



CITY OF SALISBURY CITY COUNCIL AGENDA

August 22, 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- The Very Reverend Frieda L. Malcolm, Rector at St. Alban's Episcopal Church
- 6:05 p.m. PLEDGE OF ALLEGIANCE
- 6:07 p.m. PRESENTATION
- National Night Out – presented by Christine Chestnutt, City of Salisbury Safe Streets Coordinator/Crime Analyst
- 6:21 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:23 p.m. CONSENT AGENDA –City Clerk Kim Nichols
- August 1, 2016 Special Meeting Minutes
 - August 1, 2016 Work Session Minutes
 - August 8, 2016 Council Meeting Minutes
 - **Resolution No. 2654** – approving the appointment of Barry Dressel to the Historic District Commission for term ending August 2019
 - **Resolution No. 2655** – approving the reappointment of Bradley T. Phillips to the Historic District Commission for term ending August 2019
 - Approving a Manufacturing Exemption request for PolyOne Designed Structures & Solutions LLC for their equipment purchased in 2015
- 6:28 p.m. AWARD OF BIDS – Assistant Director of Internal Services – Procurement & Parking
Jennifer L. Miller
- Contract 121-16 Paleo WTP Well #2 Rehabilitation

6:33 p.m. RESOLUTIONS – City Administrator Tom Stevenson

- **Resolution No. 2650** - proposing the annexation to the City of Salisbury of certain area of land contiguous to and binding upon the northerly corporate limit of the City of Salisbury, to be known as the “PennTex – Dagsboro Road Annexation” and the application of a City zoning classification to same area located on the northerly side of and binding upon Dagsboro Road and the northeast quadrant of the intersection of North Salisbury Blvd. MD RTE. 13 and Dagsboro Rd
- **Resolution No. 2651** – approving the annexation plan of the “PennTex – Dagsboro Road Annexation”

6:40 p.m. **PUBLIC HEARING/2nd READING ORDINANCE NO. 2400** – City Attorney Mark Tilghman

- **Ordinance No. 2400** -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 17.216.080, Wall Signage permitted in the Office and Service Residential District

6:50 p.m. ORDINANCES – City Attorney Mark Tilghman

- **Ordinance No. 2397** – 2nd reading- amending Sections 8.11.020 of Chapter 8.11 The Fire Prevention Code; 15.04.010 of Chapter 15.04 Building Code, 15.12.020 of Chapter 15.12 Electrical Standards; 15.24.040 of Chapter 15.24 Housing Standards
- **Ordinance No. 2398** – 2nd reading- approving an amendment of the FY17 Budget to appropriate funds for traffic equipment repairs and maintenance
- **Ordinance No. 2399** – 2nd reading- to abandon an area of land being a portion of an unnamed 20-foot wide alley accessed from West Market Street and traversing City Parking Lot 11

7:05 p.m. PUBLIC COMMENTS

7:10 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.salisburv.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 September 12, 2016 Meeting

- Resolution No. ____ - to accept the Hazardous Mitigation Plan for Wicomico County

1 **CITY OF SALISBURY, MARYLAND**

2
3 **SPECIAL MEETING**

August 1, 2016

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 *Council Vice-President Laura Mitchell*

Councilman Muir Boda

8 *Councilman James Ireton, Jr.*

Councilwoman April Jackson (arr.3:08 p.m.)

9
10 **PUBLIC OFFICIALS NOT PRESENT**

11
12 *Mayor Jacob R. Day*

13 *Council President John “Jack” R. Heath*

14
15 **IN ATTENDANCE**

16
17 *Assistant City Clerk Diane C. Nelson, City Administrator Tom Stevenson, Public Works Director*
18 *Mike Moulds, Senior Buyer – Procurement & Parking Michael Lowe, City Attorney Mark Tilghman,*
19 *and interested citizens.*

20
21 *****
22 *The City Council convened in a Special Meeting in Council Chambers on August 1, 2016. Council*
23 *Vice-President Mitchell called the meeting to order at 3:01 p.m.*

24
25 **ADOPTION OF LEGISLATIVE AGENDA**

26
27 *Mr. Boda moved, Mr. Ireton seconded, and the vote was unanimous to approve the legislative*
28 *agenda as presented.*

29
30 **CONSENT AGENDA** – *presented by Assistant City Clerk Diane Nelson*

31
32 *The Consent Agenda consisting of the following items was approved on a unanimous vote in favor*
33 *on a motion by Mr. Ireton that was seconded by Mr. Boda:*

- 34
35
- 36 • *May 16, 2016 Work Session Minutes*
 - 37 • *May 16, 2016 Closed Session Minutes*
 - 38 • *May 23, 2016 Regular Meeting Minutes*
 - 39 • *June 6, 2016 Work Session Minutes*
 - 40 • *June 6, 2016 Closed Session Minutes*
 - 41 • *June 13, 2016 Regular Meeting Minutes*
 - 42 • *June 20, 2016 Special Meeting Minutes*
 - 43 • *July 5, 2016 Special Meeting Minutes*
 - 44 • *July 5, 2016 Work Session Minutes*
 - 45 • *July 11, 2016 Regular Meeting Minutes*
 - *July 18, 2016 Special Meeting Minutes*

- 46 • *July 18, 2016 Work Session Minutes*
- 47 • **Resolution No. 2646** – approving the appointment of Stephen Bullock to the Disability
- 48 *Advisory Committee for term ending July 2019*
- 49 • **Resolution No. 2647** – approving the appointment of James R. Thomas to the Salisbury/
- 50 *Wicomico Planning and Zoning Commission for term ending December 2017*
- 51 • **Resolution No. 2648** - approving the reappointment of Tom Stevenson, Keith Cordrey
- 52 *and Kim Nichols to the GASB 45 Trust for terms ending February 28, 2019*
- 53 • **Approving the Manufacturing Exemption request for Delmar Brewing Company, LLC for**
- 54 *equipment purchased in 2015*
- 55 • **Approving the Manufacturing Exemption request for LWRC International, LLC for**
- 56 *equipment purchased 2010 - 2014*
- 57 • **Approving the Manufacturing Exemption request for Perdue Foods, LLC for equipment**
- 58 *purchased in 2015*
- 59

60 **AWARD OF BIDS** – presented by Senior Buyer – Procurement & Parking Michael Lowe

61

62 *Mr. Boda moved and Mr. Ireton seconded to approve the Award of Bids consisting of the following*

63 *items:*

64

- 65 • *Contract A-07-14 Street Improvements- Curb, Gutter & Sidewalk Construction – Change*
- 66 *Order #9*
- 67 • *RFP 10-15 WWTP Construction Management & Inspection – Change Order #1*
- 68

69 *The Award of Bids was unanimously approved as presented, with each item presented and approved*

70 *individually.*

71

72 *Thereafter, Councilwoman Jackson joined the Special Meeting.*

73

74 **RESOLUTION** – presented by City Administrator Tom Stevenson

75

- 76 • **Resolution No. 2649** - accepting funds in the amount of \$5,000 from the Wicomico County
- 77 *Narcotics Task Force to be used towards the purchase of a Police K-9*
- 78

79 *Mr. Ireton moved, Mr. Boda seconded, and after discussion the vote was unanimous to*

80 *approve Resolution No. 2649 as presented.*

81

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

83

- 84 • **Ordinance No. 2395** – 1st reading - approving a budget amendment of the FY16 General
- 85 *Fund Budget to appropriate the funds returned on contract*
- 86

87 *Mr. Ireton moved, Mr. Boda seconded, and after discussion, the vote was unanimous to*

88 *approve Ordinance No. 2395 for first reading.*

89

- 90 • **Ordinance No. 2396** – 1st reading - to designate no and restricted parking zones on a

91 *portion of Prince Street between Roger Street and Spring Avenue and on Spring Avenue*
92 *between Prince Street and Bethel Street*

93
94 *Mr. Boda moved and Mr. Ireton seconded to approve Ordinance No. 2396 for 1st Reading.*

95
96 *Mr. Boda moved, Mr. Ireton seconded, and the vote was unanimous to amend Ordinance*
97 *No. 2396 by striking lines 29 and 30 of the Ordinance; thereafter, the vote was unanimous*
98 *to approve Ordinance No. 2396 as amended for first reading.*

99
100 *With no further business to discuss, Vice President Mitchell adjourned the Special Meeting at 3:17*
101 *p.m.*

102
103

104 _____
105 *Assistant City Clerk*

106
107

108 _____
109 *Council Vice President*

110

CITY OF SALISBURY
WORK SESSION
AUGUST 1, 2016

Public Officials Present

Council President John “Jack” R. Heath (*teleconferenced*) Council Vice-President Laura Mitchell
Councilman Muir Boda Councilman James Ireton, Jr.
Councilwoman April Jackson

Public Officials Not Present

Council President John R. “Jack” Heath
Mayor Jacob R. Day

In Attendance

Assistant City Clerk Diane C. Nelson, City Administrator Tom Stevenson, City Attorney Mark Tilghman, Building, Permits and Inspections (BPI) Director Bill Holland, Housing & Community Development Department (H&CDD) - Community Development Assistant Director Debbie Stam, and interested citizens

On August 1, 2016 the Salisbury City Council convened in Work Session at 3:27 p.m. in Council Chambers, Room 301 of the Government Office Building following the adjournment of the Special Meeting. Council President Heath attended the Work Session via teleconference. The following is a synopsis of the information provided and discussion held.

Community Parks & Playground Grant Application

H&CDD’s Community Development Assistant Director Debbie Stam presented a request to Council for a resolution of support for her department’s upcoming submission of a Community Parks & Playgrounds (CP&P) funding application to the Maryland Department of Natural Resources (DNR) for the FY 2018 funding round to fund Phase 2 of the Salisbury Skatepark in the amount of \$180,000.00 and the West Salisbury Little League Ball Field Lighting Project in the amount of \$25,000.00.

After discussion, Council reached consensus to move this item forward to Legislative Session on the Consent Agenda.

Amending the Building Code

BPI Director Bill Holland presented a request for Council approval to update the City Code by amending the Fire Prevention Code to reflect the most current edition as adopted by the State of Maryland, adding language to the adopted Standard Codes by including the Maryland Accessibility Code, amending the Electrical Standards to reflect the most current edition, and amending the Property Maintenance Code to reference the 2015 International Codes; Mr. Holland noted that all amendments are minor changes.

After discussion, Council reached consensus to move this item forward to Legislative Session, on the Consent Agenda if applicable.

50 Thereafter, Vice President Mitchell called for a short recess at 3:32 p.m. and Council reconvened at
51 3:40 p.m.

52

53 **Rt.13/Dagsboro Road Annexation**

54

55 BPI Director Bill Holland, Annexation Consultant Chris Jakubiak of Jakubiak and Associates, Inc.,
56 with input as needed from Christopher A. Mondoro of Bohler Engineering and Messrs. Donald and
57 Baker of PTV Capital Partners Salisbury, LLC provided an overview and update to Council on the
58 annexation request submitted by Bohler Engineering on behalf of Penn Tex Ventures (PTV) Capital
59 Partners Salisbury, LLC which was last discussed at the April 18, 2016 Work Session; the 2.4-acre
60 property to be annexed is located within the City’s Municipal Growth Plan, on Rt. 13 North and
61 Dagsboro Road directly across from the State Police Barracks and Chili’s Restaurant. Interest in
62 putting a retail/grocery store on the site was discussed at the April Work Session when concerns were
63 also raised with the traffic light/flow of traffic on Dagsboro Road at the Rt. 13 intersection, large
64 supply trucks accessing the site for deliveries, and the location being a “Gateway to the City.”

65

66 Discussion continued and concerns still centered around traffic and traffic flow on Dagsboro Road,
67 ingress and egress to the site including access to adjoining parcels directly from the site via a service
68 road without reentry on Rt. 13, large supply truck access for site deliveries, and the site as a “Gateway
69 to the City.”

70

71 Mr. Donald indicated that the State Highway Administration (SHA) permitting process required a
72 traffic impact study which could be shared with Council when completed; Mr. Holland indicated that
73 the Annexation was tentatively scheduled for the August 22, 2016 Legislative Session.

74

75 After discussion, Council reached consensus to continue discussion of the Annexation at the August
76 15, 2016 Work Session when results of the traffic impact study could be presented and discussed prior
77 to the item being presented at the August 22, 2016 Council Meeting.

78

79 **Closing Comments/Council Discussion**

80

81 Mr. Boda inquired about the status of the Fire Service Agreement; Mr. Stevenson indicated that the
82 consultant was still working on the agreement and no recommendation had yet been made.

83

84 Mr. Ireton inquired about the status of the design standards which Mayor Day and Mr. Lenox were
85 working on; Mr. Stevenson indicated that they were working toward a comprehensive response.

86

87 In closing, announcement was made and all were invited to attend the Mayor’s Prayer Vigil at 6:00
88 p.m. tonight at St. James AME Zion Church on Mack Avenue and also the City’s National Night Out
89 in the City Park tomorrow night from 5:00 – 8:00 p.m.

90

91

92 The Work Session adjourned at 4:35 p.m.

93

94

95

96 _____
Assistant City Clerk

97

98

99 _____
100 Council President

1 **CITY OF SALISBURY, MARYLAND**

2
3 **REGULAR MEETING**

AUGUST 8, 2016

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 *Council President John “Jack” R. Heath*
8 *Council Vice-President Laura Mitchell*
9 *Councilman James Ireton, Jr.*

Mayor Jacob R. Day
Councilman Muir Boda
Councilwoman April Jackson

10
11 **IN ATTENDANCE**

12
13 *City Clerk Kimberly R. Nichols, Assistant City Administrator Julia Glanz, City Administrator*
14 *Tom Stevenson, City Attorney Mark Tilghman, interested citizens and members of the press*

15 *******

16 **CITY INVOCATION – PLEDGE OF ALLEGIANCE**

17
18 *The City Council met in regular session at 6:00 p.m. in Council Chambers. Council President*
19 *John “Jack” R. Heath called the meeting to order and invited Pastor Bill Reid from Parkway*
20 *Church of God to deliver the invocation. Thereafter, the Pledge of Allegiance was recited.*

21
22 **PRESENTATIONS**

23
24 • **Proclamation**

25 *Mayor Jacob R. Day presented a proclamation to Mr. James Magill and proclaimed*
26 *August 8, 2016 as “James W. Magill Day” to recognize his over fifty years of service to*
27 *the City of Salisbury beginning with twenty-eight years employed with the State Highway*
28 *Administration, with ten years as District Engineer for the Lower Shore. Mr. Magill was*
29 *appointed in 1991 by the City of Salisbury to serve on the Salisbury / Wicomico Planning*
30 *& Zoning Commission, and after twenty-five years was elected as Vice Chairman of the*
31 *Commission and Commission Representative to the Maryland Planning Commissioners*
32 *Association. Throughout his tenure on the Commission, Mr. Magill also served as the*
33 *Commission Representative on numerous local initiatives, most notably the Natural*
34 *Resources Conservation Advisory Committee and the Technical Advisory Committee of*
35 *the Metropolitan Planning Organization.*

36 *Chip Dashiell, Chairman of the Salisbury/Wicomico Planning & Zoning Commission*
37 *joined Mayor Day at the podium to thank Mr. Magill for his dedication and service.*

38 • **Community Organization Presentation**

39 *Kathleen Momme, Executive Director of the United Way of the Lower Eastern Shore,*
40 *joined Council at the podium to discuss the September 8th kick-off sponsored by Salisbury*
41 *University and the City Council’s new pledge form, “Elected Leaders Unite” to*
42 *challenge all elected leaders on the Eastern Shore to give to the United Way, as started*
43 *by Council Vice-President Laura Mitchell.*

45 **ADOPTION OF LEGISLATIVE AGENDA**

46
47 *Mrs. Mitchell moved, Ms. Jackson seconded, and the vote was unanimous to adopt the legislative*
48 *agenda as presented.*

49
50 **CONSENT AGENDA** – presented by City Clerk Kim Nichols

51
52 *The Consent Agenda was unanimously approved on a motion and seconded by Mr. Boda and*
53 *Mrs. Mitchell, respectively:*

- **Resolution No. 2652** – to approve a Maryland Department of Natural Resources, Community Parks & Playgrounds Grant application for funding for two projects; Phase 2 of the Salisbury Skatepark, and funding assistance for the West Salisbury Little League Ball Field Lighting Project

55 **RESOLUTION** – presented by City Administrator Tom Stevenson

- **Resolution No. 2653** – to establish a Human Rights Advisory Committee

58
59 *Ms. Jackson moved, Mrs. Mitchell seconded, and the vote was unanimous to approve*
60 *Resolution No. 2653.*

61
62 **PUBLIC HEARING/2nd READING – ORDINANCE NO. 2393** – presented by City Attorney
63 *Mark Tilghman*

- **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

69
70 *Mr. Boda moved and Ms. Jackson seconded to approve Ordinance No. 2393 for second*
71 *reading, followed by the presentation of the ordinance by City Attorney Tilghman.*

72
73 *At 6:29 p.m., President Heath opened the Public Hearing, and there being no speakers,*
74 *immediately closed the Public Hearing. Thereafter, the vote was unanimous to approve*
75 *Ordinance No. 2393 for second reading.*

76
77 **ORDINANCES** – presented by City Attorney Mark Tilghman

- **Ordinance No. 2396** – 2nd reading – to designate no and restricted parking zones on a portion of Prince Street between Roger Street and Spring Avenue and on Spring Avenue between Prince Street and Bethel Street

82
83 *Mrs. Mitchell moved, Ms. Jackson seconded, and the vote was unanimous to approve*
84 *Ordinance No. 2396 for second reading.*

85

- 86 • **Ordinance No. 2397**- 1st reading- amending Sections 8.11.020 of Chapter 8.11 The Fire
87 Prevention Code; 15.04.010 of Chapter 15.04 Building Code, 15.12.020 of Chapter 15.12
88 Electrical Standards; 15.24.040 of Chapter 15.24 Housing Standards

89
90 Ms. Jackson moved, Mr. Ireton seconded, and the vote was unanimous to approve
91 Ordinance No. 2397 for first reading.

- 92
93 • **Ordinance No. 2398** – 1st reading - approving an amendment of the FY17 Budget to
94 appropriate funds for traffic equipment repairs and maintenance

95
96 Mr. Boda moved, Mr. Ireton seconded, and the vote was unanimous to approve
97 Ordinance No. 2398 for first reading.

- 98
99 • **Ordinance No. 2399** – 1st reading - to abandon an area of land being a portion of an
100 unnamed 20-foot wide alley accessed from West Market Street and traversing City
101 Parking Lot 11

102
103 Ms. Jackson moved, Jr. Ireton seconded, and the vote was 4-0 to approve Ordinance No.
104 2399 for first reading. Ms. Jackson had exited the room and was re-entering when the
105 vote was taken, and did not cast a vote.

- 106
107 • **Ordinance No. 2400** – 1st reading - pursuant to Chapter 17.228 of Title 17, Zoning of the
108 Salisbury Municipal Code and Section 4.04 of Article 66b of the Annotated Code of
109 Maryland for the purpose of amending Section 17.216.080, Wall Signage permitted in
110 the Office and Service Residential District

111
112 Mrs. Mitchell moved, Mr. Ireton seconded, and the vote was unanimous to approve
113 Ordinance No. 2400 for first reading.

114
115 **ADJOURNMENT**

116
117 There being no further business to discuss, President Heath adjourned the Legislative Session at
118 6:44 p.m.

119
120 _____
121 City Clerk

122
123 _____
124 Council President

INTER

OFFICE

MEMO

OFFICE OF THE MAYOR

To: Tom Stevenson, City Administrator
From: Julia Glanz, Assistant City Administrator
Subject: Appointment to the Historic District Commission
Date: August 4, 2016

Mayor Day would like to appoint the following person to the Historic District Commission for the term ending as indicated.

<u>Name</u>	<u>Term Ending</u>
Barry Dressel	August 2019

Attached you will find information from Barry Dressel and the Resolution necessary for his appointment. Please forward this information to the City Council so it may be placed on their agenda for the next Council meeting. Please let me know if you have any questions.

Attachment

cc: Mayor Day

BARRY DRESSEL

403 N. Division St.
Salisbury, Maryland 21801
(since Feb. 2013)

410.845.1139
dresselbl@gmail.com

PROFESSIONAL EXPERIENCE

Principal, Prologue History Services, 2010-present

- PHS provides exhibition planning, research, writing, concept development and project management services to corporations, fund-raising firms, exhibition designers working with museum and corporate clients.

President and Chief Executive Officer, Indiana State Museum & Historic Sites,
Indianapolis, 2007-2009

Walter P. Chrysler Museum, DaimlerChrysler Corporation
Auburn Hills, Michigan, 1998-2007

Director, National Museum Turks & Caicos Islands, Grand Turk Island, British West
Indies, 1996-1998

Director, The Berkshire Museum, Pittsfield, Massachusetts, 1989-1993

Executive Director, Historical Department, Detroit, Michigan, 1985-1989

Deputy Director & Curator, The Peale Museum, Baltimore, Maryland, 1976-1985
[known as Baltimore City Life Museums 1984 until its closing in 1997]

EDUCATION

B.A., History and Political Science, East Carolina University, Greenville NC

M.A., American History, East Carolina University

University of Delaware, Newark. Doctoral coursework in maritime and history of
technology; museum administration. Internship: Philadelphia Maritime Museum.

Colonial Williamsburg, Seminar in Historical Administration

Historic Preservation Experience

Barry Dressel's experience with historic preservation began in 1976
when employed as an assistant curator at the Historical Society of

Delaware, which was engaged in moving six brick houses from the path of a highway construction project and incorporating them into a lot adjacent to the Society's headquarters building. With his previous construction experience and ability to work with architectural plans gained while employed as an architectural model builder, Dressel was appointed the Society's liaison with the architect and contractor. The houses—which were built between 1700 and 1810-- were subsequently moved several blocks and restored for adaptive re-use in what become known as Willingtown Square.

Dressel continued to be involved in preservation and restoration projects. As Deputy Director at Baltimore's Peale Museum, he planned the renovation of the National Register-listed Peale Museum, and the non-invasive installation of a climate control system and a basement flood abatement system at the 1812 Carroll Mansion.

Also in Baltimore, he was project manager for the extensive restoration of a surviving portion of a late 18th townhouse, and exterior reconstruction of two vanished dwellings near the Carroll Mansion. The townhouse restoration was undertaken in consultation with the Maryland Historical Trust and involved minimal compromises inside or out with modern systems while painstakingly replicating original finishes, woodwork, and masonry.

As Director of the City of Detroit's Historical Department, Dressel had executive oversight of the project to restore the c.1875 Commandant's House at Historic Fort Wayne in Detroit.

As Director of The Berkshire Museum, Dressel commissioned and oversaw a survey of the 1904 museum to anticipate restoration and renovation needs.

As Director of the Turks and Caicos National Museum in the British West Indies, Dressel was project manager for the construction of a new conservation facility designed to replicate traditional Bermudian-based architecture.

As President and CEO of the Indiana State Museum and Foundation, Dressel was responsible for the operation and maintenance of nine historic sites in Indiana, as well as the executive responsibility for the State Museum and its support foundation in Indianapolis.



Newtown Association

P.O. Box 543

Salisbury, MD 21803

June 22, 2016

E. FILE

Jacob Day
Mayor, City of Salisbury, MD

Dear Mayor Day:

Newtown Association's Board of Directors, at their April 13, 2016 meeting, voted to nominate Barry Dressel for membership on the Salisbury Historic District Commission. As you can see from his resume, Mr. Dressel is eminently qualified to serve on the Commission. He has a broad education in historic preservation, has served as director for museums, and has led historic preservation projects including restoration of buildings and moving of historic buildings. Mr. Dressel is a resident of Salisbury, and lives on N. Division St.

Please let Mr. Dressel or me know if we need to provide any more information. His contact information is provided on his resume. I can be reached at 410-742-5281 or rogernc1@msn.com.

Thank you for considering appointment of Mr. Dressel to the Commission.

Sincerely yours,

R. Neill Carey
President

1 **RESOLUTION NO. 2654**

2
3 BE IT RESOLVED, by the City of Salisbury, Maryland that the following
4 individual is appointed to the Historic District Commission, for the term ending as
5 indicated.

6
7

<u>Name</u>	<u>Term Ending</u>
Barry Dressel	August 2019

8
9
10
11 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
12 Council of the City of Salisbury, Maryland held on August _____, 2016.

13
14 ATTEST:

15
16
17 _____
18 Kimberly R. Nichols
19 CITY CLERK

John R. Heath
PRESIDENT, City Council

20
21
22 APPROVED BY ME THIS

23
24 _____ day of _____, 2016

25
26
27 _____
28 Jacob R. Day
29 MAYOR, City of Salisbury

INTER

OFFICE

MEMO

OFFICE OF THE MAYOR

To: Tom Stevenson, City Administrator
From: Julia Glanz, Assistant City Administrator
Subject: Reappointment to the Historic District Commission
Date: August 4, 2016

Mayor Day would like to reappoint the following person to the Historic District Commission for the term ending as indicated.

<u>Name</u>	<u>Term Ending</u>
Bradley T. Phillips	August 2019

Attached you will find information from Bradley T. Phillips and the Resolution necessary for his reappointment. Please forward this information to the City Council so it may be placed on their agenda for the next Council meeting. Please let me know if you have any questions.

Attachment

cc: Mayor Day

Experience

Client Relations Manager- North America

HAGERTY

Hagerty (U.S.)

September 2014 – Present (2 years) | Salisbury, MD

Currently responsible for managing and developing strategies related to key business development and retention across Hagerty's Commercial and Private Client Services divisions in the United States and Canada.

Add Media:  Document  Photo  Link  Video  Presentation

Private Client Services- National Account Executive

HAGERTY

Hagerty (U.S.)

January 2013 – September 2014 (1 year 9 months) | Salisbury, MD

Responsible for driving new business and building relationships for our Private Client Services division across the United States. This division within Hagerty focuses on the special needs of the high value or institutional collector, with impact across all lines of business. We dynamically support our clients through the direct and agency sales channels, with my personal goal of providing a truly unique level of service, knowledge, and expertise.

Add Media:  Document  Photo  Link  Video  Presentation

Regional Sales Manager- Eastern US

HAGERTY

Hagerty (U.S.)

November 2009 – January 2013 (3 years 3 months) | Nashville, TN

Responsible for managing a multi-state field sales staff across in the Eastern US, utilizing my experience in specialty insurance, channel and strategic partnership development, and sales management. Our goal is to build relationships and drive business through both our agent and direct channels. We market our insurance products to clubs, institutions, and collectors by enthusiastically participating in hobby events of all kinds, in all 50 states, the UK, and Canada.

Add Media:  Document  Photo  Link  Video  Presentation

President

Tennebama Insurance

July 2008 – November 2009 (1 year 5 months) | Nashville, TN

Owned independent insurance agency, with an emphasis on collector auto, marine, and other specialty insurance products. Provided best of breed solutions to clients primarily in Tennessee and Alabama, on both personal and commercial lines. Dissolved company after being recruited by Hagerty Collector Car Insurance.

Add Media:  Document  Photo  Link  Video  Presentation

Director of Sales

42U/DirectNET

February 2008 – June 2008 (5 months) | louisville, colorado

While in the process of selling my insurance agency, I took an interim position as Director of Sales for 42U, a technology VAR in Colorado. I managed an inside and outside sales team of about a dozen people, interviewed and hired for key positions, as well as sourced and hired my permanent replacement. Left company on good terms to pursue an opportunity in Nashville, Tennessee.



Add Media:  Document  Photo  Link  Video  Presentation

President

Allstate/Brad Phillips & Associates

October 2003 – May 2008 (4 years 8 months) | denver, co

Started Allstate insurance agency in Denver, Colorado. Rookie of the Year for my territory, also winning multiple Regional and National production awards for Allstate. Also focused on Collector Car & Boat Insurance through Hagerty, becoming one of the top 20 producing agents in the country. Sold business in May of 2008 to another agency looking to grow by acquisition.



Regional Sales Manager



Avocent Corporation

June 1997 – September 2003 (6 years 4 months)

Started with Cybex Computer Products in 1997 as a Territory Manager for the Mid-Atlantic states. Then became the District Manager for the Southwest, and was moved to Dallas. (I was the first field based sales person in the history of Cybex/Avocent.) Then became the Regional Sales Manager of the Southwest, and moved to Denver. Somewhere in here I was also a Major Accounts Manager. Then a Strategic Accounts Manager covering the Western states. Left company on good terms to start my own business in 2003.

Bradley T. Phillips
401 Pennsylvania Avenue
Salisbury, MD 21801
August 3, 2016

Dear Ms. Odom:

Thank you for assisting me in the reappointment process to the Salisbury Historic District Commission. I have enjoyed serving on the Commission, and I believe that preserving the historic integrity of our community is an important task.

My family and I moved to Salisbury in 2012, and we currently live in our third historic home since we were married 16 years ago. The first two were in Denver, CO and were built in 1896 and 1910. This home here in Salisbury was built in 1928, and seems to be well known to the Commission and to the area at large. I personally enjoy maintaining and working on these old houses, with an eye towards the preservation of historic features. Where would we be as a community if we did not make a sincere attempt to preserve our architectural heritage?

In addition to my love of historic homes, I also enjoy the vintage automobile hobby. I have restored and preserved around thirty vintage vehicles of various types over the years. (Currently I'm restoring a 1917 Willys-Overland and a 1966 Sunbeam Tiger.) I have also served as a judge at national events in the Antique Automobile Association of America on several occasions.

My career has been in the technology and insurance sectors, and my wife (Dr. Maida Finch) teaches at Salisbury University. I have been a small business owner, as well as the past President of the Greater Stapleton Business Development Association back in Colorado. My wife and I are originally from Hampton, Virginia, and we have two children- Oliver (12) and Vivian (10).

Hopefully this gives the Council a brief introduction to who I am, and why I am interested in continuing as a member of the Historic District Commission. I believe the work the Commission has done over the past several years has been important, reasonable, and well accepted by the community, and I look forward to continuing to hone our process and do good civic work.

Thank you again for your consideration. My work experience is attached.

Sincerely,

Bradley Phillips

1 **RESOLUTION NO. 2655**

2
3 BE IT RESOLVED, by the City of Salisbury, Maryland that the following
4 individual is reappointed to the Historic District Commission, for the term ending as
5 indicated.

6
7

<u>Name</u>	<u>Term Ending</u>
Bradley T. Phillips	August 2019

8
9
10
11 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
12 Council of the City of Salisbury, Maryland held on August _____, 2016.

13
14 ATTEST:

15
16
17 _____
18 Kimberly R. Nichols
19 CITY CLERK

John R. Heath
PRESIDENT, City Council

20
21
22 APPROVED BY ME THIS

23
24 _____ day of _____, 2016

25
26
27 _____
28 Jacob R. Day
29 MAYOR, City of Salisbury



City of
Salisbury
Jacob R. Day, Mayor

To: Tom Stevenson, City Administrator
From: Keith Cordrey, Director of Internal Services
Date: August 9, 2016
Re: Manufacturing Exemption for equipment purchased in 2015 – PolyOne Designed Structures & Solutions LLC

I am recommending that PolyOne Designed Structures & Solutions LLC be granted exemptions from Personal Property Tax for their equipment purchased in 2015, as requested by the company. Since the request came within 2 years of the purchase of the equipment, they are eligible for up to 5 years' exemption. Over the next five years they will benefit from this exemption by a total savings of \$ 63,395 in personal property tax. The exemptions will be applied to City Property Tax years 2017-2021 as shown in the schedule provided herein.

Attached please find copies of the calculations, property tax returns and manufacturing exemption applications.

City of Salisbury



KEITH CORDREY
DIRECTOR INTERNAL SERVICES

MARYLAND

FINANCE DEPARTMENT

125 N. Division Street
Salisbury, MD 21801-4940
410) 548-3110
(410) 860-5154 (Fax)

Exemption Application For Machinery and Equipment Used for Manufacturing/Research & Development

Business Name: PolyOne Designed Structures & Solutions LLC MD Department ID#: Z15461130

Mailing Address: 33587 Walker Road, Avon Lake, OH 44012

Contact Name: Ray Blatnik Phone No.: 216.685.9448

1. In order to qualify for an exemption you must meet one of the following requirements: Equipment is owned and operated by a facility that (1) locates in Salisbury (2) expands operations in Salisbury, or (3) develops a new product or industrial process in Salisbury. If you meet one of these requirements please explain in detail how you meet these requirements including raw materials used and products produced or R & D activity being conducted. Please include number of employees used in Manufacturing/ R&D and number of administrative employees.
2. Exemption is requested for tools, machinery & equipment used in Manufacturing / Research & Development acquired in calendar year 2015.
3. Address of Manufacturing / R & D operation. 601 Marvel Road, Salisbury, MD 21801
4. Date Manufacturing / R & D operation began in Salisbury. 03/13/2013
5. Attach a description of each asset claimed under this exemption. The schedule must include a description, original cost, and date of acquisition for each item. General descriptions such as Equipment, Various, or Miscellaneous are not acceptable.
6. Attach a copy of the State of Maryland Personal Property Return for the year of acquisition.

Additional information and requirements

All exemptions require approval by the City of Salisbury Council and receipt of exemption from Wicomico County does not mean you will automatically be granted an exemption by the City of Salisbury. The exemption that is granted is for a specific year in which equipment was purchased and can be for a term up to a maximum of 5 years. Once an exemption has been granted, a copy of the personal property tax return must be sent in for each year of the exemption. To be eligible to receive the maximum exemption term of 5 years, the application must be received within two (2) years from December 31st of the calendar year in which the equipment was purchased. A separate request must be made for each year. The application can be mailed to Finance Department, 125 North Division St., Salisbury, MD 21801-4940 or faxed to (410) 860-5154.

Preparer's Signature Ray Blatnik Date 6/8/16

Email address ray.blatnik@ryan.com



State Of Maryland Exemption Application for Manufacturing and Research & Development

Attachment – Question # 3

PolyOne Maryland is a manufacturing facility that calendars and converts PVC Vinyl and converted films , specializing in the printing, coating embossing and laminating of films and papers. The manufacturing process Major processing steps are as follows:

Calendaring

Raw Materials (primary)

- 1) PVC resin
- 2) TiO₂
- 3) Calcium Carbonate

Process Steps

- 1) Raw materials are blended for use.
- 2) Materials are fluxed, calendaring form for raw materials.
- 3) Materials are calendared to customer specifications, sheeted to exacting gage and width.
- 4) Calendared materials are master rolled to the customer specification.

Converting

Raw Materials (primary)

- 1) PVC (rigid and flexible)
- 2) Acrylic Film
- 3) Printing inks suspended in Isopropyl Alcohol and Isopropyl Acetate.

Process Steps

- 1) Blend standard ink components into customer specified colors
- 2) Rotogravure print patterns with mixed ink in customer specified patterns.
- 3) Printed materials are master rolled to the customer specification.

Transportation

Raw material (Inputs) and Customer products are transported as follows:

- 1) All raw materials and finished product are shipped via truck.
- 2) A small percentage of raw and finished materials are shipped Intermodal.

R & D

Research and development is conducted on the above processes for - New product development, customer inquiries and Manufacturing Improvements.

- 1) Some new product development is performed in a lab situation to define desired appearance and property.
- 2) All new product development, customer inquiries and manufacturing improvements must be piloted on the main manufacturing line for scale up processing parameter development.

PolyOne Corporation
City of Salisbury, MD
ID: Z15461130
Fixed Asset Detail

December 31, 2015

Asset #	State Class	Asset Description	Acq Date (O)	Cost (O)
1711029543-0	Mfg M&E	Calender Lab Productivity, Safety, and E	12/30/2015	32,902
1711029546-0	Mfg M&E	J. Josephson C2 Rubber Roll	12/14/2015	7,264
1711029548-0	Mfg M&E	Motor and Drive repair replacement for r	12/10/2015	5,343
1711029544-0	Mfg M&E	Calendar #1 JJ Rubber Roll	12/05/2015	20,330
1711029547-0	Mfg M&E	Viscometer Purchase	12/01/2015	6,571
1711029549-0	Mfg M&E	Compressor Emergency Repairs - #1 and #5	12/01/2015	121
1711029328-0	Mfg M&E	Replacement of Corona Treater Roll & Reb	11/15/2015	19,164
1711029545-0	Mfg M&E	Calender 2 Water Pan monitoring system	11/15/2015	8,878
1711029327-0	Mfg M&E	Replace Calender 1 Metal Detector	11/05/2015	19,182
1711029326-0	Mfg M&E	Print cylinders for straight grain desig	10/20/2015	30,456
1711029330-0	Mfg M&E	Calender 2 #2 roll bearing repair	10/04/2015	9,995
1711029238-0	Mfg M&E	Equipment Guarding and Pedestrian Safety	09/30/2015	8,597
1711029239-0	Mfg M&E	C2 Enclosure	09/30/2015	(198)
1711029240-0	Mfg M&E	Plant compressed air dryer	09/30/2015	(348)
1711029241-0	Mfg M&E	Servo Drives for Press 2	09/30/2015	(1,609)
1711029229-0	Mfg M&E	Machine Vision System for Calender 2	09/26/2015	241,149
1711029230-0	Mfg M&E	Calendar 2 computer upgrade	09/26/2015	57,512
1711029232-0	Mfg M&E	#5 Compressor Replacement	08/22/2015	33,850
1711029231-0	Mfg M&E	Calender 1 Rotor Emergency Repair	08/20/2015	46,000
1711029234-0	Mfg M&E	UV Testing Machine for J. Josephson	08/15/2015	13,955
1711029228-0	Mfg M&E	Automatic Ink Dispensing System	08/13/2015	177,972
1711029237-0	Mfg M&E	Walking surface - C2 Exhaust Fan	08/12/2015	3,700
1711029236-0	Mfg M&E	Calender 1 Motor Fans	08/10/2015	8,007
1711029235-0	Mfg M&E	Compressor Emergency Repairs - #1 and #5	08/05/2015	13,253
1711029233-0	Mfg M&E	Upgrades for Calender & Converting Color	08/03/2015	21,308
1711029115-0	Mfg M&E	Stairs and Walking Work Surfaces for Cal	06/30/2015	10,998
1711029118-0	Mfg M&E	C Hook for Calender 2 Roll Liftin	06/23/2015	4,235
1711029117-0	Mfg M&E	Calender 1 100HP Motor Emergency Repair	05/29/2015	8,350
1711028933-0	Mfg M&E	Calender 1 Motor Emergency Repair	04/20/2015	10,950
1711028924-0	Mfg M&E	Hand safety and guarding improvements	03/30/2015	27,553

Total Mfg M&E 845,440

Annual Report and Personal Property Return

STATE OF MARYLAND, DEPARTMENT OF ASSESSMENTS AND TAXATION, PERSONAL PROPERTY DIVISION
 301 West Preston Street, Room 801, Baltimore, Maryland 21201-2395 * www.dat.maryland.gov * (410) 767-1170 * (888) 246-5941 within Maryland

2016

Form 1

Page 1 of 4

Date Received
by Department

CHECK ONE

Type of Business	ID # Prefix	Filing Fee	Type of Business	ID # Prefix	Filing Fee
<input type="checkbox"/> Domestic Stock Corporation	(D)	\$300	<input type="checkbox"/> Domestic Limited Liability Company	(W)	\$300
<input type="checkbox"/> Foreign Stock Corporation	(F)	\$300	<input checked="" type="checkbox"/> Foreign Limited Liability Company	(Z)	\$300
<input type="checkbox"/> Domestic Non-Stock Corporation	(D)	- 0 -	<input type="checkbox"/> Domestic Limited Partnership	(M)	\$300
<input type="checkbox"/> Foreign Non-Stock Corporation	(F)	- 0 -	<input type="checkbox"/> Foreign Limited Partnership	(P)	\$300
<input type="checkbox"/> Foreign Insurance Corporation	(F)	\$300	<input type="checkbox"/> Domestic Limited Liability Partnership	(A)	\$300
<input type="checkbox"/> Foreign Interstate Corporation	(F)	- 0 -	<input type="checkbox"/> Foreign Limited Liability Partnership	(E)	\$300
<input type="checkbox"/> SDAT Certified Family Farm (A,D,M,W)	(A,D,M,W)	\$100	<input type="checkbox"/> Domestic Statutory Trust	(B)	\$300
<input type="checkbox"/> Real Estate Investment Trust	(D)	\$300	<input type="checkbox"/> Foreign Statutory Trust	(S)	\$300

Name of Business **PolyOne Designed Structures & Solutions LLC**
 Mailing Address **33587 Walker Road**
Avon Lake, OH 44012

Email Address **jessica.fisher@polyone.com**

Check here
 if this is a
 change of
 address

DEPARTMENT ID NUMBER		FEDERAL EMPLOYER IDENTIFICATION NUMBER			
ID # PREFIX	Z 15461130	4	6	-	1
DATE OF INCORPORATION OR FORMATION		STATE OF INCORPORATION OR FORMATION		FEDERAL PRINCIPAL BUSINESS CODE	
09/20/13		DE			
TRADING AS NAME					

ID # PREFIX
Type or Print Department ID Number Here

Z
1
5
4
6
1
1
3
0

INCLUDE DEPARTMENT ID NUMBER ON CHECK
PLEASE STAPLE CHECK HERE

SECTION I

- A. Is any business conducted in Maryland? Yes Date began: 09/20/2013
(Yes or No)
- B. Nature of business conducted in Maryland: Manufacturing
- C. Does the business own, lease or use personal property located in Maryland? Yes If No, skip SECTION II.
(Yes or No)

ONLY CORPORATIONS COMPLETE ITEM D

D. Names and addresses of officers and names of directors (type or print):

OFFICERS		
Names		Addresses
President <u>Richard N. Altice</u>	_____	_____
Vice-President <u>Craig Nikrant</u>	_____	_____
Secretary <u>Robert James</u>	_____	_____
Treasurer <u>James Sloan</u>	_____	_____
DIRECTORS		
Names	Names	
_____	_____	
_____	_____	
_____	_____	

7019, DSS Salisbury

601 Marvel Road, Salisbury, MD 21801

2016
Form 1
 continued
Page 3 of 4

⑤ **Tools, machinery and equipment used for manufacturing or research and development:** State the original cost of the property by year of acquisition. Include all fully depreciated property and property expensed under IRS rules. If this business is engaged in manufacturing/R&D, and is claiming such an exemption for the first time, **a manufacturing / R&D exemption application must be submitted on or before September 1**, before an exemption can be granted. **See instruction 11 for exception.** Contact the Department or visit www.dat.maryland.gov for an application.

If the property is located in a taxable jurisdiction, a detailed schedule by depreciation category should be included to take advantage of higher depreciation allowances.

Year Acquired / Original Cost		Year Acquired / Original Cost	
2015	856,475	2011	
2014	850,511	2010	
2013	11,274,898	2009	
2012		2008 and prior	

TOTAL COST \$ 12,981,884

⑥ **Vehicles with Interchangeable Registration** (dealer, recycler, finance company, **special mobile equipment**, and transporter plates) and unregistered vehicles should be reported here. See specific instructions.

Year Acquired / Original Cost		Year Acquired / Original Cost	
2015		2013	
2014		2012 and prior	

TOTAL COST \$ None

⑦ **Non-farming livestock** \$ None (Book Value) \$ _____ (Market Value)

⑧ **Other personal property** Total Cost \$ None
 File separate schedule giving a description of property, original cost and the date of acquisition.

⑨ **Property owned by others and used or held by the business** as lessee or otherwise. . . Total Cost \$ None
File separate schedule showing names and addresses of owners, lease number, description of property, installation date and separate cost in each case.

⑩ **Property owned by the business but used or held by others** as lessee or otherwise. . . Total Cost \$ None
File separate schedule showing names and addresses of lessees, lease number, description of property, installation date and original cost by year of acquisition for each location. Schedule should group leases by county where the property is located. Manufacturer lessors should submit the retail selling price of the property not the manufacturing cost.

City of Salisbury
Manufacturing Exemption Worksheet

Company: Polyone Designed Structures & Solutions LLC

Year New Equipment Purchased:		2015			
Equipment Purchased Amount:		\$ 845,440			
City Tax Year	State Tax Year	Exemption Credit Value(1)	Exemption Value Total	Deprec Value	%
2017	2016	16,815.80	760,896	760,896	90%
2018	2017	14,947.38	676,352	676,352	80%
2019	2018	13,078.96	591,808	591,808	70%
2020	2019	11,210.53	507,264	507,264	60%
2021	2020	9,342.11	422,720	422,720	50%
		\$ 65,395	NA	65,395	

Application Eligibility Information:

Exempt yrs Granted	Calculated Yrs based on equip Yr
5	1 2016
5	<2
3	2-3
2	3-4
1	4-5
# Years Eligible: 5	
Date Filed: 04/12/16	

(1) The exemption credit value shown above is using rate of 2.21 per hundreded . The acutal credit to be issued will be based on rates in effect for the Tax Year the credit is issued to.

City of Salisbury



JACOB R. DAY
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

JULIA GLANZ
ASSISTANT CITY ADMINISTRATOR

MARYLAND

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

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER
*ASST. DIRECTOR OF INTERNAL
SERVICES*

COUNCIL AGENDA – Award of Bids

August 22, 2016

1. **Contract 121-16**
Paleo WTP Well #2 Rehabilitation

\$111,835.00

City of Salisbury

JACOB R. DAY
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

JULIA GLANZ
ASSISTANT CITY ADMINISTRATOR



MARYLAND

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

KEITH A. CORDREY
DIRECTOR OF INTERNAL SERVICES

JENNIFER MILLER
ASST. DIRECTOR OF INTERNAL
SERVICES

Council Agenda

August 22, 2016

TO: Mayor and City Council

SUBJECT: Award of Bid
Contract 121-16
Paleo Water Treatment Plant Well #2 Rehabilitation

The City of Salisbury Internal Services Department, Procurement Division, received a request from the Department of Public Works to solicit bids for Contract 121-16 Paleo Water Treatment Plant Well #2 Rehabilitation. The scope of work for this bid solicitation will furnish all of the labor, materials and equipment necessary for the rehabilitation and performance testing of Paleo Well No. 2, the installation and testing of one (1) new submersible pump, and providing a backup pump.

The Procurement Department followed standard bid practices by advertising in the Daily Times, on the City of Salisbury's website, utilizing the City's vendor list, and advertising on the State of Maryland's website, eMaryland Marketplace. One (1) vendor submitted a bid by the due date and time of Thursday, July 7, 2016 at 2:30 p.m.:

Vendor	Total Bid
A.C. Schultes of Delaware	\$111,835.00

The bid response was determined to be responsive and responsible, and funding is available in project account 96216-513026-50021.

The Procurement Department concurs with the recommendation submitted by the Department of Public Works and thereby requests Council's approval to award Contract 121-16 Paleo Water Treatment Plant Well #2 Rehabilitation to A.C. Schultes of Delaware, in the amount of \$111,835.00.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Miller".

Jennifer Miller
Assistant Director of Internal Services – Procurement and Parking



City of
Salisbury
 Jacob R. Day, Mayor

To: Jennifer Miller, Asst. Director of Internal Services – Procurement
 From: Michael Moulds, Director of Public Works
 Date: July 19, 2016
 Re: 121-16 Paleo Water Treatment Plant Well #2 Rehabilitation

Salisbury Public Works recently advertised a Request for Proposal for the Paleo Water Treatment Plant Well #2 Rehabilitation project. The rehabilitation will include a system inspection, capacity testing, geophysical survey, video inspection, brush casing and screen, removal/reinstallation of pumps, and disinfection. Also the rehabilitation will include replacement of #3 pump motor and other appurtenances, backup replacement pump, and a master gate valve. Proposals were opened on Thursday, July 7, 2016 at 2:30 p.m. for 121-16 Paleo Well #2 Rehabilitation. One (1) response to this contract was received, as summarized below in the “Actual Bid” column.

Bid Breakdown	
	Actual Bid
Mobilization/Demobilization	\$3,000
System Inspection	\$3,600
Specific Capacity Test	\$900
Remove and Inspect Pumps #3 and #4	\$1,795
Geophysical Survey Support/Standby	\$900
Installation/Removal Sediment and Erosion Controls	\$3,000
Brush Casing and Screen	\$3,600
Video Inspection Support/Standby	\$675
Support Services for Impulse Generation, Provide isolation tool	\$7,200
Double Surge Block Rehabilitation	\$4,500
Video Inspection Support/Standby	\$450
Furnishing of New Pump #3	\$41,657
Installation of New Pump #3	\$1,795
Re-Install Pump #4	\$1,795
Well Disinfection	\$1,500
Specific Capacity Test	\$900
Step Test/Constant Rate Test	\$1,795
Purchase and Install Master Gate Valve	\$2,786
Purchase and Install Backup Replacement Pump and Motor	\$29,987
Total:	\$111,835

SPW reviewed the proposal in accordance with the contract documents. Peter Nash of Golder Associates has prepared a recommendation for A.C. Schultes of Delaware, Inc. who is the responsive bidder. Additionally, SPW has called multiple references and all have had a positive response to the work completed by A.C. Schultes of Delaware, Inc. SPW recommends awarding the contract to A.C. Schultes of Delaware, Inc. in the amount of \$111,835. Funding is available for the Paleo Water Treatment Plant Well #2 Rehabilitation project in Account # 96216-513026-50021.



City of
Salisbury
Jacob R. Day, Mayor

Please issue a Purchase Order to A.C. Schultes of Delaware, Inc. in the amount of \$111,835 for the scope of work specified in project number 121-16.

A handwritten signature in blue ink that reads "Antonio Fascelli". The signature is written in a cursive style and is positioned above a horizontal line.

Antonio Fascelli
Project Engineer

A handwritten signature in blue ink that reads "Michael S. Moulds, P.E.". The signature is written in a cursive style and is positioned above a horizontal line.

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



City of
Salisbury
Jacob R. Day, Mayor

Memorandum

To: Tom Stevenson, City Administrator
Cc: Julia Glanz, Assistant City Administrator
From: William T. Holland
Date: August 18, 2016
Subj: Dagsboro Road Annexation

Attached is the Dagsboro Road Annexation packet which includes Resolution 2650 introducing the annexation and Resolution 2651 establishing the Dagsboro Road Annexation public hearing for September 26, 2016.



BOHLERTM
ENGINEERING

18958 Coastal Highway
Suite D
Rehoboth Beach, DE 19971
PHONE 302.644.1155
FAX 302.703.3173

March 29, 2016
Via Hand Delivery

City of Salisbury
Department of Building, Permitting & Inspections
125 N. Division Street
Salisbury, MD 21801

Attention: William T. Holland
Director

RE: Annexation Petition
Proposed Commercial Site
MD Route 13 & Dagsboro Road
Map 20, Parcel 184
Wicomico County
City of Salisbury, Maryland
BEPC # DE160007

Dear Mr. Holland:

Bohler Engineer, on behalf of PTV Capital Partners Salisbury, LLC, is pleased to submit the above referenced project (located at the corner of Route 13 and Dagsboro Road) for consideration of Annexation within the City of Salisbury jurisdiction. The site measures approximately 2.51± acres, is zoned Commercial in the Wicomico County jurisdiction, is contiguous to the City of Salisbury boundary, and is currently a vacant gas station. The proposed project consists of an 18,875 ± retail store with site amenities and improvements inclusive of parking, access roadways, lighting, landscaping, utilities, and stormwater management facilities.

In regard to the City of Salisbury and Annexation Team meeting, please find enclosed the following material for your review:

- One (1) copy of the "City of Salisbury- Petition for Annexation"
- One (1) Site Plan, prepared by Hampshire, Hampshire & Andrews, Inc., dated July 23, 2012.
- One (1) Concept Development Plan, prepared by Bohler Engineering, dated March 29, 2016.
- One (1) Check payable to "City of Salisbury" in the amount of \$2,000.00



Upon your review of the above, should you have any questions or require additional information, please do not hesitate to contact this office at (302) 644-1155. Thank you.

Sincerely,

BOHLER ENGINEERING VA, LLC

A handwritten signature in black ink, appearing to read "C. Mondoro".

Christopher A. Mondoro
Asst. Project Manager

A handwritten signature in black ink, appearing to read "D. Kuklish".

David M. Kuklish, P.E.
Project Manager

cc: C. Ted Donald, PTV Capital Partners Salisbury, LLC (w/ encl.)
D. Edward Baker, PTV Capital Partners Salisbury, LLC (w/ encl.)

CAM/cl

H:\16\DE160007\Administrative\Letters\160329 - City of Salisbury -Annexation Letter.doc

CITY OF SALISBURY

PETITION FOR ANNEXATION

To the Mayor and Council of the City of Salisbury:

I/We request annexation of my/our land to the City of Salisbury.

Parcel(s) # 184

Map # 20, Grid # 24

SIGNATURE (S)

 March 31, 2016
Date

Date

Date

Date



City of
Salisbury
Jacob R. Day, Mayor

CERTIFICATION

U. S. ROUTE 13 & DAGSBORO ROAD

ANNEXATION

This is to certify that I have verified the petitions for the annexation and that to the best of my knowledge the persons having signed the petition represent at least 25% of the registered voters residing in the area to be annexed and are the owners of at least 25% of the assessed valuation of real property located in the area to be annexed.

Leslie C. Sherrill
Surveyor

Date: 6/27/2016

US Route 13 – Dagsboro Rd - Certification

MEMORANDUM

To: Thomas Stevenson, City Administrator
From: Christopher Jakubiak, AICP
Date: July 19, 2016
Re: Fiscal Impact, Malone – Snow Hill Road Annexation

The PTV Capital Partners - Dagsboro Road Annexation would add 2.51 acres to the City zoned for commercial use. The annexation is expected to have an overall net positive fiscal impact to the City estimated to be \$12,300 annually. This memorandum summarizes the costs and revenues associated with the Annexation.

Cost

Cost projections are based on a snapshot marginal cost approach. The current level of service (derived from the approved FY 2016 Budget) is used to project new costs, using demand unit multipliers, which reflect how responsive a cost is to demand—that is, how much the City's cost of providing a service is likely to vary with each additional household or job and in the present case, solely jobs since the project is entirely commercial. Some portion of all City services is fixed and therefore will remain constant in light of new development; this portion of the cost therefore is not assigned to new development. The estimated annual cost to the City is \$21,100.

Revenues

When land is annexed into Salisbury it is subject to the municipal real property tax. The property tax rate is applied to the value of land and improvements (structures) thereon. The rate is \$0.937 per \$100 of assessed value. Since the assessed value of the proposed units is unknown, this study estimates assessed values by computing the average assessed value of multiple comparable properties in the City of Salisbury. The source for the assessed values is the Maryland Department of Assessments and Taxation.

Under the proposed concept development plan, the Annexation Property would be developed with a 18,750+/- square foot grocery store at the intersection of Route 13 and Dagsboro Road with highway access to Route 13. With an estimated assessed value of \$3.5 million, the total expected revenue from full development on the annexation parcel is \$33,400.

It is difficult to make reliable projections about the activities of future businesses that may occupy new development projects. For this reason, the personal property tax receipts likely to accrue from future businesses with annexation area are also not included in our analyses. Therefore, in this respect, the study undercounts revenue potential from the Annexation.

It is also important to note that upon annexation of a property, the City of Salisbury could begin receiving some property tax revenues from the parcel. These revenues, which typically would occur prior to actual development (and hence, the provision of standard municipal services, i.e. costs) are not included.

Lastly, the City collects user fees, license fees, and permitting fees. These are charged to applicants for permits and/or users of certain city services. These revenues are small relative to the property tax revenue and are not included in this study.

Conclusion

The PTV Partners - Dagsboro Road Annexation upon its proposed development would have a positive fiscal impact to the City of about \$12,300 per year in constant 2016 dollars¹.

¹ This study takes into account only “direct” costs and revenues that can be tied directly to each household. “Indirect” costs



PTV Capital Partners, LLC
1563 Woodward Drive Extension
Greensburg, PA 15601
T: (724) 420-5367
F: (724) 420-5369

LETTER OF INTENT

July 7, 2016

Mr. Tom Stevenson, City Administrator
City of Salisbury Government Office Building
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: Dagsboro Rd –PTV Capital Partners Annexation

Dear Mr. Stevenson:

Pursuant to that certain Option Agreement to Purchase Real Property (the "Agreement") effective January 8, 2016, by and Between PTV Capital Partners, LLC, a limited liability company organized and existing under the laws of the Commonwealth of Pennsylvania and authorized to do business in the State of Maryland, located 1563 Woodward Drive Extension, Greensburg, PA 15601, its successors and assigns (the "Optionee"), and James W. Taylor, III, an individual, with a mailing address of 941 West Isabella Street, Salisbury, MD 21801, his heirs, successors, beneficiaries and assigns (hereinafter called "Optionor"), Optionee has an equitable interest in the property located and described as 30248 Dagsboro Road, Salisbury, MD 21802, Tax Map: 0020 Grid: 0024 Parcel: 0184 – Tax Account #: 05-073642 (the "Property"). Optionee provides this letter, in conjunction with the attached petition from the Optionor, as indication that the parties mutually intend to move forward with the annexation of the Property based on the draft annexation agreement.

Furthermore, Optionee shall enter into the final Annexation Agreement (the "Annexation Agreement") and shall be granted all authority and permission to do so by the Optionor and the Agreement.

Sincerely,

PTV Capital Partners, LLC

By: 

Enclosures

C/c James W. Taylor, III



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

July 22, 2016

Mr. Chris Monduro
Bohler Engineering
18958 Coastal Highway, Suite D
Rehobeth Beach, DE 19971

RE: ANNEXATION ZONING – Dagsboro Road Annexation – 2.51 acres; M-20; G-24; P-184.

Dear Mr. Monduro:

The Salisbury Planning Commission at its July 21, 2016, meeting, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for this property to be zoned **General Commercial** upon annexation. The Commission also found that the proposed zoning is consistent with the Wicomico County Zoning, and the Comprehensive Plan recommendation for Commercial development in this area.

The Commission recommendation is contingent upon the Mayor and City Council approval of the recommended amendment to the 2010 Salisbury Comprehensive Plan for this property.

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

Sincerely,

John F. Lenox, AICP

Director

Salisbury/Wicomico Planning & Zoning

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



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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STAFF REPORT

MEETING OF JULY 21, 2016

NAME: PTV Capital Partners – Dagsboro Road Annexation

APPLICANT: The City of Salisbury - Referral

LOCATION: Northeasterly side of the City of Salisbury, on the northeasterly corner of U.S. Route 13 and Dagsboro Road.
Tax Map #20, Parcel #184, Grid #24

REQUEST: Annexation Zoning – 2.51 acres

I. BACKGROUND DATA:

A. Introduction.

The City Administration has referred the PTV Capital Partners – Dagsboro Road annexation located on the northeasterly side of Salisbury to the Planning Commission for review and recommendation of an appropriate zoning designation. The property is located on the northeasterly corner of U.S. Route 13 and Dagsboro Road and consists of 2.51 acres. (See Attachments #1 - 4.)

Under the procedures established by the Mayor and City Council in 1987, the zoning classification of the area will be included in the resolution that annexes the property to the City. Prior to this policy, annexations were conducted by resolution and the zoning category established by a separate ordinance on a separate time schedule. This policy now puts the zoning classification and annexation on the same schedule.

B. Area Description.

This annexation area consists of one parcel 2.51 acres in size that is currently developed with an inactive convenience store/fuel station. (See Attachment #5.)

II. ZONING ANALYSIS.

A. Existing Zoning.

The annexation area and the adjoining area to the north is zoned C-2 General Commercial under the County Code. (See Attachments #6 and 7.)

B. Zoning History.

The proposed annexation area was zoned Commercial by the County on April 1, 1968. During the most recent Comprehensive Rezoning in September 2004, the area remained zoned C-2 General Commercial.

C. County Plan.

Wicomico County's Comprehensive Plan was adopted on February 3, 1998. This site is located within the area designated as "Metro Core".

The Draft County Comprehensive Plan designates this area as "Commercial".

D. Zoning for Annexed Areas.

1. Introduction.

Current City policy requires that all areas to be annexed shall be submitted to the Salisbury-Wicomico Planning Commission for review and recommendation of an appropriate zoning district. The Zoning Code does not establish specific procedures for zoning lands to be annexed to the City of Salisbury. The classification of future City areas, therefore, is conducted consistent with local adopted plan recommendations and Maryland Annexation Law.

2. Adopted Plans.

The Planning Commission is a jointly established agency for both the City of Salisbury and Wicomico County. One of its basic charges is to prepare and recommend various plans guiding the long-range development of both jurisdictions.

The information below summarizes the legal status of the plans currently in effect for Wicomico County and the City of Salisbury.

- a. The Salisbury Comprehensive Plan - The Salisbury City Council adopted the current Comprehensive Plan on July 12, 2010. That document includes land use policies for all lands within the Corporate Limits as well as a Municipal Growth Element addressing growth areas outside the Corporate Limits. The Land Use Map of the City Plan designates this area as a "Low-density residential". A proposed amendment to the Comprehensive Plan is included on this agenda to correct this mistaken designation.
- b. The Wicomico County Comprehensive Plan - The Wicomico County Council adopted its Plan on February 3, 1998. The

Land Use Map of the County Comprehensive Plan designates this area as “Metro Core.” The Draft 2014 County Plan designates this area as “Commercial”.

3. Maryland Law.

House Bill 1141 made two changes to Annexation Procedures that became effective October 1, 2006. They are:

- 1. The Five-Year Rule.** First, the rule is applied solely on zoning. In the past, the five-year rule could be applied whenever a proposed new zoning classification was substantially different from the use envisioned “in the current and duly adopted master plan.” The reference to the master plan is now gone and the issue becomes the degree of change from the current county zoning classification to the proposed municipal classification following the annexation. When the zoning change is from one residential zone to another, “substantially different” is now defined as a density change. The five-year rule will not kick in for a density change unless the proposed zoning is more dense by 50 percent.
- 2. Annexation Plans Required.** An annexation plan is required that replaces the “outline” for the extension of services and public facilities prior to the public hearing for an annexation proposal. This section contains no additional language for the content of the annexation plan to be adopted, but does require it to be consistent with the municipal growth element for any annexations that begin after October 1, 2009. The Plan must be provided to the county and the State (the Maryland Department of Planning) at least 30 days prior to the hearing.

III. DEVELOPMENT SCENARIO.

A. Proposed Use.

As previously noted, the property is developed with a convenience store with fuel islands. The property is proposed for redevelopment with a grocery store.

B. Access.

The property currently has two access points on Route 13 and two on Dagsboro Road. Upon redevelopment, the plan indicates one access points on Route 13 at the northerly corner and two on Dagsboro Road. One entrance aligns with the Maryland State Police barrack driveway and the other with Dickerson Lane.

C. Configuration and Design

The annexation area is irregular in shape. A portion of Dagsboro Road will need to be included in the annexation to make it contiguous with the City boundary.

D. Estimated Development Impacts.

The development impact assessment traditionally pertains to a proposal for a residential development. This site is developed with a commercial facility and proposed for redevelopment as a retail use.

Among other things, the City staff has recommended that the proposed building be moved closer to Route 13 and the parking be moved to the rear of the building; that an access connection to the north adjoining property be included; and that the entrance on Dagsboro Road be aligned with Dickerson Lane.

This site is located in the Paleochannel District. Review and approval of the Final Site Plan by the Planning Commission will be required by the Code.

VI. RECOMMENDATION.

The specific purpose of the Planning Commission's review is to make a zoning recommendation for the annexation area that is currently zoned Commercial in the County.

The adopted Salisbury Comprehensive Plan designates this area as "Low density residential. General Commercial zoning is proposed for the property upon annexation to the City. An amendment to the Salisbury Comprehensive Plan will be required and has been included on this agenda. The text of the General Commercial District is included as **Attachment #8**.

Staff recommends that the Planning Commission determine that the proposed zoning is consistent with the existing Wicomico County zoning in this area. Further, that the Commission forward a **Favorable** recommendation to the Mayor and City Council for this property to be zoned **General Commercial** upon annexation, contingent upon adoption of the associated Comprehensive Plan amendment.

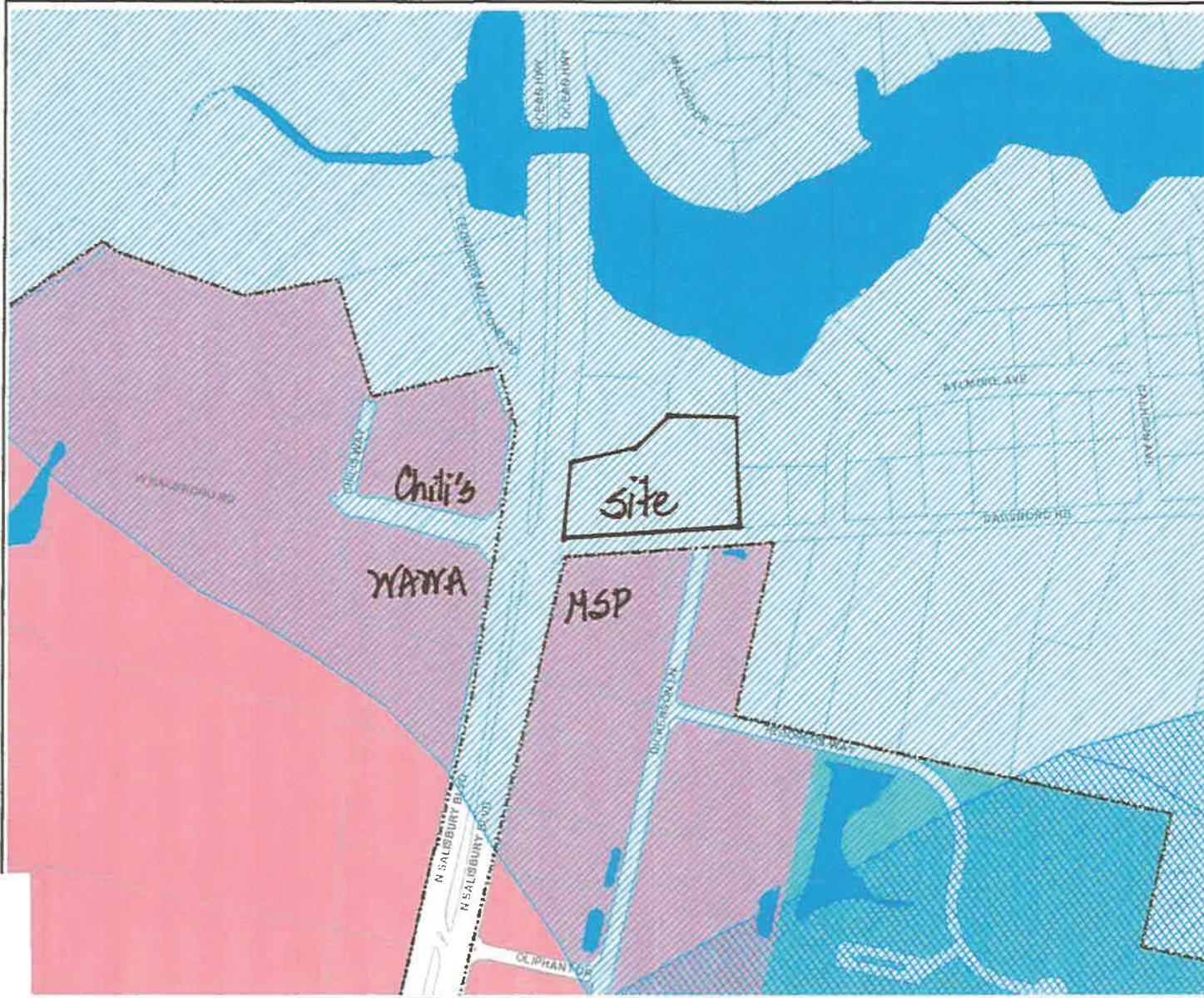
COORDINATOR: Gloria Smith, Planner
DATE: July 12, 2016



Dagsboro Road Annexation

CITY OF SALISBURY

Salisbury Zoning



- Paleochannel
- Wetland Protection Area
- Streams
- Water Bodies
- Street Numbers
- Municipal Areas
- CAD
 - Delmar
 - Fridland
 - Hebron
 - Marbela
 - Pitsville
 - Salisbury
 - Sharptown
 - Willards
- Railroads
- Parcels
- Critical Area
- Historic Districts
 - Dist_name
 - Camden Historic District
 - Downtown Historic District
 - Newtown Historic District
- Salisbury Zoning
 - CITY_ZON
 - College & University
 - Conservation
 - CBD
 - LBI
 - General Commercial
 - Reg Comm
 - MUNR
 - Select Commercial
 - Hospital
 - Ind
 - Ind Park
 - L ind
 - Neighborhood Business
 - OSH
 - OSR
 - PDD
 - PPD
 - R- 5
 - R- 5 A
 - R- 8
 - R- 8 A
 - R- 10
 - R- 10 A
 - Riverfront Redevelopment
- Street Centerlines

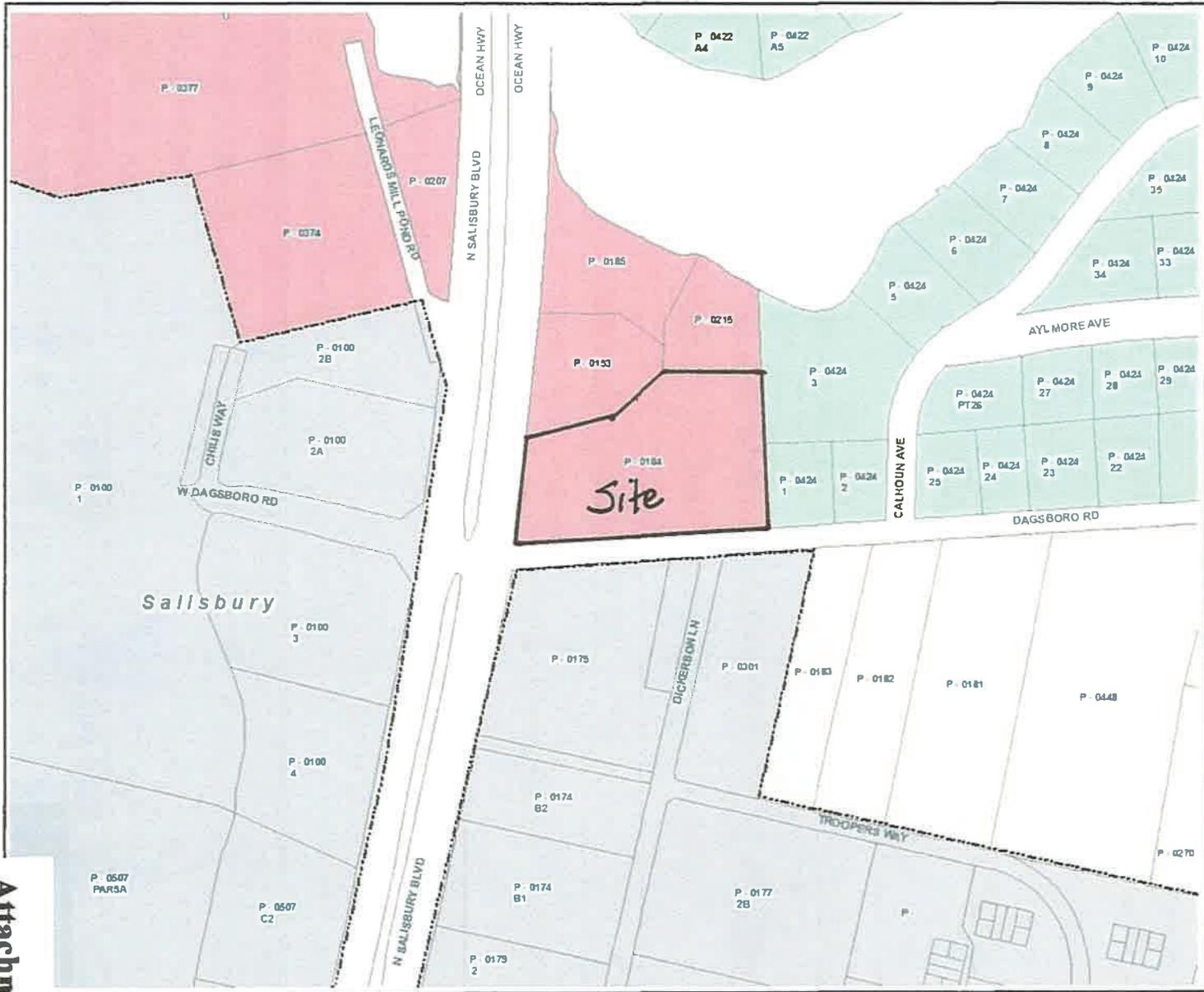
Attachment #6

112 ft

Dagsboro Road Annexation - City Zoning

Salisbury Wisconsin GIS

WICOMICO COUNTY ZONING MAP



	Bridges
	Chesapeake Bay Critical Area
	Historic Districts
	8000 ft Turning Radius
	Airport Overlay District
	Neighborhood Preservation District
	Salisbury Critical Area
	Wicomico County Boundary
	Wicomico SDE Railroads
	Wicomico SDE Airport, Runways, Taxiways
	Wicomico SDE Municipal Areas
	Wicomico BZA Activity
	Parcels
	Municipal Names
	Street Centerlines
	Wicomico Zoning

	A - 1 Agricultural - Rural
	Airport Business Park
	C - 1 Select Commercial
	C - 2 General Commercial
	C - 3 Regional Commercial
	CID Corporate Industrial District
	I - 1 Light Industrial
	I - 2 Heavy Industrial
	LB - 1 Light Business & Institutional
	LB - 2 Light Business & Residential
	R - 8 Residential
	R - 15 Residential
	R - 20 Residential
	R - 30 Residential
	REC Residential, Educational & Cultural
	TT Town Transitional
	VC Village Conservation
	Municipality

Attachment #7

77 ft

Dagsboro Road Annexation - County Zoning

Chapter 17.36

GENERAL COMMERCIAL DISTRICT

Sections:

- 17.36.010 Purpose.**
- 17.36.020 Permitted uses.**
- 17.36.030 Uses permitted by special exception.**
- 17.36.040 Uses permitted by ordinance permit.**
- 17.36.050 Accessory uses and structures.**
- 17.36.060 Development standards.**

17.36.010 Purpose.

The purpose of the General Commercial district is to provide a wide range of functional and attractive regional retail, office, service, wholesale, storage, distributing and light manufacturing activities.

To alleviate problems with traffic congestion and unnecessary turning movements, unified access and consolidation of businesses is encouraged. Because of the potential impact of these types of activities, special landscaping and screening requirements are established for certain uses.

The following uses, standards and area regulations have been established consistent with this purpose. (Ord. 1599 Section 1 (part): Prior Code Section 150-65)

17.36.020 Permitted uses.

A. Permitted uses shall be as follows:

1. Apartment units, in accordance with Chapter 17.168.;
2. Bank;
3. Bakery;
4. Boardinghouse/rooming house;
5. Business center in accordance with the requirements of Chapter 17.172, provided that each individual lot shall have a minimum of six thousand (6,000) square feet of land area;
6. Carpenter, sheet metal, sign, blacksmith and welding shop, provided that all activities are confined within a building;
7. Church and other place of worship;
8. Club, lodge and fraternal organization;
9. Cultivation of land;
10. Cultural uses such as museum, library or art gallery;

11. Dry-cleaning plant;
12. Eating and drinking establishments, including tavern, dance hall, nightclub and restaurants, all types;
13. Firehouse;
14. Equipment sales, rental, service, repair or maintenance facility for industrial, automotive, marine, office, construction, household, business or farm equipment;
15. Greenhouse, florist and nursery;
16. Hotel, motel or motor hotel;
17. Laboratory and establishment for production, sale, fitting or repair of eyeglasses, hearing aids and prosthetic appliances;
18. Light industrial uses, as listed in the Light Industrial District, completely confined within a building with no outside storage of raw materials or finished products;
19. Lumber and building supplies;
20. Marina;
21. Medical care facility;
22. Medical and dental office and clinic;
23. Police station or substation;
24. Parking garage, public or private;
25. Mixed use building as defined in Section 17.04.120 in this Chapter in accordance with a Comprehensive Site Plan, as approved by the Planning Commission, with a mandatory five-foot-wide landscaping area abutting all property lines and parking lots. Signage shall be the same as required for a shopping center;
26. Neighborhood shopping center not exceeding thirty thousand (30,000) gross square feet of building area, in accordance with the requirements of Chapter 17.212;
27. Office or office building for more than one office;
28. Radio or television broadcasting station or studio;
29. Retail sales;
30. School of special instruction;
31. Service, rental or repair establishment, such as laundry or laundromat, automobile rental, gasoline and service station, car wash, appliance repair, equipment or instrument repair or rental, dry-cleaning pickup station, hairdresser shop, pet-grooming shop, excluding outdoor runs, upholstery shop, funeral home, tailor and other uses of similar nature;
32. Taxi and limousine service;

33. Theater, excluding drive-in theater;
34. Wholesale business, warehouse, moving, storage and distribution establishment, including wholesale sales. (Ord. 1599, Section 1 (part), 1995; Prior Code Section 150-66)
35. Group domiciliary care facility. (Added 11/13/00 by Ord. No. 1786)

17.36.030 Uses permitted by special exception.

Uses permitted by special exception shall be as follows:

- A. Animal hospital or kennel or any other facility for the treatment of animals with outside pens or runs;
- B. Bus terminal;
- A. Shopping centers, neighborhood, over thirty thousand (30,000) gross square feet of floor area, commercial and regional shopping centers in accordance with Chapter 17.212;
- B. Trucking and freight stations, terminals, and storage yards, excluding the above ground storage of flammable liquids, except for servicing vehicles owned or used in the conduct of the business;
- C. Recreational establishment, indoor. (Ord. 1599 Section 1 (part) Prior Code Section 150-67)

17.36.040 Uses permitted by ordinance permit.

Uses permitted by ordinance permit shall be as follows:

- A. Commercial auction;
- B. Communication tower, over seventy-five (75) feet in height or any other electronic communications facilities with more than one sending or receiving disk in accordance with Chapter 17.220;
- C. Liquor stores and dispensaries (off-sale);
- D. Public or private utility building and uses;
- E. Recreational establishment, outdoor;
- F. Utility substation, in accordance with Chapter 17.220;
- G. Compact concrete dispenser as an accessory use to a use listed in Section 17.36.020, Permitted uses, and/or Section 17.36.030, Uses permitted by special exception. (Ord. 1599 Section 1 (part) Prior Code Section 150-68)

17.36.050 Accessory uses and structures.

Accessory uses and structures shall be as follows

- A. Off-street parking lot or structure;

RESOLUTION NO. 2650

1
2
3
4 A RESOLUTION of the City of Salisbury proposing the annexation to
5 the City of Salisbury of certain area of land contiguous to and
6 binding upon the northerly corporate limit of the City of
7 Salisbury, to be known as the “PennTex – Dagsboro Road
8 Annexation” and the application of a City zoning classification to
9 same area located on the northerly side of and binding upon
10 Dagsboro Road and the northeast quadrant of the intersection of
11 North Salisbury Blvd. MD RTE. 13 and Dagsboro Rd.
12
13

14 WHEREAS, the City of Salisbury has received a petition to annex dated March 31, 2016,
15 signed by at least twenty-five percent (25%) of the persons who are resident registered voters and
16 of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of
17 the real property in the area sought to be annexed, and being located on the northerly side of and
18 binding upon Dagsboro Road and the northeast quadrant of the intersection of North Salisbury
19 Blvd. MD RTE. 13 and Dagsboro Rd.; said parcel being contiguous to and binding upon the northerly
20 and westerly corporate limit of the City of Salisbury; and

21 WHEREAS, the City of Salisbury has caused to be made a certification of the signatures on
22 said petition for annexation and has verified that the persons signing the petition represent at least
23 twenty-five percent (25%) of the persons who are eligible voters and property owners owning
24 twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all
25 as of June 27, 2016, and, as will more particularly appear by the certification of Leslie C. Sherrill,
26 Surveyor, of the City of Salisbury, attached hereto; and

27 WHEREAS, it appears that the petition dated March 31, 2016, meets all the
28 requirements of the law; and

29 WHEREAS, the public hearing is scheduled for September 26, 2016, at 6:00 p.m.

30 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT
31 it is hereby proposed and recommended that the boundaries of the City of Salisbury be changed so

32 as to annex to and include within said City all that parcel of land together with the persons residing
33 therein and their property, contiguous to and binding upon the northerly side of Dagsboro Road,
34 and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

35 AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, THAT the annexation of the
36 said area be made subject to the terms, conditions and agreements in Exhibits A-C attached hereto
37 and made a part hereof.

38 AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, that the Zoning Map of the
39 City of Salisbury shall be amended to include this newly annexed property in the General
40 Commercial Zoning District. Said property is presently classified as General Commercial under the
41 zoning laws of Wicomico County.

42 AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, that the Council hold a public
43 hearing on the annexation hereby proposed on September 26, 2016, at 6:00 p.m. in the Council
44 Chambers at the City-County Office Building and the City Administrator shall cause a public notice
45 of time and place of said hearing to be published not fewer than two (2) times at not less than
46 weekly intervals, in at least one newspaper of general circulation in the City of Salisbury, which said
47 notice shall specify a time and place at which the Council of the City of Salisbury will hold a public
48 hearing on the Resolution, which date shall be no sooner than 15 days after the final required date
49 of publication specified above.

50 AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, THAT this
51 resolution shall take effect upon the expiration of forty-five (45) days following its final passage,
52 subject, however, to the right of referendum as contained in the Local Government Article of the
53 Maryland Code.

54 The above Resolution was introduced, read and passed at the regular meeting of the Council
55 of the City of Salisbury held on the 26th day of September, 2016, having been duly published as
56 required by law in the meantime a public hearing was held on the ___ day of _____, 2016, and

57 was finally passed by the Council at its regular meeting held on the ___ day of

58 _____, 2016.

59

60

61 _____

62 Kimberly R. Nichols,
63 City Clerk

John R. Heath,
Council President

64

65

66

67

68

69

70

71 APPROVED BY ME this ___ day of _____, 2016.

72

73

74

75

76 _____

77 Jacob R. Day,
Mayor

EXHIBIT "A"

PENNTEX – DAGSBORO ROAD ANNEXATION

A CERTAIN AREA OF LAND, contiguous to and binding upon the northerly Corporate Limit of the City of Salisbury to be known as "PennTex – Dagsboro Road Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the southerly side of Dagsboro Road, North eighty-six degrees three minutes fifty-five seconds East (N 86° 03' 55" E) a distance of four hundred nine decimal six, one (409.61) feet from a City of Salisbury Brass Cap labeled "BARRACKS" X 1,211,582.19, Y 217,116.41; thence crossing the said Dagsboro Road North two degrees three minutes forty-eight seconds East (N 2° 03' 48" E) thirty-nine decimal nine, two (39.92) to a point at the southeast corner of the parcel being annexed X 1,211,583.62, Y 217,156.30; thence North two degrees three minutes forty-eight seconds East (N 2° 03' 48" E) two hundred eighty decimal zero, zero (280.00) feet to a point X 1,211,593.71, Y 217,436.12; thence North eighty-seven degrees five minutes thirty-eight seconds West (N 87° 05' 38" W) one hundred twenty-seven decimal one, eight (127.18) feet to a point X 1,211,466.69, Y 217,442.57; thence South seventy-three degrees forty minutes nineteen seconds West (S 73° 40' 19" W) seventy-one decimal six, zero (71.60) feet to a point X 1,211,397.97, Y 217,422.44; thence South sixty-two degrees five minutes nineteen seconds West (S 62° 05' 19" W) forty-four decimal five, nine (44.59) feet to a point X 1,211,358.58, Y 217,401.57; thence South forty-five degrees thirty-five minutes nineteen seconds West (S 45° 35' 19" W) sixty-nine decimal zero, three (69.03) feet to a point X 1,211,309.27, Y 217,353.26; thence South seventy-three degrees forty-two minutes nineteen seconds West (S 73° 42' 19" W) one hundred twenty-seven decimal four, five (127.45) feet to a point on the easterly right of way line of U. S. Route 13 X 1,211,186.94, Y 217,317.50; thence by and with the said line of U.S. Route 13 and a curve to the right, having a radius of five thousand seven hundred seventy-six decimal seven, six (R = 5,776.76) feet and a length of one hundred eighty-nine decimal one, four (L = 189.14), a chord bearing of South seven degrees thirty-one minutes thirty-two West (S 7° 31' 32" W) a chord distance of one hundred eighty-nine decimal one, three (189.13) feet to a point where the easterly right of way line of U. S. Route 13 intersects the northerly right of way line of Dagsboro Road X 1,211,162.17, Y 217,130.00; thence crossing the said Dagsboro Road South fifteen degrees fifteen minutes twelve seconds East (S 15° 15' 12" E) forty-three decimal two, two (43.22) feet to a point at the corner of the Corporate Limit being the aforementioned "BARACKS" Brass Disk X 1,211,173.54, Y 217,088.30; thence running by and with the said Corporate Limit North eighty-six degrees three minutes fifty-five seconds East (N 86° 03' 55" E) four hundred nine decimal six, one (409.61) feet to the point of beginning and containing 2.768 acres, being the lands of James W. Taylor, III, Parcel 184 shown on Tax Map 20, and a portion of Dagsboro Road. All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.

Exhibit B

REPORT OF ANNEXATION PLAN

for the

**PTV CAPITAL PARTNERS – DAGSBORO ROAD
ANNEXATION
TO THE CITY OF SALISBURY**

July 27, 2016

This Annexation Plan is consistent with the Municipal Growth Element of the City of Salisbury's adopted Comprehensive Plan. The following are milestones in the public review and consideration of the proposed Annexation.

- At a work session on April 18, 2016, the Salisbury City Council reviewed the proposed annexation request.
- On July 21, 2016 the City of Salisbury / Wicomico County Planning Commission reviewed the proposed annexation and approved a favorable recommendation to the Salisbury City Council for the proposed zoning of the Property.
- At a Salisbury City Council work session on August 1, 2016, the City Council reviewed the draft annexation agreement and the draft version of this Annexation Plan and directed that an Annexation Resolution be drafted for review.
- A City Council meeting held on _____ the Council formally reviewed this Annexation Plan and the Annexation Resolution and directed that a date for a public hearing be established. The Council further directed that the Annexation Plan be forwarded to the Maryland Department of Planning and the Wicomico County Council for comment within 30 days of the public hearing as provided for by State law.

1.0

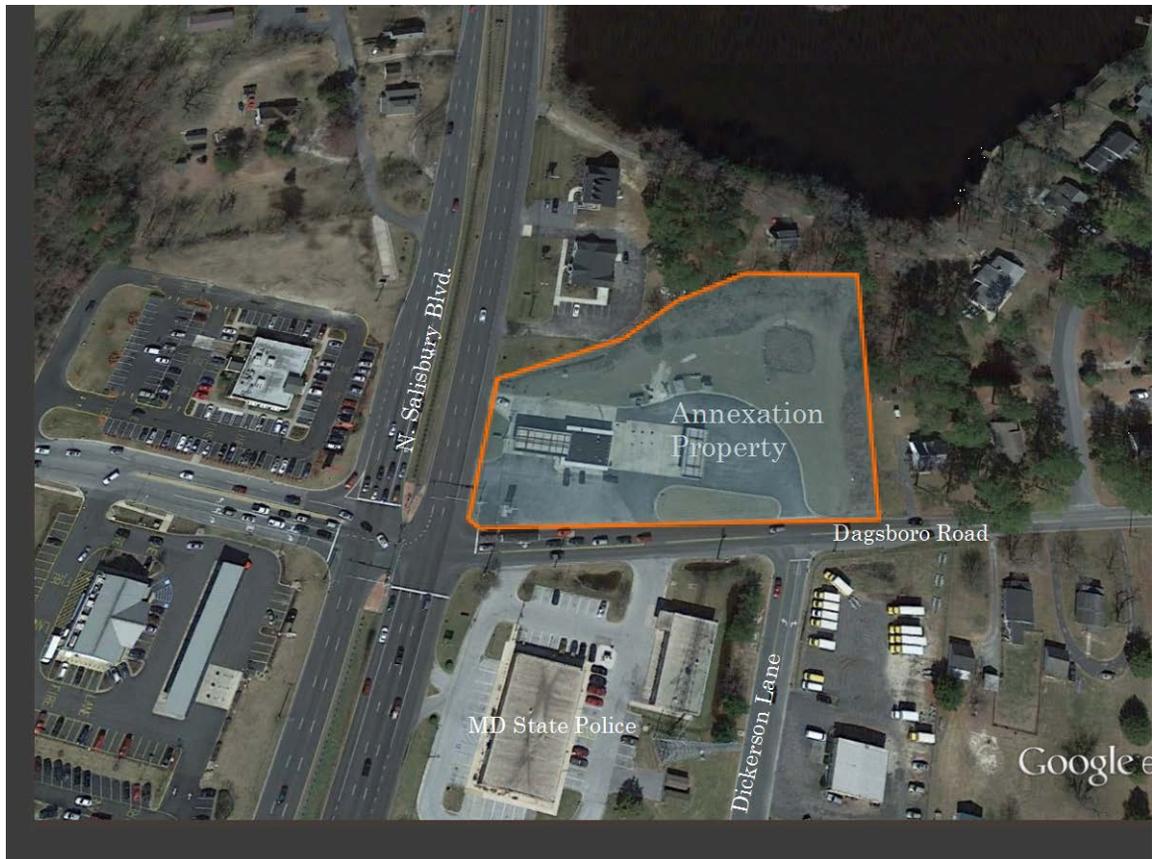
GENERAL INFORMATION AND DESCRIPTION

1.1 Petitioners

The petitioner is Mr. James W. Taylor, III of 941 West Isabella Street, Salisbury, Maryland 21801 who has an agreement with PTV Capital Partners, LLC at 1563 Woodward Drive Extension, Greenberg, Pennsylvania. This entity has an equitable interest in the annexation property, granted by Mr. Taylor, and is acting as the developer.

1.2 Location

The Property is located at the intersection of Dagsboro Road and U.S. Route 13. The image below is an aerial photograph of the immediate vicinity. The right-of-way of Dagsboro Road along the Property's full frontage will also be annexed since the City's current limits stop at the south side of Dagsboro Road.



2.0

LAND USE PATTERN PROPOSED FOR THE AREA TO BE ANNEXED

2.1 Comprehensive Plan

The City of Salisbury adopted the current Comprehensive Plan in 2010. The Annexation Property is located within the City's designated municipal growth area¹.

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

2.2 Proposed Zoning

Upon annexation, the Property is proposed to be zoned General Commercial. Per Section 17.36.010 of the City Zoning Ordinance, the purpose of the District is "to provide a wide range of functional and attractive regional retail, office, service, wholesale, storage, distributing and light manufacturing activities." In a letter to the Mayor and City Council dated July 22, 2016 transmitting the Planning Commission's favorable recommendation for the General Commercial District classification, the City of Salisbury – Wicomico County Department of Planning, Zoning and Community Development noted that the zoning is consistent with the County's General Commercial zoning district and the Comprehensive Plan's recommendation for commercial development in this area.

2.3 Proposed Land Use

The petitioners propose to develop the Property with a grocery store of approximately 18,000 to 19,000 square feet in size.

¹ Note due to an error in the production of the comprehensive plan mapping this property and several others were mistakenly designated with a recommended land use of low density residential. An amendment to the City's Comprehensive Plan correcting this error was presented by the Department of Planning, Zoning and Community Development to the Salisbury Wicomico County Planning Commission on July 21, 2016 and the approval of such amendment is proceeding ahead of or concurrent with this requested annexation. The corrected land use designation is "commercial".

3.0

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

3.1 Roads

Dagsboro Road and U.S. 13 would provide access to the Property via commercial driveways. Access to U.S. 13 would be changed from the current two points of access to just one. Along Dagsboro Road where access to the site is now wide open, access would be restricted to two formal commercial entrances, including one opposite Dickerson Lane. The City Department of Public Works will ultimately evaluate and make a determination about this proposed access configuration upon the developer's submittal of a site development plan for review. An inter-parcel roadway connection would also be provided connecting the Property to the adjoining properties to the north, which may be developed in the future.

Sidewalks built to City standards would be located along the full road frontages around the perimeter of the site and internal to the site connecting the Property to the adjoining properties on the north side. The Annexation Agreement between the City and the Petitioner provides that the developer would also install crosswalks on Dagsboro Road at its intersection with Dickerson Lane. The State Highway Administration will require a traffic study when a development plan is eventually submitted to the City.

3.2 Water and Wastewater Treatment

Development of Property in keeping with its conceptual development plan would create a demand of about 1,000 gallons per day. The developer would connect at its expense to existing public water and sewerage facilities in the area at the direction of the City Department of Public Work and there are no Public Works concerns about the feasibility or capacity to serve this Property upon its development. There is adequate capacity to serve the Property. The City's allocation of water and sewer taps will be dictated by the City's allocation plan.

3.3 Schools

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

3.4 Parks and Rec.

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

3.5 Fire, E.M., and
Rescue Services

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

3.6 Police

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

3.7 Stormwater Management:

Stormwater management is governed by the Maryland Stormwater Management regulations administered locally.

3.8 Waste Collection

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

4.0

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

The Property is located at the intersection of Dagsboro Road and U.S. 13 at the northern gateway to the Salisbury Boulevard commercial corridor. Its proposed commercial use is consistent with the overall plan for this area of Salisbury. The Property is in the City's Municipal Growth Area and is eligible for annexation. The proposed grocery store use would serve existing and future residents in this growing part of the City and create about 30 to 40 jobs.

Attempts have been made to secure a development scenario that would be accessible by walking and would promote greater accessibility overall. An entrance to the site along Dagsboro Road would be located opposite Dickerson Lane and this road connection would continue through the site to the adjoining properties to the north. The developer would install a significant architectural element on the building façade and/or roof such as a cupola or clock tower opposite Dickerson Lane to help orient the building to the street and create a strong and attractive focal point where the view from Dickerson Lane would terminate. Sidewalks would be provided along the perimeter of the site and crosswalks would be placed at the intersection of Dickerson Lane and Dagsboro Road to improve safety and accessibility.

The applicant would be required to connect the Property by road and by pedestrian way to the northern adjoining properties. Marked and designated walkways and pedestrian zones from these properties and from Dagsboro Road would be installed to lead pedestrians directly to the front door of the grocery store.

The thoughtful use of landscape design would enhance the quality of the streetscape in this area and certainly improve it over existing conditions. For example, the developer would install an enhanced landscaping feature at the intersection of U.S. 13 and Dagsboro Road recognizing the location as part of the northern gateway into the City and install street trees.

The site lies adjacent to residentially zoned properties to the east. The developer would install a vegetated buffer along the eastern edge of the site to buffer the site from the residential use and partially protect the woods on the site.

The Property is located within the City's designated Paleochannel District, which is intended to protect and conserve the water resources of the Paleochannel, an ancient riverbed at a depth of 100 to 200 feet below the surface estimated to hold approximately 7 billion gallons of water. Development projects in the Paleochannel District are required to undergo site plan review and approval by the Planning Commission and certain protection performance standards.

Exhibit C

PTV Capital Partners- Dagsboro Road Annexation

ANNEXATION AGREEMENT

THIS AGREEMENT is made this ___ day of _____, 2016, by and between the **City of Salisbury**, a municipal corporation of the State of Maryland (hereinafter, “the City”), and the Owner **Mr. James W. Taylor, III** of 941 West Isabella Street, Salisbury, Maryland 21801 AND **PTV-Capital Partners, LLC** with the principal address of at 1563 Woodward Drive Extension, Greenberg, Pennsylvania 15601, (hereinafter jointly, “the Owner”).

RECITALS

WHEREAS, the Owner is the record owner of certain real property, of 2.51 acres in size, located in Wicomico County, Maryland, (hereinafter, “the Property”), and more particularly described in Attachment “A-1” attached hereto and made a part hereof; and

WHEREAS, the Owner desires to construct upon the Property a commercial building and associated site improvements and/or to facilitate the development of the Property for commercial use;

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

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

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

WITNESSETH:

1. WARRANTIES AND REPRESENTATIONS OF CITY:

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

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

2. WARRANTIES AND REPRESENTATIONS OF THE OWNER:

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

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

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

3. **APPLICATION OF CITY CODE AND CHARTER**

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

4. **MUNICIPAL ZONING**

Upon the effective date of the Annexation Resolution implementing this Agreement and Approval by the Mayor and City Council, the Property will be zoned General Commercial.

5. **MUNICIPAL SERVICES**

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

6. **STANDARDS AND CRITERIA**

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

7. **CITY BOUNDARY MARKERS**

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

8. DEVELOPMENT CONSIDERATIONS

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

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

C. **Contribution to Area Improvement:** The Owner agrees as part of the development of the Property to install sidewalks along the full public road frontage of the Property and crosswalks at the intersection of Dagsboro Road and Dickerson Lane to provide a strong and safe pedestrian orientation/amenity area between the site and the opposite side of Dagsboro Road.

D. **Contributions to the Re-investment in Existing Neighborhoods:** The Owner agrees to pay a development assessment to the City in the amount of \$18,876.00 prior to the issuance of a building permit. Such development assessment is understood by the parties to be intended for use by the City in its sole discretion for beautification, restoration, and revitalization improvements to existing neighborhoods in the City and which development assessment is understood by the parties to be in addition to and independent of the City's water and sewer comprehensive connection charges, any impact fees imposed by Wicomico County or the City, and any assessments that may be required to be paid elsewhere in this Agreement.

E. **Escalation of Development Assessment:** The lot assessment set forth in paragraph D above is subject to adjustment to reflect inflation. Beginning January 1, 2017 the assessment shall be adjusted for inflation and this adjustment shall take place annually thereafter on the first day of January, for any assessment that remains unpaid. The assessment shall be adjusted by the percent change in the CPI during the previous 12-month period. The CPI to be used is the Consumer Price Index-U, All City Average, and Unadjusted, published by the Bureau of Labor Statistics.

F. **Community / Environmental Design:** The Owner agrees that the development plan for the site will feature strong pedestrian functional and visual relationships from the street and sidewalk to the front door of the store, enhanced site landscaping that recognize the "gateway" character of site and feature the use of a brick knee-wall at the corner of U.S. Route 13, streetscape enhancements along Dagsboro Road featured street trees in addition to the sidewalks, and buffer plantings and forest retention to provide a buffer between the developed portion of the site and the adjoining residentially zoned properties.

The Owner further agrees to achieve LEED credit points in collaboration with the Salisbury/Wicomico Planning Commission for any development using the rating system established by the United States Green Building Council's LEED Standards for Building Design New Construction, as updated from time to time. The City and Owner/Assignee acknowledge that certain points under the rating system are unattainable because of the project's location and existing available services. Understanding this, and in order to establish a baseline, the City and Owner/Assignee will first agree to the total sum of LEED points unattainable due to these factors that are beyond the control of the Owner. The sum of

these points will then be deducted from the total points possible; the difference then divided by the total points possible to arrive at a baseline quotient. Prior to development approval, the Owner shall submit specific findings, accepted by the Director of Planning, to demonstrate to the satisfaction of the Salisbury/Wicomico Planning Commission that the project has achieved, or would achieve upon development, the credit points needed for LEED Silver Certification when multiplied by the baseline quotient. In keeping with this provision, the Owner/Assignee agrees specifically to adhere to the following energy and environmental performance standards:

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

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

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

9. **RECORD PLAT:**

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

10. **MISCELLANEOUS:**

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

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

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

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

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

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

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

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

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

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

K.

IF TO THE CITY: Thomas Stevenson, City Administrator
125 North Division Street
Salisbury, Maryland 21801

WITH A COPY TO: S. Mark Tilghman, City Attorney
1185 Broad Street, P.O. Box 910
Salisbury, Maryland 21803

IF TO THEOWNER: PTV-Capital Partners, LLC
1563 Woodward Drive Extension,
Greenberg, Pennsylvania 15601

WITH A COPY TO: _____

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

WITNESS:

THE CITY OF SALSIBURY, MARYLAND

By: _____

WITNESS/ATTEST:

OWNER:

By: _____

APPROVED AS TO FORM:

S. Mark Tilghman, City Attorney

STATE OF MARYLAND

COUNTY OF _____, to wit:

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

WITNESS my hand and notarial seal.

_____(SEAL)
Notary Public

My Commission Expires: _____

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

WITNESS my hand and notarial seal.

_____(SEAL)
Notary Public

My Commission Expires: _____

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

_____, City Attorney

Attachment 1
(Annexation survey plat to be inserted)

ATTACHMENT A-1

PENNTEx – DAGSBORO ROAD ANNEXATION

A CERTAIN AREA OF LAND, contiguous to and binding upon the northerly Corporate Limit of the City of Salisbury to be known as "PennTex – Dagsboro Road Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the southerly side of Dagsboro Road, North eighty-six degrees three minutes fifty-five seconds East (N 86° 03' 55" E) a distance of four hundred nine decimal six, one (409.61) feet from a City of Salisbury Brass Cap labeled "BARRACKS" X 1,211,582.19, Y 217,116.41; thence crossing the said Dagsboro Road North two degrees three minutes forty-eight seconds East (N 2° 03' 48" E) thirty-nine decimal nine, two (39.92) to a point at the southeast corner of the parcel being annexed X 1,211,583.62, Y 217,156.30; thence North two degrees three minutes forty-eight seconds East (N 2° 03' 48" E) two hundred eighty decimal zero, zero (280.00) feet to a point X 1,211,593.71, Y 217,436.12; thence North eighty-seven degrees five minutes thirty-eight seconds West (N 87° 05' 38" W) one hundred twenty-seven decimal one, eight (127.18) feet to a point X 1,211,466.69, Y 217,442.57; thence South seventy-three degrees forty minutes nineteen seconds West (S 73° 40' 19" W) seventy-one decimal six, zero (71.60) feet to a point X 1,211,397.97, Y 217,422.44; thence South sixty-two degrees five minutes nineteen seconds West (S 62° 05' 19" W) forty-four decimal five, nine (44.59) feet to a point X 1,211,358.58, Y 217,401.57; thence South forty-five degrees thirty-five minutes nineteen seconds West (S 45° 35' 19" W) sixty-nine decimal zero, three (69.03) feet to a point X 1,211,309.27, Y 217,353.26; thence South seventy-three degrees forty-two minutes nineteen seconds West (S 73° 42' 19" W) one hundred twenty-seven decimal four, five (127.45) feet to a point on the easterly right of way line of U. S. Route 13 X 1,211,186.94, Y 217,317.50; thence by and with the said line of U.S. Route 13 and a curve to the right, having a radius of five thousand seven hundred seventy-six decimal seven, six (R = 5,776.76) feet and a length of one hundred eighty-nine decimal one, four (L = 189.14), a chord bearing of South seven degrees thirty-one minutes thirty-two West (S 7° 31' 32" W) a chord distance of one hundred eighty-nine decimal one, three (189.13) feet to a point where the easterly right of way line of U. S. Route 13 intersects the northerly right of way line of Dagsboro Road X 1,211,162.17, Y 217,130.00; thence crossing the said Dagsboro Road South fifteen degrees fifteen minutes twelve seconds East (S 15° 15' 12" E) forty-three decimal two, two (43.22) feet to a point at the corner of the Corporate Limit being the aforementioned "BARACKS" Brass Disk X 1,211,173.54, Y 217,088.30; thence running by and with the said Corporate Limit North eighty-six degrees three minutes fifty-five seconds East (N 86° 03' 55" E) four hundred nine decimal six, one (409.61) feet to the point of beginning and containing 2.768 acres, being the lands of James W. Taylor, III, Parcel 184 shown on Tax Map 20, and a portion of Dagsboro Road. All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.

RESOLUTION NO. 2651

1
2
3
4 A RESOLUTION of the City of Salisbury proposing the annexation to
5 the City of Salisbury of certain area of land contiguous to and binding
6 upon the northerly corporate limit of the City of Salisbury, to be
7 known as the “PennTex – Dagsboro Road Annexation” and the
8 application of a City zoning classification to same area located on the
9 northerly side of and binding upon Dagsboro Road and the northeast
10 quadrant of the intersection of North Salisbury Blvd. MD RTE. 13 and
11 Dagsboro Rd.

12 WHEREAS, the City of Salisbury is considering the annexation of a parcel of land located on
13 the northerly side and binding upon the of Dagsboro Road, an improved County road; said parcel
14 being contiguous to and binding upon the northerly corporate limit of the City of Salisbury and
15 being more particularly described on Exhibit “A” attached hereto and made a part hereof; and

16 WHEREAS, the City of Salisbury is required to adopt an annexation plan for the proposed
17 area of annexation pursuant to the Local Government Article (formerly Article 23(A) Section 19(O))
18 of the *Maryland Annotated Code*; and

19 WHEREAS, the public hearing is scheduled for September 26, 2016, at 6:00 p.m.

20 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT
21 an annexation plan for the “PennTex – Dagsboro Road Annexation,” as set forth in Exhibit “B”
22 attached hereto and made a part hereof, is adopted for that area of land located and binding upon
23 the northerly side of Dagsboro Road; said parcel being contiguous to and binding upon the
24 northerly corporate limit of the City of Salisbury.

25 AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, THAT the Council hold a
26 public hearing on the annexation plan hereby proposed on September 26, 2016 at 6:00 p.m. in the
27 Council Chambers at the City-County Office Building and the City Administrator shall cause a public
28 notice of time and place of said hearing to be published not fewer than two (2) times at not less
29 than weekly intervals, in a newspaper of general circulation in the City of Salisbury, which said

30 notice shall specify a time and place at which the Council of the City of Salisbury will hold a public
31 hearing on the Resolution.

32 The above Resolution was introduced and read and passed at the regular meeting of the
33 Council of the City of Salisbury held on the 26th day of September, 2016, having been duly published
34 as required by law in the meantime a public hearing was held on _____, 2016, and was
35 finally passed by the Council at its regular meeting held on the ___ day of _____ 2016.

36

37

38 _____
39 Kimberly R. Nichols,
40 City Clerk

John R. Heath,
Council President

41

42

43

44 APPROVED BY ME this ___ day of _____, 2016.

45

46

47 _____
48 Jacob R. Day,
49 Mayor

50

EXHIBIT "A"

PENNTEX – DAGSBORO ROAD ANNEXATION

A CERTAIN AREA OF LAND, contiguous to and binding upon the northerly Corporate Limit of the City of Salisbury to be known as "PennTex – Dagsboro Road Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the southerly side of Dagsboro Road, North eighty-six degrees three minutes fifty-five seconds East (N 86° 03' 55" E) a distance of four hundred nine decimal six, one (409.61) feet from a City of Salisbury Brass Cap labeled "BARRACKS" X 1,211,582.19, Y 217,116.41; thence crossing the said Dagsboro Road North two degrees three minutes forty-eight seconds East (N 2° 03' 48" E) thirty-nine decimal nine, two (39.92) to a point at the southeast corner of the parcel being annexed X 1,211,583.62, Y 217,156.30; thence North two degrees three minutes forty-eight seconds East (N 2° 03' 48" E) two hundred eighty decimal zero, zero (280.00) feet to a point X 1,211,593.71, Y 217,436.12; thence North eighty-seven degrees five minutes thirty-eight seconds West (N 87° 05' 38" W) one hundred twenty-seven decimal one, eight (127.18) feet to a point X 1,211,466.69, Y 217,442.57; thence South seventy-three degrees forty minutes nineteen seconds West (S 73° 40' 19" W) seventy-one decimal six, zero (71.60) feet to a point X 1,211,397.97, Y 217,422.44; thence South sixty-two degrees five minutes nineteen seconds West (S 62° 05' 19" W) forty-four decimal five, nine (44.59) feet to a point X 1,211,358.58, Y 217,401.57; thence South forty-five degrees thirty-five minutes nineteen seconds West (S 45° 35' 19" W) sixty-nine decimal zero, three (69.03) feet to a point X 1,211,309.27, Y 217,353.26; thence South seventy-three degrees forty-two minutes nineteen seconds West (S 73° 42' 19" W) one hundred twenty-seven decimal four, five (127.45) feet to a point on the easterly right of way line of U. S. Route 13 X 1,211,186.94, Y 217,317.50; thence by and with the said line of U.S. Route 13 and a curve to the right, having a radius of five thousand seven hundred seventy-six decimal seven, six (R = 5,776.76) feet and a length of one hundred eighty-nine decimal one, four (L = 189.14), a chord bearing of South seven degrees thirty-one minutes thirty-two West (S 7° 31' 32" W) a chord distance of one hundred eighty-nine decimal one, three (189.13) feet to a point where the easterly right of way line of U. S. Route 13 intersects the northerly right of way line of Dagsboro Road X 1,211,162.17, Y 217,130.00; thence crossing the said Dagsboro Road South fifteen degrees fifteen minutes twelve seconds East (S 15° 15' 12" E) forty-three decimal two, two (43.22) feet to a point at the corner of the Corporate Limit being the aforementioned "BARACKS" Brass Disk X 1,211,173.54, Y 217,088.30; thence running by and with the said Corporate Limit North eighty-six degrees three minutes fifty-five seconds East (N 86° 03' 55" E) four hundred nine decimal six, one (409.61) feet to the point of beginning and containing 2.768 acres, being the lands of James W. Taylor, III, Parcel 184 shown on Tax Map 20, and a portion of Dagsboro Road. All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.

Exhibit B

REPORT OF ANNEXATION PLAN

for the

**PTV CAPITAL PARTNERS – DAGSBORO ROAD
ANNEXATION
TO THE CITY OF SALISBURY**

July 27, 2016

This Annexation Plan is consistent with the Municipal Growth Element of the City of Salisbury's adopted Comprehensive Plan. The following are milestones in the public review and consideration of the proposed Annexation.

- At a work session on April 18, 2016, the Salisbury City Council reviewed the proposed annexation request.
- On July 21, 2016 the City of Salisbury / Wicomico County Planning Commission reviewed the proposed annexation and approved a favorable recommendation to the Salisbury City Council for the proposed zoning of the Property.
- At a Salisbury City Council work session on August 1, 2016, the City Council reviewed the draft annexation agreement and the draft version of this Annexation Plan and directed that an Annexation Resolution be drafted for review.
- A City Council meeting held on _____ the Council formally reviewed this Annexation Plan and the Annexation Resolution and directed that a date for a public hearing be established. The Council further directed that the Annexation Plan be forwarded to the Maryland Department of Planning and the Wicomico County Council for comment within 30 days of the public hearing as provided for by State law.

1.0

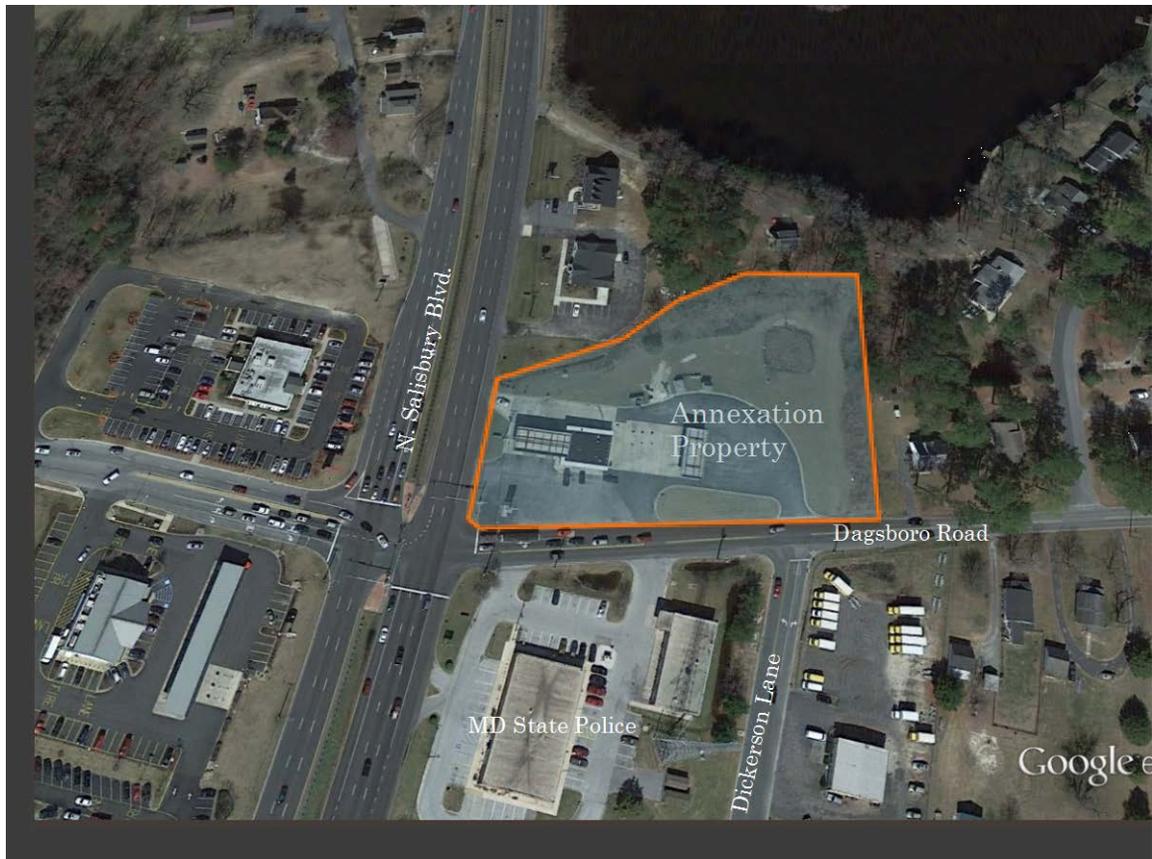
GENERAL INFORMATION AND DESCRIPTION

1.1 Petitioners

The petitioner is Mr. James W. Taylor, III of 941 West Isabella Street, Salisbury, Maryland 21801 who has an agreement with PTV Capital Partners, LLC at 1563 Woodward Drive Extension, Greenberg, Pennsylvania. This entity has an equitable interest in the annexation property, granted by Mr. Taylor, and is acting as the developer.

1.2 Location

The Property is located at the intersection of Dagsboro Road and U.S. Route 13. The image below is an aerial photograph of the immediate vicinity. The right-of-way of Dagsboro Road along the Property's full frontage will also be annexed since the City's current limits stop at the south side of Dagsboro Road.

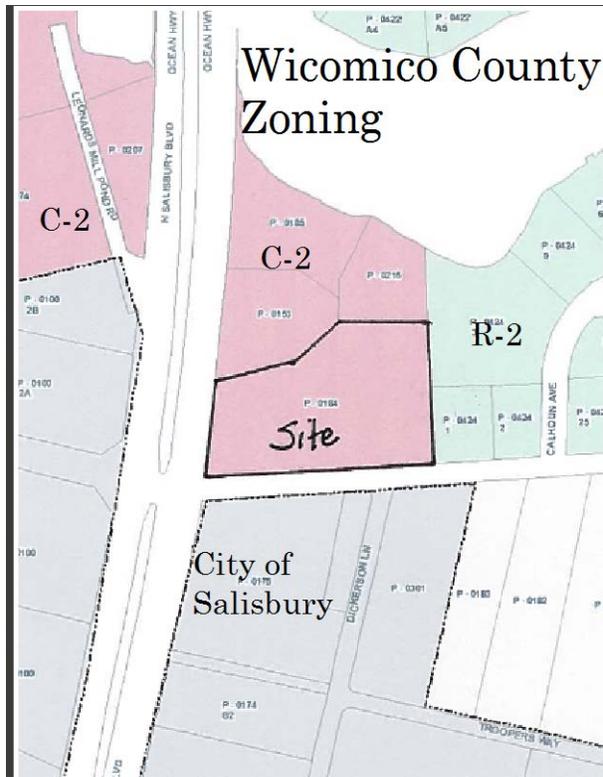


1.3 Property Description

Attachment 1 shows the survey of the Property. The site, the location of a former gasoline service station and convenience store, is 2.51 acres in size. The Property description is Tax Map 20, Parcel 184, and Grid 24. The entire annexation area includes the right-of-way of Dagsboro Road along the full frontage of the Property.

1.4 Existing Zoning

The Property is now zoned C-2, General Commercial under the Wicomico County Code as shown on the excerpt from the Wicomico County Zoning Map below. The Property adjoins C-2 zoned properties to the north and a R-20 (Residential) zone to the east.



2.0

LAND USE PATTERN PROPOSED FOR THE AREA TO BE ANNEXED

2.1 Comprehensive Plan

The City of Salisbury adopted the current Comprehensive Plan in 2010. The Annexation Property is located within the City's designated municipal growth area¹.

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

2.2 Proposed Zoning

Upon annexation, the Property is proposed to be zoned General Commercial. Per Section 17.36.010 of the City Zoning Ordinance, the purpose of the District is "to provide a wide range of functional and attractive regional retail, office, service, wholesale, storage, distributing and light manufacturing activities." In a letter to the Mayor and City Council dated July 22, 2016 transmitting the Planning Commission's favorable recommendation for the General Commercial District classification, the City of Salisbury – Wicomico County Department of Planning, Zoning and Community Development noted that the zoning is consistent with the County's General Commercial zoning district and the Comprehensive Plan's recommendation for commercial development in this area.

2.3 Proposed Land Use

The petitioners propose to develop the Property with a grocery store of approximately 18,000 to 19,000 square feet in size.

¹ Note due to an error in the production of the comprehensive plan mapping this property and several others were mistakenly designated with a recommended land use of low density residential. An amendment to the City's Comprehensive Plan correcting this error was presented by the Department of Planning, Zoning and Community Development to the Salisbury Wicomico County Planning Commission on July 21, 2016 and the approval of such amendment is proceeding ahead of or concurrent with this requested annexation. The corrected land use designation is "commercial".

3.0

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

3.1 Roads

Dagsboro Road and U.S. 13 would provide access to the Property via commercial driveways. Access to U.S. 13 would be changed from the current two points of access to just one. Along Dagsboro Road where access to the site is now wide open, access would be restricted to two formal commercial entrances, including one opposite Dickerson Lane. The City Department of Public Works will ultimately evaluate and make a determination about this proposed access configuration upon the developer's submittal of a site development plan for review. An inter-parcel roadway connection would also be provided connecting the Property to the adjoining properties to the north, which may be developed in the future.

Sidewalks built to City standards would be located along the full road frontages around the perimeter of the site and internal to the site connecting the Property to the adjoining properties on the north side. The Annexation Agreement between the City and the Petitioner provides that the developer would also install crosswalks on Dagsboro Road at its intersection with Dickerson Lane. The State Highway Administration will require a traffic study when a development plan is eventually submitted to the City.

3.2 Water and Wastewater Treatment

Development of Property in keeping with its conceptual development plan would create a demand of about 1,000 gallons per day. The developer would connect at its expense to existing public water and sewerage facilities in the area at the direction of the City Department of Public Work and there are no Public Works concerns about the feasibility or capacity to serve this Property upon its development. There is adequate capacity to serve the Property. The City's allocation of water and sewer taps will be dictated by the City's allocation plan.

3.3 Schools

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

3.4 Parks and Rec.

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

3.5 Fire, E.M., and
Rescue Services

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

3.6 Police

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

3.7 Stormwater Management:

Stormwater management is governed by the Maryland Stormwater Management regulations administered locally.

3.8 Waste Collection

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

4.0

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

The Property is located at the intersection of Dagsboro Road and U.S. 13 at the northern gateway to the Salisbury Boulevard commercial corridor. Its proposed commercial use is consistent with the overall plan for this area of Salisbury. The Property is in the City's Municipal Growth Area and is eligible for annexation. The proposed grocery store use would serve existing and future residents in this growing part of the City and create about 30 to 40 jobs.

Attempts have been made to secure a development scenario that would be accessible by walking and would promote greater accessibility overall. An entrance to the site along Dagsboro Road would be located opposite Dickerson Lane and this road connection would continue through the site to the adjoining properties to the north. The developer would install a significant architectural element on the building façade and/or roof such as a cupola or clock tower opposite Dickerson Lane to help orient the building to the street and create a strong and attractive focal point where the view from Dickerson Lane would terminate. Sidewalks would be provided along the perimeter of the site and crosswalks would be placed at the intersection of Dickerson Lane and Dagsboro Road to improve safety and accessibility.

The applicant would be required to connect the Property by road and by pedestrian way to the northern adjoining properties. Marked and designated walkways and pedestrian zones from these properties and from Dagsboro Road would be installed to lead pedestrians directly to the front door of the grocery store.

The thoughtful use of landscape design would enhance the quality of the streetscape in this area and certainly improve it over existing conditions. For example, the developer would install an enhanced landscaping feature at the intersection of U.S. 13 and Dagsboro Road recognizing the location as part of the northern gateway into the City and install street trees.

The site lies adjacent to residentially zoned properties to the east. The developer would install a vegetated buffer along the eastern edge of the site to buffer the site from the residential use and partially protect the woods on the site.

The Property is located within the City's designated Paleochannel District, which is intended to protect and conserve the water resources of the Paleochannel, an ancient riverbed at a depth of 100 to 200 feet below the surface estimated to hold approximately 7 billion gallons of water. Development projects in the Paleochannel District are required to undergo site plan review and approval by the Planning Commission and certain protection performance standards.



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

June 20, 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 Amend Section 17.216.080 - Wall Sign Standards for Churches - Planning Commission Recommendation**

I. INTRODUCTION.

On May 19, 2016, the Salisbury Planning Commission held a public hearing on a request by The Wicomico Presbyterian Church for the above-noted text amendment relative to Wall Signage for the Church social hall. (See Attachment A.)

II. RECOMMENDATION.

The Salisbury Planning Commission forwarded a **Favorable** recommendation to the Mayor and Council for the proposed amendment that increases the signage permitted for Church-related buildings as follows.

AMEND SECTION 17.216.080, OFFICE AND SERVICE RESIDENTIAL, TO ADD ITEM D:

D. ONE (1) SQUARE FOOT OF WALL SIGNAGE PER LINEAR FOOT OF BUILDING WIDTH UP TO A MAXIMUM OF 30 SQ. FT. OF NON-ILLUMINATED OR INDIRECTLY ILLUMINATED SIGNAGE FOR CHURCHES OR CHURCH SOCIAL OR RECEPTION HALLS, OR CHURCH-RELATED BUILDINGS.

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 Wicomico Presbyterian Church is located in the largest of the Office and Service Residential Districts. These districts were intended to offer a mix of office, service and residential uses and be a buffer between high-volume highways and residential areas or heavy commercial and residential areas. Because it was anticipated that office uses would occupy residential structures, the signage permitted was limited.

There are four churches on North Division Street and Broad Street with related accessory buildings on High Street and on Broad Street. With the Code limitation of 4 sq. ft. for wall signage in the OSR District, Wicomico Presbyterian cannot install any of the proposed signage. The 12 inch letters proposed for the elevator tower exceed the permitted signage by 3 sq. ft. It appears that future signage needs and changing occupancy of the structures was not considered in 1983.

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

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MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

STAFF REPORT

MEETING OF MAY 19, 2016

CASE NO.: #SP-1604

APPLICANT: Wicomico Presbyterian Church, rep. by George H. White

REQUEST: **PUBLIC HEARING – Text Amendment - To amend Section 17.216.080 - to amend the amount of wall signage permitted for a church.**

I. REQUEST:

Mr. George H. White, on behalf of the Wicomico Presbyterian Church, has submitted a request to amend the text of the Sign Standards for the Office and Service Residential District. Specifically, he proposes an amendment to the wall signage permitted for a church. (See Attachments #1-3.)

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 Wicomico Presbyterian Church has acquired the fellowship hall formerly owned by Allen Memorial Baptist Church. The hall is attached to the sanctuary structure now owned by Faith Community Church.

The building, now an annex for Wicomico Presbyterian Church, is a three story structure with an elevator tower known as the Langelier Memorial Building. Access to the building is by way of a one-way alley from Broad Street. The church is seeking wall signage for the building that will enable users to identify the building from Broad Street.

The Code currently permits the following signage in the Office and Service Residential District:

17.216.080 Signs which may be erected in office and service residential district.

Signs which may be erected in the office and service residential district are as follows:

- A. *Signs as listed in Section 17.216.050;*
- B. *One non-illuminated or indirectly illuminated wall sign not greater than four square feet in surface area attached to the front of a building;*
- C. *One non-illuminated or indirectly illuminated ground sign identifying an office or service use not exceeding two square feet in surface area or six feet in height and set back fifteen (15) feet from the curbline. (Ord. 1612 (part), 1995: Prior Code Section 150-251) (See Attachment #9.)*

The church proposes placement of “LMB” on the elevator tower in 12 inch bronze letters (7 sq. ft.). On the building, they propose placement of “Langelier Memorial Building” in 9 inch letters (12.5 sq. ft.) and “Wicomico Presbyterian Church” in 6 inch letters (6.3 sq. ft.). The total wall signage would be approximately 25.8 sq. ft. of sign surface area.

The Wicomico Presbyterian Church is located in the largest of the Office and Service Residential Districts. These districts were intended to offer a mix of office, service and residential uses and be a buffer between high-volume highways and residential areas or heavy commercial and residential areas. Because it was anticipated that office uses would occupy residential structures, the signage permitted was limited.

However there are four churches on North Division Street and Broad Street with related accessory buildings on High Street and on Broad Street. Trinity United Methodist Church has several signs that are nonconforming.

With the Code limitation of 4 sq. ft. for wall signage in the OSR District, the church cannot install any of the proposed signage. The 12 inch letters proposed for the elevator tower exceed the permitted signage by 3 sq. ft.

III. PLANNING COMMENTS/CONCERNS.

At the time of adoption of the Code, it appears that consideration was not given to the potential future need for signage on these large structures. In the case of this annex building, it fronts on a one-way alley off of Broad Street. A directional sign has been approved by the Salisbury Historic Commission for placement at the Broad Street entrance. (See Attachments #6-8.) However, the alley serves both the Wicomico Presbyterian annex building and the Korean Presbyterian Church building. Wicomico Presbyterian Church is trying to provide adequate identification of their building for reception attendees not familiar with the building location.

IV. RECOMMENDATION.

While the Planning Staff does not want to create an opportunity for excessive signage for offices within residential structures, provisions for adequate identification of church buildings and their associated social or reception halls was omitted from the Code.

Staff recommends that the Commission forward a **FAVORABLE** recommendation to the Mayor and Council for the proposed amendment that would permit up to 30 sq. ft. of non-illuminated or indirectly illuminated wall signage in the Office and Service Residential Districts for Churches or Church social/reception buildings only, as follows:

AMEND SECTION 17. 216.080 SIGNS WHICH MAY BE ERECTED IN OFFICE AND SERVICE RESIDENTIAL DISTRICT BY ADDING THE FOLLOWING:

- D. NO MORE THAN 30 SQ. FT. OF NON-ILLUMINATED OR INDIRECTLY ILLUMINATED WALL SIGNAGE FOR CHURCHES OR CHURCH SOCIAL/RECEPTION HALLS.**

COORDINATOR: Gloria Smith, Planner
DATE: May 12, 2016



The Wicomico Presbyterian Church

129 Broad Street

Salisbury, Maryland 21801
(410) 749-5792

April 6, 2016



Jack Lenox, Director
Department of Planning & Zoning
125 N. Division Street
Salisbury, MD 21801-4940

Re: Building identification lettering on rear portion of
Langelier Memorial Building annex of Wicomico Presbyterian Church
129 Broad Street & 225 N. Division Street (annex)

Dear Mr. Lenox,

On behalf of the Wicomico Presbyterian Church I am submitting a request for a text amendment of a section of the Salisbury Municipal Code (17.216.080) applicable to the office and service residential district, for the purpose of permitting lettering or signage to identify detached church structures on church properties, for the direction of visitors and the convenience of the public attending various events.

To briefly summarize our circumstance, the Wicomico Presbyterian Church acquired the former Fellowship Hall designated as 225 N. Division Street in 2007 when Allen Memorial Baptist Church relocated to Snow Hill Road. The building completed in 1928 was originally owned by Asbury Methodist Church and attached physically to the sanctuary structure which is now owned by Faith Community Church (Rev. Harvey Dixon). The structures are now separated by a party wall and deeded separately although they appear to be part of one structure.

The annex of our church, now renamed the Langelier Memorial Building, is a three story building comprised of an auditorium and kitchen on the first floor and offices and classrooms on the second and third floors, the latter proposed for utilization by 501(c)(3) charitable organizations for offices.

The motor vehicle access to the handicapped parking on the north side of the Langelier Memorial Building (LMB) is only available by a one way alley running from Broad Street which is a one way street paralleling U.S. Route 50, around the back of the annex and exiting to the easterly side of North Division Street. Due to the traffic patterns of streets adjoining the church and the annex there has been considerable confusion in the public locating and accessing

Attachment #1

functions taking place at the LMB annex which fronts on North Division Street but is an integral part of the Wicomico Presbyterian Church campus.

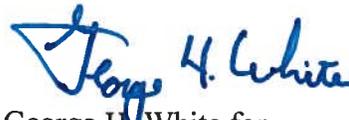
In order to facilitate the identification and access to the annex building the church desires to install non-illuminated lettering not exceeding twelve inches (12") in height on the back of the building adjacent to the new elevator tower that would be visible from Broad Street and will supplement a two foot by two foot directional sign both of which have been submitted to and approved by the Salisbury Historic District Commission, evidenced by the attached Certificate of Approval.

We believe that the proposed lettering visible only from the U.S. Route 50 side of the structure would be tasteful and in keeping with the historic nature of both our sanctuary, sections of which predate the Civil War and the annex which was completed in 1928. The church and annex were recently incorporated in the downtown arts and entertainment district and numerous music programs and other public events have been held in our church buildings over the past several years, which have prompted the concerns of providing adequate identification and guidance for the benefit of the general public attending those programs. Reasonable and visible identification of several buildings would help resolve the confusion that is compounded by the unique traffic patterns that the public must deal with in an effort to locate this destination. A text amendment permitting such signage would continue to require the approval of the Historic District Commission, in regard to design and placement of any proposed sign or lettering for the express purpose of building identification.

We are attaching several exhibits which may be helpful in reviewing this request and will be happy to supply any additional information desired.

We appreciate consideration of the proposal by your department, the Planning Commission and the City Council.

Sincerely,



George H. White for
The Committee of the Wicomico
Presbyterian Church of Salisbury, Maryland
443-7837818

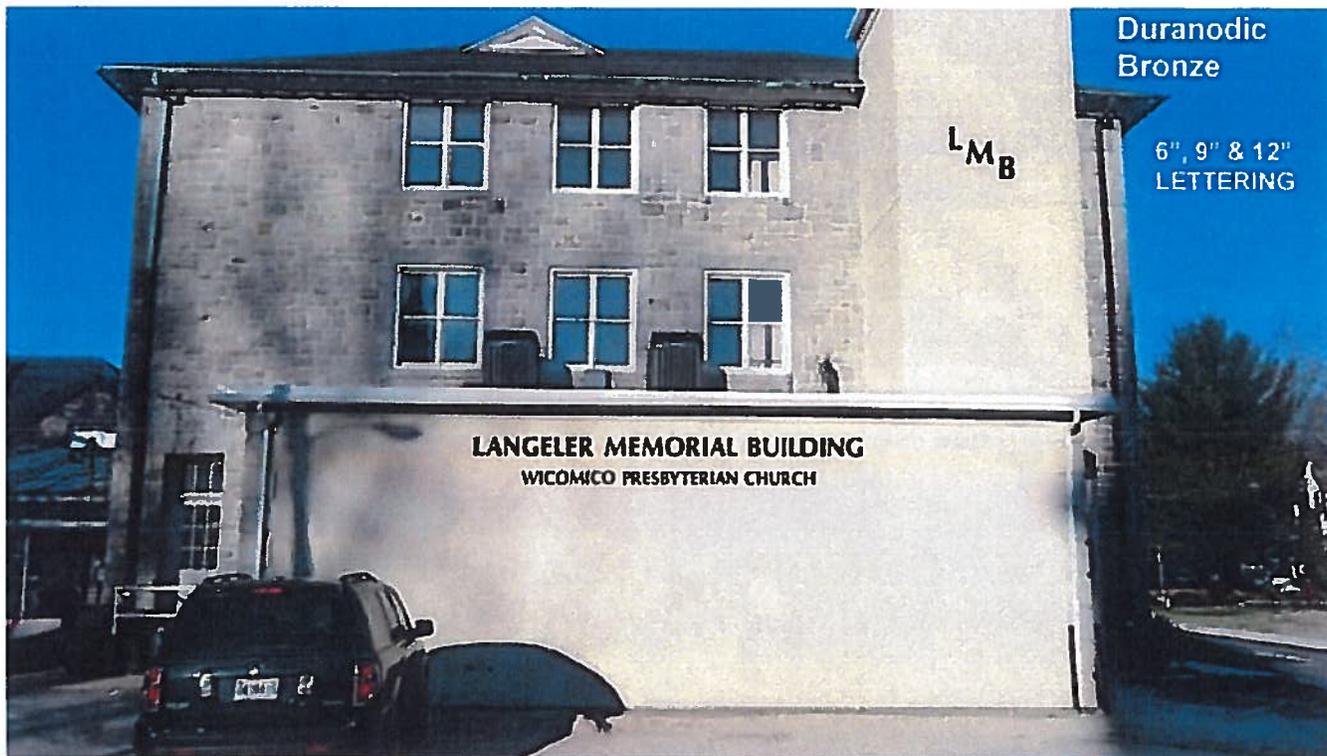
Enclosure: Check 024045 - \$200.00

c: Larry McCauley, Clerk

The Rev. Diane Deming, Pastor

Harrison Langelier, Property Council

Dr. Diane Langelier, Co-Chair, LMB Committee



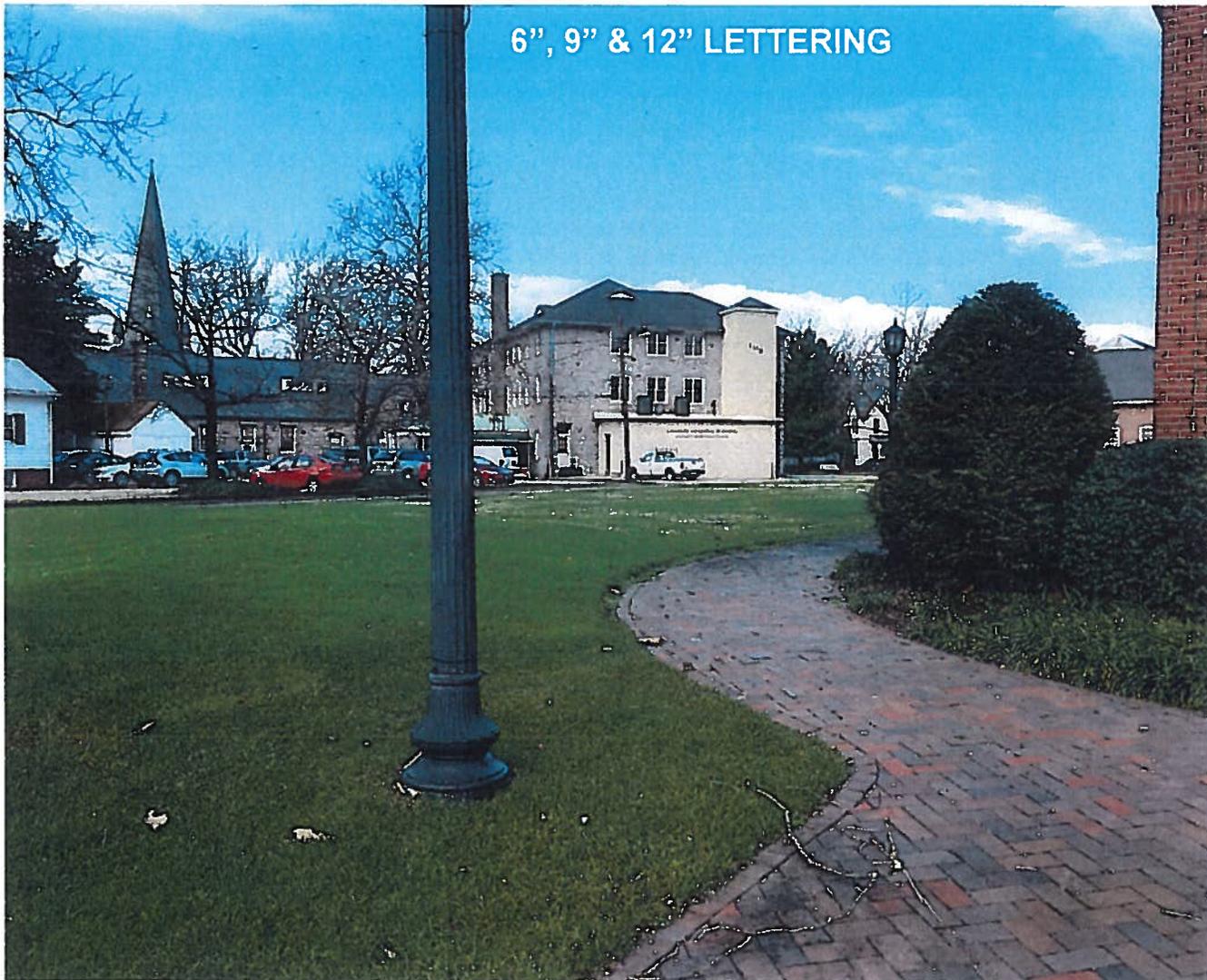
Duranodic
Bronze

6", 9" & 12"
LETTERING

LANGELER MEMORIAL BUILDING
WICOMICO PRESBYTERIAN CHURCH

LMB

Attachment #2



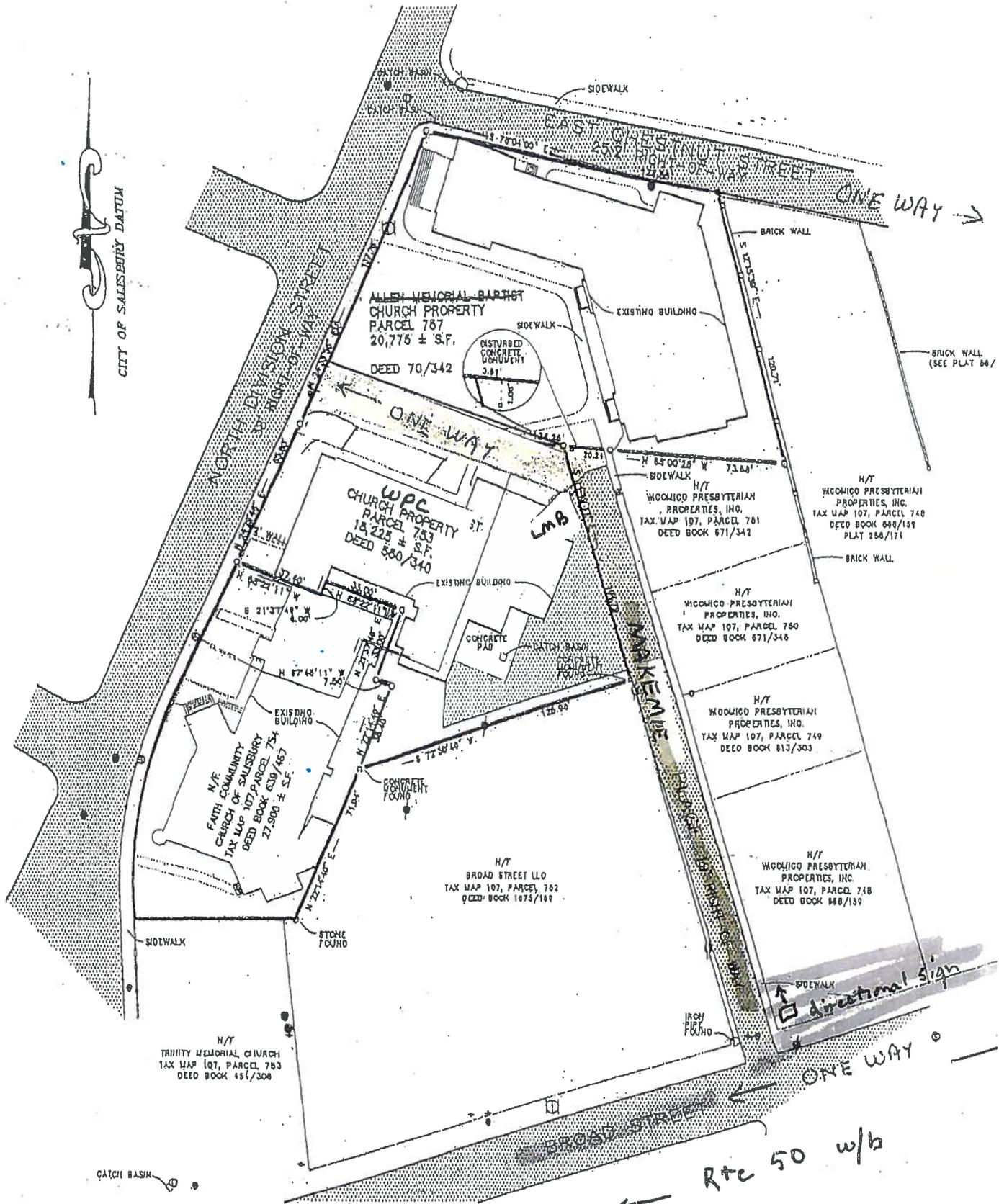
Attachment #3



Attachment #4



CITY OF SALISBURY DATUM



JACOB R. DAY
MAYOR

M. THOMAS STEVENSON
CITY ADMINISTRATOR

City of Salisbury



NEIGHBORHOOD SERVICES &
CODE COMPLIANCE
SUSAN E PHILLIPS
DIRECTOR

501 (B) EAST CHURCH STREET
SALISBURY, MARYLAND 21804
Tel: 410-341-9550
Fax: 410-341-3682

MARYLAND

Salisbury Historic District Commission Certificate of Approval



Case # 16 08	Meeting Date: 2/24/16	Address: 225 N. Division Street
Description of Work: Sign Installation		
Owner/Agent – The Committee of Wicomico Presbyterian Church of Salisbury		
Motion: Brad Phillips		Second: Ed Brown
Amendments to Proposal: N/A		
Decision: APPROVED AS SUBMITTED ON CONSENT DOCKET		

THIS DECISION WAS MADE IN ACCORDANCE TO PROVISIONS OF
CHAPTER 17.52 OF THE SALISBURY MUNICIPAL CODE.

SHDC Chairman

SHDC Secretary

3/1/2016

Date

3/23/16

Date

Every certificate of approval and any permit arising as a result thereof shall become invalid unless the work on the site authorized by such certificate of approval or permit is commenced within one year after its issuance, or if the work authorized by such certificate of approval or permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. The commission is authorized to grant, in writing, one or more extensions of time, for periods not more than one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated.



The Wicomico Presbyterian Church

129 Broad Street

Salisbury, Maryland 21810
(410) 749-5700

March 30, 2016

City of Salisbury
ATTN: Henry Eure
Department of Building Permits & Inspections
125 N. Division Street
Salisbury, MD 21801-4940

Re: Wicomico Presbyterian Church
Langelier Memorial Building
directional sign at intersection of Broad Street & Makemie Place

Dear Mr. Eure,

This will confirm permission for the placement of a 2' x 2' directional sign, ten (10') feet back from the face of the curb on Broad Street, which is located on a parcel of church property more particularly identified as a part of Parcel 748 Tax Map 107 conveyed by Item Four in a deed dated December 22, 2014 recorded among the Land Records of Wicomico County in Liber M.S.B. No. 3795, Folio 450.

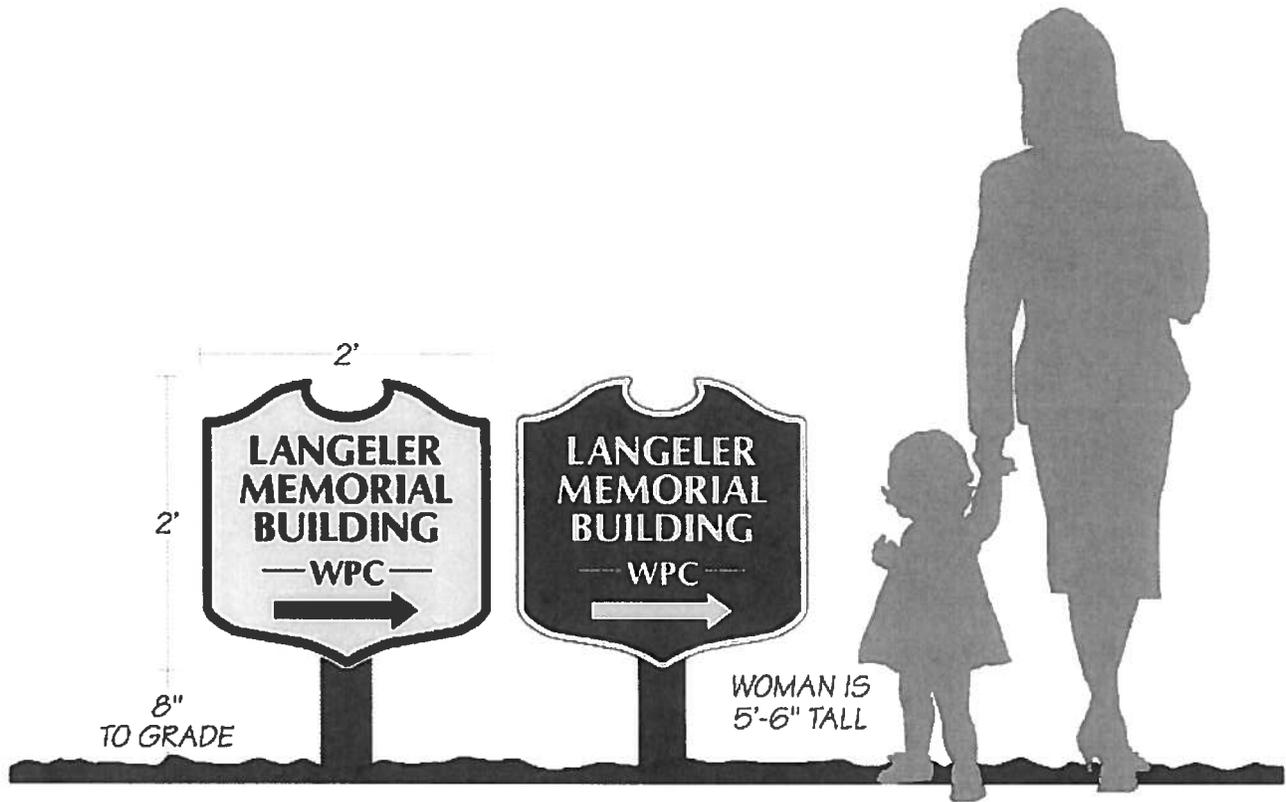
The requested directional sign is for the purpose of identifying the point of access to the church annex known as the Langelier Memorial Building which is designated as 225 N. Division Street.

Thank you for consideration of this request.

Sincerely,

Harrison Langelier, President
The Committee of the Wicomico
Presbyterian Church of
Salisbury, Maryland

Attachment #7



and set back fifteen (15) feet from the curblineline or may be a flat wall sign. (Ord. 1612 (part), 1995: Prior Code Section 150-250)

17.216.080 Signs which may be erected in office and service residential district.

Signs which may be erected in the office and service residential district are as follows:

- A. Signs as listed in Section 17.216.050;
- B. One non-illuminated or indirectly illuminated wall sign not greater than four square feet in surface area attached to the front of a building;
- C. One non-illuminated or indirectly illuminated ground sign identifying an office or service use not exceeding two square feet in surface area or six feet in height and set back fifteen (15) feet from the curblineline. (Ord. 1612 (part), 1995: Prior Code Section 150-251)

17.216.090 Signs which may be erected in office and service highway districts.

Signs which may be erected in the office and service highway districts are as follows:

- A. Signs as listed in Sections 17.216.050 and 17.216.060(B);
- B. Business signs as follows: The total area of all business signs on a lot shall not exceed one square foot for each linear foot of street frontage on a street twenty-five (25) feet or more in width. Permitted sign locations are ground, wall, projecting, marquee and soffit, as follows:
 - 1. One ground sign not exceeding twenty-five (25) feet or more in height, fifty (50) feet in surface area per face, excluding time, temperature and weather indicator, and set back twenty (20) feet from the curblineline. Where a lot has more than one frontage on a street twenty-five (25) feet or more in width, one additional ground sign may be permitted for the second street frontage, with a total surface area not to exceed fifty (50) square feet, provided that the total surface area of all faces for both ground signs does not exceed one hundred fifty (150) square feet. The height and setback shall be the same as that required for the first ground sign.
 - 2. Projecting signs not exceeding six square feet in surface area, extending no closer to the curblineline than fifteen (15) feet and no closer than eight feet above the sidewalk or eighteen (18) feet above a public street, alley or driveway;
 - 3. Wall signs not exceeding fifty (50) square feet in surface area
 - 4. Marquee and soffit signs not exceeding six square feet in surface area and not projecting more than twelve (12) inches beyond the marquee face or edge.

from normal approaching position of a vehicle at a distance of twenty-five (25) to three hundred (300) feet;

- D. Signs in any location which obstruct the vision of motorists of traffic control devices, intersections or traffic movement;
- E. Signs attached to trees or utility poles;
- F. Signs attached to any vehicle parked permanently;
- G. Signs which, taken as a whole, are obscene or profane as currently defined, described or determined by the United States Supreme Court and/or by the court of Appeals of Maryland;
- H. Signs which are an imitation of or resemble an official traffic sign or signal or which bear the words STOP, GO, SLOW, CAUTION, DANGER, WARNING or similar words, which would adversely affect traffic. (Ord. 1612 (part), 1995: Prior Code Section 150-246)

17.216.040 Signs prohibited in certain districts.

Flashing signs and animated signs are prohibited in all districts except CBD, commercial and industrial districts. (Prior Code Section 150-247)

17.216.050 Signs which may be erected in any district.

Signs which may be erected in any district are as follows:

- A. Signs of any size or shape may be erected by or under the direction of any governmental body or agency in any location for purposes of promotion, identification, direction, safety or convenience to the public;
- B. Instructional signs not exceeding two square feet in area or three feet in height;
- C. Name and address signs not exceeding one for each principal building or use on a premises and not exceeding two square feet
- D. Permanent subdivision identification signs which do not exceed twenty (20) square feet in surface area per face, limited to two faces, not exceeding one per main entrance and set back fifteen (15) feet from the curbline;
- E. Temporary real estate signs indicating the sale, rental or lease of the premises on which it is located, with a maximum area of eight square feet nonilluminated; provided that premises located in the R-5, R-8, and R-10 zoned districts shall only display rental signs 90 days prior to lease termination and shall be removed after the premises is rented. **[Amended 9/13/2004 by Ord. No. 1910.]**
- F. Temporary development signs advertising the sale or rental of structures, which have a maximum surface area of sixty (60) square feet, limited to two faces, maximum height of fifteen (15) feet, indirectly illuminated,

and set back the distance from the street line that is required for the district in which the sign is located:

- G. Temporary construction signs limited to one each for contractors, architects, financing, etc., nonilluminated and set back the distance from the street line that is required for the district in which it is located and permitted only while construction is in progress or such time as may be required by state or federal requirements for financing or by any other requirement for extended advertising of the program under which construction has been accomplished;
- H. Memorial tablets or signs and historic markers, flags and insignias of bona fide civic, charitable, fraternal and welfare or religious organizations and national flags and flags of political subdivisions of the United States;
- I. Signs erected by a utility company locating underground facilities or the location of a public telephone booth not exceeding two square feet;
- J. One or more political campaign signs which, in aggregate, do not exceed a total of thirty-two (32) square feet in area, set back at least fifteen (15) feet from the curblin. on any privately owned lot, except where a building is located less than fifteen (15) feet from the curblin and, in that event, the setback is the lesser of fifteen (15) feet or the distance between the building and the curblin. Each such sign may not be erected more than ninety (90) days prior to the nomination, election or referendum and must be removed within seven days after the election or referendum, except that the candidates who won the primary may continue to display their signs until the final election.
- K. Directional signs located within one mile of and limited to one sign for each use or location for which the directions are intended, and provided that:
 - 1. Written permission is obtained from the property owner;
 - 2. The sign is set back ten feet from the curblin;
 - 3. The surface area does not exceed four square feet;
 - 4. The sign is nonilluminated;
 - 5. The sign is located a minimum of five hundred (500) feet from any other directional sign on the same side of the street;
 - 6. The height does not exceed five feet.
- L. Nonbusiness signs (which are not outdoor advertising structures as defined in Section 17.216.020) may be erected for a period not to exceed ninety (90) days in any calendar year by or for the owner or lawful occupant of any lot or structure which signs, in aggregate, do not exceed a total of six square feet in area, nonilluminated. Such signs must be set back at least fifteen (15) feet from the curblin on any lot or affixed to an occupied dwelling, structure or building, except where such dwelling, structure or building is located less than fifteen (15) feet from the

curbline and, in that event, the setback is the lesser of fifteen (15) feet or the distance between the dwelling structure or building and the curbline. (Ord. 1612 (part), 1995: Prior Code Section 150-248)

17.216.060 Signs which may be erected in R-5, R-8, R-8S, R-10 and R-10S residential districts.

Signs which may be erected in residential R-5, R-8, R-8S, R-10 and R-10S districts are as follows:

- A. Signs as listed in Section 17.216.050;
- B. One nonilluminated or indirectly illuminated identification sign not to exceed twenty (20) square feet in surface area a maximum of five feet above grade and set back fifteen (15) feet from the curbline or five feet back from the sidewalk for each building devoted to the following uses: church, school, firehouse, historic building, police station, care home and cemetery. In addition, a bulletin board is permitted, provided that the total of thirty (30) square feet is not exceeded by both the bulletin board and identification sign;
- C. One nonilluminated sign not exceeding one square foot in area mounted flat against the exterior of the dwelling or set back ten feet from the curbline and not exceeding four feet in height;
- D. One nonilluminated or indirectly illuminated sign not exceeding eight square feet in surface area set back fifteen (15) feet from the curbline and a maximum of five feet above grade for a day-care center. (Ord. 1612 (part), 1995: Prior Code Section 150-249)

17.216.070 Signs which may be erected in R-5A, RR-5A and R-8A residential districts.

Signs which may be erected in residential R-5A, RR-5A and R-8A districts are as follows:

- A. Signs as listed in Section 17.216.050;
- B. One temporary sign not exceeding thirty-two (32) square feet in area nonilluminated, identifying a model unit in a townhouse or apartment project;
- C. One nonilluminated or indirectly illuminated sign not exceeding two square feet in area identifying an ongoing management or rental office in an apartment or townhouse project or for a temporary sales office until all units have been sold;
- D. One identification sign for a townhouse or apartment project not to exceed fifty (50) square feet in surface area which may be reduced by the Board of Zoning Appeals upon review of the site and size of projects. Such sign may be ground-mounted not to exceed five feet above grade



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

May 24, 2016

**SALISBURY-WICOMICO
FILE COPY
PLANNING**

Mr. George White
1600 Old Mill Lane
Salisbury, Maryland 21801

RE: #SP-1604 – PUBLIC HEARING – TEXT AMENDMENT – Office and Service Residential District – To Amend the Sign Standards related to Wall Signage – Wicomico Presbyterian Church, rep. by George H. White.

Dear Mr. White

The Salisbury Planning Commission at its May 19, 2016, meeting, forwarded a **FAVORABLE** recommendation to the Mayor and Council for the proposed amendment that would permit up to 30 sq. ft. of non-illuminated or indirectly illuminated wall signage in the Office and Service Residential Districts for Churches or Church social/reception buildings only, as follows:

AMEND SECTION 17. 216.080 SIGNS WHICH MAY BE ERECTED IN OFFICE AND SERVICE RESIDENTIAL DISTRICT BY ADDING THE FOLLOWING:

- D. ONE (1) SQUARE FOOT OF WALL SIGNAGE PER LINEAR FOOT OF BUILDING WIDTH UP TO A MAXIMUM OF 30 SQ. FT. OF NON-ILLUMINATED OR INDIRECTLY ILLUMINATED SIGNAGE FOR CHURCHES OR CHURCH SOCIAL OR RECEPTION HALLS, OR CHURCH-RELATED BUILDINGS.**

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

Sincerely,

John F. Lenox, AICP
Director

Salisbury/Wicomico Planning & Zoning

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

Attachment B

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 17.216.080, WALL SIGNAGE PERMITTED 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, The Wicomico Presbyterian Church submitted an application to amend the text of Section 17.216.080 regarding Wall Signage permitted for Churches in the Office and Service Residential District; and

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

WHEREAS, the Planning Commission did recommend approval of the proposed text amendment to Sections 17.216.080.

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 17.216.080 BY ADDING ITEM D AS FOLLOWS:

D. ONE (1) SQUARE FOOT OF WALL SIGNAGE PER LINEAR FOOT OF BUILDING WIDTH UP TO A MAXIMUM OF 30 SQ. FT. OF NON-ILLUMINATED OR INDIRECTLY ILLUMINATED SIGNAGE FOR CHURCHES OR CHURCH SOCIAL OR RECEPTION HALLS, OR CHURCH-RELATED BUILDINGS.

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

36 **CHURCHES OR CHURCH SOCIAL OR RECEPTION HALLS, OR CHURCH-**
37 **RELATED BUILDINGS.**
38

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

42 **THE ABOVE ORDINANCE** was introduced at a meeting of the Council on the 8 day
43 of August, 2016, and thereafter, a statement of the substance of the ordinance having been
44 published as required by law, in the meantime, was finally passed by the Council on the ____
45 day of _____, 2016.

46
47 ATTEST:
48

49
50 _____
51 Kimberly R. Nichols
52 City Clerk

50 _____
51 John R. Heath, President
52 Salisbury City Council

53
54
55 Approved by me this
56
57 _____ day of _____, 2016.
58

59
60 _____
61 Jacob R. Day
62 Mayor of the City of Salisbury



City of
Salisbury
Jacob R. Day, Mayor

Memorandum

To: Tom Stevenson, City Administrator
CC: Julia Glanz, Asst. City Administrator
From: William T. Holland 
Date: July 20, 2016
Ref: Code Updates – City Council Work Session August 1

Attached is an Ordinance amending the Fire Prevention Code reflecting the most current edition as adopted by the state of Maryland, adding language to the adopted standard codes by including the Maryland Accessibility Code, amending the electrical standards reflecting the most current edition, and amending Property Maintenance Code to reference the 2015 International Codes.

These are all minor changes, never-the-less; let me know if you have any questions.

1
2
3 **Ordinance No. 2397**

4 AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTIONS 8.11.020
5 OF CHAPTER 8.11 THE FIRE PREVENTION CODE; 15.04.010 OF CHAPTER 15.04
6 BUILDING CODE, 15.12.020 OF CHAPTER 15.12 ELECTRICAL STANDARDS; 15.24.040
7 OF CHAPTER 15.24 HOUSING STANDARDS.

8 **WHEREAS**, the ongoing application, administration and enforcement of Title 8, Health
9 and Safety, and Title 15, Buildings and Construction, of the Salisbury Municipal Code,
10 demonstrates a need for its periodic review, evaluation and amendment to keep them current; and
11

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

16 **WHEREAS**, the Mayor and City Council have requested that the Department of
17 Building, Permits and Inspections periodically review the Code in light of existing building
18 trends and practices and code updates; and
19

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

23 **NOW, THEREFORE**, be it enacted and ordained by the Council of the City of
24 Salisbury, Maryland, that Sections 8.11.020 of Chapter 8.11 the Fire Prevention Code; 15.04.010
25 and 15.04.020 of Chapter 15.04 Building Code, 15.12.020 of Chapter 15.12 Electrical Standards;
26 15.24.040 of Chapter 15.24 Housing Standards be amended as follows:
27
28

29 Chapter 8.11 - The Fire Prevention Code
30

31 8.11.020 - Amendments to the State Fire Prevention Code.
32
33

- 34 A. The NFPA 101 Life Safety Code (~~2009~~ 2015 Edition) is incorporated by reference, and is
35 adopted with state amendments with the exception of COMAR 20.06.04 - Fees for Fire
36 Prevention Services.
37
- 38 B. The NFPA 1 Fire Code (~~2009~~ 2015 Edition) is incorporated by reference, and is adopted
39 with state and local amendments. The local amendments are:
40 1. The Board of Appeals shall be the Building Board of Adjustments & Appeals.
41 2. Any person who fails to comply with the provisions of the Code or who fails to
42 carry out an order made pursuant to this Code or violates any condition attached
43 to a permit, approval, or certificate may be subject to a municipal infraction not to
44 exceed \$500.00 each day the violation continues.
45 3. Failure to comply with the time limits of an abatement notice or other corrective
46 notice issued by the authority having jurisdiction may result in municipal

47 infractions not to exceed \$500.00 each day the violation/s continues and the
48 jurisdiction shall have authority as provided by law to evacuate, vacate and order
49 such building or structure to be closed to the public.

50 4. Amend Section 10.11 Open Flame, Candles, Open Fires and Incinerators, to read:
51 Open burning is prohibited within the City.

52
53 C. The International Building Code (~~2009~~ 2015 Edition) is incorporated by reference, and is
54 adopted with state and local amendments.

55
56
57

58 Chapter 15.04 - BUILDING CODE

59
60
61

61 15.04.010 - Adoption of standard codes.

62
63

The City of Salisbury adopts the following Standard Codes:

64
65
66

- 65 A. International Building Code (2015) (IBC);
- 66 B. International Residential Code (2015) (IRC);
- 67 C. International Energy Conservation Code (2015 edition)(IECC);
- 68 D. International Mechanical Code (2015)(IMC);
- 69 E. International Plumbing Code (2015)(IPC);
- 70 F. International Fuel Gas Code (2015)(IFGC); ~~and~~
- 71 G. International Existing Building Code (2015); and
- 72 H. Maryland Accessibility Code.

73
74
75

76
77

76 Chapter 15.12 - Electrical Standards

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78
79

79 15.12.020 - Adoption of standards by reference.

80
81

81 Except as may be provided otherwise in this chapter, the current requirements of the
82 National Electrical Code (2014 EDITION), ~~as revised from time to time~~, being the regulations of
83 the National Board of Fire Underwriters for electric wiring and apparatus, shall be deemed to be
84 the requirements imposed by this chapter, such National Electrical Code, ~~as revised from time to~~
85 ~~time~~, being hereby adopted by reference as the electrical code of the city and being herein
86 incorporated in its entirety by reference.

87
88
89

90 Chapter 15.24 - Housing Standards

91
92

93 15.24.040 - Referenced standards.

94

95 A. Where the following codes are referenced within this code, they shall be considered part
96 of the requirements of this code to the prescribed extent of each such reference:

97

- 98 1. International Building Code (2015) (IBC).
- 99 2. International Residential Code (2015)(IRC);
- 100 3. International Energy Conservation Code (2015)(IECC);
- 101 4. International Mechanical Code (2015)(IMC);
- 102 5. International Plumbing Code (2015)(IPC);
- 103 6. International Fuel Gas Code (2015)(IFGC);
- 104 7. International Existing Building Code (2015)(IEBC));
- 105 8. Maryland Accessibility Code; and
- 106 9. National Electrical Code (2014).

107

108

109 B. Where differences occur between provisions of this code and referenced standards, this
110 code shall apply. Additionally, nothing herein shall be construed to repeal, modify or set
111 aside any provisions of the city's zoning code.

112

113

114 AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE
115 CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect _____,
116 2016.

117

118 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of
119 Salisbury held on the 8th day of August, 2016 and thereafter, a statement of the substance of the
120 ordinance having been published as required by law, in the meantime, was finally passed by the
121 Council on the ___ day of _____, 2016.

122

123 ATTEST:

124

125

126 _____
Kimberly R. Nichols, City Clerk

127

128

129

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

131

132

133

134 _____
Jacob R. Day, Mayor

John R. Heath, City Council President



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: Budget Amendment – Traffic Signal repairs at Parkside High School

Salisbury Public Works requests a budget amendment to move funds to an operating account from miscellaneous revenue. The Traffic Division installed a video detector to replace the damaged traffic loops at the entrance to Parkside High School. The damage was caused by a contractor hired by the Wicomico County Board of Education while paving the entrance road. The traffic signal on Beaglin Park Drive is owned by the City of Salisbury. The Wicomico County Board of Education has reimbursed the City for actual expenses in the amount of \$5,139.00. Public Works requests that the reimbursement be transferred to the Traffic Division account for Equipment Repair and Maintenance.

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

ORDINANCE NO. 2398

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY17 BUDGET TO APPROPRIATE FUNDS FOR TRAFFIC EQUIPMENT REPAIRS AND MAINTENANCE.

WHEREAS, as a result of a work performed by the Wicomico County Board of Education at the entrance to Parkside High School, improvements were required at a City of Salisbury owned traffic signal on Beaglin Park Drive; and

WHEREAS, the City of Salisbury Traffic Division of the Public Works Department made the necessary repairs to the traffic signal; and

WHEREAS, the Wicomico County Board of Education reimbursed the City for actual expenses; and

WHEREAS, the Traffic Division budget should be increased to accommodate these efforts.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that the City’s Fiscal Year 2017 budget and Traffic Division Equipment budget be and are hereby amended as follows:

- 1. Increase the Miscellaneous Revenue (01000-456911) account by \$5,139.00
- 2. Increase the Traffic Equipment (22000-534302) budget by \$5,139.00

BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 8th day of August, 2016, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the ___ day of _____, 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



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Tom Stevenson, City Administrator
From: Michael Moulds, Director of Public Works 
Date: June 26, 2106
Re: Lot 11 Alley Abandonment Request

The Department of Public Works is requesting approval to abandon a portion of a 20 foot width unnamed alley that bisects Parking Lot 11 on West Market Street. With the abandonment of the alley the land will revert to adjoining City owned parcels that make up Lot 11.

The remaining portion of the alley will be retained to continue to provide access to the rear of the Library and Cannon Buildings. The alley abandonment is being recommended to facilitate the sale of Lot 11.

Attached is the proposed Ordinance and Exhibit that have been prepared by the City Surveyor and reviewed by the City Solicitor.

With the Mayor's approval we would like to place this item on the July 11th session of City Council. Let us know if you have any questions or need any additional information.

**AMENDED
ORDINANCE NO. 2399**

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO ABANDON AN AREA OF LAND BEING A PORTION OF AN UNNAMED 20 FOOT WIDE ALLEY ACCESSED FROM WEST MARKET STREET AND TRAVERSING CITY PARKING LOT 11.

WHEREAS, The unnamed alley, is shown on the plat entitled "Map of Property of the Salisbury Realty Co.", dated February 28, 1920 and recorded among the Land Records of Wicomico County, Maryland, in Plat Cabinet 117, Folio 999 is incorporated into the layout of City Parking Lot 11; and

WHEREAS, the portion of the unnamed alley to be abandoned is adjoined by City owned Parcels 1074, 1075, 1076, 1077, 1078 and 1079 that along with the unnamed alley make up the developed area of City Parking Lot 11; and

WHEREAS, the City of Salisbury Department of Public Works has determined that the abandonment of a portion of the unnamed alley is in the best interest of the City in order to improve the potential of Lot 11 for development; and

WHEREAS, the Salisbury Charter SC11-2 gives the City of Salisbury charge of all public ways in the City of Salisbury; and

WHEREAS, the Salisbury Charter SC16-8 allows the City of Salisbury to abandon or otherwise dispose of property that is not saleable; and

WHEREAS, the City of Salisbury Department of Public Works has prepared and the City Solicitor has reviewed the Plat to abandon the unnamed alley and revert the 20 foot width of the portions of the unnamed alley fronting on Parcels 1075 and 1074 to these City owned Parcels; a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Director of Public Works provided the City Council a recommendation of the proposed road abandonment at the July 18, 2016 City Council work session.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that the City of Salisbury hereby abandons the 4,135.2 square foot area of the heretofore described unnamed alley, and that the Mayor of the City of Salisbury is hereby authorized to execute all documents necessary to convey the said area with the aforementioned City owned parcels.

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 8th day of August, 2016, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the ____ day of _____, 2016.

ATTEST

Kimberly R. Nichols
CITY CLERK

John R. Heath
PRESIDENT, City Council

Approved by me this ____ day of _____, 2016

Jacob R. Day, Mayor



CIRCLE AVENUE

REPC & HTC, LLC
MAP 107, PARCEL 1073

CITY OF SALISBURY
MAP 107, PARCEL 1074

WICOMICO COUNTY LIBRARY
MAP 107, PARCEL 1072

CITY OF SALISBURY
MAP 107, PARCEL 1075

L=14.54'
R=36.33'

L=6.55'
R=16.36'

20' UNNAMED ALLEY
S20°19'24"E
20.00'

TO REMAIN OPEN

L=22.45'
R=64.80'

CITY OF SALISBURY
MAP 107, PARCEL 1075

CITY OF SALISBURY
MAP 107
P.1076

CITY OF SALISBURY
MAP 107
PARCEL 1077

CITY OF SALISBURY
MAP 107, PARCEL 1078

CITY OF SALISBURY
MAP 107, PARCEL 1079

MARKET STREET

TOTAL AREA OF ALLEY TO BE CLOSED = 4,135.2± S.F.
(1,060.0± S.F. ADDED TO P.1075 & 3,075.2± ADDED TO P.1074)

DWG. NO.	DCAXXXX
DATE:	06/27/2016
SCALE:	1" = 40'
REVISED:	
SHEET	1 OF 1

CITY OF SALISBURY
SALISBURY PUBLIC WORKS
ROAD CLOSURE SKETCH
20-FT UNNAMED ALLEY



Legal Descriptions for 20' Unnamed Alley in Parking Lot 11 to be Closed

Portion To Be Added to Parcel 1074

Beginning for the same at a point on the northerly line of a 20' unnamed alley, which is part of the City of Salisbury "Parking Lot 11", at the southwesterly corner of the lands of the City of Salisbury (P.1074). Thence by and with the northerly line of the said alley the following three courses: (1) North 46 degrees 44 minutes 38 seconds East a distance of 33.58 feet, more or less, to a point. (2) Thence with a curve to the right, having a radius of 36.33 feet, a length of 14.54 feet to a point. (3) Thence North 69 degrees 40 minutes 36 seconds East a distance of 104.41 feet to a point at the southwesterly corner of the lands of REPC & HTC, LLC. (4) Thence crossing the said alley South 20 degrees 19 minutes 24 seconds East a distance of 20.00 feet to the point on the south line of the said alley. (5) Thence with a line being 20' southeasterly of and parallel to the herein third described line, reversed, South 69 degrees 40 minutes 36 seconds West a distance of 104.39 feet to a point. (6) Thence with a curve to the left, having a radius of 16.36 feet, a length of 6.55 feet to a point. (7) Thence with a line being 20' southeasterly of and parallel to the herein first described line, reversed, South 46 degrees 44 minutes 38 seconds West a distance of 42.68 feet, more or less, to a point at the intersection of the southerly line of the said alley and the extended line between P.1074 and P.1075. (8) Thence with the said extended line between P.1074 and P.1075 to the point of beginning. Being shown on a plat entitled "Road Closure Sketch, 20-FT Unnamed Alley" as the easterly portion of the "20' Unnamed Alley To Be Closed" and containing 3,075.2 square feet, more or less.

Portion To Be Added to Parcel 1075

Beginning for the same at a point on the northerly line of a 20' unnamed alley, which is part of the City of Salisbury "Parking Lot 11", at the southeasterly corner of the lands of the City of Salisbury (P.1075). (1) Thence by and with the northerly line of the said alley South 46 degrees 44 minutes 38 seconds West a distance of 62.50 feet, more or less, to a point on the northerly right of way line (curve) of Market Street. (2) Thence by and with the said line of Market Street and a curve to the left, having a radius of 64.80 feet, a length of 22.45 feet to a point at the southerly line of the said alley. (3) Thence with a line being 20' southeasterly of and parallel to the herein first described line, reversed, North 46 degrees 44 minutes 38 seconds East a distance of 43.45 feet to a point at the intersection of the southerly line of the said alley and the extended line between P.1074 and P.1075. (8) Thence with the said extended line between P.1074 and P.1075 to the point of beginning. Being shown on a plat entitled "Road Closure Sketch, 20-FT Unnamed Alley" as the westerly portion of the "20' Unnamed Alley To Be Closed" and containing 1,060.0 square feet, more or less.