



CITY OF SALISBURY CITY COUNCIL AGENDA

July 11, 2016
Government Office Building

6:00 p.m.
Room 301

Times shown for agenda items are estimates only.

6:00 p.m. CALL TO ORDER

6:01 p.m. WELCOME/ANNOUNCEMENTS

6:03 p.m. CITY INVOCATION – Reverend Thomas E. Tucker of St. Paul AME Zion Church

6:05 p.m. PLEDGE OF ALLEGIANCE

6:07 p.m. COMMUNITY ORGANIZATION PRESENTATION

6:21 p.m. ADOPTION OF LEGISLATIVE AGENDA

6:23 p.m. CONSENT AGENDA –City Clerk Kim Nichols

- **May 3, 2016** Budget Session minutes
- **May 10, 2016** Budget Session minutes
- **Resolution No. 2640** – to approve a project to construct or rehabilitate a minimum of four homes in the greater Church Street Neighborhood to be sold to low or very low income families over the next two years
- **Resolution No. 2641** – authorizing the Mayor to enter into a contract with Maryland Department of Natural Resources Waterway Improvement Fund Grant for the purpose of expending grant funds in the amount of \$25,000 for utility pedestals at the Port of Salisbury Marina
- **Resolution No. 2642** – authorizing the Mayor to enter into a contract with the Chesapeake Bay Trust for the purpose of expending Green Streets, Green Jobs, Green Towns Grant funds in the amount of \$75,000 for implementation of bioretention practices in the Main Street Masterplan project
- **Resolution No. 2643** – authorizing the Mayor to enter into a contract with the Maryland Department of the Environment Maryland Water Quality Financing Administration for the purpose of expending FY17 Energy Water Infrastructure Program Grant funds in the amount of \$132,000 for replacement of the high service pumps at the Salisbury Park Water Treatment Plant

- 6:28 p.m. * AWARD OF BIDS – Assistant Director of Internal Services – Procurement & Parking
Jennifer L. Miller
- Change Order #3 to Contract 111-15 – Design/Build New Fire Station #2
 - Declaration of Surplus – 2000 GMC Bucket Truck (Public Works)
- 6:35 p.m. RESOLUTION – City Administrator Tom Stevenson
- **Resolution No. 2644** - accepting a donation of an informational sign at Salisbury's Public cemetery on Commerce Street from the Friends of Poplar Hill Mansion
- 6:45 p.m. **ORDINANCE NO. 2389 - PUBLIC HEARING and 2nd reading** - City Attorney Mark Tilghman
- **ORDINANCE NO. 2389** – 2nd reading - pursuant to Chapter 17.228 of Title 17, Zoning of the Salisbury Municipal Code and Section 4.04 of Article 66b of the annotated code of Maryland for the purpose of amending Section 17.105.040.d, Development Standards in the Riverfront Redevelopment Multi-use District #2
- 7:00 p.m. ORDINANCES – City Attorney Mark Tilghman
- **Ordinance No.2393** – 1st reading- pursuant to Chapter 17.228 of Title 17, Zoning of the Salisbury Municipal Code and Section 4.04 of Article 66b of the Annotated Code of Maryland for the purpose of amending Section 17.84.020 to add apartments, up to four units, in the Office and Service Residential District
 - **Ordinance No. 2394** – 1st reading - to approve the issue and sale of General Obligation Bonds in an aggregated amount not to exceed, \$4,751,500.00 to be used for the public purpose of financing, reimbursing or refinancing expenses of public projects
- 7:15 p.m. PUBLIC COMMENTS
- 7:20 p.m. ADJOURNMENT

Copies of the agenda items are available for review in the City Clerk's Office, Room 305 - City/County Government Office Building, 410-548-3140 or on the City's website www.salisbury.md

City Council meetings are conducted in open session unless otherwise indicated. All or part of the Council's meetings can be held in Closed Session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland 10-508(a), by vote of the City Council.

Proposed agenda items for July 25, 2016 Meeting

- **Ordinance No.2393** – 2nd reading-pursuant to Chapter 17.228 of Title 17, Zoning of the Salisbury Municipal Code and Section 4.04 of Article 66b of the Annotated Code of Maryland for the purpose of amending Section 17.84.020 to add apartments, up to four units, in the Office and Service Residential District
- **Ordinance No. 2394** – 2nd reading - to approve the issue and sale of General Obligation Bonds in an aggregated amount not to exceed, \$4,751,500.00 to be used for the public purpose of financing, reimbursing or refinancing expenses of public projects

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CITY OF SALISBURY
BUDGET WORK SESSION
MAY 3, 2016

Public Officials Present

Council President John “Jack” R. Heath
Council Vice-President Laura Mitchell (arrived 9:00 a.m.)
Councilman Muir Boda
Mayor Jacob R. Day
Councilman James Ireton, Jr. (left 2:30 p.m.)
Councilwoman April Jackson

In Attendance

City Clerk Kim Nichols, City Administrator Tom Stevenson, Assistant City Administrator Julia Glanz

The City Council convened in Budget Work Session at 8:40 a.m. in Conference Room 306 of the Government Office Building. The following is a synopsis of the discussion held:

Internal Services Director Keith Cordrey presented the Financial Health of the City:

General Fund discussion

- Balance Sheet
- Statement of Revenues and Expenditures
- Capital Outlays

Water Sewer Fund discussion

- Net operating income compared to previous year due largely due to the \$39 million WWTP loss
- Statement of Cash Flows
- Established basic minimum balances
- Revolving fund
- Resolutions 2553 and 2554 transferred \$1 million
- Impact fees

Statement of Net Position discussion

- The City went from a negative unrestricted debt deficit of 2.5 million in FY14 to 30.9 million in FY15 mostly due to the impairment loss
- *Total unfunded liabilities* for post-employment benefits went to \$19.3 million
- Impairment loss is completely realized on the books and realized as ½ of the total asset and the other ½ goes forward because ½ of the infrastructure benefitted the new WWTP
- *Capital Improvement Plan* by funding source – The City’s Financial Policy specifies the limit for debt service is 10% of expenditures (\$4.2 million). Available debt service at the end of FY17, assuming all the CIP was in the budget, would be 32% (\$1.3 million) and over time declines from \$1.3 million, to \$1 million, to \$782,000 to \$390,000, to \$95,000.
- *Charges for services* in 2015 - \$6.5 million (in 2009 - \$6 million, in 2008 - \$7,000).

- 49 • *Taxes* are at \$23.9 million. In 2010 they were \$23.3 million (City is building back up to 2010
50 levels)
- 51 • *Fund Balance* – a trend from 2007 to peak at 2012
- 52 • *Benchmarks* – Holds a strong position (over 15%) on the City’s total fund balance. Unassigned
53 fund balance is also strong. Debt to Market is adequate (2.41 compared to 3.42 last year)
- 54 • *Debt per Capita* - \$2,097 because the City received an update on the population, which went from
55 30,000 to 32,000
- 56 • *Annual Debt Service* – 6.68% vs. 6.6% the previous year, and still an adequate position.
- 57 • *Water & Sewer Unrestricted Balance* – Considered to be in a strong position, but less strong.
- 58 • Parking Authority needs to improve

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60 **Financial Health Summary**

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62 All of the benchmarks held to be the same as they were in the previous year.

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64 **Proposed budget**

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66 Personnel includes a one-step increase with a number of reclassifications. There is a 2% increase in
67 Water/Sewer rates and Property Tax includes an increase of .062 (from .937 to .9432 based on constant
68 yield). There was no proposed change in the Personal Property tax rate.

69

70 General Fund - \$2.2 million in Capital Outlay (\$830,000 was funded from Revenues, \$168,500 funded
71 from Bonds, 1,200,000 funded from Lease)

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73 Council discussed Public Works Reclassification and 35 hours to 40 hours

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75 **Housing & Community Development**

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77 Joining Council at the table were Susan Phillips, Deborah Stam and Theo Williams to review the budget
78 of the new department created from combining the Community Development and Neighborhood Services
79 and Code Compliance departments. Ms. Phillips reviewed the goals of the department and reported the
80 department was able to eliminate the Housing Supervisor Position. Capital Outlay has reduced and
81 Operating expenses are increased due to the lease of the new facility needed to house the increased staff.

82

83 Ms. Stam explained to Council that the CDBG funding amount of \$290,000 received by the City is the
84 amount set by the Federal Government and based upon a formula directly related to population data. The
85 City falls within the Metropolitan District Area but could receive much more funding if it changes its
86 entitlement status. Council discussed the difficulty in re-obtaining the entitlement status should the City
87 choose to take the other route.

88

89 Mayor Day reported Administration had discussed the options and was willing to put the work and
90 research into applying for funding for larger projects. Ms. Stam stated that they would be operating as the
91 City of Salisbury and not as the larger Metropolitan District Area, and would be competing against many
92 other projects. Council will hold a discussion later on risk-reward assessment, and then make a decision.

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94 After breaking at 10:35 a.m., Council re-convened at 10:45 a.m.

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96 **Planning & Zoning**

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Planning & Zoning Director Jack Lenox joined Council at the table and discussed the departmental goals and challenges.

Discussion with Mr. Lenox included the following:

- Rt. 13 North/South and greenway Consultant Contract
- Priorities – Joint City/County GIS – intentions to improve the work and ensure it is available to everyone
- Forest Conservation Plan and Critical Area
- Fire Safety
- Inspection of structures
- Economic development

Building, Permitting & Inspections

Building, Permitting & Inspections Director Bill Holland joined Council to discuss budget requests and departmental goals for the department. Discussion with Mr. Holland included the following:

- Decreasing the time it takes to issue various permits and correspondence
- Capital Outlay discussion
- Building homes/townhouses/apartment houses in the City

Information Technology

Information Technology (IT) Director Bill Garrett joined Council to review IT’s budget requests and goals. Discussion with Mr. Garrett included the following:

- Downtown Wi-Fi availability is 99% of the time (outages only occur during reboots of the system)
- Putting Downtown Wi-Fi in with the new broadband
- Consolidation plan
- Security
- New Website
- Munis
- Replacing Laserfiche server with Cloud hosted server
- New position – Computer Technician

Following a ten-minute recess, Council reconvened at 11:45 a.m.

Procurement & Parking

Assistant Director of Internal Services - Procurement & Parking Jennifer Miller joined Council to discuss the budgeting requests and goals. Topics of discussion included:

- PCard system
- Average rate of savings on purchase orders over \$1,000 is about 6.8%; 18.4% on competitive solicitations

- 144 • Contract Management System

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146 **Government Office Building**

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148 Ms. Miller presented the budget for the Government Office Building (GOB).

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- 150 • Budget includes ½ of the estimation for security (shared with Wicomico County)
- 151 • Some capital projects are included in the budget

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153 Council discussed cleaning/repairing carpet on the third floor and in Council Chambers. Projected costs
154 are lower this year than last year as there are less projects to be completed. \$239,000 was projected in the
155 Mayor’s budget, but the amount is now \$219,000 due to Wicomico County’s recalculation.

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157 **Parking Authority**

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159 Ms. Miller presented the budget for FY17 Parking and noted that Parking Surplus was being used rather
160 than General Fund funds.

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- 162 • 34% increase in revenue in Transient Usage – Parking Meters third quarter this year versus last
163 year
- 164 • 10% increase this year in the revenue received from the hourly tickets in the garage and Lot 1
- 165 • Permit usage - almost 77% of the parking permit capacity versus about 72% last year
- 166 • Personnel is lower than last year due to the change in staff
- 167 • Parking garage condition survey is included to examine the structure of the garage to give the City
168 information on maintenance and repair expectations for the next few years
- 169 • The water infiltration damage to the facade caused by water expanding and contracting due to the
170 freezing/thawing cycle required much work on the top garage level and cost about \$60,000
- 171 • Need to re-address an expansion joint in the Parking Garage by getting an Engineer’s evaluation

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173 At 12:15 p.m., Council recessed for Lunch and reconvened at 12:55 p.m.

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175 **Internal Services – Finance**

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177 Internal Services Director Keith Cordrey presented the budget and discussed goals and priorities. The
178 following was discussed with Mr. Cordrey:

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- 180 • Career ladder
- 181 • New position (Accountant II)
- 182 • Collections
- 183 • Debt Service
- 184 • Automatic withdrawal for water/sewer bills is a function in Munis
- 185
- 186 • Debt Service - 2.7% over last year’s budget; Davenport recommended bonding the City vehicles

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188 **Adjustments – Revisit list**

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190 Council discussed the following items on the revisit list and reached consensus on the following items:

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- To purchase the additional fire engine and accept the Fire Volunteer’s offer to pay for the first year (24035-558600)
- Not to fund the SPD chiller since a replacement chiller can be paid from Surplus (21021-534301)
- To increase City Attorney by \$5,000 to \$270,000 (17000-513301)
- Not to fund SPD training
- Did not agree to SFD Incentive Program since it was only for half the year
- Fund SWED at the Mayor’s level (11600-569212)
- Reduce GOB by \$20,000 due to the County’s over-estimation (19500-534301)
- Removed projector- \$250.00 (12000-577030)

Mr. Cordrey stated the Worker’s Comp final quote has not been received as of yet.

With nothing further to discuss, the Budget Work Session adjourned at 2:58 p.m.

City Clerk

Council President

1 CITY OF SALISBURY
2 BUDGET WORK SESSION
3 MAY 10, 2016
4

5 Public Officials Present
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7 Council President John “Jack” R. Heath
8 Council Vice-President Laura Mitchell

Mayor Jacob R. Day
Councilman Muir Boda

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12 Public Officials Not Present
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14 Councilman James Ireton, Jr.
15 Councilwoman April Jackson
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17 In Attendance
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19 City Clerk Kim Nichols, City Administrator Tom Stevenson, Assistant City Administrator Julia Glanz
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22 The City Council convened in Budget Work Session at 4:40 a.m. in Conference Room 306 of the
23 Government Office Building. The following is a synopsis of the discussion and consensus reached:
24 items:
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- 26 • Landlord licensing registration fees are far more defensible if they increase the new licenses, and
27 raise the renewal for licensing & registration to \$60
- 28 • Council and Mayor Day further discussed landlord licensing renewals and fees
- 29 • Engineering staff in the GOB from 35 hours to 40 hours – removed \$75,115.38
- 30 • IT - Munis Employee Self-Service (18000-534502) – removed \$10,593
- 31 • Salisbury Police Department – Overtime (21021-501021) – removed \$20,000
- 32 • Salisbury Police Department – Vehicle maintenance (21021-534308) – removed \$20,000
- 33 • Salisbury Police Department – Promotions- Poplar Hill – No (21021-569200) \$17,000
- 34 • Station 16 Driveway – No – removed \$35,000
- 35 • Re-freeze two positions at the Police Department for ½ year (21021-501002) - \$65,000
- 36 • Reduce department moving expenses by \$5,000
- 37 • SWED – removed the additional \$5,000 from budget
- 38 • Discussed revenue estimates
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40 After discussing the items above, Mayor Day commended City staff members, all Department Heads and
41 Ms. Glanz, Messrs. Cordrey and Stevenson for their work on the FY17 budget.
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43 At 5:50 p.m., with nothing further to discuss, the Budget Work Session was adjourned.
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City Clerk

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49 Council President

INTER

OFFICE

MEMO

OFFICE OF THE MAYOR

To: Tom Stevenson, City Administrator
From: Julia Glanz, Assistant City Administrator
Subject: Habitat for Humanity Project
Date: June 29, 2016

Attached please find a resolution that will allow Habitat for Humanity to move forward with rehabilitating or constructing at least four new homes in the Church Street Neighborhood to be sold to low or very low income families over the next two years.

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

Attachment: Resolution to Approve a Project to Construct or Rehabilitate Homes

C.c. Julia Glanz

RESOLUTION NO. 2640

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND TO APPROVE A PROJECT TO CONSTRUCT OR REHABILITATE A MINIMUM OF FOUR HOMES IN THE GREATER CHURCH STREET NEIGHBORHOOD TO BE SOLD TO LOW OR VERY LOW INCOME FAMILIES OVER THE NEXT TWO YEARS.

WHEREAS, Habitat for Humanity of Wicomico County, Inc., a nonprofit organization, proposes to undertake the project described above (the "Project"); and

WHEREAS, Habitat for Humanity of Wicomico County has applied to the Department of Housing and Community Development of the State of Maryland for approval of the project and an allocation of tax credits for business entities and individuals that contribute to the Project, under the Department's Community Investment Tax Credit Program; and

WHEREAS, the City of Salisbury, Maryland endorses the Project.

NOW, THEREFORE, BE IT RESOLVED that City of Salisbury hereby expresses endorsement of the Project, as described above.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 2016, and is to become effective immediately upon adoption.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

Approved by me, this _____ day of _____, 2016.

Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

To: Thomas Stevenson, City Administrator
From: Michael S. Moulds, P.E., Director of Public Works 
Date: June 27, 2016
Re: Waterway Improvement Fund Grant – Salisbury Marina Utility Pedestal Replacement Project

The City of Salisbury has been awarded a Maryland Department of Natural Resources Water Improvement Fund Grant in the amount of \$25,000. The grant will fund the replacement of the existing utility pedestals at Port of Salisbury Marina with new utility pedestals. The project was identified in the City's FY16 and FY17 Capital Improvements Plans (Project #M0002). The total project cost to furnish and install the pedestals is \$100,000. This is the second Waterway Improvement Fund grant for this project. Resolution No. 2531 accepted \$25,000 for this project on August 11, 2015. The FY16 and FY 17 budgets provided for \$25,000 each year. Pedestals were ordered in FY16. The grant funds and FY17 budget funds will be utilized to purchase additional pedestals and for installation of all pedestals.

Attached is a Resolution for consideration to accept the Waterway Improvement Fund grant in the amount of \$ 25,000.

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



LARRY HOGAN
GOVERNOR

STATE HOUSE
100 STATE CIRCLE
ANNAPOLIS, MARYLAND 21401-1925
410-974-3901
TOLL FREE 1-800-811-8336

TTY USERS CALL VIA MD RELAY

May 27, 2016

The Honorable Jacob R. Day
Mayor
City of Salisbury
125 N. Division Street
Salisbury, MD 21801-4940

Dear Mayor Day:

I am pleased to advise you that the Maryland General Assembly has approved the Fiscal Year 2017 budget request to provide the attached Waterway Improvement Fund grant to your jurisdiction. The approved project funds will become available on July 1, 2016.

Boating is a cornerstone of Maryland and this grant is an important resource to ensure that visitors and residents alike will continue to benefit from Maryland's world-class recreational boating opportunities, which contribute thousands of jobs and billions of dollars to our economy. Expanding and enhancing access to public boating opportunities, while also improving boating safety, will benefit your local area as well as the entire state.

I want to personally thank you and your staff for your support to make these grants possible, as we continue to manage Maryland's waterways as a true public resource available to both current and future generations.

If you have any questions regarding your grant, please contact Mr. Mark O'Malley, Department of Natural Resources' Director of Boating Services at (410) 260-8462 or via email at mark.o'malley@maryland.gov.

Sincerely,

A handwritten signature in black ink that reads "Larry Hogan".

Larry Hogan
Governor

Attachment

cc: Members of the Wicomico County Delegation
Mr. Michael Moulds, City of Salisbury Public Works
Mr. Glenn Lay, City of Salisbury Public Works

Approved Waterway Improvement Projects
 FY 2017

City of Salisbury

"PROJECTS TO BE COMPLETED BY THE LOCAL GOVERNMENT"

| Grant # | County | Project Location | Description | Type | Approved Amount |
|-------------|----------|-------------------|--|------|-----------------|
| LG-2219C-17 | Wicomico | City of Salisbury | Replacement of utility pedestals at Salisbury Marina | LG | \$25,000.00 |

| |
|---------------------------------------|
| Key |
| DG - 100% Dredging/Navigation |
| LG - 100% Local Grant |
| MF - Matching Funds Local Governments |
| MFFR - Matching Funds Fire/Rescue |
| MFDG - Matching Funds Dredging Grants |
| SP - 100% State Project |
| ST - Statewide Project |

47 APPROVED BY ME this _____ day of _____, 2016.

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51 Jacob R. Day

52 MAYOR

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City of
Salisbury
Jacob R. Day, Mayor

To: Thomas Stevenson, City Administrator
From: Michael S. Moulds, P.E., Director of Public Works *MSM*
Date: June 27, 2016
Re: Green Streets, Green Jobs, Green Towns Grant Program – Main Street Masterplan

The City of Salisbury has been awarded a Chesapeake Bay Trust Green Streets, Green Jobs, Green Towns Grant. The grant will fund the implementation of bioretention practices in the first phase of the Main Street Masterplan Project (East Main Street between Route 13 and Division Street). The grant is for \$75,000. The project was identified in the City's FY16 Capital Improvements Plan (Project #PW0008). The grant funds the construction of the Bioretention area media, plantings, mulch and underdrain pipes.

Attached is a Resolution for consideration to accept the Green Streets, Green Jobs, Green Towns Grant in the amount of \$75,000.

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



June 6, 2016

Mr. Michael Moulds
Director of Public Works
City of Salisbury
125 North Division Street
Salisbury, MD 21801

Dear Mr. Moulds:

The Chesapeake Bay Trust thanks the City of Salisbury for your proposal. The Trust received a high level of requests, over \$1,700,000 in requests for over \$800,000 available in this round of the Green Streets, Green Jobs, Green Towns Grant Program. I am pleased to report approval of a grant in the amount of \$75,000 for implementation of bioretention practices in the Main Street Masterplan project in Salisbury, Maryland.

Your grant award will be distributed in two (2) phases as detailed in the grant agreement attached. The phased payments are contingent on key elements that are required prior to the release of each payment as described in your grant agreement. All receipts, invoices, and timesheets must accompany status and final reports. Changes in the deliverables, timeline, or budget as detailed in the grant agreement must be approved by the Program Officer for this grant program.

The signed grant agreement, other contingencies, and status and final reports must be submitted by logging into the Chesapeake Bay Trust Online Grant System account accessed through the link https://www.GrantRequest.com/SID_1520 with the same username and password used when you applied.

Please sign and return the enclosed grant agreement and address contingencies by the dates listed in your agreement. The Chesapeake Bay Trust reserves the right to cancel the grant award and apply funds to other projects if the requirements of the grant agreement are not met.

The Trust and funding partner United States Environmental Protection Agency are pleased to invite you to an event in June to announce the awards. Details of the event will be provided to your project lead via email by our program staff when we have the location and the date confirmed. **We respectfully request that you await conclusion of this event prior to media announcements of your specific project.** Our communications team would be happy to help with any media outreach after the event.

This program is a partnership of the Trust and the U.S. Environmental Protection Agency (EPA). The EPA funding comes through the Chesapeake Bay Implementation Grant Program (CFDA# 66.640). For purposes of accounting, you may consider your award **(\$75,000) composed of 100% federal funding**. Neither the non-federal nor the federal component of the award, if any, may be used to match funds from other federal programs.

Please be aware that any grantee receiving federal funds is required to comply with federal requirements governing the use of those funds, including provisions of OMB Circulars A-102, A-110, and A-133. Additionally, if your total Federal annual expenditures exceed \$500,000, you will be required to obtain an A-133 Single Audit and to furnish the Trust with the Single Audit financial statement for each year covered by the award.

If you should have any questions regarding our decision, please feel free to contact the program officer, Jeffrey Popp at 410-974-2941, ext. 103. The Chesapeake Bay Trust greatly appreciates the time you invested in proposal development and looks forward to working with you in the future.

Sincerely,

Jana Davis, Ph.D.
Executive Director

Grant #: 13897

Project Leader: Amanda Pollack



60 West Street, Suite 405 • Annapolis, MD 21401-2400 • PH: 410.974.2941 • FX: 410.269.0387

www.chesapeakebaytrust.org



Grant Agreement between the Chesapeake Bay Trust and the City of Salisbury

June 6, 2016

The total amount of the grant award for grant number 13897 is \$75,000. Delivery of this grant is made subject to receipt by the Chesapeake Bay Trust (Trust) of a signed copy of this agreement, which confirms that:

- 1) The grant award is in the amount of \$75,000 for implementation of bioretention practices in the Main Street Masterplan project in Salisbury, Maryland. By accepting this award, grantee agrees that said monies will be used to accomplish deliverables and budgeted items in your grant application received on March 1, 2016, modified through any contingencies below, and approved in this grant agreement.
- 2) Significant changes to project scope must be approved by the Trust in advance of the change. Please visit www.cbtrust.org/forms to download the Grant Revision Request Form. Significant changes include, but are not limited to:
 - a. Changes in key personnel or key project partners
 - b. Changes in budget that result in a greater than 10% shift in funds across budget categories (e.g., supplies, personnel, contractual)
 - c. Changes in budget that result in addition of a new line item
 - d. Changes in project deliverables as proposed in your original application and modified through contingencies in this grant agreement
 - e. Changes in timeline in your original application or as subsequently amended

Your final report will include a budget section and a deliverables section that should match your proposed budget and deliverables. If changes are made without Trust approval you will be required to refund the award.

- 3) The grantee agrees to initiate, organize, and **schedule a mandatory pre-construction** meeting after the construction contract with the prime contractor has been awarded and within 30 days of the construction start date, to include Trust staff, the landowner, the applicant, the contractor, and the project engineer.
- 4) Any changes to the design plans submitted to the Trust within the application must be approved by the funding partners; i.e., if the design plans submitted to the Trust are not identical to plans used for construction, changes must be approved.
- 5) **Construction must begin by 9/15/16** as described in the timeline of your grant application; otherwise, the award may be terminated by the Trust.
- 6) Funding will be distributed in phased payments as described below:
 - a. Phase I payment of \$67,500 (90% of the award amount) for bioretention construction and planting is **contingent upon submission by 8/1/16 to and approval by the Trust of:**
 - i. **the signed grant agreement;**
 - ii. **a short statement (< 1 page) that the project is not part of the site's required mitigation;**

Executive Officer Initials

Project Leader Initials

- iii. **a revised planting plan** that includes only native plants; contact Jeff Popp, Program Officer, for assistance; and
 - iv. **copies of all required permits and completion of a pre-construction meeting** as described in # 3 above.
- b. Phase II payment of \$7,500 (10% of the award amount), will be disbursed upon submission and Trust review of your **final report due on or before 7/1/17**. The final report on this project should include a complete accounting of expenditures (all invoices, receipts, and an accounting of personnel costs, such as copies of timesheets (if applicable)) and complete programmatic documentation. Your final report form can be accessed through https://www.grantrequest.com/SID_1520 and will include a budget section and a deliverables section that should match your approved budget and deliverables. If changes are made without Trust approval you will be required to refund the award.

As a reminder, the EPA funding comes through the Chesapeake Bay Implementation Grant Program (CFDA# 66.640). Your award (**\$75,000**) **was composed of 100% federal funding**. Therefore, you must comply with federal requirements governing the use of those funds, including provisions of OMB Circulars A-102, A-110, and A-133. Additionally, if your total Federal annual expenditures exceed \$500,000, you will be required to obtain an A-133 Single Audit and to furnish the Trust with the Single Audit financial statement for each year covered by the award.

- 7) **Signed grant agreement, other contingencies, status, and final reports are required to be submitted by logging into the Chesapeake Bay Trust Online Grant System account accessed through the link https://www.GrantRequest.com/SID_1520 with the same username and password used when you applied. Status and final report extension requests must be made via email to the Trust Program Officer prior to the report due date and, depending on circumstances, may or may not be granted. In cases where the grantee fails to submit a status report or final report by the due date, the Trust reserves the right to terminate the grant agreement and require a refund of funds already transferred to the grantee. By signing this grant agreement, the grantee agrees to comply with the status report date(s), if applicable, and the final report date listed above and agrees to return funds if a complete report is not submitted by the deadline. Failure to submit report(s) by the deadline will affect eligibility for future awards.**
- 8) All materials purchased with this grant will be the property of City of Salisbury.
- 9) **All public communications and promotion including press releases, print publications, signage, online messaging, etc. must acknowledge the program funding partners, EPA Region 3 and the Chesapeake Bay Trust, and include the Trust's license plate logo.** The Chesapeake Bay Trust license plate logo file is available online at www.cbtrust.org/logos. The following statement will be issued on all work products disseminated: "This brochure/publication was funded (in part) through a grant from the EPA Region 3."
- 10) The grantee will hold the Chesapeake Bay Trust harmless and indemnify from any claims or litigation arising out of the grantee's performance of the project and from and against such portion of any liability for injury or damage to person or property caused by the grantee's performance of the project.
- 11) The Grantee agrees it will not discriminate in any matter against an employee or applicant for employment because of gender, race, age, color, religion, creed, marital status, ancestry, gender identity and expression, genetic information, sexual orientation, national origin, or physical or

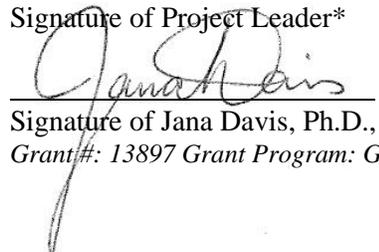
mental handicap unrelated in nature and extent so as reasonably to preclude the performance of such employment; and Grantee agrees to include a provision similar to that contained herein in any subcontract except a subcontract for standard commercial supplies or raw materials.

The undersigned who is (are) fully authorized in the premises of the City of Salisbury accepts, subject to the terms and conditions in the above grant agreement, the proposed grant of \$75,000.

Please return signed copies of the full award letter, with each page initialed and full signatures on the last page, by uploading a scanned copy to your Chesapeake Bay Trust Online Grant System account accessed through the link https://www.GrantRequest.com/SID_1520 with the same username and password used when you applied. Please keep a copy for your records.

| Signature of Executive Officer* | Title | Date |
|---------------------------------|-------|------|
|---------------------------------|-------|------|

| | | |
|------------------------------|-------|------|
| Signature of Project Leader* | Title | Date |
|------------------------------|-------|------|

| | | |
|---|--------------------|----------|
|  | Executive Director | 6/6/2016 |
|---|--------------------|----------|

| | | |
|--|--|------|
| Signature of Jana Davis, Ph.D., Executive Director; Chesapeake Bay Trust | | Date |
|--|--|------|

Grant #: 13897 Grant Program: Green Streets

HELP THE TRUST TELL YOUR STORY

Congratulations on your recent grant approval! The Chesapeake Bay Trust is very excited to see your project come to life and would like to help publicize your great work. Now that you have your approval letter and your efforts can get underway, please help us learn more about your upcoming grant activity in three short ways:

**** EVENT DATE & TIME ****

**** PHOTO COLLECTION ****

**** BLOG WRITING ****

EVENTS: The Trust hosts an online calendar to help our grantees promote their upcoming events and volunteer needs. In order to know when projects take place, we encourage grantees to post events through the Trust's website: www.calendar.cbtrust.org. When applicable (and timing permits) Trust staff will try to attend particular events and we encourage you to keep in contact with staff on opportunities to volunteer, take pictures and promote activities to the local media.

(Note: We realize that certain projects do not have events associated with them but for those that do, please include them on the calendar. If your project is not open to the public, but it is appropriate for Trust staff to attend when available, please email Jennifer Kley at jkley@cbtrust.org.)

PHOTOS: There is no better way to share your story than through pictures! We urge you to take photos during any grant event, and especially before and after photos of hands-on restoration projects. The Trust will publicize these through numerous formats and we encourage you to email them anytime to jkley@cbtrust.org. If you want to see examples of previous Trust grant work, visit our Flickr page: (<http://www.flickr.com/photos/cbtrust/>)

BLOGS: Every grantee is invited to write a short blog on their Trust-funded grant project. The purpose of this post is to not only showcase great grant work, but also to help raise awareness about your organization or school and how your efforts are impacting the Chesapeake Bay. Not sure what to write about? Check out the Trust's online blog at www.cbtrust.org/blog for ideas.

Blog Criteria:

1. Between 3-4 paragraphs in length
2. Describe the nature of your grant project
3. Highlight the project before, during or after and its overall impact
4. Include pictures (when applicable) and a personal connection (when possible)

QUESTIONS?

CONTACT GRANTADMIN@CBTRUST.ORG OR CALL THE TRUST 410-974-2941.

CONGRATULATIONS AND WE LOOK FORWARD TO A GREAT PROJECT!

RESOLUTION NO. 2642

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE CHESAPEAKE BAY TRUST FOR THE PURPOSE OF EXPENDING GREEN STREETS, GREEN JOBS, GREEN TOWNS GRANT FUNDS IN THE AMOUNT OF \$75,000 FOR IMPLEMENTATION OF BIORETENTION PRACTICES IN THE MAIN STREET MASTERPLAN PROJECT.

WHEREAS, the City of Salisbury applied for funds through the Chesapeake Bay Trust Green Streets, Green Jobs, Green Towns Grant Program; and

WHEREAS, the Chesapeake Bay Trust has awarded the City of Salisbury funds in the amount of \$75,000; and

WHEREAS, these funds shall be used to fund the implementation of bioretention practices in the Main Street Masterplan Project; and

WHEREAS, the City of Salisbury must enter into a grant agreement with the Chesapeake Bay Trust defining how these funds must be expended; and

WHEREAS, § 7-29 of the Salisbury City Charter forbids the Mayor from entering into a contract that requires an expenditure not appropriated or authorized by the City Council; and

WHEREAS, appropriations necessary to execute the purpose of this grant must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury;

NOW, THEREFORE BE IT RESOLVED THAT, the Council of the City of Salisbury, Maryland does hereby appropriate the necessary funds and authorize Mayor Jacob R. Day to enter into a grant agreement with the Chesapeake Bay Trust and expend the awarded funds accordingly.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on _____, 2016, and is to become effective immediately.

ATTEST:

Kimberly R. Nichols
CITY CLERK

John R. Heath
CITY COUNCIL PRESIDENT

APPROVED BY ME this ____ day of _____, 2016.

Jacob R. Day

48 MAYOR
49



City of
Salisbury
Jacob R. Day, Mayor

To: Thomas Stevenson, City Administrator
From: Michael S. Moulds, P.E., Director of Public Works 
Date: June 27, 2016
Re: FY17 Energy Water Infrastructure Program (EWIP) Grant – Park WTP High Service Pumps

The City of Salisbury has been awarded a Maryland Department of the Environment (MDE) Maryland Water Quality Financing Administration (MWQFA) FY17 Energy Water Infrastructure Program (EWIP) Grant. The grant will fund the replacement of the High Service Pumps at the Salisbury Park Water Treatment Plant (WTP). The grant is for up to \$132,000, which should cover the entire cost of the project. The project was identified in the City's FY17 Capital Improvements Plan (Project #WP0049).

The high service pumps need to be replaced due to increased system pressures since the construction of the Salisbury University Water Tower. The engineering study was funded in FY16 and served to examine pumping deficiencies at the plant.

Attached is a Resolution for consideration to accept the FY17 Energy Water Infrastructure Program grant in the amount of \$132,000.

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

CONDITIONS OF MDE GRANT AWARD

Project Name: _____

Project Number: _____

Upon the receipt of grants from the Maryland Department of the Environment (the "Department"), the following conditions are understood and accepted by the applicant as conditions binding upon the recipient organization.

1. The recipient agrees to utilize the State grant funds for the project described in the Application for Financial Assistance and as approved by the State Board of Public Works.
2. The recipient agrees to make a good faith effort to secure sufficient funds to cover all project costs not covered by State grant funds.
3. The recipient agrees to adhere to the schedule submitted in its Application for Financial Assistance and will take all appropriate actions to ensure the project phase (planning, design and/or construction) is initiated within the fiscal year in which the state grant funds are appropriated. Failure to proceed within the funding fiscal year may result in loss of grant funding. The recipient will have an opportunity to re-apply for funding in a future year.
4. The recipient agrees to submit to the Department for review all Architectural/Engineering (A/E) service contracts prior to execution if state grant is to cover the costs.
5. The recipient agrees to select A/E consulting firm(s) for planning, design, construction management/inspection and/or grant management in accordance with pertinent Local, State and Federal laws and regulations.
6. The recipient agrees that it will only award a contract to an A/E consulting firm upon proof of professional liability insurance in an amount reasonable and customary for the services being performed.
7. The recipient agrees not to advertise for bids for construction contracts prior to obtaining written approval of the plans and specifications from the Department.
8. The recipient agrees to provide the Department (if requested) an updated project construction cost estimate prior to advertising for bids for construction.
9. For construction contracts greater than \$100,000, the recipient agrees to procure contractors using formal bidding procedures by advertising the request for bids in publications having appropriate widespread circulation. For contracts less than \$100,000, the recipient has the option to use the small purchase procurement procedures or the formal bidding procedures. For additional information, please contact the Department.
10. The recipient agrees to select the contractor for construction of the project in accordance with applicable Local, State, and Federal laws and **not award a construction contract** until:
 - a. the contractor has posted a Performance Bond and a Payment Bond for 100% of the contract price (generally applicable to contracts over \$100,000 or as determined by the Department);
 - b. the contractor has signed the assurances provided in the "State Insert" included with the contract documents;
 - c. the recipient can certify that adequate A/E inspection and supervision will be provided at the construction site to ensure project construction conforms with the approved plans and specifications; and
 - d. a written approval to award the contract has been received from the Department.
11. Prior to construction start, the recipient agrees to secure all necessary permits, rights-of- way and easements, and undertake any reasonable action resulting from the environmental, design, permitting or state clearinghouse reviews.
12. The recipient agrees to follow best construction management and inspection practices to construct the project in accordance with plans and specifications approved by the Department.
13. Unless waived by the Department, the recipient agrees to post a project sign in the manner and format prescribed by the Department prior to initiating construction.
14. The recipient agrees to obtain prior written approval from the Department for all change orders that significantly alter the project. Change orders that do not significantly alter the project do not require prior approval; however, they must be submitted to the Department within 30 calendar days of execution if grant is to cover change order costs.
15. The recipient agrees to permit and assist State employees to monitor the project construction during normal working hours.
16. The recipient agrees to allocate sufficient funds and operate and maintain the facilities, in accordance with applicable sections of Title 9 of the Environment Article, for the purposes for which it was constructed.
17. The recipient agrees to provide any reasonable information concerning the project in a manner and form prescribed by the Department.
18. The recipient agrees to seek all payments on a reimbursement basis only, unless otherwise authorized by the Department.
19. The recipient agrees to maintain adequate accounting records for a period of three years following the Department's administrative closeout of the project and make them available to the Department for inspection and audit when requested. The recipient's accounting records will at a minimum provide the following:
 - a. provision that the recipient must provide a detailed budget (breakdown of category and cost) including any advances on costs to be incurred;
 - b. A provision requiring the recipient to provide a schedule of spending (related to the budget detail);
 - c. A provision requiring a deliverable schedule from the recipient (linked to the spending schedule);
 - d. A provision requiring a periodic financial summary (defining expended funds in association with the budgeted categories and schedule of spending);
 - e. A provision requiring the contractor to maintain all records relating to the grant until the grant has been audited or three years from the completion of the project, which ever is earlier; and
 - f. A provision indicating that MDE may audit any records in conjunction with a project at any time, in person, or request that a copy of the records be forwarded to MDE for verification.
20. The recipient agrees to comply with Title VI of the Civil Rights Act of 1964 - no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under program or activity for which the applicant received State grant.



21. The recipient is required to make good-faith efforts to utilize Minority and Women's Business Enterprises (M/WBE) to participate in procurements involving MDE state grant funds. This requirement applies to projects receiving any grant funding from the Bay Restoration Fund and projects receiving more than \$500,000 in any other MDE grant funding. Please visit MDE's website for guidance.
22. The recipient hereby certifies that all project activities will comply with the tax-exempt bond provisions of the Internal Revenue Code and would not constitute a change in use or private activity.
23. For drinking water and sewerage projects, the recipient certifies that the proposed project is consistent with and is included in an approved water and sewerage area as outlined in the County Water and Sewerage Plan adopted by the County governing body pursuant to §9-501, et seq., of the Environment Article.
24. For grant under the "Sewerage Supplemental Assistance Program", the recipient agrees to adhere to the provisions of COMAR 26.03.08 - Water Pollution Control Fund Construction Financial Assistance Regulations.
25. For grant under the "Nutrient Removal Cost-Share Programs", the recipient agrees to adhere to the provisions of the cost-share agreement and contribute local match for each phase of the project accordingly.
26. For grant under the "Water Supply Financial Assistance Program", the recipient agrees to adhere to the provisions of COMAR 26.03.09 - Water Supply Construction Financial Assistance Regulations, to provide salvage rights by the State upon default by the recipient and contribute at least 12.5% of the total eligible project cost as local match. Unless waived by the Department, all costs exceeding 5% of the original total grant/loan award or costs not authorized by the Department are the responsibility of the recipient. The Department may void the grant if construction has not commenced within 6 months of the award for construction and the recipient agrees to repay all funds with interest.
27. For grant under the "Energy-Water Infrastructure Program," the recipient shall comply with the program guidance provided and any regulations promulgated by the Department.
28. For grant under the Bay Restoration Fund Act, the recipient shall be required to comply with Subtitle 16 of Title 9 of the Environment Article of the Annotated Code of Maryland as applicable, regulations under COMAR 26-03-13, and any applicable bond resolutions.
29. For grant under the Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund, the recipient is required to comply with Subtitle 16 of Title 9 of the Environment Article of the Annotated Code of Maryland as applicable, and any regulations and directives promulgated thereafter.
30. At the completion of the construction of the project, the recipient agrees to submit, if appropriate to the project, a set of "as built" drawings certified by a professional engineer or a soil conservation district engineer.
31. The recipient agrees to submit a final claim for reimbursement of costs within sixty days of the Department's final inspection of the project.
32. The recipient agrees that the Department may deny any request for funds if the recipient fails to comply with any of the above conditions of financial assistance award.
33. The recipient agrees that the State Board of Public Works may terminate financial assistance upon the recommendation of the Department if the Department determines in its discretion that there is:
 - a. failure to perform without good cause; or
 - b. gross abuse or corrupt practices in the administration of the project; or
 - c. poor, non-standard, or unsafe construction procedures; or
 - d. failure to comply with any of the conditions of grant award or applicable State laws, regulations, or Departmental policies; or
 - e. failure to adhere with the approved project schedule.
34. The recipient agrees to repay the State (with interest, based on current bond rate and assessed from the date the said funds were received), on demand, any funds received that were misapplied (i.e., not expended in accordance with the terms of these conditions of grant award or applicable State laws, regulations and Departmental policies). In the event that the recipient fails to refund upon demand any misapplied funds, the State shall have the right to offset or withhold any funds in the possession of any State agency (that may be due to the recipient) in an amount equal to the misapplied funds plus interest.
35. The recipient agrees to return, within 30 days of a written request by the Department, any excess funds received (i.e., total funding received from several funding sources exceeds 100% of project costs). In the event that the recipient fails to refund upon demand any excess funds released by the State, the State shall have the right to offset or withhold any funds in the possession of any State agency (that may be due to the recipient) in an amount equal to the overpayment.
36. The recipient agrees to repay the State, immediately upon demand, the depreciated value (on a straight line basis) of the State grant, if the project assets are sold by a public entity or non-profit entity, to a for-profit entity anytime within 20-years of project completion.

I certify that the information provided with the financial assistance application is true to the best of my knowledge and agree to comply with the above Conditions of MDE Grant Award.

Signature of Recipient's Authorized Representative

Date

Attested by: _____
(Name and Title)

Date: _____

1
2
3 **RESOLUTION NO. 2643**

4 A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND AUTHORIZING
5 THE MAYOR TO ENTER INTO A CONTRACT WITH THE MARYLAND DEPARTMENT
6 OF THE ENVIRONMENT MARYLAND WATER QUALITY FINANCING
7 ADMINISTRATION FOR THE PURPOSE OF EXPENDING FY17 ENERGY WATER
8 INFRASTRUCTURE PROGRAM GRANT FUNDS IN THE AMOUNT OF \$132,000 FOR
9 REPLACEMENT OF THE HIGH SERVICE PUMPS AT THE SALISBURY PARK WATER
10 TREATMENT PLANT.

11 WHEREAS, the City of Salisbury applied for funds through the Maryland Department of
12 the Environment Maryland Water Quality Financing Administration FY17 Energy Water
13 Infrastructure Program; and

14
15 WHEREAS, the Maryland Department of the Environment has awarded the City of
16 Salisbury funds in the amount of \$132,000; and

17
18 WHEREAS, these funds shall be used to fund the replacement of the High Service
19 Pumps at the Salisbury Park Water Treatment Plant; and

20
21 WHEREAS, the City of Salisbury must enter into a grant agreement with the Maryland
22 Department of the Environment defining how these funds must be expended; and

23
24 WHEREAS, § 7-29 of the Salisbury City Charter forbids the Mayor from entering into a
25 contract that requires an expenditure not appropriated or authorized by the City Council; and

26
27 WHEREAS, appropriations necessary to execute the purpose of this grant must be made
28 upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City
29 of Salisbury;

30
31 NOW, THEREFORE BE IT RESOLVED THAT, the Council of the City of Salisbury,
32 Maryland does hereby appropriate the necessary funds and authorize Mayor Jacob R. Day to
33 enter into a grant agreement with the Maryland Department of the Environment and expend the
34 awarded funds accordingly.

35
36 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
37 Council of the City of Salisbury, Maryland held on _____, 2016, and is to become
38 effective immediately.

39
40 ATTEST:

41
42
43 _____
44 Kimberly R. Nichols
45 CITY CLERK

46 _____
John R. Heath
CITY COUNCIL PRESIDENT

47
48
49
50
51
52
53
54

APPROVED BY ME this _____ day of _____, 2016.

Jacob R. Day
MAYOR



City of
Salisbury
Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller, Asst. Director of Internal Services – Procurement & Parking
Date: July 11, 2016
Subject: Award of Bids/Surplus Request Agenda

| <u>Item & Description</u> | <u>Amount</u> |
|---|---------------|
| 1. Change Order #3 to Contract 111-15 Design/Build New Fire Station #2 | \$8,299.00 |
| 2. "Surplus" request 2000 GMC Bucket Truck (Public Works) | \$ 0.00 |



City of
Salisbury
Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller, Asst. Director of Internal Services – Procurement & Parking
Date: July 11, 2016
Subject: Declaration of Surplus – 2000 GMC Bucket Truck

The Procurement Division received a request from the Salisbury Public Works Department to declare a 2000 GMC Versalift Bucket Truck as surplus. This vehicle is over 15 years old, has over 86,000 miles on the odometer and is in poor condition. A new bucket truck was purchased in January 2016 from Western Star Trucks of Delmarva (approved by City Council on January 11), with an expected delivery date of Sept/Oct 2016. The current bucket truck will be used as a trade-in towards the purchase price of the new truck. The pre-negotiated trade-in price was approximately \$12,000. At this time, the Procurement Department seeks Council approval to declare said item “surplus” so that we may proceed with the trade-in and purchase of the new truck.

Thank you,

Jennifer Miller
Assistant Director of Internal Services-Procurement & Parking



City of
Salisbury
Jacob R. Day, Mayor

To: Jennifer Miller, Assistant Director of Internal Services – Procurement & Parking
From: Michael S. Moulds, P.E., Director of Public Works
Date: June 27, 2016
Re: Surplus Vehicle – Bucket Truck

Salisbury Public Works is recommending that the City declare the 2000 GMC Bucket Truck as surplus. A new bucket truck was budgeted and purchased in the FY16 budget. The existing truck is in poor condition and will be traded in once the new truck arrives. The trade-in price was negotiated with the purchase price of the new truck per the Award of Bids on January 11, 2016.

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

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



*From the Office
of the
Fire Chief*

Date: 05 July 2016

To: Jennifer Miller, Assistant Director of Internal Services-Parking & Procurement

A handwritten signature in blue ink, appearing to be "RH", located to the left of the "From:" field.

From: Richard A. Hoppes, Chief of the Department

Subject: Fire Station # 2 Change Order

Change Order #3 is for design changes determined during the initial phase of design and construction of Fire Station 2. There are six areas of increased costs and two areas for project scheduling for additional days due to weather and permanent power connection delays. The net effect is an increase of \$8,288.00. Itemized changes are included with this memo.

Please process Change Order # 3 for contract increase of \$8,288.00.



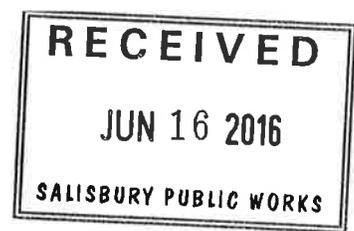
City of
Salisbury
Jacob R. Day, Mayor

To: Tom Stevenson, City Administrator
From: Michael Moulds, Director of Public Works *MM*
Date: June 16, 2016
Re: Donation – Salisbury’s Public Cemetery Sign

The Friends of Poplar Hill Mansion would like to donate an informational sign for Salisbury’s Public Cemetery to the City of Salisbury per the attached letter dated June 14, 2016. The sign will be placed at the cemetery on Commerce Street and will benefit both visitors and residents of the City.

Attached is a Resolution for consideration to accept the Salisbury’s Public Cemetery sign donation from the Friends of Poplar Hill Mansion at a value of \$745.00.

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



Ben Smith
402 Ethels Way
Salisbury, MD 21804

June 14, 2016

Michael S. Moulds, PE
Director of Public Works
City of Salisbury
125 N. Division Street
Salisbury, MD 21801

Dear Mr. Michael Moulds,

I'm writing to request approval to donate the funding for the Cemetery Sign at the Potter's Field on Commerce Street in Salisbury, MD. The value of the donation is approximately \$745. I believe the sign will preserve the history of our community.

Please contact me if you have any questions or concerns. Thank you for the consideration.

Respectfully,

A handwritten signature in cursive script that reads "Ben Smith".

Ben Smith
Life Scout
Troop 817

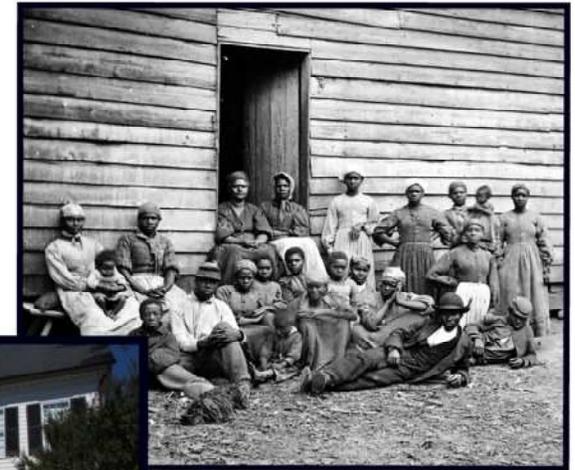
Salisbury's Public Cemetery

What is a Potter's Field?

This cemetery is also known as the Potter's Field, which would have been used for the burial of people who could not necessarily afford plots in private or church cemeteries. This sacred ground was conveyed to our city in 1841 by Sarah Huston, former owner of Poplar Hill Mansion, and dates as far back as the early 1700's.

Levin Huston

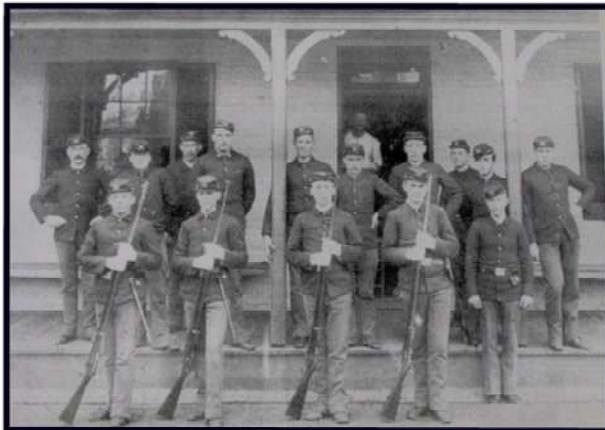
At final rest here are manumitted slaves of Poplar Hill Mansion including Levin Huston, born in 1794 and freed in 1829. He became a grocer and one of the wealthiest African-Americans in Salisbury. He purchased and manumitted his wife, Esther, and daughter, Eliza, from George Parsons in 1850 for a total of \$550.00. Levin was one of the founding members of the John Wesley M.E. Church (Chipman Center). In 1868, Levin wrote his last will and testament in which he gave all his property to his wife. After Esther's death in 1888, all remaining property was to be divided among his sons, Levin, John, Henry, and Saul (buried across the street), and his daughters Mary, Ann, and Eliza. Levin died in 1871 as one of the most well respected members of Salisbury's African-American community.



Mid 19th Century Group of Slaves
in front of Clapboard Building



Poplar Hill Mansion,
Salisbury, MD



Civil War Era Soldiers on the steps of Byrd's Tavern in Salisbury.
Photo Courtesy of the Wicomico Historical Society

Union Soldiers

Among those interred, in unmarked graves, are Union Soldiers from the Civil War sent to the Eastern Shore to keep peace and quell Confederate sympathies. It was not fighting that killed many of the soldiers, rather, disease claimed the lives of soldiers while stationed at Camp Upton in Salisbury. Fifty-one of those soldiers died of black measles and were buried here.



May the great contributions to this community and nation of the men and women buried here inspire us all.

1 RESOLUTION NO. 2644

2
3 A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND ACCEPTING A
4 DONATION OF AN INFORMATIONAL SIGN AT SALISBURY'S PUBLIC
5 CEMETERY ON COMMERCE STREET FROM THE FRIENDS OF POPLAR HILL
6 MANSION.

7
8 WHEREAS, the Council of the City of Salisbury supports the acceptance of
9 donations at public facilities; and

10
11 WHEREAS, the Friends of Poplar Hill Mansion would like to donate to the City a
12 an informational sign explaining the history and significance of the Public Cemetery; and

13
14 WHEREAS, the informational sign will be located on the cemetery property on
15 Commerce Street.

16
17 NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury,
18 Maryland does hereby accept the donation of an informational sign valued at a maximum of
19 approximately \$745.00.

20
21 THIS RESOLUTION was introduced and duly passed at a meeting of the Council
22 of the City of Salisbury, Maryland held on _____, 2016 and is to become effective
23 immediately upon adoption.

24
25 ATTEST:

26
27
28 _____
29 Kimberly R. Nichols
30 CITY CLERK

John R. Heath
PRESIDENT, City Council

31
32
33 APPROVED by me this _____ day of _____, 2016

34
35
36 _____
37 Jacob R. Day
38 MAYOR, City of Salisbury



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



JACOB R. DAY
MAYOR

BOB CULVER
COUNTY EXECUTIVE

TOM STEVENSON
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

May 25, 2016

TO: Tom Stevenson, City Administrator
FROM: John F. Lenox, AICP, Director, Salisbury/Wicomico Planning & Zoning 
SUBJECT: **PUBLIC HEARING – Text Amendment – To amend the parking provisions of the Riverfront Redevelopment Multi-Use District #2 – Planning Commission Recommendation**

I. INTRODUCTION.

On May 19, 2016, the Salisbury Planning Commission held a public hearing on a request by Mayor Jacob R. Day for the above-noted text amendment relative to the parking provisions of Riverfront Redevelopment Multi-Use District #2. (See Attachment A.)

II. RECOMMENDATION.

The Salisbury Planning Commission forwarded a **Favorable** recommendation to the Mayor and Council for the proposed amendment.

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

III. BACKGROUND.

The Commission noted that Riverfront Redevelopment Multiuse District #2 (RRMU2) is located on the west side of the Wicomico River with road frontage along Fitzwater Street. As shown in Attachment #3 of the Staff Report, the entirety of the Riverfront Redevelopment District #2 is located within the currently established City Parking District. The proposed Zoning Amendment would include language in the District Development Regulations to mirror that which has been successfully applied in the Central Business District.

The stated purpose of this District is “to promote the development and redevelopment of lands along the Wicomico River south of West Main Street with a mixture of uses and activities which are either dependent upon or appropriate to the waterfront”. It is further intended to “complement and strengthen the function of the waterfront with certain recreation, shopping, business and residential uses”. A Certificate of Design and Site Plan Approval from the Planning & Zoning Commission is required for all new development.

Attachments



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



JACOB R. DAY
MAYOR

BOB CULVER
COUNTY EXECUTIVE

TOM STEVENSON
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

STAFF REPORT

MEETING OF MAY 19, 2016

CASE NO.: #SP-1605

APPLICANT: Mayor Jacob R. Day

REQUEST: **PUBLIC HEARING – Text Amendment - To amend Section 17.105.040.D - to amend the parking provisions in the Riverfront Redevelopment Multi-Use District #2.**

I. REQUEST:

Mayor Jake Day has submitted a request to amend the text of the Riverfront Redevelopment Multi-Use District #2. Specifically, it is proposed to amend the on-site parking requirements so as to be consistent with those for the adjacent Central Business District.

The Code currently requires the following regarding parking in the RRMU District #2:

17.105.040 Development Standards.

Minimum standards for development in the Riverfront Redevelopment Multi-use District shall be as follows:

D. Parking. Parking shall be provided in accordance with Chapter 17.196.

It is proposed to mirror the language of the Central Business District by adding to Paragraph D the following phrase:

“... except where governed by the established parking tax district regulations.”

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

II. BACKGROUND:

The Riverfront Redevelopment Multiuse District #2 (RRMU2) is located on the west side of the Wicomico River with road frontage along Fitzwater Street (Attachment #1). This District contains well established private uses including Chesapeake Marine and the River's Edge Apartments. It also includes the City Marina, two municipally owned and operated parking lots, and an undeveloped City parcel abutting the Marina and the parking lot (Attachment #2). The City is currently in an Exclusive Negotiating Period with a potential developer for the undeveloped parcel.

The stated purpose of this District is "to promote the development and redevelopment of lands along the Wicomico River south of West Main Street with a mixture of uses and activities which are either dependent upon or appropriate to the waterfront". It is further intended to "complement and strengthen the function of the waterfront with certain recreation, shopping, business and residential uses". A Certificate of Design and Site Plan Approval from the Planning & Zoning Commission is required for all new development.

Immediately adjacent to this District is the Brew River Restaurant, located just across the boundary of the Central Business District (CBD). The Commission granted approval to Brew River on August 19, 1999. This approval capitalized upon the riverfront location, adjacency to the Riverwalk, and availability of the shared parking at the municipal facility. These plans were all subject to the negotiated Land Disposition Agreement transferring property from the City to the developer.

Strict adherence to standard zoning parcel-by-parcel parking requirements was not an issue with Brew River as the CBD code contains exception language for properties otherwise located within an "established parking tax district". Section 10.20 of City Code establishes a Parking District in a defined area in and adjacent to Downtown, to enable the acquisition, development, and maintenance of common City Parking Facilities (Attachment #3).

As shown, the entirety of the Riverfront Redevelopment District #2 is located within the currently established City Parking District. The proposed Zoning Amendment would include language in the District Development Regulations to mirror that which has been successfully applied in the Central Business District.

III. DISCUSSION:

The remaining undeveloped land within the Riverfront Redevelopment District is owned by the City of Salisbury. The transfer and/or private development of City property requires a contract approved by the Mayor and Council in the form of a Land Disposition Agreement. This is the same process followed earlier with the successful Brew River development. The Land Disposition process provides assurance that support amenities will be provided, appropriate to the use in the specific location.

IV. RECOMMENDATION:

It is recommended that the Commission forward a **Favorable** recommendation to the Mayor and Council regarding the proposed Zoning Text amendment. The concept of shared parking is well established in portions of the downtown and riverfront, and is specifically consistent

with the intent and purpose of this particular District. Shared parking enables the most efficient development of properties connected by common vehicular and boat access, sidewalks, the Riverwalk, and open space. All such plans would continue to require approval of a Certificate of Design and Site Plan Approval from the Planning & Zoning Commission, as well as the Mayor and Council through the Land Disposition Agreement.

COORDINATOR: Jack Lenox
DATE: May 19, 2016

CITY OF SALISBURY

Salisbury Zoning

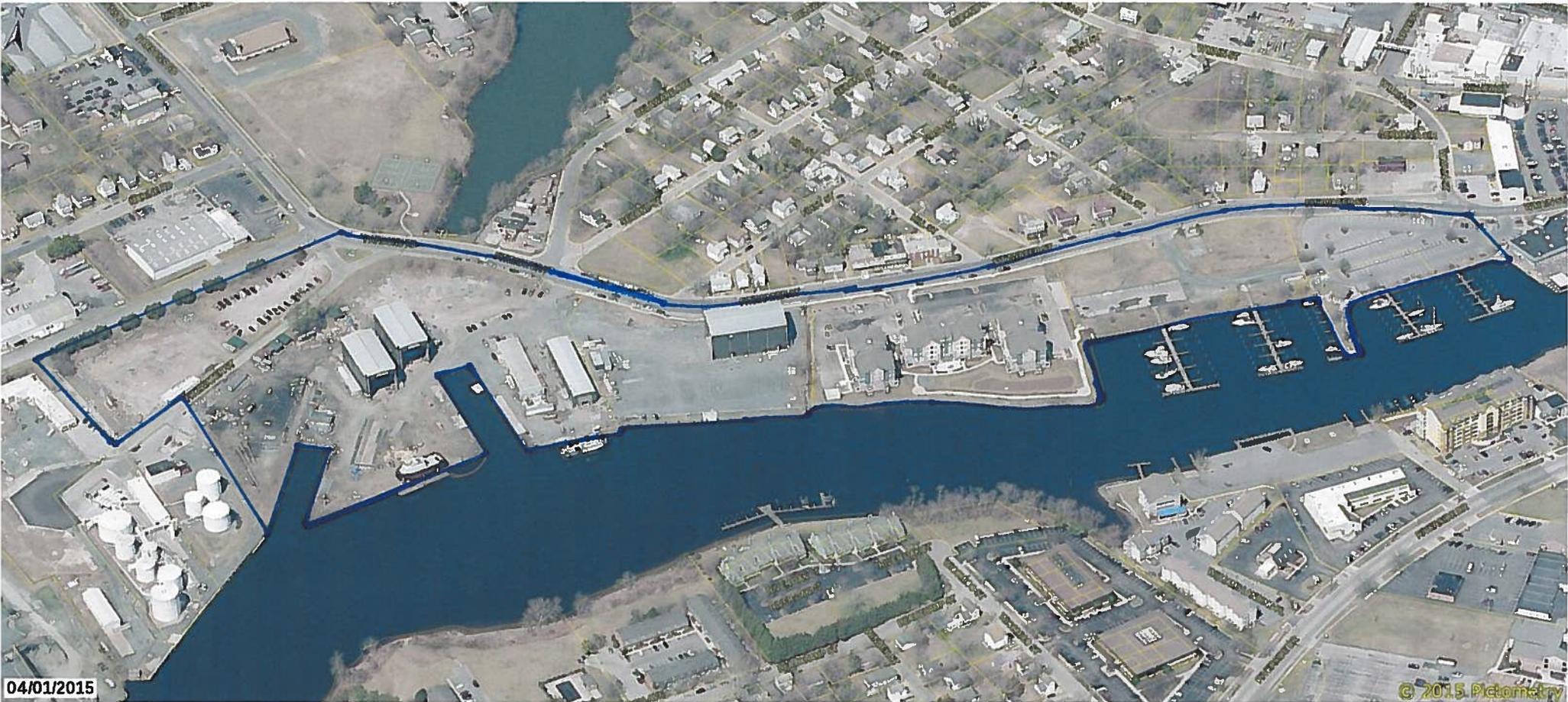


- Paleochannel
- Wethead Protection Area
- Streams
- Water Bodies
- Street Numbers
- Municipal Areas
- CAD
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 - Mardela
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 - Ind Park
 - L Ind
 - Neighborhood Business
 - OSH
 - OSR
 - PDD
 - PRD
 - R - 5
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 - R - 10
 - R - 10 A
 - Riverfront Redevelopment
- Street Centerlines

Attachment #1

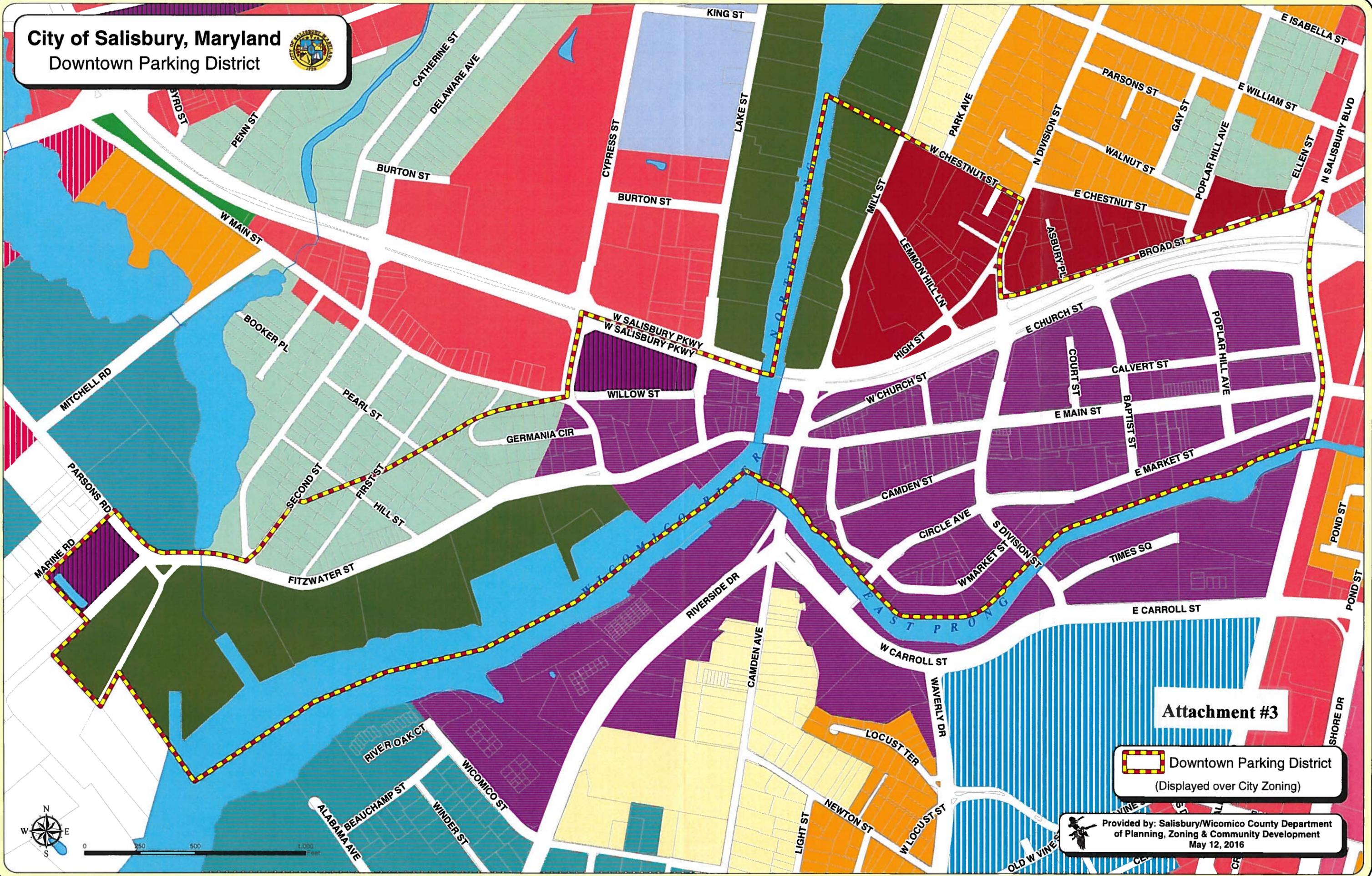
102 ft

RRMU #2 Zoning District



Attachment #2

City of Salisbury, Maryland
Downtown Parking District



Attachment #3

 Downtown Parking District
(Displayed over City Zoning)

Provided by: Salisbury/Wicomico County Department
of Planning, Zoning & Community Development
May 12, 2016

City of Salisbury



ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING OF THE SALISBURY MUNICIPAL CODE AND SECTION 4.04 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND FOR THE PURPOSE OF AMENDING SECTION 17.105.040.D, DEVELOPMENT STANDARDS IN THE RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #2

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

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

WHEREAS, Mayor Jacob R. Day submitted a request to amend the text of Section 17.105.040.D Development Standards in the Riverfront Redevelopment Multi-Use District #2 to appropriately recognize its inclusion in the established Parking Tax District; and

WHEREAS, a Public Hearing on the proposed amendment was held by the Planning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on May 19, 2016; and

WHEREAS, the Planning Commission did recommend approval of the proposed text amendment to Section 17.105.040.D.

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

AMEND SECTION 17.105.040.D, DEVELOPMENT STANDARDS, BY ADDING THE FOLLOWING:

- D. **Parking.** Parking shall be provided in accordance with Chapter 17.196, **EXCEPT WHERE GOVERNED BY THE ESTABLISHED PARKING TAX DISTRICT REGULATIONS.**

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

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the ____ day of _____, 2016, and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the ____ day of _____, 2016.

ATTEST:

Kim Nichols
City Clerk

John “Jack” Heath, President
Salisbury City Council

Approved by me this
____ day of _____, 2016.

Jacob R. Day
Mayor of the City of Salisbury

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

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the 13 day of June, 2016, and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the ____ day of _____, 2016.

ATTEST:

Kimberly R. Nichols
City Clerk

John R. Heath, President
Salisbury City Council

Approved by me this
____ day of _____, 2016.

Jacob R. Day
Mayor of the City of Salisbury



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



JACOB R. DAY
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

To: Julia Glanz
Assistant City Administrator

From: John F. Lenox
Planning Director

Date: June 8, 2016

Re: Zoning Text Amendment – Nick Simpson/Office and Service residential

At the work session of June 6, 2016, the City Council reviewed the proposal of Mr. Nick Simpson of First Move Properties, LLC, to amend the Office and Service Residential Zoning District to include additional provisions relative to apartments. In summary, the amendment as submitted would have allowed up to five additional units as a permitted use. The recommendation of the Planning & Zoning Commission included language that would have provided for up to four units by Special Exception.

It was the consensus of the Council to proceed with introduction of the Legislation, and a Public Hearing at Second Reading. The subject of this consideration would be the less restrictive version as originally proposed by Mr. Simpson.

Please advise if any additional information is needed at this time.

Thank you.



City of Salisbury – Wicomico County

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R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

April 28, 2016

TO: Tom Stevenson, City Administrator

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

SUBJECT: PUBLIC HEARING – Text Amendment - Office and Service Residential District – To Add Apartments, up to five units - Planning Commission Recommendation

I. INTRODUCTION.

On April 21, 2016, the Salisbury Planning Commission held a public hearing on a request by Nick Simpson of First Move Properties, LLC for the above-noted text amendment relative to Apartments in the Office and Service Residential Districts. **(See Attachment A.)**

II. RECOMMENDATION.

The Salisbury Planning Commission forwarded an **Unfavorable** recommendation to the Mayor and Council for the proposed amendment that would permit up to five apartment units in the Office and Service Residential Districts, as submitted.

After further discussion by the Commission on the proposed amendment, the Commission forwarded a **Favorable** recommendation to the Mayor and City Council for adoption of an alternate amendment as included in the attached draft Ordinance. **(See Attachment B.)**

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

III. BACKGROUND.

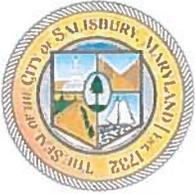
The Commission noted that there are a number of nonconforming apartments in the area, and the timing is appropriate to amend the Code to match market reality. It was noted that there is considerable vacant office space in the City at this time, including a number of vacant offices in the immediate area of the applicant's property.

The Purpose section of the Office and Service Residential District recognizes areas of the City where there is a mixture of office uses, service uses, and residential structures. These areas may also serve as a transition from single-family residential to the commercial areas. Retail sales with high traffic volumes or late hours are not permitted.

However, the Commission discussed the Code requirements for apartments. To assure compliance with parking and density requirements, the Commission recommends that Apartments, up to four (4) units, be added to the Office and Service Residential District as a use permitted by Special Exception, and submission of a Site Plan for approval by the Commission be required.

If approved as recommended by the Commission, each request will require a public hearing before the Salisbury Board of Zoning Appeals as well as Commission approval of the Site Plan. Through the Board of Zoning Appeals process, requests are considered on a case-by-case basis for compliance with Code requirements and impact on the adjoining properties or neighborhood.

Attachments



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

P.O. BOX 870

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COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

STAFF REPORT

MEETING OF APRIL 21, 2016

CASE NO.: #SP-1602

APPLICANT: Nick Simpson, First Move Properties, LLC

REQUEST: **PUBLIC HEARING – Text Amendment - To amend Section 17.84.020 to add Apartments, up to five units, in the Office and Service Residential District.**

I. REQUEST:

Mr. Nick Simpson of First Move Properties, LLC, has submitted a request to amend the text of the Office and Service Residential District. Specifically, he proposes the addition of “Apartments, up to five units” in the District. **(See Attachment #1.)**

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

II. DISCUSSION:

The applicant and his partner have purchased the property at 220 North Division Street. The structure suffered fire damage in August 2014 and has been vacant since that time. The applicant proposes rehabilitation of the structure for four (4) apartment units.

The Purpose section of the Office and Service Residential District recognizes areas of the City where there is a mixture of office uses, service uses, and residential structures. In a number of cases, the office use may be on the first floor with an apartment on the upper floor. Special development standards are designed to protect the residential uses. These areas may also serve as a transition from residential to the commercial areas. Retail sales with high traffic volumes or late hours are not permitted.

The Comprehensive Plan designates this area for commercial development and notes that the district provides a basis for establishing standards for protecting existing and potential residential uses while providing a transition area between established neighborhoods and non-residential uses.

There are four Office and Service Residential Districts in the City. The largest district includes this property and is bordered by Broad Street and W. Salisbury Parkway, Mill Street, West Chestnut Street and East Chestnut Street over to and including the Chipman Cultural Center. Within this area are the John B. Parsons Home, several churches, several parking lots, the Boundless Playground and a mixture of office and residential uses. **(See Attachment #3.)**

The next largest OSR District is at the corner of Davis and East William Street extending eastward along East William and crossing East Salisbury Parkway to include the U.S. Post Office. **(See Attachment #4.)**

There is an Office and Service Residential District on Robert Street where the former Tiny Tot Nursery School was located. That property is now owned by the Board of Education. **(See Attachment #5.)**

The fourth OSR District is located between Hanson and Register Streets and extends south to Pinehurst Avenue including Cynthia Place. **(See Attachment #6.)**

III. BACKGROUND.

When the Zoning Code was adopted in 1983 and through 2002, the Office and Service Residential District permitted Apartment units within a building with an office or service use inherently. An Apartment building or project was permitted by Special Exception. In both cases, the Apartments had to comply with the requirements of Chapter 17.168, the development standards for apartments. **(See Attachment #7.)**

In 2002, the owners of Tiny Tot Nursery School requested a rezoning of their property to General Commercial. The Planning Staff and the Planning Commission recommended Office and Service Residential zoning. The Council denied the rezoning request. The decision was appealed to Circuit Court. The Court ruled that there was sufficient evidence to warrant the rezoning and remanded the matter to the Council with instruction to apply either General Commercial or Office and Service Residential zoning. The Council requested recommendations for modification of the text of the District. As a result, all special exception uses, and three uses permitted inherently: Apartments, Publicly Operated Buildings, and Schools of General Instruction, were deleted. **(See Attachment #8.)**

When the Code was amended in 2002, Section 17.168.030C.2 in the Apartment Standards was not amended or deleted. That Section requires the following for apartments in the Office and Service Residential District:

2. *Office and Service Residential District.*
 - a. *Apartment units are permitted in a building with a nonresidential use, provided that:*
 - i. *The lot has a minimum land area of nine thousand (9,000) square feet;*
 - ii. *The required parking area is provided for the nonresidential use;*
 - iii. *The number of units on the lot is based upon the lot containing additional land area of three hundred (300) square feet for each efficiency unit and six hundred (600) square feet for each unit having one or more bedrooms.*
 - b. *Apartment buildings and projects shall be at density requirements for R-5A.*

R-5A zoning permits 12 units per acre. However this subject site is only 10,251 sq. ft. (.235 acres). Under the requirements of the Apartment standards of the Code, this site would be allowed only two (2) units as it is less than one-quarter acre in size.

In addition, Section 17.196, Parking Standards, requires two parking spaces for each efficiency, one-bedroom or two-bedroom apartment created after November 2002. If the applicant had sufficient land area to create five apartment units, 10 parking spaces would need to be provided.

IV. PLANNING CONCERNS.

The Planning Staff spot-checked the size of properties in each of the Office and Service Residential zoning districts. Properties in the subject OSR district ranged from 5,460 sq. ft. to 10,251 sq. ft. In the remaining OSR districts, the larger properties ranged from 5,200 sq. ft. to 13,500 sq. ft. with the exception of the former Tiny Tot property, which is 1.08 acres in size.

The item that was deleted from the OSR district in 2002 read: *“Apartment units within a building with an office or service use, in accordance with Chapter 17.168.”* In reviewing the makeup of the existing OSR districts, Staff found that if the *“with an office or service use”* language were dropped, that many properties would be unable to meet the requirements of the apartment standards section to have more than two units. The small land area of many properties would not permit increased density and would not allow for provision of the required parking for the units. The Planning Commission would be asked to waive Code requirements to enable owners to rehabilitate or redevelop properties within the OSR districts.

V. RECOMMENDATION.

While residential use in the Office and Service Residential District is logical and even encouraged in the Purpose section of the District, other Code standards must be addressed such as density and parking. The applicant's particular property does not appear to support the number of units envisioned.

In addition, while the applicant is primarily concerned with the circumstances of an individual property, this proposed text amendment would apply to each of the four Office and Service Residential Districts in the City. Constraints similar to those of the targeted property are no doubt common elsewhere.

Staff recommends that the Commission forward an **UNFAVORABLE** recommendation to the Mayor and Council for the proposed amendment that would permit up to five apartment units in the Office and Service Residential Districts. Overcrowding of the land and creation of problematic conditions due to insufficient parking are of concern where the additional conversion of existing dwellings may be proposed.

COORDINATOR: Gloria Smith, Planner
DATE: April 14, 2016

March 21, 2016

From:
Nick Simpson
First Move Properties LLC
12306 Catoctin Spring Dr.
Mount Airy, MD 21771



To:
Salisbury-Wicomico County Planning Commission
Department of Building, Permits & Inspections Department
125 North Division St
Salisbury, MD 21801

Ref: Zoning Text Amendment Procedures

Respected Directors,

Greetings from Nick. My partner, Mr. Leonard Arvi Ph.D. & I purchased the property at 220 North Division Street, Salisbury, MD 21801 on August 6, 2015. This building was severely damaged in a fire on August 21, 2014 and since then has been uninhabited.

We intend not only restore this century old property but also meet the current building code standards including insulation, electric, plumbing, and fire safety systems (sprinklers). This is a challenging financial task and we have been diligently seeking financing options to reconstruct this property.

Based on the estimates for reconstruction, the property is only financially viable if we are able restore it into four apartments. The cash flows from such a structure will make the investment worthwhile and is essential in securing the financing needed. Restoring this property into office space is not financially possible. The numbers just don't work.

Current building code as of February 25, 2002, has the property at 220 North Division Street zoned as Office Service Residential District. This current zoning grandfather's current apartment buildings but inhibits the construction of new properties. Currently, four of the six closest properties to 220 North Division Street are fully occupied apartment buildings. The remaining two structures are vacant homes in need of extensive renovations. In fact, there are numerous clearly vacant properties along North Division Street in the residential neighborhoods.

Downtown Salisbury currently has a surplus of office space, yet the area lacks upscale residential options that are in high demand among working professionals. This would provide a work where you live, play where you live appeal to professionals in the revitalized downtown area. Attracting professionals to live downtown increases evening and weekend foot traffic leading to new business expansion. The higher property tax revenues generated by this restored property will also substantially support the City of Salisbury's continued revitalization plan. For the above reasons, we are requesting a change in permitted uses to Section 17.84.020 to include up to Five Unit Apartment Buildings and Assisted Living Facilities.

Overall, restoring this property into four upscale apartments will be net positive to us as investors, The City of Salisbury and meet the needs of the expanding downtown community

Thank you for your time and kind consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Simpson', with a stylized flourish extending to the right.

Nick Simpson

PURPOSE STATEMENT:

THE PURPOSE OF THIS EXISTING CONDITIONS EXHIBIT DRAWING IS TO SHOW THROUGH THE USE OF AERIAL PHOTOGRAPHY TAX MAP 107, PARCEL 999. SEE GENERAL NOTE #9.

GENERAL NOTES:

- CURRENT OWNER OF RECORD:**
FIRST MOVE PROPERTIES, LLC
317 GUNBY MILL ROAD
SALISBURY, MD. 21804
- CONTRACTOR:**
SIMPSON BUILDING ENTERPRISES (410-627-4592)
12306 CATOCHIN SPRING DRIVE
MOUNT AIRY, MD. 21771
- TAX MAP NO. 107, PARCEL 999
- PLAT REFERENCE: 4/41 (P. 993 & 994)
- DEED REFERENCE: 3885/157
- CURRENTLY ZONED: OFFICE-SERVICE RESIDENTIAL & NEWTOWN HISTORICAL DISTRICT OVERLAY (CITY OF SALISBURY)
- ALL FUTURE CONSTRUCTION SHALL CONFORM TO THE CITY OF SALISBURY ZONING CODE IN EFFECT AT THE TIME OF CONSTRUCTION.
- THIS SITE IS SERVED BY MUNICIPAL WATER & SEWERAGE SUPPLY.
- OUTLINE OF PARCEL 999 FOR PURPOSES OF THIS DRAWING IS BASED ON CURRENT TAX MAP INFORMATION PER MD. MERLIN ONLINE MAPPING RESOURCE, AERIAL PHOTOGRAPHY SUPPLIED BY MD. S.H.A. AND THROUGH ADJOINING PLATS OF RECORD.



EXISTING DWELLING ON PARCEL 956 CURRENTLY SERVING RESIDENTIAL UNITS (ASSESSED USE: RESIDENTIAL)

EXISTING DWELLING ON PARCEL 995 (ASSESSED USE: APARTMENTS)

EXISTING DWELLING CURRENTLY SERVING A SMALL BUSINESS/RESIDENTIAL UNITS ON PARCEL 996 (ASSESSED USE: COMMERCIAL)

EXISTING DWELLING ON PARCEL 997 FORMERLY SERVING A LAND SURVEYING FIRM, CURRENTLY VACANT (ASSESSED USE: COMMERCIAL)

EXISTING DWELLING ON PARCEL 998 CURRENTLY SERVING 4 APARTMENT UNITS (ASSESSED USE: COMMERCIAL)

EXISTING GARAGE

EXISTING PARKING AREA

EXISTING DWELLING

CITY OF SALISBURY MUNICIPAL PARKING ON PARCEL 994

ADJOINING PARKING LOT ON PARCEL 1000 WITH SPACES AVAILABLE



Attachment #2



**F. Douglas Jones
Surveying Associates**

939 Mount Hermon Road
P.O. BOX 2658
Salisbury, Maryland 21802-2658
Phone: 410-543-2615
Fax: 410-543-8859

**EXISTING CONDITIONS EXHIBIT
SIMPSON BUILDING ENTERPRISES**

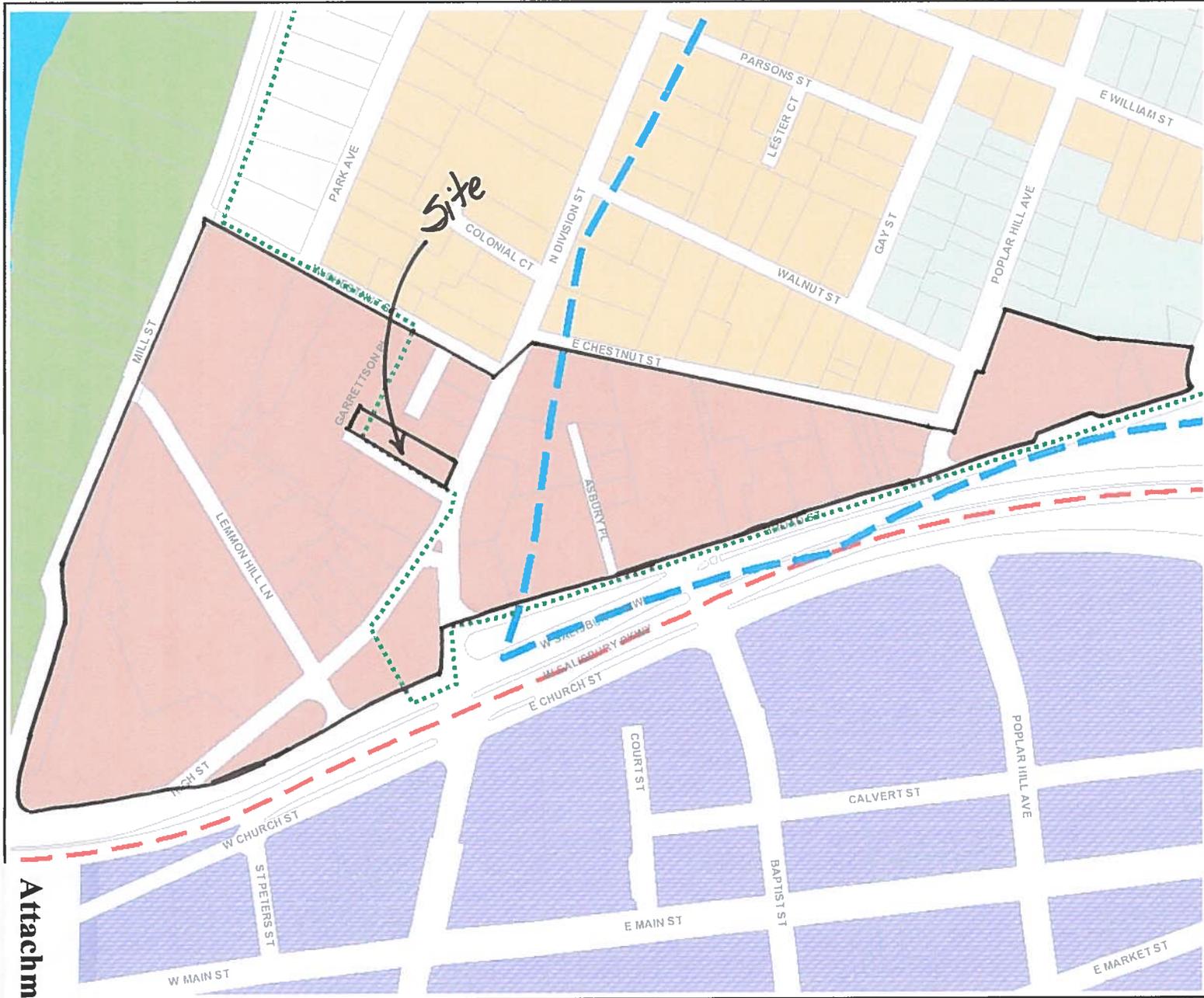
TAX MAP: 107, PARCEL 999
220 NORTH DIVISION STREET
CITY OF SALISBURY
SALISBURY ELECTION DISTRICT
WICOMICO COUNTY, MARYLAND

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| DATE: | DATE: 03/11/16 | DATE: 03/14/16 | SCALE: 1"=30' | |

CITY OF SALISBURY

Salisbury Zoning



- Paleochannel
- Wellhead Protection Area
- Streams
- Water Bodies
- Street Numbers
- Municipal Areas
 - CAD
 - Delmar
 - Fruiland
 - Hebron
 - Mardela
 - Pittsville
 - Salisbury
 - Sharptown
 - Willards
- Railroads
- Parcels
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- Historic Districts
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- Salisbury Zoning
- CITY_ZON

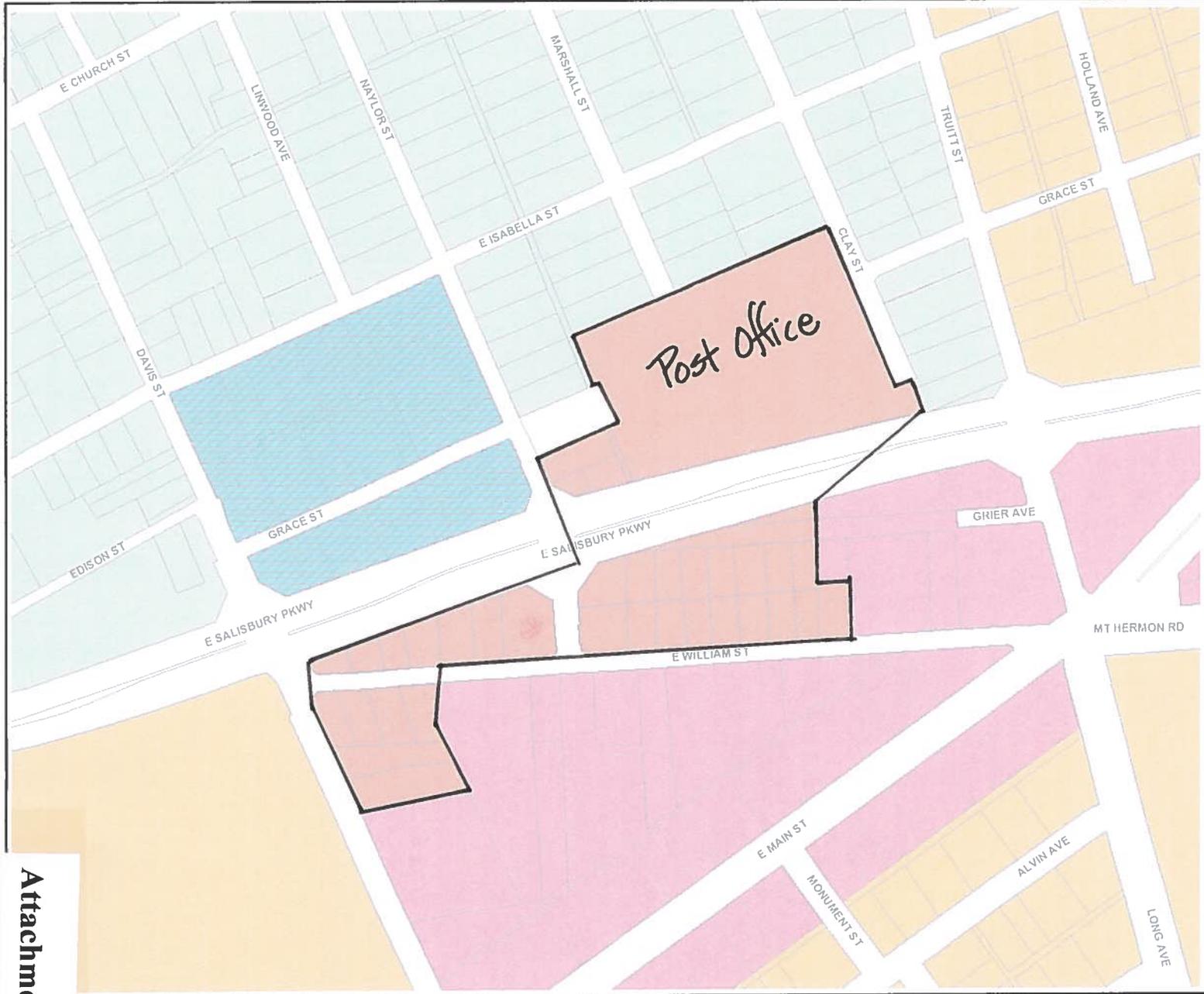
- College & University
 - Conservation
 - CBD
 - LBI
 - General Commercial
 - Reg Comm
 - MIUNR
 - Select Commercial
 - Hospital
 - Ind
 - Ind Park
 - L Ind
 - Neighborhood Business
 - OSH
 - OSR
 - PDD
 - PRD
 - R - 5
 - R - 5 A
 - R - 8
 - R - 8 A
 - R - 10
 - R - 10 A
 - Riverfront Redevelopment
- Street Centerlines

OSR District

Attachment #3

CITY OF SALISBURY

Salisbury Zoning



- Streams
- Water Bodies
- Street Numbers
- Municipal Areas
 - CAD
 - Delmar
 - Fruitland
 - Hebron
 - Mardela
 - Fittsville
 - Salisbury
 - Sharptown
 - Willards
- Railroads
- Parcels
- Critical Area
- Historic Districts
 - Dist_Name
 - Camden Historic District
 - Downtown Historic District
 - Newtown Historic District
- Salisbury Zoning
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 - Ind
 - Ind Park
 - L Ind
 - Neighborhood Business
 - OSH
 - OSR
 - PDD
 - PRD
 - R - 5
 - R - 5 A
 - R - 8
 - R - 8 A
 - R - 10
 - R - 10 A
 - Riverfront Redevelopment
- Street Centerlines

Post Office

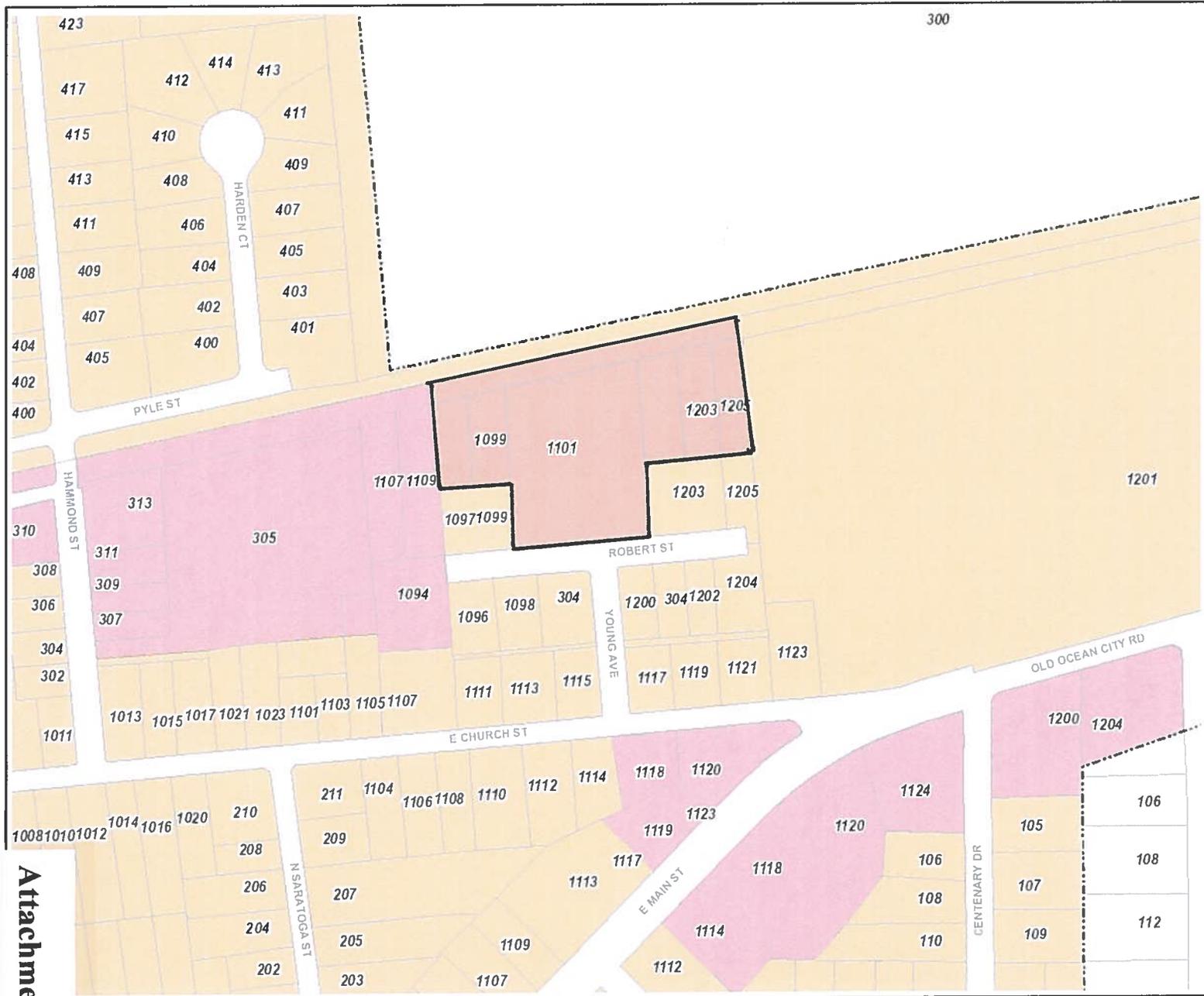
OSR District

Attachment #4

82 ft

CITY OF SALISBURY

Salisbury Zoning



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

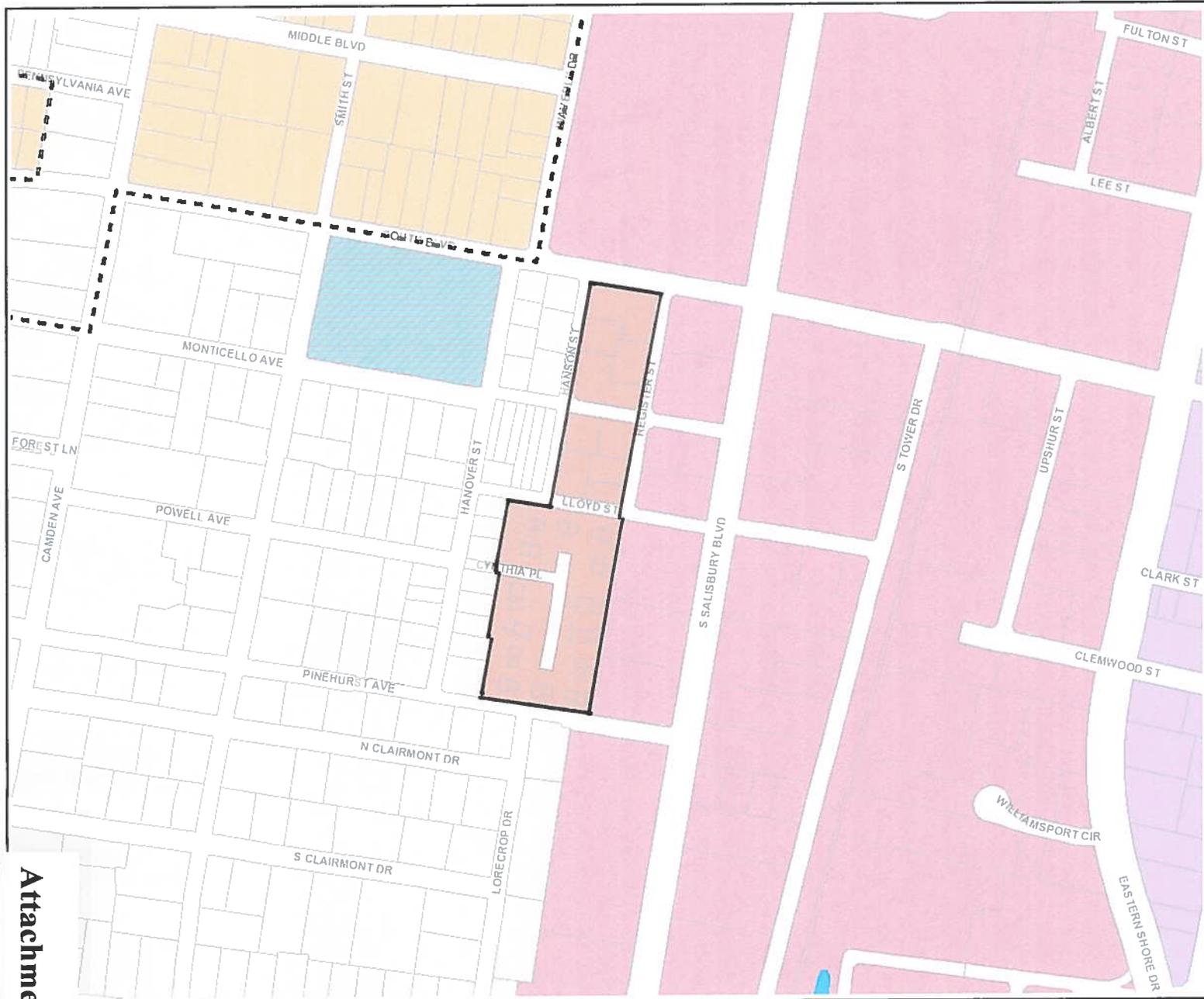
Attachment #5

66 ft

OSR District

CITY OF SALISBURY

Salisbury Zoning



- Streams
- Water Bodies
- Street Numbers
- Municipal Areas
- CAD
 - Delmar
 - Fruitland
 - Hebron
 - Mardela
 - Pittsville
 - Salisbury
 - Sharptown
 - Willards
- Railroads
- Parcels
- Critical Area
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 - Dist_Name
 - Camden Historic District
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 - General Commercial
 - Reg Comm
 - MUNR
 - Select Commercial
 - Hospital
 - Ind
 - Ind Park
 - L Ind
 - Neighborhood Business
 - OSH
 - OSR
 - FDD
 - PRD
 - R - 5
 - R - 5 A
 - R - 8
 - R - 8 A
 - R - 10
 - R - 10 A
 - Riverfront Redevelopment
- Street Centerlines

Attachment #6

107 ft

OSR District

Chapter 17.84

(1989 Version)

OFFICE AND SERVICE RESIDENTIAL DISTRICT

Sections:

- 17.84.010 Purpose.**
- 17.84.020 Permitted uses.**
- 17.84.030 Uses permitted by special exception.**
- 17.84.040 Uses permitted by ordinance permit.**
- 17.84.050 Accessory uses and structures.**
- 17.84.060 Development standards.**

17.84.010 Purpose.

The purpose of the office and service residential district is to recognize those areas of the city where there exists a mixture of office, service and residential use and to foster the continuance of these uses with special development standards designed to protect residential use within and adjoining these districts from any possible adverse effect from nonresidential uses. These districts are generally located close to the central business district along collector streets in older established residential areas or between residential and strip commercial areas. Retail sales with high traffic volumes, late hours of operation, noise, odor and other detrimental influences affecting residential use are not permitted within these districts. Uses are limited to business and professional offices, most of which are conducted within the existing large older residential structures; public buildings and churches; and other service-type uses. The office and service residential district provides for a gradual transition of use from commercial development in the central business district to the residentially developed areas along collector streets extending outward from the central business district and as a transition from the heavily developed strip commercial along Route 13 to the older residential areas. The following uses, referenced standards and area regulations have been developed based upon this purpose, which is in accord with findings and recommendations of the city's adopted land use element of the metro core comprehensive plan. (Prior code Section 150-33)

17.84.020 Permitted uses.

Permitted uses shall be as follows:

- A. Apartment units within a building with an office or service use, in accordance with Chapter 17.168;
- B. Care home;
- C. Church or other place of worship, in accordance with Chapter 17.220, excluding vehicle storage and maintenance;
- D. Day-care facilities for the elderly and handicapped;
- E. Dwellings:
 - 1. Single-family,

- 2. Two-family, in accordance with Chapter 17.220.
- F. Group domiciliary care facility;
- G. Hairdresser shop;
- H. Office(s);
- I. Police station;
- J. Publicly operated buildings and uses of a recreational, cultural, educational, social or utility nature;
- K. School of general instruction, in accordance with Chapter 17.220;
- L. Specialty shop;
- M. Studio;
- N. Travel agency. (Prior code Section 150-34)

17.84.030 Uses permitted by special exception.

Uses permitted by special exception shall be as follows:

- A. Apartment building or project in accordance with Chapter 17.168;
- B. Printing and reproduction shop not to exceed two thousand (2,000) square feet of floor area. (Prior code Section 150-35)

17.84.040 Uses permitted by ordinance permit.

Uses permitted by ordinance permit shall be as follows:

- A. Day-care center or nursery school in accordance with Chapter 17.220;
- B. Utility substation in accordance with Chapter 17.220. (Prior code Section 150-36)

17.84.050 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Cloister or clerical housing on the same property with a church or other place of worship;
- B. Family day-care home;
- C. Home occupation;
- D. Private garages and other accessory uses normally associated with residential use, such as, but not limited to, detached home workshop, swimming pool, cabana, greenhouse, private studio and boathouse, all of which shall be incidental to the use of the property as a residence;
- E. Storage of recreational vehicles and boats on residential lots, limited to two in any combination, in back of the front building setback line where such recreational vehicles and boats are for the use and enjoyment by the residents thereon;

- F. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;
- G. Day-care services for employees or patrons of an office or service use. (Prior code Section 150-37)

17.84.060 Development standards.

Development standards for the office and service residential district shall be as follows:

- A. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum requirements:
 - 1. Lot area: six thousand (6,000) square feet;
 - 2. Interior lot area: sixty (60) feet;
 - 3. Corner lot width: seventy-five (75) feet.
- B. Minimum yard requirements shall be as follows:
 - 1. Front: twenty-five (25) feet;
 - 2. Rear: thirty (30) feet;
 - 3. Side: ten feet; two required;
 - 4. Corner, side: twenty-five (25) feet.
- C. The height limitation shall be forty (40) feet.
- D. Parking shall be provided in accordance with Chapter 17.196, except where governed by established parking tax district regulations. All parking lots, excluding parking lots for one-and two-family residences, shall be covered with a dust-free material and be located between the front building line and the rear line. No equipment used in the conduct of a business shall be parked or stored on a lot, and no outside storage of trucks or vans used in the conduct of a business shall be permitted on a lot.
- E. No accessory building shall be constructed less than five feet from a rear or interior side property line or twenty-five (25) feet from a side corner lot line.
- F. Lighting. Lighting shall be designed so as not to throw a glare onto surrounding properties. Show or display windows shall not be lighted, and flashing lights are prohibited.
- G. Signs. See Chapter 17.216.
- H. Landscaping and screening. See Chapter 17.220. In addition to the requirements of Chapter 17.220, the following shall be required:
 - 1. All areas not devoted to building or required parking areas shall be landscaped as defined in Section 17.04.120 and maintained in accordance with Chapter 17.220.

- I. Any new building or renovation to an existing building shall be architecturally compatible with existing residences. (Prior code Section 150-38)

Chapter 17.84
(As Amended 2/25/02 – Ord. No. 1838)

OFFICE AND SERVICE RESIDENTIAL DISTRICT

Sections:

- 17.84.010 Purpose.**
- 17.84.020 Permitted uses.**
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- G. Signs. See Chapter 17.216.
- H. Landscaping and screening. See Chapter 17.220. In addition to the requirements of Chapter 17.220, the following shall be required:
1. All areas not devoted to building or required parking areas shall be landscaped as defined in Section 17.04.120 and maintained in accordance with Chapter 17.220.
- I. Any new building or renovation to an existing building shall be architecturally compatible with existing residences. (Prior code Section 150-38)



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



JACOB R. DAY
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING OF THE SALISBURY MUNICIPAL CODE AND SECTION 4.04 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND FOR THE PURPOSE OF AMENDING SECTION 17.84.020 TO ADD APARTMENTS, UP TO FOUR UNITS, IN THE OFFICE AND SERVICE RESIDENTIAL DISTRICT.

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

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

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

WHEREAS, Nick Simpson, First Move Properties, LLC submitted an application to amend the text of Section 17.84.020 to add Apartments, up to four units, in the Office and Service Residential District; and

WHEREAS, a Public Hearing on the proposed amendment was held by the Planning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on April 21, 2016; and

WHEREAS, the Planning Commission did recommend approval of a modified text amendment to Section 17.84.

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

AMEND SECTION 17.84 BY ADDING THE FOLLOWING:

17.84.025 USES PERMITTED BY SPECIAL EXCEPTION.

USES PERMITTED BY SPECIAL EXCEPTION SHALL BE AS FOLLOWS:

- A. APARTMENTS, UP TO FOUR UNITS, IN ACCORDANCE WITH SECTION 17.168.030.C.2 AND SUBMISSION OF A SITE PLAN FOR REVIEW AND APPROVAL BY THE PLANNING AND ZONING COMMISSION.**

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

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the ____ day of _____, 2016, and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the ____ day of _____, 2016.

ATTEST:

Kim Nichols
City Clerk

John "Jack" Heath, President
Salisbury City Council

Approved by me this

day of _____, 2016.

Jacob R. Day
Mayor of the City of Salisbury

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ORDINANCE NO. 2393

**AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND,
PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING OF THE
SALISBURY MUNICIPAL CODE AND SECTION 4.04 OF ARTICLE 66B
OF THE ANNOTATED CODE OF MARYLAND FOR THE PURPOSE OF
AMENDING SECTION 17.84.020 TO ADD APARTMENTS, UP TO FOUR
UNITS, IN THE OFFICE AND SERVICE RESIDENTIAL DISTRICT.**

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

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

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

WHEREAS, Nick Simpson, First Move Properties, LLC submitted an application to amend the text of Section 17.84.020 to add Apartments, up to four units, in the Office and Service Residential District; and

WHEREAS, a Public Hearing on the proposed amendment was held by the Planning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on April 21, 2016; and

WHEREAS, the Planning Commission did recommend approval of a modified text amendment to Section 17.84.

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

32 **AMEND SECTION 17.84.020, PERMITTED USES, BY ADDING THE FOLLOWING:**

33
34 **L. APARTMENTS, UP TO FIVE UNITS.**

35
36 **AND BE IT FURTHER ORDAINED BY THE CITY OF SALISBURY,**
37 **MARYLAND**, that this Ordinance shall take effect from and after the date of its final passage,
38 but in no event until ten (10) days after the date of the Council’s Public Hearing, and

39 **THE ABOVE ORDINANCE** was introduced at a meeting of the Council on the
40 ____day of _____, 2016, and thereafter, a statement of the substance of the ordinance having
41 been published as required by law, in the meantime, was finally passed by the Council on the
42 ____ day of _____, 2016.

43
44 **ATTEST:**

45
46
47 _____
48 Kimberly R. Nichols
49 City Clerk

John R. Heath, President
Salisbury City Council

50
51
52 Approved by me this
53
54 day of _____, 2016.

55
56
57 _____
58 Jacob R. Day
59 Mayor of the City of Salisbury
60

INTER

OFFICE

MEMO

OFFICE OF THE MAYOR

To: All City Council Members
From: Tom Stevenson
Subject: Sale of General Obligation Bonds
Date: July 6, 2016

Attached please find an ordinance that will have the effect of authorizing the City of Salisbury to issue and sell general obligation bonds in an aggregated amount not to exceed, \$4,751,500.00 (four million, seven hundred fifty one thousand and five hundred dollars). Such bonds shall be used for the public purpose of financing, reimbursing or refinancing expenses of public projects as are designated within stated ordinance.

Should it be necessary, please let me know if you have any questions or require additional information.

C.c. Julia Glanz

Ordinance No. 2394

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AN ORDINANCE OF THE COUNCIL (THE "COUNCIL") OF THE CITY OF SALISBURY TO AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE "CITY") TO ISSUE AND SELL FROM TIME TO TIME, UPON ITS FULL FAITH AND CREDIT, GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FOUR MILLION SEVEN HUNDRED FIFTY-ONE THOUSAND FIVE HUNDRED DOLLARS (\$4,751,500.00), THE PROCEEDS OF THE SALE THEREOF TO BE USED AND APPLIED FOR THE PUBLIC PURPOSE OF FINANCING, REIMBURSING OR REFINANCING COSTS (AS DEFINED HEREIN, WHICH INCLUDE ISSUANCE COSTS AND CAPITALIZED INTEREST) OF THE PUBLIC PURPOSE PROJECTS IDENTIFIED HEREIN AS: SPINE RAIL TRAIL; COMMUNITY CENTERS; RIVERSIDE CIRCLE; SERVICE CENTER FACILITY PLAN PHASE 1; E-7 INSPECTOR'S TRUCK; S-14 2001 F-150 DUMP TRUCK; S-32 HOT PATCH TRAILER IMPROVEMENTS; REPLACEMENT OF 1998 ROLLER; LEMMON HILL STANDPIPE; FITZWATER STREET LIFT STATION – PHASE II; BELT FILTER PRESS REHABILITATION; DUMP TRUCK; DUMP TRUCK WWTP; PARKING GARAGE FAÇADE AND LANDSCAPING; AND AQUATIC WEED HARVESTOR WITH UNLOADING CONVEYOR; SPECIFYING THE MAXIMUM PRINCIPAL AMOUNT OF THE BONDS OR BOND ANTICIPATION NOTES PROVIDED FOR HEREIN TO BE ALLOCATED TO EACH SUCH PROJECT, SUBJECT TO REALLOCATION BY THE CITY IN ACCORDANCE WITH APPLICABLE BUDGETARY PROCEDURES OR LAW; PROVIDING FOR THE COUNCIL BY RESOLUTION TO DETERMINE, APPROVE OR PROVIDE FOR VARIOUS MATTERS RELATING TO THE AUTHORIZATION, SALE, SECURITY, ISSUANCE, DELIVERY, PAYMENT AND REDEMPTION OF AND FOR EACH SERIES OF THE BONDS; AUTHORIZING AND EMPOWERING THE COUNCIL TO PROVIDE BY RESOLUTION FOR THE ISSUANCE AND SALE FROM TIME TO TIME OF ONE OR MORE SERIES OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FOUR MILLION SEVEN HUNDRED FIFTY-ONE THOUSAND FIVE HUNDRED DOLLARS (\$4,751,500.00), PRIOR TO AND IN ANTICIPATION OF THE ISSUANCE OF ANY OF THE BONDS AUTHORIZED HEREBY, IN ORDER TO FINANCE OR REIMBURSE PROJECT COSTS ON AN INTERIM BASIS; AUTHORIZING AND EMPOWERING THE COUNCIL TO PROVIDE BY RESOLUTION FOR THE ISSUANCE AND SALE FROM TIME TO TIME OF ONE OR MORE SERIES OF GENERAL OBLIGATION BONDS IN ORDER TO REFUND ANY OF THE BONDS ISSUED PURSUANT TO THE AUTHORITY OF THIS ORDINANCE (INCLUDING PAYING ISSUANCE COSTS AND INTEREST ON SUCH REFUNDING BONDS), PROVIDED THAT, THE AGGREGATE PRINCIPAL AMOUNT OF ANY SUCH SERIES OF REFUNDING BONDS SHALL NOT EXCEED ONE HUNDRED THIRTY PERCENT (130%) OF THE AGGREGATE PRINCIPAL AMOUNT OF THE BONDS REFUNDED THEREFROM; PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES SUFFICIENT FOR, AND PLEDGING THE FULL FAITH AND CREDIT AND UNLIMITED TAXING

Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

42 POWER OF THE CITY TO, THE PROMPT PAYMENT OF THE PRINCIPAL OF AND
43 INTEREST ON EACH SERIES OF THE BONDS, THE BOND ANTICIPATION NOTES AND
44 THE REFUNDING BONDS AUTHORIZED HEREBY (COLLECTIVELY, THE
45 “OBLIGATIONS”); PROVIDING THAT THE PRINCIPAL OF AND INTEREST ON EACH
46 SERIES OF THE OBLIGATIONS ALSO MAY BE PAID FROM ANY OTHER SOURCES OF
47 REVENUE LAWFULLY AVAILABLE TO THE CITY FOR SUCH PURPOSE; PROVIDING
48 THAT CERTAIN ACTIONS MAY BE TAKEN OR PROVIDED FOR BY RESOLUTION IN
49 CONNECTION WITH THE REISSUANCE OF ANY OF THE OBLIGATIONS; PROVIDING
50 THAT ANY OF THE OBLIGATIONS AUTHORIZED HEREBY MAY BE CONSOLIDATED
51 WITH ANY BONDS, BOND ANTICIPATION NOTES AND/OR REFUNDING BONDS
52 AUTHORIZED BY THE COUNCIL AND ISSUED AS A SINGLE SERIES OF BONDS, BOND
53 ANTICIPATION NOTES AND/OR REFUNDING BONDS; AUTHORIZING AND DIRECTING
54 OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE CERTAIN ACTIONS IN
55 CONNECTION WITH THE OBLIGATIONS; PROVIDING THAT THIS TITLE SHALL BE
56 DEEMED A STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE FOR ALL
57 PURPOSES; AND OTHERWISE GENERALLY RELATING TO THE ISSUANCE, SALE,
58 DELIVERY AND PAYMENT OF THE OBLIGATIONS.

59

60

RECITALS

61

62 WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland and a
63 municipality within the meaning of the Enabling Act, the Bond Anticipation Note Act and the
64 Refunding Act identified below (the “City”), is authorized and empowered by Sections 19-301
65 through 19-309 of the Local Government Article of the Annotated Code of Maryland (previously
66 codified as Sections 31 through 37 of Article 23A of the Annotated Code of Maryland), as replaced,
67 supplemented or amended (the “Enabling Act”), and Sections SC7-45 and SC7-46 of the Charter of
68 the City of Salisbury, as replaced, supplemented or amended (the “Charter”), to borrow money for
69 any proper public purpose and to evidence such borrowing by the issuance and sale of its general
70 obligation bonds; and

71

72 WHEREAS, the City has determined to undertake the public purpose projects identified in
73 Section 3 of this Ordinance; and

74

75 WHEREAS, the City has determined to authorize the issuance from time to time of one or
76 more series of its general obligation bonds in order to finance, reimburse or refinance all or a
77 portion of the costs of any of the public purpose projects identified in Section 3 of this Ordinance;
78 and

79

80 WHEREAS, prior to issuing one or more series of the bonds authorized hereby, the City
81 may need to obtain interim financing in order to finance or reimburse applicable project costs on a
82 timely basis through the issuance from time to time of general obligation bond anticipation notes in
83 one or more series pursuant to the authority of Sections 19-211 through 19-223 of the Local

Underlining : Indicates material added by amendment after introduction

~~Strike-through~~ : Indicates material deleted by amendment after introduction

84 Government Article of the Annotated Code of Maryland (previously codified as Section 12 of
85 Article 31 of the Annotated Code of Maryland), as replaced, supplemented or amended (the “Bond
86 Anticipation Note Act”); and

87
88 WHEREAS, subsequent to the issuance of any bonds provided for herein, the City may
89 desire to currently refund or advance refund all or a portion of such bonds through the issuance from
90 time to time of one or more series of its general obligation refunding bonds pursuant to the authority
91 of Section 19-207 of the Local Government Article of the Annotated Code of Maryland (previously
92 codified as Section 24 of Article 31 of the Annotated Code of Maryland), as replaced, supplemented
93 or amended (the “Refunding Act”); and

94
95 WHEREAS, the City has determined to pledge its full faith and credit and unlimited taxing
96 power to the prompt payment of debt service on any general obligation bonds, bond anticipation
97 notes or refunding bonds authorized hereby; and

98
99 WHEREAS, the City shall issue any bonds, bond anticipation notes or refunding bonds
100 authorized hereby in accordance with the terms and conditions provided for in a resolution or
101 resolutions to be adopted by the Council of the City (the “Council”) pursuant to the authority of the
102 Enabling Act, the Bond Anticipation Note Act, the Refunding Act, the Charter and this Ordinance,
103 as applicable.

104
105 SECTION 1. NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF
106 THE CITY OF SALISBURY, MARYLAND that:

107
108 (a) The Recitals to this Ordinance are deemed a substantive part of this Ordinance and
109 incorporated by reference herein. Capitalized terms used in the Sections of this Ordinance and not
110 defined herein shall have the meanings given to such terms in the Recitals.

111
112 (b) References in this Ordinance to any official by title shall be deemed to refer (i) to
113 any official authorized under the Charter, the code of ordinances of the City (the “City Code”) or
114 other applicable law or authority to act in such titled official’s stead during the absence or disability
115 of such titled official, (ii) to any person who has been elected, appointed or designated to fill such
116 position in an acting capacity under the Charter, the City Code or other applicable law or authority,
117 (iii) to any person who serves in a “Deputy”, “Associate” or “Assistant” capacity as such an official,
118 provided that the applicable responsibilities, rights or duties referred to herein have been delegated
119 to such deputy, associate or assistant in accordance with the Charter, the City Code or other
120 applicable law or authority, and/or (iv) to the extent an identified official commonly uses another
121 title not provided for in the Charter or the City Code, the official, however known, who is charged
122 under the Charter, the City Code or other applicable law or authority with the applicable
123 responsibilities, rights or duties referred to herein.

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| | <u>Project Name</u> | <u>Maximum Principal Amount</u> |
|-----|--|---------------------------------|
| 1. | Spine Rail Trail | \$150,000 |
| 2. | Community Centers | 500,000 |
| 3. | Riverside Circle | 175,000 |
| 4. | Service Center Facility Plan Phase I | 102,000 |
| 5. | E-7 Inspector’s Truck | 30,000 |
| 6. | S-14 2001 F-150 Dump Truck | 48,500 |
| 7. | S-32 Hot Patch Trailer Improvements | 40,000 |
| 8. | Replacement of 1998 Roller | 50,000 |
| 9. | Lemmon Hill Standpipe | 100,000 |
| 10. | Fitzwater Street Lift Station – Phase II | 2,690,000 |
| 11. | Belt Filter Press Rehabilitation | 357,000 |
| 12. | Dump Truck | 90,000 |
| 13. | Dump Truck WWTP | 90,000 |
| 14. | Parking Garage Façade and Landscaping | 200,000 |
| 15. | Aquatic Weed Harvester with Unloading Conveyor | 129,000 |
| | | |
| | TOTAL | <u>\$4,751,500.00</u> |

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The projects identified in items 1-15 above are collectively referred to herein as the “Projects”. The Projects described in items 1-15 above are identified by approximately the same names as such Projects are identified in City budget materials. The City, without notice to or the consent of any registered owners of the Bonds (or the registered owners of any of the BANs, as applicable), may reallocate the maximum principal amount of the Bonds (and of any of the BANs, as applicable) to be spent among any of the Projects in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that proceeds of the Bonds (or of any of the BANs, as applicable) may be spent on any applicable costs (as defined above) relating to the Projects identified in items 1-15 above, notwithstanding the descriptive names used for such Projects in the table above, including, without limitation, changes in scopes of the Projects identified above effected through applicable budgetary procedures or applicable law.

(c) In the event the City issues any series of the BANs pursuant to Section 6 of this Ordinance, proceeds of the Bonds of any series in anticipation of which such BANs were issued may also be applied to prepay or pay principal, premium and/or interest on such series of the BANs in accordance with the Bond Anticipation Note Act, and such application shall be deemed the payment of “costs” for purposes of this Ordinance.

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181 SECTION 4. BE IT FURTHER ORDAINED that the proceeds of the Bonds shall be used
182 and applied by the City exclusively and solely for the public purposes described in Section 3 of this
183 Ordinance, unless a supplemental ordinance is enacted by the Council to provide for the use and
184 application of such proceeds for some other proper public purpose authorized by the Enabling Act,
185 the Charter or other applicable law.
186

187 SECTION 5. BE IT FURTHER ORDAINED that pursuant to the authority of the Enabling
188 Act, the Charter and this Ordinance, the Council, prior to the issuance, sale and delivery of each
189 series of the Bonds, shall adopt a resolution or resolutions (in each such case and, collectively, the
190 “Resolution”) specifying, prescribing, determining, providing for or approving such matters, details,
191 forms (including, without limitation, the complete forms of the Bonds of such series), documents or
192 procedures as may be required by the Enabling Act, the Charter or this Ordinance or as the Council
193 may deem appropriate for the authorization, sale, security, issuance, delivery, payment, prepayment
194 or redemption of or for such series of the Bonds. The Resolution shall set forth, determine or
195 provide for the determination of, provide for, or approve or provide for the approval of, among
196 other matters, as applicable, the designation of such series of the Bonds; the date of issue of such
197 series of the Bonds; the aggregate principal amount of such series of the Bonds; the denominations
198 of such series of the Bonds; the maturity or maturities of such series of the Bonds, or the method of
199 determining such maturity or maturities; the principal installment or installments payable on such
200 series of the Bonds or the method of determining such principal installments; the rate or rates of
201 interest, or the method of determining the rate or rates of interest, payable on such series of the
202 Bonds, which may be fixed or variable; provisions for the payment of late fees and/or additional
203 interest or penalties payable on the Bonds of such series or adjustments to interest rates in
204 appropriate circumstances; the purchase price for such series of the Bonds (which may be at, above
205 or below par value) or the method of determining the purchase price; provisions relating to the
206 prepayment or redemption of such series of the Bonds at the City’s option or by mandatory sinking
207 fund payments; provisions allowing the registered owners of such series of the Bonds to put or
208 cause the prepayment or redemption of the same at their option; the manner of selling such series of
209 the Bonds, which may be by private (negotiated) sale without advertisement or solicitation of
210 competitive bids or at public sale after publication or dissemination of the notice of sale, and all
211 matters in connection therewith, including any forms of documents, certificates, instruments or
212 notices authorized or required by applicable law; the specific Projects the costs of which are to be
213 financed, reimbursed or refinanced from proceeds of such series of the Bonds; provisions for the
214 appropriation, disposal and investment of proceeds of such series of the Bonds; provisions for the
215 application of unexpended proceeds, any premium paid upon sale or investment earnings on
216 proceeds of such series of the Bonds, which may include, without limitation, on costs of the Projects
217 or on debt service payable on such series of the Bonds, to the extent permitted by applicable law;
218 the selection of any bond registrar, paying agent, investment bidding agent or other appropriate
219 service providers in connection with such series of the Bonds; certifications, representations,
220 determinations, designations or elections relating to the tax-exempt or taxable status of interest
221 payable on such series of the Bonds; and all other terms and conditions pursuant to which such
222 series of the Bonds will be issued, sold and delivered, including, without limitation, any other

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223 determinations to be made by resolution as required by Charter Section SC7-46.A. Among other
224 matters, the Council, pursuant to the Resolution, may authorize, approve or otherwise provide for (i)
225 any commitment fee or similar fee and any other costs (including other parties' legal costs) payable
226 in connection with any series of the Bonds, (ii) the obtaining of credit enhancement or liquidity
227 enhancement for any series of the Bonds (and the execution and delivery of any agreements or
228 documents relating thereto), and (iii) any other agreements, documents, instruments or
229 determinations necessary to enhance the marketability of or as security for any series of the Bonds,
230 including (without limitation) any ratings, any official statement or similar disclosure document or
231 any continuing disclosure undertaking required to satisfy the requirements of Securities and
232 Exchange Commission Rule 15c2-12. References in this Section 5 to providing for determinations
233 or approvals pursuant to the Resolution shall be construed to permit the Council to delegate to one
234 or more officials the authority to make or provide on behalf of the City any of the determinations or
235 approvals contemplated by this Section 5. Any Resolution may determine the matters identified in
236 this Section 5 for more than one series of the Bonds.

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238 SECTION 6. BE IT FURTHER ORDAINED that:

239
240 (a) Pursuant to the authority of the Bond Anticipation Note Act and the Charter, the
241 City is hereby authorized and empowered to issue and sell, upon its full faith and credit, its general
242 obligation bond anticipation notes in one or more series from time to time in an aggregate principal
243 amount not to exceed Four Million Seven Hundred Fifty-one Thousand Five Hundred Dollars
244 (\$4,751,500.00) (collectively, the "BANs"), prior to and in anticipation of the sale of any series of
245 the Bonds, for the public purpose of financing or reimbursing costs of the Projects on an interim
246 basis. Any such series of the BANs may consist of one or more notes and any note may be issued in
247 installment form and/or draw-down form. Prior to the issuance, sale and delivery of each series of
248 the BANs, the Council shall adopt a resolution or resolutions pursuant to the authority of the Bond
249 Anticipation Note Act, the Charter and this Ordinance authorizing such series of the BANs and
250 specifying, prescribing, determining or providing for the determination of, providing for, or
251 approving or providing for the approval of, with respect to such series of the BANs, the same types
252 of matters, details, forms, documents or procedures and determinations detailed in Section 5 hereof
253 that may be made or addressed with respect to any series of the Bonds, to the extent applicable with
254 respect to such series of the BANs, and as otherwise may be authorized or required by applicable
255 law.

256
257 (b) As authorized by the Bond Anticipation Note Act, by resolution the Council may
258 provide for the renewal of any series of the BANs at maturity with or without resale, together with
259 any amendments or modifications to such series of the BANs and any related documentation.

260
261 SECTION 7. BE IT FURTHER ORDAINED that pursuant to the authority of the
262 Refunding Act and the Charter, the City is hereby authorized and empowered to issue and sell,
263 upon its full faith and credit, its general obligation refunding bonds in one or more series from
264 time to time (collectively, the "Refunding Bonds"), for the purpose of currently refunding or

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265 advance refunding in whole or in part any of the Bonds then outstanding, including paying all or
266 any portion of the following: outstanding principal, prepayment or redemption premium, and/or
267 interest accrued or to accrue to the date or dates of prepayment, redemption, purchase or maturity
268 of the Bonds to be refunded, paying costs and expenses in connection with the issuance, sale and
269 delivery of such series of the Refunding Bonds, and, to the extent determined by the Council by
270 resolution, paying interest on such series of the Refunding Bonds, for the public purpose of
271 realizing savings to the City in the total cost of debt service on a direct comparison or present
272 value basis, or in order to accomplish a debt restructuring that reduces the total cost of debt
273 service or is determined by the Council to be in the best interests of the City, to be consistent with
274 the City's long-term financial plan, and to realize a financial objective of the City, including
275 improving the relationship of debt service to any source of payment such as taxes, assessments or
276 other charges, or for any other purpose then authorized by the Refunding Act or other applicable
277 law; provided that, the aggregate principal amount of any series of the Refunding Bonds shall not
278 exceed one hundred thirty percent (130%) of the aggregate principal amount of the Bonds
279 refunded therefrom. Any such series of the Refunding Bonds may consist of one or more bonds
280 and any bond may be issued in installment form and/or draw-down form. Prior to the issuance,
281 sale and delivery of each series of the Refunding Bonds, the Council shall adopt a resolution or
282 resolutions authorizing such series of the Refunding Bonds and specifying, describing,
283 determining or providing for the determination of, providing for, or approving or providing for
284 the approval of, with respect to such series of the Refunding Bonds, the same types of matters,
285 details, forms, documents, procedures and determinations detailed in Section 5 hereof that may
286 be made or addressed with respect to any series of the Bonds, to the extent applicable to such
287 series of the Refunding Bonds, and as otherwise may be authorized or required by applicable
288 law, including, without limitation, the purposes of the Refunding Act to be achieved by the
289 issuance of such series of the Refunding Bonds, the selection of any escrow agent or verification
290 consultant, the selection of any escrow bidding agent, the determination of the Bonds to be
291 refunded from such series of the Refunding Bonds, and any agreements, documents or other
292 instruments necessary or desirable in connection with the refunding.

293
294 SECTION 8. BE IT FURTHER ORDAINED that:
295

296 (a) For the purpose of paying the principal of and interest on the Bonds, the BANs and
297 the Refunding Bonds (individually or collectively, the "Obligations") when due, the City shall levy
298 or cause to be levied, for each and every fiscal year during which any series of the Obligations may
299 be outstanding, ad valorem taxes upon all real and tangible personal property in the City that is
300 subject to assessment for unlimited municipal taxation in rate and amount sufficient to pay the
301 principal of and interest on such series of the Obligations in each such fiscal year. If the proceeds
302 from the taxes so levied in any such fiscal year are inadequate for such payment, additional taxes
303 shall be levied in the succeeding fiscal year to make up such deficiency.
304

305 (b) The full faith and credit and unlimited taxing power of the City are hereby
306 irrevocably pledged to the prompt payment of the principal of and interest on each series of the

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307 Obligations as and when they become due and payable and to the levy and collection of the taxes
308 hereinabove described as and when such taxes may become necessary in order to provide sufficient
309 funds to meet the debt service requirements of such series of the Obligations. The City hereby
310 covenants and agrees with the registered owners, from time to time, of each series of the
311 Obligations to levy and collect the taxes hereinabove described and to take any further action that
312 may be lawfully appropriate from time to time during the period that such series of the Obligations
313 remains outstanding and unpaid to provide the funds necessary to pay promptly the principal thereof
314 and the interest due thereon.

315
316 (c) The foregoing provisions shall not be construed so as to prohibit the City from
317 paying the principal of and interest on any series of the Obligations from the proceeds of the sale of
318 any other obligations of the City or from any other funds legally available for that purpose
319 (including, without limitation, (i) with respect to the BANs, from the proceeds of the Bonds and (ii)
320 with respect to the Bonds, from the proceeds of the Refunding Bonds). Within any applicable
321 limitations of Maryland or federal law (including, without limitation, the Internal Revenue Code of
322 1986, as amended, and the U.S. Treasury Regulations promulgated thereunder), the City may apply
323 to the payment of the principal of or interest on any series of the Obligations any funds received by
324 it from the State of Maryland or the United States of America, or any governmental agency or
325 instrumentality, or from any other source, if such funds are granted or paid to the City for the
326 purpose of assisting the City in the types of projects which the Obligations of such series are issued
327 to finance, reimburse or refinance or are otherwise available for such purpose, and to the extent of
328 any such funds received or receivable in any fiscal year, the taxes hereby required to be levied may
329 be reduced proportionately. Pursuant to the authority of Section SC7-46.A. of the Charter, by
330 resolution the Council may provide that all or a portion of the debt service on the allocable portion
331 of any series of the Obligations shall be payable in the first instance from specified revenues or
332 other moneys identified in such resolution, to the extent available for such purpose.

333
334 SECTION 9. BE IT FURTHER ORDAINED that by resolution, the Council may make any
335 appropriate arrangements (including, without limitation, by authorizing one or more appropriate
336 officials to make any elections, designations, determinations or filings on the City’s behalf) in the
337 event any right of the registered owner of an Obligation to put or cause the prepayment or
338 redemption of such Obligation at its option, or any change in the interest rate of an Obligation, or
339 any other modification to an Obligation could lead to a reissuance of such Obligation for purposes
340 of the Internal Revenue Code of 1986, as amended, and the U.S. Treasury Regulations promulgated
341 thereunder.

342
343 SECTION 10. BE IT FURTHER ORDAINED that by resolution, the Council may
344 determine that any of the Bonds, the BANs or the Refunding Bonds may be consolidated with any
345 bonds, bond anticipation notes and/or refunding bonds authorized by the Council and issued as a
346 single series of bonds, bond anticipation notes and/or refunding bonds.

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348 SECTION 11. BE IT FURTHER ORDAINED that the following City officials: the Mayor,
349 the City Administrator, the Director of Internal Services, the City Clerk and all other appropriate
350 officials and employees of the City are hereby authorized and directed to take any and all action
351 necessary to complete and close the sale and delivery of the Bonds, the BANs or the Refunding
352 Bonds and to approve, execute and deliver all documents, certificates and instruments necessary or
353 appropriate in connection therewith, and to consummate and carry out the transactions contemplated
354 by this Ordinance and any resolution adopted in furtherance of this Ordinance.
355

356 SECTION 12. BE IT FURTHER ORDAINED that the title of this Ordinance shall be
357 deemed to be, and is, a statement of the substance of this Ordinance for publication and all other
358 purposes.
359

360 SECTION 13. BE IT FURTHER ORDAINED that the provisions of this Ordinance shall
361 be liberally construed in order to effectuate the transactions contemplated by this Ordinance.
362

363 SECTION 14. BE IT FURTHER ORDAINED that this Ordinance shall become effective
364 following approval by the Mayor or subsequent passage by the Council in accordance with the
365 provision of Section SC2-12 of the Charter. Pursuant to Section SC2-16 of the Charter, this
366 Ordinance shall not be subject to petition for referendum.
367

368 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury
369 held on the _____ day of _____, 2016,
370 and thereafter, a statement of the substance of this Ordinance having been posted or published as
371 required by law, was finally passed by the Council _____ [as introduced] _____ [as
372 amended] [CHECK APPLICABLE LINE] on the _____ day of
373 _____, 2016.
374

375
376 ATTEST:

377
378
379 _____
380 Kimberly R. Nichols, City Clerk

379 _____
380 John R. Heath, President
381 Salisbury City Council
382

383
384 APPROVED BY ME THIS _____ DAY OF _____, 2016:
385

386
387
388 _____
389 Jacob R. Day, Mayor

#188514;58111.036

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