

AS AMENDED ON JUNE 11, 2012
RESOLUTION NO. 2170
CHARTER AMENDMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, AMENDING THE CITY OF SALISBURY CHARTER SECTIONS SC1-20 (ARTICLE I INCORPORATION AND GENERAL GOVERNMENT); SC2-1 AND SC2-2 (ARTICLE II THE COUNCIL); SC3-1 (ARTICLE III THE MAYOR); AND SC6-7, SC6-9 AND SC6-15 (ARTICLE VI ELECTIONS) FOR THE FOLLOWING REASONS: TO ELIMINATE STAGGERED ELECTIONS IN THE CITY OF SALISBURY SUCH THAT IN NOVEMBER 2015 ALL FIVE (5) COUNCILMEMBERS AND THE MAYOR SHALL BE ELECTED AT THE SAME TIME TO SERVE FOUR-YEAR TERMS; TO PROVIDE FOR THE ELECTION OF THE MAYOR FOR A TERM TO RUN UNTIL NOVEMBER 2015; TO ENLARGE ELECTION DISTRICT 1 PURSUANT TO THE 2010 CENSUS AND TO PROVIDE FOR THE ELECTION OF ONE (1) COUNCILMEMBER FROM THAT DISTRICT FOR A TERM TO RUN UNTIL NOVEMBER 2015; TO REDUCE ELECTION DISTRICT 2 PURSUANT TO THE 2010 CENSUS AND TO PROVIDE FOR THE ELECTION OF ONE (1) COUNCILMEMBER FROM THAT DISTRICT FOR A TERM TO RUN UNTIL NOVEMBER 2015; TO PROVIDE THAT AS OF THE GENERAL ELECTION OF NOVEMBER 2015 DISTRICT 1 SHALL BE FURTHER INCREASED IN AREA AND DISTRICT 2 SHALL BE FURTHER DECREASED IN AREA SUCH THAT TWO (2) COUNCILMEMBERS SHALL BE ELECTED FROM DISTRICT 1 AND THREE (3) COUNCILMEMBERS SHALL BE ELECTED FROM DISTRICT 2; AND TO UPDATE THE CHARTER LANGUAGE AND ELIMINATE INCONSISTENCY IN THE SECTIONS AMENDED.

WHEREAS, Section SC1-20 of the City of Salisbury Charter establishes District 1 and District 2 for electing members of the City Council, provides that one (1) Councilmember shall be elected from District 1 and four (4) Councilmembers shall be elected from District 2, and provides for the amendment of the boundaries of each district by ordinance;

WHEREAS, the districts of the City of Salisbury were initially established in 1987 pursuant to a court order in which it was agreed that the at-large electoral system previously utilized in the city violated Section 2 of the Voting Rights Act;

WHEREAS, that order contemplates the need for future changes in the electoral system if circumstances change and allows changes in the district boundaries to reflect population changes but

requires the approval of the Court to amend the number of Councilmembers allocated to each district;

WHEREAS, the Council has determined that the boundaries of those districts must be revised pursuant to the 2010 Census;

WHEREAS, the Council has determined that the current system of staggered elections should be eliminated to fairly effect the new redistricting and reapportionment plan so that all five (5) Councilmembers and the Mayor shall be elected at the same time, beginning with the General Election of November 2015;

WHEREAS, the Council has determined that it is necessary to temporarily shorten the terms of the offices of Mayor, one (1) Councilmember from District 1 and one (1) Councilmember from District 2, which were scheduled to run from April 2013 through November 2017, so that the next terms of the Mayor and the said Councilmembers shall expire on the second Monday after the General Election in November 2015;

WHEREAS, beginning with the election of April 2013, District 1 shall be enlarged and District 2 shall be reduced in area pursuant to the 2010 Census, and one (1) Councilmember shall be elected from each district for a shortened term;

WHEREAS, beginning with the General Election in 2015, the Mayor and all five (5) Councilmembers shall be elected on the first Tuesday of November 2015 and shall hold office for a term of four (4) years or until their successors are duly elected and qualified;

WHEREAS, beginning with the election of November 2015, District 1 shall be further enlarged and District 2 shall be further reduced in area, and two (2) Councilmembers shall then and thereafter be elected in District 1, and three (3) Councilmembers shall then and thereafter be elected in District 2; and

WHEREAS, to achieve these ends, it is necessary to amend Sections SC1-20, SC2-1, SC2-2, SC3-1, SC6-7, SC6-9 and SC6-15 of the City of Salisbury Charter.

NOW, THEREFORE, BE IT RESOLVED that the Salisbury City Council deems it to be in the best interest of the citizens of Salisbury to eliminate the system of staggered elections, to amend the current election district boundaries and, beginning with the November 2015 election, to increase the area of District 1 and increase the number of Councilmembers afforded to District 1 and decrease the area of District 2 and decrease the number of Councilmembers afforded to District 2, the City of Salisbury Charter is hereby amended as follows:

ARTICLE I

Incorporation and General Government

§ SC1-20. Districts

The City shall be divided into District 1 and District 2 for electing the members of the City Council. The voters in District 1 shall nominate and elect one (1) Councilmember on the first Tuesday of April 2013 and, beginning on the first Tuesday of November 2015, shall nominate and elect two (2) Councilmembers; [and] the voters in District 2 shall nominate and elect four (4) Councilmembers[.], one (1) of whom shall stand for election on the first Tuesday of April 2013 (the other three (3) having previously been elected), and, beginning on the first Tuesday of November 2015, the voters in District 2 shall nominate and elect three (3) Councilmembers.

Beginning with the election on the first Tuesday of April 2013, the boundaries of Districts 1 and 2 shall be those boundaries which existed on the first Tuesday of April 2011 with the following additions and deletions:

Phase I - 2013

The following described parcel of land shall be transferred from Council District Two to be made part of Council District One

Being all that part and parcel

Beginning at a point on the centerline of West Isabella Street, approximately 300 feet, more or less east of the intersection of Lake Street and Isabella Street, on a bridge that spans the center of the North Prong of the Wicomico River; said point also lying on the easterly boundary of City Council District 1;

Thence in an easterly direction by and with the centerline of West Isabella Street until it intersects the centerline of Mill Street;

Thence in a southerly direction, by and with the centerline of Mill Street until it intersects the centerline of West Chestnut Street;

Thence in an easterly direction by and with the centerline of West Chestnut Street until it intersects the centerline of North Division Street;

Thence in a northerly direction, by and with the centerline of North Division Street approximately 78 feet to the intersection of the centerline of East Chestnut Street;

Thence in an easterly direction by and with the centerline of East Chestnut Street until it intersects the centerline of Poplar Hill Avenue;

Thence in a southerly direction by and with the centerline of Poplar Hill Avenue approximately 100 feet until it intersects with the centerline of Broad Street;

Thence in an easterly direction by and with the centerline of Broad Street until it intersects with US Rt. 13 (also known as North Salisbury Boulevard);

Thence in a northerly direction by and with the centerline of the southbound lane of US Rt. 13 until it intersects with the centerline of East William Street;

Thence in an easterly direction by and with the centerline of East William Street until it intersects with the centerline of East Church Street;

Thence in an easterly direction by and with the centerline of East Church Street until it intersects with the centerline of the railroad track;

Thence in a southerly direction by and with the centerline of the railroad track until it intersects the centerline of East Main Street;

Thence in an easterly direction by and with the centerline of East Main Street until it intersects with Maryland Rt. 12 (also known as Snow Hill Road);

Thence in a southerly direction by and with the centerline of Snow Hill Road until it intersects with the centerline of East Locust Street at a point on the Council District boundary;

Thence in a westerly direction by and with the centerline of East Locust Street and the Council District boundary until the intersection of Franklin Avenue;

Thence in a southerly direction by and with the centerline of Franklin Avenue and the Council District boundary until it intersects with the centerline of Elmwood Street;

Thence in a westerly direction by and with the centerline of Elmwood Street and the Council District boundary until it intersects with the centerline of Oak Street;

Thence in a northerly direction by and with the centerline of Oak Street and the Council District boundary until it intersects with the centerline of Buena Vista Avenue;

Thence in a westerly direction by and with the centerline of Buena Vista Avenue and the Council

District boundary until it intersects with Pond Street;

Thence in a northerly direction by and with the centerline of Pond Street and the Council District boundary until it intersects with the centerline of South Park Drive;

Thence in a westerly direction by and with the centerline of South Park Drive and the Council District boundary until it intersects with the centerline of the railroad track;

Thence in a northerly direction by and with the centerline of the railroad track and the Council District boundary until it intersects with the southern edge of the East Prong of the Wicomico River;

Thence in a westerly direction by and with the southern edge of the East Prong of the Wicomico River and the Council District boundary until it intersects with the extension of a line that is the western edge of the North Prong of the Wicomico River;

Thence in a northerly direction by and with the western edge of the North Prong of the Wicomico River and the Council District boundary until it becomes the centerline of the North Prong of the Wicomico River;

Thence continuing in a northerly direction by and with the centerline of the North Prong of the Wicomico River to the point of beginning.

The following described parcel of land shall be transferred from Council District One to be made part of Council District Two

Being all that part and parcel

Beginning at a point at the intersection of the centerline of East Locust Street with the centerline of Hastings Street, said point also lying on the easterly boundary of City Council District 1;

Thence in an easterly direction by and with the centerline of East Locust Street and the Council District boundary until it intersects with the centerline of Md. Rt. 12 (also known as Snow Hill Road);

Thence in a southeasterly direction by and with the centerline of Snow Hill Road and continuing with the Council District boundary until the intersection with the centerline of East Vine Street;

Thence in a northwesterly direction by and with the centerline of East Vine Street and the Council District boundary until it intersects with Roger Street; thence continuing along the centerline of East Vine Street approximately 128 feet;

Thence leaving East Vine Street and running in a southwesterly direction approximately 231 feet with the Council District boundary until the line intersects with the centerline of Washington Street;

Thence in a westerly direction by and with the centerline of Washington Street and the Council District boundary until it intersects with the centerline of Jackson Street;

Thence in a northerly direction by and with the centerline of Jackson Street and the Council District boundary until it intersects with the centerline of East Vine Street;

Thence in a westerly direction by and with the centerline of East Vine Street and the Council District boundary until it intersects with the centerline of Hastings Street;

Thence leaving the Council District boundary and running in a northerly direction, by and with the centerline of Hastings Street to the point of beginning.

The following described parcel of land shall be transferred from Council District Two to be made part of Council District One

Being all that part and parcel

Beginning at a point at the intersection of the centerlines of East Vine Street and Eastern Shore Drive, said point also lying on the Council District boundary;

Thence in an easterly direction by and with the centerline of East Vine Street and the Council District boundary until it intersects with the centerline of Jackson Street;

Thence in a southerly direction by and with the centerline of Jackson Street and the Council District boundary, in part, until it intersects with the centerline of East Lincoln Avenue;

Thence in an easterly direction by and with the centerline of East Lincoln Avenue until it intersects with the centerline of Roger Street;

Thence in a southerly direction by and with the centerline of Roger Street until it intersects with the centerline of East College Avenue;

Thence in a westerly direction by and with the centerline of College Avenue until it intersects with the centerline of Eastern Shore Drive;

Thence in a northerly direction by and with the centerline of Eastern Shore Drive until it intersects with the centerline of Lee Street;

Thence in a westerly direction by and with the centerline of Lee Street until it intersects with the centerline of the railroad track;

Thence in a northerly direction by and with the centerline of the railroad track approximately 333 feet;

Thence in a westerly direction approximately 243 feet to the centerline of Roland Street; thence continuing along the centerline of Roland Street until it intersects with the centerline of US Rt. 13 (also known as South Salisbury Boulevard);

Thence continuing in a westerly direction across US Rt. 13 until it intersects with the centerline of North Boulevard;

Thence in a westerly direction by and with the centerline of North Boulevard until it intersects with the centerline of Waverly Drive;

Thence in a northerly direction by and with the centerline of Waverly Drive to and with the Council District boundary until it intersects with the centerline of Newton Street;

Thence in a southeasterly direction by and with the centerline of Newton Street and continuing with the Council District boundary until it intersects with the centerline of Old West Vine Street;

Thence in a northeasterly direction by and with the centerline of Old West Vine Street and the Council District boundary until it intersects the centerline of West Vine Street;

Thence in an easterly direction by and with the centerline of West Vine Street and the Council District boundary until intersects with the centerline of the railroad track;

Thence in a southerly direction by and with the centerline of the railroad track and the Council District boundary approximately 1,700 feet;

Thence in an easterly direction by and with the Council District boundary to connect to the end of the centerline of West Lincoln Avenue; thence continuing in an easterly direction by and with the centerline of West Lincoln Avenue and the Council District boundary until it intersects with the centerline of Madison Street;

Thence in a northerly direction by and with the centerline of Madison Street and the Council District boundary until it intersects with Webster Street;

Thence in a northwesterly direction by and with the centerline of Webster Street and the Council District boundary until it intersects with the centerline of Prince Street;

Thence in a westerly direction by and with the centerline of Prince Street and the Council District boundary until it intersects with the centerline of Monroe Street;

Thence in a southwesterly direction by and with the centerline of Monroe Street and the Council District boundary until it intersects with the centerline of Eastern Shore Drive;

Thence in a northerly direction by and with the centerline of Eastern Shore Drive and the Council District boundary to the point of beginning.

Beginning with the election on the first Tuesday of November 2015, the boundaries of each District shall be as set forth above with the following additions and deletions:

Phase II- 2015

The following described parcel of land shall be transferred from Council District Two to be made part of Council District One

Being all that part and parcel

Beginning at a point at the intersection of the centerlines of the railroad track and East Church Street, said point lying on the boundary of District 1;

Thence in a northeasterly direction by and with the centerline of the railroad track until it intersects with the centerline of US Rt. 13, (also known as North Salisbury Boulevard);

Thence in a northeasterly direction by and with the centerline of US Rt. 13 until it intersects with the centerline of North Division Street;

Thence in a northeasterly direction by and with the centerline of North Division Street until it intersects with the centerline of Priscilla Street;

Thence in a northerly direction by and with the centerline of Priscilla Street until it intersects with the centerline of Hammond Street;

Thence in a southeasterly direction by and with the centerline of Hammond Street until it intersects with the centerline of Middle Neck Drive;

Thence in an easterly direction by and with the centerline of Middle Neck Drive until it intersects with the centerline of Bryn Mawr Drive;

Thence in a southerly and westerly direction by and with the centerline of Bryn Mawr Drive until it intersects with the centerline of Hammond Street;

Thence in a southerly direction by and with the centerline of Hammond Street until it intersects with the centerline of East Church Street;

Thence in a westerly direction by and with the centerline of East Church Street until it intersects with the centerline of Truitt Street;

Thence in a southerly direction by and with the centerline of Truitt Street until it intersects with the centerline of East Main Street;

Thence in a southwesterly direction by and with the centerline of East Main Street until it intersects with the centerline of North Park Drive;

Thence in a southeasterly direction by and with the centerline of North Park Drive until it intersects with the centerline of Beaverdam Drive;

Thence in a southerly direction by and with the centerline of Beaverdam Drive to a fork in the road; thence continuing southwest on Beaverdam Drive until it intersects with South Park Drive;

Thence in an easterly direction by and with the centerline of South Park Drive for a distance of approximately 365 feet until it intersects with an extension of the Corporate Limit Line of the City of Salisbury;

Thence in a southerly direction to and by and with the Corporate Limit Line of the City of Salisbury until it intersects with the centerline of East College Avenue;

Thence in a westerly direction by and with the centerline of East College Avenue until it intersects with the centerline of Roger Street;

Thence in a northerly direction by and with the centerline of Roger Street until it intersects with the centerline of Lincoln Avenue;

Thence in a westerly direction by and with the centerline of Lincoln Avenue until it intersects with the centerline of Jackson Street;

Thence in a northerly direction by and with the centerline of Jackson Street until it intersects with the centerline of East Vine Street and the Council District boundary;

Thence in a westerly direction by and with the centerline of East Vine Street and the Council District boundary until it intersects with the centerline of Hastings Street;

Thence in a northerly direction by and with the centerline of Hastings Street until it intersects with the centerline of East Locust Street and the Council District boundary;

Thence in a southeasterly direction by and with the centerline of East Locust Street and the Council District boundary until it intersects with the centerline of Snow Hill Road;

Thence in a northwesterly direction by and with the centerline of Snow Hill Road until it intersects with the centerline of East Main Street;

Thence in a westerly direction by and with the centerline of East Main Street until it intersects with the centerline of the railroad track;

Thence in a northerly direction by and with the centerline of the railroad track to the point of beginning.

The boundaries of each District thereafter shall be fixed by the Council from time to time by ordinance and a description of the District boundaries shall be on file in the City offices, reasonably available for public inspection during normal business hours.

ARTICLE II

The Council

§ SC2-1. Number; selection; term.

All legislative powers of the city shall be vested in a Council of five (5) members who shall be elected as hereinafter provided and who shall hold office for a term of four (4) years or until their successors are duly elected and qualified[.], except that the one (1) Councilmember from District 1 and the one (1) Councilmember from District 2 elected on the first Tuesday of

April 2013 shall serve terms which expire on the second Monday after the election of their successors on the first Tuesday of November 2015. The regular term of Council[men]members shall expire on the second Monday after the election of their successors. [Councilmen holding office on January 1, 1952 shall continue to hold office for the term for which they have been elected. Their successors shall be elected for such terms as provided in § SC6-15 of this Charter.]

§ SC2-2. Qualifications.

Councilmembers shall have resided in Salisbury for at least one (1) year immediately preceding their election and the Councilmember or [from District 1 and the] Councilmembers from District 1 and District 2 shall reside in the boundaries of the [their respective] District from which they are to be elected on the date of filing for election and must continue to reside therein during the term to which they are elected, must be at least twenty-one (21) years of age and shall be qualified registered voters of the City. The Board of Supervisors of Elections shall be the judge of the qualifications of candidates for City Council.

ARTICLE III

The Mayor

§ SC3-1. Term

The Mayor shall be elected as hereinafter provided and shall hold office for a term of four (4) years or until his successor is elected and qualified[.], except that the term of the Mayor elected on the first Tuesday of April 2013 shall expire on the second Monday after the first Tuesday of November 2015. The regular term of the Mayor shall expire on the second Monday after the election of his successor. [The Mayor holding office on January 1, 1952, shall continue to hold office for the term for which he has been elected. His successor shall be elected for such

term as provided in § SC6-15 of this Charter.]

ARTICLE VI

Elections

§ SC6-7. Primary Elections.

Any required primary election shall be held on the fifth Tuesday prior to the date for the general election. The City Clerk shall give at least two (2) weeks notice by publication in some newspaper [printed] of general circulation in the City of Salisbury of the time and place or places of holding the primary election.

In years in which the Mayor and five (5) [three (3)] Councilmembers are to be elected, a primary election shall be held for the office of Mayor when more than two (2) persons file certificates of nomination. [if more than six (6) persons file certificates of nomination, a primary election shall be held.] If certificates of nomination are filed by a number of persons greater than two (2) times the number of available Councilmember positions in a district, a primary election shall be held. A voter may vote for no more than one (1) candidate per available position from the candidates on the primary election ballot. Of the candidates participating in such a primary election, [the six (6) candidates] a number of candidates equal to two (2) times the available positions in a district who receive the most votes in that district shall be named and considered as candidates for the [three (3) Councilmember offices] available positions in the following general election. If not more than [six (6)] two (2) persons file certificates of nomination for each available position in a district, no primary shall be held and those persons who do file certificates of nomination shall be named and considered [as candidates] for the [three (3) Councilmember offices] available positions at the next general election.

In the year[s] in which the Mayor and one (1) Councilmember from each District are to

be elected, a primary election shall be held for any available office for which more than two (2) persons file certificates of nomination. A voter may vote for no more than one (1) candidate per available position from the candidates on the primary election ballot. Of the candidates participating in such a primary, the two (2) candidates who receive the most votes shall be named and considered as the candidates for that office in the following general election. [No primary shall be held for any office for which no more than two (2) persons file certificates of nomination. In such instances, those persons who do file certificates of nomination shall be named and considered as candidates for that office in the general election.]

§ SC6-9. Election of Mayor and Council.

On the first Tuesday of April 2011, the registered voters [shall] elect three (3) Councilmembers from District 2, whose terms shall run until the general election of November 2015. Thereafter, the registered voters shall elect their successors on the first Tuesday of November, and they shall each serve for a term of four[-year terms] (4) years.

On the first Tuesday of April 2013, the registered voters shall elect a Mayor and two (2) Councilmembers, one (1) from District 1 and one (1) from District 2, whose terms shall run until the first Tuesday of November [2017] 2015. Thereafter, the registered voters shall elect their successors on the first Tuesday of November, and they shall each serve for a term of four[-year terms] (4) years.

§ SC6-15. Tie elections.

A. Primary Election.

[1. In the election years in which three (3) council members are to be elected from District 2, if the candidates for the sixth (6th) position on the ballot have an equal number of votes, then all such candidates shall be listed on the General Election ballot.]

[2.] 1. In the election year[s] in which the Mayor and two (2) council members, one (1) from District 1 and one (1) from District 2, are to be elected, if the candidates for the second position on the ballot for any office have an equal number of votes, then all such candidates shall be listed on the General Election ballot.

2. In the election years in which the Mayor and five (5) council members, two (2) from District 1 and three (3) from District 2, are to be elected, if candidates for the second position for Mayor, the fourth position for the council members in District 1 or the sixth (6th) position for the council members in District 2 have an equal number of votes, then all such candidates shall be listed on the General Election ballot.

B. General Election.

[1. In the election years in which three (3) council members are to be elected from District 2, if the candidates for the third (3rd) council position have an equal number of votes, then, unless all but one such candidate concedes or otherwise becomes ineligible for office, a Special Election shall be held no earlier than forty-five (45) days and no later than sixty (60) days after the date of certification of the General Election results for the third council position.]

[2.] 1. In the election year[s] in which the Mayor and two (2) council members, one (1) from District 1 and one (1) from District 2, are to be elected, if the candidates for the Mayor or either of the council positions have an equal number of votes, then, unless all but one such candidate concedes or otherwise becomes ineligible for office, a Special Election shall be held no earlier than forty-five (45) days and no later than sixty (60) days after the date of certification of the General Election results for the Mayor or Council position.

2. In election years in which the Mayor and five (5) council members, two (2) from District 1 and three (3) from District 2, are to be elected, if the candidates for the Mayor or either

of the council positions have an equal number of votes, then, unless all but one (1) such candidate concedes or otherwise becomes ineligible for office, a Special Election shall be held no earlier than forty-five (45) days and no later than sixty (60) days after the date of certification of the General Election results for the Mayor and Council positions.

3. The County Election Board shall open for registration of City voters for twenty-one (21) days between the General and Special Election.

4. All incumbent council members or the incumbent mayor shall continue in office until the Special Election results for either the council or the mayor are certified.

AND, BE IT FURTHER RESOLVED by the Salisbury City Council that the title of this Resolution shall be deemed a fair summary of the amendments provided for herein for publication and all other purposes;

AND, BE IT FURTHER RESOLVED by the Salisbury City Council that this Resolution shall take effect 50 days after the date of its final passage and that its provisions shall be implemented on the 31st Day of July, 2012, subject to the right of petition to referendum. The City Clerk, on behalf of the Mayor, is hereby directed to proceed with the posting of this Resolution, the publication of its fair summary, and the sending of information concerning the charter amendments provided for herein to the Maryland Department of Legislative Services pursuant to the requirements of Article 23A of the Annotated Code of Maryland;

AND, BE IT FURTHER RESOLVED that, to the extent that any Section of the City of Salisbury Charter is in conflict with the provisions of this Resolution, such Section or Sections be and hereby are repealed to the extent of such conflict.

The above Resolution was introduced, read and passed at the regular meeting of the City Council of the City of Salisbury held on this 11th day of June, 2012.

ATTEST:

Kimberly Nichols

Kimberly Nichols, City Clerk

Publish:

Terry E. Cohen

Terry E. Cohen, President of the
Council of the City of Salisbury