



MARYLAND

**SALISBURY CITY COUNCIL
WORK SESSION AGENDA**

THURSDAY, FEBRUARY 26, 2015
COUNCIL CHAMBERS
GOVERNMENT OFFICE BUILDING

- | | |
|------------|--|
| 9:00 a.m. | Adult Entertainment Ordinance – Mark Tilghman/Jack Lenox |
| 9:30 a.m. | Defining Weekday as Monday thru Friday - Council discussion -William Holland |
| 10:00 a.m. | Plumbing Permit Fee increase recommendations – William Holland |
| 10:15 a.m. | 2003 CDA Bond Reallocation – Keith Cordrey |
| 10:30 a.m. | Proposed Charter Changes – Articles III, IV and V – Tom Stevenson |
| 11:00 a.m. | Main Street Masterplan – Continued discussion |
| 11:55 a.m. | Council discussion |
| 12:00 noon | Adjournment |

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



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

P.O. BOX 870

125 NORTH DIVISION STREET, ROOMS 203 & 201

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JAMES IRETON, JR.
MAYOR

BOB CULVER
COUNTY EXECUTIVE

TOM STEVENSON
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

To: Mayor and City Council

From: John F. Lenox
Planning Director

Re: Adult Entertainment Businesses

Date: February 11, 2015

At the Work Session of January 5, 2015, the Council discussed with the City Attorney the Administration's initiative to modify the Adult Entertainment provisions of the City Zoning Code. A follow-up discussion has been scheduled, and a Draft Ordinance prepared.

The change in the Adult Entertainment Ordinance would more closely regulate the type and location of such businesses in Salisbury. Existing Adult Entertainment businesses would not be grandfathered and would need to be brought into compliance with the new ordinance, within the specified 2-year amortization period. New businesses would have to meet the stricter criteria and locate in areas designated as acceptable for such operations. Under current provisions, a business is considered Adult Entertainment if at least 20% of their square footage is devoted to merchandise relating to Adult Entertainment. Businesses could circumvent this by hanging merchandise on the walls and keeping it off of the floor. Under the proposed Ordinance, registration as an Adult Entertainment Business would be required if the significant amount of space devoted to adult merchandise is at least 15%. The determination would include not only floor space, but also wall space and any areas where merchandise is displayed. The new ordinance would further reduce the percentage of gross revenue received or expected to be received from the adult entertainment merchandise from 20 to 15.

As requested, the Planning & Zoning staff has updated the 2008 analysis regarding the potential siting of Adult Entertainment businesses. It has been confirmed that approximately 6.2% of the land area within the City may be eligible. This exceeds the 5% minimum generally established by case law.

These changes would permit the City to regulate the existence and location of Adult Entertainment businesses for the benefit of its citizens. It is recommended that the Draft Ordinance be forwarded to the Planning and Zoning Commission for Public Hearing.

CITY OF SALISBURY
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND SALISBURY MUNICIPAL CODE SECTION 5.08.010 DEFINITIONS FOR THE PURPOSE OF AMENDING THE DEFINITION OF SIGNIFICANT AMOUNT; STATING CERTAIN FINDINGS; PROVIDING FOR THE APPLICATION OF THE ORDINANCE; AND GENERALLY RELATING TO ADULT ENTERTAINMENT BUSINESS.

WHEREAS, the City previously passed ordinances to regulate the conduct and location of adult entertainment businesses; and

WHEREAS, at that time, the City found that, in order to protect the health, safety and welfare of the City’s citizens, it was necessary to allow suitable locations for adult entertainment businesses while limiting their adverse secondary effects on the community; and

WHEREAS, the City further found that adult entertainment businesses are associated with increased crime and decreased property values, and adversely impact the quality of life in surrounding areas; and

WHEREAS, many land use studies have documented the adverse secondary effects of adult entertainment businesses; and

WHEREAS, in order to lessen and control these effects and to limit exposure of these businesses to children, the City found that it was necessary to place certain restrictions on the conduct and the location and arrangement of adult entertainment businesses; and

WHEREAS, similar ordinances have withstood legal challenge; and

WHEREAS, the City now finds that certain refinements are needed to that portion of the Code relating to adult entertainment businesses in order to more effectively regulate the such businesses and prevent the subversion of the Code’s purposes.

NOW, THEREFORE, be it enacted and ordained by the City of Salisbury that the definition of “Significant amount” in Chapter 5.08.010 of the Salisbury Municipal Code be Amended as follows, and that all other definitions in that section remain unchanged:

5.08.010 – Definitions

35 “Significant amount” means the following:

- 36 1. At least ~~twenty-five~~ (2015) percent of the stock in the establishment or on
37 display consists of adult entertainment or material;
- 38 2. At least ~~twenty-five~~ (2015) percent of the ~~usable floor~~ area used for the
39 display or storage of merchandise on the floor, walls, or vertical display area of
40 the cabinets, shelves or racks which rise from the floor (or any combination
41 thereof which is at least fifteen (15) percent of the area used for display or
42 storage) is used for the display or storage of adult entertainment or material or
43 houses or contains devices depicting, describing, or relating to adult
44 entertainment or material; or
- 45 3. At least ~~twenty-five~~ (2015) percent of the gross revenue is, or may
46 reasonably be expected to be, derived from the provision of adult
47 entertainment or material.
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49 AND BE IT FURTHER ENACTED, that this ordinance does not immediately apply
50 to an adult entertainment business lawfully established prior to the effective date of this
51 Ordinance. An adult entertainment business may continue to operate until two years from
52 the effective date of this ordinance. On or after that date, all adult entertainment businesses
53 shall conform to the requirements of this ordinance.
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55 AND BE IT FURTHER ENACTED, that a business establishment that is not in
56 compliance with Chapter 5.08 may continue to operate until two years from the effective
57 date of this ordinance. On or after that date, all such business establishments shall comply
58 with Chapter 5.08.
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60 AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF
61 SALISBURY, that this ordinance shall take effect upon final passage.
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63 THIS ORDINANCE was introduced and read at a meeting of the Council of the City
64 of Salisbury held on the ___ day of _____, 201_, and having been published as
65 required by law, in the meantime, was finally passed by the Council on the ___ day of
66 _____, 201_.

67 ATTEST:

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71 Kimberly R. Nichols, City Clerk

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73 Jacob R. Day, City Council President

74 Approved by me, this _____ day of _____, 201_.

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76 _____

77 James Ireton, Jr.,

78 Mayor

CITY OF SALISBURY
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND SALISBURY MUNICIPAL CODE SECTION 17.04.120 DEFINITIONS FOR THE PURPOSE OF AMENDING THE DEFINITION OF SIGNIFICANT AMOUNT, AND TO ADD SECTIONS 17.166.090 AND 17.166.100 FOR THE PURPOSE OF ALLOWING INSPECTIONS AND ADMINISTRATIVE SEARCH WARRANTS BY THE CITY, AND; STATING CERTAIN FINDINGS; PROVIDING FOR THE APPLICATION OF THE ORDINANCE; AND GENERALLY RELATING TO ADULT ENTERTAINMENT BUSINESS.

WHEREAS, the City previously passed ordinances to regulate the location of adult entertainment businesses; and

WHEREAS, at that time, the City found that, in order to protect the health, safety and welfare of the City's citizens, it was necessary to allow suitable locations for certain adult entertainment businesses while limiting their adverse secondary effects on the community; and

WHEREAS, the City further found that adult entertainment businesses are associated with increased crime and decreased property values, and adversely impact the quality of life in surrounding areas; and

WHEREAS, many land use studies have documented the adverse secondary effects of certain adult entertainment businesses; and

WHEREAS, in order to lessen and control these effects and to limit exposure of these businesses to children, the City found that it was necessary to place certain restrictions on the location and arrangement of adult entertainment businesses; and

WHEREAS, similar ordinances have withstood legal challenge; and

WHEREAS, the City now finds that certain refinements are needed to that portion of the Code relating to adult entertainment businesses in order to more effectively regulate the location of such businesses and prevent the subversion of the Code's purposes.

NOW, THEREFORE, be it enacted and ordained by the City of Salisbury that Chapter 17.04.120 of the Salisbury Municipal Code be Amended and that Chapters 17.166.090 and 17.166.100 be added as follows:

36 17.04.020 – Definitions

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“Significant amount” means the following:

1. At least ~~twenty-five~~ (2015) percent of the stock in the establishment or on display consists of adult entertainment or material;
2. At least ~~twenty-five~~ (2015) percent of the ~~usable floor~~ area used for the display or storage of merchandise on the floor, walls, or vertical display area of the cabinets, shelves or racks which rise from the floor (or any combination thereof which is at least fifteen (15) percent of the area used for display or storage) is used for the display or storage of adult entertainment or material or houses or contains devices depicting, describing, or relating to adult entertainment or material; or
3. At least ~~twenty-five~~ (2015) percent of the gross revenue is, or may reasonably be expected to be, derived from the provision of adult entertainment or material.

17.166.090 – Inspection of premises.

After the city receives a complaint about a business alleged to be in violation of the code regarding adult entertainment business, the city may inspect the place of business and financial records of such business. Inspections may also be initiated as a result of the observations of city inspectors or as a result of a routine audit. The inspection shall occur after notice has been furnished to the owner and occupants of the place of business.

The notice shall be sent by mail or by affixing the notice to the place of business in a conspicuous location. If the city’s inspector shall be denied access to the financial records or place of business or any part thereof that is appropriate for inspection, the inspector may obtain an administrative search warrant to gain access.

17.166.100 – Administrative search warrant.

A. An inspector authorized by the city to inspect any place of business or financial records may apply to a judge of the District Court of Maryland or the Wicomico County Circuit Court for an administrative search warrant to enter and inspect such premises and records. The application shall be in writing, signed and sworn to by the inspector, and shall state or identify: (i) the business location to be inspected by street address and general description, (ii) the nature, scope and purpose of the inspection (i.e. business premises and/or records), and (iii) one or more dates and approximate times when the inspector proposes to conduct the inspection. In addition, the

application shall specify the statutory authority for such inspection and the effort of the inspector to schedule or conduct the inspection and/or to locate the owner(s), tenant(s), or other person(s) in charge of the business and any other grounds for issuance of the search warrant.

B. A judge of a court referred to in this section shall issue the search warrant upon finding that: (i) the inspector is authorized to make the inspection, (ii) a reasonable effort has been made to obtain access to the business to make the inspection, (iii) the owner(s), tenant(s) or other person(s) in charge of the business have denied or otherwise failed or refused to furnish access to the business premises and/or records at a reasonable time or for a reasonable period to conduct the inspection, or the inspector (or others) have been unable to locate any such person(s) after making a reasonable effort to do so, and (iv) if conducted in a reasonable manner, the inspection will not intrude unnecessarily on the operation of such business.

C. An administrative search warrant issued under this section shall be executed and returned to the issuing judge or, in his or her absence, to the clerk of the issuing court within: (i) the time specified in the warrant, not to exceed thirty (30) days, or (ii) if no time is specified therein, fifteen (15) days from its date of issuance.

D. This section shall not preclude or affect the power to make prompt inspection without a warrant in emergency situations.

AND BE IT FURTHER ENACTED, that this ordinance does not immediately apply to an adult entertainment business lawfully established prior to the effective date of this Ordinance. An adult entertainment business may continue to operate until two years from the effective date of this ordinance. On or after that date, all adult entertainment businesses shall conform to the requirements of this ordinance.

AND BE IT FURTHER ENACTED, that a business establishment that is not in compliance with Chapter 17.166 may continue to operate until two years from the effective date of this ordinance. On or after that date, all such business establishments shall comply with Chapter 17.166.

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

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the ___ day of _____, 201_, and having been published as required by law, in the meantime, was finally passed by the Council on the ___ day of _____, 201_.

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121 ATTEST:

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124 _____
Kimberly R. Nichols, City Clerk

Jacob R. Day, City Council President

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127 Approved by me, this _____ day of _____, 201_.

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James Ireton, Jr.,

131 Mayor

Memorandum

To: Tom Stevenson, City Administrator
From: William T. Holland
Date: 2/24/2015
Re: Noise/Construction & Repair of Buildings

Tom, recently the City has received noise complaints as a result of construction being conducted on Saturdays. Section 8.20.020(I) permits construction activities between the hours of seven a.m. and six p.m. on “weekdays.” I’ve received two legal interpretations, most recently from Mr. Tilghman’s office defining a “weekday” as being Monday via Saturday.

The current legal definition we’ve received via the legal department apparently has drawn some confusion from the public as to the definition of a “weekday.” I would like the City Council to consider an amendment to Section 8.20.020(I) that would define a “weekday” as Monday via Saturday and to further protect ones peaceful enjoyment by limiting the available hours on Saturday that work could begin.

For your convenience I’ve attached the code section below.

- I. Construction or Repairing of Buildings. The erection (including excavation), demolition, alteration or repair of any building other than between the hours of seven a.m. and six p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the department of neighborhood services and code compliance which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the department of neighborhood services and code compliance should determine that the public health and safety will not be impaired by the erection, excavation, demolition, alteration or repair of any building within the hours of six p.m. and seven a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of six p.m. and seven a.m., upon application being made at the time that the permit for work is awarded or during the progress of the work.

Memo

To: Tom Stevenson, City Administrator

CC: Terence Arrington, Assistant City Administrator

From: William T. Holland

Date: December 17, 2014

Re: Plumbing and Gas Permit Fees

Recently, I've been reviewing the city's permit fees and have concluded that both plumbing and gas permit fees need adjusting to reflect the "true" cost of processing, permitting and conducting the required inspections. The last time plumbing permit fees were adjusted was in 2006. Gas permits have been a flat fee of \$20 for at least the last twenty years. I'm recommending of increasing plumbing permit fees by \$2/fixture, or raising the cost per fixture from \$8/fixture to \$10/fixture. On a standard two-in-a-half bathroom dwelling, the plumbing permit fee would increase by \$60, or \$210 to \$270. The permit fee includes processing and issuing the permit along with a minimum of three required inspections, and in some case four or more inspections. Additionally, I recommend a small increase in the water distributing pipe and building drainage pipe from \$10 to \$15, increase the water service pipe and building sewer pipe from \$20 to \$30, and increasing a well permit from \$25 to \$50.

On a final note, I'm proposing a "change of use" fee of \$50. The 2015 Maryland Building Performance Standards has incorporated requirements for the issuance of a new certificate of occupancy for the change in a buildings use, or portion of a buildings use even with no change in its occupancy classification. This is a tool that building officials utilize to control uses and occupancies of the various buildings and structures within the jurisdiction. For many years the city has been performing/issuing change of use certificate of occupancy free of charge. The proposed fee would include the processing and entering the required data, at a minimum of one inspection to determine compliance with the proposed use and issuing the certificate of occupancy.

To re-enforce the proposed increases, the following municipalities were selected to compare their plumbing/gas permit fees to what I'm proposing to the City Council:

City of Annapolis – Residential plumbing permit fee \$40 + \$12/fixture
Commercial plumbing permit fee \$70 +\$12/fixture
Gas permit fee \$35 + \$12/fixture

City of Hagerstown – Residential plumbing permit fee \$50+\$5/fixture
Commercial plumbing permit fee \$100+\$5/fixture
Gas permit fee \$20+\$10/fixture

City of Rockville – Plumbing permit fee \$55+12/fixture

	Gas permit fee \$55+\$15/fixture
Town of Ocean City-	Residential plumbing permit fee \$45+\$15/fixture Commercial plumbing permit fee \$90+\$15/fixture Gas permit fee \$90+\$15/fixture
Town of Easton-	Residential plumbing permit fee \$75 Residential gas permit fee \$40 Commercial plumbing/gas permit fee permit multiplier .0010
City of Greensboro, NC-	Plumbing permit fee \$70+\$7/fixture Gas permit fee \$75+\$10/fixture
City of Salisbury, MD -	Plumbing permit fee \$30+\$8/fixture Gas permit \$20 Well permit \$20

The following is a break-down of our current plumbing permit fees and the proposed fees:

Current Plumbing Permit Fees		Proposed Plumbing Permit Fees	
Water Closet	\$8	Water Closet	\$10
Bath Tub	\$8	Bath Tub	\$10
Shower	\$8	Shower	\$10
Wash Basin Lavatory	\$8	Wash Basin Lavatory	\$10
Kitchen Sink	\$8	Kitchen Sink	\$10
Laundry Tray	\$8	Laundry Tray	\$10
Automatic Washer	\$8	Automatic Washer	\$10
Hot Water Heater	\$8	Hot Water Heater	\$10
Urinal	\$8	Urinal	\$10
Mop Sink	\$8	Mop Sink	\$10
Automatic Dish Washer	\$8	Automatic Dish Washer	\$10
Two/Three Compartment Sink	\$8	Two/Three Compartment Sink	\$10
Fixture Not Listed	\$8	Fixture Not Listed	\$10
Outside Faucet	\$8	Outside Faucet	\$10
Water Distributing Pipe	\$10	Water Distributing Pipe	\$15
Building Drainage	\$10	Building Drainage	\$15
Water Service Pipe	\$20	Water Service Pipe	\$30
Building Sewer Pipe	\$20	Building Sewer Pipe	\$30
Interceptor-Grease-Oil-Sand	\$50	Interceptor-Grease-Oil-Sand	\$75
Black-flow Prevention Device	\$10	Non-Testable Backflow Device	\$10
Backflow Prevention Assembly	\$70	Testable Backflow Assembly	\$100
Catch Basin or Manhole	\$10	REMOVE	
Replace Water/Sewer	\$10	REMOVE	
Sewage Pump	\$20	Pump/Back Water Valve	\$20
On-Site Sewer	\$100	On-Site Sewer	\$100
Fire Water Service Pipe	\$50	Fire Water Service	\$50
Gas	\$20	REMOVE SEPARATE PERMIT	
PERMIT FEE	\$30	PERMIT FEE	\$30
Well Permit Fee	\$25	Well Permit Fee	\$50

City of Salisbury



MARYLAND

Salisbury



2010

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JAMES IRETON, JR.
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

To: Tom Stevenson, City Administrator
From: Keith Cordrey, Director of Internal Services
Date: Feb 24 2015
Re: 2003 CDA Bond Reallocation

Please find attached an Ordinance which reallocates proceeds from the 2003 CDA Bond proceeds for the purpose of the following projects: (i) City Park Tennis Lighting Improvements and (ii) Marina Signage and Fence Improvements.

If you have no additional questions, please forward this ordinance to Council.

Ordinance No. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SALISBURY (THE "COUNCIL") ENTITLED AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1870, PASSED BY THE COUNCIL ON JANUARY 27, 2003, APPROVED BY THE MAYOR ON FEBRUARY 3, 2003 AND EFFECTIVE ON FEBRUARY 3, 2003, AS AMENDED BY ORDINANCE NO. 1888, PASSED BY THE COUNCIL ON DECEMBER 22, 2003, APPROVED BY THE MAYOR ON JANUARY 5, 2004 AND EFFECTIVE ON JANUARY 5, 2004, AND AS FURTHER AMENDED BY ORDINANCE NO. 2081, PASSED BY THE COUNCIL ON AUGUST 10, 2009, APPROVED BY THE MAYOR ON AUGUST 10, 2009 AND EFFECTIVE ON AUGUST 10, 2009, IN ORDER TO AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE "CITY") TO USE AND APPLY A PORTION OF THE PROCEEDS OF THE \$5,614,000 THE CITY OF SALISBURY INFRASTRUCTURE BOND, 2003 SERIES A ISSUED ON JUNE 18, 2003 (THE "2003 BOND") AND HELD BY THE TRUSTEE FOR CERTAIN BONDS OF THE COMMUNITY DEVELOPMENT ADMINISTRATION IDENTIFIED HEREIN FOR THE PUBLIC PURPOSE OF FUNDING COSTS OF CERTAIN PROJECTS IDENTIFIED AS FOLLOWS: (I) CITY PARK TENNIS COURT LIGHTING IMPROVEMENTS AND (II) MARINA SIGNAGE AND FENCE IMPROVEMENTS, IN ADDITION TO THE PROJECTS IDENTIFIED IN ORDINANCE NO. 1870, AS AMENDED BY ORDINANCE NO. 1888 AND ORDINANCE NO. 2081; AUTHORIZING AND DIRECTING OFFICIALS OF THE CITY TO APPROVE, EXECUTE AND DELIVER AMENDMENTS, MODIFICATIONS OR SUPPLEMENTS TO CERTAIN DOCUMENTS, AGREEMENTS, CERTIFICATES AND INSTRUMENTS EXECUTED AND DELIVERED IN CONNECTION WITH THE ISSUANCE OF THE 2003 BOND OR THE \$4,828,000 CITY OF SALISBURY PUBLIC IMPROVEMENTS REFUNDING BOND, SERIES 2011B BOND (THE "2011B BOND"), PROCEEDS OF WHICH WERE APPLIED TO REFUND AND REDEEM THE 2003 BOND, AND SUCH ADDITIONAL DOCUMENTS, AGREEMENTS, CERTIFICATES OR INSTRUMENTS AS MAY BE NECESSARY OR DESIRABLE IN ORDER TO REFLECT OR EFFECTUATE MATTERS PROVIDED FOR IN THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; PROVIDING THAT THIS TITLE IS A FAIR STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2003 BOND AND THE 2011B BOND.

RECITALS

WHEREAS, City of Salisbury (the "Issuer" or the "City") is a municipal corporation of the State of Maryland organized and operating under a charter (the "Charter") adopted in accordance with Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland, as amended (now codified in the Local Government Article of the Annotated Code of Maryland, as amended); and

WHEREAS, pursuant to Ordinance No. 1870, passed by the Council of the Issuer (the "Council") on January 27, 2003, approved by the Mayor of the Issuer (the "Mayor") on February 3, 2003 and effective on February 3, 2003 ("Ordinance No. 1870") and the authority of Subtitle 2 of Title 2 of Article 83B of the Annotated Code of Maryland (now codified at Subtitle 2 of Title 4 of

the Housing and Community Development Article of the Maryland Code, and as amended, the “Act”), the Issuer on June 18, 2003 issued its The City of Salisbury Infrastructure Bond, 2003 Series A in the aggregate principal amount of \$5,614,000 (the “2003 Bond”) in order to provide a portion of funds needed for costs of certain projects identified in Ordinance No. 1870, issuance costs, bond insurance premiums and other related costs (collectively, the “Original Project”); and

WHEREAS, the 2003 Bond constitutes the “Bonds” as identified in Ordinance No. 1870 and was sold to the Community Development Administration, an agency in the Division of Development Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland (the “Administration”), in connection with the Local Government Infrastructure Financing Program of the Administration (the “Program”) in order to evidence a loan from the Administration to the Issuer to finance Development Costs of the Original Project (which is referred to in the Original Repayment Agreement identified below as the “Project”); and

WHEREAS, the 2003 Bond, together with certain obligations of other borrowers issued to the Administration pursuant to the Program, secures the repayment of the \$14,560,000 Community Development Administration Local Government Infrastructure Bonds (Ambac Insured), 2003 Series A (the “2003 Administration Bonds”); and

WHEREAS, in connection with the issuance of the 2003 Bond to the Administration, (i) the Issuer and the Administration entered into a Repayment Agreement dated as of March 1, 2003 (the “Original Repayment Agreement”) and a Pledge Agreement dated as of March 1, 2003 (the “Original Pledge Agreement”), and (ii) the Issuer executed and delivered certain additional documents, agreements, certificates or instruments (collectively with the Original Pledge Agreement and the Original Repayment Agreement, the “Original Program Documents”), including, without limitation, a Local Government General Certificate dated June 18, 2003 (the “Original General Certificate”), which Original General Certificate, among other matters, contains certain representations and covenants of the Issuer as to the use of the proceeds of the 2003 Bond and the Original Project and as to compliance with the provisions of the Internal Revenue Code of 1986, as amended and the Income Tax Regulations promulgated thereunder (collectively, the “Code”); and

WHEREAS, pursuant to Ordinance No. 1888, passed by the Council on December 22, 2003, approved by the Mayor on January 5, 2004 and effective on January 5, 2004 (“Ordinance No. 1888” and, together with Ordinance No. 1870, the “2004 Amended Ordinance”), the Issuer amended Ordinance No. 1870 in order to allow proceeds of the 2003 Bond to be applied to an additional project described in Ordinance No. 1888 as the Northeast Collector Road Project (the “2004 Additional Project” and, together with the Original Project, the “2004 Modified Project”); and

WHEREAS, although the Issuer enacted Ordinance No. 1888 to modify the definition of the Project as set forth in Ordinance No. 1870 to include the 2004 Additional Project, and proceeds of the 2003 Bond were subsequently applied to fund Development Costs of the 2004 Additional Project, the Issuer and the Administration, as applicable, did not execute and deliver amendments,

modifications or supplements to the 2003 Bond or the Original Program Documents in 2004 to reflect use of the 2003 Bond for such purpose; and

WHEREAS, due to achieved costs savings with respect to 2004 Modified Project, pursuant to Ordinance No. 2081, passed by the Council on August 10, 2009, approved by the Mayor on August 10, 2009 and effective on August 10, 2009 (“Ordinance No. 2081” and, together with the 2004 Amended Ordinance, the “Existing Ordinance”), the Issuer amended the 2004 Amended Ordinance in order to allow proceeds of the 2003 Bond to be applied to additional projects identified in Ordinance No. 2081 as (i) Mill Street Storm Drain Upgrade Engineering, (ii) South Baptist Street Storm Drain Construction, (iii) Northeast Collector Road Hike and Bike Trail, (iv) Circle Avenue Bridge Repair, and (v) Springfield Circle Storm Drain Repair Construction (collectively, the “2009 Additional Project” and, together with the 2004 Modified Project, the “2009 Modified Project”); and

WHEREAS, in order to allow for application of proceeds of the 2003 Bond to the 2009 Additional Project, the Issuer (i) executed and delivered a Supplemental Local Government General Certificate dated August 20, 2009, supplementing the Original General Certificate (the “2009 Supplemental General Certificate” and, together with the Original General Certificate, the “2009 Modified General Certificate”), (ii) entered into a First Amendment and Supplement to Repayment Agreement dated as of August 1, 2009 with the Administration, amending and supplementing the Original Repayment Agreement (the “2009 Repayment Agreement Amendment” and, together with the Original Repayment Agreement, the “2009 Modified Repayment Agreement”), and (iii) entered into an Agreement to Amend The City of Salisbury Infrastructure Bond, 2003 Series A dated as of August 1, 2009 with the Administration in order to add the 2004 Additional Project and the 2009 Additional Project to the list of projects set forth in the third paragraph of the bond certificate for the 2003 Bond; and

WHEREAS, the 2009 Supplemental General Certificate and the 2009 Repayment Agreement Amendment contain certain covenants, representations, certifications and agreements of the Issuer with respect to the 2004 Additional Project in addition to the 2009 Additional Project; and

WHEREAS, on December 13, 2011, the Issuer issued its \$4,828,000 City of Salisbury Public Improvements Refunding Bond, Series 2011B (the “2011B Bond”), proceeds of which were applied, in part, to advance refund the then-outstanding principal amount of the 2003 Bond; and

WHEREAS, as of the date of issuance of the 2011B Bond, the Issuer expected to have fully expended proceeds of the 2003 Bond prior to June 1, 2013; and

WHEREAS, the 2003 Bond was fully redeemed and retired as of June 1, 2013 in accordance with the provisions thereof, but due to unforeseen circumstances, certain proceeds of the 2003 Bond remain unexpended and are held by the trustee for the 2003 Administration Bonds (the “2003 Trustee”); and

WHEREAS, pursuant to the provisions of the Code, the unexpended proceeds of the 2003 Bond are considered “transferred proceeds” of the 2011B Bond; and

WHEREAS, notwithstanding the prior redemption and retirement of the 2003 Bond, the Issuer has not satisfied all the Local Government Requirements as provided for and defined in the 2009 Modified Repayment Agreement, and, accordingly, the Issuer must obtain the Administration’s consent and approval with regard to application of the unexpended proceeds of the 2003 Bond; and

WHEREAS, the Issuer desires to amend and supplement the Existing Ordinance in order to allow unexpended proceeds of the 2003 Bond to be applied to fund costs of certain additional projects identified as follows: (i) City Park Tennis Lighting Improvements and (ii) Marina Signage and Fence Improvements; and

WHEREAS, accordingly, the Issuer desires to revise the description of the 2009 Modified Project as set forth in the Existing Ordinance and certain other documents, agreements, certificates and instruments executed and delivered by the Issuer in connection with the 2003 Bond or the 2011B Bond and to make or ratify certain covenants, agreements and representations with respect to the use of proceeds of the 2003 Bond, the 2003 Administration Bonds and the 2011B Bond as described herein and related matters.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that (a) the Recitals to this Ordinance are incorporated by reference herein and deemed a substantive part of this Ordinance. Capitalized terms used in this Ordinance and defined in the Recitals shall have the meanings given to such terms in the Recitals except as otherwise provided in this Ordinance.

(b) References in this Ordinance to any official by title shall be deemed to refer (i) to any official authorized under the Charter of the City (the “Charter”) or other applicable law to act in such titled official’s stead during the absence or disability of such titled official, (ii) to any person who has been elected, appointed or designated to fill such position in an acting capacity under the Charter, the code of City ordinances (the “City Code”) or other applicable law, (iii) to any person who serves in a “Deputy” or “Assistant” capacity as such an official, provided that the applicable responsibilities, rights or duties referred to herein have been delegated to such deputy or assistant in accordance with applicable law or authority, and/or (iv) to the extent an identified official commonly uses another title not provided for in the Charter or the City Code, the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

SECTION 2. BE IT FURTHER ORDAINED that (a) from and after the effective date of this Ordinance the projects identified as follows shall be added to the description of the 2009 Modified Project contained in the Existing Ordinance and proceeds of the 2003 Bond may be applied to fund Development Costs (as defined in the Original Repayment Agreement) of such additional projects in accordance with the Original Program Documents, as amended, modified or supplemented to date and as the same may be further amended, modified or supplemented as provided for herein: (i) City Park Tennis Lighting Improvements and (ii) Marina Signage and

Fence Improvements (collectively, the “2015 Additional Project” and, together with the 2009 Modified Project, the “2015 Modified Project”). It is the intention of the Issuer that proceeds of the 2003 Bond may be applied to fund any expenditures of the 2015 Additional Project that are contemplated by applicable City budgets and that are permitted by the Administration as Development Costs of the 2015 Additional Project. The Issuer, by enactment of this Ordinance, expressly acknowledges the Administration’s authority to approve expenditure of proceeds of the 2003 Bond.

(b) By undertaking the amendments to the Existing Ordinance provided for in subsection (a) of this Section 2, the Issuer is revising the definition of the “Project” as contained in Ordinance No. 1870 (referred to herein as the Original Project), as modified by the 2004 Additional Project identified in Ordinance No. 1888 and the 2009 Additional Project identified in Ordinance No. 2081, to include the 2015 Additional Project, and proceeds of the 2003 Bond may be applied to fund Development Costs of the 2015 Additional Project in addition to Development Costs of the Original Project, the 2004 Additional Project and the 2009 Additional Project as previously identified in the Existing Ordinance. From and after the effective date of this Ordinance, all references to the “Project” in the Existing Ordinance shall be deemed to include the 2015 Additional Project. From and after the effective date of this Ordinance, the provisions of this Section 2 shall amend the provisions of the Recitals of and Section 6 of Ordinance No. 1870, the provisions of Ordinance No. 1888 and the provisions of Section 2 of Ordinance No. 2081 with respect to the application of proceeds of the 2003 Bond, and it is intended that proceeds of the 2003 Bond may be applied to fund Development Costs of the 2015 Modified Project.

(c) References in this Ordinance to the application or use of proceeds of the 2003 Bond to fund Development Costs of the 2015 Modified Project shall be construed to mean (i) for purposes of the Act, the 2009 Modified Repayment Agreement and the 2009 Modified General Certificate, as the same may be amended, modified or supplemented as provided for herein, use of such proceeds held by the 2003 Trustee to finance or reimburse Development Costs of the 2015 Modified Project and (ii) to the extent applicable for purposes of the Code, expenditure or application of such proceeds as “transferred proceeds” of the 2011B Bond.

SECTION 3. BE IT FURTHER ORDAINED that (a) the Mayor is hereby authorized and directed to approve, execute and deliver, on behalf of the Issuer, any amendments, modifications or supplements to the 2009 Modified Repayment Agreement or the Original Pledge Agreement deemed necessary or desirable by the Administration in order to provide for or reflect the use of proceeds of the 2003 Bond to fund Development Costs of the 2015 Additional Project and related matters, including, without limitation, to modify the definition of “Project” contained therein to include the 2015 Additional Project. Any such amendments, modifications or supplements shall be in such form and shall contain such terms and conditions as shall be approved by the Mayor and acceptable to the Administration, and the execution thereof by the Mayor shall be conclusive evidence of his approval of the form and substance thereof.

(b) The appropriate official or officials of the Issuer are hereby authorized and directed to approve, execute and deliver, on behalf of the Issuer, any amendments, modifications or supplements to the Original Program Documents, as the same may have been amended, modified or supplemented to date (other than the 2009 Modified Repayment Agreement and the Original Pledge

Agreement) including, without limitation, the 2009 Modified General Certificate, deemed necessary or desirable by the Administration or its counsel in order to provide for or reflect the use of proceeds of the 2003 Bond to fund Development Costs of the 2015 Modified Project and related matters, including, without limitation, to modify the definition of "Project" contained therein to include the 2015 Additional Project or to provide for or ratify and confirm compliance with the provisions of the Code. Any such amendments, modifications or supplements shall be in such form and shall contain such terms and conditions as shall be approved by such appropriate official or officials and acceptable to the Administration, and the execution thereof by such appropriate official or officials shall be conclusive evidence of his, her or their approval of the form and substance thereof.

(c) In connection with the transactions contemplated by this Ordinance, the appropriate official or officials of the Issuer are hereby authorized and directed to approve, execute and deliver, on behalf of the Issuer, any amendments, modifications or supplements to any documents, certificates or instruments executed and delivered by the Issuer in connection with the issuance of the 2011B Bond deemed necessary or desirable by bond counsel to the City.

(d) The appropriate officials, officers and employees of the Issuer are hereby authorized and directed to do all acts and things required of them by the provisions of this Ordinance, for the full, punctual and complete performance of all of the terms, covenants and provisions of the 2009 Modified Repayment Agreement, the Original Pledge Agreement, the 2009 Modified General Certificate, the 2011B Bond and the agreements, documents, certificates or instruments respectively related thereto, as the same may have been to date, or as the same may be further, amended, modified or supplemented in accordance with the provisions of this Ordinance, and to do and perform all acts and to approve, execute, seal and deliver all additional documents, agreements, certificates or instruments which may be necessary or desirable to carry out the full intent and purposes of this Ordinance, the 2009 Modified Repayment Agreement, the Original Pledge Agreement, the 2009 Modified General Certificate, the 2011B Bond and such related agreements, documents, certificates or instruments, as so amended, modified or supplemented.

SECTION 4. BE IT FURTHER ORDAINED that the Issuer covenants with the Administration and for the benefit of the owners from time to time of the 2003 Administration Bonds and the 2011B Bond that so long as the 2003 Administration Bonds or the 2011B Bond remain outstanding and unpaid, the Issuer will not (i) make any use of the proceeds of the 2003 Bond or the 2011B Bond or any moneys, securities or other obligations on deposit to the credit of the Issuer or otherwise which may be deemed by the Internal Revenue Service to be proceeds of the 2003 Bond or the 2011B Bond pursuant to Section 148 of the Code which would cause the 2003 Bond, the 2003 Administration Bonds or the 2011B Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code, or (ii)(A) take any action, (B) fail to take any action, or (C) make any use of the proceeds of the 2003 Bond or the 2011B Bond which would cause the interest on the 2003 Bond, the 2003 Administration Bonds or the 2011B Bond to be or become includible in gross income for federal income tax purposes in the hands of the owners thereof.

SECTION 5. BE IT FURTHER ORDAINED that as required by the Administration, prior to the passage of this Ordinance, the Issuer shall publish in a newspaper of general circulation in the jurisdiction of the Issuer a notice of the nature of the 2015 Additional Project to be funded from proceeds of the 2003 Bond, the time and place of the public hearing, and the name and address

where written comments may be sent, and the Issuer shall hold a public hearing on the proposed use of proceeds of the 2003 Bond to fund Development Costs of the 2015 Additional Project.

SECTION 6. BE IT FURTHER ORDAINED that from and after the effective date of this Ordinance, the Existing Ordinance shall be deemed amended and supplemented as provided herein and all other terms and provisions of the Existing Ordinance shall remain in full force and effect.

SECTION 7. BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be liberally construed to effectuate the transactions contemplated by this Ordinance.

SECTION 8. BE IT FURTHER ORDAINED that the title of this Ordinance shall be deemed to be, and is, a fair statement of the substance of this Ordinance for posting or publication and all other purposes.

SECTION 9. BE IT FURTHER ORDAINED that this Ordinance shall become effective following approval by the Mayor or subsequent passage by the Council in accordance with the provisions of Section SC2-12 of the Charter. Pursuant to Charter Section SC2-16, this Ordinance shall not be subject to petition to referendum.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 2015, and thereafter, a statement of the substance of this Ordinance having been posted or published as required by law, was finally passed by the Council _____ [as introduced] _____ [as amended] [CHECK APPLICABLE LINE] on the _____ day of _____, 2015.

ATTEST:

Kimberly R. Nichols, City Clerk

Jacob R. Day, City Council President

APPROVED BY ME THIS _____ DAY OF _____, 2015:

James Ireton, Jr., Mayor

#171094;58111.029

INTER

OFFICE

MEMO

Office of the Mayor

To: City Council
From: Tom Stevenson
Subject: Charter/Code Changes
Date: February 24, 2015

From time to time it is necessary to review, amend and improve the Charter and Code of the City of Salisbury, Maryland. At my request, each department head reviewed the City Charter and Code to identify inconsistencies, errors, omissions, etc. The attached includes the areas of the City Charter that require consideration.

The recommended changes include:

- Correcting spelling and punctuation errors;
- Eliminating and/or replacing outdated language;
- Amending inconsistencies or contradictions; and/or
- Other improvements as identified

These proposals have been compiled and organized numerically by their charter or code section number. The suggestions which we would consider substantive have been indicated with an asterisk (*). The Department Head or the Department submitting the suggestion has been identified in **Bold**. Due to the number of changes, we anticipate that Council will want to schedule this review and discussion over several work sessions. This initial review only focuses on the City Charter.

Following Council review, it will be necessary to format those changes that you wish to pursue into ordinance or resolution form as appropriate for legislative action.

If you have any questions, please let me know.

cc: Mayor Ireton
All Department Heads
Mark Tilghman
Kim Nichols

ARTICLE III - The Mayor

§ SC3-1. - Term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of four (4) years or until his successor is elected and qualified, except that the term of the Mayor elected on the first Tuesday of April 2013 shall expire on the second Monday after the first Tuesday of November 2015. The regular term of the Mayor shall expire on the second Monday after the election of his successor.

[1959 Code, sec. 301. 1951, ch. 534, sec. 20][Amended 6-11-12 by Res. No. 2170]

Delete outdated info –

“The Mayor holding office on January 1, 1952, shall continue to hold office for the term for which he has been elected.” City Clerk

§ SC3-2. - Qualifications.

The Mayor must have resided in Salisbury for at least one (1) year immediately preceding his election, must be at least twenty-one (21) years of age and must be a qualified voter of the city.

[1959 Code, sec. 302. 1951, ch. 534, sec. 2] [Amended 2-14-72 by Res. No. 154]

§ SC3-3. - Salary.

The Mayor shall receive a salary. A Salary Review Committee comprised of five (5) members to be appointed by the Mayor is hereby created to review the salary of the Mayor. The Committee shall make a written recommendation to the City Council six months prior to the next election for Mayor, with the Mayor's salary to be effective in the fiscal year after the Mayor's current term expires. Salary recommendations shall be considered by the City Council and salary shall be set forth and adopted in an Ordinance passed by the City Council. Thereafter, a Salary Review Committee shall be appointed by the Mayor every four (4) years to perform the task set forth herein, with salary to be established by the City Council by Ordinance. The Mayor may also be eligible to participate in benefit programs by paying the full cost of participation in the employee benefit programs. Nothing herein shall permit the Mayor's salary or benefits to be changed to be effective during the term for which the Mayor is then serving. The Committee established herein shall be the same Committee established for a similar review of the salary of the Councilmembers.

[1959 Code, sec. 303. 1951, ch. 534, sec. 22] [Amended 7-12-65 by Res. No. 594*; 11-12-73 by Res. No. 172**; 12-14-81 by Res. No. 231; 11-8-93 by Res. No. 439; 2-22-10 by Res. No. 1890; 2-25-11 by Res. No. 2036]

* Editor's Note: For the preamble to Res. No. 594, adopted 7-12-65, see Art. II, § SC2-3.

** Editor's Note: For the preamble to Res. No. 172, adopted 11-12-73, see Art. II, § SC2-3.

§ SC3-4. - Powers.

A. Ordinances. The Mayor shall see that the ordinances of the city are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the city government. In these capacities, the Mayor shall be assisted by a City Administrator as

provided in §§ SC4-1 and SC4-2 of this Charter. The Mayor is responsible for the administration of the city's affairs.

- B. Report. The Mayor shall prepare or cause to be prepared annually a report in the name of the government of the City of Salisbury. This report shall deal not only with the financial condition of the city, but also with the accomplishments of the various agencies and the city. This report shall be printed for general distribution.
- C. Appointments. The Mayor with the advice and consent of a majority of the full Council shall appoint the heads of all offices, departments and agencies of the government of the City of Salisbury as established by this Charter or by ordinance of the Council, with the exception of the City Clerk and the City Solicitor, who shall be appointed as provided in § SC8-1 and § SC9-1, respectively. The City Clerk and City Solicitor shall serve at the pleasure of a majority of the full Council, the City Administrator shall serve at the pleasure of the Mayor and a majority of the full Council, and all other department heads shall serve continuously unless terminated pursuant to § SC2-10. All subordinate officers and employees of the offices, departments and agencies, excepting those serving under the City Clerk and the City Solicitor, shall be appointed by the Mayor on the recommendation of the head of the office, department or agency concerned subject to budgetary appropriations. Except as may be modified by the adoption of a merit system, all subordinate officers and employees may be removed by the Mayor on the recommendation of the appropriate office, department or agency head, excepting those serving under the City Clerk and the City Solicitor.
- D. Vetoes. The Mayor shall have the power to veto ordinances passed by the Council as provided in § SC2-12.
- E. Recommendations. The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendations as he deems proper for the public good and welfare of the city.
- F. Budget. The Mayor annually shall prepare or have prepared a budget and submit it to the Council. He shall be responsible for the administration of the budget as adopted by the Council.

[1959 Code, sec. 304. 1951, ch. 534, sec. 23] [Amended 5-23-05 by Res. No. 1247; 10-10-11 by Res. No. 2109]

A (Ordinances) and D (Vetoes) – be consistent when revising language in Article II (§SC2-12, §SC2-15, §SC2-16) City Clerk

ARTICLE IV - City Administrator

§ SC4-1. - City Administrator.

There shall be a City Administrator in the Office of the Mayor who shall be the Chief Administrative Officer of the city. The City Administrator shall be the direct subordinate of the Mayor and the immediate supervisor of each department head. The City Administrator shall

serve as the supervising authority of the Office of the Mayor and shall be the Mayor's Chief of Staff.

[Repealed and replaced 9-13-04 by Res. No. 1141]

§ SC4-2. - Appointment.

The City Administrator shall be appointed by the Mayor with the advice and consent of the Council. The City Administrator shall have had, prior to appointment, an advanced degree in business or public administration from an accredited college or university and at least five years' experience in public administration or private business; or an equivalent combination of education and experience. At the time of appointment or within one year thereafter, the City Administrator shall be a member in good standing of the International City and County Management Association.

[Repealed and replaced 9-13-04 by Res. No. 1141]

§ SC4-3. - Duties full time.

The City Administrator shall devote his or her full time to the duties of the office and shall serve at the pleasure of the Mayor and Council.

[Added 9-13-04 by Res. No. 1141]

§ SC4-4. - Compensation.

The compensation of the City Administrator shall be determined by the Council.

[Added 9-13-04 by Res. No. 1141]

§ SC4-5. - Duties.

The duties of the City Administrator shall be determined and assigned by the Mayor and shall include:

- (1) To serve as Chief of Staff of the department heads, excepting the City Clerk and City Solicitor;
- (2) To exercise supervisory authority over department heads, excepting the City Clerk and City Solicitor;
- (3) To direct the operations of the city government;
- (4) To supervise the Office of Mayor at the direction of the Mayor and to be responsible for the execution of the duties and responsibilities of the Office of the Mayor;
- (5) To supervise the preparation of the city budget;
- (6) To recommend candidates to the Mayor for appointment as department heads, excepting the City Clerk and City Solicitor;
- (7) When necessary, to recommend disciplinary actions against department heads to the Mayor, excepting the City Clerk and City Solicitor;
- (8) To assist the Mayor in the formation of policy and the implementation of plans to address demands for municipal services, enhance the quality of life and strengthen the economic vitality of the city; and
- (9) To perform such duties not inconsistent with the Charter as may be delegated by the Mayor from time to time.

[Added 9-13-04 by Res. No. 1141; amended 10-10-11 by Res. No. 2109]

Add a new section as follows:

*§SC4-6 Assistant City Administrator **

The City Administrator shall be authorized to appoint an Assistant City Administrator, subject to the confirmation of the Mayor. His compensation shall be determined by the City Council. The Assistant City Administrator shall perform such duties as the City Administrator shall require and shall act as the City Administrator in the City Administrator's absence.

ARTICLE V - General Powers

§ SC5-1. - Enumeration.

A. The City of Salisbury shall have the power:

- (1) Aisles. To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement.
- (2) Amusements. To provide for the restraining of theatrical or other public amusements of an immoral or indecent nature within the city.
- (3) Auctioneers. To regulate and license auctioneers who cry any public sales within the corporate limits of the city.
- (4) Bawdy houses. To suppress streetwalkers and to prohibit or restrain the keeping of bawdy houses or houses of ill fame within the limits of the city.
- (5) Buildings. To make reasonable regulations in regard to buildings to be erected in the city and to grant building permits for the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector and to require reasonable charges for permits and inspections; to regulate and restrict the height, number of stories, and size of buildings and other structures, the size of yards, courts and open spaces; and the location and use of buildings, structures and land for trade, industry or residence or tanks, pumps or other fixtures; to establish the distance buildings or any part thereof, fences or walls shall be erected from inner curb of street line; to direct in what part of the city wooden buildings shall not be erected or constructed; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure and to require that such buildings and structures be made safe or taken down.
- (6) Contracts. To contract with any corporation, firm or person for the lighting of the city or a part thereof, either with electricity or gas or by such means as may be deemed proper; and to contract for water for use at fires or for other city purposes, provided that no contract so entered into shall be for a longer period than three (3) years.

- (7) Codification. To provide for the codification of all ordinances which have been or may hereafter be passed.
- (8) Disorder. To restrain all disorder, disturbances, annoyances, disorderly conduct and drunkenness.
- (9) Dogs. To regulate the keeping of dogs in the city and to provide for the licensing and taxing of the same; to provide for disposition of homeless dogs and dogs on which no license or taxes are paid.
- (10) Exits. To regulate the construction and maintenance of exits from places of amusements and all public buildings.
- (11) Explosives. To prevent and regulate the storage of gunpowder, oil or other combustible matter in such quantities and in such places as may be deemed proper; to prevent firing of guns, cannons, pistols, rifles, slingshots, firecrackers or other fireworks or other explosives within the city.
- (12) Fire. To suppress fires and prevent the dangers thereof and to establish and maintain a Fire Department; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of city fire hazard regulations are met; and to take all other measures necessary to control and prevent fires in the city.
- (13) Food. To inspect and require the condemnation, if unwholesome, and to regulate the sale of meats, poultry, fish, butter, oleomargarine, cheese, lard, vegetables and all other food products.
- (14) Franchises. To grant franchises to electric, gas, telephone, telegraph, street railway, taxicab, bus, water, heating, sewer or drain companies and to any others which may be deemed advantageous and beneficial to the city, and the city, notwithstanding anything that may be set out in any such franchise, shall not have the power to divest itself of its police power to regulate and control the use of the streets, alleys, highways and other public places of the city under any franchise that may be so granted by it; all franchises so granted by the city under this Charter power shall be for a definite term of years, not exceeding twenty-five, and shall be renewable at the discretion of the city, and such franchises shall specifically set out the nature, right and duration of the same, and no power or right not expressed in such franchises shall pass thereunder; and for any franchises hereafter granted by the city under this Charter power the city may make an original, and thereafter an annual charge for using the streets, alleys, highways and other public places of the city; provided, however, that none of the terms and provisions of this Subsection A(14) shall be applicable or affect any franchises, rights and privileges heretofore or hereafter originating under any public general or public local law of this state, or to any franchises, rights and privileges heretofore granted by the city or otherwise existing on the date of enactment hereof, for the use of the streets, highways, alleys and other public places of the city.
- (15) Gambling. To prevent gambling and games of chance.
- (16) Garbage. To provide for the collection and removal of filth, garbage or any matter or thing that is or may become injurious to the health or comfort of the inhabitants of

Salisbury and to contract for the collection and removal of same or to have same removed or any nuisance abated by the city; to provide whether the expense, if any, shall be borne by individual property owners or tenants or shall be paid for in whole or in part by the city.

- (17) Grants-in-aid. To accept gifts and grants of federal or state funds from the federal or state governments or any agency thereof, and to expend the same for any lawful public purpose, agreeable to the conditions under which the gift or grant was made.
- (18) Hawkers. To regulate and provide for the issuing of licenses or permits for hawking, peddling and vending of wares and merchandise of every description upon the public ways of the city and to regulate and provide for the issuing of licenses or permits to all persons who may go from house to house to vend or sell any wares or merchandise; to regulate and provide for the issuing of licenses to all traveling persons who dispense medicines or medical advice.
- (19) House numbers. To regulate the numbering of houses and lots and to compel owners to renumber the same, or in default thereof, to authorize and require the same to be done by the city, at the owner's expense, such expense to constitute a lien upon the property and to be enforceable as provided in the ordinance.
- (20) Jail. To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the city.
- (21) Licenses. To issue licenses to any and all persons entering into or beginning transient business in the city for the sale of any goods, wares or merchandise; to regulate and license all restaurants, barbershops, pawnbrokers, junk dealers, fire and slaughter sales and auction sales; to regulate and license all nine- and ten-pin alleys, skating rinks, pool and billiard tables, theaters, moving-picture shows, boxing and sparring matches and wrestling contests and also exhibitions of every kind; to license or regulate any other business or calling.
- (22) Merit system. To establish and maintain a merit and pension system; all city employees, except heads of offices, departments and agencies, and members of boards and commissions shall be included in the classified service under such merit and pension system.
- (23) Minor privileges. To regulate or prevent the use of streets, sidewalks and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements and display of goods, wares and merchandise.
- (24) Nuisances. To regulate, restrain or prohibit the running at large of all animals and fowl on any of the public ways of the city; to regulate all stockyards, cattle pens, hog pens and slaughterhouses within the city or provide for their removal from the corporate limits thereof; to regulate and control all offensive trades, manufacture and traffic in offensive fertilizer or other commodities within the city limits; to regulate or suppress slaughterhouses and smokehouses within the city and to regulate canning houses within the corporate limits; to abate by appropriate ordinance all nuisances in the city which are so defined at common law, by this Charter or by the laws of the State of Maryland, whether the same be herein specifically named or not; to prevent, remove and abate all nuisances or obstructions in or upon the public ways, drains or watercourses, or in or

upon any lot adjacent thereto, or any other place within the limits of the city; to remove or cause to be removed houses or other structures that may be dangerous to persons passing along or over any of the public ways of the city.

- (25) Parking lots. To license, regulate, establish, operate, acquire, own and maintain parking lots.
- (26) Parks and playgrounds. To establish and maintain public parks and playgrounds.
- (27) Public property. To control and protect the public grounds and property of the city; to provide for protection of all public property, cemeteries and property of all public service companies or corporations.
- (28) Public utilities. To establish, own, control, operate, maintain and manage a wharf for the use of the city, a public market and a plant or plants and system or systems for supplying water to and for the city and the inhabitants thereof, and adjacent thereto, or any one (1) or more of them, and to exercise police power to regulate and control the use of the streets, alleys and highways and other public places of the city by electric, gas, telephone, telegraph, street railway, taxicab, bus, water, heating, sewer and drain companies, and to purchase or condemn, as hereafter provided, any property whatsoever, in fee simple or otherwise, for the purpose of establishing, owning, controlling, operating, maintaining or managing any such wharf or market or plant or plants and system or systems for water supply.
- (29) Railroads; safety appliances at and maintenance of grade crossings. To regulate the erection and maintenance of proper safety appliances by railroads at street crossings and to regulate the installation, repair and maintenance of all crossings by planking or otherwise for all public ways so that such crossing is adequate for traffic.
- (30) Rent control. To regulate and control the increase in rental fees charged by certain landlords and to regulate and define the legal rights, remedies, obligations and penalties of parties to any rental agreement and to provide both civil and criminal enforcement procedures for any violations.
- (31) Sewers. To grant franchises and regulate the putting of sewers or drains on or under its public ways and the charges for entering same.
- (32) Sidewalks. To regulate the use of sidewalks and all structures on, under or above same and to require the owner or occupant of the premises to keep the sidewalks in front of the premises and the gutters thereof free from snow and other obstructions and to prescribe hours for cleaning same.
- (33) Sweepings. To regulate and prevent the throwing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids or other materials into any public way or on any vacant lot in the city.
- (34) Transit system. To acquire, by purchase or lease, operate and maintain motor buses or other vehicles for the purpose of transporting persons for hire, both within the city and between the city and points located outside the corporate limits of the city.
- (35) Vagrants. To punish and suppress tramps and vagrants.

(36) Vehicles. To regulate, license and tax carts, wagons, carriages, automobiles and other vehicles used in the city for transporting goods or persons for hire; to regulate the speed of horses, wheeled vehicles, bicycles, motorcycles, automobiles and locomotives in the city limits.

(37) Voting machines. To purchase, rent, install and maintain voting machines for use in elections.

(38) Enforcement of ordinances.

(a) The Council has the power, pursuant to Article 23A, § 3(a) of the Annotated Code of Maryland, to provide that violations of ordinances and resolutions of the city shall be punishable as misdemeanors, unless otherwise specified as an infraction. No penalty for such violation shall exceed a fine of one thousand dollars (\$1000.) and imprisonment for six (6) months or such other limits as may be established by subsequent amendments to Article 23A, § 3(a). Any person subject to any fine, forfeiture or penalty has the right of appeal as is provided under the general laws of the State. The Council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding violation.

(b) Municipal infractions.

[1] The Council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor* by the laws of the state of** other ordinance. For purposes of this section, a municipal infraction is a civil offense.

[2] A fine not to exceed one thousand dollars (\$1000.) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed one thousand dollars (\$1000.) for each repeat offense, and each day a violation continues shall constitute a separate offense.

[3] Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the city in writing of this intention at least five (5) days prior to the date set for payment of the fine. Failure to pay the fine or give notice of intent to stand trial may result in an additional fine or adjudication by the court.

[4] Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

[1959 Code, sec. 310. 1951, ch. 534, sec. 29] [Amended 10-24-72 by Res. No. 161; 6-9-75 by Res. No. 187; 1-19-83 by Res. No. 247; 9-8-85 by Ord. No. 781; 2-26-96 by Res. No. 522; 2-26-96 by Res. No. 523]

* Editor's Note: So in original. Probably should read "misdemeanor."

** Editor's Note: So in original. Probably should read "or."

in these sections, we are authorized to “own” water systems and to “franchise” sewer systems but we are not authorized to own a sewer system. This should be changed to authorize us to own a sewer system as well. City Administrator

(14) Franchises – typo on 8th line – “fight” should be “right” City Clerk

§ SC5-2. - Saving clause.

The enumeration contained in § SC5-1 is not to be construed as limiting the powers of the city to the several subjects mentioned.

[1959 Code, sec. 311. 1951, ch. 534, sec. 30]

§ SC5-3. - Enforcement.

For the purpose of carrying out the powers enumerated in § SC5-1 of this Charter, for the preservation of the cleanliness, health, peace and good order of the community, for the protection of the lives and property of the citizens and to suppress, abate and discontinue, or cause to be suppressed abated or discontinued, all nuisances within the corporate and sanitary limits of the city, the Council may pass all ordinances or bylaws from time to time necessary. To ensure the observance of these ordinances, in addition to the usual action of debt or such other civil remedies as may exist in such cases by law for the recovery of the penalties thereto affixed, the Council may affix thereto reasonable fines and, in default of the payment of any fine imposed, it may provide for the imprisonment of the offender in the city lockup or county jail.

[1959 Code, sec. 312. 1951, ch. 534, sec. 31]

Be consistent with language concerning ordinances or bylaws. City Clerk

§ SC5-4. - Exercise of powers.

All the powers of the city shall be exercised in the manner prescribed by this Charter or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

[1959 Code, sec. 313. 1951, ch. 534, sec. 32]

City of Salisbury



MARYLAND



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

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

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

TO: Tom Stevenson, City Administrator
FROM: Michael S. Moulds, P.E., Director of Public Works
Paul B. Mauser, E.I., Project Engineer
DATE: January 30, 2015
SUBJECT: February 17th Council Work Session
Contract No. RFP 04-14
Main Street Masterplan: Water, Sewer, Stormwater and Streetscape Improvements

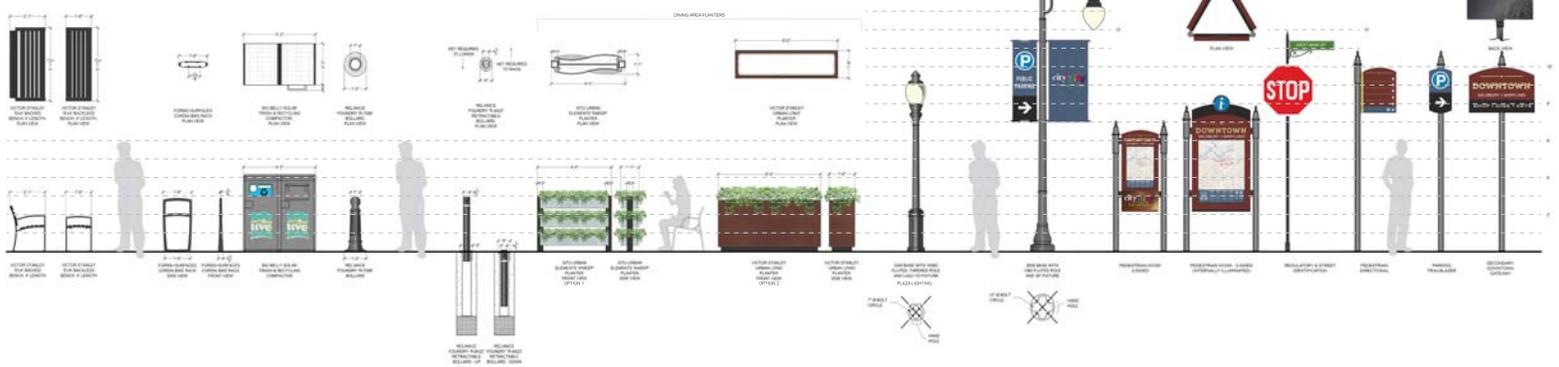
Please find attached to this memo a design package from AMT for the February 17th Council Work Session. The design package includes landscape plans and streetscape amenities for the Main Street Masterplan project. SPW has worked with AMT to develop the plans to the 65% level, including the establishment of curb lines, limits of disturbance, phase limits, utility redesign, typical road sections, locations of street trees and street lights, striping plans, traffic control plans, demolition plans, and other technical design items and considerations.

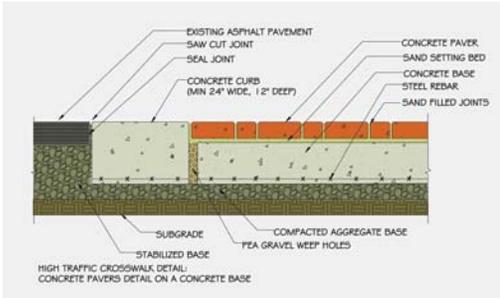
The 65% design was received by SPW on January 15th and the 95% design is planned to be received on March 26th. During this interim, SPW will be working with AMT to finalize streetscape amenities and all visual treatments for the project which can be more of a qualitative nature. For this reason, SPW is reaching out to City Council to receive input and feedback on selection of streetscape amenities, including:

- Location of outdoor eateries
- Benches
- Bike Racks
- Trash Receptacles
- Wayfinding
- Seat Wall
- Species of Street Trees
- Crosswalk Materials
- Street Lights
- Water Feature
- Raised Table Intersection Materials
- Planters
- Fencing at outdoor eateries
- Brick Pavers

The goal of the Main Street Masterplan is to set the standard for future City projects and development, so it is important to consider how these streetscape selections will synergize with the other areas of the City.

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





CROSSWALK - PRECAST CONCRETE BRICK PAVERS SET ON A CONCRETE BASE WITH A CONCRETE HEADER CURB
PAVERS ON CONCRETE SUB-BASE



CITY OF SALISBURY
PUBLIC WORKS

121 NORTH DEVENSON ST RM 202
SALISBURY, MD 21804-0402
TEL (410) 548-3170
FAX (410) 548-3100

PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT TITLE
**Main Street
Masterplan
RFP 04-14**

SHEET TITLE
**CROSSWALK
DETAILS**

SCALE: NTS
DRAWING FILE:
LAST REVISION DATE:
DATE: 01/14/15
DRAWN BY: AMR



DESIGNER: CANTY & ASSOCIATES, INC.
DATE: 01/14/15

CITY OF SALISBURY
DEPARTMENT OF PUBLIC WORKS
THOMAS J. BOSSER, P.E.
DIRECTOR OF PUBLIC WORKS



CITY OF SALISBURY
PUBLIC WORKS

121 NORTH DEVENSON ST RM 202
SALISBURY, MD 21801-4942
PH: (410) 548-3170
FAX: (410) 548-3100

PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT TITLE
Main Street Masterplan
RFP 04-14

SHEET TITLE
RAISED INTERSECTION DETAILS

SCALE: NTS
DRAWING FILE:
LAST REVISION DATE:
DATE: 01/21/15
DRAWN BY: AMR

LS5.8
Sheet 65 of 80

RAISED INTERSECTIONS



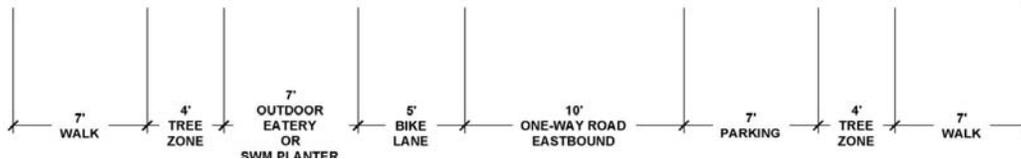
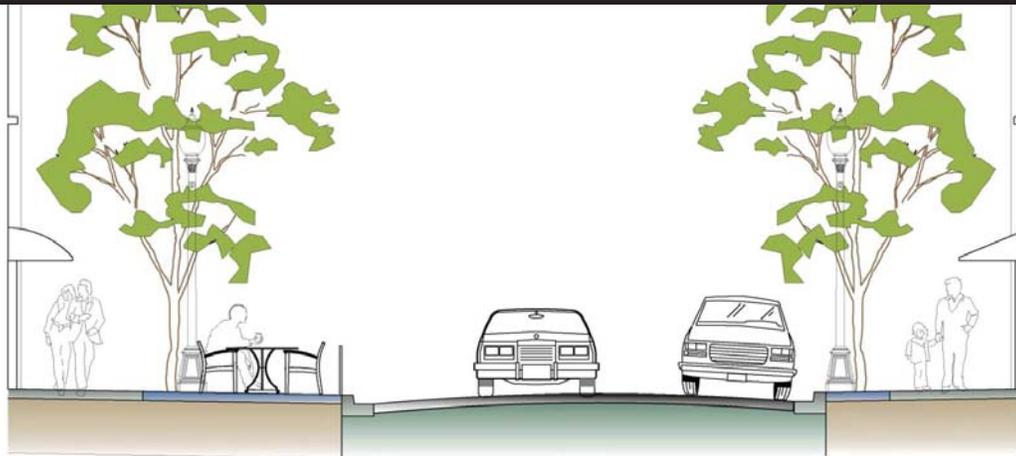
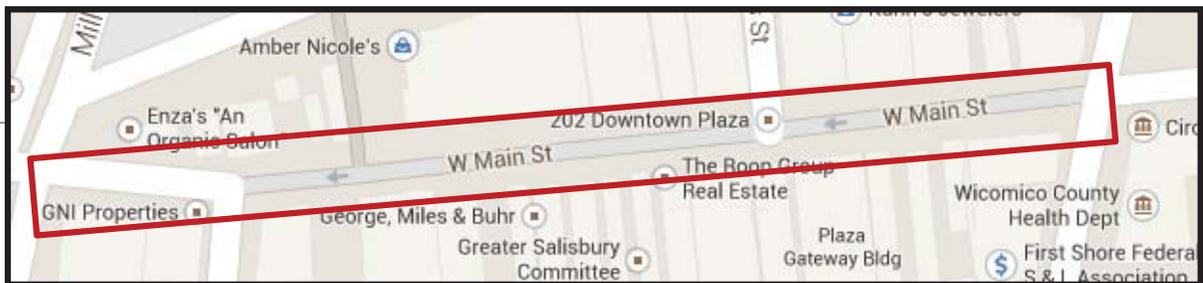
DESIGNER: AMT
DATE: 01/21/15

CITY OF SALISBURY
DEPARTMENT OF PUBLIC WORKS
THOMAS J. GIBSON, MANAGER
DATE: 01/21/15
TERRILL A. BOSSER, P.E., DIRECTOR OF PUBLIC WORKS

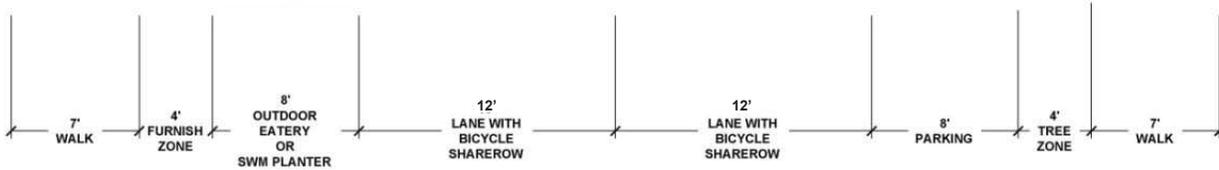
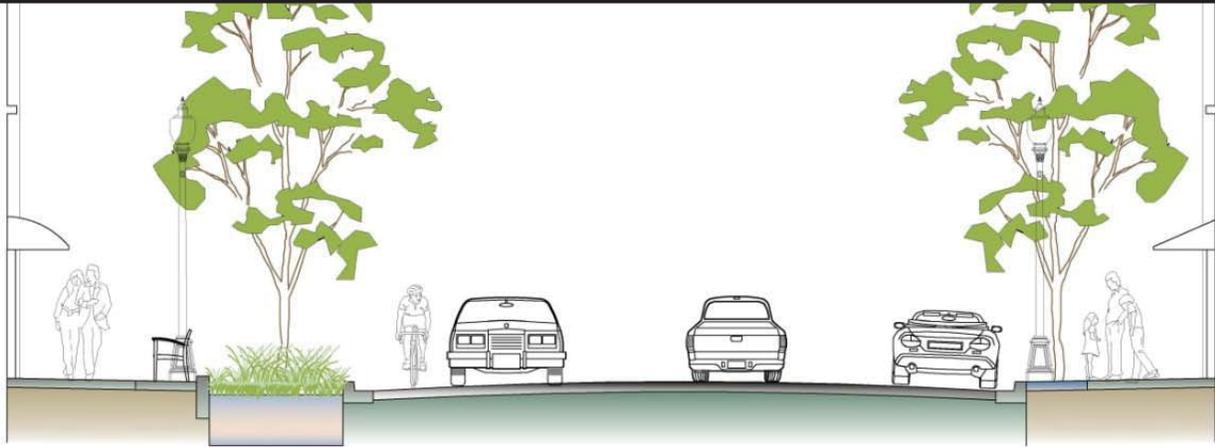
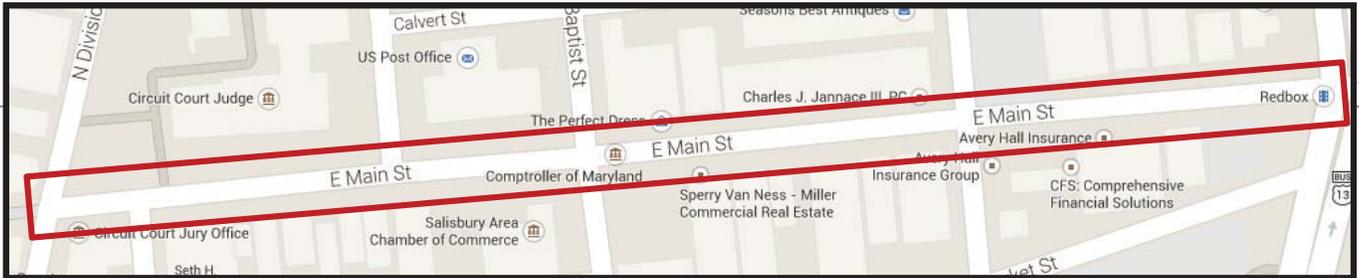
Parking



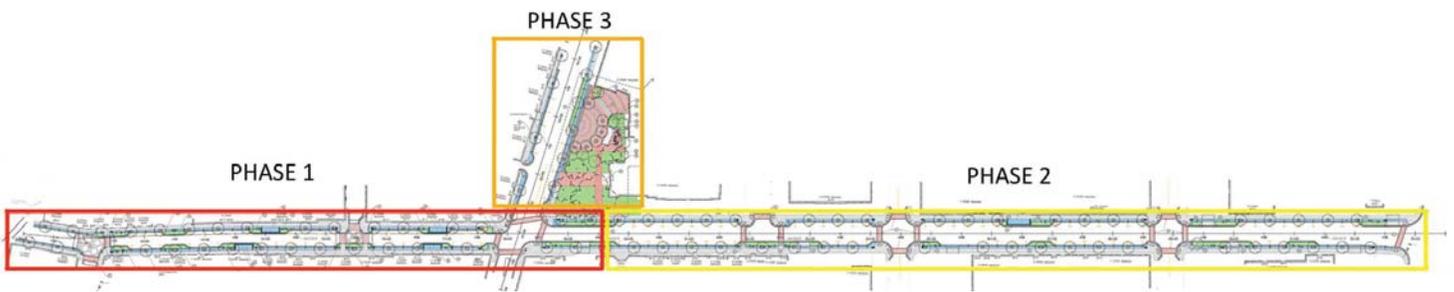
West Main Street



East Main Street



Phasing



Design Schedule

