



MARYLAND

**SALISBURY CITY COUNCIL
WORK SESSION AGENDA**

**OCTOBER 19, 2015
COUNCIL CHAMBERS
GOVERNMENT OFFICE BUILDING**

- 1:30 p.m. 7th Annual MASON DIXON STAND DOWN - sponsored by Operation WE Care – presented by Co-Chairmen Jeff Merritt and David Wharton
- 1:45 p.m. Discussion- Curfew - Barbara Duncan
- 2:15 p.m. Employee Handbook Change- Education Reimbursement Policy - Bill Garrett
- 2:35 p.m. Budget Amendment- Education Reimbursement Policy - Bill Garrett
- 2:50 p.m. Main Street Improvement Program Grant App - Theo Williams/Laura Kordzikowski
- 3:10 p.m. Advance Telecommunications Systems Property Tax Credit - Theo Williams
- 3:30 p.m. Budget Amendment- Skate Park Fencing - Debbie Stam
- 3:45 p.m. Fair Housing Language - Debbie Stam
- 4:00 p.m. MOTION TO CONVENE IN CLOSED SESSION
Council discussion
Adjournment

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

City of Salisbury



MARYLAND



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

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

JULIA GLANZ
ASSISTANT CITY ADMINISTRATOR

BILL GARRETT
DIRECTOR OF INFORMATION
TECHNOLOGY

TO: Tom Stevenson, City Administrator
FROM: Bill Garrett, Director of Information Technology
DATE: October 7, 2015
RE: Tuition Reimbursement Program

Mayor Ireton has expressed interest in offering an incentive program to reimburse 75% of tuition costs for an employee who successfully completes a job-related course for college credit at an accredited institution of their choice. This program consists of adding the attached section 0411 to Chapter 4 (Employee Benefits) of the City of Salisbury Employee Handbook denoting the requirements, approved courses and programs, reimbursement level, employee responsibilities, procedures and more.

The attached ordinance secures funding of \$10,000 for this incentive, which should allow for just over 97 credit hours for in-county tuition at Wor-Wic Community College (\$102 per credit hour), or just over 35 credit hours for in-state tuition at Salisbury University (\$276 per credit hour). As explained in the proposed Chapter 4 section 0411, any school is acceptable as long as it is a regionally accredited university of college.

In August, we conducted a poll of City employees, asking three questions; whether the employee would attend university if the City reimbursed for successful completion of courses, whether they would attend on-line, or whether they would attend on-campus. Of the 100 employees responded to the poll, 84% said they very likely or definitely would attend university to achieve their degree with this program. 77% of respondents said they would very likely or

definitely consider on-line learning, and 79% said they would very likely of definitely consider on-campus learning. The results are in the chart below:

Q1) How likely would you be to take college courses to achieve a degree if the City of Salisbury reimbursed you for successful completion of classes?

| Answer Choice | Response % | Number of Responses |
|----------------------|-------------------|----------------------------|
| Definitely Would | 61% | 61 |
| Very Likely | 23% | 23 |
| Somewhat Likely | 10% | 10 |
| Not Likely | 3% | 3 |
| Would Not | 3% | 3 |
| | TOTAL | 100 |

Q2) How likely would you be to take online (distance-learning) courses at a local or other regionally accredited university if the City offered some kind of tuition reimbursement?

| Answer Choice | Response % | Number of Responses |
|----------------------|-------------------|----------------------------|
| Definitely Would | 56% | 56 |
| Very Likely | 21% | 21 |
| Somewhat Likely | 14% | 14 |
| Not Likely | 4% | 4 |
| Would Not | 5% | 5 |
| | TOTAL | 100 |

Q3) How likely would it be for you to take in-person (on campus) courses at Wor-Wic, SU, Wilmington or local universities if the City offered some kind of tuition reimbursement?

| Answer Choice | Response % | Number of Responses |
|----------------------|-------------------|----------------------------|
| Definitely Would | 49% | 49 |
| Very Likely | 30% | 30 |
| Somewhat Likely | 14% | 14 |
| Not Likely | 3% | 3 |
| Would Not | 4% | 4 |
| | TOTAL | 100 |

Following this initial survey, the City held a 3-day education fair that saw representatives from Wor-Wic Community College, Salisbury University, Wilmington University and UMES meet with employees at the Government Office Building, City Yard, Police Department and Fire Department. The representatives of each school gave the following numbers of persons showing strong interest in their programs:

- Wor-Wic – 12 Requests for Information
- S.U. – 19 Requests for Information
- Wilmington – 25 Requests for Information
- U.M.E.S. – 9 Requests for Information

Since the education fair was only 3-4 hours at each location with relatively short notice, the numbers paired with the online poll's positive outlook is encouraging. It is my belief that if the City offered this type of tuition reimbursement program for staff, it would be received favorably and have a beneficial outcome for the City in terms of morale, efficiency of workers and hopefully educational innovation.

220-02 College Education Program

- B. Personal interest courses that are not job related and second degrees are programs not supported under this Tuition Reimbursement Policy.
 - C. Courses must directly relate to job duties currently performed by the employee. Courses that will not directly relate to the employee's job performance are not supported under this Tuition Reimbursement Policy.
- III. Non-Credit Courses
- A. A preparatory, non-credit, or remedial class will not be covered under the tuition reimbursement program.
- IV. Reimbursement Level
- A. Tuition reimbursement will be provided up to an annual maximum of four courses per fiscal year. Expenses such as textbooks and lab fees are not eligible for reimbursement.
 - B. The annual maximum is based on the fiscal year, July through June.
 - C. Reimbursement will be credited to the fiscal year in which the class was completed. For example, if a class is completed in June but the reimbursement is not paid until July the reimbursement is considered part of the prior fiscal year annual maximum allowable amount.
 - D. Reimbursement will be paid at 75 percent as long as you receive a grade of 3.0 or above.
 - E. Grants, scholarships, or other funds which the employee does not have to repay must be disclosed when applying for Tuition Reimbursement. The City's payments will be coordinated with these programs so the employee does not receive more than 100% reimbursement for the tuition.
- V. Employee Responsibility
- A. Pre-Approval
 1. You must have your course pre-approved by the Department Head in order to be eligible for reimbursement. Any tuition reimbursement request submitted after the requested class has started will be denied.
 2. To have your class pre-approved, send a completed Training/Travel Request Form to your immediate supervisor, containing all required information. You will be notified whether your request has been approved or denied. The Tuition Reimbursement Request will be returned to your attention for you to re-submit when applying for your reimbursement.

220-02 College Education Program

- B. Applying for Reimbursement for Your Tuition
 - 1. After you have completed the class, you must re-submit the pre-approved Tuition Reimbursement Request to your Department Head within 60 days of completing the class. The following information must be attached:
 - a. Evidence of the grade earned: Official grade report or transcript.
 - b. A verified statement of the cost of tuition and adequate receipts showing payment was made.

- VI. Termination of Employment
 - A. If you are terminated by the City for any reason except business conditions, eligibility for reimbursement ends immediately, whether your class is completed or not. If a participant is laid off or terminated due to a slow economy, job elimination, or other business conditions over which the employee has no control, the employee maintains eligibility for reimbursement at the completion of the course, as long as the class began prior to the layoff or termination.
 - B. If participants quit their employment with the City before the class is completed, eligibility ends immediately.

- VII. Tax Status
 - A. The rules of this program are governed by the Internal Revenue Code. As such, certain reimbursements may be subject to income taxes. All reimbursements are processed through the City's payroll system, regardless of whether they are subject to income tax or not. The payment of any taxes due remains the responsibility of the employee.
 - B. The rules of this program may be modified at any time without notice to keep the program in compliance with the Internal Revenue Code.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE
FY 2016 GENERAL FUND BUDGET TO APPROPRIATE FUNDING FOR COLLEGE TUITION
REIMBURSEMENT PROGRAM.

WHEREAS, the City desires to create a tuition reimbursement program in order to promote employee
development; and

WHEREAS, the City believes that investing in employee education will result in improved
employee performance; and

WHEREAS, all expenditures for the program will be in compliance with the College Tuition
Reimbursement Policies incorporated in the Employee Handbook; and

WHEREAS, the City's FY 2016 budget does not contain an appropriation sufficient to cover this
purchase.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY,
MARYLAND THAT THE City's Fiscal Year 2016 General Fund Budget be and hereby is amended as follows:

- 1) Increase Current Surplus Available (01000- 469810) by \$ 10,000
- 1) Increase Human Resources by \$10,000

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury
held on this ____ day of _____ 2015, and thereafter, a statement of the substance of the Ordinance
having been published as required by law, was finally passed by the Council on the ____ day of _____,
2015.

ATTEST:

Kimberly R. Nichols, City Clerk

Jacob R. Day, President
Salisbury City Council

APPROVED BY ME THIS ____ day of _____, 2015.

James Ireton, Jr., Mayor

DRAFT DOCUMENT – NOT YET REVIEWED BY LEGAL

INTER

OFFICE

MEMO

OFFICE OF THE MAYOR

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

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

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

paperwork, totaling forty hours. Lastly, SPD has two retired Motorola MTS 2000 two-way radios and chargers that we intend to equip the ambassadors with. This will enable them to communicate directly with SPD's Downtown Beat Officer, Aaron Hudson.

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

RESOLUTION NO. _____

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED THAT, the Council of the City of Salisbury, Maryland does hereby authorize the submission of an application for Main Street Improvement Program funds to forward the City's Downtown Revitalization initiatives. This will be accomplished by applying for approximately \$ 20,000 to provide for a seasonal Downtown Ambassador program.

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

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

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

ATTEST:

Kimberly Nichols
CITY CLERK

Jacob Day
COUNCIL PRESIDENT

APPROVED BY ME THIS

_____ day of _____, 2015

James Ireton, Jr., Mayor

INTER

OFFICE

MEMO

OFFICE OF THE MAYOR

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

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

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

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

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

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

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

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

From: Bill Garrett
To: Keith Cordrey, Theo Williams
Friday, October 13th, 2015

As requested by council, below is the rough estimation for cost if someone were to install wiring in order to qualify for the credit. Note that on average, CAT6E copper cabling costs \$0.20 per linear foot, while multimode fiber cabling costs in the neighborhood of \$3-\$5 per linear foot, depending on how many strand cable is used.

Each scenario below assumes 2 lines are run from an office, one line for IP telephone, and one line for office computer. All offices have the lines terminated and connected neatly to a wall-panel. All lines run back to a central server closet an average of 100' from the offices, and are neatly terminated to a patch panel.

Small Office (20 Offices)

40 total runs at 100' each (average distance across all offices)

| | CAT6E | Fiber |
|-----------------|-----------------|------------------|
| Cable Cost | \$ 800 | \$ 16,000 |
| Patch Panel | \$ 50 | \$ 150 |
| Wall Plates | \$ 50 | \$ 200 |
| Labor (\$80/hr) | \$ 400 | \$ 560 |
| Total | \$ 1,300 | \$ 16,910 |

Medium Office (100 Offices on 2 Floors)

200 total runs at 100' (Average distance across all offices)

| | CAT6E | Fiber |
|-----------------|-----------------|------------------|
| Cable Cost | \$ 4,000 | \$ 80,000 |
| Patch Panel | \$ 100 | \$ 300 |
| Wall Plates | \$ 250 | \$ 1,000 |
| Labor (\$80/hr) | \$ 2,000 | \$ 2,800 |
| Total | \$ 6,350 | \$ 84,100 |

Large Office (250 Offices on 4 Floors)

500 total runs at 100' (Average distance across all offices)

| | CAT6E | Fiber |
|-------------|--------------|--------------|
| Cable Cost | \$ 10,000 | \$ 200,000 |
| Patch Panel | \$ 200 | \$ 600 |
| Wall Plates | \$ 625 | \$ 2,500 |

| | | | | | |
|-----------------|-----------|---------------|----------|-----------|----------------|
| Labor (\$80/hr) | \$ | 4,800 | | \$ | 6,400 |
| Total | \$ | 15,625 | | \$ | 209,500 |

These numbers are only rough estimates, but give a ballpark figure of the cost involved to wire a like-sized office.

Please let me know if you have any questions or concerns.

Ordinance No. _____

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

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

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

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

WHEREAS, the Downtown Historic District, as defined in Salisbury Code 17.60, falls within Salisbury's sustainable community; and

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

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

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

Chapter 3.22

ADVANCED TELECOMMUNICATIONS SYSTEMS PROPERTY TAX CREDIT

Sections:

3.22.010 Definitions

3.22.020 Advanced telecommunications systems property tax credit

3.22.030 Implementation

3.22.010 Definitions

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

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

3.22.020 Advanced telecommunications systems property tax credit

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

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

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

3.22.020 Implementation

A. To administer the program, the Business Development Specialist of the City of Salisbury shall distribute and receive any forms that are required for application to the program and an annual certification of qualification. The Business Development Specialist may begin soliciting applications beginning November 1, 2015.

B. In order to remain eligible for the tax credit, each applicant shall file a certificate of qualification by April 1 of each year with the Business Development Specialist certifying that they are still the owner of the property receiving the tax credit.

C. Upon transfer of ownership, the property will no longer be eligible for the property tax credit created under this chapter.

1. Subsection (C) does not apply to transfers of the property between relatives, spouses, or related business entities as governed by Section 12-108(c), (d), & (p), Tax-Property Article, Annotated Code of Maryland.

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

E. The cost of the appraisal of the property shall be borne by the owner of the property.

Md. TAX-PROPERTY Code Ann. § 9-228

Annotated Code of Maryland
Copyright © 2015 by Matthew Bender and Company, Inc., a member of the LexisNexis Group
All rights reserved.

*** Statutes current through 2014 legislation ***

TAX - PROPERTY
TITLE 9. PROPERTY TAX CREDITS AND PROPERTY TAX RELIEF
SUBTITLE 2. STATEWIDE OPTIONAL

Md. TAX-PROPERTY Code Ann. § 9-228 (2014)

§ 9-228. Commercial or residential building in eligible area undergoing renovations for accommodating advanced computer and telecommunications systems

(a) Authorized. -- The Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may grant, by law, a tax credit against the county or municipal corporation property tax imposed on a commercial or residential building located in an eligible area to which qualifying renovations have been made to meet state-of-the-art communications and utility standards for accommodating advanced computer and telecommunications systems, including fiber-optic cable, emergency electrical capacity, and emergency backup power.

(b) Amount of credit. -- For any taxable year, the amount of a property tax credit granted under this section may not exceed the lesser of:

(1) 10% of the cost of renovations to a commercial or residential building to meet state-of-the-art communication and utility standards for accommodating advanced computer and telecommunications equipment, including fiber-optic cable, emergency electrical capacity, and emergency backup power; or

(2) the county or municipal corporation property tax otherwise due for that taxable year.

(c) Ten year limitation. -- A tax credit granted under this section may not be granted for more than 10 years.

(d) Designation of eligible area. -- The Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may designate an area within the county or municipal corporation as an area eligible for the tax credit under this section if the area is eligible for designation as a sustainable community under the Neighborhood Business Development Program created under Title 6, Subtitle 3 of the Housing and Community Development Article.

(e) Review and approval of plans and implementation of conforming renovations. -- A property tax credit may be granted under this section if a designee of the county or municipal corporation:

(1) before construction commences, reviews and approves the plans for the renovations as meeting industry standards published by the Electrical Industry Association and Telecommunications Industry Association (EIA/TIA Building Standard 568); and

(2) during construction and on completion of construction, reviews and approves the

implementation of the renovations as conforming with the approved plans.

(f) Additional limitations or standards. -- The Mayor and City Council of Baltimore or the governing body of a county or municipal corporation may establish:

- (1) additional limitations on the amount or duration of credits under this section;
- (2) additional standards for eligibility for the credit; or
- (3) procedures or requirements for the review and approval of credits.

HISTORY: 1996, ch. 10, § 21; ch. 289; 1998, ch. 72; 2000, ch. 61, § 6; 2005, ch. 44, § 1; 2011, ch. 145.

Baltimore Code: Article 28 Taxes

§ 10-13 Telecommunications renovations.

(a) Definitions.

(1) In general.

In this section, the following terms have the meanings indicated.

(2) Eligible area.

“Eligible area” means any area that is eligible for designation as an eligible neighborhood under Article 83B, §§ 4-201 through 4-208 of the Maryland Code. .

(3) Qualifying renovations.

“Qualifying renovations” means infrastructure renovations to accommodate advanced computer and telecommunications systems, including the installation of fiber-optic cable, emergency electrical capacity, emergency back-up power, fiber-optic risers, internal/external network cabling, information outlets, and other specialized equipment.

(4) State-of-the-art communications and utility standards.

“State-of-the-art communications and utility standards” means the communication and utility standards published by the Electrical Industry Association and the Telecommunications Industry Association as EIA/TIA Standard 568, generally referred to as “Class 5” Installations.

(b) Tax credit authorized.

A real property tax credit is granted against the City property tax imposed on a commercial (including commercial-residential) building:

(1)that is in an eligible area; and

(2)to which qualifying renovations have been made to meet state-of-the-art communications and utility standards.

(c) Amount of credit.

The tax credit granted under this section for any 1 taxable year shall equal 7.5% of the cost of qualifying renovations, subject to a maximum cumulative credit of \$750,000 for the 10-year credit period. The credit shall be applied only to that part of the taxes due that exceed the tax

calculated on the fully phased-in pre-improvement value of the property.

(d) Commencement and duration of credit.

(1) A tax credit may be granted under this section only for 10 years or until the maximum credit amount of \$750,000 is reached, whichever is first.

(2) The 10-year credit period begins after:

(i) the qualifying renovations have been completed;

(ii) the Building Official gives final approval to the project; and

(iii) the State Department of Assessments and Taxation completes an assessment review.

(3) The credit will be first applied to the tax bill generated after the State Department of Assessments and Taxation has issued a revised assessment notice on a part- or full-year basis.

(e) No tax subsidy duplication allowed.

The credit authorized by this section does not apply to any property for which any other tax subsidy from the City, whether in the form of a tax credit, payment in lieu of taxes, or otherwise, is being received or has been applied for.

(f) Application.

(1) The person responsible for paying property taxes should file an initial application for the credit concurrently with the application for building permits for the renovation work. In no event, however, may any application for a credit be accepted after a building permit is issued. The application shall estimate the costs of the proposed qualifying renovations, separately from all other costs.

(2) Before renovations begin, the applicant must file renovation plans with the City Building Official and obtain preliminary approval that the plans meet state-of-the-art communication and utility standards.

(3) During construction and on completion of the renovations, the applicant must obtain certification from the Building Official that the renovations conform to the approved plans.

(4) On completion of the renovations, the applicant must provide documented evidence of the costs of the qualifying renovations.

(g) Continuing eligibility requirements.

The use of the credit in any year is conditioned on the taxpayer's:

(1) maintaining the property in compliance with all City housing, building, health, fire, and other applicable City Code requirements; and

(2) remaining current on all payments due to the City.

(h) Administration.

(1) The Director of Finance may:

(i) adopt rules and regulations to carry out this section;

(ii) settle disputed claims that may arise in connection with the credit authorized by this section; and

(iii) delegate powers, duties, or functions in connection with the administration of this credit to the City Collector or any other City employee.

(2) The Director of Finance shall report the estimated cost of all tax credits granted under this section in any fiscal year as a tax expenditure for that fiscal year and shall include that cost in the Ordinance of Estimates for that fiscal year.

[Available at <http://baltimorecode.org/28/10/10-13/>, accessed 10/14/15]

INTER

OFFICE

MEMO

OFFICE OF THE MAYOR

To: Tom Stevenson; City Council
From: Theo Williams
Subject: Property Tax Credit for Advanced Telecommunications Systems
Date: August 25th, 2015

Md. Tax-Property Code Ann. §9-228 gives the governing body of counties and municipal corporations the authority to grant a tax credit on real property that undergoes “renovations for accommodating advanced computer and telecommunications systems.” With the City’s heavy investment in broadband in the Downtown, the Mayor believes that incentivizing the utilization of this technology is important to the revitalization of the Downtown. The total tax credit is for 10% of the cost of renovations, as determined by a third-party appraiser. This tax credit will begin the first fiscal year after renovations are completed and approved. The tax credit will apply for the full amount normally due until the tax credit has run out or ten years has occurred (see attachment). Ms. Kordzikowski has agreed to administer the process of applying for the tax credit; a draft of the application has been attached. Mr. Garrett is confident that he has the expertise to determine what renovations “qualify” for this tax credit, utilizing the standards published by the Electrical and Telecommunications Industry Associations. Mr. Cordrey and the Department of Finance can administer the tax credit using the same process that they administer the renter-to-homeownership conversion tax abatement program. The entire process is laid out in a flow chart, as suggested by Ms. Kordzikowski. The individual applications do not have to go before City Council and the tax credit only applies to City real property taxes, not County.

The majority of the proposed ordinance conforms with §9-228, however, I have made some minor changes in accordance with §9-228 (c), (d), & (f):

- 1) The current version of this ordinance defines “eligible area” as just the Downtown Historic District and not the entire sustainable communities area in order to better target the legislation and lessen the financial burden of this legislation.
- 2) The current version *does not* prorate the tax credit for the months between the final approval of the renovations and the start of the next fiscal year. The tax credit is for ten years, regardless of when the tax credit begins.
- 3) I have added an ownership stipulation to mirror the City’s rental-to-homeownership conversion tax abatement program. The applicant must certify that they are still the owner of the premise that underwent the renovation and should ownership change, the tax credit would end. The only exemptions to this provision are ones for transfers between spouses, relatives, or similar business entities, i.e. a parent company transferring property to its subsidiary or vice-a-versa. These guidelines will simply follow the state guideline for exemptions from recordation and transfer taxes.
- 4) Following Mr. Cordrey’s advice, I have added a “roll-over” provision to tax credit that allows the total tax credit to be dispersed throughout the ten year period. Using language from the state code exactly would not have led to this roll-over and led to an unequal distribution of the tax credit.
- 5) In order to avoid property owners from “doubling up” on property tax credits, I have added a provision that would prevent property owners from receiving both this tax credit and enterprise zone tax credits (see attachment from Mr. Cordrey).

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



City of Salisbury Advanced Telecommunications Systems Property Tax Credit: Information and Qualification Application

About the Program

If you are planning to renovate your property to meet state-of-the-art communication and utility standards for accommodating advanced computer and telecommunications equipment and you are located within the City of Salisbury's Downtown Historic District, you may be eligible for Salisbury's "Advanced Telecommunications Systems Property Tax Credit". Your renovations must meet industry standards published by the Electrical Industry Association and Telecommunications Industry Association (EIA/TIA Building Standard 568) and be approved by the City of Salisbury's Department of Information Technology in advance. Such renovations can include, but are not limited to, accommodating for fiber-optic cable, emergency electrical capacity, and emergency backup power. If approved, your yearly tax credit will be equal to the lesser of 10% of the cost of qualifying renovations (as determined by a licensed appraiser) or your taxes otherwise due. This tax credit will begin the first fiscal year after renovations are completed and approved. You will continue to receive this tax credit until, ten years have passed, you have applied for and received a property tax credit through an Enterprise Zone designation, or the property changes ownership, with some exceptions applying.

Eligibility

1. The property must be located within the City of Salisbury's Downtown Historic District (see last page of this application for map).
2. The property may not receive a property tax credit through an Enterprise Zone designation, or other property tax credit under Section 9-103 or 9-103.1, Tax-Property Article of the Annotated Code of Maryland.
3. Eligible renovations are defined as renovations to a commercial or residential building that have been made to meet state-of-the-art communications and utility standards for accommodating advanced computer and telecommunications system, in accordance with the industry standards published by the Electrical Industry Association and Telecommunications Industry Association (EIA/TIA Building Standard 568).

The Process

1. Prepare a detailed description of your proposed renovation, a construction timeline, a list of hardware and equipment that will be installed and/or upgraded, and a diagram and/or schismatic of the proposed renovation.
2. **Before construction begins**, bring the attached application and the aforementioned documents to the Business Development Specialist. The application and plans will allow us to determine whether or not your property is eligible to receive this property tax credit. You will receive a letter acknowledging the receipt of your application.

Submit Application to:
Business Development Specialist – City of Salisbury
125 North Division Street, Room 104
Salisbury, MD 21801
410-677-1915 | info@citylivingsalisbury.com



City of Salisbury
Advanced Telecommunications Systems Property Tax Credit:
Information and Qualification Application

3. If determined eligible, you will receive a letter confirming that your submitted plans meet the initial requirements for this tax credit. If not determined eligible, you will receive a letter with a brief explanation as to why your plans did not meet the eligibility requirements; you may reapply with plans that address these problems.
4. Upon completion of the renovation, you must hire a third-party appraiser, licensed by the Maryland Department of Labor, Licensing, and Regulation, to determine the value of the renovations and submit the appraisal report to the Business Development Specialist. **The cost of the appraisal is to be borne by the applicant.**
5. The Department of Information Technology will review the appraisal report and confirm that the construction completed largely conforms with the plans submitted. If they do not, you will be requested to submit a written clarification explaining the discrepancy.
6. Upon final approval of your renovations, you will automatically see the tax credit reflected in your property taxes at the start of the next fiscal year. This property tax credit is for the property owner only, not the tenant. Reimbursement to the tenant must be negotiated with the property owner.

Submit Application to:
Business Development Specialist – City of Salisbury
125 North Division Street, Room 104
Salisbury, MD 21801
410-677-1915 | info@citylivingsalisbury.com



City of Salisbury
Advanced Telecommunications Systems Property Tax Credit:
Information and Qualification Application

Application

Applying For:

Residential Property Commercial Property Mixed Use

General Information

Today's Date: _____

Name: _____

Business Name (if applicable): _____

Mailing Address: _____

Telephone Number: _____

E-Mail Address: _____

Property Information

Address of Property for Which Advanced Telecommunications Systems Benefits are sought:

Property Tax # (10 digit – if available): _____

Name of Property Owner: _____

Address of Property Owner: _____

Is this Your Primary Residence?: Yes No

Approximate Size of Property: _____ Acres

Approximate Size of Existing Building: _____ Square Feet

Current Base Assessment Price: \$ _____

Information on Applicant Business (If Applicable)

Name of Business: _____

Contact Person: _____

Title: _____

Street Address (if different): _____

Submit Application to:
Business Development Specialist – City of Salisbury
125 North Division Street, Room 104
Salisbury, MD 21801
410-677-1915 | info@citylivingsalisbury.com



City of Salisbury
Advanced Telecommunications Systems Property Tax Credit:
Information and Qualification Application

Describe the Company's primary and secondary products or services that are, or will be, produced at the facility undergoing renovations:

Business NAICS Code (if available): _____

Proposed Project

Project Starting Date: _____

Anticipated Completion Date: _____

Brief Description of Project Including Explanation of Hardware/Software That Will Be Added/Upgraded:

Signatures

Signature of Person Completing This Form: _____

Typed Name: _____

Title: _____

Date: _____

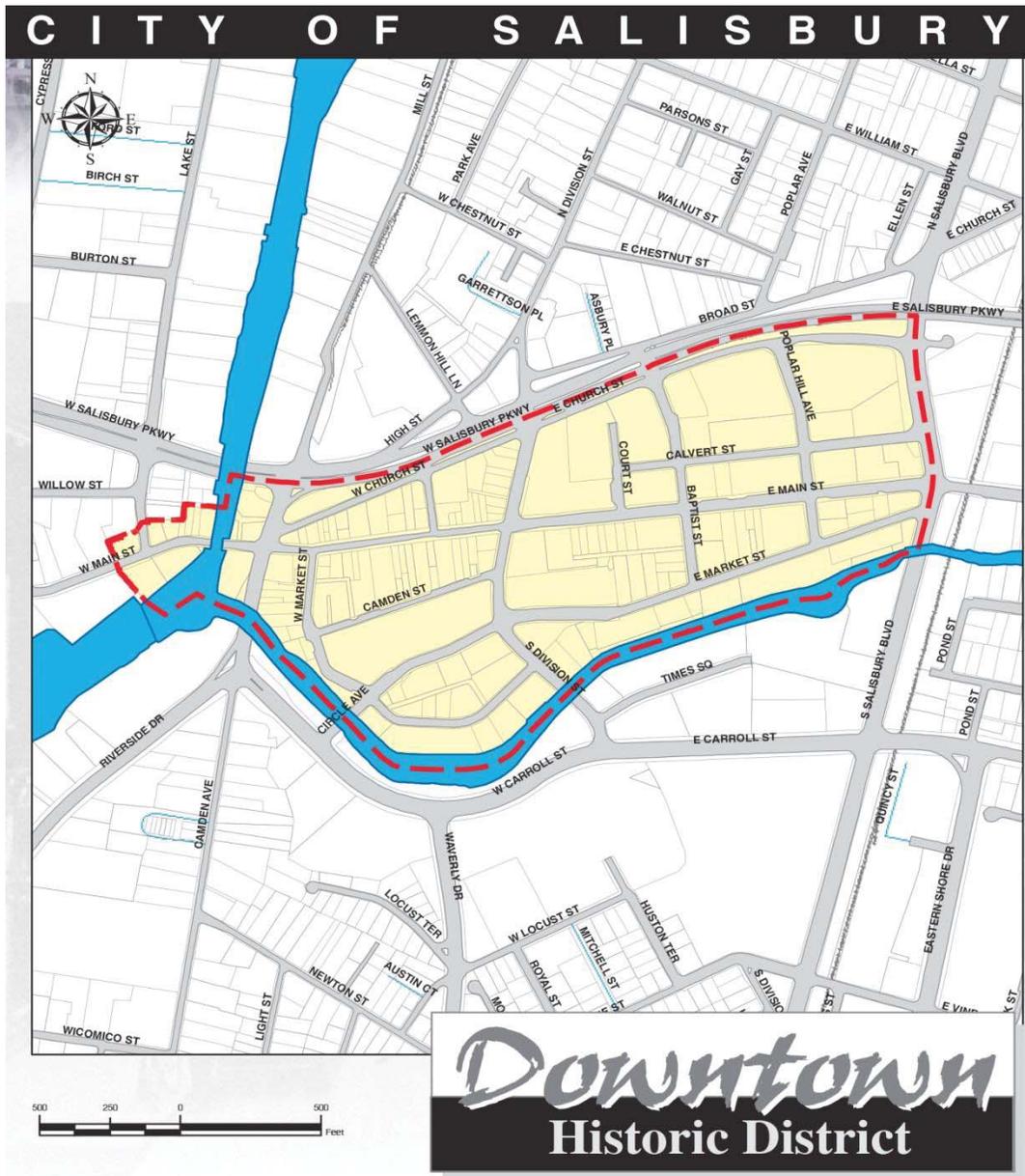
How did you hear about this opportunity:

Submit Application to:
Business Development Specialist – City of Salisbury
125 North Division Street, Room 104
Salisbury, MD 21801
410-677-1915 | info@citylivingsalisbury.com



City of Salisbury
Advanced Telecommunications Systems Property Tax Credit:
Information and Qualification Application

Downtown Historic District Eligible Area



Submit Application to:
Business Development Specialist – City of Salisbury
125 North Division Street, Room 104
Salisbury, MD 21801
410-677-1915 | info@citylivingsalisbury.com

Acknowledgement

- Make sure property is actually in Downtown Historic District
- Map of parcel & tax map PDFs
- Send acknowledgement letter to business /person applying for IT tax credit
- CC the Mayor's office
- Update contact opportunity in Act

Prepare memo

- Create memo to send to Department Heads (Finance, IT) that will verify that the company is eligible for the Tax Credit
- Add date that they need to respond by
- Include application, relevant plans (project description, hardware used, etc.) and tax map info from SDAT
- CC the Mayor's office
- Update contact opportunity in Act

First Notification to Applicant

- After receiving acknowledgement from IT that the plans meet the standards for "state-of-the-art," send letter to applicant notifying them that their plans have been approved.
- Let applicant know that tax credit will only be awarded when construction has been completed, they have had the property appraised, the appraisal report has been sent to the City, and IT has confirmed that the appraisal report conforms to the original submitted plans.
- Update contact opportunity in Act

Appraisal Report

- After receiving Appraisal Report from applicant, send report to IT.
- If IT approves the renovations, send letter to applicant letting them know that they have received the Tax Credit and it will automatically appear on their next property tax bill following the beginning of the first fiscal year
- If IT does not approve renovation, IT must give their rationale for not approving and notify applicant, asking for written clarification for why their appraisal report did not match their submitted plans.
- Update contact opportunity in Act

Notify Finance

- Once approved the appraisal report is approved by IT, notify Finance Dept that the property is eligible for a property tax credit in the amount of 10% of value from appraisal report
- Update contact opportunity in Act

Office of Community Development

MEMO

To: Tom Stevenson

From: Deborah Stam

Subject: FY 2016 Budget Amendment for the Purchase and Installation of the Fencing and Electronic Security Gate for the Salisbury Skatepark

Date: October 9, 2015

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

Initially, we had planned to only install fencing on the street side of the skatepark site during Phase 1, to prevent any cars or pedestrians from being hit if a skater lost control of their skateboard. Therefore, in the Phase 1 budget only \$5,000 was allocated for fencing.

The City's insurance carrier, the Local Government Insurance Trust (LGIT), feels strongly that it is highly preferable for us to complete all the fencing and install the electronic security gate during Phase 1 of the project. This will enable us to secure the skatepark when it is closed in order to prevent vandalism and unauthorized access. I have been advised by LGIT that all of the skateparks that they currently insure are fenced.

When we are awarded grant funding for the construction of Phase 2 of the skatepark we will simply take down some of the fencing to allow access for the construction equipment, and then put it back up when Phase 2 is completed.

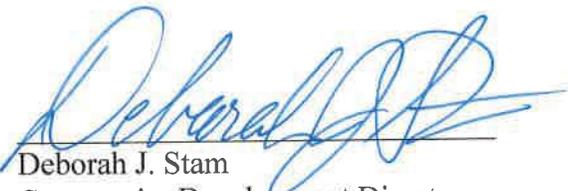
I have obtained a cost estimate from Anderson Fence Company (copy attached) for the purchase and installation of 740 linear feet of black vinyl-coated chain link fencing, 8 feet high. There will be an electronic slide gate at the skatepark entrance which will be 12 feet wide to enable the maintenance trucks to access the pad for the portable restrooms. This gate will be set to open at 8:00 a.m. and close at dusk each day. The closing time will be adjustable according to the season. There will be an electronic exit button on a pedestal which will allow skaters to exit if they are in the skatepark when the gate closes. There will also be an audible and visual alarm that will sound if the gate is blocked from closing. The estimated costs are as follows:

| | |
|---|-----------------|
| Fencing - 740 linear feet, 8 feet high, Vinyl-Coated Chain Link | \$21,382 |
| Electronic Slide Gate with Exit Button and Audible/Visual Alarm | \$9,480 |
| Provision of Electrical Service to the Skatepark Site | \$3,000 |
| Contingency – 15% | <u>\$5,138</u> |
| Total | <u>\$39,000</u> |

To date this project has been funded entirely with grant funds from the Community Parks & Playgrounds (CP&P) Program and the Tony Hawk Foundation, local donations raised by the Salisbury Skatepark Committee, and in-kind contributions from the City. The funding requested through this budget amendment represents the only direct contribution of City funds to the project thus far.

Attached to this memo is a Budget Ordinance to amend the FY 2016 budget in order to appropriate the estimated cost of \$39,000.

Please forward this Budget Ordinance to the City Council so that it may be placed on their agenda for the work session meeting on October 19, 2015, and if approved by the Council, for first reading at the legislative meeting on October 26, 2015, and for second reading on November 9, 2015.



Deborah J. Stam
Community Development Director

Attachments

| | | | |
|---|----------------------|--|---|
| PROPOSAL SUBMITTED TO: <u>CITY OF SALISBURY</u> | | ANDERSON FENCE COMPANY, INC. 30200 Rehobeth Road • Marion, MD 21838-2214 Marion: 410-623-3061 • Salisbury: 410-749-2944 Easton: 410-822-4402 • Dover: 302-734-3061 Toll Free: 800-722-0929 • FAX: 410-623-3063 | |
| STREET <u>125 NORTH DIVISION ST</u> | | ATTN: <u>DEBORAH STAM</u> DATE <u>9-9-15</u> | |
| CITY, STATE, ZIP <u>SALISBURY MD 21801</u> | | PHONE: <u>410-334-3031</u> | |
| JOB NAME: <u>SALISBURY SKATE PARK</u> | | FAX: <u>410-334-3033</u> CUST. ORDER NO. | |
| JOB LOCATION: <u>921 SOUTH PARK DRIVE</u> | | DSTAM@CT.SALISBURY.MD.US | |
| TYPE I FENCE: <u>CHAIN LINK</u> | | QUANTITY | MATERIAL |
| STYLE <u>SAFEGUARD BLACK VINYL</u> | | <u>740'</u> | TYPE I FENCE |
| TOTAL HEIGHT <u>8'</u> | BARB WIRE: <u>NO</u> | <u>2</u> | END OR GATE POSTS 2" 2 1/2" 3" 4" 6" |
| FABRIC: <u>BLK VNL 2B ZX8(9COZE) X 120"</u> | | <u>3</u> | END OR GATE POSTS 2 1/2" 3" 4" 6" 8" |
| LINE POSTS: <u>BLK VNL 2-1/2" X 13' 5540</u> | | | END OR GATE POSTS 2 1/2" 3" 4" 6" 8" |
| TOP RAIL: <u>BLK VNL 1-5/8" X 21' 5540</u> | | <u>2</u> | CORNER POSTS 2" 2 1/2" 3" |
| GATE FRAME: <u>BLK PLY 5/8" 12W X 8 5520 86123</u> | | <u>72</u> | LINE POSTS 2.5" 5540 |
| <u>6 GAUGE BLK VNL TENSION WIRE</u> | | <u>4</u> | BRACES + TRUSS |
| TYPE II FENCE: | | | |
| STYLE: | | | _____ FT. WIDE SINGLE SWING GATES DOUBLE SLIDE |
| MATERIAL | | <u>740'</u> | <u>BLK VNL TENSION WIRE 661</u> |
| TOTAL HEIGHT | BARB WIRE: | | TYPE II FENCE |
| COVER: | | | END OR GATE POSTS |
| LINE POSTS: | | | END OR GATE POSTS |
| RAILS: | | | CORNER POSTS |
| GATE FRAME: | | | _____ FT. WIDE SINGLE SWING GATES DOUBLE SLIDE |
| POST TOP STYLE: | | | |
| TYPE III FENCE: <u>WOOD/VINYL</u> | | TYPE III FENCE | |
| STYLE: | | LINE POSTS | |
| FACE MATERIAL: | | END OR GATE POSTS | |
| BOARD SPACING: | | END OR GATE POSTS | |
| RAIL MATERIAL: | | CORNER POSTS | |
| POST MATERIAL: | | _____ FT. WIDE SINGLE SWING GATES DOUBLE SLIDE | |
| POST TOP STYLE: | | _____ FT. WIDE SINGLE SWING GATES DOUBLE SLIDE | |
| DRAWING: <u>OPERATOR PACKAGE TO INCLUDE OPERATOR THAT WILL OPEN + CLOSE AUTOMATICALLY AT CERTAIN TIMES DESIGNATED. PUSH BUTTON EXIT LOCATED INSIDE FACILITY TO ALLOW EXIT IF INSIDE AFTER GATE HAS CLOSED. AUDIO/visual ALARM TO SOUND IN THE EVENT GATE IS OBSTRUCTED FROM CLOSING.</u> <u>ADDITIONAL - \$9,480.00</u> | | REMARKS: <u>PROPOSAL FOR ANDERSON FENCE TO INSTALL 740' OF 8' TALL FENCE WITH A 12' SLIDE GATE W/ OPERATOR</u> <u>FENCE TO BE INSTALLED PER SUPPLIED SALISBURY SKATE PARK MASTER PLAN LAYOUT.</u> | |
| We propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of <u>21382</u> | | | |
| TERMS: DUE UPON COMPLETION. INVOICES UNPAID AFTER 10 DAYS ARE SUBJECT TO 1 1/2% CARRYING CHARGE PER MONTH, WHICH IS AN ANNUAL RATE OF 18%. | | | |
| The Conditions on the Reverse Side of This Sheet Are Made a Part of This Contract. | | | |
| Authorized Signature: <u>Thomas Limbuel</u> | | | |
| Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Date of Acceptance: _____, 20____ | | | |
| Signature <u>X</u> | | Signature _____ | |

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY 2016 GENERAL FUND BUDGET TO APPROPRIATE FUNDS FOR THE PURCHASE AND INSTALLATION OF THE PERIMETER FENCING AND ELECTRONIC SECURITY GATE FOR THE SALISBURY SKATEPARK AND TO PROVIDE ELECTRICAL SERVICE TO THE SITE.

WHEREAS; the construction of Phase 1 of the Salisbury Skatepark at 921 South Park Drive is well underway; and

WHEREAS; the Salisbury Skatepark, Phase 1 application that was approved by DNR in 2013 only included a small amount of funding for the purchase and installation of some fencing along the street side of the site; and

WHEREAS; the City would prefer to purchase and install all of the perimeter fencing and the electronic security gate during Phase 1 of the project in order to secure the Skatepark to prevent vandalism and after-hours access; and

WHEREAS; the cost for the purchase and installation of the perimeter fencing and the electronic security gate, and the provision of electrical service to site, is estimated at \$39,000; and

WHEREAS, the City's FY 2016 budget does not contain an appropriation sufficient to cover this expense.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND THAT the City's Fiscal Year 2016 General Fund Budget be and hereby is amended as follows:

- 1) Increase Current Surplus Available (01000- 469810) by \$39,000.
- 2) Increase Transfer to Community Development (91001-599114) by \$39,000.

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

ATTEST:

Kimberly R. Nichols
CITY CLERK

Jacob R. Day
COUNCIL PRESIDENT

APPROVED BY ME THIS

_____ day of _____, 2015.

James Ireton, Jr.
MAYOR

Office of Community Development

MEMO

To: Tom Stevenson

From: Deborah Stam

Subject: Ordinances to Amend the Salisbury City Code to Amend the Definition and Requirements of Functional Family in Consideration of Disabled Individuals.

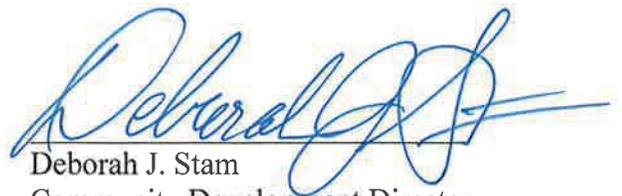
Date: October 14, 2015

During the completion of the City's 2014 Analysis of Impediments to Fair Housing (AI), it was determined by the consultant that it would be beneficial for us to make some minor changes to the City's Zoning Ordinance / Zoning Code in order to clarify our commitment to fair housing. These changes involve additional language that should be added to the "Definitions" section of the Zoning Code. It is my understanding that the Mayor's Office will be sponsoring this legislation.

These proposed changes have been reviewed by Jack Lenox, Director of Planning, Zoning & Community Development, and Mark Tilghman, City Attorney. Mr. Tilghman has created the attached ordinances to amend Chapter 15.24.1620 and Chapter 17.04.120 of the Salisbury City Code to amend the definition and requirements of 'Functional Family'.

As these Ordinances represent a change to the City's Zoning Code, should the City Council elect to move forward with these proposed changes, the next step would be to forward the ordinances on to the Planning and Zoning Commission for their review and approval at their meeting in November.

Please forward these documents to the City Council so that this item may be placed on the agenda for the Council work session meeting on October 19, 2015.



Deborah J. Stam
Community Development Director

Attachments

CC: Julia Glanz
Ginny Hussey
Jack Lenox

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 15.24.1620 DETERMINATION OF FUNCTIONAL FAMILY OF THE SALISBURY CITY CODE TO AMEND THE REQUIREMENTS OF FUNCTIONAL FAMILY.

WHEREAS, the ongoing application, administration and enforcement of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation and amendment; and

WHEREAS, Chapter 15.24.1620, entitled Determination of Functional Family, of the Salisbury City Code currently does not give consideration to disabled individuals; and

WHEREAS, the Fair Housing Act directs that reasonable accommodations be made with regard to the housing needs of individuals with disabilities; and

WHEREAS, by correcting this subsection, the City will be better aligned with the Federal Fair Housing Standards Act, the Americans with Disabilities Act and Maryland State law.

NOW, THEREFORE, be it enacted and ordained by the City Council of the City of Salisbury, that section 15.24.1620 of the City of Salisbury City Code, be amended as follows:

Article XXIX
15.24.1620 Determination of functional family.

1. Upon application of a group of not more than four persons, the ~~d~~Department of ~~n~~Neighborhood ~~s~~Services and ~~e~~Code ~~e~~Compliance shall make a determination of whether

26 a “functional family” exists. Each of the following criteria shall be met:

- 27 A. Share a permanent personal bond and commitment to one another;
- 28 B. Not dependent upon or supported by someone who does not maintain legal
29 domicile at the particular dwelling unit and reside therein (not including
30 any alimony or child support payments made to or for the benefit of any
31 members of the group);
- 32 C. Maintain legal domicile at the particular dwelling unit;
- 33 D. Share a single household budget;
- 34 E. Share in the repair and maintenance of the dwelling unit and its grounds, if
35 any;
- 36 F. Prepare and eat meals together on a regular basis;
- 37 G. Share in legal ownership or tenancy of the dwelling unit, as evidenced on a
38 deed or lease.

39 2. In the case of an application by persons who are disabled pursuant to the terms of
40 the Americans with Disability Act, the Department of Neighborhood Services and Code
41 Compliance shall make a determination of whether a “functional family” exists under
42 15.24.1620(1). When making that determination, the Department of Neighborhood
43 Services and Code Compliance shall make any necessary and reasonable
44 accommodations, including the modification of conditions required by subsection (1) of
45 this section and the allowance of more than four unrelated individuals in the same
46 household, when necessary to comply with applicable federal and state laws regarding
47 fair housing and persons with disabilities.

48

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

52

53

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

55 Salisbury held on the _____ day of _____, 2015 and thereafter, a statement of the

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

57 was finally passed by the Council on the ___ day of _____, 2015.

58

59 ATTEST:

60

61

62

63 _____
Kimberly R. Nichols, City Clerk

64

65

66 Approved by me, this _____
67 day of _____, 2015.

68

69

70

71

72 _____
James Ireton, Jr., Mayor

Jacob R. Day, City Council President

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 17.04.120 ZONING DEFINITIONS OF THE SALISBURY CITY CODE TO AMEND THE REQUIREMENTS OF FUNCTIONAL FAMILY.

WHEREAS, the ongoing application, administration and enforcement of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation and amendment; and

WHEREAS, Chapter 17.04.120. Definitions, of the Salisbury City Code currently does not give consideration to disabled individuals; and

WHEREAS, the Fair Housing Act directs that reasonable accommodations be made with regard to the housing needs of individuals with disabilities; and

WHEREAS, by correcting this subsection, the City will be better aligned with the Federal Fair Housing Standards Act, the Americans with Disabilities Act and Maryland State law.

NOW, THEREFORE, be it enacted and ordained by the City Council of the City of Salisbury, that section 17.04.120 of the City of Salisbury City Code, be amended as follows:

17.04.120 Definitions

“Family” means and includes, subject to the exceptions below.

- I. C. 1. A group of not more than four persons who are approved by the ~~e~~D~~e~~partment of ~~N~~eighborhood ~~s~~Services and ~~e~~C~~e~~ode ~~e~~C~~e~~ompliance pursuant to Section

26 15.24.1620(1) as a “functional family.” and
27 2. A group of four or more disabled persons (as defined by the Americans
28 with Disability Act), who are approved by the Department of Neighborhood Services and
29 Code Compliance pursuant to Section 15.24.1620(2).

30

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

34

35

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

37 Salisbury held on the _____ day of _____, 2015 and thereafter, a statement of the

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

39 was finally passed by the Council on the ___ day of _____, 2015.

40

41 ATTEST:

42

43

44

45 _____
46 Kimberly R. Nichols, City Clerk

Jacob R. Day, City Council President

47

48

49 Approved by me, this _____

50 day of _____, 2015.

51

52

53

54

James Ireton, Jr., Mayor