

RESOLUTION NO. 2206

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND, TO AUTHORIZE AND APPROVE A CITY OF SALISBURY POLICY FOR DONATION OF ITEMS FOR THE CITY PARK.

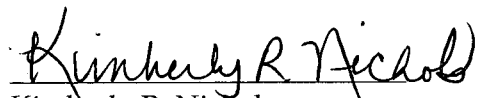
WHEREAS, the City of Salisbury is interested in promoting and regulating donations to the City Park and in establishing guidelines, standards and procedures for the installation and care of donated park improvements; and

WHEREAS, the Park Committee has recommended the adoption of the attached City of Salisbury Policy for Donation of Items for the City Park by the City Council; and

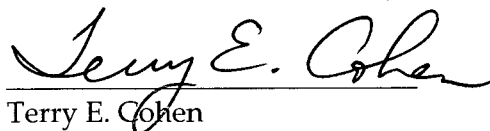
WHEREAS, the City of Salisbury has considered the proposed policy and concluded that its adoption would be in the best interest of the City and donors to the City Park.

NOW, THEREFORE, BE IT RESOLVED, this 24th day of September, 2012 that the City of Salisbury, does hereby authorize and adopt the attached City of Salisbury Policy for Donation of Items for the City Park.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury on September 24, 2012 and is to become effective immediately.



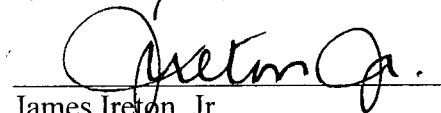
Kimberly R. Nichols
CITY CLERK



Terry E. Cohen
COUNCIL PRESIDENT

APPROVED BY ME THIS

26th day of September 2012.




James Ireton, Jr.
MAYOR

INTER

OFFICE

MEMO

Office of the Mayor

To: City Council
From: John R. Pick 
Subject: City Park Donation Policy
Date: August 29, 2012

Attached is a Policy for Donation of Items for the City Park, which is being recommended for adoption to the City Council by the Park Committee. The Park Committee is recommending this policy to supplement the City's Gift Policy in order to provide more specific guidance to both the City and potential donors on how to make donations to the City Park. Items that have been offered in the past, and which the Park Committee anticipates may be offered in the future, include park benches, trees, shrubs, fountains, picnic tables and the like. The Policy sets forth a procedure for making such donations, the criteria for acceptance, and the conditions that would apply for the installation and possible removal or relocation of donated items.

cc: Mayor Ireton
Lore' Chambers
Teresa Gardner
Kim Nichols

City of Salisbury
Policy for Donation of Items for the City Park

The purpose of this policy is to establish guidelines, standards and procedures for the installation and care of donated park improvements for City Park, either as a result of a cash or physical property donation. These donations may include, but are not limited to: park benches, trash cans, bicycle racks, picnic tables, drinking fountains, **trees, plant beds**, and other types of park accessories. This policy does not apply to buildings, land, or naming rights. The City desires to encourage donations, while at the same time, manage aesthetic impacts and mitigate on-going maintenance costs.

Guidelines established by this policy will apply to all donations made after the effective date of this policy. Donations made prior to the adoption of this policy shall be subject to applicable sections of this policy.

Standards for Donations

Definitions of New Donations: New donations are those made after the effective date of this policy.

Acquisition or Purchase: The City and the community have an interest in ensuring that park elements that are purchased and installed be of high quality related to style, appearance, durability and ease of maintenance. City staff will be responsible for coordinating purchases and installations of all park elements.

Appearance and Aesthetics: The City and the community have an interest in ensuring the best appearance and aesthetic quality of the public facilities in the City Park. Park elements should reflect the character of the park or facility. All park elements will be installed in such a manner that will not substantially change the character of a facility or its intended use.

Maintenance: Donated park elements will become City property once installed and/or permanently placed in the mutually agreed upon location. Accordingly, the City has the duty to provide only routine maintenance and repair of the donation. The City is not obligated to replace the gift or park improvement if it is stolen, vandalized, worn out, irreparably damaged, destroyed or expires.

Repair: The community has an interest in ensuring that all park elements remain in good repair. In addition, the community has an interest in ensuring that the short and long-term repair costs are reasonable. Repair parts and materials must be readily available. Donated park elements must be of high quality to ensure longevity, and be resistant to the elements, wear and tear, and acts of vandalism.

Cost: The City has an interest in ensuring that the donor covers the full-cost for the purchase, installation, and maintenance during the expected life cycle of donated park elements. The City also has an interest in ensuring that on-going maintenance costs do not negatively impact the resources available for maintenance of other City park facilities. Consequently, the City may assess, at the time of purchase, a charge sufficient to cover anticipated on-going maintenance of donated park elements during their anticipated life cycle. If such charge is made, it will be

deposited into a maintenance fund under the control of the City's Department of Internal Services. The maintenance fund is to be used for the maintenance of the City Park.

Procedure for Making Donations

The City's Public Works Department will manage all donations located on City park property.

The donor must contact the Director of Public Works to determine whether a donation will be accepted and the conditions of acceptance. If the donation is deemed acceptable, the donor will work with City staff to complete a Donation Agreement (appendix A).

The Donation Agreement will be forwarded to the Mayor for his review and approval. If the Mayor approves the donation, the request will be forwarded to the City Council for the acceptance.

Criteria For Acceptance

To accept donation/s of a park element for a specific park facility, the donation must: 1) meet a need of the facility, identified by the City; 2) not interfere with the intended current or future use of the facility and; 3) not require the relocation of other equipment or infrastructure to accommodate the donation. The City reserves the right to deem the City Park fully developed and reject any requests for further development.

The City reserves the right to accept or deny any/all donations.

Below are general donation guidelines. These guidelines are intended to be general in nature and do not serve as formal acceptance criteria.

Guidelines:

All determinations will be based upon, but not limited to, the following guidelines:

1. Flowers, shrubs, bushes
 - a. Donated plants become the exclusive property and maintenance responsibility of the City.
 - b. Only those plantings that require a maintenance effort consistent with other plantings will be considered.
 - c. Site preparation, installation and site restoration will be the responsibility of the City.
 - d. Only perennial flowering plants will be permitted and incorporated in existing beds.
 - e. The placement of plants will be based on the variety, color, mature height, size etc. Compatibility with surrounding areas will be a strong consideration for planted materials and their location.
2. Trees
 - a. Donated trees become the exclusive property and maintenance responsibility of the Public Works Department.

- b. Site preparation, installation, and site restoration will be the responsibility of the Public Works Department.
 - c. Tree placement/location will be based upon the variety of tree selected, mature height, size etc. Compatibility with surrounding areas will be a strong consideration for trees and their location.
 - d. Accordingly, the size and specie of tree or trees donated shall be limited to those determined acceptable by the Public Works Department.
3. Signage
- a. Donation Acknowledgements/Memorial Plaques: Donation acknowledgments will be determined by Public Works Department staff, **in accordance with this policy.**
4. Benches, Tables, Bicycle Racks, Drinking Fountains, and Other Amenities
- a. Donated items become the exclusive property and maintenance responsibility of the City.
 - b. Site preparation, installation, and site restoration will be the responsibility of the City.
 - c. The amenity must be similar to others in the area.
5. Buildings, Structures, and Public Art
- a. Donated buildings, structures (including playgrounds) and public art are not considered as part of this policy.

Conditions

Installation: Installation of donated park elements, including any donor acknowledgement, will be completed by or under the supervision of City personnel. The installation will be scheduled at a time and date as determined by Parks Maintenance, so as not to unnecessarily interfere with routine park maintenance activities **and so that it occurs at an appropriate time of year.**

Removal and/or Relocation: ~~This section applies to both existing and new donations.~~ The City reserves the right to remove and/or relocate donated park elements and their associated signage, when they interfere with site safety, maintenance or construction activities **or for other reasons deemed necessary by the Public Works Department.**

Memorial Tree and Park Bench Donations

It is the policy of the City of Salisbury (City) to accept donations for the purpose of planting trees and installing benches within the City Park to memorialize a departed family member or friend, or to commemorate a special occasion. All donations shall be in compliance with the following:

- 1. Donations for Memorials will be accepted only for the purpose of purchasing and planting of trees, and for purchasing and installing park benches approved by the City. The Public Works Department (PWD) shall review and approve all such donations in advance.

2. Memorials shall be self supporting, i.e. all costs related to a memorial shall be at the expense of a donor(s), including repair.
3. If at any point in the future **whereas** the tree dies and or bench(es) become in disrepair, the City may remove such items.
4. In administering this policy, Public Works Staff will maintain a list of acceptable tree species.
5. **Most The placement of memorials will be permitted in most park areas will be permitted**, provided that the location is mutually agreed upon by the donor and City staff.
6. Memorial tree(s) and bench(es) are permitted to memorialize a departed family member or friend, or, at the discretion of the City, to commemorate a special event.
7. If required by the donor, memorial donations will be recognized by engraving on the bench one line of routed text. The text will be selected by the donor. A memorial sign will be erected in City Park on which memorial plaques for the tree donations will be displayed. Any displays must be approved by the City in advance.

The City will provide **residents potential donors** with a description of the recommended park bench for memorial use.

8. A ceremony or gathering at the time of a tree planting is permitted, but must be arranged in advance with City staff.
9. The City does not guarantee tree survivability, park bench(es) or plaque longevity.
10. **The City reserves the right to decline any donations.**

The staff shall maintain a record of each donation. The record shall contain all relevant information such as the donor's name, person's name who is being memorialized, bench and /or tree location, type of tree or bench, etc.

City of Salisbury
Public Works Department
Attachment A

CITY PARK AMENITY DONATION AGREEMENT

THIS AGREEMENT, entered into this ____ day of _____, 20____, is by and between the City of Salisbury (the "City"), a municipal corporation, and Donors' Name, (the "Donor"), Donors' Address.

WHEREAS the Donor and the City recognize the importance of city park facilities and amenities;

WHEREAS the Donor has offered to donate (specify item- planting, park amenity, etc.);

NOW, THEREFORE, the City and the Donor, for the consideration and under the described conditions and obligations, hereinafter set forth and agree as follows:

Section 1. The donation, known as *name of item*, as described below, is donated in its entirety to the citizens of Salisbury to be hereafter owned by the City of Salisbury and managed on behalf of the citizens by the Department of Public Works.

Section 2. Description and Location: The item is (describe). _____

Section 3. Maintenance
The City shall be responsible for maintenance of the item, including any reasonable repairs, and will have the discretion to not replace and/or repair the donation if it is deemed damaged beyond reasonable repair and/or replacement, suffers repeated vandalism, and/or expires. Maintenance or replacement of the item will be at the City's sole discretion.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized officials:

IN WITNESS whereof the parties have executed this Agreement on the date set forth above.

By,
James Ireton, Jr.
Mayor, City of Salisbury

By,
Donor
Address

ATTEST:
City Clerk

City of Salisbury

Approved as to form: _____ City Attorney's Office

City of Salisbury
Public Works Department
Attachment B

MEMORIAL TREE AND PARK BENCH DONATION APPLICATION

Name: _____ Date: _____
Address: _____ City: _____
State: _____ Zip Code: _____
Phone #: _____ Fax #: _____
Email: _____

Please indicate if you are interested in donating a memorial tree or park bench.

Memorial Tree Memorial Park Bench

Please indicate if you are interested in donating a memorial plaque.

Yes No

Please describe the location you wish to place a memorial tree or park bench. (Location is subject to City approval)

If you wish to donate a memorial tree, **please specify your preferred type from the City's approved list.**

If donating a bench, please specify how you would like the bench engraved (limit 30 characters).

In making this donation, I understand that I must make a contribution for the maintenance of this item of \$ _____.

Please enclose a non-refundable deposit of \$ _____ and return to the Public Works Department office. Prior to tree **purchase and/or bench installation**, remaining balance must be paid in full. Receipt will be provided.

Please make checks payable to: City of Salisbury City Park Maintenance Fund
Please Note: All locations of memorial tree or park bench, type of tree, and plaque displayed must be pre-approved by the City.