



MARYLAND

**SALISBURY CITY COUNCIL
WORK SESSION AGENDA**

TUESDAY, FEBRUARY 17, 2015
CONFERENCE ROOM #306
GOVERNMENT OFFICE BUILDING

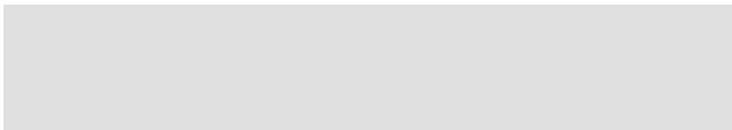
- 1:30 p.m. Closed Session in accordance with the Annotated Code of Maryland §10-508(a)(7)
- 2:00 p.m. Tri-County Council annexation agreement – William Holland/Chris Jakubiak
- 2:30 p.m. Plumbing Permit fee increase recommendations – William Holland
- 2:50 p.m. Ordinance defining workday as Monday – Friday – William Holland
- 3:10 p.m. Expansion of Arts & Entertainment District – Laura Kordzikowski/Connie Strott/
Jamie Heater/Lee Whaley
- 3:30 p.m. Main Street Masterplan Update – Mike Moulds/Council discussion
- 4:00 p.m. Proposed Charter Changes - Articles III, IV and V – Tom Stevenson
- 4:30 p.m. Removing Enterprise Funds from City's Debt Limit – Keith Cordrey
- 5:00 p.m. Adult Entertainment Ordinance – Jack Lenox/Mark Tilghman
- 5:45 p.m. Council discussion
- 5:55 p.m. 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).*

Memorandum

To: Tom Stevenson, City Administrator
From: William T. Holland
Date: 2/11/2015
Re: TCCLES Annexation Agreement

Attached is the annexation plan and annexation agreement for the Tri County Council of the Lower Eastern Shore which is scheduled for the City Council work session on February 17, 2015. Let me know if you have any questions.





JAKUBIAK & ASSOCIATES INCORPORATED

To: Thomas Stevenson City Administrator
From: Christopher Jakubiak, AICP
Date: January 29, 2015
Re: Fiscal Impact, Walston Switch – Tri-County Council Annexation

The Walston Switch Road – Tri-County Council Annexation would add 27.6 acres to the City. Included in this acreage are two parcels of land. Parcel 0266 is already improved with a 72,000 square foot office building and a 12,000 square foot maintenance facility building. This parcel, its land and buildings have an estimated 2014 assessed value \$5.09 million. However it is tax-exempt. The other parcel, 0740, is 1.32 acres in size with an assessed value of \$75,200. It is unimproved at this time though available for development. It too, at present, is tax-exempt.

The fiscal impact evaluations that accompany annexations typically compute and compare the costs and revenues associated with an annexation and its prospective development. In this case, the Property is entirely tax-exempt being owned by Tri-County Council for the Lower Eastern Shore of Maryland. The annexation would not therefore directly contribute property tax revenues to the City. While the organization provides public services that benefit residents of Salisbury and the community at large, from a purely fiscal standpoint, the annexation would not result in a positive fiscal impact. The City would extend services including fire and police services but receive no real property tax revenues as long as the property is tax-exempt.

It is possible that parcel 0740 will develop privately and thus lose its tax-exempt status. However, because of the relatively small size of this parcel, the tax property revenues generated would not be sufficient to cover the full costs of providing municipal governmental services to the Annexation Property as a whole. Parcel 0740 on its own may be expected to have an annual fiscal impact ranging from a positive \$3,600 to a negative \$4,800; depending on the nature of its future land use and development program.

In summary, because the vast majority of the Annexation Property is a public service use and is tax exempt, the Walston Switch Road – Tri-County Council annexation will not generate a net positive fiscal impact for the City.

DRAFT

REPORT OF ANNEXATION PLAN

for the

WALSTON SWITCH ROAD – TRI-COUNTY COUNCIL FOR THE LOWER EASTERN SHORE OF MARYLAND ANNEXATION TO THE CITY OF SALISBURY

January 28, 2015

This Annexation Plan was prepared pursuant to the year 2006 changes to State law governing municipal annexation and planning (House Bill 1141)¹. It is consistent with the Municipal Growth Element of the City of Salisbury Comprehensive Plan. The following are milestones in the public review and consideration of the proposed Annexation.

- At a work session on August 18, 2014, the Salisbury City Council reviewed the proposed annexation.
- On October 16, 2014 the City of Salisbury / Wicomico County Planning Commission reviewed the proposed annexation and forwarded a favorable recommendation to the Salisbury City Council for the proposed zoning of the Property.
- At a Salisbury City Council work session on February 17, 2015, the City Council formally reviewed the annexation agreement and the draft version of this Annexation Plan and directed that an Annexation Resolution be drafted for review.
- A City County meeting held on *(date to be inserted)* the City Council formally reviewed this Annexation Plan and the Annexation Resolution and directed that a date for a public hearing be established. The Council further directed that the Annexation Plan be forwarded to the Maryland Department of Planning and the Wicomico County Council for comment within 30 days of the public hearing as provided for by State law.

¹ HB 1141, passed by the 2006 General Assembly and made into law, revised sections of Articles 66B and 23A of the Annotated Code of Maryland.

1.0

GENERAL INFORMATION AND DESCRIPTION

1.1 Petitioners

The petitioner is Tri-County Council for the Lower Eastern Shore of Maryland, at 31901 Tri-County Way, Suite 203 Salisbury, Maryland 21804.

1.2 Location

The Property is located in the northwest quadrant of the intersection of U.S. Route 50 and Walston Switch Road: Tax Map 0039, Grid 0005 and Parcels 0266 and 0740. The image below is an aerial photograph of the area.

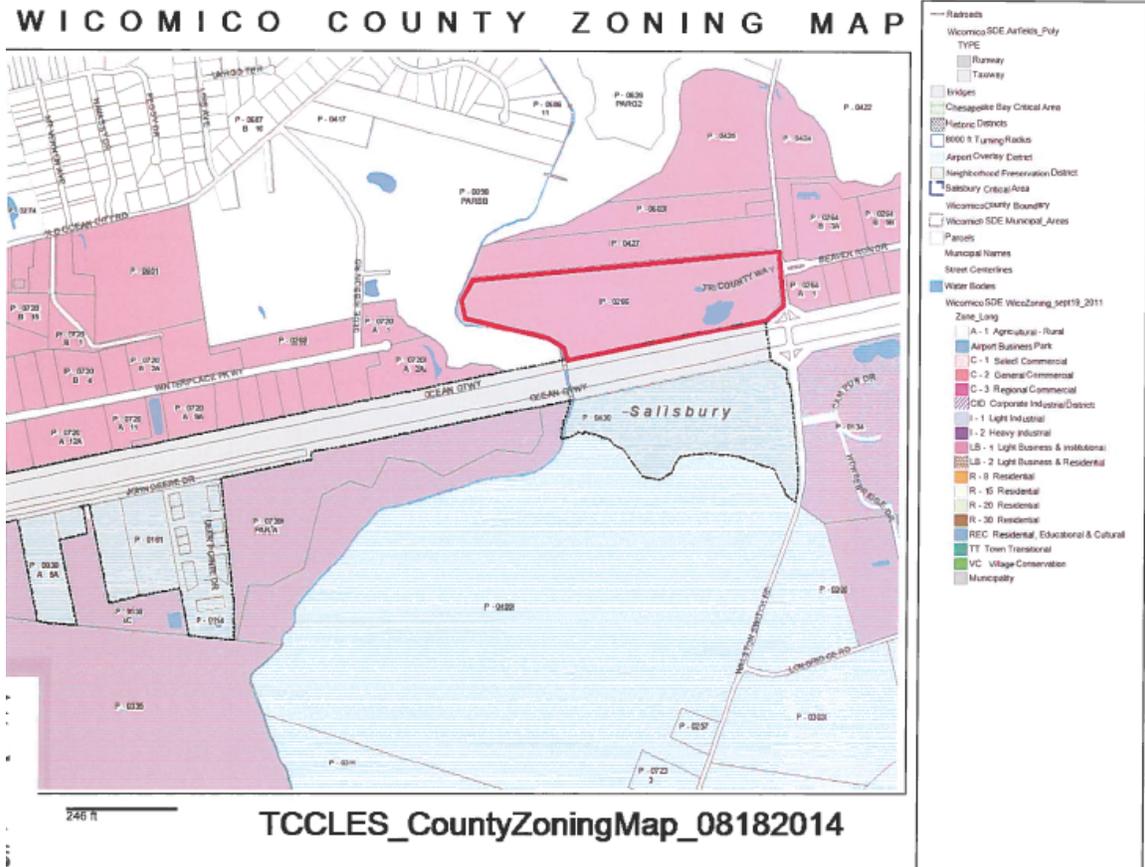


1.3 Property Description

Attachment 1 shows the survey of the Property. The Annexation Property is presently tax-exempt and consists of two parcels totaling 27.59 acres of land. Parcel 0266 is 26.27 acres and is developed with the 72,000 square foot two-story Tri-County Council office building, the 12,000 square foot maintenance facility, and related facilities. The western edge of this parcel is forested and is largely protected by a forest conservation easement that was platted when the Property previously obtained development approval. As shown on the survey in Attachment 1, the eastern most corner of the property nearest the intersection of Walston Switch and U.S. Route 50 is parcel 0740. It is 1.32 acres in size and has future development potential.

1.4 Existing Zoning

The Property is zoned LB-1, Light Business and Institutional. The existing zoning is shown in the excerpt from the zoning map below. The land which adjoins the Property is zoned LB-1 to the north and east and A-1, Agriculture on the west.



2.0

LAND USE PATTERN PROPOSED FOR THE AREA TO BE ANNEXED

2.1 Comprehensive Plan

The City of Salisbury adopted its current Comprehensive Plan in 2010. The Property is located within the City's designated municipal growth area with a recommended land use of "Mixed Use".

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

The current official Wicomico County Comprehensive Plan (adopted 1998) designates the Property as "Urban Corridor". The draft new County Comprehensive Plan designates the area as Mixed Use Non-Residential. The Wicomico County / Salisbury Planning Commission determined that the proposed City Zoning of the property (see below) is consistent with the County's "Urban Corridor" land use plan designation and the County's current zoning of the Property.

2.2 Proposed Zoning

Upon annexation, the Property is proposed to be zoned Mixed Use Non-Residential. Per Section 17.46.010 of the City Zoning Ordinance, the purpose of the District is "to provide areas for well-designed functional and attractive development with indoor retail, office, services, and institutional uses. Land uses are envisioned that promote the best possible building designs, development of public streets and utilities, and conservation of environmentally sensitive areas."

2.3 Proposed Land Use

The petitioners propose to continue to use the property as they have and to add a bus washing facility on an already developed portion of the property. The use of Parcel 0740 is not yet determined as there are no plans to develop the parcel, though it is for sale. The use of the parcel would need to comply with the City's Mixed Use Non-Residential zone which allows for a broad set of commercial office, service, retail, institutional, and governmental uses, but not residential or industrial uses.

3.0

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

3.1 Roads

The Property will be served by the existing Tri-County Way, a private street that connects directly to Walston Switch Road. No further or alternative access to the public street system is required.

3.2 Water and Wastewater Treatment

The Property, with no further development, would generate a municipal water and wastewater treatment demand of approximately 9,030 to 12,160 gallons per day². This range assumes a demand of 2,500 gallons per day for the proposed bus washing facility. Development of parcel 0740 would create an additional demand of 600 to 2,500 gallons per day based on the ultimate land use activity. The petitioners would extend public water and sewerage facilities via a connection under U.S. Route 50 and will be required by the City to oversize distribution facilities to accommodate future connections in the area.

There is adequate capacity to serve the Property. The City's allocation of water and sewer taps will be dictated by the City's allocation plan.

3.3 Schools

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

3.4 Parks and Rec.

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

3.5 Fire, E.M., and Rescue Services

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

3.6 Police

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

3.7 Stormwater Management:

Stormwater management is governed by the Maryland Stormwater Management regulations administered locally. As an existing developed site, the stormwater management system has been designed and constructed and it takes into consideration the future improvement of parcel 0740. Any revisions to the previously approved stormwater management plan for the Property would require Salisbury Public Works review and approval.

3.8 Waste Collection

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

² The lower number is based on an estimate of existing flows made by the petitioner's civil engineer and the higher number is based on this reviewer's use of the Flow Calculation Tables in the Maryland Department of the Environment's guidance document on Wastewater Capacity Management Plans.

4.0

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

The Property is largely developed already. Much of the forested land on the site is protected through a forest conservation easement. A provision in the annexation agreement would ensure protection of this forested area and retention of a forested buffer along the U.S. Route 50 frontage. The presence of the stream, which forms the western property boundary, is a main rationale for protecting this forest stand.

There are no planned streets in the vicinity and direct road access from the Property to U.S. Route 50 is precluded by the State Highway Administration's access management policies.

The petitioners for annexation would extend water and sewer facilities from the south side of U.S. Route 50 under the highway connecting the property to municipal services. The facilities then would be available to other properties in the vicinity on the north side of the highway should additional connections be warranted and be found to advance the City's interests.

The Property is in the designated municipal growth area and is eligible for annexation. The existing uses of the annexation area are compatible with the land use pattern in the neighborhood. The possible future development of the 1.32-acre parcel 0740, nearest Walston Switch Road, would be regulated by City zoning.

Walston Switch Road - Tri-County Council Annexation

ANNEXATION AGREEMENT

THIS AGREEMENT is made this ___ day of _____, 2015, by and between the City of Salisbury, a municipal corporation of the State of Maryland (hereinafter, “the City”), and Tri-County Council for the Lower Eastern Shore of Maryland (hereinafter, “the Owner”) with the principal address at 31901 Tri-County Way, Suite 203, Salisbury, Maryland 21804.

RECITALS

WHEREAS, the Owner is the record owner of certain real property, of 27.6 acres in size, located in Wicomico County, Maryland, (hereinafter, “the Property”), and more particularly described in Attachment “A-1” attached hereto and made a part hereof; and

WHEREAS, the Owner desires to obtain a connection to the City of Salisbury public water and sewer systems principally to comply with water quality standards related to a proposed bus washing facility on the site and City Code Section 13.02.060 requires annexation in order to connect to such systems;

WHEREAS, as a secondary reason for seeking annexation, the Owner desires to facilitate the sale and/or development, for commercial use, of parcel 0740 which is part of the Property, though no such development plans are contemplated at this time; and

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

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

WHEREAS, pursuant to the authority contained in the Local Government Article, subtitle 4-400 of the Annotated Code of Maryland, the Owner and the City have agreed that the following conditions and circumstances will apply to the annexation proceedings and to the Property.

WITNESSETH:

1. WARRANTIES AND REPRESENTATIONS OF CITY:

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

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

2. WARRANTIES AND REPRESENTATIONS OF THE OWNER:

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

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

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

3. APPLICATION OF CITY CODE AND CHARTER

From and after the effective date of the Annexation Resolution implementing this Agreement, all provisions of the Charter and Code of the City shall have full force and effect within the Property except as otherwise specifically provided herein.

4. MUNICIPAL ZONING

Upon the effective date of the Annexation Resolution implementing this Agreement and Approval by the Mayor and City Council, the Property will be zoned Mixed-Use Non Residential.

5. MUNICIPAL SERVICES

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

6. STANDARDS AND CRITERIA

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

7. CITY BOUNDARY MARKERS

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

8. **DEVELOPMENT CONSIDERATIONS**

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

B. The Owner and City agree that the Property will be developed consistent with the regulations of the zoning district classification referenced in the Annexation Resolution.

C. **Contribution to Area Improvement:** In order to maintain the woodland buffer along US Route 50, to preserve woodlands and wildlife habitat and protect area water quality along Beaver Run, which forms the western edge of the Property, the Owner has previously recorded a Forest Conservation Easement on the property in accordance with State of Maryland Forest Conservation laws. This easement currently includes all wooded areas on the site. The agreement is recorded in Liber 3275 Folio 484 in the records of the Recorder of Deeds Office for Wicomico County. The owner agrees to maintain the existing 50' +/- wooded buffer along U.S. Route 50 as it exists at this time and as shown on the exhibit referenced in the recorded document. The City of Salisbury acknowledges that the Forest Conservation laws permit revisions to the recorded easement and agrees not to unreasonably withhold its approval of amendments to the easement from time to time as may be necessary for the owner's needs except for the 50' buffer adjacent to U.S. Route 50. Said revisions must be done in accordance with Wicomico County code and State Forest Conservation law. The Owner agrees that any site plan for parcel 0740 shall contain a plan for a planted landscape buffer designed to provide filtered views of the site and building(s) from U.S. Route 50.

D. **Contributions to the Re-investment in Existing Neighborhoods and Housing Affordability:** The Owner agrees to pay a development assessment in the amount of \$13,000.00 to the City prior to the issuance of a building permit for construction on Lot 0740 of the Property. In the event that construction on parcel 0740 is for a municipal, county, state or federally owned building and use, or a private non-profit owned building and use whose purpose and mission is aligned with and/or in furtherance of the mission of the Tri-County Council for the Lower Eastern Shore of Maryland, such assessment shall be waived. Such development assessment is understood by the parties to be intended for use by the City in its sole discretion for beautification, restoration, and revitalization improvements to existing neighborhoods in the City and which development assessment is understood by the parties to be in addition to and independent of the City's water and sewer comprehensive connection charges, any impact fees imposed by Wicomico County or the City, and any assessments that may be required to be paid elsewhere in this Agreement.

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

F. Community / Environmental Design: The Owner agrees to achieve LEED credit points in collaboration with the Salisbury/Wicomico Planning Commission for any development of parcel 740 using the rating system established by the United States Green Building Council's LEED Standards for Building Design New Construction, as Updated from time to time. The City and Owner/Assignee acknowledge that certain points under the rating system are unattainable because of the project's location and existing available services. Understanding this, and in order to establish a baseline, the City and Owner/Assignee will first agree to the total sum of LEED points unattainable due to these factors that are beyond the control of the Owner. The sum of these points will then be deducted from the total points possible; the difference then divided by the total points possible to arrive at a baseline quotient. Prior to development approval, the Owner shall submit specific findings, accepted by the Director of Planning, to demonstrate to the satisfaction of the Salisbury/Wicomico Planning Commission that the project has achieved, or would achieve upon development, the credit points needed for LEED Silver Certification when multiplied by the baseline quotient. In keeping with this provision, the Owner/Assignee agrees specifically to adhere to the following energy and environmental performance standards:

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

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

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

9. **RECORD PLAT:**

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

10. **MISCELLANEOUS:**

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

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

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

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

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

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

G. This Agreement, its benefit and burden, shall be assignable, in whole or in part, by the Owner without the consent of the City or of its elected officials, employees or agents, to any purchasers or contract purchasers of the property or any party thereof. However, the Owner will not transfer or pledge as security for any debt or obligation, any interest in all or part of the Annexation Area, without first obtaining the written consent and acknowledgement of the transferee or pledgee to the Annexation Agreement and to the complete observance hereof. The Owner shall provide the City with copies of all documents of transfer or assignment, including exhibits when the documents are fully executed, regardless of recordation.

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

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

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

K.

- | | |
|-------------------------|--|
| IF TO THE CITY: | Thomas Stevenson, City Administrator
125 North Division Street
Salisbury, Maryland 21801 |
| WITH A COPY TO: | S. Mark Tilghman, City Attorney
1185 Broad Street, P.O. Box 910
Salisbury, Maryland 21803 |
| IF TO THE OWNER: | Michael P. Pennington, Executive Director
Tri-County Council for the Lower Eastern
Shore of Maryland
31901 Tri-County Way, Suite 203
Salisbury, Maryland 21804 |
| WITH A COPY TO: | Jeffrey A. Harman, P.E.
Becker Morgan Group, Inc.
312 W Main Street
Salisbury, Maryland 21801 |

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

WITNESS:

THE CITY OF SALSIBURY, MARYLAND

By: _____

WITNESS/ATTEST:

OWNER:

By: _____

APPROVED AS TO FORM:

S. Mark Tilghman, City Attorney

STATE OF MARYLAND

COUNTY OF _____, to wit:

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

WITNESS my hand and notarial seal.

_____(SEAL)
Notary Public

My Commission Expires: _____

I HEREBY CERTIFY, that on this _____ day of _____, _____, before me, a Notary Public in and for the State aforesaid, personally appeared _____, who has been satisfactorily proven to be the person whose name is subscribed to the within instrument, who acknowledged himself to be Member of Tri-County Council for the Lower Eastern Shore of Maryland., and that, being duly authorized so to do, he executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation as a Member.

WITNESS my hand and notarial seal.

_____(SEAL)
Notary Public

My Commission Expires: _____

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

_____, City Attorney

Attachment 1
(annexation survey plat to be inserted)

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

Memorandum

To: Tom Stevenson, City Administrator
From: William T. Holland
Date: 2/11/2015
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.

INTER

OFFICE

MEMO

OFFICE OF THE MAYOR

To: Tom Stevenson, City Administrator
Cc: Keith Cordrey, Director of Internal Services
From: Laura Kordzikowski, Business Development Specialist
Subject: Arts & Entertainment District Expansion Application
Date: February 4, 2015

BACKGROUND

The Arts & Entertainment District Steering Committee expressed interest in expanding the boundaries of the Arts & Entertainment District in Salisbury. The existing Arts & Entertainment District covers approximately 72.24 acres of land in the City. The proposed changes to the boundary include the addition of the Rivers Edge Apartments and Studio for the Arts, the City of Salisbury Marina, the Korean Presbyterian Church, Faith Community Church, and property owned by the Wicomico Presbyterian Church. This proposed expansion will increase the existing Arts & Entertainment boundary by 12.92 acres. Attached for review, is a map delineating the existing boundary and the 12.92 acres the Arts & Entertainment Committee would like augment into the existing boundary.

PROPERTY TAX BENEFITS

The Arts & Entertainment District property tax credit is calculated based on the value of improvements made to space renovated for art and/or entertainment use, ***not*** an entire building. Wicomico County currently provides a Property Tax Benefit for a period of 6 years from the date of an approved resolution. The Property Tax Credit may be granted to new buildings or buildings that have been recently renovated and will need to be reviewed by the Department of Assessments and Taxation on a case by case basis to calculate the amount of the credit. In order to qualify for the Property Tax Credit, the building must be wholly or partially renovated/built for use by a qualifying artist of Arts & Entertainment enterprise. The real property tax credit amount shall be the following percentage of the amount of property tax imposed on the eligible assessment of the property entitled to the credit:

- i. 100% in each of the first 6 taxable years after the calendar year when the property initially is entitled to the credit;
- ii. 0% after the 6th taxable year

ARTIST INCOME TAX BENEFITS

An Income Tax Subtraction Modification is available for income derived from artistic work sold by "qualifying resident artists". Artists who qualify do not pay state or local income tax on income derived from artistic work created and sold within an Arts & Entertainment District

EXEMPTION FROM THE ADMISSION AND AMUSEMENT TAX

An exemption from the Admission and Amusement Tax levied on gross receipts from an admissions or amusement charge levied by an "arts and entertainment enterprise" or "qualifying residing artist" in a district.

Attached for Council approval, is a resolution of support authorizing the administration to submit an expansion application to the Maryland Department of Business and Economic Development (DBED).

If this memo and supporting material are acceptable, I will advance this item to the City Clerk for the February 17th Work Session.

Attachment(s): A & E District Proposed Changes to District Boundary
 A & E Expansion Application
 Resolution of Support

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RESOLUTION NO.

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND
AUTHORIZING AN APPLICATION TO THE MARYLAND STATE ARTS
COUNCIL OF THE MARYLAND DEPARTMENT OF BUSINESS AND
ECONOMIC DEVELOPMENT TO EXPAND THE BOUNDARIES OF THE
EXISTING ARTS AND ENTERTAINMENT DISTRICT

WHEREAS, the City Council is interested in promoting the development and expansion
of Salisbury’s arts and entertainment venues in our community by attracting new artists,
entertainers, and developers; and

WHEREAS, the Maryland Department of Business and Economic Development (DBED)
can assist the City in this endeavor by allowing Salisbury to expand the existing Arts &
Entertainment District, thereby providing tax credit incentives to qualifying artists and
developers located within the boundaries of the district as shown on the attached map; and

WHEREAS, under State law, the designation of the Arts & Entertainment District provides:

- A. An income tax subtraction modification for qualifying residing artists under §10-207(v)
of the Tax – General Article; and
- B. A property tax credit under §9-240 of the Tax – Property Article; and
- C. An exemption from the Admission and Amusement Tax under §4-104 of the Tax –
General Article.

NOW, THEREFORE, BE IT RESOLVED, that the City of Salisbury agrees to the following:

- 1. The new geographic boundary of the Salisbury Arts & Entertainment District (the
“District”) shall be as shown on the attached map titled, “Proposed Changes to District
Boundary;” and
- 2. The Mayor and City Council approve and support the expansion of the District; and
- 3. The Mayor and City Council understand that the income tax subtraction modification
under §10-207(v) of the Tax-General Article for qualifying residing artists in the District
might affect the City’s income tax receipts; and
- 4. If the Secretary of DBED approves the District designation, the Mayor and City Council
shall provide the following incentives to eligible persons in the District:
 - a. During the entire designation period approved by the Secretary, exemption from
the Admission and Amusement Tax on gross receipts from any admissions or
amusement charge levied by an arts and entertainment enterprise or qualifying
residing artist in the District; and
 - b. During the entire designation period approved by the Secretary, a real property
tax credit described in §9-240 of the Tax – Property Article against the City of
Salisbury on property tax imposed on the eligible assessment of an eligible

44 building. The real property tax credit amount shall be the following percentage of
45 the amount of property tax imposed on the eligible assessment of the property
46 entitled to the credit:

- 47 i. 100% in each of the first 6 taxable years after the calendar year when the
48 property initially is entitled to the credit;
- 49 ii. 0% after the 6th taxable year.

50 NOW, THEREFORE, BE IT FURTHER RESOLVED, on this ____ day of _____,
51 2014, that the Salisbury City Council hereby authorizes the submission of the Arts &
52 Entertainment District application to the Maryland Department of Business and Economic
53 Development.

54
55 THE ABOVE RESOLUTION, was introduced and duly passed at a meeting of the
56 Council of the City of Salisbury, Maryland held on the ____ day of _____, 2015 and is to
57 become effective immediately.

58
59 ATTEST:

60
61
62 _____
63 Kimberly R. Nichols,
64 City Clerk

65 _____
66 Jacob R. Day, President
67 Council President

68
69 APPROVED BY ME THIS:

70 _____ Day of _____, 2015

71
72
73 _____
74 James Ireton Jr.
75 Mayor
76

City of Salisbury Arts and Entertainment District Application



Submitted To:

Maryland Department
of Business & Economic Development

Table of Contents

City of Salisbury Arts & Entertainment District Application Cover Sheet	3
Endorsement by Chief Elected Official (Mayor)	4
Property Inventory of the Proposed Expansion Area	6
Building Inventory.....	7
Written Narrative	10
Proposed District Boundaries.....	10
Potential for Affordable Housing & Studio/Performance Space.....	12
Current Status.....	20
Expansion.....	22
Proposed Activities & Timeline.....	23
Management.....	24
Leadership Team:	24
Staff Capacity	27
Budget.....	28
Effect on Budget.....	29
Salisbury Arts & Entertainment District Marketing Plan.....	29
Listing of Artists & Entertainment Enterprise and Assets of Expanded Area.....	35
Wicomico County & City of Salisbury Support	36
Proof of Public Hearing	36
Proof of Priority Funding Area.....	36
Miscellaneous Support	36

City of Salisbury Arts & Entertainment District Application Cover Sheet

Name of Proposed Arts & Entertainment District: Salisbury Arts & Entertainment District
Name of Local Jurisdiction Applying: City of Salisbury, Maryland
Legislative District: 38
Location of Arts & Entertainment District: Wicomico County
Approximate Area of Arts and Entertainment District (total area): 85.16 acres
Approximate Area of Arts and Entertainment District (CURRENT): 72.24 acres
Approximate Area of Arts and Entertainment District (EXPANSION): 12.92 acres

Contact Person: Assistant City Administrator
City of Salisbury
125 North Division Street
Salisbury, MD 21801
Office: (410) 548 3100 Ext. 1304
Fax: (410) 548-3102

Ms. Laura Kordzikowski
Business Development Specialist
City of Salisbury
125 North Division Street Room 104
Salisbury, MD 21801
Office: (410) 677-1915
Fax: (410) 334-3033
LKordzikowski@ci.salisbury.md.us

Web Site: <http://www.ci.salisbury.md.us>

Chief Elected Official: James Ireton, Mayor
City of Salisbury
125 North Division Street
Salisbury, MD 21801
Phone: (410) 548-3100
Fax: (410) 548-3102

Signature of Chief Elected Official

Date

City of Salisbury



MARYLAND



125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3100
Fax: 410-548-3102

JAMES IRETON, JR.
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

August 21, 2014

Maryland State Arts Council
175 W. Ostend Street
Suite E
Baltimore, MD 21202

Dear Secretary,

The Mayor and City Council are pleased to endorse the expansion of Salisbury's Arts and Entertainment District. The Arts & Entertainment Steering Committee is excited about this designation and look forward to expanding Salisbury's existing designation. The support my office has received from our arts and entertainment community has been outstanding.

Salisbury offers its residents and visitors the opportunity to participate in many different arts and entertainment related activities. Such as, Arts on the Plaza, 3rd Friday Celebration, Salisbury Festival, and many other annual events. We also have the Salisbury / Wicomico Arts Council and the Art Institute and Gallery, which are instrumental in developing arts awareness through educational programs and community outreach for diverse ages and cultures throughout the City.

We are proud to be in a state that recognizes the importance of arts and entertainment to the cultural and economic development of its citizens and their communities. We look forward to your support in our efforts to expand our existing designation.

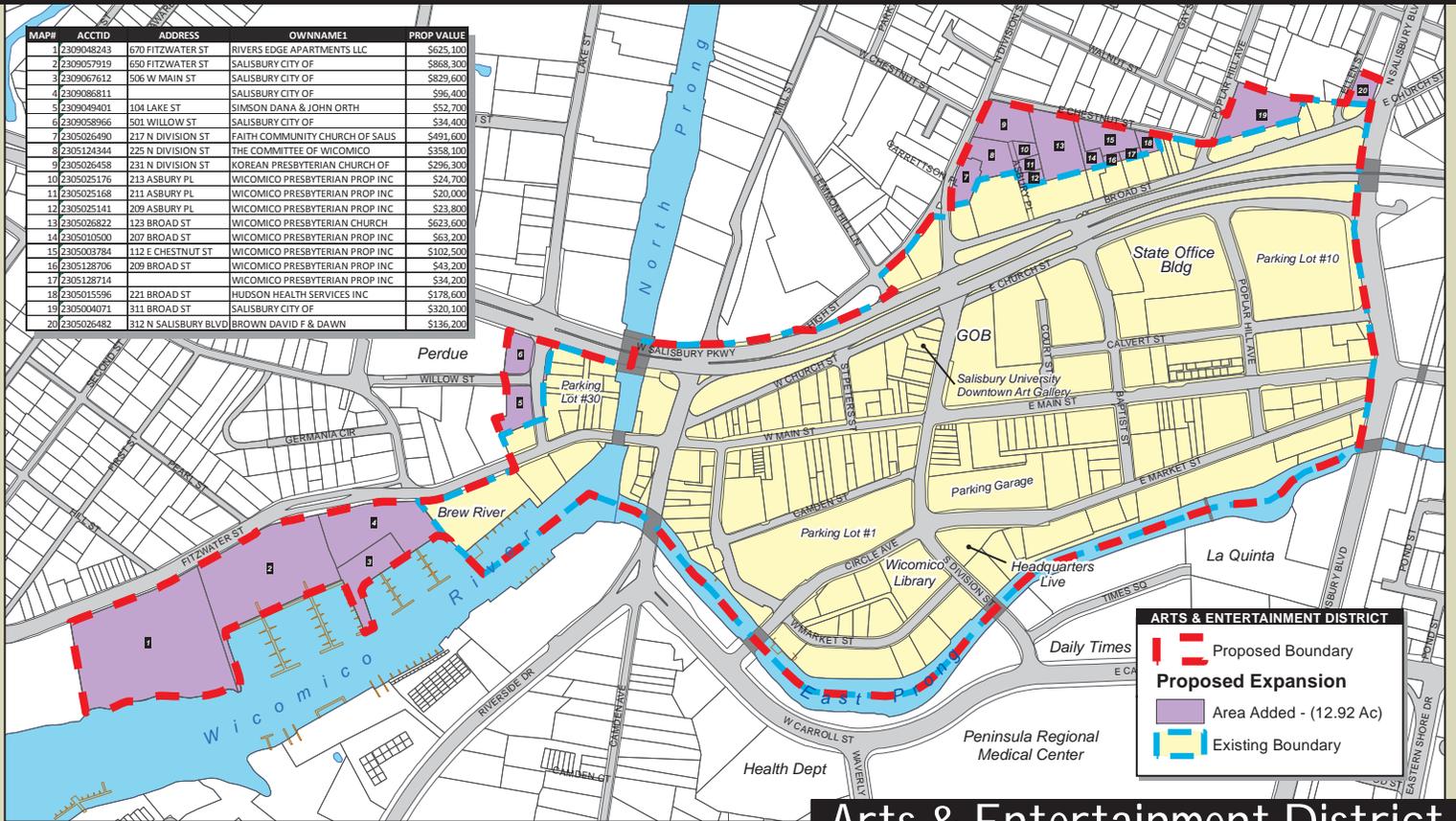
Thank you for consideration of our application.

Sincerely,

James Ireton, Jr.
Mayor, City of Salisbury

CITY OF SALISBURY

MAP#	ACCTID	ADDRESS	OWNNAME1	PROP VALUE
1	2309048243	670 FITZWATER ST	RIVERS EDGE APARTMENTS LLC	\$625,100
2	2309057919	650 FITZWATER ST	SALISBURY CITY OF	\$868,300
3	2309067612	506 W MAIN ST	SALISBURY CITY OF	\$829,600
4	2309086811		SALISBURY CITY OF	\$96,400
5	2309094901	104 LAKE ST	SIMSON DANA & JOHN ORTH	\$52,700
6	2309058966	501 WILLOW ST	SALISBURY CITY OF	\$34,400
7	2305026490	217 N DIVISION ST	FAITH COMMUNITY CHURCH OF SALIS	\$491,600
8	2305124344	225 N DIVISION ST	THE COMMITTEE OF WICOMICO	\$358,100
9	2305026458	231 N DIVISION ST	KOREAN PRESBYTERIAN CHURCH OF	\$296,300
10	2305025176	213 ASBURY PL	WICOMICO PRESBYTERIAN PROP INC	\$24,700
11	2305025168	211 ASBURY PL	WICOMICO PRESBYTERIAN PROP INC	\$20,000
12	2305025141	209 ASBURY PL	WICOMICO PRESBYTERIAN PROP INC	\$23,800
13	2305026822	123 BROAD ST	WICOMICO PRESBYTERIAN CHURCH	\$623,600
14	2305010500	207 BROAD ST	WICOMICO PRESBYTERIAN PROP INC	\$63,200
15	2305003784	112 E CHESTNUT ST	WICOMICO PRESBYTERIAN PROP INC	\$102,500
16	2305128706	209 BROAD ST	WICOMICO PRESBYTERIAN PROP INC	\$43,200
17	2305128714		WICOMICO PRESBYTERIAN PROP INC	\$34,200
18	2305015596	221 BROAD ST	HUDSON HEALTH SERVICES INC	\$178,600
19	2305004071	311 BROAD ST	SALISBURY CITY OF	\$320,100
20	2305026482	312 N SALISBURY BLVD	BROWN DAVID F & DAWN	\$136,200



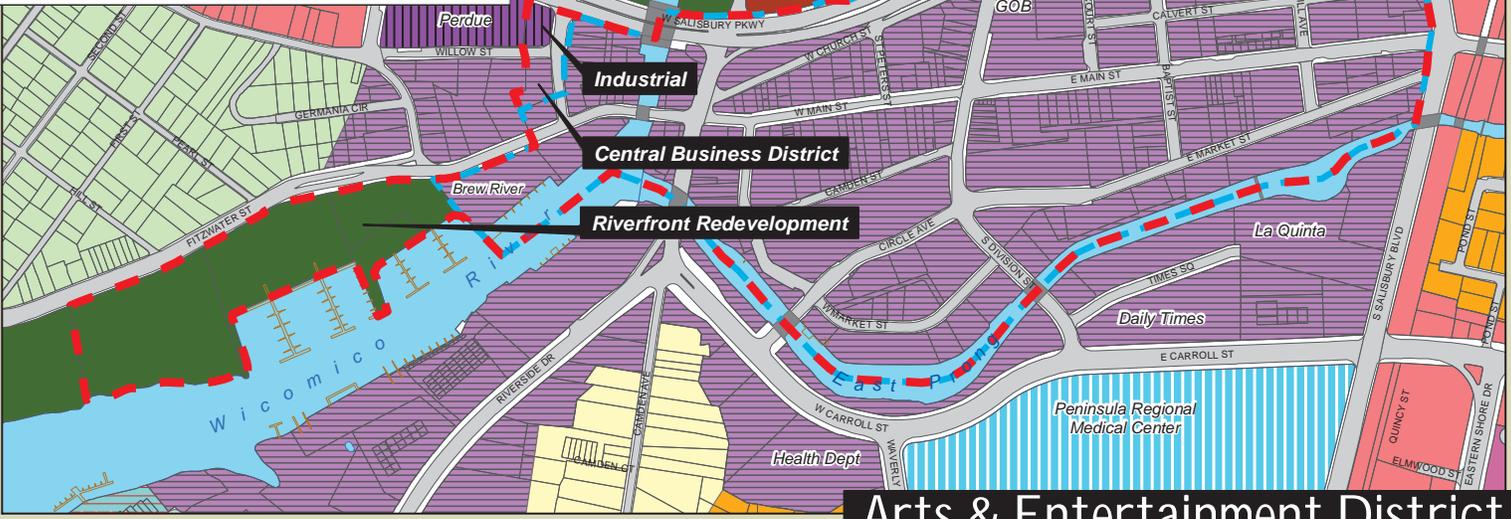
Arts & Entertainment District Property Index



CITY OF SALISBURY

SALISBURY ZONING DISTRICTS

Residential & Conservation Districts	Commercial Districts	Industrial Districts
R-5 Residential	General Commercial	Industrial
R-8A Residential	Central Business District	Industrial Park
R-8 Residential	Light Business & Institutional	Light Industrial
R-8A Residential	Neighborhood Business	
R-10 Residential	Regional Commercial	
R-10A Residential	Select Commercial	
Planned Residential District	Office & Service Highway	
Conservation	Office & Service Residential	
	Planned Government District	
	Riverfront Redevelopment	
	Multi-Use Non-Residential	
Institutional Districts	Overlay Districts	Historic Districts
College & University	Historic District	Central Historic District
Hospital	Resource Protection Districts	Downtown Historic District
	Parkland	Historic District
	Wildlife Protection District	
	Chesapeake Bay Critical Area	



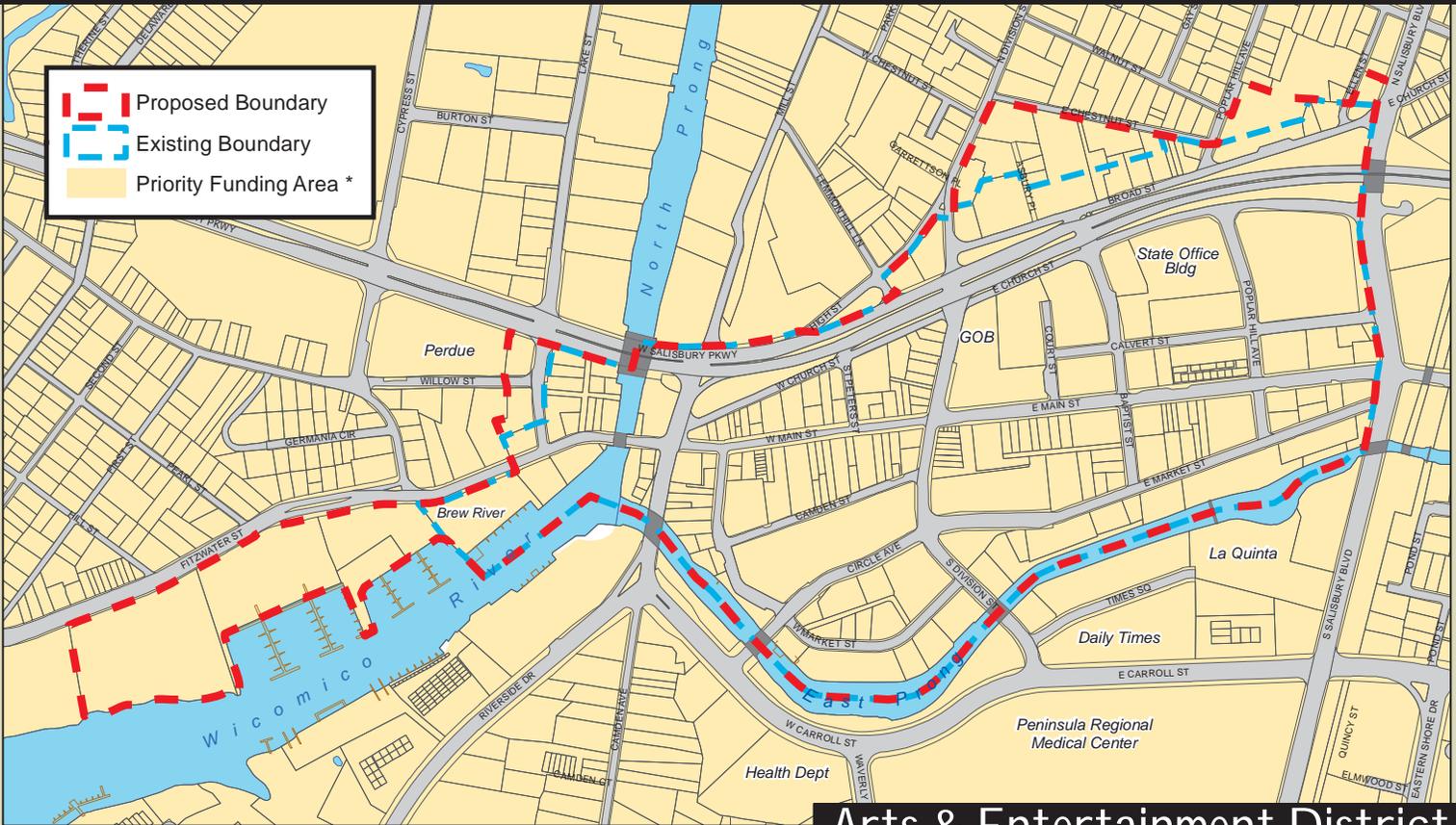
Arts & Entertainment District

Salisbury Zoning



CITY OF SALISBURY

-  Proposed Boundary
-  Existing Boundary
-  Priority Funding Area *



Arts & Entertainment District *Smart Growth / Priority Funding Area*



* Note:
Smart Growth / PFA Source - Maryland Department of Planning

"The entirety of the proposed Arts & Entertainment District is located within a Smart Growth / Priority Funding Area."

Property Inventory of the Proposed Expansion Area

	ADDRESS	OWNER NAME	ASSESSED PROPERTY VALUE	PUBLIC OR PRIVATE OWNERSHIP	ZONING	VACANT OR OCCUPIED
1	670 Fitzwater St.	Rivers Edge Apts. LLC	\$625,100	Private	Riverfront Redevelopment	Vacant (under construction)
2	650 Fitzwater St.	City of Salisbury	\$868,300	Public	Riverfront Redevelopment	N/A
3	506 W Main St.	City of Salisbury	\$829,600	Public	Riverfront Redevelopment	N/A
4		City of Salisbury	\$96,400	Public	Riverfront Redevelopment	N/A
5	104 Lake St.	John Orth & Dana Simpson	\$52,700	Private	Central Business District	N/A
6	501 Willow St.	City of Salisbury	\$34,400	Public	Industrial	N/A
7	217 N Division St.	Faith Community Church	\$491,600	Private	Office & Service Residential	Occupied
8	225 N Division St.	The Committee of Wicomico	\$358,100	Private	Office & Service Residential	Occupied
9	231 N Division St.	Korean Presbyterian Church	\$296,300	Private	Office & Service Residential	Occupied
10	213 Asbury Place	Wicomico Presbyterian Church	\$24,700	Private	Office & Service Residential	Occupied
11	211 Asbury Place	Wicomico Presbyterian Church	\$20,000	Private	Office & Service Residential	Occupied
12	209 Asbury Place	Wicomico Presbyterian Church	\$23,800	Private	Office & Service Residential	Occupied
13	123 Broad Street	Wicomico Presbyterian Church	\$623,600	Private	Office & Service Residential	Occupied
14	207 Broad Street	Wicomico Presbyterian Church	\$63,200	Private	Office & Service Residential	Occupied
15	112 E Chestnut St.	Wicomico Presbyterian Church	\$102,500	Private	Office & Service Residential	Occupied
16	209 Broad S.	Wicomico Presbyterian Church	\$43,200	Private	Office & Service Residential	Occupied
17		Wicomico Presbyterian Church	\$34,200	Private	Office & Service Residential	Occupied
18	221 Broad St.	Hudson Health Services, Inc.	\$178,600	Private	Office & Service Residential	Occupied
19	311 Broad St.	City of Salisbury	\$320,100	Public	Office & Service Residential	N/A
20	312 N Salisbury Blvd	David & Dawn Brown	\$136,200	Private	General Commercial	N/A

Building Inventory

- **Western Expansion Area**

- a. River's Edge Apartments and Studio for the Arts – 670 Fitzwater Street
 - i. These buildings are currently vacant and under construction. The anticipated opening date is Spring 2015
 - ii. No known modifications to the building (other than ongoing construction)
 - iii. This property will provide affordable housing to artists in the area. The community is marketed toward and a preference is given to artists. An artists' preference policy has been created to clearly define an artist and Rivers Edge is being specifically developed to meet the needs of Salisbury, Wicomico County, and the Greater Eastern Shore's artist population. Included in the development plans is an approximate 2,500 square foot art studio and gallery space outfitted with a mobile stage, ample storage for art supplies, lockers for personal use, artwork display area, and tables and chairs to create a comfortable work space for all types of art. This 2,500 square foot space will also be available for multipurpose flex uses as determined by and for community. The developer is also collaborating with United Needs & Abilities to provide housing to people with disabilities. The developer is already putting a wonderful emphasis on interacting with the artist community by offering a Logo Design contest for the community, commissioning locally made art for the property, and regularly communicating with the A&E District committee.
- b. Port of Salisbury Marina - 605 Fitzwater Street, 506 W Main, W Main Street parcel
 - i. No privately owned commercial buildings are present on this property, but approximately 86 boat slips are available for rent through the City of Salisbury
 - ii. With its location contiguous to Rivers Edge Apartments and Studio for the Arts and its scenic waterfront setting, the Port of Salisbury Marina would be an ideal place to host future arts & entertainment events. It would serve as a vital link to connect the proposed expanded area to the heart of the existing arts & entertainment district,
 - iii. The Port of Salisbury Marina will be receiving a substantial makeover. City officials are planning to add a floating dock for use by canoes and kayaks, improved landscaping,

decorative fencing, and are relocating a sewage lift station nearby. Partial funding has come from a \$40,000 award from State Highway Authority and the City has set aside funding for the rest. Another investment proposal would add a boat house where a vendor could rent canoes and kayaks to the public, but that part of the plan is tentative and pending adequate funding.

- c. 104 Lake Street
 - i. No buildings are present on this property
 - ii. This lot is contiguous with the building owned by Dana Simson & John Orth, and provides parking for their building at 501 W Main Street, which houses Chesapeake East Art Gallery, Paint it Yourself Pottery Studio and SunPerks Café. Dana Simson & John Orth are currently in the process of renovating their building to make the second floor into rentable apartments. They recently received a Community Legacy grant from the City of Salisbury & Maryland Department of Housing & Community Development to add energy efficient and historically sensitive windows to these apartments. Chesapeake East is a retailer of original art, local crafts, unique gifts and culturally significant memorabilia. Many patrons also visit the Paint it Yourself studio to paint and create unique pieces. The owner of SunPerks Café is working to make the business into a literary café and currently sells locally made arts & goods.
 - iii. This property is unintentionally dissected by the current A&E District boundary and the District would like for it to be all included
- d. 501 Willow Street
 - i. No privately owned commercial buildings are present on this property
 - ii. Through partnerships with the City of Salisbury, this piece of property could become one of two high traffic gateways to the Arts & Entertainment District. With frontage on the Route 50 thoroughfare, it could be used to connect people with the proposed expanded A&E District. The City is currently engaged in creating a way finding signage plan for the Downtown and Arts & Entertainment District and this parcel could very easily be utilized in accordance with their plans.
- **Northern Expansion Area**
 - a. Faith Community Church – 217 N Division Street
 - i. The historic Faith Community Church is located at this site
 - ii. No known plans for modification of the building

- iii. This historic site was purchased in 1966 by an independent community group and their goal to this day is to restore it as a desirable place to worship and promote Biblical values in the Community. The church hosts an annual Harvest Festival with live music, food, and a silent auction in October. The main objective of this festival is to work with other organizations in town and to use it as a means to do outreach into the community.
 - iv. Built 1900 & within limits of Salisbury's Newtown Historic District
- b. Korean Presbyterian Church – 231 N Division Street
 - i. This property currently houses the Korean Presbyterian Church
 - ii. No known plans for modification of the existing building
 - iii. The Korean Presbyterian Church is the site of live music, worship opportunities, and folk dancing performances that celebrate the Korean community's cultural traditions.
 - iv. Built 1963 & within limits of Salisbury's Newtown Historic District
- c. Wicomico Presbyterian Church – 225 N Division Street, 213 Asbury Pl, 211 Asbury Pl, 209 Asbury Pl, 123 Broad St, 207 Broad St, 112 E Chestnut St, 209 Broad St, Broad St
 - i. This collection of parcels & buildings includes the Wicomico Presbyterian Church, their administrative offices, and the recently renovated Langelier Memorial Building – Makemie Hall at 125 N Division Street.
 - ii. The A&E District personnel have spoken with Church leadership and additional planned renovations include fundraising to install an elevator in the Langelier Memorial Building to provide access to the second floor.
 - iii. Church leadership is currently working to restore the Langelier Memorial Building into an organizational meeting space with an emphasis on providing affordable space to arts organizations. The Langelier Memorial Building has banquet space that can accommodate 200, tables & chairs, commercial kitchen, possible non-profit office space, and a stage. It is handicapped accessible. They have completed restoration of the first floor banquet and event space that currently serves as a venue for musical performances by the Peninsulaires & Sweet Adelines. This space will also soon be used for arts related outreach to children at Chipman Elementary School.
 - iv. Church built 1859, Langelier Hall built 1928 & both within limits of Salisbury's Newtown Historic District
- d. Hudson Health Services – 221 Broad St

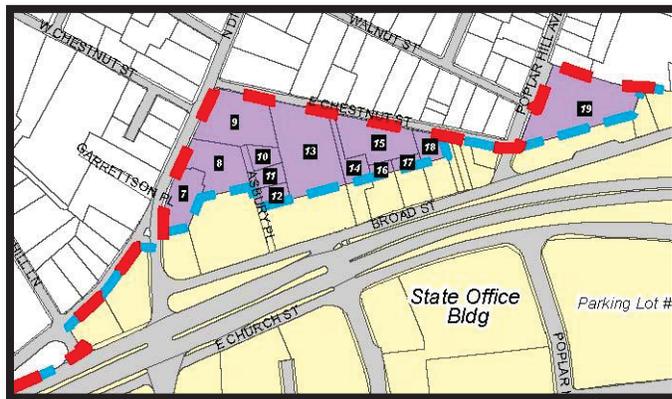
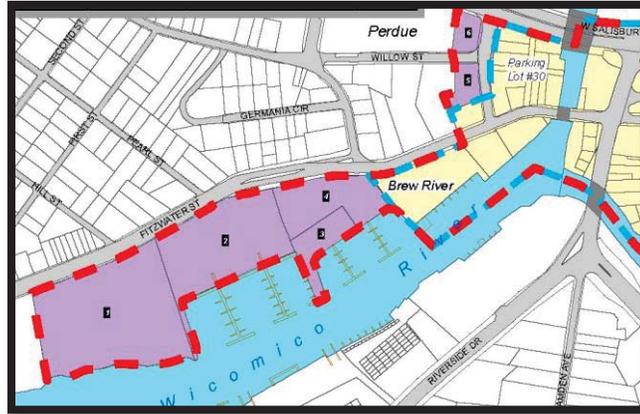
- i. 221 Broad Street is the location of Hudson Health Services' offices. Hudson Health Services provides inpatient treatment for substance use disorders and other co-occurring disorders.
 - ii. No known plans for the modification of this building
 - iii. No known arts & entertainment uses. This property is used as transitional outpatient housing for those receiving counseling from Hudson Health Services.
 - iv. Built 1928 & within limits of Salisbury's Newtown Historic District
- e. Boundless Playground – 311 Broad St
 - i. A playground with swings, slides, climbing apparatus, gazebo, and picnic tables are at this property.
 - ii. No known modifications planned.
 - iii. The playground was designed to preserve the historical significance of the region and it is used by children from all over the area. A portion is already part of the existing arts & entertainment district. It is in close proximity to Chipman Cultural Center and is an ADA accessible location. It was carefully designed to be an inclusive and boundary free playground, specially designed to allow interaction and play between people of all abilities.
 - iv. Built 2008 & within limits of Salisbury's Newtown Historic District
- f. 312 N Salisbury Blvd
 - i. No buildings are present on this property, but there is currently a billboard
 - ii. No known plans for modification
 - iii. Through partnerships with the Clear Channel Media, this piece of property could become one of two high traffic gateways to the Arts & Entertainment District. With frontage on the Route 13 thoroughfare, it could be used to connect people with the proposed expanded A&E District.
 - iv. Within Salisbury's Newtown Historic District

Written Narrative

Proposed District Boundaries

The proposed expanded Salisbury Arts & Entertainment District would maintain the Wicomico River as its Southern boundary, and its Eastern boundary at Route 13. The expanded area includes two proposed expansion areas, the Northern expansion & the Western expansion.

In the Western expansion of the proposed district, the southern boundary of the Wicomico River is extended to include the Port of Salisbury Marina and Rivers Edge Apartments & Studio of the Arts. The boundary follows Fitzwater/ W. Main Street back to Brew River and crosses over the street, as it does in the existing district, but would now include all of Chesapeake East's property and a parcel between Willow Street and Route 50. This new boundary corrects a key property's dissection by the current A&E boundary and adds a gateway property to the expansion area.



The Northern expansion crosses Route 50 at the Wicomico River's North Prong, and follows the existing district boundary until it reaches North Division Street. At North Division the proposed boundary now continues north to include the full block and continuing down East Chestnut Street, correcting previously dissected properties and adding Faith Community Church, the

Langler Memorial Building (recently purchased and renovated by Wicomico Presbyterian for use as an arts & event center), and the Korean Presbyterian Church. Following the natural boundaries of N. Division Street and E. Chestnut Street provide a more logical border, and corrects previously dissected properties.

The proposed boundary continues along E. Chestnut Street to Poplar Hill Avenue where it now turns north along Poplar Hill Avenue, correcting the previous property dissection of The Boundless Playground. The proposed boundary now follows the property line of Boundless Playground, continues along the northern property line of the Chipman Cultural Center before it turns north once more on Ellen Street, to correct a final property dissection of a potential A&E District gateway. Here the boundary meets the existing district boundary of Route 13.

Potential for Affordable Housing & Studio/Performance Space

As the renaissance of Downtown Salisbury progresses, the most critical need within the A&E District is affordable live and work space for artists. Residential space within the District is at capacity and there is limited work space for artists available. The second pressing need is for performance space.

In 2014 the occupancy rate within the District was 77% for storefront space, 97% for residential and 71% for mixed use, an increase in each category over 2013. While Downtown storefront and mixed use space is beginning to fill, the Downtown residential space has always been in short supply and in high demand. Downtown apartments typically rent at a premium versus similar accommodations elsewhere in town. As of January 2015, there were no residential/condominium properties for sale in the current Arts & Entertainment District.

Performance space is also hard to find in the existing district. While there are existing arts organizations that offer their spaces, like The Art Institute and Gallery, Salisbury University Art Galleries Downtown Campus, and the Salisbury Wicomico Arts Council, these spaces are small and not conducive for larger gatherings or performance based events where large open areas are required. The success of 3rd Fridays and other A&E signature events have community groups of all kinds seeking to join in the festivities; dance troupes, like Feet of Fire, dance groups, like Salisbury Salsa Social, and school groups, like the STEM magnet program of the Wicomico County Board of Education have all sought larger format spaces to bring special projects downtown. Currently these groups can only be offered outdoor spaces weather permitting, or a vacant building. As the renaissance continues, and the redevelopment of Downtown Salisbury grows, these buildings will become scarcer.

Although the proposed expansion increases the A&E District by only 12.92 acres, it is targeted to address these two specific needs. By including the River's Edge Apartments & Studio for the Arts, the expansion not only provides affordable artist housing within the expanded district, but also artist workspace, performance space and affordable ADA housing. The inclusion of the Port of Salisbury Marina, Korean Presbyterian Church, Wicomico Presbyterian Church and its recently renovated Langelier Memorial Building, Faith Community Church, and the Boundless Playground all add more performance space, meeting space and potential event venues, both indoor and out.

Rivers Edge Apartments & Studio for the Arts is an anchor attraction and will bring 90 affordable apartments to the Western expansion area, of which 10



River's Edge Apartments

would be handicap accessible. Rivers Edge is income restricted; only those who earn 60% or less of the area median income are eligible for residency. One-bedroom apartments range from \$389-\$770 per month. Two bedroom apartments range from \$462-\$832 per month. Three bedroom apartments range from \$729-\$994 per month.

There are also three units

specifically reserved for non-elderly, disabled individuals - one 1-bedroom apartment for \$179 per month and two 2-bedroom, 2-bathroom apartments for \$204 per month, through a partnership with United Needs and Abilities. The community center features a cyber cafe, library, theatre, fitness center, warm up kitchen, and 2,500 square feet of art studio and gallery space (that can also be used by the community as multipurpose space). Locally created outdoor sculptures and other arts-related projects are currently underway at the River's Edge property. This high quality art will beautify the property, enhance the public art that currently exists within the District and provide income to the local artists commissioned to create the work. The addition of a cadre of new resident artists in the 90-unit complex will encourage positive economic development, helping nearby shops, businesses, restaurants, and arts organizations, while adding their artistic talent, energy and creativity to an emerging center for the arts. As of January 2015, Rivers Edge has developed a total inquiry list of over 2,000 people, of which 500 are artists. Although still under construction, they are currently working to process 60 applicants, 55 of which are qualified artists.

Sitting adjacent to the River's Edge development, is the Port of Salisbury Marina, second only to Baltimore as the most active seaport in Maryland. The marina grounds have spectacular views and could serve as a wonderful setting for outdoor arts festivals, art and craft markets, and other arts-related events. The A&E Committee has budgeted money towards the creation of two new events, Upstairs Downtown & the Strawberry Festival, and the Port of Salisbury Marina is under consideration as the location for one of them. The City is currently involved in renovations to beautify the site and make it more hospitable to

ecotourism. Plans include adding a floating dock to be used as a launch for kayaks and canoes, improved landscaping, decorative fencing, and the relocation of a sewage lift station nearby. City officials hope to tie these beautification plans to the revitalization and redevelopment of Downtown. Additionally, the City hopes to build a boat house where a vendor could rent kayaks and canoes, but these plans are tentative at this current time.



The Mainlake Building, which currently houses Chesapeake East Art Gallery, SunPerks Café, and the Paint it Yourself Pottery studio; is filled with Salisbury



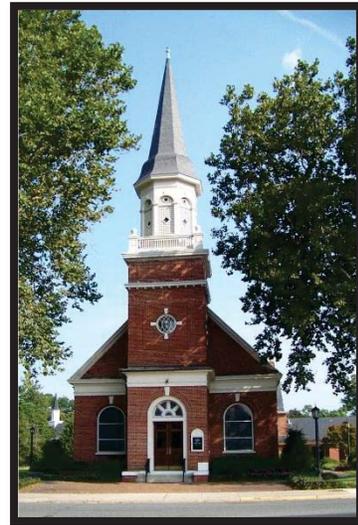
history. Before its current arts & entertainment use, it was previously a maritime sailor's lodge and hotel. It escaped demolition in the later 80's when the Westside riverfront saw vast changes. When Dana Simson and John Orth purchased the building it was in derelict condition and they have worked tirelessly to bring it up to code. In the near future,

they plan on replacing 20 windows on their second floor to make the upstairs comfortable and rentable professional spaces.

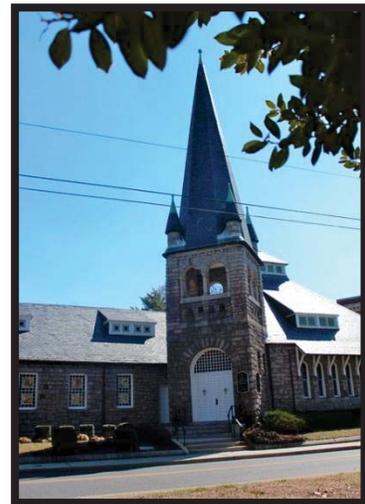
The Northern expansion of the A&E District focuses on an area long known for its tradition of serving as venues for musical performances. Churches in every community often represent gathering places and centers for performing arts, and the churches along Broad Street are an excellent example of that tradition. From jazz, gospel, and theatrical performances at the Chipman Cultural Center (designed to celebrate the region's rich African American heritage) to the Salisbury Community Singer's musical productions, and the Music on Broad Street series at Wicomico Presbyterian Church, this historic corridor has been supporting the performing arts for decades. The proposed expansion of the Arts & Entertainment District cleans up some of the district lines that previously dissected several parcels and now follows the natural lines created by the streetscape. This new boundary will now include the Korean Presbyterian Church, a property adjacent to Wicomico Presbyterian Church that the church recently renovated to be a community events & performing arts venue (the

Langler Building), Faith Community Church, and portions of the Jeannette P. Chipman Boundless Playground, also previously dissected.

Both the Korean & Wicomico Presbyterian Churches have been utilized for musical performances. In particular, Wicomico Presbyterian purchased and renovated a building that is being marketed as performance and meeting space. (The flyer advertising the space is included in the Miscellaneous Support section). The renovations they have done include the creation of a handicapped accessible, banquet/meeting space that can accommodate 200. The building has a commercial kitchen, restroom facilities, stage, and office space on the second floor. In discussions with the Church leadership, fundraising efforts are currently underway to install an elevator to provide access to the offices on the second floor. Their plans for the second floor include office space for non-profits and musical activities that serve the local youth (hand bells, dance lessons). They would also really like to provide affordable rental space for arts organizations and visual and performing arts activities.



Faith Community Church hosts an annual Harvest Festival that began in collaboration with the Newtown Festival. When the Newtown Festival stopped, they continued with the Harvest Festival. This festival's main objective is to work with other organizations (they have worked with the Fire Department in the past) and outreach into the community. The fair includes food, children's activities, and a musical event called "Singing in the Sanctuary". The building that houses Faith Community Church is historically significant and has been a part of Salisbury since 1887.



The inclusion of the full Jeannette P. Chipman Boundless Playground property would bring additional outdoor venue space that is ADA accessible to the Arts & Entertainment District and its proximity to the historic Chipman Cultural Center would only strengthen the proposed expansion area. The Boundless Playground was constructed with the expressed purpose of removing barriers and hindrances for children with disabilities and families from all over the region have been known to visit it.

The City of Salisbury has made significant investments to link the proposed expansion areas to the existing A&E District and Downtown Salisbury. These improvements were part of the Downtown Pedestrian Connectivity Study done in 2003 and have been gradually implemented throughout the years. Near the Western expansion area, a recent improvement project at the intersection of E. Main Street and Mill Street,



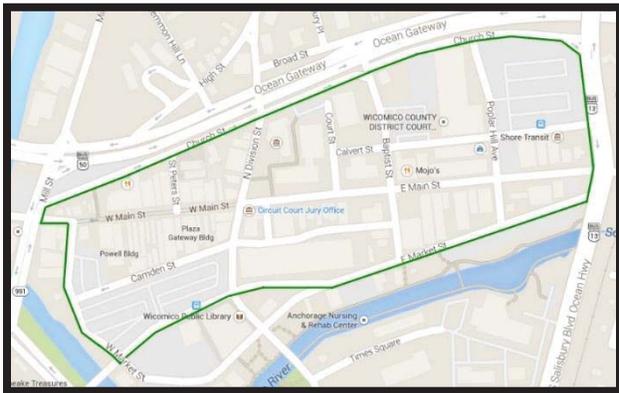
Screenshot featuring improvements at Mill Street & Main Street from Pedestrian Connectivity Study - 2003

included sidewalk & curb modifications, ADA compliant ramps, paving improvements, road striping and stop bars, textured / colored crosswalks, pedestrian signalization, signal synchronization, landscaping and planting strips, wheel stops, bicycle storm drain grates, an information kiosk, benches and a trash can. Additional work was done near the Northern expansion area at the intersection of North Division Street and Route 50. Before these improvements were added, there were several deficiencies in pedestrian walkability. In response, the City added many improvements to increase accessibility for handicapped pedestrians. On a whole, these improvements directly connect the heart of the existing A&E district to the Northern and Western expansion areas of the A&E district.

In August 2014, a partnership between the City of Salisbury, Shore Transit, and Salisbury University resulted in the creation of the Downtown Salisbury Trolley. The primary purpose of this Trolley is to bring more people, primarily Salisbury University students and staff, into Downtown Salisbury to invigorate and strengthen the area. Partially funded by a \$50,000 grant from the Maryland Transit Administration, the trolley will run from 7 p.m.-2 a.m. Thursdays - Saturdays during the academic year for a \$1 fare. Once it reaches Downtown, the trolley route goes down the Plaza and crosses Mill Street to the Westside of the A&E District, making a stop at Brew River Restaurant, right next to the Port of Salisbury Marina. The Downtown Trolley ridership doubled from September to October and then again from October to November. Due to the school being closed for Winter Break, the Downtown Trolley took a brief hiatus at the end of December and will resume service in late January 2015. In general, the Downtown Trolley

sees an uptick in ridership on 3rd Fridays, thus increasing the viewership to Downtown and the proposed expanded areas, and enhancing connectivity.

The City of Salisbury has several bike routes that connect the greater Salisbury area to Downtown Salisbury. Take a ride on the Orange or Yellow route that connects Salisbury University to Downtown or ride the trails from the Salisbury City Park & Zoo. In cooperation with SU and Bike-SBY, the City has worked diligently to make the City a bike-friendly town for SU students and the citizens of Salisbury. The recent installation of 'bury bike racks has welcomed cyclists to the downtown area. In preliminary discussions, City Council President Jake Day has suggested that he seeks to pass an ordinance requiring the addition of bike lanes when the Fitzwater Street (Western expansion area) corridor is repaved. Should this occur, it will provide a vital linkage between Downtown and the Western expansion area of Salisbury's A&E District.



In a partnership with the City of Salisbury and the Wicomico Health Department, a Downtown Walking Route was created in November 2014. With permanent marked signage, the walking route is a little over a mile long and circles the heart of Downtown. Along the walking route



are several safe opportunities (traffic light & crosswalk) to cross Route 50 or Mill Street to access the Western & Northern areas of the proposed Arts & Entertainment District expansion.

The City of Salisbury has also begun efforts in maximize usage of Downtown Salisbury's waterfront asset. The waterfront sidewalk that begins at the Eastern side of the District and stretches along the river to the West side is currently underutilized. The City's plan is to link these waterfront improvements to create & connect a living & vibrant shoreline that extends along the heart of Downtown Salisbury into the Westside. The developers at River's Edge have also created a Riverwalk extension for Rivers Edge residents and others to enjoy.

Improvements are also planned for the Port of Salisbury Marina, bolstering another vital water linkage. City of Salisbury Public Works recently accepted a \$40,000 award from the State Highway Authority to help with beautification and upgrades to the facility. The Port of Salisbury is the second busiest commercial port in Maryland, providing direct access to the Chesapeake Bay from the

Wicomico River. Over \$200 million in goods are transported annually, which include, grain, petroleum, and building aggregates. In addition to meeting Salisbury's industrial needs, the Port of Salisbury Marina brings recreational boaters to the downtown area and is open year-round. The delightful setting is equipped with stationary docks surrounding a grassy peninsula, three-quarter length finger piers, and electrical pedestals. The Marina located directly adjacent to the Arts & Entertainment District, has 86 total slips, and offers docking for recreation boaters by the day, month and year, as well as fuel, pump out, laundry and shower facilities and more.

The City of Salisbury's Main Street Masterplan is the largest undertaking the City is working on to encourage Downtown connectivity with the rest of the City. This \$8.5 million project will undertake the complete redevelopment and redesign of the streetscape & infrastructure on Main Street. It will establish Downtown Salisbury as a Public Gathering Place and establish a link to the Marina, Central Greenway, and pedestrian walkways. In January 2015, the engineers produced their 65% plans in order to garner public comments and suggestions. In February 2015, the City adopted the standard for way finding signage that would be used in the Downtown district. In the future, this standard will be used in a larger geographic area to direct and drive people to Downtown.

It is also important to note that Salisbury's A&E District overlaps with several existing revitalization designations. It is in the heart of the Lower Eastern Shore Heritage area along the Blue Crab Scenic Byway, a part of the designated Main Street designation area, a part of the Salisbury Urban Greenway that connects our Downtown with Salisbury City Park, Zoo, and Ward Museum of Wildfowl Art, and also is within our Enterprise Zone.

In regard to the proposed expanded area, there are ADA Accessibility features at several of the properties:

PARCEL	ADDRESS	PROPERTY/OWNER NAME	ADA ACCESSIBILITY FEATURES
1	670 Fitzwater St.	Rivers Edge Apartments	River's Edge is in partnership with United Needs and Abilities. All first floor units are universally designed for conversion to serve residents in need of accessible apartments. There are 10 handicap accessible units, and three apartments will be set aside exclusively for the use of non-elderly, disabled individuals.
2	650 Fitzwater St.	Port of Salisbury Marina	None
3	506 W Main St.		
4			
5	104 Lake St.	John Orth & Dana Simpson	Not applicable
6	501 Willow St.	City of Salisbury	Not applicable
7	217 N Division St.	Faith Community Church	None
8	225 N Division St.	The Committee of Wicomico (Langeler Memorial Building – Makemie Hall)	Handicapped accessible on the first floor (entrance & restrooms). Currently raising money for a proposed addition of an elevator for access to 2 nd floor offices
9	231 N Division St.	Korean Presbyterian Church	None
10	213 Asbury Place	Wicomico Presbyterian Church	ADA Accessible
11	211 Asbury Place	Wicomico Presbyterian Church	
12	209 Asbury Place	Wicomico Presbyterian Church	
13	123 Broad Street	Wicomico Presbyterian Church	
14	207 Broad Street	Wicomico Presbyterian Church	
15	112 E Chestnut St.	Wicomico Presbyterian Church	
16	209 Broad S.	Wicomico Presbyterian Church	
17		Wicomico Presbyterian Church	
18	221 Broad St.	Hudson Health Services, Inc.	Not applicable
19	311 Broad St.	Boundless Playground	Soft surfaces, wheelchair accessible, designed for use by children with disabilities
20	312 N Salisbury Blvd	David & Dawn Brown	Not applicable

A high priority is placed on providing easy access for people with disabilities, including curb cuts on sidewalks, handicap parking, accessible restrooms, and wheelchair accessibility on public buildings. The city established the Mayor's Disability Council in 1991 to ensure that citizens with disabilities have an equitable opportunity to participate in, benefit from, contribute to, and relish the opportunities Salisbury provides, including housing, employment, education, transportation, and arts and entertainment. The City of Salisbury will make every effort to remain sensitive to the accessibility needs of people with disabilities as the Arts & Entertainment District continues to grow/expand.

Current Status

Since state designation was granted to the Salisbury Arts & Entertainment District in 2007, the City of Salisbury and its partners have made great strides in cooperative downtown revitalization efforts and the arts are an important & key piece of the economic development puzzle. The City of Salisbury, Salisbury Area Chamber of Commerce, Greater Salisbury Committee, Salisbury Arts & Entertainment District Management Team, Salisbury Wicomico Arts Council, Art Institute & Gallery, Salisbury University, and the University of Maryland School of Architecture have been active in developing an effective strategy for the revitalization of the downtown. With an improving economy and increasing developer interest in the Salisbury Arts & Entertainment District, the city is well positioned to move forward with its revitalization strategy.

A series of signature events created and executed by the A&E District Management Team, have breathed new life into the District. The team currently sponsors 3rd Friday, the newly established 1st Saturday, Arts on the Plaza, Park 'n Flea, and the New Year's Eve celebration. These events have attracted a large crowd, estimated at 1,000 for Third Fridays, 2,500 for New Year's Eve and 3,500 to 4,000 for Arts on the Plaza. A young, enthusiastic cadre of volunteers has stepped forward to assist the A&E team with the planning and execution of arts-related events to keep the momentum going. Strong attendance at these events has encouraged the business community to envision the promising development opportunities and invest in the District.

The A&E District now boasts thirteen bars & restaurants; Salisbury University Art Galleries—Downtown Campus; Art Institute & Gallery; W.O.R.K. (a cooperative artist work space and event venue); Chesapeake East Pottery & Artist Studio with artist work space; a host of new shops & businesses; a new Entrepreneurial Center; a Farmers Market during the warmer months; and arts organizations including the Salisbury Wicomico Arts Council and Cavallaro-Cleary Visual Arts Foundation.



The most recent addition to the A&E District is Headquarters Live, located in an architecturally and historically significant former Salisbury Fire Department headquarters. This mixed-use performance and event venue is creating more energy in the District, while delivering critically needed performance space. The Salisbury Dance Academy and Eastern Shore Ballet Theater will soon relocate to a stately, historic former bank building within the District, creating additional foot traffic with a

significant number of dance classes and performances. Murals, sculptures, and other public art pieces are now emerging within the District, providing visual appeal and a deep sense of creativity.

The Chipman Cultural Center in the existing A&E District has become a flourishing location for special events, community meetings, and cultural activities. It is a historic landmark that was built in 1837 and is the oldest standing African American wood church structure on the Lower Eastern Shore; predating the creation of Wicomico County. It was purchased by Charles and Jeannette Chipman and deeded to the Newtown Association to be used as a cultural gathering place that highlights Salisbury's rich African American heritage. In 2015, they will be adding programming to include a Master's Piece performing artist guild series of cultural performances.

The City of Salisbury has recently undertaken new capital projects to enhance the A&E District. They include a new streetscape/infrastructure project to transform the Downtown Plaza and East Main Street, a bikeway project to create more connectivity between Salisbury University and the A&E District, a wi-fi project providing free wi-fi connectivity within the District, a bulkhead reinforcement project to expand the scenic downtown river walk, and pedestrian connection improvements.

The private sector is also investing and repurposing properties within the A&E District. In addition to the above-mentioned Headquarters Live mixed-use performance and event venue and major renovation of the historic First National Bank of Maryland Building to house the Salisbury Dance Academy and Eastern Shore Ballet Theatre, the former Ethan Allen Building – a keystone property for the A&E District – has been redeveloped for Patsy's Bridal Shop,

which relocated to this larger space within the District to accommodate their expanding business.

An estimated 25 artists reside in the A&E District. The 3rd Friday contact list includes 458 artists and 68 musicians or musical groups, and more than 100 artists that have participated in the A&E-sponsored Arts on the Plaza and Riverside Arts & Crafts Market. As previously mentioned, the 2014 occupancy rate within the District was 77% for storefront space, 97% for residential and 71% for mixed use.

Due to this burgeoning success in the Arts & Entertainment District, an expansion would help connect the areas in walking proximity to the existing district, create more spaces where artists could live, perform, and create and create a buzz worthy opportunity for the Salisbury Arts & Entertainment District to re-establish its brand and offerings to the community.

Expansion

In light of all of the positive redevelopment activity in the existing A&E District, it is the general consensus in the community that the City has reached a tipping point in the renaissance of Downtown Salisbury. The arts are playing a leading role in this revival and expansion of the District to include these properties will provide much needed area to continue this redevelopment.

With regard to tourism, the Salisbury Arts & Entertainment District has a close working relationship with the Wicomico County Department of Tourism and the two entities cross-promote their respective special events with positive results. Tourism in the downtown has increased markedly as the number of arts and entertainment activities have increased. With more key attractions to market, that upward trend should continue.

Salisbury University, Peninsula Regional Medical Center, local corporations and small businesses are recruiting young professors, physicians, and other employees who place high value on quality of life and want to live and work in a location that has a strong sense of place and a vibrant inner city. The proposed expansion would greatly enhance what the A&E District and city have to offer, thereby reducing the "brain drain" as our high school and college graduates that we have educated decide to remain and seek employment in Salisbury, and job applicants coming from other locations are attracted to Salisbury's vibrant downtown and decide to relocate to live and work here.

Expansion of the A&E District would immediately address the need for affordable artist housing, workspace and performance space. These parcels and properties link well with the existing District and the Salisbury Arts & Entertainment District Committee is looking forward to including them as part of

our current marketing efforts, and see them as an enhancement to our current offerings. Both the Western and Northern expansion areas add potential gateway properties, that the Salisbury Arts & Entertainment District is excited to explore.

Finally, the expansion of the Salisbury Arts & Entertainment District will serve a more intangible purpose. The recent successful efforts of the Salisbury A&E District Committee have all hinged on the promotion of events. Most locals know about the 3rdFriday, 1st Saturday, New Year's Ball Drop, and Park & Flea events – but in comparison, recognition of the Salisbury Arts & Entertainment District as the parent organization of these now wildly popular events remains relatively low. If the proposed expansion is approved, it would bolster the current efforts of the SA&E district to re-brand itself by creating a newsworthy story and dramatically increasing the potency of the effort. The celebration of the proposed expansion would be the perfect time to re-introduce the Salisbury Arts & Entertainment District, its benefits, and its roles in the community. Seizing opportunities like this are vitally important for a volunteer, low budget management team.

Proposed Activities & Timeline

In the upcoming year, the Arts & Entertainment District has budgeted for two new events. Both are in the conceptual planning processes, but could both be used to highlight the proposed expanded areas and A&E District successes. The first event is proposed as bringing back the Strawberry Festival to the district. \$1,000 is budgeted towards executing this event and the Port of Salisbury Marina is under consideration as a possible location for the event. The second event is "Upstairs Downtown," which would act as a celebration of the Arts & Entertainment District successes. The basic concept is to bring the key stakeholders of the City, real estate agents, and developers to the Arts & Entertainment District to show the progress of the area and create a renewed interest in the activities that are currently going on. This event could easily incorporate a celebration of the proposed district expansion area and the activities that are occurring on the Western & Northern sides, and this celebration will be a pivotal point in the awareness campaign the Salisbury Arts & Entertainment District management team has underway.

River's Edge Apartments and Studio for the Arts has mentioned that they hope to be open by mid-March at the latest. That being said, their opening depends on the weather and timing of the required inspections. Shortly after their opening they plan to have an open house/grand opening for the community at large to see the project. The Arts & Entertainment District currently keeps in touch with the developer to include them in events within the district and would certainly continue to do so after their Grand Opening.

Management

While the City of Salisbury is the entity with ultimate responsibility for the proposed expanded and current district, the Salisbury Arts & Entertainment District is currently lead and managed by a seven member volunteer board, known as the Salisbury Arts & Entertainment District Committee. The SA&ED Committee is the core administrative arm of the Salisbury Arts & Entertainment District.

The SA&ED Committee maintains close coordination with the mayor's office and with other appropriate city and county officials and provides the city with quarterly updates on A&E activity. The City of Salisbury's Mayor and City Council reviews all policy matters. The Business Development Specialist for the City of Salisbury serves as first point of contact for the Committee to direct inquiries to the proper entities. The SA&ED Committee prepares the annual report for submission to DBED & MSAC.

The SA&ED Committee is composed of community and business leaders who are all strong supporters of the arts and downtown revitalization. These individuals offer the professional and volunteer background, experience, expertise and commitment necessary to successfully implement Salisbury Arts & Entertainment District's objectives. Collectively the SA&ED Committee has expertise in areas of economic development, arts administration /education, events management, graphic design, media law, architecture, tourism, government and public relations, television production, mass media broadcasting, advertising and marketing (see bios).

The District Committee meets on a monthly basis, at minimum. The Committee creates and oversees volunteer subcommittees to initiate projects and achieve its objectives. Specific tasks are assigned to each member of the management team and all members donate their time on a volunteer basis.

The objectives of the Salisbury Arts & Entertainment District Committee are:

- 1) Facilitate existing A&E Signature Events: 3rd Fridays, New Years Eve etc
- 2) Promote and Support of All In-District Events & Organizations
- 3) Create & Promote New In-District Events & Initiatives: 1st Saturdays
- 4) Promote, Oversee & Create Existing/New Public Art Projects
- 5) Outreach & Partnership Development beyond district boundaries with key community stakeholders, institutions and county tourism directors.

Leadership Team:

Connie Strott and her husband, George G. Strott, are owners of commercial real estate in the footprint of historical downtown Salisbury. Both Connie and George have been forerunners in the development and historical maintenance

of their properties. Ms. Strott is Past President of Urban Salisbury and the CFO of The Law Firm of George G. Strott P.A. As an officer of Urban Salisbury, Ms. Strott took an active role in overseeing the four-point approach of Main Street, promotional events, corporate sponsorship, and orchestrating volunteers. Ms. Strott is a native to Salisbury and spends the majority of her time with community development. Additionally, Ms. Strott is past-president of the Wicomico Rotary Club and past Assistant Governor for Rotary District 7630. She currently serves on the Board of The United Way of the Lower Eastern Shore and The NABB Center Board. She worked with SA&E leader Lee Whaley to establish 3rd Friday and Arts on the Plaza, two of the Salisbury Arts and Entertainment District's signature events. Ms. Strott currently serves as the co-chair of the Salisbury Arts & Entertainment District Committee.

Lee F. Whaley is principal at Lee Whaley & Associates, a consulting firm specializing in government and community relations, strategic communications, protocol and events management. For 23 years she served as Eastern Shore Representative for U.S. Senator Paul Sarbanes and U.S. Senator Ben Cardin, where she was responsible for public relations and outreach activities in eight counties on Maryland's Eastern Shore. Lee's formal training is in communications and marketing, with emphasis on the organization, marketing and promotion of special events. As an adjunct faculty member at Salisbury University, she taught arts administration for 11 years. Prior to her U.S. Senate service, she was heavily involved in the organization and marketing of special events, initially as business/promotions manager for the Wicomico Civic Center and then as president and CEO of Chesapeake Productions, Inc., an events management company. Whaley is a past president of the Rotary Club of Salisbury and past assistant district governor for Rotary International District 7630. She has volunteered with many community organizations including the Salisbury Chamber of Commerce Board of Directors, Salisbury Wicomico Arts Council Board of Directors, MAC Area Agency on Aging Board Chairman, Art Institute and Gallery Advisory Committee, Salisbury Film Society, Deer's Head Hospital, and Salisbury Neighborhood Housing Service. With Dr. Talmadge Reeves, she led the volunteer effort to establish the Salisbury Arts and Entertainment District. She worked with SA&ED leader Constance Strott to establish 3rd Friday and Arts on the Plaza, two of the Salisbury Arts and Entertainment District's signature events. Ms. Whaley currently serves, along with Ms. Strott, as the co-chair of the Salisbury Arts & Entertainment District Committee.

Michael R. Wigley, AIA, LEED AP, president of the architectural, engineering and surveying firm of Davis, Bowen & Friedel, Inc., has been personally involved with the arts throughout his 30-year career. To his credit, he served as the project architect for the American Visionary Art Museum in Baltimore's Inner Harbor and

as the principal architect responsible for the design of Salisbury's own Ward Museum of Wildfowl Art. Mr. Wigley has a particular interest in Downtown Salisbury. He served on Urban Salisbury, Inc.'s Board of Directors and served as their Design Committee Chair for a number of years. Urban Salisbury, Inc. was conceived as a means to incorporate ideas from residents and businesses into a cohesive and comprehensive plan to revitalize Downtown Salisbury. As a part of this group, Mr. Wigley had been instrumental in conceptual planning for the downtown's gateways and connectivity, streetscape and plaza improvements, as well as being involved in Urban Salisbury's Vision Planning Committee. He is on the Executive Committee of the Greater Salisbury Committee and a member of the Salisbury Arts and Entertainment District Committee, Salisbury's Central City District Commission, Salisbury Area Chamber of Commerce and the Salisbury Wicomico Arts Council. Mr. Wigley is also affiliated with the Ward Foundation and served as chair of the Dover Main Street's Design Committee.

Michael Day was born and raised on the Eastern Shore of Maryland. He received his Bachelors Degree in Photographic Arts & Sciences from the Rochester Institute of Technology in 1969, and worked in the photographic processing industry in Washington D.C until 1977, when he formed Kinetic Artistry, a theatrical supply firm, which he owned and operated until 1983. From 1983 to 2005 he owned and operated Image Preservation Company, a photographic restoration and archival photo lab, while also serving as a part time director for the Chipman Foundation. From 2005 to 2014, Day served as the Director of Economic Development for the Town of Berlin, MD. Under Day's leadership, the Town of Berlin experienced tremendous growth and cultural renaissance, and the Town was crowned "America's Coolest Small Town" in 2014, in Budget Travel's 9th Annual National Competition. Day has since retired, but still volunteers his time to variety community initiatives. Day continues to serve as a SA&E board member, and manages Salisbury's Park n Flea Market, a weekly summer season flea market in Downtown Salisbury, and primary funding source for the Salisbury Arts & Entertainment District budget.

Rachel Terzic is a local business owner of Pacific East Aquaculture, Inc. a state licensed coral aquaculture facility that supplies livestock/equipment to the saltwater aquarium trade nationwide. There she is responsible for overall business management and accounting responsibilities as well as website marketing and design. Terzic community service in the Salisbury area began as Member/Secretary for the Camden Association from 1994 – 1998 producing newsletters and marketing materials. She then served as board member for Salisbury Neighborhood Housing Services for 3 years. Terzic served as a board member of Urban Salisbury for 8 years, as Secretary for 3 of those years, and volunteered her time producing marketing materials, newsletters, and presentation materials for

Urban Salisbury and 3rd Fridays during that time. Terzic is a currently serves as Secretary for the Salisbury Arts & Entertainment District Committee, and is responsible for calling meetings, managing agendas and other marketing functions.

Susan Holt, M.F.A is currently the Gallery Director and a Professor of Fine Arts at the University of Maryland Eastern Shore. Over the last 15 years, Holt has served as the Education Director for the Art Institute and Gallery in Downtown Salisbury, as Program Director for an Art Study Abroad Program in Italy, and as an Adjunct Art Professor at both Salisbury University and the University of Maryland Eastern Shore. Holt served as chair of the Urban Salisbury Sculpture Committee from 2001 – 2012 where she coordinated efforts between downtown revitalization stakeholders, donors and art students to create a series of 10 metal sculptures installed around the borders of the current Art & Entertainment District. An acclaimed and awarded artist in her own right, Holt created *Memories of Downtown*, a site specific, interactive multimedia installation that recorded oral histories and memories of Salisbury’s oldest surviving generations, and invites the public to add their own memories, to an online map, and a textile tapestry. *Memories of Downtown* is a continuing project that grows and evolves each year, featured at Salisbury Arts & Entertainment District events and festivals. Holt serves as the chair of the Public Arts Subcommittee of the Salisbury Arts & Entertainment District Committee.

Jamie Heater, M.B.A is a Senior Account Executive at WMDT 47-ABC Television, located on the Downtown Salisbury Plaza, working with local and regional advertisers to create, execute and manage campaigns. Originally from Downtown Annapolis, where she managed retail shops, Ms. Heater moved to Salisbury in 2001 to attend college, receiving both her M.B.A and undergraduate accounting degree from Salisbury University. Drawing from her entrepreneurial background, love of the arts, downtowns, and marketing know-how, Ms. Heater has become a key on player for on-the-ground event production, grassroots marketing and the cultural resurgence in Downtown Salisbury. Heater serves as the Head Coordinator for 3rd Fridays and the New Years Eve Ball Drop. Heater led the Salisbury Arts & Entertainment District through its recent brand redevelopment and plays a managing role in the marketing and promotion of the Salisbury Arts & Entertainment District.

Staff Capacity

While the expansion area adds 12.92 new acres to the Salisbury Arts & Entertainment District, the addition of these acres will not greatly impact the workload of the Salisbury Arts & Entertainment District management team. In fact, expanding the District to include these two expansion areas will provide

new opportunities for partnerships and more arts and entertainment-related assets for the city and management team to market.

The key properties within the expansion areas all have their own management and marketing arms that run day to day operations and can assist in outreach and promotion. These entities can now celebrate and promote the Salisbury Arts and Entertainment District. Osprey Property Company LLC, developer of the River's Edge project, will handle day-to-day management of the property. The company has opened a temporary rental office within the existing A&E District and has launched an extensive marketing campaign to attract artists to live and work at River's Edge. The City of Salisbury manages and promotes the marina through the Department of Public Works, Salisbury's Main Street Program, and a Marina Commission made up by interested citizens appointed by the city. The churches in the Northern expansion area all have sub-committees tasked with outreach and promotion.

The opportunity to enhance the total number of events, venues, programs, and assets available within the Salisbury Arts & Entertainment District, makes all existing efforts more successful and worthwhile, and more appealing to the cultural consumer. The expansion gives the Committee a logical public relations avenue to enhance brand awareness. The Committee would be thrilled to welcome these new properties, and to continue the work it has set out to do.

Budget

The FY2015 budget for the Salisbury Arts & Entertainment District is attached. The budget only reflects income the SA&ED management team receives from its Park & Flea weekly event.

The City of Salisbury additionally provides \$7,200 annually to support the SA&ED signature event, 3rd Friday. These funds are administered separately and directly to 3rd Friday invoices. If other worthy projects materialize during the fiscal year, they are funded through sponsorships and other fundraising efforts.

The SA&ED also receives significant in-kind support from the City of Salisbury and the business community. In Fiscal Year 2014, the management team received in-kind contributions valued at \$22,620, including over \$10,000 in advertising support from WMDT-Channel 47.

Arts & Entertainment District

FY2015 Proposed Disbursements

Project	Assigned To	Amount
Public Art	Susan Holt	\$3,000
Riverside Market		\$500
Arts on the Plaza		\$1,500
3rd Friday	Jamie Heater	\$1,000
Upstairs Downtown		\$500
Strawberry Festival		\$1,000
A&E District Advertising/Website		\$500
A&E District Banners		\$700
Quarterly Newsletter		\$250
Volunteer Recognition		\$100
Wine Festival		\$250
TOTAL		\$9,300

Effect on Budget

The expansion will not significantly impact the SA&ED budget, but the management team will earmark more of its funding for advertising and marketing, which will be devoted to updating its main and events-related websites to include new attractions, including the Port of Salisbury Marina, River's Edge Apartments and & Studio for the Arts and the new performance venues on the north side of the District.

Working in partnership with Osprey Property Company LLC, Salisbury University and the Art Institute & Gallery, the SA&ED management team will actively pursue grants to fund an arts-related after school program for children, to be held at River's Edge Apartments & Studio for the Arts, thereby increased the SA&ED programming budget.

Salisbury Arts & Entertainment District Marketing Plan

The Salisbury Arts & Entertainment District's primary purpose, and recent success, revolves around effective marketing. While tax and other benefits do exist with an A&E Designation, the Salisbury Arts & Entertainment District Committee believes its power as a marketing engine is equally, if not more, powerful.

The expanded district can be easily absorbed into the current marketing framework created by the Salisbury Arts & Entertainment District designation. The additional assets located in the expanded district strengthens the messages and offerings of the existing district, and the entities within the expanded district can now avail themselves of the powerful tools and cooperative efforts that have been developed by the Salisbury Arts & Entertainment District Committee.

The Salisbury Arts & Entertainment District seeks to enhance its overall environment by complementing the existing businesses with an increased number of art and entertainment venues. The local community members along with tourists can enjoy retail businesses, restaurants, antique shops, and restaurants. Downtown Salisbury serves as a tourist destination with unlimited potential. Salisbury Arts & Entertainment District designation and implementation greatly enhances weekend activity and give the nightlife scene the extra boost it needs to attract travelers and enhance the quality of life for locals.

The Salisbury Arts & Entertainment District designation is a marketing tool, that's the District Committee leverages to achieve the following objectives, originally laid out in cooperation with Salisbury University's BEACON program (a division of the Perdue School of Business).

A&E District Marketing Objectives

To enhance overall environment of Downtown Salisbury through a Salisbury Arts & Entertainment District designation, the following objectives must be realized:

- Increase revenues for existing arts related venues while simultaneously increasing traffic to Downtown Salisbury in general.
- Transform the community's perception of the A&E District as strictly a "business hub" into the center for arts and entertainment.
- Create a powerful image of Downtown Salisbury that fosters an appropriate arts and entertainment ambiance.
- Maximize resources for marketing by capitalizing on co-operation agreements.
- Educate business and property owners located in the Downtown area as to the financial benefits associated with the designation.
- Retain existing artists while attracting and recruiting new artists into residency in the A&E District.
- Established outreach programs to involve local grade-level and university students.

Defining an Image

The Salisbury Arts & Entertainment District utilizes an asset-based approach when promoting the designation, and employs four primary tools. These tools include:

Visual symbols: With grant funding through the Maryland State Arts council the Salisbury Arts & Entertainment District recently revamped their branding and logos, to capitalize on the strength and recognition being garnered by 3rd

Friday. Portions of the logo were mirrored, and a “stamp” version of the larger logo was created, similar to 3rd Friday designs, which has become a highly recognizable symbol in the community, and a common sight on local car bumpers.



Events: Signature events like 3rd Fridays, Arts on the Plaza, New Years Eve and 1st Saturday are all developed to attract participation in arts by residents, visitors and community groups. All events reinforce the overall image of the district through similar design.



Salisbury Art & Entertainment District Signature Events incorporate either the full A&E Logo, or the A& E Logo Stamp and tagline into their printed assets, and note the state designation on all forms of advertising for A&E Events.



The emphasis on cohesive design helps create an authentic visual identify for the A&E District and for Downtown Salisbury as a whole.

Slogan - "Art. Entertainment. Downtown." This slogan appears on 3rd Friday posters, websites, and is heard in television and radio announcements.

Digital Presence: Websites and Social Media play a major role in the way the Salisbury Arts & Entertainment District, and its signature events, communicate with the community. Continuity of assets, language and format ease communication, and cross-promotion of the various assets is carefully strategized.

Pages disseminate information in similar formats, and "share" (ie social media), between each other, but also "share" arts & entertainment related information for all the businesses, art institutions and community groups in the District, becoming powerful voices and trusted sources of cultural information.

Marketing Through Involvement & Co-Operative Efforts: The Salisbury Arts & Entertainment District's signature event, 3rd Friday is a perfect example of how cooperation can catapult fragmented individual efforts into an atmosphere for success. Local artists and vendors are offered vending opportunities at no charge, and local non-profit organizations can also participate at no charge.

Information on participating artists and non-profits are compiled, as well as the art and entertainment offerings of the Downtown Salisbury galleries, art organizations like SWAC, and local businesses. The formula creates a marketing co-op where the participation and promotion from each individual participant adds to the whole, and together achieves what would be impossible for many parties.

- **Artists** stimulate interest and add variety to monthly offerings.
- **Community Groups & Non-Profits** coordinate efforts and activities to occur at or on 3rd Fridays. Performance groups find ready-made audiences, non-profits find excellent outreach opportunities to promote their programs and youth groups find an exciting forum to engage their young members.
- **Businesses** plan open houses, sales and special events around 3rd Fridays taking advantage of heavy foot traffic and leveraged promotion.
- **Established Attractions** like the Salisbury University Art Galleries Downtown Campus and the Art Institute and Gallery all hold their opening receptions for new exhibitions during 3rd Fridays.
- **Creative Partnerships** find the most success. During one 3rd Friday a local business hosted a skate deck art show with proceeds benefiting the Salisbury Skate Park initiative. One open house turned into a foot-traffic, art-related, community-minded powerhouse, and was met with resounding success.

Advertising and Promotion

Salisbury Art & Entertainment District advertises and promotes all of its signature events with email newsletters, social media, online listings, as well as, a mixture of traditional mediums, like radio, newspaper, billboards and television. Partnerships with local advertising outlets are maintained to get no-charge and discounted rates, and the outlets enjoy the participation with a buzz-worthy community cause.

Marketing the Expanded District: Specific Strategies

Entities within the expanded district would be able to immediately reap the benefits of existing Salisbury Art & Entertainment District advertising & captive audiences by choosing to participate in events like 3rd Fridays. For example,

River's Edge Apartments could immediately receive top-billing on a 3rd Friday monthly line-up simply by holding a special event or an open house. Participants are the keys to their own success, and those drawing on community partnerships find the best results.

The Salisbury Arts & Entertainment District management team's marketing efforts to promote the expanded district will include social media, regular Constant Contact updates to a broad audience regarding A&E District events, and distribution of A&E promotional materials at A&E-sponsored and other public events including 3rd Friday, 1st Saturday, and New Year's Eve events. In addition, the A&E team will continue to advertise its events in print and electronic media. The Salisbury Arts & Entertainment District management team will work closely with the new groups to create ideas and strategies for maximized participation.

The Salisbury Wicomico Arts Council and Salisbury University will include A&E District-related articles and calendar listings in their respective newsletters and social media efforts. SWAC will conduct interviews with artists that live and work within the District as well as arts-related businesses for broadcast on PAC-14, the local Public Access television channel. The SAC television show, Arts for Better Living, is broadcast 40 times monthly and is also available on demand.

The Salisbury Arts & Entertainment District is an active partner in Tourism & Downtown Development (TADD), a broad network of professionals that includes A&E District leadership, tourism directors, arts council directors and economic development directors from Delaware and the Eastern Shore of Maryland and Virginia. The collaborative focus here is the "Eat, Drink, & Buy Art" marketing campaign that encourages visitors from around the East Coast to discover the region's arts districts and frequent our arts events, galleries, museums, and restaurants. The campaign includes promotional brochures with collateral material, a mobile app, website, and a popular Arts & Times calendar that is widely circulated in print and electronically around the East Coast.

As an affiliate of the Salisbury Area Chamber of Commerce, the largest Chamber on Maryland's Eastern Shore, the A&E management team will have a multitude of opportunities to market the District with 500+ member businesses that will attend Chamber meetings, conferences and special events and engage in the Chamber's social media and other outreach efforts.

The Wicomico County Department of Tourism will promote the A&E District in its extensive marketing efforts.

Lastly, looking to the future, if additional funding can be secured, the A&E management team would like to establish an artist relocation program to attract artists from around the Mid-Atlantic region to live and work within the District.

Listing of Artists & Entertainment Enterprise and Assets of Expanded Area

- River's Edge Apartments and Studio for the Arts – 670 Fitzwater Street
 - a. Artist opportunities for affordable housing and work space. Currently processing 60 artist applications for potential housing.
 - b. Performance space
 - c. Gallery space
 - d. Waterfront outdoor event & gathering space
 - e. Public art installations
- Port of Salisbury Marina - 605 Fitzwater Street, 506 W Main, W Main Street parcel
 - a. Scenic waterfront event space
- Chesapeake East - 104 Lake Street
 - a. Artist retail space
 - b. Artist work space
 - c. Literary café
 - d. Future lodging available
- 501 Willow Street
 - a. Potential advertising space for the arts & entertainment district
- Faith Community Church – 217 N Division Street
 - a. Historic landmark
 - b. Event & worship space
 - c. Annual Harvest Festival – October
 - d. Home of singing groups & performance space
- Korean Presbyterian Church – 231 N Division Street
 - a. Event & worship space
 - b. Performance space
- Wicomico Presbyterian Church - 225 N Division Street, 213 Asbury Pl, 211 Asbury Pl, 209 Asbury Pl, 123 Broad St, 207 Broad St, 112 E Chestnut St, 209 Broad St, Broad St
 - a. Event & worship space
 - b. Langelier Building – Makemie Hall – performance, non-profit, artist space
 - c. ADA accessible
 - d. Church choir, music ministry, Peninsulaires (singing group), knitting group, Tintinabulators (hand bell group)
- Boundless Playground – 311 Broad St

- a. ADA accessible
 - b. Event space
- 312 N Salisbury Blvd
 - a. Potential advertising space for the arts & entertainment district

Wicomico County & City of Salisbury Support

Proof of Public Hearing

Proof of Priority Funding Area

Miscellaneous Support Pieces

Big changes coming to Salisbury Marina

Jeremy Cox, DelmarvaNow 6:10 p.m. EST February 1, 2015



(Photo: Staff photo by Jeremy Cox)

The Port of Salisbury Marina is on the verge of getting a six-figure makeover that city officials hope will make the spartan facility easier on the eyes and more hospitable to ecotourism.

The upgrades should help tie the aging marina into the redevelopment of downtown, City Council President Jake Day said.

"If you look at the physical condition of it, absolutely I think it needs to be beautified and improved," Day said. "If you look at the usage of the land, it's under-utilized; it's a vacant lot."

Plans include a floating dock to be used as a launch site for canoes and kayaks, improved landscaping around the entrance and marina building, decorative fencing and the relocation of a sewage lift station to the site. (That last item may not sound exciting, but the existing station nearby needs to be replaced, officials say.)

The most notable among the new investments may be a new boathouse, where a vendor could rent canoes and kayaks to the public. The city has offered to partner with Salisbury University on turning it into the home for a rowing club.

Such talks "have been preliminary in nature" and are likely to face heavy scrutiny in the face of budget shortfalls at the university, Robby Sheehan, SU's government relations director, said in a statement.

What's more, the university doesn't have a rowing club at present.

Like many of the changes, the boathouse would be financed through state grants. Its expected cost: \$100,000.

The city hasn't applied for the grant yet, so the boathouse is at least a year into the future. The first improvements at the marina could begin as early as this fall with the installation of the canoe and kayak launch.

It's set to be constructed along the southern edge of the property, said city Public Works Director Michael Moulds. None of the 86 boat slips will have to make way for it, he added.

The Maryland State Highway Administration has awarded the city \$40,000 for the project.

Joe Pagliaro is assistant manager at Survival Products in Salisbury, which sells kayaks, among other things. A downtown launch should be popular among paddlers, he said.

Once boats get downstream past the sewage treatment plant and port area, the river "pretty much opens up and then you've got these tributaries," Pagliaro said. "Lots of beautiful houses and wildlife to see in there."



New signs and landscaping are in store for the Port of Salisbury Marina building. (Photo: Staff photo by Jeremy Cox)

As it stands, the closest non-motorized boat launches are at Johnson Pond and Pemberton Park.

The barges that ply the river already co-exist peacefully with weekend recreation boat traffic, so they should do so as well with paddlers, said Tim Emge of Cato Gas & Oil, one of the river's biggest commercial users.

The city has set aside \$50,000 for a new entrance sign and landscaping as well. The money is coming from unspent funds from a 2003 bond issue.

"As it is now, when you drive down, the entrance to the marina is a little further down," Moulds said.

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On Twitter [@Jeremy_Cox](https://twitter.com/Jeremy_Cox)

delmarvanow.com

B13

THURSDAY, FEBRUARY 5, 2015

THE DAILY TIMES

HOGAN TALKS TAX RELIEF

New governor outlines priorities in State of State speech **A2**



● USA TODAY PENTAGON STUDY CONCLUDED PUTIN HAS ASPERGER'S SYNDROME **PAGE B1**



WICOMICO COUNTY

Elected school board gains steam

Council has proposed bill

COUNTIES

SEEK TO HELP SMALL BUSINESS THRIVE

Delmarva governments look to help launch entrepreneurs

RACHAEL PACELLA
STAFF WRITER

In 2010, Rob Arlett faced the challenge of opening his own business.

Now, as he faces a different one with his first term on the Sussex County Council, he hopes to make government more streamlined and less of a headache for people launching a business in the county.

"I think we need to get back to focusing on one's dreams here in Sussex," Arlett said.

Launching a business can be particularly difficult to do, but in Sussex, Worcester and Wicomico counties folks are working to provide support in innovative ways, connecting entrepreneurs, helping them in the vulnerable starting stages and providing incentives to bring jobs to the area. Arlett understands the struggles of a small business owner through the lens of his real estate compa-

See THRIVE, Page A2



STAFF FILE PHOTO BY LAURA EMMONS

HotDesks, located in the Tri County Council building in Salisbury, aims to give at-home business owners and entrepreneurs a place to network and collaborate.

"It's just a place where people with like-minded goals who want to start their business, or have started their business, come together and bring their ideas."

DAVE RYAN,
SALISBURY-WICOMICO ECONOMIC DEVELOPMENT

JOANNE COUGHLIN-WALSH/GANNETT ILLUSTRATION

HANNAH CARROLL
AND PHIL DAVIS
STAFF WRITERS

Public comment at the Wicomico County Council's meeting Tuesday was almost unanimous: The county should have an elected Board of Education.

The County Council recently proposed new legislation that could possibly make this a reality.

Many people argued the current Board of Education, which controls roughly half of Wicomico County's budget, is accountable to officials in Annapolis, not to the citizens of the county.

David Synder said he strongly supports the idea of an elected board.

"If they have so much control over the county's money," Synder said. "I want some say in who gets that control."

The County Council submitted a letter to the Lower Shore delegation in Annapolis on Jan. 21, which stated that members unanimously supported a school board comprised of five members elected in the existing County Council districts, and two appointed by the county executive with approval by the County Council.

Due to time constraints, the council admitted to having submitted the legislation rather quickly.

"In order to meet guidelines, we had to act," Council President John Cannon said. "We made a decision we thought would be best for the future of the county."

Ken Gaskins said he supported the council's proposal but did not appreciate the submission of legislation without input from the community.

"The public should have a right to speak before that legislation was drafted and sent to Annapolis," Gaskins said. "I hope the council will not continue to conduct business like this in the future."

Mike Dunn agreed with Gaskins. "It should be up to the citizens to decide how we, as a county, should move forward," Dunn said.

If approved by the legislature, a referendum would appear on the 2016 ballot for residents to vote for or against

See BOARD, Page A2

"I want some say in who gets that control."

DAVID SNYDER,
WICOMICO COUNTY RESIDENT

Thrive

Continued from Page A1

ny, and now from the government side, he hopes to innovate by streamlining permitting and fees for business owners.

"As a licensed Realtor I have to have a separate business license in each town I conduct business in, even though I'm granted a real estate license from the State of Delaware," Arlett said. "How can one afford to do that? I think we need to figure out how to better serve the business owners and get out of their way."

Arlett said he would also like to see the government offer more programs to bring new businesses into the county.

In Worcester County, there has been success with a small business incubator launched last year, Director of Economic Development Bill Badger said. The facility aims to provide support for companies just starting up, to ultimately diversify the local economy.



GRANT L. GURSKY FILE PHOTO

The Start Up Maryland bus makes a stop on the Ocean City Boardwalk last year. Worcester County hosted the bus, which provides venture funding for startup companies, as part of its efforts to attract businesses to the area.

ger said. The facility aims to provide support for companies just starting up, to ultimately diversify the local economy.

"Since I've been here, three years, we've talked a lot about the importance of small business," Badger said.

The incubator doesn't just provide low-cost space for people looking to launch a small business, but also provides

mentoring from experts in fields like accounting, planning, manufacturing, funding, networking and marketing and sales. Badger said the facility was created through a public-private partnership.

"We're looking for some promising company that has a potential for fast growth," Badger said.

Today there are three small businesses in the incubator, most notably a company called Found, which incinerates poultry litter to produce energy. The businesses' laboratory is in the incubator, while its biomass facility is on a farm.

Badger said the county has also been innovating by hosting the Start Up Maryland bus, which provides venture funding for start up companies.

"We used that to promote entrepreneurship in our community," Badger said.

In Wicomico, the Tri-County Council building

offers a co-work space with an approach similar to an incubator. Hot Desks.org offers a space for people who need office space but aren't ready for an office environment, Dave Ryan of Salisbury-Wicomico Economic Development said.

Ryan said another recent success has been the entrepreneur center recently launched at the main branch of the Wicomico Public Library, which offers an informal gathering point, he said.

"It's just a place where people with like-minded goals who want to start their business, or have started their business, come together and bring their ideas," Ryan said.

Ryan added that the city had been making strides with its arts and entertainment district.

"Improving the sense of place in the downtown area is a draw for businesses as well," he said.

Langelier Memorial Building—Makemie Hall

Looking for a place to hold your organization's
next meeting, reception or event?

To serve community needs Wicomico Presbyterian Church
is offering affordable facilities in its renovated

Langelier Memorial Building annex
at a convenient downtown location

225 N. Division Street
Salisbury, MD 21801

(former Fellowship Hall, gray granite building
on North Division Street immediately off Rt. 50)



AVAILABLE NOW TO ACCOMMODATE YOUR NEEDS

Handicapped accessible

Banquet Room will accommodate 200

Table and chairs available

Commercial kitchen

Restroom facilities

Stage

Non-profit office space

Parking adjacent to the building or across the street

Contact for details

Denny Mogan: 443-669-3879

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.

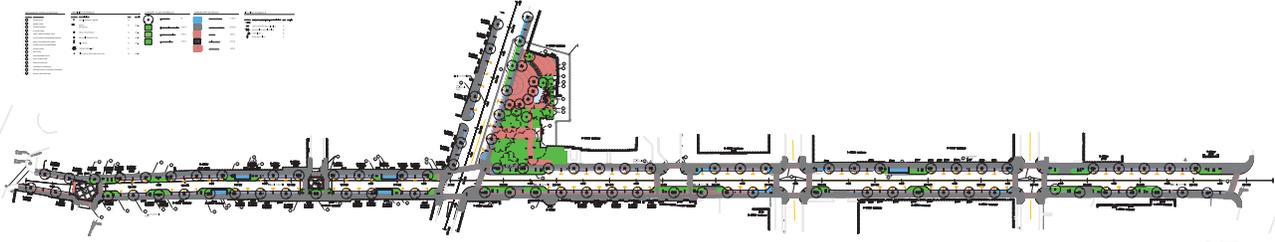
The 65% design was received by SPW on January 15th and the 95% design is planned to be received on March 26th. During this interim, SPW will be working with AMT to finalize streetscape amenities and all visual treatments for the project which can be more of a qualitative nature. For this reason, SPW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

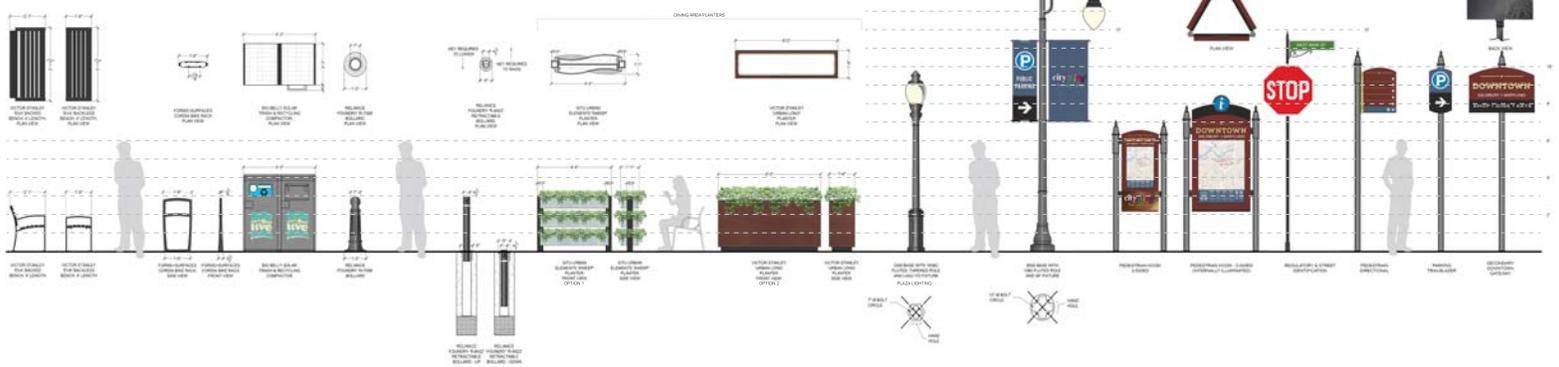
The goal of the Main Street Masterplan is to set the standard for future City projects and development, so it is important to consider how these streetscape selections will synergize with the other areas of the City.

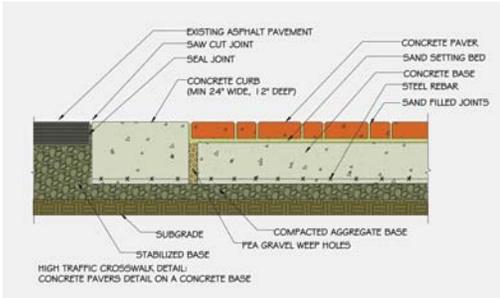
Unless you or the Mayor have further questions, please forward a copy of this memo to the City Council.

Legend	
Green	Green Area
Red	Red Area
Blue	Blue Area
Yellow	Yellow Area
Grey	Grey Area
Black	Black Area
White	White Area
Circle	Circle
Square	Square
Triangle	Triangle
Star	Star
Circle with dot	Circle with dot
Square with dot	Square with dot
Triangle with dot	Triangle with dot
Star with dot	Star with dot
Circle with cross	Circle with cross
Square with cross	Square with cross
Triangle with cross	Triangle with cross
Star with cross	Star with cross
Circle with plus	Circle with plus
Square with plus	Square with plus
Triangle with plus	Triangle with plus
Star with plus	Star with plus
Circle with asterisk	Circle with asterisk
Square with asterisk	Square with asterisk
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Circle with hash	Circle with hash
Square with hash	Square with hash
Triangle with hash	Triangle with hash
Star with hash	Star with hash
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Triangle with percent	Triangle with percent
Star with percent	Star with percent
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Square with dollar	Square with dollar
Triangle with dollar	Triangle with dollar
Star with dollar	Star with dollar
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Square with at	Square with at
Triangle with at	Triangle with at
Star with at	Star with at
Circle with amp	Circle with amp
Square with amp	Square with amp
Triangle with amp	Triangle with amp
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Circle with percent	Circle with percent
Square with percent	Square with percent
Triangle with percent	Triangle with percent
Star with percent	Star with percent
Circle with dollar	Circle with dollar
Square with dollar	Square with dollar
Triangle with dollar	Triangle with dollar
Star with dollar	Star with dollar
Circle with at	Circle with at
Square with at	Square with at
Triangle with at	Triangle with at
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Circle with amp	Circle with amp
Square with amp	Square with amp
Triangle with amp	Triangle with amp
Star with amp	Star with amp



⊕ 1:1000 4M





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 21804-4942
TEL 410-348-3170
FAX 410-348-3100

DESIGNER: [Redacted]
DATE: [Redacted]
SCALE: [Redacted]
DRAWN BY: [Redacted]

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

LD5.6

Sheet 71 of 118



DESIGNER: [Redacted]
DATE: [Redacted]

CITY OF SALISBURY
DEPARTMENT OF PUBLIC WORKS

TOWN ENGINEER: [Redacted] DATE: [Redacted]
TOWN ENGINEER: [Redacted] DATE: [Redacted]



CITY OF SALISBURY
PUBLIC WORKS

121 NORTH DEVENSON ST RM 202
SALISBURY, MD 21804-4940
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



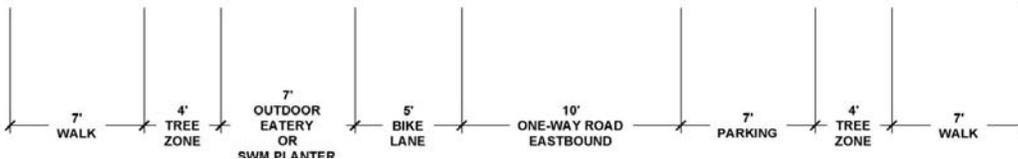
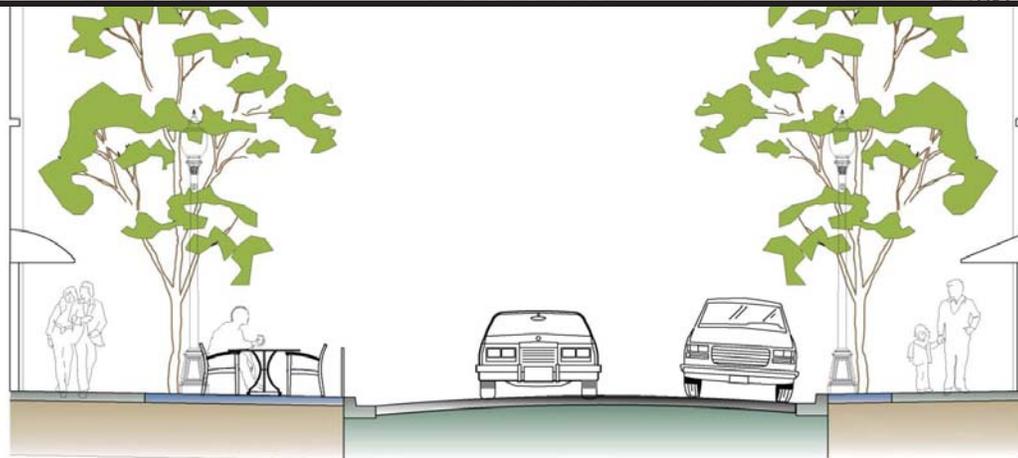
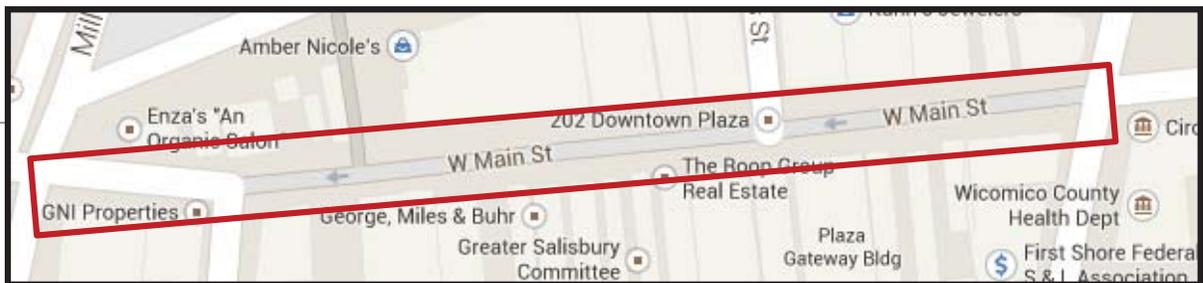
DESIGNER: AMT
DATE: 01/21/15

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

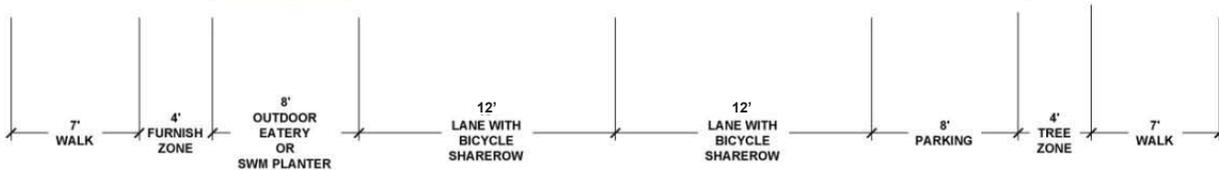
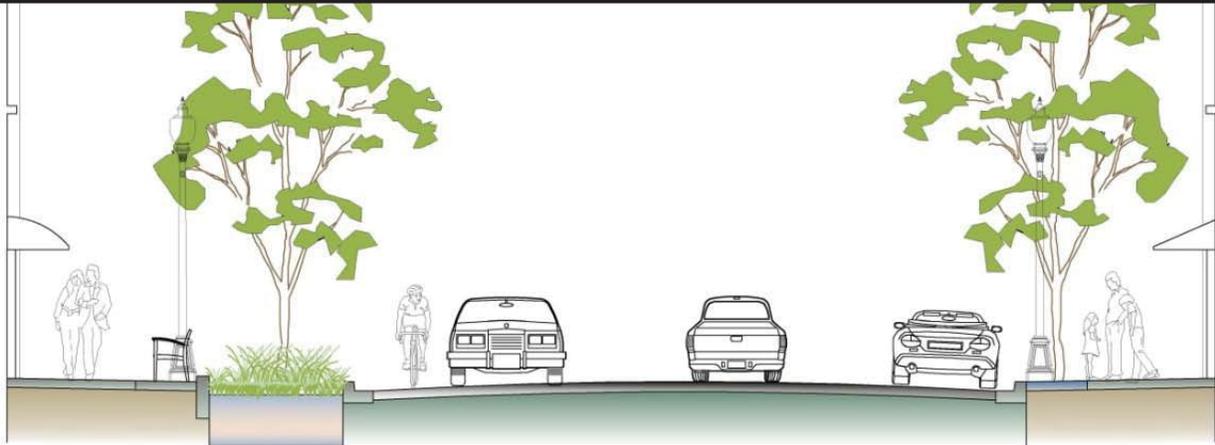
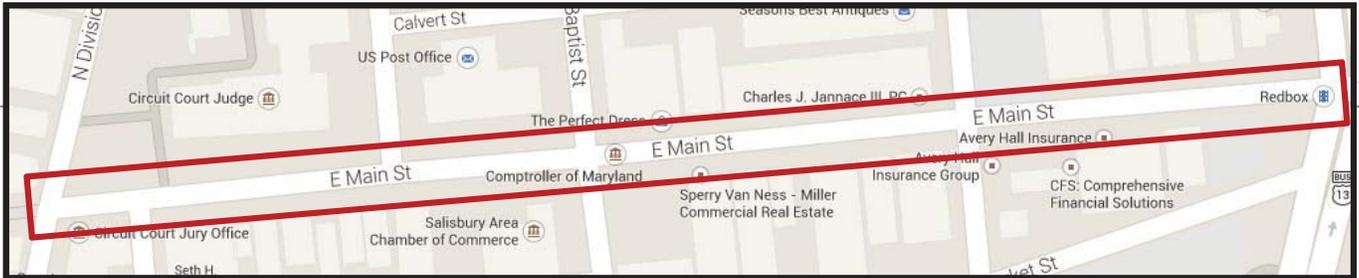
Parking



West Main Street



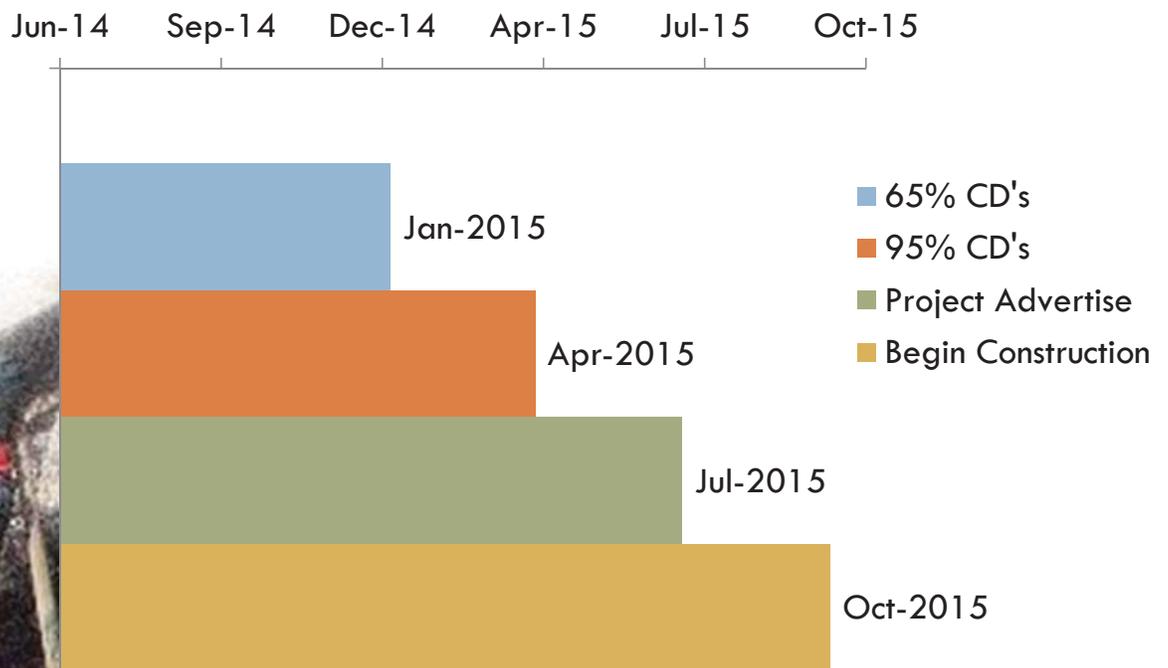
East Main Street



Phasing



Design Schedule



INTER

OFFICE

MEMO

Office of the Mayor

To: City Council
From: Tom Stevenson
Subject: Charter/Code Changes
Date: February 11, 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: 410-334-3028
Fax: 410-548-3192

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

To: Tom Stevenson, City Administrator
From: Keith Cordrey, Director of Internal Services *KAC*
Date: February 9, 2015
Re: Debt Limit

In recent months we have discussed the need to review the existing debt limit that is set forth in the City's Charter. Our review found that there are other local governments with debt limits based on formulas that include only governmental funds. The City has historically budgeted for and imposed fees and charges sufficient to support debt service on projects allocated to enterprise funds from such enterprise funds. The needs of enterprise funds differ from those of governmental funds and vary according to capital outlay requirements and fee based activities. Since enterprise funds are more like a business, their fees and debt are more significantly influenced by market conditions. Having a single debt limit formula that attempts to account for the needs of a variety of fund types and does not take into account the City's historic practice of allocating certain bond-funded projects to enterprise funds makes the formulation awkward and difficult to achieve intended results.

Accordingly, at our request, the City's bond counsel has prepared the attached Charter Amendment Resolution that changes the debt limit provided for in the Charter to exclude general obligation debt allocated to enterprise funds and to make other clarifying changes. A summary of the major revisions to the debt limit follows:

- Enterprise Funds are excluded from the debt limit formula
In applying the debt limit provided for in this Section, there shall be excluded from such calculation the principal amount of any outstanding general obligation debt that in the City's records is allocated to be paid from any enterprise fund.
- Clarifications are provided so that tax increment financing or special taxing district obligations are counted among the bonded indebtedness used to calculate the debt limit only if backed by a pledge of the City's full faith and credit and unlimited taxing power (to date the City has not provided any such back-up pledge), except to the extent a portion of such obligations may be allocated to an enterprise fund because of a pledge

of other applicable revenues. (For example, if the City was to issue TIF or STD bonds to finance a public parking garage and the sources of payment for such bonds included not only incremental tax revenues or special tax revenues (as applicable) but also net operating revenues from the public parking garage as well as the City's general obligation pledge, the City would exclude the portion of debt service allocable to the parking enterprise fund.) The reference to special taxing district obligations is added in order to make clear that such obligations are excluded unless backed by the City's general obligation pledge because the prior debt limit reference to general tax revenues was deleted.

- Clarification that grants, compensated absences, and capital leases (which are typically referenced in the notes to the City's audited financial statements that address outstanding debt) are not counted in the bonded indebtedness use to calculate the debt limit.
- The portion of the total bonded debt for enterprise funds as of 6/30/2014 was approximately \$53.6M or 55 % of the total debt currently available [do you mean available or outstanding?]. The percentage applied to assessments used to compute maximum allowable debt has been reduced by 50% in consideration of the exclusion of debt allocable to enterprise funds t. The rate applied to real property in order to calculate the maximum allowable is reduced from 4% to 2% and the rate applied to personal, corp, and utility property is reduced from 10% to 5%.

((The)) total ((bonded)) principal amount of indebtedness of the City of Salisbury represented by its general obligation bonds, notes or other evidences of indebtedness issued in accordance with this Charter or other applicable Maryland law ("general obligation debt") ((payable from its general tax revenues)) outstanding at the time any such ((bonds are)) general obligation debt is issued shall not exceed an amount which is equal to ((four (4))) (i) two (2) percent of the assessed valuation of all real property subject to taxation by the City of Salisbury plus ((ten (10))) (ii) five (5) percent of the assessed valuation of all personal, corporate and utility personal property subject to taxation by the City of Salisbury.

An example is provided, as a schedule to this memo, which compares formulas in the debt limit calculations as of when the FY 15 bonds were issued a few months ago to the formula as proposed by this amendment.

The amendments to the debt limit are necessary to pursue finalizing the MDE loans planned to fund the Wastewater Treatment Plant upgrades scheduled later this year.

Please forward this Charter Amendment Resolution to Council for consideration.

Schedule 1: Debt limit calculated for FY 15 Bonds compared to Proposed

	FY 15 GOB Bond	Proposed
Assessable valuation of real property subject to City of Salisbury taxation as of July 1, 2014	1,748,436,713	1,748,436,713
4.0% of such basis	69,937,469	
2.0% of such basis		34,968,734
Assessable valuation of personal, corp and utility personal property subject to City of Salisbury taxation as of July 1,	271,134,930	271,134,930
10.0% of such basis	27,113,493	
5.0% of such basis		13,556,747
Maximum allowable debt outstanding	97,050,962	48,525,481
Outstanding obligations subject to Charter limitations at June 30, 2014	70,057,642	
These issues net of bond refunded (A 4,009,000 + B Refunding 2,754,365 less obligations refunded 2,690,000)	4,073,365	
Total outstanding obligations subject to debt limit	74,131,007	20,531,007
Margin of Debt limit over debt outstanding (Max Allowable less Total outstanding obligations subject to debt limit)	22,919,955	27,994,474
Reserve for Emergency per Debt Policy (10% of Max Allowable)	9,705,096	4,852,548
Available	13,214,858	23,141,926

CHARTER AMENDMENT RESOLUTION NO. 2015-1

A CHARTER AMENDMENT RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY FOR THE PURPOSE OF AMENDING SECTION SC7-48 OF THE CHARTER OF THE CITY OF SALISBURY IN ORDER TO (1) EXCLUDE FROM THE CALCULATION OF THE DEBT LIMIT PROVIDED FOR IN SUCH SECTION THE TOTAL PRINCIPAL AMOUNT OF ANY OUTSTANDING GENERAL OBLIGATION DEBT THAT ON THE CITY'S RECORDS IS ALLOCATED TO BE PAID FROM ANY ENTERPRISE FUND, (2) REDUCE THE PERCENTAGES OF THE ASSESSABLE VALUATION OF REAL AND PERSONAL PROPERTY IN THE CITY AGAINST WHICH THE DEBT LIMIT CALCULATION SHALL BE APPLIED WITH RESPECT TO GENERAL OBLIGATION DEBT THAT REMAINS SUBJECT TO SUCH DEBT LIMIT, (3) CLARIFY THE DEBT THAT IS SUBJECT TO THE DEBT LIMIT, INCLUDING THAT REVENUE BONDS, NOTES OR OTHER SIMILAR INSTRUMENTS ISSUED UNDER SECTION 12-201 ET SEQ. OF THE ECONOMIC DEVELOPMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND (TAX INCREMENT FINANCING OBLIGATIONS) OR SECTION 21-407 ET SEQ. OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND (SPECIAL TAXING DISTRICT OBLIGATIONS), SHALL NOT COUNT AGAINST SUCH DEBT LIMIT UNLESS BACKED BY A PLEDGE OF THE CITY'S FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER, AND (4) CLARIFY THAT CONDITIONALLY REPAYABLE GRANTS, COMPENSATED ABSENCES, AND CAPITAL LEASE OBLIGATIONS (UNLESS BACKED BY A PLEDGE OF THE CITY'S FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER) SHALL NOT COUNT AGAINST THE DEBT LIMIT; PROVIDING THAT IN CALCULATING SUCH DEBT LIMIT, THE CITY SHALL USE THE MOST RECENT JULY 1 ASSESSED VALUATION FIGURES PROVIDED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OR ANY DEPARTMENT OR AGENCY THAT IS SUBSEQUENTLY CHARGED WITH ASSESSING PROPERTY VALUES FOR THE CITY PURSUANT TO MARYLAND LAW; PROVIDING FOR COMPLIANCE WITH CERTAIN PROVISIONS OF THE ANNOTATED CODE OF MARYLAND PERTAINING TO CHARTER AMENDMENTS; PROVIDING THAT THIS TITLE CONSTITUTES A FAIR SUMMARY FOR PUBLICATION PURPOSES; AND GENERALLY RELATING TO APPLICATION OF SUCH DEBT LIMIT.

RECITALS

WHEREAS, the Charter of the City of Salisbury may be amended as outlined in Sections SC21-1 through SC21-4 of the Charter, which refer to Sections 11 through 18 of Article 23A of the Annotated Code of Maryland; and

WHEREAS, Sections 11 through 18 of Article 23A of the Annotated Code of Maryland have been recodified as Section 4-301 *et seq.* of the Local Government Article of the Annotated Code of Maryland; and

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- Underlining : Indicates material added to this Charter Amendment Resolution by amendment after introduction
- ~~Strike through~~ : Indicates material deleted from this Charter Amendment Resolution by amendment after introduction

WHEREAS, from time to time, City of Salisbury (the “City”) issues general obligation bonds, notes or other evidences of indebtedness for the public purposes permitted by the Charter or other applicable Maryland law; and

WHEREAS, the City (i) to the extent applicable in connection with the issuance of any such general obligation debt, allocates on its records to any applicable enterprise fund or funds the projects to be financed or refinanced from such general obligation debt and the corresponding allocable portion of debt service to be paid from such enterprise fund or funds, (ii) pays all or a portion of the debt service on many of its outstanding general obligation bonds, notes or other evidences of indebtedness in the first instance from applicable enterprise funds, even though the City’s full faith and credit and unlimited taxing power are pledged to payment of such general obligation debt, and (iii) takes into consideration the debt service payable on outstanding general obligation debt allocated to such enterprise funds when imposing any fees or charges to be accounted for in such enterprise funds; and

WHEREAS, the Council desires to amend the debt limit contained in Section SC7-48 of the Charter in order to (i) exclude from the calculation of the debt limit the principal amount of any outstanding general obligation debt that on the City’s records is allocated to be paid from any enterprise fund, (ii) correspondingly reduce the percentages of the assessable valuation of real and personal property in the City against which the debt limit calculation shall be applied with respect to general obligation debt that remains subject to such debt limit, (iii) clarify the debt that is subject to the debt limit, (iv) clarify that conditionally repayable grants, compensated absences, and certain capital leases shall not count against the debt limit, and (v) clarify the source of assessed valuation information to be used in applying the debt limit.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that pursuant to the authority of Article XI-E of the Constitution of Maryland, as published in the Constitution of Maryland Article of the Annotated Code of Maryland (West 2002 and 2014 Cumulative Supplement), as amended to date, and Section 4-301 *et seq.* of the Local Government Article of the Annotated Code of Maryland (West 2013 and 2014 Cumulative Supplement), as amended to date, Section SC7-48 of the Charter of the City of Salisbury, as published in Municipal Charters of Maryland, Volume 7, 2008 Replacement Edition, as amended to date, is hereby repealed and re-enacted, with amendments, to read as follows:

Section SC7-48. Debt limit.

Subject to the further provisions of this Section, the ((The)) total ((bonded)) principal amount of indebtedness of the City of Salisbury represented by its general obligation bonds, notes or other evidences of indebtedness issued in accordance with this Charter or other applicable Maryland law (“general obligation debt”) ((payable from its general tax revenues)) outstanding at the time any such ((bonds are)) general obligation debt is issued shall not exceed an amount which is equal to

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((four (4))) *(i) two (2) percent of the assessed valuation of all real property subject to taxation by the City of Salisbury plus ((ten (10))) (ii) five (5) percent of the assessed valuation of all personal, corporate and utility personal property subject to taxation by the City of Salisbury. In applying the debt limit provided for in this Section, there shall be excluded from such calculation the principal amount of any outstanding general obligation debt that in the City's records is allocated to be paid from any enterprise fund. Any revenue bonds, notes or other similar instruments issued pursuant to the authority of ((Article 41, Sections 14-201 through 14-214)) (i) Section 12-201 et seq. of the Economic Development Article of the Annotated Code of Maryland ((the Tax Increment Financing Act)), as replaced, supplemented or amended ("TIF obligations"), or (ii) Section 21-407 et seq. of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended ("STD obligations"), shall not be counted in calculating such debt limit unless the City's full faith and credit and unlimited taxing power are also pledged to payment of such TIF obligations or STD obligations ((such bonds are also issued as general obligation bonds in accordance with such Act)). If the City issues TIF obligations or STD obligations that are also backed by a pledge of other revenues in addition to its full faith and credit and unlimited taxing power, there shall be excluded from the debt limit calculation the outstanding principal amount of any such hybrid TIF obligations or hybrid STD obligations that in the City's records is allocated to be paid from any enterprise fund. In addition, (i) any grant that is repayable by the City upon a failure to meet conditions of the grant, (ii) compensated absences, and (iii) capital leases (unless such capital leases are backed by a pledge of the City's full faith and credit and unlimited taxing power) shall not be treated as general obligation debt for purposes of this Section. The City shall calculate the debt limit set forth in this Section using the assessed value of real and personal property as of the July 1 immediately preceding the issuance of the applicable general obligation debt, as determined by the State Department of Assessments and Taxation or any department or agency that is subsequently charged with assessing property values for the City pursuant to Maryland law.*

SECTION 2. BE IT FURTHER RESOLVED that the amendments to the Charter adopted by this Charter Amendment Resolution shall become effective upon the fiftieth (50th) day after passage of this Charter Amendment Resolution, unless a proper petition for referendum meeting the requirements of Section 4-304 of the Local Government Article of the Annotated Code of Maryland shall be presented or mailed to the Council in accordance with such Section 4-304 on or before the fortieth (40th) day after passage of this Charter Amendment Resolution. An exact copy of this Charter Amendment Resolution shall be posted at the main municipal building or other public place for the forty (40) days following its adoption, and the title to this Charter Amendment Resolution, being a fair summary of the amendments to the Charter adopted hereby, shall be published in a newspaper of general circulation in the City at least four (4) times, at weekly intervals, within the forty (40) days after this Charter Amendment Resolution is adopted.

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Strike through : Indicates material deleted from this Charter Amendment Resolution by amendment after introduction

SECTION 3. BE IT FURTHER RESOLVED that the Mayor shall send or cause to be sent to the Department of Legislative Services of the State of Maryland in accordance with the provisions of Sections 4-109 and 4-308 of the Local Government Article of the Annotated Code of Maryland the following documents or information concerning the Charter amendments: (1) the complete text of the Charter amendments; (2) the date of any referendum held with respect thereto; (3) the number of votes cast for or against this Charter Amendment Resolution by the Council or in a referendum; and (4) the effective date of the Charter amendments.

SECTION 4. BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to carry out or cause to be carried out the provisions of Sections 2 and 3 hereof; and as evidence of compliance herewith, the Mayor shall cause to be maintained in the records of the City an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendments shall have been published or other evidence of publication; provided that, the failure to so maintain the same shall not invalidate the effectiveness of the Charter amendments provided for in this Charter Amendment Resolution.

THIS CHARTER AMENDMENT RESOLUTION was introduced and read at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 2015, a public hearing on this Charter Amendment Resolution was conducted in accordance with Charter Section SC21-2 at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 2015, and this Charter Amendment Resolution was duly adopted at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 2015 .

ATTEST:

Kimberly R. Nichols, City Clerk

Jacob R. Day, City Council President

Effective date: _____, 2015 (50th day after Charter Amendment Resolution is adopted)

Key:

***Italicized text* indicates matter added to the existing Charter.**

~~((Double parentheses))~~ indicates matter deleted from the existing Charter.

#170778;58111.001

Underlining : Indicates material added to this Charter Amendment Resolution by amendment after introduction
~~Strike through~~ : Indicates material deleted from this Charter Amendment Resolution by amendment after introduction



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

P.O. BOX 870

125 NORTH DIVISION STREET, ROOMS 203 & 201

SALISBURY, MARYLAND 21803-4860

410-548-4860

FAX: 410-548-4955



JAMES IRETON, JR.
MAYOR

BOB CULVER
COUNTY EXECUTIVE

TOM STEVENSON
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

To: 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.
48

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.
54

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.
59

60 AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF
61 SALISBURY, that this ordinance shall take effect upon final passage.
62

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:

68 _____
69
70
71 Kimberly R. Nichols, City Clerk

Jacob R. Day, City Council President

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73

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

75

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

37
38 “Significant amount” means the following:

- 39
- 40 1. At least ~~twenty-five~~ (2015) percent of the stock in the establishment or on
41 display consists of adult entertainment or material;
 - 42 2. At least ~~twenty-five~~ (2015) percent of the ~~usable floor~~ area used for the
43 display or storage of merchandise on the floor, walls, or vertical display area of
44 the cabinets, shelves or racks which rise from the floor (or any combination
45 thereof which is at least fifteen (15) percent of the area used for display or
46 storage) is used for the display or storage of adult entertainment or material or
47 houses or contains devices depicting, describing, or relating to adult
48 entertainment or material; or
 - 49 3. At least ~~twenty-five~~ (2015) percent of the gross revenue is, or may
50 reasonably be expected to be, derived from the provision of adult
51 entertainment or material.

52
53
54
55 17.166.090 – Inspection of premises.

56
57 After the city receives a complaint about a business alleged to be in violation of the
58 code regarding adult entertainment business, the city may inspect the place of business and
59 financial records of such business. Inspections may also be initiated as a result of the
60 observations of city inspectors or as a result of a routine audit. The inspection shall occur
61 after notice has been furnished to the owner and occupants of the place of business.

62
63 The notice shall be sent by mail or by affixing the notice to the place of business in a
64 conspicuous location. If the city’s inspector shall be denied access to the financial records or
65 place of business or any part thereof that is appropriate for inspection, the inspector may
66 obtain an administrative search warrant to gain access.

67
68 17.166.100 – Administrative search warrant.

69
70 A. An inspector authorized by the city to inspect any place of business or financial
71 records may apply to a judge of the District Court of Maryland or the Wicomico
72 County Circuit Court for an administrative search warrant to enter and inspect such
73 premises and records. The application shall be in writing, signed and sworn to by the
74 inspector, and shall state or identify: (i) the business location to be inspected by street
75 address and general description, (ii) the nature, scope and purpose of the inspection
76 (i.e. business premises and/or records), and (iii) one or more dates and approximate
77 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_.

120

121 ATTEST:

122

123

124 _____
Kimberly R. Nichols, City Clerk

Jacob R. Day, City Council President

125

126

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

128

129

James Ireton, Jr.,

131 Mayor