



CITY OF SALISBURY CITY COUNCIL AGENDA

February 25, 2019

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

6:02 p.m. CITY INVOCATION – Pastor John Kalfayan of Crossroads Church of God

6:04 p.m. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

6:06 p.m. ADOPTION OF LEGISLATIVE AGENDA

6:07 p.m. CONSENT AGENDA – City Clerk Kimberly Nichols

- **January 7, 2019** Work Session Minutes
- **January 7, 2019** Closed Session Minutes (separate envelope)
- **January 14, 2019** Regular Meeting Minutes
- **January 14, 2019** Work Session Minutes
- **Resolution No. 2915**- approving the appointment of Suzanah Cain to the Youth Development Advisory Committee for term ending February 2022
- **Resolution No. 2916**- declaring that BKR Holdings LLC is eligible to receive Enterprise Zone benefits for property located at 235 W Main Street, Salisbury, MD
- **Resolution No. 2917**- declaring that Elite Construction LLC is eligible to receive Enterprise Zone benefits in connection with its business located at 107 Williamsport Circle, Salisbury, MD
- **Resolution No. 2918**- declaring that Sby Development Group LLC is eligible to receive Enterprise Zone benefits for property located at 213 W Main Street, Salisbury, MD

6:10 p.m. ORDINANCES – presented by City Attorney Mark Tilghman

- **Ordinance No. 2526**- 1st reading- approving an amendment of the FY19 Budget to appropriate funds for surveying equipment
- **Ordinance No. 2527**- 1st reading- approving a budget amendment of the FY19 General Fund Budget to appropriate insurance proceeds received in FY19 to aid in the purchase of a new vehicle for the police fleet

- **Ordinance No. 2528**- 1st reading- approving an amendment of the City's FY 2019 General Fund Budget to appropriate funding of the City Government Office Building improvements
- **Ordinance No. 2529**- 1st reading- to amend the Salisbury Municipal Code Chapter 8.16 – Garbage, Yard Waste and Refuse, Subsections .010, .020(D)(F), .060, .090(C), and .100(B)(C), to better define Yard Waste, to better define Bulk Collection Services for high density residential units, to update the collection rules and regulations, to add a new can replacement policy and to add corrugated cardboard to recycling

6:30 p.m. PUBLIC COMMENTS

6:35 p.m. ADJOURNMENT

Copies of the agenda items are available for review in the City Clerk's Office, Room 305– City/County Government Office Building, 410-548-3140 or on the City's website www.salisbury.md. City Council meetings are conducted in open session unless otherwise indicated. All or part of the Council's meetings can be held in Closed Session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b), by vote of the City Council.

NEXT COUNCIL MEETING- March 11, 2019

- **PUBLIC HEARING**- Resolution No. 2855/No. 2856 – PennTex Annexation & Annexation Plan
- **Ordinance No. 2526**- 2nd reading- approving an amendment of the FY19 Budget to appropriate funds for surveying equipment
- **Ordinance No. 2527**- 2nd reading- approving a budget amendment of the FY19 General Fund Budget to appropriate insurance proceeds received in FY19 to aid in the purchase of a new vehicle for the police fleet
- **Ordinance No. 2528**- 2nd reading- approving an amendment of the City's FY 2019 General Fund Budget to appropriate funding of the City Government Office Building improvements
- **Ordinance No. 2529**- 2nd reading- to amend the Salisbury Municipal Code Chapter 8.16 – Garbage, Yard Waste and Refuse, Subsections .010, .020(D)(F), .060, .090(C), and .100(B)(C), to better define Yard Waste, to better define Bulk Collection Services for high density residential units, to update the collection rules and regulations, to add a new can replacement policy and to add corrugated cardboard to recycling

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CITY OF SALISBURY
WORK SESSION
JANUARY 7, 2019

Public Officials Present

Council President John R. “Jack” Heath Mayor Jacob R. Day
Council Vice President Muir Boda Councilman James Ireton, Jr.
Councilwoman April Jackson Councilman R. Hardy Rudasill

In Attendance

City Administrator Julia Glanz, Department of Infrastructure and Development Director Amanda Pollack, Finance Director Keith Cordrey, Procurement Director Jennifer Miller, Field Operations Director Tom Stevenson, Field Operations Assistant Director Ben Baker, City Planner Anne Roane, City Clerk Kim Nichols, City Attorney Mark Tilghman, interested citizens and members of the press.

On January 7, 2019, Salisbury City Council convened in a Work Session at 4:35 p.m.in Council Chambers, Room 301 of the Government Office Building. The following is a synopsis of the topics discussed in Work Session.

Honeywell Guaranteed Savings Performance Contract / Budget Amendment Proposal

Procurement Director Jennifer Miller and Energy Consultant Richard Anderson joined Council at the table. Ms. Miller discussed three options the City had regarding the Honeywell Guaranteed Energy Savings Performance Contract (GESPC) based on a mix of various energy conservation measures. Originally, the intent was to perform much needed improvements at the Police Department to replace the chiller, but it was later determined that the entire heating and cooling system needed replacing. Replacing the system would not yield enough savings to pay for itself. The scope of work was refined to accomplish the main goal of performing needed mechanical improvements at the Police Department to be off-set by a balance of other conservation measures at the Fire Station, street lighting, the Zoo, the WWTP, etc. to balance the lack of energy savings at the Police Department with those things that do not cost as much to but have much greater energy savings. Ms. Miller explained the City could do one of the following three scenarios:

1. Perform limited HVAC improvements at the SPD within the available \$300,000 funding.
2. Perform comprehensive HVAC improvements at the SPD by utilizing the \$300,000 in available funding plus an additional amount (budget amendment) to complete the necessary work.
3. Perform comprehensive HVAC improvements at the SPD in addition to the other energy conservation measures identified that yield higher energy savings to off-set the high capital investment to replace the SPD HVAC system. (Because the GESPC

42 would need a budget of approximately \$1.42 to \$1.45 million, this option would go in
43 fully and is the only option where the City would receive guaranteed energy savings.)
44

45 Ms. Miller explained the team chose Option # 3 because it would accomplish the work needed at
46 the SPD Headquarters and provide energy savings to the other City facilities. President Heath
47 discussed the 18-year payback with the repair or replacement chiller and equipment and stated
48 there were two decisions to be made; 1) what to do about the SPD chiller and 2), the rest of it.
49 Mr. Anderson reported the following return on investment data: Police Department (chiller
50 system) - 24 years, Fire Department Station 1- 8.6 years, Fire Department Station 2- 6.8 years,
51 Administrative Services- 5.7 years, Salisbury Service Center building envelop- 15 years,
52 Warehouse- 10 years, WWTP- 10 years, Paleo Plant- 6 years, Zoo- 7.8 years, and Street Light
53 Conversions- 11 years (includes new poles and other infrastructure needed). He said the average,
54 excluding the SPD chiller was 9-10 years for all of the other improvements, and the return was
55 about 25 years for the SPD chiller.
56

57 Mr. Anderson said there were about \$650,000 worth of improvements made between 2009 and
58 2010 with the stimulus money received. The average payback during that time was a 6 ½ year
59 payback overall. This was a simple payback, unfinanced, and did not include some of the outside
60 administrative costs to administer the project. Because this was a GESPC, it comes under a
61 protocol that requires measurement and verification. At the end of the first year, if the savings is
62 not there, they have to reduce their payments schedule and the guarantee must match the savings.
63

64 Ms. Miller said of the \$1.7 million, about \$1.4 million is true hard, costs. There was about 6% in
65 Honeywell's overhead, 3% in Honeywell's profit, and 10% on a project services fee total.
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67 After discussion, Council reached consensus to advance the legislation to legislative session.
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69 **Budget Amendment- Street Sweeper**

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71 Field Operations Director Tom Stevenson joined Council and discussed the budget amendment
72 to purchase a new street sweeper. Due to an unforeseen change in emissions control requirement
73 by the Federal Government (from a Tier III engine to a Tier IV engine) that occurred after the
74 initial quote was secured, Mr. Stevenson explained that there was now a \$24,250.00 shortfall in
75 the account in order to meet the new expectations.
76

77 Council reached unanimous consensus to advance the budget amendment to legislative agenda.
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79 **Property Line Adjustment – 2440 Goddard Parkway**

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81 Department of Infrastructure and Development Director Amanda Pollack explained the property
82 owner was in the process of re-subdividing his property and realized there was encroachment on
83 City property from a building on the City Shooting Range that was built 18 to 20 years ago. A
84 new plat for City consideration was prepared to adjust the property line instead of having to tear
85 down the building. It lies in the forested area of the shooting range, so it does not impact range
86 operations. The adjustment is a clean, equal swap of acreage.

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Council reached unanimous consensus to advance the legislation to legislative agenda.

Delmarva Power Utility Easement Salisbury University

City Planner Anne Roane explained the developers of the building located at 132 E. Main Street wish to eventually connect to the City Parking Garage (not discussed with Council yet). In order to do so, a utility easements agreement between the City and Delmarva Power is required because Delmarva Power would not allow a structure to be built over their power lines. The agreement would allow Delmarva Power to install and maintain the electric equipment that will be buried underground and run through the City owned property, which is basically an alley.

Mr. Ireton asked if the decision would create a precedent, and Mr. Tilghman said similar agreements have been made for Salisbury University. Mayor Day said it has also been done for homeowners, and he could not recall anytime it was requested and not granted. Mr. Tilghman said the real issue was to ensure it did not interfere with City operations.

Council reached unanimous consensus to advance the easement to Legislative Agenda.

Motion to Convene in Closed Session

At 5:43 p.m. President Heath adjourned the Work Session and then called for a motion to convene in Closed Session to discuss a legal matter in accordance with the Annotated Code of Maryland §3-305(b)(7). Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to convene in Closed Session.

At 5:59 p.m., the Closed Session was adjourned upon a motion and seconded by Mr. Boda and Ms. Jackson, respectively and approved by unanimous vote in favor.

Open Session

Council immediately convened in Open Session whereby President Heath reported to the Public that Council had met in Closed Session and received an update on a legal matter. There being no further business to discuss, Council adjourned at 6:00 p.m.

City Clerk

Council President

1 **CITY OF SALISBURY, MARYLAND**

2
3 **REGULAR MEETING**

JANUARY 14, 2019

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5 **PUBLIC OFFICIALS PRESENT**

6
7 *Council President John “Jack” R. Heath*
8 *Council Vice-President Muir Boda*
9 *Councilman R. Hardy Rudasill*

Mayor Jacob R. Day
Councilman James Ireton, Jr.
Councilwoman April Jackson

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11 **IN ATTENDANCE**

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13 *City Administrator Julia Glanz, Assistant City Clerk Diane Carter, Building Official Bill*
14 *Holland, Business Development Director Laura Soper, Procurement Director Jennifer Miller,*
15 *Infrastructure and Development Director Amanda Pollack, Housing and Community*
16 *Development Director Everett Howard, City Clerk Kim Nichols, City Attorney Mark Tilghman,*
17 *and interested citizens.*

18 *****

19 **CITY INVOCATION – PLEDGE OF ALLEGIANCE**

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21 *The City Council met in regular session at 6:00 p.m. in Council Chambers. Council President*
22 *John R. Heath called the meeting to order and invited Director of Adult Spiritual Formation and*
23 *Membership Kristen Wall-Love of Asbury United Methodist Church to the podium to provide the*
24 *City Invocation, followed by the Pledge of Allegiance to the flag of the United States of America.*

25
26 **PRESENTATIONS**

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28 • **Employee Recognition**

29 *Mayor Jacob R. Day explained the importance of municipal clerks and expressed gratitude to*
30 *Ms. Carter on behalf of the City for the excellent job she does. He announced Ms. Carter was*
31 *the newest Master Municipal Clerk, designated by the International Institute of Municipal*
32 *Clerks through their Academy Program. There are 1,373 Master Municipal Clerks worldwide,*
33 *and eleven active municipal clerks in Maryland. Ms. Carter has served as Assistant City Clerk*
34 *in Salisbury for six years.*

35
36 *Mayor Day presented the Certificate of Recognition to Ms. Carter on behalf of the City and*
37 *Council.*

38
39 • **Landlord Appreciation Certificates**

40 *Mayor Day, joined at podium by Neighborhood Services and Community Development*
41 *Director Everett Howard and Housing and Homelessness Manager Christine Chestnutt,*
42 *announced the City of Salisbury is the only City with fewer than 250,000 citizens*
43 *in the United States that has a Housing First Program to end chronic homelessness. This*
44 *program was initiated following discussions with all of the homeless service agencies around*
45 *the region where permanent supportive housing was decidedly the one thing needed to resolve*
46 *the regional homelessness. A lifetime commitment to the recipients of housing and*

47 wraparound services including case management through partnership with the Wicomico
48 Health Department. The City's private sector partners have helped accomplish the mission.
49 Mr. Howard and Ms. Chestnutt said the City could not accomplish this without the partnering
50 landlords and wanted to recognize them. Those entities acknowledged with certificates
51 included the following: Delmarva Management Group, Salisbury Commons, Chelsea Court
52 Apartments, Long & Foster Property Management, Rivers Edge Apartments, AKB Rentals,
53 Eric Davis Rental Properties, Weisner Real Estate, and Gateway Village.

54

55 **ADOPTION OF LEGISLATIVE AGENDA**

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57 Mr. Ireton moved and Ms. Jackson seconded to approve the legislative agenda.

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59 **CONSENT AGENDA** – presented by City Clerk Kim Nichols

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61 The Consent Agenda, consisting of the following items, was unanimously approved on a motion
62 and seconded by Ms. Jackson and Mr. Ireton, respectively:

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- **Resolution No. 2896**- approving the appointment of Scott Rall to the Friends of Poplar Hill Mansion Board of Directors for term ending January 2022
- **Resolution No. 2897**- approving the reappointment of Dr. Maurice Ngwaba to the Building Board of Adjustments and Appeals for term ending January 2024
- **Resolution No. 2898**- approving the appointment of Anthony Spyros Sarbanes to the Ethics Commission for term ending January 2023
- **Resolution No. 2899**- approving the appointment of Loudell Insley to the Friends of Poplar Hill Mansion Board of Directors for term ending January 2022
- **Resolution No. 2900**- approving the appointment of Dr. Harry Basehart to the Elections Board for term ending January 2023
- **Resolution No. 2901**- approving the appointment of Michael Auger to the Sustainability Advisory Committee for term ending January 2022
- **Resolution No. 2902**- declaring that Delmarva Veteran Builders is eligible to receive Enterprise Zone benefits for property located at 212 W Main Street, Salisbury, MD
- Approving the Manufacturing Exemption Request for Clearcomm Technologies, LLC
- Approving the Manufacturing Exemption Request for Pepsi Bottling Ventures LLC
- Approving the Manufacturing Exemption Request for TriPro Technologies Inc (2016)
- Approving the Manufacturing Exemption Request for TriPro Technologies Inc (2017)

64

65 President Heath acknowledged Scott Rall, Dr. Maurice Ngwaba, Anthony Sarbanes, Loudell Insley,
66 Dr. Harry Basehart, and Michael Auger and thanked them for serving on a board or committee.

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68 **PUBLIC HEARING/RESOLUTIONS** – US 13 North/PennTex Phase II Annexation- presented by
69 City Administrator Julia Glanz

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71 President Heath asked anyone in the audience planning to speak during the Public Hearing to stand
72 to be sworn in by City Clerk Nichols. After five members of the Public were sworn in, President
73 Heath reported he would call for comments, and each individual would have four (4) minutes to

74 speak. If someone was going to repeat something stated previously, he asked that they state they
75 supported what was previously said rather than repeat.

- 76
- 77 • **Resolution No. 2855**- proposing the annexation to the City of Salisbury of certain area of land
78 contiguous to and binding upon the Northerly Corporate Limit of the City of Salisbury to be
79 known as the “Route 13 North-PennTex 2 Property Annexation” beginning for the same at a
80 point on the Corporate Limit, said point lying on the easterly right-of-way line of U.S. Route 13
81 North Salisbury Boulevard, thence by and with the northerly line of the land of PTV I, LLC
82

83 Mr. Boda moved and Ms. Jackson seconded to approve Resolution No. 2855, and Ms. Glanz
84 presented the resolution. The Public Hearing was opened at 6:20 p.m. with the following
85 comments received by three (3) members of the Public:

- 86
- 87 • Concerned with the development because with the removal of 80% of the tree coverage
88 would cause light pollution, noise pollution, and traffic congestion.
 - 89 • The development would change the quiet, residential community residing on the pond.
 - 90 • (Handed out the attached sheet, which is made a part of the minutes.) In ten years, we do not
91 want to regret knowing something beforehand.
 - 92 • Planning Commission Report showed Parcel 215 having a home built in 1965, was at some
93 point residential, and sold recently to PennTex. Discussed the density change the
94 development would cause.
 - 95 • In the City’s Comprehensive Plan, all of the tracts of land for future growth use are labeled
96 Light Residential. There needs to be a reconciliation between the two because the Planning
97 Commission works for both City and County. These questions need answering before we
98 move forward with this.
 - 99 • One of the two restaurants is fast food with a drive-thru. Not all drive-thru’s are the same.
 - 100 • Asked Council to take into consideration the fragile eco-system of the pond – the flora and
101 fauna, and quality of the water that may be compromised due to the run-off and
102 paper/plastic trash. This would impact the otters, herons, turtles, and bass.
 - 103 • Another speaker had a hand out for Council, which is also included as part of these minutes.
104

105 President Heath closed the Public Hearing for Resolution No. 2855 at 6:32 p.m.

106

107 Mayor Day explained the reason for the difference in the County and City Comprehensive Plans,
108 although they largely align in terms of goals, objectives, and uses, is that they are not a product of
109 the Planning Commission, but of the political bodies with different visions. The zoning designation
110 under the current zoning classifications in this area are all trending towards commercial. The
111 required outcomes addressed this evening are legally allowed through the planning approval
112 process, site plan process, permitting development and comprehensive development plan process,
113 and not through the annexation process. It is best to state what the residents want right now for
114 Council to consider. He said it seemed the concerns were all related to the change in character and
115 impacts made towards the north, including traffic.

116

117 Mr. Ireton said there were sometimes things built in the City that afterwards we ask who allowed
118 them to be built that way and this was the City’s only chance because it will leave and go into
119 another group’s hands. He asked if a walkway could be built or a living shoreline to catch nutrients

120 and runoff as they run off those surfaces, and wondered if they were considering the shoreline and
121 truck traffic when deliveries are made to the restaurants and trash is picked up.

122
123 President Heath said the annexation was separate from the decisions made in the next phase. He
124 suggested possibly forwarding a list of concerns for addressing at the Planning Commission.

125
126 Mayor Day said there was opportunity to produce a slightly modified plan that provides ease of
127 access to Rt. 13. He asked Mr. Tilghman if it was possible in Resolution No. 2856 that adopts an
128 annexation plan, to add a clause that adds “and henceforth requires the developer to produce a
129 forestation-shoreline protection mitigation plan to be reviewed by Council.

130
131 Mr. Ireton made a motion to return the discussion for Work Session (to lay it on the table). He
132 stated he was not against the annexation, but wanted to know some answers before passing it and to
133 have the plan finalized more before it gets to this point. Ms. Jackson seconded, and the vote was 4-1
134 (President Heath voted “nay.”) The annexation discussion would return to Work Session.

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136 Mr. Boda moved and Mr. Ireton seconded to approve Resolution No. 2856. Mr. Ireton moved to lay
137 Resolution No. 2856 on the table, Mr. Boda seconded, and the vote was unanimous.

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139 **RESOLUTIONS** – presented by City Administrator Julia Glanz

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141 • **Resolution No. 2903**- authorizing the Mayor to enter into an agreement with the owner of 500
142 Riverside Drive to allow the owner to use soil located at the City’s Wastewater Treatment Plant

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144 Mr. Boda moved, Mr. Ireton seconded, and the vote was unanimous to approve Resolution No.
145 2903.

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147 • **Resolution No. 2904**- to adjust the southern property line of City real property Parcel 44, Tax
148 Map 29, Liber 765, Folio 124 which is currently being used as the City shooting range, by
149 exchanging certain sections of land with the adjacent property owner near Goddard Parkway

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151 Mr. Rudasill moved, Ms. Jackson seconded, and the vote was unanimous to approve Resolution
152 No. 2904.

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154 **PUBLIC HEARING/ORDINANCE NO. 2516**- 2nd reading- pursuant to Chapter 17.228 of Title
155 17, Zoning of the Salisbury Municipal Code and Section 4-203 of the Land Use Article of the
156 Annotated Code of Maryland for the purpose of amending Section 17.76.020 a., to add Hairdresser
157 Shop as a permitted use in the Light Industrial District – presented by City Attorney Mark Tilghman

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159 Mr. Boda moved and Ms. Jackson seconded to approve Ordinance No. 2516 for second reading.
160 Mr. Tilghman then presented the ordinance.

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162 President Heath asked for those in the audience wishing to speak in the Public Hearing to stand;
163 nobody asked to be sworn in or speak. At 7:00 p.m., President Heath opened and immediately
164 closed the Public Hearing. Ordinance No. 2516 for second reading was unanimously approved.
165 Ordinance No. 2516 for second reading was approved by unanimous vote in favor.

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ORDINANCES – presented by City Attorney Mark Tilghman

- **Ordinance No. 2515**- 2nd reading- approving a budget amendment of the Grant Fund and General Fund to appropriate funds from the United States Department of Homeland Security, Staffing for Adequate Fire & Emergency Response (SAFER) Grants Program, for the hiring of additional firefighting personnel to be used by the Fire Department in the protection and delivery of emergency services to the citizens of the Salisbury Fire District

Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous to approve Ordinance No. 2515 for second reading.

- **Ordinance No. 2517**- 2nd reading- approving an amendment of the FY 2019 General Fund Budget to appropriate funding to the Business Development Marketing Fund

Ms. Jackson moved, Mr. Ireton seconded, and the vote was unanimous to approve Ordinance No. 2517 for second reading.

- **Ordinance No. 2518**- 1st reading- authorizing the Mayor to enter into a contract with the Maryland Department of Housing and Community Development to accept grant funds in the amount of \$25,000, authorizing the Mayor to enter into a sub-recipient agreement with the Salisbury Arts & Entertainment District, Inc. and approving a budget amendment to the FY 2019 grant fund to appropriate funds for the 2019 National Folk Festival

Mr. Boda moved, Mr. Rudasill seconded, and the vote was unanimous to approve Ordinance No. 2518 for first reading.

- **Ordinance No. 2519**- 1st reading- granting a utility easement to Delmarva Power & Light Company across City owned property, being portions of the alley-way located off of Baptist Street and running along the northerly side of the City Parking Garage

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2519 for first reading.

- **Ordinance No. 2520**- 1st reading- approving a budget amendment of the FY2019 Stormwater Fund to appropriate funds for a new street sweeper

Mr. Rudasill moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2520 for first reading.

- **Ordinance No. 2521**- 1st reading- approving an amendment of the City’s General Capital Project Fund and Water Sewer Capital Project Fund to appropriate funding for Honeywell Building Solutions energy savings projects

Mr. Boda moved, Mr. Rudasill seconded, and the vote was 4-1 to approve Ordinance No. 2521 for first reading. (Mr. Ireton voted “nay.”)

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- **Ordinance No. 2522**- 1st reading- amending the FY2019 General Fund budget to adjust the Salisbury Fire Department’s Pay Plan for the purpose of recruiting and retaining experienced officers and to be competitive with area agencies

Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous to approve Ordinance No. 2522 for first reading.

- **Ordinance No. 2523**- 1st reading- to amend Chapter 8.11 – The Fire Prevention Code, Sections.020 and .060 of the City of Salisbury Municipal Code by updating the reference to the State Fire Prevention Code, adding new permits that are required to be obtained from the Fire Marshal, and replacing the enforcement and assistance requirements in 8.11.060 with third-party inspection requirements

Mr. Ireton moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2523 for first reading.

- **Ordinance No. 2524**- 1st reading- approving an amendment of the City’s Water Sewer Capital Project Fund Budget to reallocate bond funds previously allocated to the Wastewater Treatment Plant upgrade project included in the FY13 bond

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2524 for first reading.

COUNCIL COMMENTS

There were no Public Comments. Mr. Rudasill announced his resignation effective January 31, 2019 to continue his public work elsewhere, and would only be a part-time resident in Salisbury. He thanked the Mayor and Council for their support and would miss being a part of the Council.

President Heath thanked Councilman Rudasill for his service, and Mayor Day said Mr. Rudasill’s willingness to participate and serve in numerous capacities for the City was admirable, and the City needed more people like him, who are involved.

President Heath explained the process to replace Mr. Rudasill as follows: The Council, by Charter, must appoint someone within four (4) weeks of the effective date of resignation. If there was anyone wishing to be considered in District 5, submit a letter of interest and resume. Interviews will be scheduled with all applicants and the new council member chosen within the four (4) week period.

ADJOURNMENT

The Legislative Session adjourned at 7:25 p.m. President Heath announced the Work Session would immediately follow.

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*CITY OF SALISBURY, MARYLAND
CLOSED SESSION
DECEMBER 17, 2018*

TIME & PLACE: 4:46 p.m., Government Office Building – Room 301
PURPOSE: to consult with staff, consultants, or other individuals about pending or potential litigation
VOTE TO CLOSE: Unanimous (5-0)
CITATION: Annotated Code of Maryland §3-305(b)(8)
PRESENT: Council President John R. Heath, Mayor Jacob R. Day, Council Vice-President Muir Boda, Councilman James Ireton, Jr., Councilwoman April Jackson, Councilman R. Hardy Rudasill, City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, City Clerk Kim Nichols, City Attorney Mark Tilghman, and Associate Attorney Peter Golba (arr. 7:03 p.m.)

The City Council convened in Work Session in Room 301 in the Government Office Building at 4:30 p.m. At 4:46 p.m., President Heath called for a motion to convene in Closed Session to discuss pending or potential litigation in accordance with the Annotated Code of Maryland §3-305(b)(8).

City Attorney Mark Tilghman provided background information on the company involved in the potential lawsuit and Mayor Jacob R. Day reported on his conversation with one of the entities involved in the potential lawsuit.

The Closed Session was for Council’s informational purposes only, and no direction was given nor consensus reached by Council.

At 5:10 p.m. upon a motion and seconded by Mr. Boda and Mr. Ireton, respectively, and approved by unanimous vote in favor (5-0), the Closed Session adjourned.

Council immediately convened in Open Session and President Heath then reported that while in Closed Session Council had discussed a pending lawsuit.

Thereafter, with no further business to discuss, the Open Session adjourned at 5:11 p.m.

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*CITY OF SALISBURY, MARYLAND
CLOSED SESSION
JANUARY 7, 2018*

TIME & PLACE: 5:43 p.m., Government Office Building – Room 301
PURPOSE: to obtain legal advice on a legal matter
VOTE TO CLOSE: Unanimous (5-0)
CITATION: Annotated Code of Maryland §3-305(b)(7)
PRESENT: Council President John R. Heath, Mayor Jacob R. Day, Council Vice-President Muir Boda, Councilman James Ireton, Jr., Councilwoman April Jackson, Councilman R. Hardy Rudasill, City Administrator Julia Glanz, City Clerk Kim Nichols, and City Attorney Mark Tilghman

The City Council convened in Work Session in Room 301 in the Government Office Building at 4:35 p.m. At 5:43 p.m., President Heath called for a motion to convene in Closed Session to receive legal advice on a legal matter in accordance with the Annotated Code of Maryland §3-305(b)(7).

City Attorney Mark Tilghman reported on and provided advice to the Mayor and Council on the proposed settlement offer in a lawsuit.

At 5:59 p.m. upon a motion and seconded by Mr. Boda and Ms. Jackson, respectively, and approved by unanimous vote in favor (5-0), the Closed Session adjourned.

Council convened in Open Session and President Heath reported to the Public that while in Closed Session Council had received advice on a legal matter.

The Open Session adjourned at 6:00 p.m.

City Clerk

Council President

PennTex Annexation Public Meeting Talking Points

Dear Mayor and City Council Members;

As a follow up to my December 10, 2018 email to the Council members, and in preparation for the Pubic Hearing this evening regarding the annexation process, I would like to share some additional concerns. First let me reiterate that I am not anti-business and my primary goal is not stopping this development; however, I do believe the public and private interests of stakeholders is most often best served by reasonable compromise. As I shared in my previous email it is crucial to maintain as much of the mature stand of trees occupying this site as possible. After reviewing the initial development plans it is apparent that the current plans will result in the loss of 80% or more of these trees due to the paved parking areas as well as the underground storm water filtration system. While these types of storm wastewater filtration systems are necessary we also recognize that when used in conjunction with a mature stand of trees, we can achieve an even more efficient water management process. In addition the trees also provide an effective barrier for residents from sound and light emanating from traffic on Route 13 and nearby commercial businesses. Increased light and noise pollution have a negative effect on quality of life as well as real estate values for residents around the pond. With careful planning and compromise I believe PennTex Ventures could develop this land and maintain an environmentally friendly and somewhat protected environment that we can all enjoy. A pleasant pond view by the restaurants is possible without building as close to the pond's edge as possible. Repositioning of buildings closer to the road while utilizing areas that are not tree covered for parking and storm water management can still maintain pond views for the restaurant while protecting most of the trees. I do not intend to suggest that this is the only alternative; however, I do believe it is a starting point for a compromise that would be in everyone's interest.

2. In the interest of making certain that due diligence to the annexation process is done with fidelity for all stakeholders and citizens I would like to address a couple of process concerns.

- In the Infrastructure and Development Staff Report from the Planning and Zoning Commission Meeting of July, 19, 2018, item I. B. states: "The two parcels fronting Route 13 are existing commercial uses and parcel 215 is residential."

Judge
Connie Rue (John Rue)

(1)

*Concerned about fragile eco-system
of pond.*

MDOT Traffic Plan.

- In the same report item II.A. states: "The annexation area and the adjoining area to the north is zoned C-2 General Commercial under the County Code. " If one leaves the area of the proposed annexation and proceeds north on Route 13 you encounter the residential neighborhood of Chestnut Hills and just north of that another residential neighborhood, Holly Lake Estates followed by the Suburu Dealership which has an apartment complex east of the dealership and located on the north west end of Leonard's Mill Pond.
- In item II.D.2.a., referring to the Salisbury Comprehensive Plan, adopted on July 12, 2010, it states: "The Land Use Map of the City Plan designates this area a "Low-density residential". A proposed amendment to the Comprehensive Plan is included on this agenda to correct this mistaken designation. Was this a mistake in 2010 or is this simply a rezoning of the property?"
- Item II.D.2.b. states: "The Land Use Map of the County Comprehensive Plan designates this area as "Metro Core." The 2017 County Plan designates this area as "Commercial."
- Item VI (probably should be IV) states: "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."
- For maps that are on line, there is a note in very fine print that denotes the true and accurate maps are in the County Offices. I would make a recommendation that any zoning maps on line from the City or County be as current as is reasonably possible since the same members serve on the Wicomico Planning and Zoning Commission for the City and County. It would seem prudent for their to be agreement on zoning maps and issues at any given time subject to change if warranted. This would allow for citizens to monitor changes in different areas of the County and City resulting in a better informed citizenry.

- The Maryland.gov website Real Property Search lists the use of Parcel 215 as residential for the previous owner as well as the new owner PTV I, LLC. as of the property transfer date 09/18/2018. As noted the Planning and Zoning Commission apparently recognized this parcel as light residential in the City of Salisbury Comprehensive Plan.
- As noted by the several references in the Planning and Zoning notes mentioned above, there seems to be some confusion about the correct zoning for Parcel 215 and if there truly is a conflict then how does the density language in the Five-Year Rule apply. Is it only for residential numbers (density) or would the increase in the number of cars/people that will frequent these two restaurants constitute an increase of greater than 50% for the parcels? I do not know the answer but it would seem that the intent of the rule was to manage how many people, cars and dwellings or buildings with facilities would be utilizing the land?

3. This project is proposing the construction of two restaurants. We have been told that one is a high end restaurant and one is a fast food restaurant with a drive thru. All fast food restaurants are not alike and the type of fast food restaurant should be considered for several reasons. There was a time when fast food restaurants with a drive thru did not have a very large seating capacity. Parking was limited since they did not have a significant sit down breakfast, lunch or dinner clientele. Today, there are restaurants such as Chik-fil-a and others that have a very loyal sit down clientele as well as substantial numbers of drive thru customers. Recognizing increased traffic with the new Aldi's grocery store, coupled with the two restaurants to be built, there could be considerable traffic congestion accessing Route 13 and trying to quickly merge into the left turn lane just north of the bridge, to head south back into town. Traffic could be especially heavy at peak breakfast, lunch and dinner times and pose significant traffic and safety issues at Dagsboro Road, the entrance to Chestnut Hills and merging traffic to the left. I hope that as this project moves forward the City will consider details such as these. It is quite conceivable that a fast food establishment with a significant sit down clientele and customers utilizing the drive thru would require more parking and cause more traffic congestion than a high end restaurant at peak rush hours.

4. In looking at the City Comprehensive Plan you are to be commended for many of your forward thinking ideas, goals and objectives. In Chapter 4: Sensitive Areas & Mineral Resources, there are numerous references to maintaining urban forests, green infrastructure corridors, wildlife habitat, protecting our waterways

including the head waters and streams that feed the Wicomico River, etc. In fact the Goal for the chapter is, "Protect the natural environment through the conservation of significant ecological systems that naturally work to enhance the quality of life for the residents." I would refer you to Map 5-1, Map 4-5, Map 4-4, Map 11-2, Map 11-3, and Map 11-4 in the City Comprehensive Plan.

5. I would like to refer you to the Wicomico County Zoning Regulations Section 225-45. Paleochannel Overlay District, especially sections E. Application and F. Development Standards. Among other items, section E. references slopes over 15%. Such slopes are present on the site as well as wooded areas. Section F. specifically addresses the removal of no more than 15% of any existing natural vegetation, one inch or larger in size, on the site without being specifically authorized by the Planning Commission. Slopes as well as streams, free-flowing or intermittent, as well as the necessary 35 foot buffer for such streams are addressed as well.

6. On January 7, 2019, I became aware of the offering for sale of the Aldi property for 3.5 million dollars. Business is business and the developer certainly has the right to sell property for a profit when it is in their best interest. Likewise, local citizens and residents have the obligation to question the long term maintenance and value of this development, since it has the potential for long term environmental and property value impacts. While PTV states they are going to produce a first class facility, and I am reasonably certain they will, if they finish this project and offer it up for sale as Aldi's is, how comfortable are we that the next buyer will maintain the same high standards?

7. Let me be perfectly clear! The only thing that I am asking for is that the decisions surrounding this project take into consideration what is best for the citizens of Wicomico County and the City of Salisbury. We do not exist independently of one another. I want to support business and yes I want business to support us. We cannot exist without one another. I am not against making a profit; however, when annexing this type of property, more than money counts. Environment, neighborhoods, jobs, bottom lines and safety all count. They should and can coexist. I believe this project can meet those standards but not the way it is currently headed. I hope that a sharing of ideas and willingness to cooperate and compromise between the developer, city and county government and citizens will win the day and a win-win will be in the making for all.

Thank you for you time and your serious consideration in these matters.



Proposed Annexation on North Rte. 13 for PenTex Development

Steve Brewer <stbrewer1@gmail.com>

Mon, Dec 10, 2018 at 2:22 PM

To: jheath@salisbury.md, rhrudasill@salisbury.md, ajackson@salisbury.md, mboda@salisbury.md, jireton@salisbury.md

Dear City Council Members;

My name is Steve Brewer and I have lived on Leonard's Mill Pond for over 45 years. My wife has lived on the pond for 58 years. Needless to say we have enjoyed living on the pond in a quiet rural setting with lots of wildlife and recreational activities. I would also like for to know that I am not anti-business in any way; however, I do have some concerns regarding the proposed annexation and development of land just north of Aldi's and the environmental impact on the pond and the quiet way of life we have become accustomed to. As you are well aware there are three parcels being considered for annexation and development. Two of the parcels, located immediately adjacent to Route 13, have been in commercial use for many years. Those two businesses were able to maintain the nice stand of trees between their business establishments and the pond. The third parcel is listed on the tax bill as residential use; however, at some point in the fairly recent past I believe it was changed to commercial even though a residence was still on the property. That property also still contains a fair stand of mature trees. I am attaching satellite photographs showing the density of trees surrounding the pond. You will see in the first photograph the wooded nature of the neighborhoods surrounding the pond. In the second photo you will see more closely the proposed annexation properties and the triangular shaped area of wooded land between the existing commercial properties on Rt. 13 and Leonard's Mill Pond. The third photograph was taken from the pond and shows what neighbors across the pond currently see. While it is possible to see very small parts of some of the existing buildings they are not easily visible. In fact the current Aldi business is almost totally hidden from the pond view. More importantly, those trees block a tremendous amount of light and sound from Rt. 13 as well as the shopping areas across the highway. The proposed development of a high end restaurant and fast food restaurant positioned in immediate proximity to the pond's edge, accompanied by the required expanse of parking lot and underground filtration needed for storm water waste will result in the removal of perhaps 80% or more of a mature stand of trees. Those trees are an excellent buffer for the residents of the pond and also nature's best filtration system.

As you consider this proposed annexation and development, I hope that you will give equal consideration to the many residents of neighborhoods surrounding Leonard's Mill Pond and their way of life. I will paraphrase what Mr. Ireton said in last week's work session; "these are some of the problems that exist when urban meets rural". Urban expansion over the years has not been as effective as we all hoped for. We see too many malls that are empty or torn down, current malls struggling to keep anchor stores, strip malls with empty shops or in need of repair, and America's small down towns disappearing. I commend you, the Council members and Mayor Day, for your efforts in the revitalizing downtown Salisbury. Just as efforts have increased to revitalize areas, encourage cluster housing and maintain green areas, it is my hope that we can also keep areas such as Leonard's Mill Pond as pristine as possible, and minimize the impacts of commercial development. I do not know the particulars of this project; however, I would suppose that a considerable sum of money will be exchanged by a few individuals and or LLC's, and the city will gain some tax revenue. As a resident of the pond I do not have any stake, nor should I, in the business dealings of the participants; however, I will have to live with the outcome and impacts of their decisions. As pond stakeholders, will PenTex Corporation, the restaurants and the City of Salisbury be as concerned about the quality of the pond environment as their pond neighbors? Will Salisbury City government work with Wicomico County to maintain a wonderful environmental asset? If the proposed annexation and development proceed, these questions will be answered. I hope the outcomes will be positive; but, I fear there may be long term effects and potential unintended consequences that have not entered into the calculus at this point.

Please see the attached photographs and if you have any questions, please feel free to email or call me at 443-614-7196. I thank you for being public servants and I wish you wisdom as you do what is best for our community.

CITY OF SALISBURY
WORK SESSION
JANUARY 14, 2019

Public Officials Present

Council President John R. “Jack” Heath
Council Vice President Muir Boda
Councilwoman April Jackson

Mayor Jacob R. Day
Councilman James Ireton, Jr.
Councilman R. Hardy Rudasill

In Attendance

City Administrator Julia Glanz, City Clerk Kim Nichols, City Attorney Mark Tilghman,
interested citizens and members of the press.

On January 14, 2019, Salisbury City Council convened in a Work Session at 7:25 p.m.in
Council Chambers, Room 301 of the Government Office Building following the regularly
scheduled Legislative Session.

Resolution accepting ice skating rink, supplies and funds from Pohanka of Salisbury, Inc.

City Administrator Julia Glanz explained to Council that Pohanka of Salisbury, Inc. has offered
to make a \$100,000 donation to the City for the naming rights of the Riverwalk Amphitheater.
The naming rights will last to perpetuity. Part of their contribution includes the ice skating rink
and related equipment, valued at \$26,000. The rest of the donation will be paid over three years
directly to the City.

Councilman Ireton asked how Pohanka was selected and if more signage was coming on Rt. 13,
how they would impact the entrance and exit in the front of the hotel. He also asked if there
would be a process in which other companies could participate in the same manner. Mayor Day
said several companies were approached, and none came close to the level of support offered by
Pohanka of Salisbury, Inc. Mayor Day added that it was probably better left informal and rare,
unless another venue was being created for music or profit generating. The only additional
signage that has been discussed within the City was something right at the corner of the hotel
entrance, which could be a digital sign advertising events at the amphitheater.

Council reached unanimous consensus to accept the donation to legislative agenda.

There being no further business to discuss, the Work Session adjourned at 7:34 p.m.

City Clerk

Council President



MEMORANDUM

To: Julia Glanz, City Administrator
From: Laura Baasland, Administrative Office Associate
Subject: Appointment to the Youth Development Advisory Committee
Date: February 21, 2019

Mayor Day would like to appoint the following person to the Youth Development Advisory Committee for the term ending as indicated.

<u>Name</u>	<u>Term Ending</u>
Suzanah Cain	February 2022

Attached you will find information from Suzanah Cain and the resolution necessary for her appointment. Please forward this information to the City Council so it may be placed on their agenda at the next Council meeting. Please let me know if you have any questions.

Attachment

cc: Mayor Day

February 3, 2019
416 Loblolly Lane
Salisbury, MD 21801

Ref: Appointment to Youth Development Advisory Committee
Salisbury City Council and Mayor Jacob Day
Attention: Mayor Jacob Day

Dear Mayor Day:

I am applying for consideration of appointment to the Youth Development Advisory Committee for the City of Salisbury. It is my intent to serve as the Chairperson for the Youth Development Advisory Committee for the City of Salisbury consistent with the Resolutions established by the City Council. I will uphold the duties of the Chairperson and work with the YDAC membership to ensure the committee operates successfully. I will work with the newly hired Youth Development Advisory Committee Assistant and the appointed membership to develop quarterly projects to focus on. It is also necessary to elect a Vice Chair and a Secretary to fill in and assist with the responsibilities of the committee to ensure it operates effectively in the absence of the Chairperson. I also plan to take online training and certification in the Maryland Open Meetings Act.

I welcome the opportunity to interview for this position and to answer any questions you may have. I have attached my resume for your reference. Please contact me with any questions. Thank you for your consideration.

Sincerely,

Suzanah S. Cain
410-430-2118
sc@suzanahcain.com

SUZANAH CAIN
SALES | MANAGEMENT | TITLE
COASTAL REGION – MARYLAND & DELAWARE
sc@suzanahcain.com
410.430.2118

EXPERIENCE

NOVEMBER 2014 – PRESENT

ASSOCIATE BROKER (CAIN TEAM OF OC): COLDWELL BANKER RESIDENTIAL BROKERAGE

- Lead sales & marketing strategies
- Awarded Top Producing Real Estate Team in the Coastal Region
- Generated over \$15M in sales (2018)
- Consistently recognized for top sales performances

OCTOBER 2011 – OCTOBER 2014

BRANCH VICE PRESIDENT & TITLE MARKETING MANAGER: LONG & FOSTER REAL ESTATE / SAGE TITLE

- Managed marketing efforts for Coastal Region
- Raised return on revenue 30% in first 6 months
- Recruited to be Branch Vice President of the Salisbury Sales Office
- Recruited and mentored 60 sales agents & staff
- Managed daily operations

SEPTEMBER 1999 – OCTOBER 2011

REAL ESTATE AGENT, TITLE REPRESENTATIVE & INSTRUCTOR: COLDWELL BANKER RESIDENTIAL BROKERAGE / NRT

- Recognized as a top salesperson
- Led pre-licensing & continuing education courses
- Strengthened business partnerships

EDUCATION

ASSOCIATE BROKER LICENSE

MARYLAND – *JANUARY 2013*

LICENSED REAL ESTATE AGENT

MARYLAND & DELAWARE – *AUGUST 1999*

BACHELORS OF ARTS IN HISTORY

UNIVERSITY OF RICHMOND – *MAY 1995*

COMMUNITY INVOLVEMENT

- VOLUNTEER, THE SALISBURY SCHOOL
- GOVERNMENT AFFAIRS COMMITTEE MEMBER, CAR
- VOLUNTEER, FRIENDS OF LIBRARY
- MEMBER, EASTERN SHORE RUNNING

SUZANAH CAIN
SALES | MANAGEMENT | TITLE
COASTAL REGION – MARYLAND & DELAWARE
sc@suzanahcain.com
410.430.2118

1 **RESOLUTION NO. 2915**

2
3 BE IT RESOLVED, by the City of Salisbury, Maryland that the following
4 individual is appointed to the Youth Development Advisory Committee, for the term
5 ending as indicated.

6
7

<u>Name</u>	<u>Term Ending</u>
Suzannah Cain	February 2022

8
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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 February _____, 2019.

13
14 ATTEST:

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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 _____, 2019.

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

INTER

OFFICE

MEMO

Office of the Business Development

To: City Council
From: Laura Soper
Subject: Enterprise Zone Eligibility – BKR Holdings LLC
Date: February 21, 2019

Attached is a copy of the application requesting Enterprise Zone designation for BKR Holdings LLC that I received from Kirk Davis. I have reviewed this application and, to the best of my knowledge, this establishment meets all of the qualifications to be so designated. This property is located within the boundaries of the City's Enterprise Zone, and this company has invested more than \$50,000 in the property and/or has hired (or will hire) two or more NEW full time employees since locating in the Enterprise Zone.

I recommend that the City Council adopt the attached resolution designating BKR Holdings LLC located at 235 W Main Street, eligible to receive the benefits of the Enterprise Zone.

As a reminder, companies that are declared eligible for enterprise zone benefits are able to receive either a one time Income Tax Credit of \$1,000 per new employee hired or a 10 year Property Tax Credit. The purpose of this program is to encourage industries to locate in areas identified as enterprise zones and to reinvest in such properties.

cc: Mayor Day
Julia Glanz
Kim Nichols

Attachments



City of Salisbury
Enterprise Zone Program Information And Qualification Application

Application

Applying For:

Income Tax Credit Real Property Tax Credit Both

General Information

Today's Date: 1-28-2019
 Name of Firm: BKR Holdings LLC
 Contact Person: Kirk Davis
 Title: Owner

Mailing Address: 318 W. Carroll Street #2
Salisbury, MD 21801

Street Address (if different):
same as above

Telephone Number: 410-844-4160
 E-Mail Address: kdavis@davissimpson.com

Property Information

Address of Property for Which Enterprise Benefits are sought:
235 W. Main Street
Salisbury, MD 21801

Property Tax # (10 digit - if available): 09045597

Name of Property Owner: BKR Holdings LLC

Address of Property Owner: 100 N. Division Street #301 Salisbury, MD 21801

Approximate Size of Property: — Acres

Approximate Size of Existing Building: 6,315 Square Feet

Current Base Assessment Price: \$185,600

Information on Applicant Business

Is Company Located in Enterprise Zone now: Yes No

Is Company relocating from another place?: Yes No

If yes, where was previous location?: _____

Is Company a new, start up business?: Yes No

Headquarters location: 318 W. Carroll Street #2 Salisbury, MD 21801

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



City of Salisbury
Enterprise Zone Program Information And Qualification Application

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

N/A - Real Estate Holding

Business NAICS Code (if available): _____

Proposed Project – Real Property Tax Credit

Proposed Project Is: New Construction Rehabilitation

Project Starting Date: 1-1-2019

Anticipated Completion Date: 3-30-2019

Description of Project:

Multi-use commerical renovation
4 apartment, 1 commerical space interior and exterior
including back patio

Cost of Project: \$360,400.00

Proposed Project – State Income Tax Credit

Current Number of Employees in the Zone:

Total: _____ Full Time: _____ Part Time: _____

New Jobs Created in the Zone:

Total: _____ Full Time: _____ Part Time: _____

Creation Date: _____

Hourly Wage for Typical New Job (without benefits): \$ _____/hour

Additional Cost of Benefits Provided (Per New Employee): \$ _____/hour

Please include a list of all hired employees, the date of hire, how many hours a week they work, and what their wages are.

Signatures

Signature of Person Completing This Form: C. Hoge

Typed Name: Chelsea Hoge

Title: Director

Date: 1-28-2019

How did you hear about this opportunity:

SWED - David Ryan

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

Laura Soper

From: Amanda Pollack
Sent: Friday, February 08, 2019 2:38 PM
To: Laura Soper
Subject: RE: Enterprise Zone - 235 W Main

Laura,

This property meets all requirements evaluated by the Infrastructure and Development Department. 235 W Main St is currently under renovations. Plans were approved and they received a building permit. Once completed, the structure will meet building code and permit requirements.

Amanda

From: Laura Soper
Sent: Wednesday, February 6, 2019 10:59 AM
To: Amanda Pollack; Keith Cordrey
Subject: Enterprise Zone - 235 W Main

I have received a request from BKR Holdings LLC located at 235 W Main Street, Salisbury, MD that they be deemed qualified to receive Enterprise Zone benefits. In order to receive such designation, it is necessary that they meet certain criteria. I am requesting that your departments help me in processing their application by helping me to determine if they meet the necessary criteria.

Infrastructure & Development

Does this business meet the limitations of the City's Sewer Use Ordinance?

Does this business meet State and local storm water management codes and regulations?

Does this business meet the zoning code?

Does this business comply with subdivision regulations?

Does this business meet the building code (or did it at the time of construction)?

Does this business meet all permit requirements?

Finance

Is this business up to date on their taxes?

Are they in good standing with SDAT?

Please answer the questions above under the heading for your department and return to my office by 2/13/2019. Your assistance is appreciated. If you have any questions, please let me know.

Laura Soper
Director of Business Development

Laura Soper

From: Cheryl Carpenter
Sent: Wednesday, February 06, 2019 1:10 PM
To: Laura Soper
Subject: FW: Enterprise Zone - 235 W Main
Attachments: application.pdf; 09-045597.pdf

- Real Estate Taxes are paid
- They are in good standing with the SDAT.

(see attachments)

Cheryl Carpenter
Accounts Payable II
Finance Department
City of Salisbury
125 N Division St.
Salisbury, MD 21801
410-548-3110 Phone
410-860-5154 Fax



www.salisbury.md

From: Olga Butar
Sent: Wednesday, February 06, 2019 11:03 AM
To: Cheryl Carpenter <ccarpenter@salisbury.md>
Subject: FW: Enterprise Zone - 235 W Main

Cheryl,

Could you please assist with the request – Enterprise Zone benefits. The questions we need to answer are highlighted below.

Thank you,

Olga Butar
Assistant Director of Finance - Operations
City of Salisbury
125 N. Division St
Salisbury, MD 21801

Email: obutar@salisbury.md

Phone: 410-548-3110



www.salisbury.md

From: Keith Cordrey
Sent: Wednesday, February 6, 2019 11:00 AM
To: Olga Butar <obutar@salisbury.md>
Cc: Laura Soper <lsoper@salisbury.md>
Subject: FW: Enterprise Zone - 235 W Main

Can you please process the request below.

From: Laura Soper
Sent: Wednesday, February 06, 2019 10:59 AM
To: Amanda Pollack; Keith Cordrey
Subject: Enterprise Zone - 235 W Main

I have received a request from BKR Holdings LLC located at 235 W Main Street, Salisbury, MD that they be deemed qualified to receive Enterprise Zone benefits. In order to receive such designation, it is necessary that they meet certain criteria. I am requesting that your departments help me in processing their application by helping me to determine if they meet the necessary criteria.

Infrastructure & Development

Does this business meet the limitations of the City's Sewer Use Ordinance?

Does this business meet State and local storm water management codes and regulations?

Does this business meet the zoning code?

Does this business comply with subdivision regulations?

Does this business meet the building code (or did it at the time of construction)?

Does this business meet all permit requirements?

Finance

Is this business up to date on their taxes?

Are they in good standing with SDAT?

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4 **RESOLUTION NO. 2916**

5 A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND DECLARING THAT BKR
6 HOLDINGS LLC IS ELIGIBLE TO RECEIVE ENTERPRISE ZONE BENEFITS FOR PROPERTY
7 LOCATED AT 235 W MAIN STREET, SALISBURY MD.

8 WHEREAS the City of Salisbury, Maryland and Wicomico County created an Enterprise Zone
9 on June 6, 1983 for the purpose of encouraging economic development of the area encompassed within
10 the boundaries of such zone; and

11 WHEREAS the Enterprise Zone was created under authority granted by the State of Maryland;
12 and

13 WHEREAS the State Code permits certain benefits to be extended to businesses that locate or
14 expand in the Enterprise Zone provided that they meet certain standards; and

15 WHEREAS, the City of Salisbury and Wicomico County have also established certain standards,
16 which must be met in order for a business to be deemed eligible to receive Enterprise Zone benefits; and

17 WHEREAS, BKR Holdings LLC meets the standards set forth in the State Code and in local
18 regulations to be eligible to receive Enterprise Zone benefits; and

19 WHEREAS, Kirk Davis, representing BKR Holdings LLC has requested that the company be
20 designated as eligible for Enterprise Zone benefits because of its investment of more than \$50,000 at their
21 property located in the zone at 235 W Main Street.

22 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Salisbury, Maryland
23 that BKR Holdings LLC be designated as eligible to receive the benefits of the Enterprise Zone effective
24 upon the adoption of this resolution.

25 The above Resolution was introduced and read and passed at the regular meeting of the Salisbury
26 City Council on the _____ day of _____, 2019.

27 ATTEST:

28 _____
29 Kimberly Nichols
30 CITY CLERK

31 _____
32 John R. Heath
33 PRESIDENT, City Council

34 APPROVED by me this
35 _____ day of _____ 2019.

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

OFFICE

MEMO

Office of the Business Development

To: City Council
From: Laura Soper
Subject: Enterprise Zone Eligibility – Elite Construction LLC
Date: February 21, 2019

Attached is a copy of the application requesting Enterprise Zone designation for Elite Construction LLC that I received from Sara Lavdas. I have reviewed this application and, to the best of my knowledge, this establishment meets all of the qualifications to be so designated. This property is located within the boundaries of the City's Enterprise Zone, and this company has invested more than \$50,000 in the property and/or has hired (or will hire) two or more NEW full time employees since locating in the Enterprise Zone.

I recommend that the City Council adopt the attached resolution designating Elite Construction LLC located at 107 Williamsport Circle, eligible to receive the benefits of the Enterprise Zone.

As a reminder, companies that are declared eligible for enterprise zone benefits are able to receive either a one time Income Tax Credit of \$1,000 per new employee hired or a 10 year Property Tax Credit. The purpose of this program is to encourage industries to locate in areas identified as enterprise zones and to reinvest in such properties.

cc: Mayor Day
Julia Glanz
Kim Nichols

Attachments

**Application for Maryland State Enterprise Zone Certification in
Salisbury-Wicomico County, Maryland**

This application will determine whether your business, property, or developer is eligible for Maryland Enterprise Zone tax credits. If determined to be eligible, you will receive a letter from the Enterprise Zone Administrator indicating which tax credit(s) you are eligible to receive.

Applying For:

Income Tax Credit

Real Property Tax Credit

Personal Property Tax Credit (Applies only to Focus Area Zones)

This Section is to be filled by Local Zone Administrators Only

The Real Property Credit

A ten-year credit against local property taxes is available to companies that locate, expand, or substantially improve business properties in the Enterprise Zone. The property tax credit is equal to 80% of the difference between the base value of the property (the assessment in the year prior to new construction, expansion, or substantial improvement) and the newly assessed value of the property after the investment is made. The property tax credit is 80% for five years. During the last five years, the property tax credit declines 10% annually; the credit is 70%, 60%, 50%, 40%, and 30% respectively. This tax credit is administered to the real property owner in their Property Taxes.

Necessary Qualifications

- Applicant must plan to make a capital investment in its property of \$50,000 or more
- Applicant should be mindful of having a base assessment done before commencing work
- Applicant should apply after receiving all required building permits and before or at the beginning of construction.
- Only commercial properties may apply, any portion of the property devoted to residential use may not receive the credit
- In order to receive a property tax credit for the next taxable year (beginning on July 1 when the tax bill is issued), the local Zone Administrator must certify to the Department of Assessments and Taxation the eligibility of a particular business by no later than the end of the preceding calendar year on December 31st.
- The granting of an Enterprise Zone property tax credit is affected by the timing of the completion of capital improvements, the assessment cycle, and how the improvements are assessed. (I.E. the improvement must change the value of the real property)
- The law states that the credit shall be granted to the "owner" of a qualified property. In cases where a lessee make the capital improvements, the lessees should make a contractual provisions with the owner of the qualified property regarding receipt of the property tax credit.

The State Income Credit

This credit is applied to your state income taxes, and its value is based on the number and type of new employees hired by the business. To receive the credit the business must meet the following:

- Must have hired two or more employees that meet necessary qualifications
- Must have been hired after the date on which the Enterprise Zone was designated or the date on which the business relocated in the Enterprise Zone, whichever is later.
- Must be filling a new position or replacing an employee who was previously certified as economically disadvantaged
- Must have been employed at least 35 hours a week for at least six months
- Must be paid at least 150% of the federal minimum wage throughout his or her employment by a business entity before or during the taxable year for which the entity claims a credit
- Must have spent at least half of his or her working hours in the Enterprise Zone or on activities directly resulting from the business location in the zone
- Must be a new employee or an employee rehired after being laid off by the business for more than one year

There are two types of income tax credits. If the employee is not economically disadvantaged, you may qualify for a one-time credit of \$1,000 per employee. If the employee is economically disadvantaged (as determined by the Maryland Jobs Service), you may take a credit up to \$3,000 of the employee's wages in the first year of employment. The credit is \$2,000 in the second year, and \$1,000 in the third. Once/if you have been certified, you can claim these credits upon filing a Tax Return.

- To be eligible, an applicant must answer all questions in Sections A and B
- If applying for the "Property" tax credit, please complete Section C
- If applying for the "Employment (income)" tax credit, please complete Section D
- If the account is located in Focus Area and you are applying for the "Personal Property" tax credit, please complete Section E

Section A: Applicant Information

Name of Business / Developer applying for Enterprise Zone credits:
Elite Construction, LLC

Name of Contact Person: Sara Lavdas

Title: CPA

Phone: 410-749-1919

Email: slavdas@trscpa.com

Mailing Address: 1405 Wesley Drive, Salisbury, MD 21801

Section B: Enterprise Zone Property Information

Enterprise Zone Property Address: 107 Williamsport Circle, Salisbury, MD 21804

Property Tax Account Number: 13-059748

Property Ownership: Diamond Dudley Properties LLC

Lease: Own:

Section C: Enterprise Zone Property Improvements Information

To be eligible for Enterprise Zone property tax credits, the application must be submitted prior to the project completion date and issuance of User/Occupancy Permits. If the developer or company making property improvements is applying on behalf of the property owner, the property owner must concur with the application by co-signing below. The property tax credits are automatically applied to the property tax bill (i.e., directly awarded to the property owner only). If you are not applying for the property tax credit, this section may be left blank.

Owner of the Real Property: _____

Mailing address of property owner: _____

Phone: _____

Email Address: _____

Project Start Date: _____

Anticipated Project Completion Date: _____

Briefly describe capital improvements plans: _____

Type of Construction and Costs

Cost of building(s) & land (acquisition): \$ _____

New Construction: \$ _____

Rehabilitation: \$ _____

Cost of new machinery & equipment*: \$ _____

I agree as a condition of certification to provide all data required by the Enterprise Zone Administrator as requested.

Name of Applicant: _____ Position/Title: _____

Applicant Signature: _____ Date: _____

Name of Property Owner: _____ Position/Title: _____

Property Owner Signature: _____ Date: _____

*Cost of new machinery & equipment is not a part of real property assessment.

Section D: Enterprise Zone Employment Tax Credit Information

To be eligible of Enterprise Zone employment tax credits, please complete the following section. Employment tax credits to be applied against State income tax liabilities are available for certain new employees hired in the Enterprise Zone. The requirements for qualified employees can be found on Maryland Department of Commerce Website: <http://commerce.maryland.gov/fund/programs-for-businesses/enterprise-zone-tax-credit>. If you are not applying for the employment tax credit, this section may be left blank.

Federal Employer Identification Number (EFIN): 47-4679276

Unemployment Insurance #: 0090625950 NAICS Code (if available): 531390

Type of Business (i.e., restaurant, retail, financial services, etc.): Construction & Maintenance

Is business located in the Enterprise Zone now? Yes X No

If yes, since what year: 2017

Is the business relocation from another place? Yes X No

If yes, where was the previous location?: 1405 S. Salisbury Blvd, Salisbury, MD

Is the business a new, start-up? Yes No X

Did the Enterprise Zone benefits affect your decision to locate at this address? Yes No

If yes, please explain how the Enterprise Zone benefits will assist your business. :

Number of existing employees: 9 **all started in October 2018 and were brand new positions**

If you are new to the Enterprise Zone, please provide the number of employees before relocating or locating in the Enterprise Zone: 0

If you were already located in the Enterprise Zone, please provide the number of employees as of date of this application in the Enterprise Zone:

Number of new full-time jobs to be created in the Enterprise Zone in the next 12 months: 1-2

Number of new part-time jobs to be created in the Enterprise Zone in the next 12 months:

I agree as a condition of certification to provide all data required by the Enterprise Zone Administrator as requested.

Name of Applicant: Sara A Lavdas Position/Title: CPA

Signature:  Date: 1/11/2019

Laura Soper

From: Connie Klaverweiden
Sent: Friday, January 25, 2019 1:24 PM
To: Laura Soper
Subject: RE: Enterprise Zone Request

Laura,

Sorry. I did not realize that was a second application at the same address. Elite Construction is in good standing.

Connie Klaverweiden

Revenue Supervisor
Finance Department
City of Salisbury
125 N. Division Street, Room 103
Salisbury, MD 21801
410-548-3110



From: Laura Soper
Sent: Friday, January 25, 2019 12:45 PM
To: Connie Klaverweiden <cklaverweiden@salisbury.md>; Olga Butar <obutar@salisbury.md>
Subject: RE: Enterprise Zone Request

Thank you, is Elite Construction in good standing?

From: Connie Klaverweiden
Sent: Friday, January 25, 2019 12:30 PM
To: Olga Butar; Laura Soper
Subject: RE: Enterprise Zone Request

Laura,

I am not sure who has to qualify (the business at the address or the property owner). Here is the bad news.

Diamond Dudley Properties LLC has not paid any of their real estate taxes this year. They owe in excess of \$18,000.00. I have attached a print-out.

Brandon C. Brittingham Realtor, PC owes the city 3 years of personal property taxes (2017, 2018, & 2019). All bills are past due. The business is not in good standing with SDAT. Print-outs are attached.

Laura Soper

From: Amanda Pollack
Sent: Wednesday, January 23, 2019 4:37 PM
To: Laura Soper
Subject: RE: Enterprise Zone application

Laura,

This is an existing structure which was built in 1988. When it was built, it met all codes at the time. It currently meets all requirements evaluated by the Infrastructure and Development Department.
Amanda

From: Laura Soper
Sent: Friday, January 18, 2019 10:56 AM
To: Amanda Pollack; Anne Roane; Keith Cordrey; Olga Butar
Subject: Enterprise Zone application

I have received a request from Elite Construction LLC located at 107 Williamsport Circle, Salisbury, MD that they be deemed qualified to receive Enterprise Zone benefits (State Income). In order to receive such designation, it is necessary that they meet certain criteria. I am requesting that your departments help me in processing their application by helping me to determine if they meet the necessary criteria.

Infrastructure & Development

Does this business meet the limitations of the City's Sewer Use Ordinance?

Does this business meet State and local storm water management codes and regulations?

Does this business meet the zoning code?

Does this business comply with subdivision regulations?

Does this business meet the building code (or did it at the time of construction)?

Does this business meet all permit requirements?

Finance

Is this business up to date on their taxes?

Are they in good standing with SDAT?

Please answer the questions above under the heading for your department and return to my office by 1/25/2019. Your assistance is appreciated. If you have any questions, please let me know.

Laura Soper
Director of Business Development

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RESOLUTION NO. 2917

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND DECLARING THAT ELITE CONSTRUCTION LLC IS ELIGIBLE TO RECEIVE ENTERPRISE ZONE BENEFITS IN CONNECTION WITH ITS BUSINESS LOCATED AT 107 WILLIAMSPORT CIRCLE, SALISBURY MD.

WHEREAS the City of Salisbury, Maryland and Wicomico County created an Enterprise Zone on June 6, 1983 for the purpose of encouraging economic development of the area encompassed within the boundaries of such zone; and

WHEREAS the Enterprise Zone was created under authority granted by the State of Maryland; and

WHEREAS the State Code permits certain benefits to be extended to businesses that locate or expand in the Enterprise Zone provided that they meet certain standards; and

WHEREAS, the City of Salisbury and Wicomico County have also established certain standards, which must be met in order for a business to be deemed eligible to receive Enterprise Zone benefits; and

WHEREAS, Elite Construction LLC meets the standards set forth in the State Code and in local regulations to be eligible to receive Enterprise Zone benefits; and

WHEREAS, Sara Lavdas, representing Elite Construction LLC has requested that the company be designated as eligible for Enterprise Zone benefits because of its hiring of two or more new full time employees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Salisbury, Maryland that Elite Construction LLC be designated as eligible to receive the benefits of the Enterprise Zone effective upon the adoption of this resolution.

The above Resolution was introduced and read and passed at the regular meeting of the Salisbury City Council on the _____ day of _____, 2019.

ATTEST:

Kimberly Nichols
CITY CLERK

John R. Heath
PRESIDENT, City Council

APPROVED by me this
_____ day of _____ 2019.

Jacob R. Day
MAYOR, City of Salisbury

INTER

OFFICE

MEMO

Office of the Business Development

To: City Council
From: Laura Soper
Subject: Enterprise Zone Eligibility – Sby Development Group LLC
Date: February 21, 2019

Attached is a copy of the application requesting Enterprise Zone designation for Sby Development Group LLC that I received from Kirk Davis. I have reviewed this application and, to the best of my knowledge, this establishment meets all of the qualifications to be so designated. This property is located within the boundaries of the City's Enterprise Zone, and this company has invested more than \$50,000 in the property and/or has hired (or will hire) two or more NEW full time employees since locating in the Enterprise Zone.

I recommend that the City Council adopt the attached resolution designating Sby Development Group LLC located at 213 W Main Street, eligible to receive the benefits of the Enterprise Zone.

As a reminder, companies that are declared eligible for enterprise zone benefits are able to receive either a one time Income Tax Credit of \$1,000 per new employee hired or a 10 year Property Tax Credit. The purpose of this program is to encourage industries to locate in areas identified as enterprise zones and to reinvest in such properties.

cc: Mayor Day
Julia Glanz
Kim Nichols

Attachments



City of Salisbury
Enterprise Zone Program Information And Qualification Application

Application

Applying For:

Income Tax Credit Real Property Tax Credit Both

General Information

Today's Date: 1-28-2019
 Name of Firm: Sby Development Group LLC
 Contact Person: Kirk Davis
 Title: Owner

Mailing Address: 318 W. Carroll Street #2
Salisbury, MD 21801

Street Address (if different):
Same as above

Telephone Number: _____
 E-Mail Address: Kdavis@davisimpson.com

Property Information

Address of Property for Which Enterprise Benefits are sought:
213 W. Main Street
Salisbury, MD 21801

Property Tax # (10 digit - if available): 09040064

Name of Property Owner: SBY Development Group LLC

Address of Property Owner: 100 N. Division Street #301 Salisbury, MD 21801

Approximate Size of Property: _____ Acres

Approximate Size of Existing Building: 31,408 Square Feet

Current Base Assessment Price: \$ 677,800

Information on Applicant Business

Is Company Located in Enterprise Zone now: Yes No

Is Company relocating from another place?: Yes No

If yes, where was previous location?: _____

Is Company a new, start up business?: Yes No

Headquarters location: 318 W. Carroll Street #2 Salisbury, MD 21801

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



City of Salisbury
Enterprise Zone Program Information And Qualification Application

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

N/A - Real Estate Holding

Business NAICS Code (if available): _____

Proposed Project – Real Property Tax Credit

Proposed Project Is: New Construction Rehabilitation

Project Starting Date: 1-7-2019

Anticipated Completion Date: 5-30-2019

Description of Project:

Multi-use commercial renovation
Modern Lobby Atawm

Cost of Project: \$575,538.31

Proposed Project – State Income Tax Credit

Current Number of Employees in the Zone:

Total: _____ Full Time: _____ Part Time: _____

New Jobs Created in the Zone:

Total: _____ Full Time: _____ Part Time: _____

Creation Date: _____

Hourly Wage for Typical New Job (without benefits): \$ _____/hour

Additional Cost of Benefits Provided (Per New Employee): \$ _____/hour

Please include a list of all hired employees, the date of hire, how many hours a week they work, and what their wages are.

Signatures

Signature of Person Completing This Form: C. Hogue

Typed Name: Chelsea Hogue

Title: Director

Date: 1-28-2019

How did you hear about this opportunity:

SWED - David Ryan

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



**City of Salisbury
Enterprise Zone Program Information And Qualification Application**

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

Tenant fit out - Restaurant

Business NAICS Code (if available): N/A

Proposed Project – Real Property Tax Credit

Proposed Project Is: New Construction Rehabilitation

Project Starting Date: 2-18-2019

Anticipated Completion Date: 6-1-2019

Description of Project:
Full scale restaurant & bar

Cost of Project: \$286,371.47

Proposed Project – State Income Tax Credit

Current Number of Employees in the Zone:

Total: _____ Full Time: _____ Part Time: _____

New Jobs Created in the Zone:

Total: _____ Full Time: _____ Part Time: _____

Creation Date: _____

Hourly Wage for Typical New Job (without benefits): \$ _____/hour

Additional Cost of Benefits Provided (Per New Employee): \$ _____/hour

Please include a list of all hired employees, the date of hire, how many hours a week they work, and what their wages are.

Signatures

Signature of Person Completing This Form: _____

Typed Name: _____

Title: _____

Date: _____

How did you hear about this opportunity:

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

Laura Soper

From: Amanda Pollack
Sent: Friday, February 08, 2019 1:48 PM
To: Laura Soper
Subject: RE: Enterprise Zone - 213 W Main

Laura,

This property meets all requirements evaluated by the Infrastructure and Development Department. 213 W Main St is currently under renovations. Plans were approved and they received a building permit. Once completed, the structure will meet building code and permit requirements.

Amanda

From: Laura Soper
Sent: Wednesday, February 6, 2019 10:56 AM
To: Keith Cordrey; Amanda Pollack
Subject: Enterprise Zone - 213 W Main

I have received a request from Sby Development Group LLC located at 213 W Main Street, Salisbury, MD that they be deemed qualified to receive Enterprise Zone benefits. In order to receive such designation, it is necessary that they meet certain criteria. I am requesting that your departments help me in processing their application by helping me to determine if they meet the necessary criteria.

Infrastructure & Development

Does this business meet the limitations of the City's Sewer Use Ordinance?

Does this business meet State and local storm water management codes and regulations?

Does this business meet the zoning code?

Does this business comply with subdivision regulations?

Does this business meet the building code (or did it at the time of construction)?

Does this business meet all permit requirements?

Finance

Is this business up to date on their taxes?

Are they in good standing with SDAT?

Please answer the questions above under the heading for your department and return to my office by 2/13/2019. Your assistance is appreciated. If you have any questions, please let me know.

Laura Soper

Laura Soper

From: Cheryl Carpenter
Sent: Wednesday, February 06, 2019 1:10 PM
To: Laura Soper
Subject: FW: Enterprise Zone - 213 W Main
Attachments: application.pdf; 09-040064.pdf

- Real Estate Taxes are paid
- They are in good standing with the SDAT.

(see attachments)

Cheryl Carpenter
Accounts Payable II
Finance Department
City of Salisbury
125 N Division St.
Salisbury, MD 21801
410-548-3110 Phone
410-860-5154 Fax



www.salisbury.md

From: Olga Butar
Sent: Wednesday, February 06, 2019 11:03 AM
To: Cheryl Carpenter <ccarpenter@salisbury.md>
Subject: FW: Enterprise Zone - 213 W Main

Cheryl,

Could you please assist with the request – Enterprise Zone benefits. The questions we need to answer are highlighted below.

Thank you,

Olga Butar
Assistant Director of Finance - Operations
City of Salisbury
125 N. Division St
Salisbury, MD 21801

Email: obutar@salisbury.md

Phone: 410-548-3110



www.salisbury.md

From: Keith Cordrey
Sent: Wednesday, February 6, 2019 11:00 AM
To: Olga Butar <obutar@salisbury.md>
Cc: Laura Soper <lsoper@salisbury.md>
Subject: FW: Enterprise Zone - 213 W Main

Can you please process the request below.

From: Laura Soper
Sent: Wednesday, February 06, 2019 10:56 AM
To: Keith Cordrey; Amanda Pollack
Subject: Enterprise Zone - 213 W Main

I have received a request from Sby Development Group LLC located at 213 W Main Street, Salisbury, MD that they be deemed qualified to receive Enterprise Zone benefits. In order to receive such designation, it is necessary that they meet certain criteria. I am requesting that your departments help me in processing their application by helping me to determine if they meet the necessary criteria.

Infrastructure & Development

Does this business meet the limitations of the City's Sewer Use Ordinance?

Does this business meet State and local storm water management codes and regulations?

Does this business meet the zoning code?

Does this business comply with subdivision regulations?

Does this business meet the building code (or did it at the time of construction)?

Does this business meet all permit requirements?

Finance

Is this business up to date on their taxes?

Are they in good standing with SDAT?

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RESOLUTION NO. 2918

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND DECLARING THAT SBY DEVELOPMENT GROUP LLC IS ELIGIBLE TO RECEIVE ENTERPRISE ZONE BENEFITS FOR PROPERTY LOCATED AT 213 W MAIN STREET, SALISBURY MD.

WHEREAS the City of Salisbury, Maryland and Wicomico County created an Enterprise Zone on June 6, 1983 for the purpose of encouraging economic development of the area encompassed within the boundaries of such zone; and

WHEREAS the Enterprise Zone was created under authority granted by the State of Maryland; and

WHEREAS the State Code permits certain benefits to be extended to businesses that locate or expand in the Enterprise Zone provided that they meet certain standards; and

WHEREAS, the City of Salisbury and Wicomico County have also established certain standards, which must be met in order for a business to be deemed eligible to receive Enterprise Zone benefits; and

WHEREAS, Sby Development Group LLC meets the standards set forth in the State Code and in local regulations to be eligible to receive Enterprise Zone benefits; and

WHEREAS, Kirk Davis, representing Sby Development Group LLC has requested that the company be designated as eligible for Enterprise Zone benefits because of its investment of more than \$50,000 at their property located in the zone at 213 W Main Street.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Salisbury, Maryland that Sby Development Group LLC be designated as eligible to receive the benefits of the Enterprise Zone effective upon the adoption of this resolution.

The above Resolution was introduced and read and passed at the regular meeting of the Salisbury City Council on the _____ day of _____, 2019.

ATTEST:

Kimberly Nichols
CITY CLERK


John R. Heath
PRESIDENT, City Council

APPROVED by me this
_____ day of _____ 2019.

Jacob R. Day
MAYOR, City of Salisbury



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda H. Pollack, P.E., Director of Infrastructure & Development 
Date: February 6, 2019
Re: Budget Amendment – Survey Equipment Insurance proceeds

The Department of Infrastructure & Development is requesting consideration for a budget amendment to move funds to an operating account from the insurance proceeds account. The City recently received an insurance payment from LGIT for survey equipment that was stolen from a City vehicle. Since the equipment is necessary for the function of the Surveying team, the Department of Infrastructure and Development processed a budget transfer to purchase the equipment after it was stolen. Now that the reimbursement from insurance has been received, we are seeking a budget amendment to replace the funds spent from operating accounts. The value of the equipment was \$28,994. LGIT reimbursed \$18,994, which is the cost of the equipment less the \$10,000 deductible.

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

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3 **ORDINANCE NO. 2526**

4 AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF
5 THE FY19 BUDGET TO APPROPRIATE FUNDS FOR SURVEYING EQUIPMENT.

6 WHEREAS, survey equipment owned by the City of Salisbury was stolen from a City vehicle;
7 and

8
9 WHEREAS, the City of Salisbury Department of Infrastructure and Development purchased
10 replacement equipment so as to not impact the operations of the Survey Team; and

11
12 WHEREAS, the City’s insurance agency, Local Government Insurance Trust, is reimbursing the
13 City for value of the equipment less the deductible; and

14
15 WHEREAS, the Department of Infrastructure and Development budget should be amended to
16 replace the funds spent with the insurance proceeds.

17
18 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
19 SALISBURY, MARYLAND that the City’s Fiscal Year 2019 budget is hereby amended as
20 follows:

- 21
22 1. Increase the Insurance Proceeds (01000-456935) budget by \$18,994.00
23 2. Increase the Engineering Equipment (31000-577030) budget by \$18,994.00
24

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

27
28 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury
29 held on the ___ day of _____, 2019, and thereafter, a statement of the substance of the
30 Ordinance having been published as required by law, was finally passed by the Council on the
31 ___ day of _____, 2019.

32
33
34 ATTEST:

35
36 _____
37 Kimberly R. Nichols, City Clerk

38 _____
39 John R. Heath, President
40 Salisbury City Council

41 APPROVED BY ME THIS:

42 _____ day of _____, 2019
43

44 _____
45 Jacob R. Day, Mayor
46



City of
Salisbury
Jacob R. Day, Mayor

February 1, 2019

TO: Julia Glanz
FROM: Colonel David Meienschein
SUBJECT: Ordinance – Budget Amendment

SPD Patrol Vehicle #1485, a 2014 Chevrolet Caprice was involved in a flooding incident and deemed a total loss.

SPD Patrol Vehicle #1484, a 2014 Chevrolet Caprice was involved in a motor vehicle accident not redeemed a total loss.

SPD requests that the insurance adjustment from the above vehicles totaling \$34,261 be transferred to the SPD Police Services Vehicle Account, 21021-577025 to be used towards the purchase of a new vehicle for our Criminal Investigation Division.

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

David Meienschein
Assistant Chief of Police

1 **ORDINANCE NO. 2527**

2
3 AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET
4 AMENDMENT OF THE FY19 GENERAL FUND BUDGET TO APPROPRIATE
5 INSURANCE PROCEEDS RECEIVED IN FY19 TO AID IN THE PURCHASE OF A NEW
6 VEHICLE FOR THE POLICE FLEET.

7
8 WHEREAS, Salisbury Police Patrol Vehicle #1485, a 2014 Chevrolet Caprice was
9 involved in a flooding incident and deemed a total loss; and

10
11 WHEREAS, the insurance proceeds from vehicle #1485 is \$25,800; and

12
13 WHEREAS, Salisbury Police Patrol Vehicle #1484, a 2014 Chevrolet Caprice was
14 involved in a motor vehicle accident not deemed a total loss; and

15
16 WHEREAS, the insurance proceeds from vehicle #1484 is \$8,461; and

17
18 WHEREAS, SPD is requesting the insurance proceeds from both vehicles be placed in
19 the SPD Vehicle Purchase Account, 21021-577025 in the amount of \$34,261; and

20
21 WHEREAS, SPD will utilize the funds appropriated from the insurance adjustment to
22 purchase a new vehicle for our Criminal Investigations Division.

23
24 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
25 OF SALISBURY, MARYLAND that the City’s Fiscal Year 2019 General Fund Budget is
26 hereby, amended as follows:

- 27
28 1) Increase Insurance Proceeds (01000-456935) by \$34,261
29 2) Increase the Police Department budget by \$34,261

30
31 BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after the
32 date of its final passage.

33
34 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of
35 Salisbury held on this _____ day of _____, 2019, and thereafter, a statement of
36 the substance of the Ordinance having been published as required by law, was finally passed by
37 the Council on the _____ day of _____, 2019.

38
39 ATTEST:

40
41 _____
42 Kimberly R. Nichols, City Clerk

43 _____
44 John R. Heath, President
45 Salisbury City Council

46
47 Approved by me this _____ day of _____, 2019

48 _____
Jacob R. Day., Mayor

INTER

OFFICE

MEMO

OFFICE OF THE MAYOR

To: Julia Glanz, City Administrator
From: S. Mark Tilghman, City Solicitor
Subject: Budget Amendment for City/County Settlement
Date: February 13, 2019

Please find attached a Budget Amendment that will provide an additional appropriation of \$269,526.36 for expenses of the Government Office Building. This amount is necessary to fulfill the terms of the settlement agreement between the City and the County with regard to disputed expenses for the Government Office Building.

Unless you or the Mayor have any questions, please forward this Ordinance to the Salisbury City Council.

1
2
3 **ORDINANCE NO. 2528**

4 AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE
5 CITY'S FY 2019 GENERAL FUND BUDGET TO APPROPRIATE FUNDING OF THE CITY
6 GOVERNMENT OFFICE BUILDING IMPROVEMENTS.

7 WHEREAS, the City has entered into an Agreement with Wicomico County to settle disputed
8 charges; and
9

10 WHEREAS, the City shall reimburse the County for one-half of the cost related to the GOB Chiller
11 in the amount of \$252,474.86; and
12

13 WHEREAS, the City shall contribute a portion of the FY2019 payment for the Grant Capital
14 Management, INC, Master Lease (ESG) of \$17,051.50 to the County; and
15

16 WHEREAS, the County shall reimburse the City \$89,572.00 to settle claims arising from the
17 construction and operation of a sludge handling facility; and
18

19 WHEREAS, the total amount of the Municipal Buildings account expense is \$269,526.36; and
20

21 WHEREAS, the total amount to be paid in the current fiscal year by the City to the County is
22 \$179,954.36; and
23

24 WHEREAS, the remaining \$89,572.00 shall be paid to the City's Water and Sewer Fund; and
25

26 WHEREAS, additional details are available in the attached Settlement agreement; and
27

28 WHEREAS, the City's FY 2019 General Fund budget does not contain an appropriation sufficient to
29 cover the required expenses.
30

31 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY,
32 MARYLAND THAT THE CITY'S FY 2019 Capital Projects Fund Budget be and hereby is amended as follows:
33

- 34 1) Increase Current Year Surplus (01000-469810) by \$269,526.36
35 2) Increase Municipal Buildings (17000-513301) by \$269,526.36
36
37

38 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury
39 held on this ____ day of _____, 2019, and thereafter, a statement of the substance of the Ordinance
40 having been published as required by law, was finally passed by the Council on the ____ day of
41 _____, 2019.
42

43 **ATTEST:**
44

45 _____
46 Kimberly R. Nichols, City Clerk

45 _____
46 Jack R. Heath, President
47 Salisbury City Council
48

49 APPROVED BY ME THIS ____ day of _____, 2019.
50

51 _____
52 Jacob Day, Mayor

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT is made this ____ day of February, 2019, by and between WICOMICO COUNTY, MARYLAND, a body corporate and politic of the State of Maryland (herein after referred to as “Wicomico”) and the CITY OF SALISBURY, a municipal corporation of the State of Maryland (hereinafter referred to as “Salisbury”).

WHEREAS, Wicomico and Salisbury filed a complaint and cross-complaint in the Circuit Court for Wicomico County, Maryland, in Case No. C-22-CV-18-000105 regarding several disputed matters between Wicomico and Salisbury;

WHEREAS, the various disputed matters were referred to arbitration;

WHEREAS, the parties have agreed to settle the disputed matters as set forth in the Settlement Agreement and avoid the arbitration proceeding.

NOW, THEREFORE, in consideration of mutual covenants and agreements, Wicomico and Salisbury do hereby agree as follows:

1. Government Office Building (GOB) Chiller and Sludge Handling Facility/Lagoon:
 - a. Salisbury will pay Wicomico one-half (1/2) of the cost of the GOB Chiller in the amount of \$252,474.86 minus the deduction set forth in Paragraph 1(b) below. Salisbury shall pay Wicomico \$162,902.86 within fifty (50) days of the execution of the Settlement Agreement by Salisbury Mayor Day, Wicomico Executive Culver, and the Arbitrator, Judge Daniel Long;
 - b. Wicomico agrees to deduct from the amount due from Salisbury in Paragraph 1(a) the sum of \$89,572.00 to settle all claims arising from the construction, operation, and removal of the sludge handling facility and the septage lagoon at the City Wastewater Treatment Plant;
 - c. Wicomico releases Salisbury from all past and present claims and demands for payment related to the GOB Chiller purchase and installation;
 - d. Salisbury releases Wicomico from any past or present claims and demands related to the sludge handling facilities and the septage lagoon construction, operation, maintenance and removal.
2. Grant Capital Management, Inc. – Master Lease Agreement (ESG):

Wicomico entered into a Master Lease Agreement with Grant Capital Management, Inc. on May 30, 2012, for installed energy efficient equipment, which provided reduced electricity and water usage in the Government Office Building. Salisbury paid a portion of the Lease payment relating to the Government Office Building in 2014 in the amount of \$34,103.00. Wicomico agrees to waive Salisbury Lease payments for 2015, 2016, 2017 and 2018. Salisbury has agreed to pay \$17,051.50 on or before June 30, 2019, and on or before June 30 of each year thereafter through June 30, 2025, when the Master Lease payments are complete.

3. Non-Appropriation:

In the event no funds or insufficient funds are appropriated and budgeted or are otherwise not available in any fiscal year, the City will immediately notify the County Administrator of such occurrence, and Paragraph 1 or 2 under this Agreement shall terminate and be resolved in Arbitration.

4. Real Estate Tax Billing/Collection:

Salisbury will bill and collect Salisbury Real Estate Taxes beginning July 1, 2019, and each year thereafter.

5. Government Office Building Plat and Deed:

- a. Wicomico and Salisbury agree to execute and record a Plat of the Government Office Building parcel within sixty (60) days from the date of this Settlement Agreement. Wicomico agrees to sign a deed conveying a one-half (1/2) interest in the Government Office Building to Salisbury within sixty (60) days from the date of this Settlement Agreement;
- b. Wicomico and Salisbury agree to comply with the provisions of the Management Agreement dated February 22, 2011, between Wicomico and Salisbury. Additionally, Wicomico and Salisbury will provide written certification to the other governmental entity that operating and capital expense funds are available in the respective budgets before non-emergency work commences in the Government Office Building.

IN WITNESS WHEREOF, each of the parties hereto have executed and delivered this Agreement, intending this document to be executed under seal, as of the day and year first written above.

ATTEST/WITNESS

WICOMICO COUNTY, MARYLAND

_____(SEAL)

By: Bob Culver, Executive

Date: _____

CITY OF SALISBURY, MARYLAND

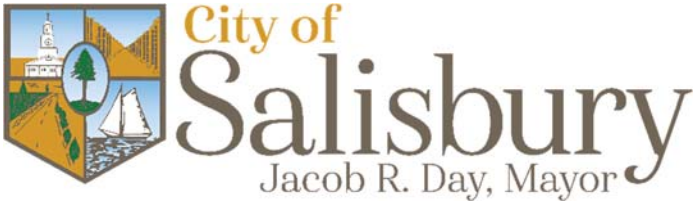
_____(SEAL)

By: Jacob Day, Mayor

Date: _____

APPROVAL OF ARBITRATOR:

By: The Honorable Judge Daniel M. Long



MEMORANDUM

To: Andy Kitzrow, Deputy City Administrator

From: Ron Airey, Sanitation Superintendent

Subject: Municipal Code Chapter 8.16 revision

Date: 2/13/2019

Attached is the ordinance to amend the Salisbury Municipal Code Chapter 8.16 – Garbage, Yard Waste and Refuse, Subsections .010. .020(D)(E)(F), .060(H)(I)(J), .090(B)(C), AND .100(B)(C), to better define yard waste, to remove bulk collection services for high density residential units, to update the collection rules and regulations, to add a new can warranty and to add corrugated cardboard to recycling.

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3 **ORDINANCE NO. 2529**

4 AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE SALISBURY
5 MUNICIPAL CODE CHAPTER 8.16 – GARBAGE, YARD WASTE AND REFUSE,
6 SUBSECTIONS .010, .020(D)(F), .060, .090(C), AND .100(B)(C), TO BETTER DEFINE
7 YARD WASTE, TO BETTER DEFINE BULK COLLECTION SERVICES FOR HIGH
8 DENSITY RESIDENTIAL UNITS, TO UPDATE THE COLLECTION RULES AND
9 REGULATIONS, TO ADD A NEW CAN REPLACEMENT POLICY AND TO ADD
10 CORRUGATED CARDBOARD TO RECYCLING .

11 WHEREAS, the Mayor and City Council have requested that Chapter 8.16 of the City
12 Code be periodically reviewed; and

13
14 WHEREAS, the ongoing application, administration and enforcement of Chapter 8.16,
15 demonstrates a need for its periodic review, evaluation and amendment to keep the chapter
16 current; and

17
18 WHEREAS, garbage, yard waste and refuse needs have changed since the last time
19 Chapter 8.16 was updated; and

20
21 WHEREAS, the City wishes to limit the size and weight of tree and shrub limbs that are
22 eligible for yard waste pick-up by the City; and

23
24 WHEREAS, the City desires to have all household items containing fabric completely
25 encased and sealed tightly before being discarded from a dwelling; and

26
27 WHEREAS, the City desires to add batteries to the list of prohibited items for collection;
28 and

29
30 WHEREAS, the City desires to add a new can replacement policy of 5 years for all new
31 cans purchased from the City; and

32
33 WHEREAS, this amendment will update several sections of Chapter 8.16.

34
35 NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY OF
36 SALISBURY, MARYLAND, THAT Chapter 8.16, SUBSECTIONS .010, .020(D)(F), .060, .090
37 (C) and .100(B)(C) of the Salisbury Municipal Code be amended as follows:

38
39
40 **8.16 – GARBAGE, YARD WASTE AND REFUSE**

41
42 8.16.010 – Definitions.

43
44 “High Density” means a multi-unit complex or subdivision where trash is disposed of by
45 residents in a common area designated for trash disposal.

46

47 “Yard Waste” means garden, lawn, and tree trimmings and leaves which can be deposited
48 in a plastic or biodegradable bag ~~an approved container~~, ~~or t~~ Tree and shrubbery limbs must
49 be securely bundled in lengths not to exceeding four feet in length, and no individual branch
50 may exceed 4 inches in diameter. ~~and~~ Bundles may not weigh more than forty (40) pounds.

51
52 8.16.020 – Service standards for residential properties.

53
54 D. The Ceity may, at its option, provide bulk collection service where residences are
55 concentrated in high-density. In these cases, the appropriate ~~managing~~ ~~organization~~
56 authority shall be officially notified of the details of the service to be rendered. It shall be the
57 responsibility of the Department of Field Operations to make agreements with the appropriate
58 ~~managing~~ ~~organization~~ authority for the placement of bulk containers on either public,
59 private or common ownership property. The standard of service shall be sanitary, and containers
60 shall be maintained in a non-offensive manner. Disposal of bulk items at a multi-unit complex is
61 the responsibility of the managing authority.

62
63 F. The Ceity assumes no responsibility for collection of refuse from nonresidential property.
64 Notwithstanding the above, the city may assume responsibility for collection of refuse from
65 nonresidential property located within the city that is used exclusively ~~as a church or other~~ by a
66 bona fide charitable, religious, social welfare or recreational nonprofit organization, exceptbut
67 not by medical waste generators, hospitals, non-city governmental property or organizations and
68 schools, public or private. Such ~~church or other~~ bona fide nonprofit organizations must provide
69 substantial social services to the community. A ~~church or other~~ bona fide nonprofit
70 organization must apply for collection to the Department of Field Operations, setting forth the
71 name and address of the organization, the volume of refuse estimated to be generated, the social
72 services provided to the community and such other information as may be required by the
73 department. The department will ~~then~~ determine whether the ~~church or other~~ bona fide
74 nonprofit organization qualifies for collection. An appeal of the decision of the department may
75 be made in writing to the city council.

76
77 8.16.060 – Collection rules and regulations.

78
79 A. Approved ~~R~~efuse containers shall be watertight cans made of heavy-duty rubberized or
80 plastic material, with handles and tight-fitting covers. Containers shall be ninety-five (95) gallon
81 roll out carts on wheels, and not more than six (6) containers will be permitted for each
82 Residential Unit. Refuse containers ~~may~~shall be purchased from the City. All containers and lids
83 shall be maintained in a clean and sanitary condition. Containers shall not be set out for
84 collection containing free liquids or rainwater. Containers shall be kept free of dead animals,
85 vermin, lice, maggots or the like and unreasonably offensive odors resulting from the lack of
86 cleanliness, feces or items which may be infectious or disease-bearing. Containers which have
87 become excessively worn shall be promptly replaced at the owner's expense. Owners shall be
88 notified if their refuse container is in disrepair and is unusable. This includes, but is not limited
89 to: missing lids, leaking containers and damaged or missing wheels or handles. owners have
90 thirty (30) days to purchase a new refuse container or adequately repair their existing container.
91 Containers must be placed at the curb or as otherwise directed, with the handle away from and
92 parallel to traffic. Printed instructions on the container shall be followed.

93
94 B. Can replacement policy. The City will record can serial numbers, purchaser name,
95 address and purchase date to use in requests for replacement during the first 5 years following a
96 purchase. Cans may be replaced, at no charge to the owner, under certain conditions. City
97 provided replacements will be limited to damage caused by a sanitation truck or defects in
98 manufacturing during the first 5 years after the purchase of the can. Final determination of can
99 replacement will be at the discretion of the City Sanitation Superintendent. All other can
100 replacements will be at the expense of the owner.

101
102 **BC.** Items too bulky for placement in an approved container may be offered for collection on a
103 weekly basis and on a schedule as set by the Department of Field Operations. Tree and shrubbery
104 limbs, as well as other yard waste, will be collected, provided that they are cut into lengths not
105 exceeding four feet and securely tied in bundles not exceeding forty (40) pounds in weight.
106 Plastic or biodegradable bags with a capacity of thirty (30) gallons or less and maintaining
107 complete closed integrity may be used for non-bundled yard waste. However, it shall be the
108 owner's responsibility to maintain these bags until they are collected by city collection crews.
109 Yard waste pickup normally occurs on Mondays. The owner shall contact the City Service
110 Center by twelve (12:00) p.m. on Friday to request a pick-up for the ensuing Monday, requests
111 made after twelve (12:00) p.m. on Friday will be picked up the second Monday from the request.
112 **six a.m. on Monday to schedule yard waste pickup (excluding holidays) for that week.**

113
114 **C. — All containers and lids shall be maintained in a clean and sanitary condition. They**
115 **shall not be set out for collection containing free liquids or rainwater. They shall be kept**
116 **free of dead animals, vermin, lice, maggots or the like and unreasonably offensive odors**
117 **resulting from the lack of cleanliness, feces or items which may be infectious or disease-**
118 **bearing. Containers which have become excessively worn or corroded shall be promptly**
119 **replaced at the Owner's expense.**

120
121 D. Containers shall be placed at the curb or roadside or alley by six (6:00) a.m. on the
122 scheduled day of collection but shall not be so placed prior to five (5:00) p.m. on the day before
123 collection, and empty containers shall be removed to the premises from the curb, roadside or
124 alley by eleven (11:00) p.m. of the day of collection. Containers shall not be kept at the curb or
125 roadside between scheduled collections, and they shall be stored on the premises at such
126 locations to be unseen from the public streets or roads or from the front yards of immediate
127 neighboring property.

128
129 E. Where collection service is provided in **high-density dwelling areas** a community that has
130 a managing authority and or is classified as high density, the individual residents, ~~or~~ the
131 managing authority **ement**, community or condominium organization shall be responsible for the
132 transporting of **R**refuse to the containers provided and for the maintenance and cleanliness of the
133 areas adjacent to the containers. The developer, **O**owner and legally responsible **managem**
134 authority **organization** shall be responsible for providing **sion of** accessible space for bulk
135 containers, paved and screened from public view. Such provisions shall be approved by the City.
136 Material acceptable for containerized collection service shall, in all respects, be compatible with
137 the definitions for **R**refuse as defined in this chapter.

138

139 F. It is unlawful and a violation of this chapter for any ~~P~~person to place residential or
140 nonresidential waste, including but not limited to ~~R~~refuse, on the property of another without the
141 consent of the ~~O~~owner of the property.
142

143 G. A ~~P~~person shall not place residential ~~R~~refuse in public containers within the City limits,
144 with the exception of Downtown Plaza residents, who may place their ~~R~~refuse in containers
145 specifically designated in the ~~D~~downtown area to accept ~~R~~refuse from Downtown Plaza
146 residents. Waste generated outside of the corporate limits of the City of Salisbury shall not be
147 disposed of or placed in any private or public containers within the City limits.
148

149 H. Upholstered furniture, mattresses and box springs or any household item containing fabric
150 ~~infested with bed bugs~~ shall be completely encased and sealed tightly in plastic before
151 discarding them from ~~an infested~~ a dwelling. Heavy polyvinyl sheeting, shrink wrap, or other
152 non-permeable material shall be used to seal ~~infested beds~~ items. ~~shall be labeled with a~~
153 ~~prominent message indicated that these are infested items (i.e. "BED BUG INFESTED~~
154 ~~ITEM")~~.
155

156 I. Bulk Pickup Service is Available to Residential Locations. To receive pickup of large, bulky
157 items, a resident~~person~~ must first pay the required fee to the Department of Finance. Once the
158 fee is paid, the ~~d~~Department of ~~f~~Finance will notify the Department of Field Operations and an
159 appointment will be made for pickup.
160

161 J. Items prohibited for collection include, but are not limited to: tires, batteries, building
162 materials, hazardous, radioactive or medical wastes, ashes, rocks, dirt, sod, paint and motor oil.
163

164 ~~K.— Owners shall be notified if their Refuse container is in disrepair and is unusable. This~~
165 ~~includes, but is not limited to: missing lids, leaking containers and damaged or missing~~
166 ~~wheels or handles. Owners have thirty (30) days to purchase a new Refuse container or~~
167 ~~adequately repair their existing container.~~
168

169 8.16.090 – Monthly disposal fee.
170

171 C. If the Department of Field Operations determines that a residential unit regularly produces
172 collectible refuse requiring ~~two or~~ more than one refuse containers, ~~then~~ the owner of the
173 residential unit shall be required to purchase and use additional refuse containers.
174

175 8.16.100 – Recycling.
176

177 B. Recycling service is available to Residential Units. Recyclable Materials and corrugated
178 cardboard will be collected weekly on the same day as Garbage collection.
179

180 C. The managing authority of any residential dwelling unit located in the multi-family sector
181 shall allow its residents to participate in the city's recycling program. The city shall provide the
182 managing authority with a recycling container for each unit. Alternatively, the managing
183 authority may provide a centralized location and containers as approved by the ~~recycling~~
184 ~~coordinator~~ Sanitation Superintendent, and as designated by the Director of Field Operations.

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EXPLANATION:

* ITALICIZED AND UNDERLINED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.

Bold and strikethrough language indicates material deleted from the existing.

AND BE IT FURTHER ORDAINED AND ENACTED BY THE CITY OF SALISBURY, MARYLAND, THAT this ordinance shall take effect immediately upon adoption.

THIS ORDINANCE was introduced and read at a meeting of the City Council held on ____ day of _____, 2019 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 _____, 2019 and is to become effective as of _____, 2019.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS ____ day of _____, 2019.

Jacob R. Day, Mayor