minimum requirements of [A] 102.6.
- 67 G. Chapter 1 amend [A] 109.4 Work commencing before permit issuance. Any person who
68 commences any work on a building, structure, electrical, gas, mechanical or plumbing
69 system before obtaining the necessary permits may be subject to a permit fee two times
70 the amount of the original fee.

71

72 15.04.030 – Amendments to the International Plumbing Code (2015).

73

74 The following additions and deletions are made to the International Plumbing Code (2015):

75

- 76 A. Chapter 1 amend [A] 106.1. Any owner, owner’s authorized agent or contractor who
77 desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a
78 building or structure, or erect, install, enlarge, alter, repair, remove, convert or replace
79 any plumbing system, the installation of which is regulated by this code, or to cause any
80 such work to be performed, shall first make application to the code official and obtain the
81 required permit for the work. **All work as defined as plumbing in Chapter 2**

82 **Definitions, shall be performed by a Maryland registered master or Maryland**
83 **registered journeyman plumber.**

84
85 B. Chapter 1 amend [A] 106.3 Application for permit. Each application for a permit, with
86 the required fee, shall be filed with the code official on a form furnished for that purpose
87 and shall contain a general description of the proposed work and its location. The
88 application shall be signed by the ~~owner or owners agent~~ **master plumber of record.**

89
90 C. Chapter 10 delete Chapter 10 Traps, Interceptors and Separators in its entirety and
91 replace with the following:

92
93 The 2007 Washington Suburban Sanitary Commission Fats, Oils, and Grease Requirements,
94 Section-1003 Interceptors and Separators with amendments.

95
96 **Chapter 15.32**

97 **PLUMBING STANDARDS**

98
99 **Sections:**

100

101• **~~15.32.010 – Adoption of plumbing code.~~**

102 ~~——— A. The Maryland State Plumbing/Gas Code —COMAR 09.20.01, which is hereby~~
103 ~~incorporated by reference, be, and is hereby adopted as the plumbing code of the city of~~
104 ~~Salisbury in the state of Maryland, for the control of buildings and structures as herein~~
105 ~~provided, and each and all of the regulations, provisions, penalties, conditions and terms of the~~
106 ~~Code of Salisbury are hereby referred to, adopted and made a part thereof. The plumbing code~~
107 ~~so adopted is known as the "Salisbury Practical Plumbing Code."~~

108

109 ~~——— B. The following additions and deletions are made to the Maryland State~~
110 ~~Plumbing/Gas Code:~~

111 ~~——— 1. Section 1.10.1 Fees Schedule shall be deleted in its entirety. Plumbing permit~~
112 ~~fees shall be set by ordinance of the council from time to time.~~

113

114 ~~——— C. The 2007 Washington Suburban Sanitary Commission Fats, Oils, and Grease~~
115 ~~Requirements, Section 103 —Interceptors and Separators, is hereby adopted, with amendments,~~
116 ~~as part of the Salisbury Practical Plumbing Code.~~

117 ~~(Ord. 2001, 2006: Ord. 1964, 2005)~~

118 ~~(Ord. No. 2080, 7-27-2009)~~

119• ~~15.32.020 – Definitions.~~

120 For the purpose of this chapter, the following words shall have the meanings indicated:

121 "Food waste grinder" or "garbage disposal unit" means any device connected with the city
122 sewerage system, which device reduces, by grinding, pulverizing, screening or like process,
123 garbage or food waste, either or both, to smaller units suitable for passage in a sewerage system.

124(—(Prior code § 120-3)

125• ~~15.32.030 – Applicability of provisions.~~

126 The provisions of this chapter shall govern the installation and use of food waste grinders or
127 garbage disposal units in the city.

128(—(Prior code § 120-4)

129• ~~15.32.040 – Permit required.~~

130 Prior to the installation of a food waste grinder or garbage disposal unit, a permit shall be
131 obtained by the plumber or contractor making such installation in accordance with the
132 regulations as set forth in [Section 15.32.010](#) of this chapter.

133(—(Prior code § 120-5)

134• ~~15.32.050 – Compliance with installation provisions required.~~

135 The provisions relative to installation of a food waste grinder or garbage disposal unit, as
136 provided in [Section 15.32.010](#) of this chapter, shall be followed, the purpose of this chapter
137 being further to define certain features of proper installation incident to the type of unit being
138 installed.

139(—(Prior code § 120-6)

140• ~~15.32.060 – Installation to be made by registered plumber.~~

141 Installation of a food waste grinder or garbage disposal unit shall be made by a registered
142 plumber as set forth in [Section 15.32.010](#) of this chapter.

143(—(Prior code § 120-7)

144• ~~15.32.070 – Size of drainpipe.~~

145 ~~Any household kitchen single compartment sink equipped with a food waste grinder or garbage~~
146 ~~disposal unit shall be considered as having a value of three fixture units. For this reason, all food~~
147 ~~waste grinders or garbage disposal units shall have a minimum of a one and one half inch drain,~~
148 ~~and all dual grinders or units shall have a minimum of a two inch drain.~~

149(~~Prior code § 120-8~~)

150• ~~15.32.080 – Traps.~~

151 ~~All food waste grinders or garbage disposal units installed under this chapter shall each have an~~
152 ~~independent trap not less than one and one half (1 ½) inches in size. In two compartment sinks~~
153 ~~where one compartment is equipped with a food waste grinder or garbage disposal unit, each~~
154 ~~compartment shall be equipped with an individual trap not less than one and one half (1 ½)~~
155 ~~inches.~~

156(~~Prior code § 120-9~~)

157• ~~15.32.090 – Vents and venting.~~

158 ~~When a food waste grinder or garbage disposal unit is installed, all household kitchen sinks with~~
159 ~~double or single compartments shall have a protecting vent so located that the developed length,~~
160 ~~i.e., the length along the center line of the pipe and fittings, of the drain from the trap weir to the~~
161 ~~vent fitting is not more than five feet. If the developed length exceeds five feet, there shall be a~~
162 ~~back vent in compliance with [Section 15.32.010](#) of this chapter.~~

163(~~Prior code § 120-10~~)

164• ~~15.32.100 – Cleanouts.~~

165 ~~When a food waste grinder or garbage disposal unit is installed, a suitably located cleanout shall~~
166 ~~be required in the drain line from the sink to the main waste stack. Such cleanout shall be~~
167 ~~installed so that the entire waste drain from the sink to the main waste stack may be properly~~
168 ~~cleaned.~~

169(~~Prior code § 120-11~~)

170• ~~15.32.110 – Granulation specifications.~~

171 ~~_____ A. All household food waste grinders or garbage disposal units installed under this~~
 172 ~~chapter shall comply with the following granulation specifications:~~

0		½	12.70	Maximum allowable size
25	3		6.35	
80	40		0.42	No more than 20% shall pass No. 40 screen
Allowable Percentage to be Retained		Screen Size		
on Screen		Number	Inches	Millimeters
				Remarks

173 -

174 ~~_____ B. The granulation characteristics as stated by the manufacturer must be filed with~~
 175 ~~and accepted by the plumbing inspector prior to the installation of any food waste grinder or~~
 176 ~~garbage disposal unit of that particular manufacturer.~~

177 ~~(Prior code § 120-12)~~

178• ~~15.32.120 – Water supply – Air gap.~~

179 ~~All household food waste grinders or garbage disposal units installed under this chapter shall be~~
 180 ~~installed in a manner that will assure a positive supply of water to the unit during the grinding,~~
 181 ~~shredding, pulverizing or screening process. The source of water to the unit shall be such that a~~
 182 ~~positive air gap exists between that unit and the source of water supply.~~

183~~(Prior code § 120-13)~~

184
 185 AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY
 186 OF SALISBURY, MARYLAND, that the Ordinance shall take effect _____, 2015.
 187

188 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of
189 Salisbury held on the _____ day of _____, 2015 and thereafter, a statement of the
190 substance of the ordinance having been published as required by law, in the meantime, was
191 finally passed by the Council on the ___ day of _____, 2015.

192 ATTEST:

193

194 _____
195 Kimberly R. Nichols, City Clerk

Jacob R. Day, City Council President

196

197

198

199 Approved by me, this _____ day of _____, 2015.

200

201

202 _____
203 James Ireton, Jr., Mayor

Memo

To: Julia Glanz
From: Susan Phillips
Date: 6/19/2015
Re: Revisions to the Salisbury Property Maintenance Code

Attached please find an ordinance that will have the effect of amending Chapter 15.24 of the Salisbury Municipal Code. This amendment will remove indication of the model codes currently referenced in the Salisbury Property Maintenance Code and replace them with references to the most recent editions.

Please note last minute changes were made in the body of the ordinance in section 15.24.040 *Referenced Standards* due to an error. I apologize for an inconvenience.

All of the codes referenced within this legislation are currently being advanced by the City's Building Official.

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

46 ATTEST:

47

48

49 _____
Kimberly R. Nichols, City Clerk

Jacob Day, City Council President

50

51

52

53 Approved by me, this _____ day of _____, 2015.

54

55

56

57 _____
James Ireton, Jr., Mayor

58