



CITY OF SALISBURY CITY COUNCIL AGENDA

April 8, 2019

6:00 p.m.

Government Office Building

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 Dana Stauffer, Fruitland Campus–Emmanuel Wesleyan Church

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

6:05 p.m. PRESENTATION

- Maryland's Community Solar Pilot Program - presented by Eric Misbach, Associate Director, Community Solar Operations, Nexamp

6:15 p.m. ADOPTION OF LEGISLATIVE AGENDA

6:20 p.m. CONSENT AGENDA – City Clerk Kimberly Nichols

- **March 4, 2019** Closed Session Minutes (in separate envelope)
- **March 11, 2019** Regular Meeting Minutes
- **March 18, 2019** Work Session Minutes
- **Resolution No. 2929-** declaring that APPI Energy and 112 Market Street LLC are eligible to receive Enterprise Zone benefits for property located at 112 E Market Street
- **Resolution No. 2930-** declaring that 112 E Market Street LLC is eligible to receive Enterprise Zone benefits for property located at 120 E Market Street
- **Resolution No. 2931-** approving the appointment of William Knopf to the Sustainability Advisory Committee for term ending April 2022
- **Resolution No. 2932-** approving the re-appointment of Charles Simms to the Sustainability Advisory Committee for term ending April 2022

6:25 p.m. AWARD OF BIDS – Procurement Director Jennifer Miller

- RFP 19-110, Main Street Master Plan Phases I & III Construction
- ITB 125-19, Change Order #1, Main Street Block 3 and Riverwalk Landscape Architecture
- RFP 19-113, CA & Inspection Services for Main Street Master Plan Phases I & III
- Declaration of Surplus, 2003 Ford Focus (Field Operations-Parking Division)

6:35 p.m. **PUBLIC HEARINGS/RESOLUTIONS** – City Administrator Julia Glanz

- **1410 West Road Boundary Adjustment**- **Resolution No. 2914**- pursuant to the authority of Article XI-E., Constitution of the State of Maryland, and Section 4-301, et seq., Subtitle 3, Title 4, Division II and Section 4-401, et seq., Subtitle 4, Title 4, Division II, Local Government Article, Annotated Code of Maryland, for the purpose of amending its corporate limits as required in its Charter (SC1-2), which covers the descriptions of the lands that make up the City, to correct an inadvertent property description involving a parcel of land owned by Kevin Leonard Smith, Jr., which was included in a prior annexation near Queen Avenue and West Road
- **Route 13 North-PennTex 2 Property Annexation**- **Resolution No. 2927**- proposing the annexation to the City of Salisbury of a certain area of land contiguous to and binding upon the Northerly Corporate Limit of the City of Salisbury to be known as the “Route 13 North – Penntex 2 Property Annexation” the southerly boundary of which begins at a point on the Corporate Limit, said point lying at the intersection of the easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary line of the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line of the lands of PTV I, LLC
- **Route 13 North-PennTex 2 Property Annexation Plan**- **Resolution No. 2928**- to adopt an annexation plan for a certain area of land contiguous to and binding upon the Northerly Corporate Limit of the City of Salisbury to be known as the “Route 13 North – Penntex 2 Property Annexation” the southerly boundary of which begins at a point on the said Corporate Limit , said point lying at the intersection of the easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary line of the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line of the lands of PTV I, LLC.

7:15 p.m. **RESOLUTIONS** – City Administrator Julia Glanz

- **Resolution No. 2933** - in opposition to offshore seismic testing and drilling for oil and gas
- **Resolution No. 2934**- adopting Vision Zero as the City’s traffic and engineering policy and establishing a Vision Zero Task Force

7:20 p.m. **ORDINANCES** – City Attorney Mark Tilghman

- **Ordinance No. 2533**- 2nd reading- to establish a Riverwalk Construction Reimbursement Program to promote and accelerate new commercial construction or expansion along the Riverwalk areas to encourage development in and near the Downtown area and districts tied to the Riverwalk
- **Ordinance No. 2534**- 2nd reading- approving a budget amendment of the FY19 General Fund Budget to appropriate funds received from Witmer Public safety group from the sale of handguns to be used to repair the moisture barrier along the foundation of the Salisbury Police Department
- **Ordinance No. 2535**- 2nd reading- approving an amendment of the FY19 Budget to appropriate funds for street resurfacing and concrete repair
- **Ordinance No. 2536**- 1st reading- approving an amendment of the FY 2019 General Fund Budget to appropriate funding to the Business Development Marketing Fund

- **Ordinance No. 2537**- 1st reading- authorizing the mayor to enter into a contract with the Community Foundation of the Eastern Shore for the purpose of accepting grant funds in the amount of \$4,000, and approving a budget amendment to the FY 2019 Grant Fund to appropriate funds for the Salisbury-Wicomico Integrated Firstcare Team

7:55 p.m. PUBLIC COMMENTS

8:00 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- April 22, 2019

- **Ordinance No. _____** - 1st reading- FY20 Proposed Budget, Water & Sewer Rates Ordinance and setting the Public Hearing date
- **Ordinance No. 2536**- 2nd reading- approving an amendment of the FY 2019 General Fund Budget to appropriate funding to the Business Development Marketing Fund
- **Ordinance No. 2537**- 2nd reading- authorizing the mayor to enter into a contract with the Community Foundation of the Eastern Shore for the purpose of accepting grant funds in the amount of \$4,000, and approving a budget amendment to the FY 2019 Grant Fund to appropriate funds for the Salisbury-Wicomico Integrated Firstcare Team

Posted: 4/4/19

1 **CITY OF SALISBURY, MARYLAND**

2
3 **REGULAR MEETING**

MARCH 11, 2019

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5 **PUBLIC OFFICIALS PRESENT**

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

Mayor Jacob R. Day
Councilwoman Angela Blake
Councilwoman April Jackson

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11 **IN ATTENDANCE**

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13 *Deputy City Administrator Andy Kitzrow, Department of Infrastructure and Development (DID)*
14 *Director Amanda Pollack, Human Resources Director Jeanne Loyd, Building Official William*
15 *Holland, Police Chief Barbara Duncan, Assistant Chief James Gladwell, Grants Coordinator*
16 *Nancy Talbott, City Clerk Kim Nichols, City Attorney Mark Tilghman, interested citizens and*
17 *members of the press.*

18 *******

19 **CITY INVOCATION – PLEDGE OF ALLEGIANCE**

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21 *On March 11, 2019 the City Council met in regular session at 6:00 p.m. in Council Chambers.*
22 *Council President John R. Heath called the meeting to order and invited Rev. Dr. Maggie*
23 *Gillespie, Pastor of Wicomico Presbyterian Church to the podium to provide the City Invocation,*
24 *followed by the Pledge of Allegiance to the flag of the United States of America.*

25
26 **PRESENTATION**

- 27
28
 - *Real Estate Market Report- presented by Sarah Rayne and Cameron Drew*

29
30 *Government and Public Affairs Director of Coastal Association of REALTORS® of MD,*
31 *Inc. Sarah Rayne and Realtor Cameron Drew, a member of the Coastal Association’s*
32 *Board of Directors and co-chair of the Government Affairs Committee were invited to the*
33 *podium by President Heath to provide the Real Estate Market Report. Ms. Drew advised*
34 *the numbers represent residential data for single-family homes. The report, which was*
35 *handed out to Council at the table, is attached and part of the minutes.*

36
37 **ADOPTION OF LEGISLATIVE AGENDA**

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39 *Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve the legislative*
40 *agenda.*

41
42 **CONSENT AGENDA** – *presented by City Clerk Kim Nichols*

43
44 *The Consent Agenda, consisting of the following items, was unanimously approved on a motion*
45 *and seconded by Mr. Ireton and Ms. Jackson, respectively:*
46

- January 28, 2019 Regular Meeting Minutes
- January 28, 2019 Work Session Minutes
- January 28, 2019 Closed Session Minutes
- February 4, 2019 Work Session Minutes
- Resolution No. 2919- approving the extension of the acting status for Acting Salisbury Police Corporal Brandon Caton, Acting Salisbury Police Corporal Michael Mitchell and Acting Salisbury Police Sergeant Jason Harrington, all assigned to the Patrol Division
- Resolution No. 2920- approving the appointment of Melissa Wilson to the Bicycle Pedestrian Advisory Committee for term ending March 2022
- Resolution No. 2921- approving the appointment of Dr. Samantha Scott to the Youth Development Advisory Committee for term ending March 2022
- Resolution No. 2922- declaring that 212 E Main Street LLC is eligible to receive Enterprise Zone benefits for property located at 207 E Market Street, Salisbury, MD

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RESOLUTIONS – presented by Deputy City Administrator Andy Kitzrow

- Resolution No. 2914- pursuant to the authority of Article XI-E., Constitution of the State of Maryland, and Section 4-301, et seq., Subtitle 3, Title 4, Division II and Section 4-401, et seq., Subtitle 4, Title 4, Division II, Local Government Article, Annotated Code of Maryland, for the purpose of amending its corporate limits as required in its Charter (SC1-2), which covers the descriptions of the lands that make up the City, to correct an inadvertent property description involving a parcel of land owned by Kevin Leonard Smith, Jr., which was included in a prior annexation near Queen Avenue and West Road

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Resolution No. 2914.
- Resolution No. 2923- making a Declaration Of Official Intent regarding reimbursing from proceeds of a future borrowing project expenditures made in connection with two projects identified as Bicycle Master Plan Implementation and Street Scaping

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Resolution No. 2923. (4-0 vote as Ms. Jackson exited the room before the vote was taken)
- Resolution No. 2924- authorizing the Capacity Fee of the City’s Comprehensive Connection Charge to be waived for the redevelopment of 130 and 132 East Main Street

Ms. Jackson moved, Ms. Blake seconded and the vote was unanimous (5-0) to approve Resolution No. 2924.
- Resolution No. 2925- authorizing the Capacity Fee of the City’s Comprehensive Connection Charge to be waived for the redevelopment of 100 East Main Street, Suite 111

Ms. Jackson moved, Ms. Blake seconded and the vote was unanimous to approve Resolution No. 2925.

- 80 • **Resolution No. 2926**- *authorizing the Mayor to enter into a cooperative agreement with the*
81 *Chesapeake Bay Trust to administer a grant program to implement*

82
83 *Mr. Boda moved, Mr. Ireton seconded, and the vote was unanimous to approve Resolution*
84 *No. 2926.*

- 85
86 • **Resolution No. 2927**- *proposing the annexation to the City of Salisbury of a certain area of*
87 *land contiguous to and binding upon the Northerly Corporate Limit of the City of Salisbury*
88 *to be known as the “Route 13 North – PennTex 2 Property Annexation” the southerly*
89 *boundary of which begins at a point on the Corporate Limit, said point lying at the*
90 *intersection of the easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard,*
91 *and the northerly boundary line of the lands of PTV I, LLC, thence running in an easterly*
92 *direction by and with the northerly line of the lands of PTV I, LLC*

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94 *Ms. Jackson moved and Mr. Boda seconded to approve Resolution No. 2927. The motion*
95 *passed with 4 votes in favor and 1 against. Mr. Ireton voted “nay.”*

- 96
97 • **Resolution No. 2928**- *to adopt an annexation plan for a certain area of land contiguous to*
98 *and binding upon the Northerly Corporate Limit of the City of Salisbury to be known as the*
99 *“Route 13 North – PennTex 2 Property Annexation” the southerly boundary of which begins*
100 *at a point on the said Corporate Limit, said point lying at the intersection of the easterly*
101 *right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary*
102 *line of the lands of PTV I, LLC, thence running in an easterly direction by and with the*
103 *northerly line of the lands of PTV I, LLC*

104
105 *Ms. Jackson moved and Mr. Boda seconded to approve Resolution No. 2928. The motion*
106 *passed with 4 votes in favor and 1 against. Mr. Ireton voted “nay.”*

107
108 *President Heath announced the Public Hearing was scheduled for the Route 13 North –*
109 *PennTex 2 Property Annexation and Annexation Plan on April 8, 2019.*

110
111 **ORDINANCES** – *presented by City Attorney Mark Tilghman*

- 112
113 • **Ordinance No. 2526**- *2nd reading- approving an amendment of the FY19 Budget to*
114 *appropriate funds for surveying equipment*

115
116 *Ms. Jackson moved, Mr. Ireton seconded, and the vote was unanimous to approve*
117 *Ordinance No. 2526 for second reading.*

- 118
119 • **Ordinance No. 2527**- *2nd reading- approving a budget amendment of the FY19 General*
120 *Fund Budget to appropriate insurance proceeds received in FY19 to aid in the purchase*
121 *of a new vehicle for the police fleet*

122 *Mr. Ireton moved, Ms. Jackson seconded, and the vote was unanimous to approve*
123 *Ordinance No. 2527 for second reading.*

- 124 • **Ordinance No. 2528**- 2nd reading- approving an amendment of the City’s FY 2019 General
125 Fund Budget to appropriate funding of the City Government Office Building improvements
126

127 *Mr. Ireton moved and Ms. Blake seconded to approve Ordinance No. 2528 for second*
128 *reading. The motion passed with 4 votes in favor and 1 against. Vice-President Boda voted*
129 *“nay.”*
130

- 131 • **Ordinance No. 2529**- 2nd reading- to amend the Salisbury Municipal Code Chapter 8.16 –
132 *Garbage, Yard Waste and Refuse, Subsections .010, .020(D)(F), .060, .090(C), and*
133 *.100(B)(C), to better define Yard Waste, to better define Bulk Collection Services for high*
134 *density residential units, to update the collection rules and regulations, to add a new can*
135 *replacement policy and to add corrugated cardboard to recycling*
136

137 *Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous (5-0) to approve*
138 *Ordinance No. 2529 for second reading.*
139

- 140 • **Ordinance No. 2530**- 1st reading- authorizing the Mayor to enter into a contract with
141 *the United States Department of Commerce for the purpose of accepting grant funds*
142 *in the amount of \$37,500, and approving a budget amendment to the FY 2019 Grant Fund to*
143 *appropriate funds to for a Salisbury Port Feasibility Study*
144

145 *Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance*
146 *No. 2530 for first reading.*
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148 *Mr. Ireton asked to review a copy of the grant proposal and Grants Coordinator Nancy*
149 *Talbott would send to Ms. Nichols to disseminate to Council.*
150

- 151 • **Ordinance No. 2531**- 1st reading- authorizing the Mayor to enter into a contract with
152 *the Wicomico County Health Department for the purpose of accepting grant funds in*
153 *the amount of \$20,934 and approving a budget amendment to the FY 2019 Grant*
154 *Fund to appropriate funds to for the Housing First Program*
155

156 *Mr. Boda moved, Mr. Ireton seconded, and the vote was unanimous to approve Ordinance*
157 *No. 2531 for first reading.*
158

- 159 • **Ordinance No. 2532**- 1st reading- authorizing the Mayor to enter into a contract with
160 *the Carefirst Foundation for the purpose of accepting grant funds in the amount of \$75,000*
161 *and approving a budget amendment to the FY 2019 Grant Fund to appropriate funds for the*
162 *Salisbury-Wicomico Integrated Firstcare Team*
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164 *Ms. Jackson moved, Ms. Blake seconded and the vote was unanimous to approve*
165 *Ordinance No. 2532 for first reading.*
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167 **PUBLIC COMMENTS**

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169 *Two members of the Public provided the following comments:*

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- *This was the third time he has come before Council regarding the PennTex 2 Annexation and he appreciated the time he was allowed to speak.*
 - *The PennTex representatives have left, but Mr. Smethurst and the speaker met with them last week and they reviewed the revised plan with them.*
 - *They appreciate the efforts of Becker Morgan and PennTex to work with Neighborhood Associations. It is a difficult call and possibly will be resolved in Planning, but they still do not have a clear idea of how some of the concerns regarding sound and lighting will be addressed, because the revised plan does not give a clear idea, and it still must be worked out with the property owners.*
 - *Asked if Public Comments would be allowed at the next Public Hearing, and President Heath answered in the affirmative.*

183 **ADJOURNMENT**

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185 *With no further business to discuss, the meeting was adjourned at 7:28 p.m.*
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CITY OF SALISBURY, MARYLAND
CLOSED SESSION
MARCH 4, 2019

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TIME & PLACE: 4:51 p.m., Government Office Building – Room 301

PURPOSE: to consult with counsel to obtain legal advice on a legal matter, and before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process

VOTE TO CLOSE: Unanimous (4-0)

CITATION: Annotated Code of Maryland §3-305(b)(7)(14)

PRESENT: Council President John “Jack” R. Heath, Mayor Jacob R. Day, Councilman James Ireton, Jr., Councilwoman Angela Blake, Councilwoman April Jackson, City Attorney Mark Tilghman, and City Clerk Kim Nichols

ABSENT: Council Vice-President Muir Boda,

The City Council convened in Work Session in Room 301 in the Government Office Building at 4:30 p.m. At 4:50 p.m., President Heath called for a motion to convene in Closed Session to consult with counsel to obtain legal advice on a legal matter, and before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process as permitted under the Annotated Code of Maryland §3-305(b)(7)(14).

While in Closed Session, Mayor Day provided an update and recommendation on the negotiating strategy of both a contract and an agreement on proposed developments. City Attorney Mark Tilghman updated and advised Council on an ongoing legal matter the City was involved in.

At 5:45 p.m., Mr. Ireton moved, Ms. Jackson seconded, and the vote was unanimous (4-0) to adjourn the Closed Session.

Council immediately convened in Open Session and President Heath reported that while in Closed Session Council received an update on a legal matter and proposed development and discussed the negotiating strategy related to such. Mayor Day requested the timely repair of sidewalks by utility companies be a topic discussed on an upcoming agenda.

Thereafter, with no further business to discuss, the Open Session adjourned at 5:47 p.m.

City Clerk

Council President



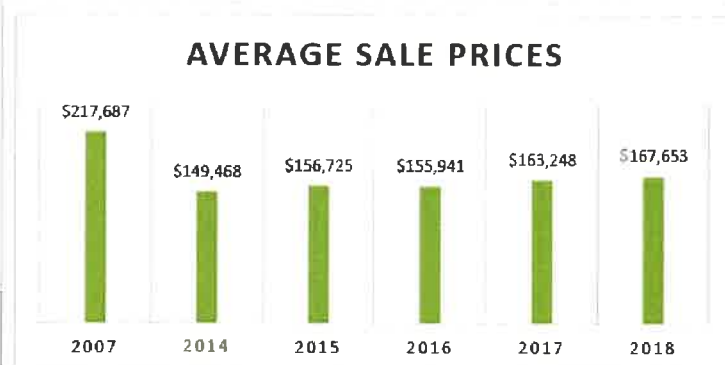
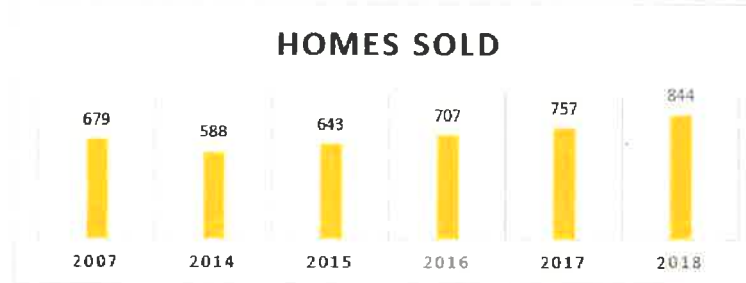
LOCAL
ACCURATE
TRUSTED

Salisbury's Real Estate Market
Salisbury City Council
March 11, 2019

SALISBURY, MARYLAND STATE OF THE REAL ESTATE MARKET



Local • Accurate • Trusted



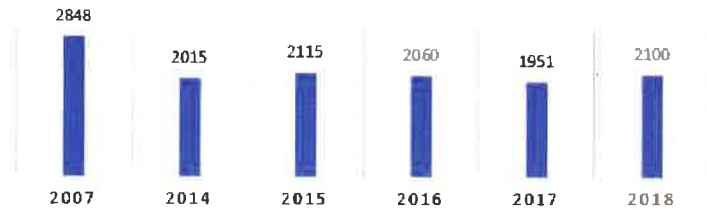
Data is derived from the Bright Multiple Listing Service and is provided courtesy of the Coastal Association of REALTORS®.

**WICOMICO COUNTY, MARYLAND
STATE OF THE REAL ESTATE MARKET**



Local • Accurate • Trusted

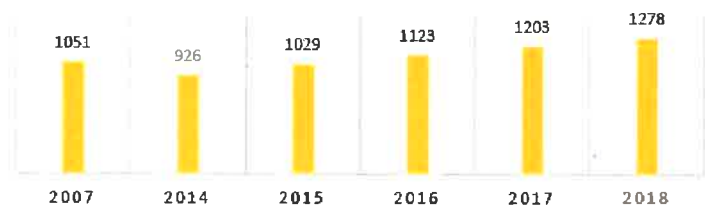
ACTIVE LISTINGS



NEW LISTINGS

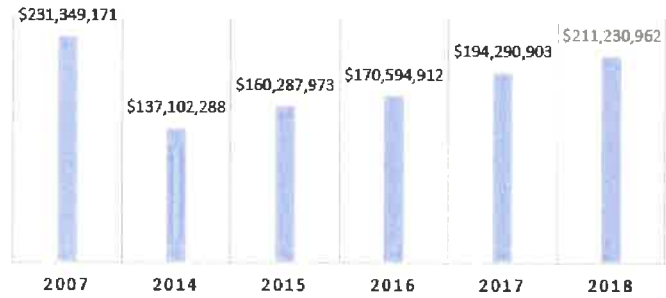


HOMES SOLD



Data is derived from the Bright Multiple Listing Service and is provided courtesy of the Coastal Association of REALTORS®.

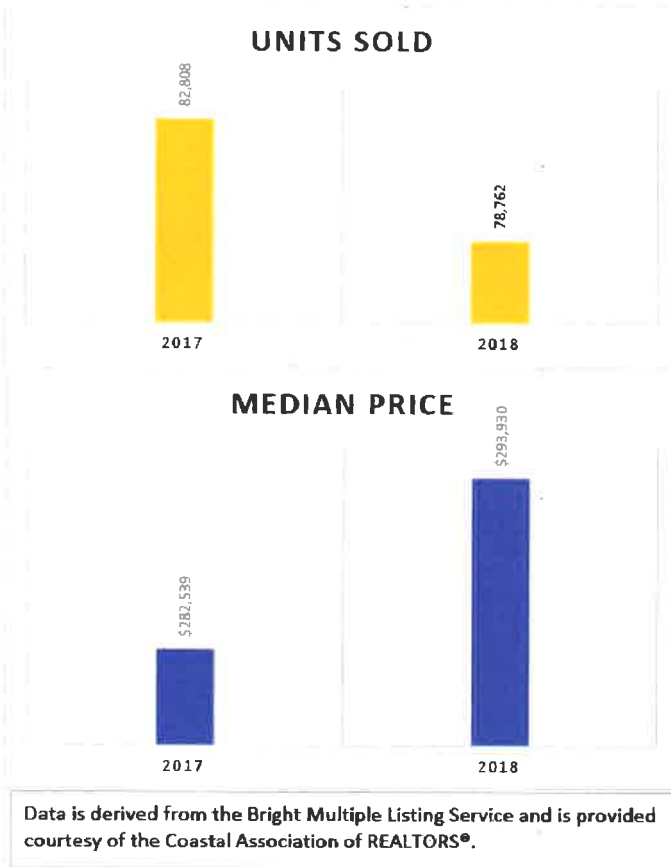
VOLUME SOLD



AVERAGE SALE PRICE



MARYLAND
STATE OF THE REAL ESTATE MARKET



What can we expect in 2019?

- Continued growth (hopefully)
- Current 30-year mortgage rate: 4.4%
 - Down 0.5% compared to March 2018.
- Freddie Mac predicts a 30-year mortgage rate of 4.6% in 2019 and 4.9% in 2020.
- Unemployment decrease = Consumer confidence = More home sales
- Cautious optimism in Maryland – higher prices, higher mortgage rates, scant inventory
- Economic uncertainty – combo of strong economic growth, expanding human capital shortfalls, ongoing trade disputes

Questions

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CITY OF SALISBURY
WORK SESSION
MARCH 18, 2019

Public Officials Present

Council President John R. “Jack” Heath Mayor Jacob R. Day (arrived 4:33 p.m.)
Council Vice-President Muir Boda Councilwoman Angela Blake
Councilman James Ireton, Jr. Councilwoman April Jackson

Public Officials Not Present

Mayor Jacob R. Day Councilwoman April Jackson
Councilman R. Hardy Rudasill

In Attendance

City Administrator Julia Glanz, Department of Infrastructure & Development (DID) Director
Amanda Pollack, Project Specialist Will White, Police Chief Barbara Duncan, Traffic
Superintendent Bill Sterling, Traffic Department Supervisor Billy Lewis, City Clerk Kim
Nichols, City Attorney Mark Tilghman, interested citizens and members of the press.

On March 18, 2019, Salisbury City Council convened in a Work Session at 4:30 p.m.in
Council Chambers, Room 301 of the Government Office Building. The following is a synopsis
of the topics discussed in the Work Session.

Budget Amendment to appropriate additional funds for electric for street lighting

Traffic Superintendent Bill Sterling and Traffic Supervisor Billy Lewis joined Council. Mr.
Sterling explained the \$145,000 budget amendment was for Street Lighting account and was
equivalent to the budget amendment passed last year to meet the Street Lighting account.

President Heath asked for the account balance for Street Lighting and Mr. Sterling said it was
\$835,000, the same as last year. Mr. Boda thought when the budget amendment passed last year
that the rates had been raised, and asked if the rate increase was included in last year’s budget.
Mr. Sterling said they did not monitor the increase with the budget account, but they should have
included the adjustment in this year’s budget. He did not know why the initial budget amount
was replicated and Ms. Glanz thought it was an oversight during the budget process. Mr. Sterling
said they they had hoped the amount would be less this year because of the LED conversions, but
the amount is the same. He said that Delmarva Power would be converting 5% of their lights to
LED that the City pays a tariff for, and our savings should be reflected next year.

President Heath asked what the impact would be on the citizens if the amendment did not pass.
Mr. Sterling thought the streetlights might be turned off and clarified that the increase made the
electric account the same as last year.

42 Mayor Day and the Council considered asking Delmarva Power to discuss the rates. Mayor Day
43 said that only 10% of the bill was for the actual cost of electricity and 90% was tariffs (profits).
44 President Heath said he would vote no to the amendment; it was painful enough last year and a
45 17.3% difference was a big miss. Mr. Ireton asked if there was any movement in MML or the
46 Mayor’s Association (no) and Mr. Boda proposed having more solar powered lights. Mayor Day
47 said the City would spend \$38 million with Delmarva Power on streetlights over the next 20
48 years, and 90% of that that would not be for electricity. Mr. Ireton asked if the City had a
49 contract with Delmarva, and said it would be interesting for the Council agenda to hold a
50 “Delmarva Power contract” discussion on how much of the 90% profit we were willing to pay.

51
52 President Heath asked what would happen if the budget amendment was not advanced - would
53 Delmarva turn off the electricity. Mr. Sterling was unsure if they would turn off streetlights only.
54 Ms. Jackson agreed that a Delmarva Power representative should explain why there was such a
55 difference. Mayor Day suggested that the bill should have decreased based upon the City’s
56 installation of LED lights. This was now year 4, but the bill had increased. In addition, anytime
57 there is development in new subdivisions, Delmarva Power adds lighting. Mr. Sterling explained
58 that within the City there are City-owned lights and Delmarva Power-owned lights that the City
59 pays tariffs for. The City has converted City-owned lights to LED to lower the electricity bill.
60 Mayor Day said that if the City owned all of them, all of the tariff would be gone.

61
62 President Heath recalled discussing this last year and the percentage was close to the same. Mr.
63 Sterling said the City had converted 120 lights to LED and the \$40/month for 4 dropped to
64 \$10/month. He suggested Council meeting with Delmarva’s Public Affairs Manager John Petito.
65 President Heath thought to not move forward with the budget amendment until they met with
66 Delmarva Power. Mayor Day said Administration would be prepared to present the capital costs,
67 operation and maintenance costs and Ms. Jackson wanted to make sure the Public attended. Ms.
68 Blake asked if Delmarva Power had ever discussed the bill with the City (no) and Mr. Ireton said
69 the City’s energy consultant was asked to explain the bill.

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71 Council reached unanimous consensus to not move the legislation forward and to schedule a
72 meeting with Delmarva Power to figure out what they would be able to do for the City.

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74 **Budget Amendment to appropriate funds received from Witmer Public Safety Group to**
75 **repair the moisture barrier along the foundation of the Salisbury Police Department (SPD)**

76
77 Police Chief Barbara Duncan said that last year water seeped over a two-year period and created
78 mold in the Records Department where boxed documents are stored. The moisture barrier on the
79 outside of the building had been compromised. This was repaired, an efficient way to draw the
80 water off the building was discovered, and guttering was repaired. Now, the moisture barrier on
81 the west side of the building is beginning to peel away. SPD would like to add funds from the
82 sale of used weapons to the Building and Maintenance Fund to make the preventative repair.

83
84 Council reached unanimous consensus to advance the budget amendment to legislative agenda.

85
86 **Budget Amendment for street resurfacing and concrete repair from MDOT-SHA**
87 **reimbursement**

88
89 DID Director Amanda Pollack said the City received State-Aid money from MDOT-SHA from
90 street resurfacing projects. The City receives approximately \$47,000 per year from this annual
91 program. They had a backlog for a few years, made a reimbursement request and received a
92 check for \$123,864.47. She said there is another request for \$90,000, and they will be caught up
93 with the backlog from previous years. The amount is calculated based on the City’s lane miles of
94 roads. The City applies for reimbursement for specific roads it has repaved. Transportation
95 Project Specialist Will White said the roads submitted included Northwood Drive, South Park
96 Drive, North Park Drive, Beaver dam, South Boulevard, and College Avenue.

97
98 Council reached unanimous consensus to advance the budget amendment to legislative agenda.

99

100 **Riverwalk Construction Reimbursement Program**

101

102 Ms. Pollack made the following notations regarding several unanswered questions from Council:

103

- 104 • Lines 61 and 62- upon completion of the Riverwalk, the owners of the properties would
105 have to convey the title of the completed Riverwalk to the City of Salisbury (this was not
106 included before but they wanted to clarify that the City wanted to own the Riverwalk)
- 107 • Lines 64 through 66 – The question came up that if the land changed hands would the
108 program continue. This was phrased so that this reimbursement is payable only to the
109 then current owners of the land adjoining the Riverwalk Construction project.

110

111 Ms. Pollack said they were recommending reimbursing just for the construction of the Riverwalk
112 itself if the work is in the area designated in the Code to have a public Riverwalk. The City
113 would fund 75% of the costs of Riverwalk Construction. Mayor Day explained the Riverwalk
114 would be City infrastructure and the City would own it.

115

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

117

118 **Vision Zero Presentation and overview**

119

120 Ms. Pollack and Transportation Project Specialist Will White introduced the integration of
121 Vision Zero (VZ), a systematic program to prioritize pedestrian and cyclist safety over speed.

122

123 Mr. White reported VZ was developed in Sweden in the late 1980s and fully implemented by
124 1995. VZ has gained momentum across Europe where it is the engineering standard. In the
125 United States (US) about 40,000 people die yearly on the streets, and the majority are often
126 preventable pedestrian and cyclist accidents. If proactive preventative approaches are taken to
127 traffic safety, most tragedies can be prevented. VZ focuses on speed since at 20 miles per hour a
128 pedestrian struck by a car has a 90% chance of survival. At 40 miles per hour, there is a 20 %
129 change of survival. As speed increases, the chance of survival dramatically decreases.

130

131 Mr. White said that 42 cities in the United States have adopted VZ. Maryland Highway Safety
132 Office asked each county to create a strategic highway plan that moves towards “Zero Deaths”,
133 the State’s program. Salisbury reached out to the County, but received no response yet. Salisbury

134 has a vital interest in pedestrian and cyclist safety, but also must allow for a large number of
135 daily commuters who do not live in the City. Its growing bike and pedestrian network is
136 incompatible with the high-speed highways. Due to bike lanes and pedestrian infrastructure
137 focus, the City is already mandating speed reduction in traffic calming techniques to prevent
138 crashes and reduce their seriousness. Mr. White said since Sweden adopted VZ in 1995, they
139 have doubled the cars in their network and cut their fatal collisions in half.

140
141 To become a VZ city, Salisbury must: pass an ordinance that defines a goal to set a timeline to
142 achieve zero fatalities/injuries by January 1, 2030; appoint a committee to oversee it; mandate
143 the formation of an action plan with yearly reports made to Council; mandate engineering design
144 changes; step up police enforcement in education and outreach; and reduce/better manage city-
145 wide speed. Mr. White discussed improved intersections already incorporated in the City and
146 removed free right turns, right-in right-outs, and narrowed lanes in order to greatly reduce speed.

147
148 Ms. Pollack said the legislation would be introduced at another Work Session. Council reached
149 unanimous consensus to advance the discussion to the next Work Session.

150
151 **Adjournment**

152
153 With no further business to discuss, the Work Session adjourned at at 5:37 p.m.

154
155 _____
156 City Clerk

157
158 _____
159 Council President

INTER

OFFICE

MEMO

Office of the Business Development

To: City Council
From: Laura Soper
Subject: Enterprise Zone Eligibility – APPI Energy
Date: April 4, 2019

Attached is a copy of the application requesting Enterprise Zone designation for APPI Energy that I received from Walt Moore. 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 APPI Energy located at 112 E Market 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

Laura Soper

From: Amanda Pollack
Sent: Thursday, March 07, 2019 1:28 PM
To: Laura Soper
Subject: RE: Enterprise Zone

Laura,
120 Market St has building, plumbing and electrical permits issued. Once completed, the business will meet current building codes. All other criteria evaluated by this department have been met.
Amanda

Amanda H. Pollack, P.E.
Director
Department of Infrastructure and Development
City of Salisbury
125 N. Division St., Room 202
Salisbury, MD 21801
410-548-3170



www.salisbury.md

From: Laura Soper
Sent: Friday, March 1, 2019 2:53 PM
To: Connie Klaverweiden; Amanda Pollack; Anne Roane
Subject: Enterprise Zone

I have received a request from 112 Market Street LLC located at 120 E Market 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 3/8/2019. Your assistance is appreciated. If you have any questions, please let me know.

Laura Soper

Director of Business Development

City of Salisbury

110 N Division Street

Salisbury, MD 21801

(O): 410-677-1916



www.salisbury.md

Laura Soper

From: Connie Klaverweiden
Sent: Friday, March 01, 2019 8:30 AM
To: Laura Soper
Cc: Olga Butar
Subject: FW: Enterprise Zone - APPI Energy
Attachments: Application.pdf

Laura,

112 Market Street LLC was just created 12/13/18. It is in good standing and does not owe the city any money. The real estate taxes are paid.

I cannot find APPI Energy registered as a business.

Connie Klaverweiden

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



From: Olga Butar
Sent: Wednesday, February 27, 2019 9:54 AM
To: Connie Klaverweiden <cklaverweiden@salisbury.md>
Cc: Laura Soper <lsoper@salisbury.md>
Subject: FW: Enterprise Zone - APPI Energy

Connie,

Could you please assist with the request 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: Laura Soper

Sent: Wednesday, February 27, 2019 9:49 AM

To: Amanda Pollack <APollack@salisbury.md>; Keith Cordrey <kcordrey@salisbury.md>

Cc: Olga Butar <obutar@salisbury.md>

Subject: Enterprise Zone - APPI Energy

I have received a request from APPI Energy located at 112 E Market 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 3/6/2019. Your assistance is appreciated. If you have any questions, please let me know.

Laura Soper

Director of Business Development

City of Salisbury

110 N Division Street

Salisbury, MD 21801

Laura Soper

From: Anne Roane
Sent: Wednesday, February 27, 2019 11:57 AM
To: Laura Soper
Subject: RE: Enterprise Zone - APPI Energy

Hi Laura,
My answers are in blue, below.
Let me know if you need anything else.
Anne

From: Laura Soper
Sent: Wednesday, February 27, 2019 10:07 AM
To: Anne Roane
Subject: FW: Enterprise Zone - APPI Energy

Forwarding this to you since Amanda is out of the office. Can you confirm the items below?

From: Laura Soper
Sent: Wednesday, February 27, 2019 9:49 AM
To: Amanda Pollack; Keith Cordrey
Cc: Olga Butar
Subject: Enterprise Zone - APPI Energy

I have received a request from APPI Energy located at 112 E Market 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? Yes.

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

Does this business meet the zoning code? Yes, the property is zoned Central Business District

Does this business comply with subdivision regulations? Yes.

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

Does this business meet all permit requirements? Yes.

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 3/6/2019. Your assistance is appreciated. If you have any questions, please let me know.

Laura Soper
Director of Business Development
City of Salisbury
110 N Division Street
Salisbury, MD 21801
(O): 410-677-1916



www.salisbury.md

**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	<input checked="" type="checkbox"/>
Real Property Tax Credit	<input checked="" type="checkbox"/>
Personal Property Tax Credit (Applies only to Focus Area Zones)	<input type="checkbox"/>

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:

APPI ENERGY

Name of Contact Person: Walter Moore

Title: President & CEO

Phone: 410-430-9520

Email: wmoore@appienergy.com

Mailing Address: 2013 Northwood Dr Salisbury MD 21801

Section B: Enterprise Zone Property Information

Enterprise Zone Property Address: 112 E. Market St. Salisbury MD 21801

Property Tax Account Number: 003636

Property Ownership: 112 Market Street, 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: 112 Market Street, LLC

Mailing address of property owner: 206 E Maine St Salisbury MD 21801

Phone: 410-430-9520

Email Address: wmoore@appienergy.com

Project Start Date: 2/1/19

Anticipated Project Completion Date: 4/1/19

Briefly describe capital improvements plans: Painting, new bathrooms, new lighting, landscaping, floor, tile, new kitchen, electrical, parking lot.

Type of Construction and Costs

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

New Construction: \$ _____

Rehabilitation: \$ 88,975.⁰⁰

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: Walter Moore Position/Title: President & CEO

Applicant Signature: [Signature] Date: 2/26/19

Name of Property Owner: [Signature] Position/Title: _____

Property Owner Signature: Walter Moore Date: 2/26/19

*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): 52-2270096

Unemployment Insurance #: 30WECEL4378 ^{00443 11950} NAICS Code (if available): 541990

Type of Business (i.e., restaurant, retail, financial services, etc.): Consulting

Is business located in the Enterprise Zone now? Yes No

If yes, since what year: 2019

Is the business relocation from another place? Yes No

If yes, where was the previous location?: 2013 Northwood Dr, STE 1, Salisbury, MD 21801

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

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: 50

If you are new to the Enterprise Zone, please provide the number of employees before relocating or locating in the Enterprise Zone: 50

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: N/A

Number of new full-time jobs to be created in the Enterprise Zone in the next 12 months: 5

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

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

Name of Applicant: Walter Moore Position/Title: President & CEO

Signature: Walter Moore Date: 2/26/19

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RESOLUTION NO. 2929

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND DECLARING THAT APPI ENERGY AND 112 MARKET STREET LLC ARE ELIGIBLE TO RECEIVE ENTERPRISE ZONE BENEFITS FOR PROPERTY LOCATED AT 112 E MARKET 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, APPI Energy meets the standards set forth in the State Code and in local regulations to be eligible to receive Enterprise Zone benefits; and

WHEREAS, 112 Market Street, LLC meets the standards set forth in the State Code and in local regulations to be eligible to receive Enterprise Zone benefits; and

WHEREAS, Walter Moore, representing APPI Energy, has requested that 112 Market Street, LLC be designated as eligible for Enterprise Zone benefits because of its investment of more than \$50,000 at the property located in the zone at 112 E Market Street and that APPI Energy be designated as eligible for Enterprise Zone benefits because of their hiring of two or more new full time employees in connection with their business at the same location.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Salisbury, Maryland that APPI Energy and 112 Market Street, 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 R. 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 – 112 Market Street LLC
Date: April 4, 2019

Attached is a copy of the application requesting Enterprise Zone designation for 112 Market Street LLC that I received from Chris Eccleston. 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 112 Market Street LLC located at 120 E Market 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

Laura Soper

From: Connie Klaverweiden
Sent: Friday, March 01, 2019 8:30 AM
To: Laura Soper
Cc: Olga Butar
Subject: FW: Enterprise Zone - APPI Energy
Attachments: Application.pdf

Laura,

112 Market Street LLC was just created 12/13/18. It is in good standing and does not owe the city any money. The real estate taxes are paid.

I cannot find APPI Energy registered as a business.

Connie Klaverweiden

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



From: Olga Butar
Sent: Wednesday, February 27, 2019 9:54 AM
To: Connie Klaverweiden <ccklaverweiden@salisbury.md>
Cc: Laura Soper <lsoper@salisbury.md>
Subject: FW: Enterprise Zone - APPI Energy

Connie,

Could you please assist with the request 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

Laura Soper

From: Amanda Pollack
Sent: Thursday, March 07, 2019 1:27 PM
To: Laura Soper
Subject: RE: Enterprise Zone - APPI Energy

Laura,
112 E Market St. has plumbing & electrical permits issued. Once completed, the business will be updated to meet building Codes. All other criteria evaluated by this Department have been met.
Amanda

Amanda H. Pollack, P.E.
Director
Department of Infrastructure and Development
City of Salisbury
125 N. Division St., Room 202
Salisbury, MD 21801
410-548-3170



www.salisbury.md

From: Laura Soper
Sent: Wednesday, February 27, 2019 9:49 AM
To: Amanda Pollack; Keith Cordrey
Cc: Olga Butar
Subject: Enterprise Zone - APPI Energy

I have received a request from APPI Energy located at 112 E Market 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?

Laura Soper

From: Laura Soper
Sent: Friday, March 01, 2019 2:53 PM
To: Connie Klaverweiden; Amanda Pollack; Anne Roane
Subject: Enterprise Zone

I have received a request from 112 Market Street LLC located at 120 E Market 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.

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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 3/8/2019. Your assistance is appreciated. If you have any questions, please let me know.

Laura Soper
Director of Business Development
City of Salisbury
110 N Division Street
Salisbury, MD 21801
(O): 410-677-1916

**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.

Section A: Applicant Information

Name of Business / Developer applying for Enterprise Zone credits:
112 Market Street, LLC

Name of Contact Person: Christopher Eccleston

Title: Owner & Tenant

Phone: 443-736-1584

Email: chris@delmarvaveteranbuilders.com

Mailing Address: P.O. Box 621, Salisbury MD 21803

Section B: Enterprise Zone Property Information

Enterprise Zone Property Address: 120 E. Market Street, Salisbury MD 21801

Property Tax Account Number: 05-017122

Property Ownership: _____

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: 112 Market Street, LLC

Mailing address of property owner: 206 E. Main St, Salisbury MD 21801

Phone: 443-736-1584

Email Address: chris@delmarvaveteranbuilders.com

Project Start Date: 02/25/2019

Anticipated Project Completion Date: 04/01/2019

Briefly describe capital improvements plans: Exterior & Interior Renovations

Type of Construction and Costs

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

New Construction: \$ _____

Rehabilitation: \$ 67,755

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: Christopher Eccleston Position/Title: President/Owner

Applicant Signature:  Date: 02/26/19

Name of Property Owner: 112 Market Street, LLC Position/Title: _____

Property Owner Signature: _____ Date: _____

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

RESOLUTION NO. 2930

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND DECLARING THAT 112 E MARKET STREET LLC IS ELIGIBLE TO RECEIVE ENTERPRISE ZONE BENEFITS FOR PROPERTY LOCATED AT 120 E MARKET 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, 112 Market Street, LLC meets the standards set forth in the State Code and in local regulations to be eligible to receive Enterprise Zone benefits; and

WHEREAS, Christopher Eccleston, representing 112 Market Street, 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 120 E Market Street.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Salisbury, Maryland that 112 Market Street, 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 R. Nichols
CITY CLERK

John R. Heath
PRESIDENT, City Council

APPROVED by me this
_____ day of _____ 2019.

Jacob R. Day
MAYOR, City of Salisbury



MEMORANDUM

To: Julia Glanz, City Administrator
From: Laura Baasland, Administrative Office Associate
Subject: Appointment to the Sustainability Advisory Committee
Date: April 4, 2019

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

<u>Name</u>	<u>Term Ending</u>
William Knopf	April 2022

Attached you will find information from William Knopf and the resolution necessary for his 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

William Knopf

813 Friar Tuck Lane

Salisbury, MD 21804

Mayor Day,

I would like to be considered for the Salisbury Sustainability Advisory Council. As a teacher of Environmental Science and soon to be graduate with my master's degree in Environmental Engineering Management and Planning, making the world sustainable is one of my passions. I teach in my classes the Law of Conservation, and now can practice what I teach. It would be a great privilege to serve on the committee and help make Salisbury a beacon of sustainable changes and growth. Thank you for the chance to serve the city that I have called home for almost 30 years!

William Knopf

William Knopf

Science and Technology Facilitator-Washington High School

Salisbury, MD 21804 wkkdogg73@gmail.com

443-880-681

Willing to relocate to: Salisbury, MD - Kent Island, MD - Annapolis, MD

Authorized to work in the US for any employer

Work Experience

Science and Technology Facilitator

Washington High School - Princess Anne, MD

August 2009 to Present

Science Instructor

Achievements:

- Science, Math and Technology Facilitator
- 1-to-1 Teacher
- ACSI Certification
- MSDE Certification
- Master's Plus 30 Certification
- UMBC Chemistry Instructor
- MSDE Master STEM Teacher
- MPT STEM Lesson Developer
- NOAA STEM Lesson Developer
- MD Business Roundtable STEM Lesson Developer
- Environmental Science Teacher for Wor-Wic Community College
- District 8 Golf Coordinator
- MPSSAA Golf Committee Member
- Athletic Director

Responsibilities:

- Chemistry
- Earth and Space Science
- Physics
- Biology
- Environmental Science
- Technology Coordinator (laptops & KUNO tablets)
- Athletic Concessions Manager

Science Instructor

Salisbury Christian School - Salisbury, MD

August 2006 to 2009

Achievements:

- ACSI Certification

- MSDE Certification
- Science Fair Coordinator
- Summer Camp Coordinator
- Dean of Students

Responsibilities:

- Life Science
- Earth and Space Science
- General Science
- Class advisor
- Athletic Coach

Science/Math Instructor

Epworth Christian School - Laurel, DE
August 2004 to July 2006

Achievements:

- ACSI Certification
- MSDE Certification
- Summer Camp Coordinator
- Aftercare Coordinator

Responsibilities:

- Life Science
- Physics
- Chemistry
- Earth and Space Science
- Athletic Coach

Athletic Coach School

Systems

Education

Master's in Environmental Management and Planning

John's Hopkins University - Baltimore, MD
May 2015 to May 2019

MS in Leadership

Walden University - Minnesota, MN, US
2012 to 2014

MS in Instructional Design & Technology

Walden University - Minnesota, MN, US 2009 to 2011

Salisbury University - Salisbury, MD
1991 to 1995

Skills

Technology Director (10+ years), STEM Teacher (10+ years), Master Teacher STEM for Maryland State Dept of Education (4 years)

Awards

Golf Coach of the Year

2012

Golf Coach of the Year-Co winner

2011

Certifications/Licenses

Secondary Biology Teacher

Grades 6-12

Secondary Chemistry Teacher

Grades 6-12

Special Education Certified Grades 6-12

Unify User Certification

Certified to train others to use LMS, CMS, and data management system through Performance Matters

Online Instructor Certified

Certified to teach online courses for MSDE when needed.

District 8 Golf Coordinator

November 2017 to Present

Environmental Science Teacher for Wor-Wic

September 2017 to Present

Additional Information

- Computer skills
- People skills
- Science Instructor

1 **RESOLUTION NO. 2931**

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

6
7

<u>Name</u>	<u>Term Ending</u>
William Knopf	April 2022

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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 April _____ 2019.

13
14 ATTEST:

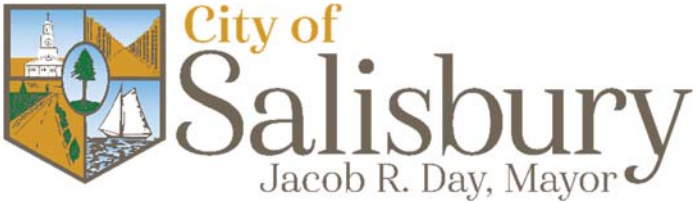
15
16
17 _____
18 Kimberly R. Nichols
19 CITY CLERK

John R. Heath
PRESIDENT, City Council

20
21
22 APPROVED BY ME THIS

23
24 _____ day of _____ 2019.

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



MEMORANDUM

To: Julia Glanz, City Administrator
From: Laura Baasland, Administrative Office Associate
Subject: Re-appointment to the Sustainability Advisory Committee
Date: April 4, 2019

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

<u>Name</u>	<u>Term Ending</u>
Charles Simms	April 2022

Attached you will find information from Charles Simms and the resolution necessary for his re-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

To Mayor Day,

My name is Charles Simms and I am writing you to let you know that I am interested in being on the Sustainability Committee (Green Team). I have served on the committee for 3 years and would like to continue serving. A little about my background, I have a degree in Environmental Studies from Salisbury University and I work for Wicomico County Department of Public Works Solid Waste Division as the Landfill and Storm Water Inspector. Since serving on this committee I have learned so many new things concerning sustainability of a municipality and I have contributed as well. During my 3 years we have reached the goals that we set and if allowed to continue with the committee I feel we will complete the next list of goals we set for the city and it's citizen's.

Charles Simms

32066 Old Ocean City Rd
Parsonsburg, MD 21849
410-430-7702
Csimms1968@yahoo.com

CHARLES SIMMS

SKILLS & ABILITIES Certified and able to operate all heavy equipment including forklifts, moffets, front end loaders, Skid steer, scissor lift, Cherry picker, shooting boom forklift, and Bobcats

Able to operate all lawn care equipment including Weed Eaters, Front-end mowers, Gang mowers, and chainsaws.

Able to operate all hand tools and power equipment

Able to use Word, Power Point, Adobe, and Excel

Have held a class A CDL since 2006

Can operate Tractor Trailer's Box, Flatbed, Tanker, Refrigerated, Step deck

Can also operate Class B dump trucks, Flatbeds, Tanker, concrete mixer

Have been certified to work in confined spaces and use half and full Sundstrom respirators

EXPERIENCE

WICOMICO COUNTY DEPARTMENT OF PUBLIC WORKS SOLID WASTE DIVISION

05/2017 TO PRESENT

I inspect the landfill and bodies of water affiliated with the landfill daily. I interact with the state inspectors to make sure we are compliant with our permits

I write up our permits and keep all of our paperwork associated with compliance up to date.

I supervise up to six inmates to complete projects as needed.

I keep records/logs of all pertinent environmental issues that affect the landfill/

Storm water and those that are listed on our permits.

David candy superintendent – 410)548-4935

Clark's Environmental Services, Driver

12/2015 to 6/2016

I worked with various wastewater treatment plants, Chicken processing plants, dog food plants using vac trucks to clean up problems.

Human Resources- 410)742-2718

Lowes, Delivery Services

10/2013 to 08/2015

Driving and delivering product to customers' homes also pulling products using forklifts, pallet jacks and hand cart.

Human Resources- 410)546-6300

EDUCATION **SALISBURY UNIVERSITY**

01/2013 – 12/2016

Current Major: Environmental Studies

Current Minor: History

Created Workshop with other students to build native bee boxes, bat boxes, barred owl boxes, blue bird houses and rain barrels.

I am on the City of Salisbury's Sustainability Advisory Committee Green Team

I did an internship with Wicomico county public works and landfill and I worked with them to modify a MDE permit and I worked with them to create a list of other permits being used by them. Land, Air, Storm water, Sludge

REFERENCES

LEONARD WARD

Assistance Text Book Manager, Salisbury University

443-614-0108

JOSH THOMPSON

Supervisor at Ocean Petroleum/ Driver at Cato Gas and Oil

443-614-5981

MARK WHITELOCK

Superintendent of Wicomico County Landfill

443-523-9461

1 **RESOLUTION NO. 2932**

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

6
7

<u>Name</u>	<u>Term Ending</u>
Charles Simms	April 2022

8
9
10
11 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
12 Council of the City of Salisbury, Maryland held on April _____ 2019.

13
14 ATTEST:

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

John R. Heath
PRESIDENT, City Council

20
21
22 APPROVED BY ME THIS

23
24 _____ day of _____, 2019.

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



COUNCIL AGENDA – Award of Bids

April 8, 2019

- | | |
|--|----------------|
| 1. RFP 19-110
Main Street Master Plan Phases I & III Construction | \$5,100,000.00 |
| 2. ITB 125-19, Change Order #1
Main Street Block 3 and Riverwalk Landscape Architecture | \$ 846,303.52 |
| 3. RFP 19-113
CA & Inspection Services for Main Street Master Plan Phases I & III | \$ 326,589.00 |
| 4. Declaration of Surplus
2003 Ford Focus (Field Operations – Parking Division) | \$ 0.00 |



City of
Salisbury
Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: April 8, 2018
Subject: Award of Bid
RFP 19-110 Main Street Master Plan Phases I & III Construction

The Department of Procurement received a request from the Department of Infrastructure and Development to solicit proposals for RFP 19-110 Main Street Master Plan Phases I & III Construction. The scope of work for this solicitation called for a qualified contractor who will furnish all labor, materials and equipment necessary for the remaining revitalization of Main Street (the Plaza) and a portion of North Division Street.

The Department of Procurement followed standard competitive bidding practices by advertising in the Daily Times and on the City of Salisbury's procurement portal, utilizing the City's vendor list, and posting on the State of Maryland's procurement website, eMaryland Marketplace. One (1) vendor submitted a bid by the due date and time of March 21, 2019 at 2:30 p.m.:

Vendor	Total Bid
George & Lynch, Inc.	\$4,613,860

George & Lynch, Inc. was deemed qualified and responsible according to the technical evaluation criteria specified in the solicitation document, which prompted the opening of the cost proposal. Section 2.32.050.C.1.d "Procedure for Competitive Bidding" of the Salisbury Code of Ordinances states that in the event only one responsible bidder has submitted a responsive bid, the procurement may be negotiated with the sole bidder. The Department of Infrastructure and Development worked with the contractor to resolve proposed costs and refine specification assumptions, resulting in a negotiated initial contract value of \$5,100,000. Funds are available in the following accounts:

10500-513026-48022 Main Street Master Plan Grant Funds
98119-513026-48022 Main Street Master Plan FY19 General Capital Projects

The Department of Procurement concurs with the recommendation submitted by the Department of Infrastructure and Development, and thereby requests Council's approval to award Contract RFP 19-110 Main Street Master Plan Phases I & III to George & Lynch, Inc. in the amount of \$5,100,000.

Department of Procurement
125 N Division St., #104 Salisbury, MD 21801
410-548-3190 (fax) 410-548-3192
www.salisbury.md



City of
Salisbury
Jacob R. Day, Mayor

To: Jennifer Miller, Director of Procurement
From: Amanda H. Pollack, Director Infrastructure & Development *AP*
Date: March 27, 2019
Re: RFP 19-110 Mainstreet Master Plan Phases I & III Construction

Salisbury Department of Infrastructure and Development recently advertised a request for proposals for Mainstreet Master Plan Phases I & III Construction. The scope of this project includes construction of improvements to West Main Street from just east of N. Division Street to Mill Street and from Business Route 50 to W. Main Street. The work includes removal of existing curb and gutter, roadway, sidewalk, street trees, fountains, planter, and light poles along with abandonment and selected removal of water and sewer lines. New construction includes parallel water and sewer systems and the construction of the storm drain system; stormwater management features, signing and striping, streetscape improvements, sidewalk construction, porous pavement landscaping and streetscape amenities. It also includes full depth pavement reconstruction on Main Street and overlay of existing pavement on N. Division. Notice to Proceed with construction is likely to be issued in May 2019.

One firm submitted a proposal for the construction services. Proposals were opened on Wednesday March 21, 2019 at 2:30 pm. The one firm that submitted a proposal, George & Lynch, was ranked as qualified by the Infrastructure and Development Department selection committee. Following the technical review, the cost proposal was opened and included a proposed contract value of \$4,613,860.00. Under the terms of the RFP, because this is a time and material contract, a Contract Value would be negotiated with the Successful Vendor enabling an opportunity to clarify intent and scope. Negotiation with George & Lynch resulted in a Contract Value of \$5,100,000.00.

Please issue a Purchase Order to George & Lynch in the amount of \$5,100,000.00 for the work specified in the Request for Proposal 19-113 Scope of Work. Funds are available in the accounts 10500-513026-48022 and 98119-513026-48022, and shall be allocated as follows:

10500-513026-48022	\$1,000,000.00
98119-513026-48022	\$4,100,000.00



City of
Salisbury
Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: April 8, 2019
Subject: Change Order #1 to ITB 125-18
Main Street Block 3 and Riverwalk Landscape Architecture

The Department of Procurement received a request from the Department of Infrastructure & Development to process Change Order #1 in the amount of \$846,303.52 for Invitation to Bid (ITB) 125-18 Main Street Block 3 and Riverwalk Landscape Architecture. As stated in the Award of Bid memo to Council on June 4, 2018 (a copy of which is attached), additional work based on the original scope desired would be awarded via change order as funding become available in FY19. This Change Order would provide for deferred items such as paver crosswalks, curb/gutter/sidewalk, landscaping, roadway signs, pavement striping, uplighting, site furnishing and a water main realignment. Funds are available in the following accounts:

98118-513026-48049 Urban Greenway Phase I
97010-513026-48022 Main Street Masterplan
98119-513026-48022 Main Street Masterplan FY19 GCP

The Department of Procurement requests Council's approval to process Change Order #1 to George & Lynch, Inc., in the amount noted above.



City of
Salisbury
 Jacob R. Day, Mayor

To: Jennifer L. Miller, Director – Procurement
 From: Amanda H. Pollack, P.E., Director of Infrastructure & Development *AP*
 Richard D. Baldwin, Project Engineer
 Date: March 26, 2019
 Re: ITB 125-18 Main Street Block 3 and Riverwalk Landscape Architecture Order No. 1

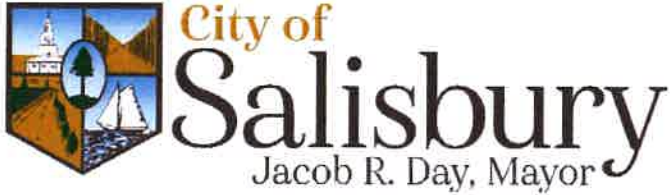
Change Order #1 for Contract ITB 125-18 Main Street Block 3 and Riverwalk Landscape Architecture is enclosed for review. This change order awards funding for bid items deferred in the initial contract award pending availability of Fiscal Year 19 funds, reduces the number of decorative street lights by eliminating replacement of existing street lights along W. Carroll Street, removes Riverwalk Delmarva Power 200 Amp Service connection which will be completed by Delmarva Power and the City, adds a unit price for select fill (borrow), adds funds for standard pre-cast items not included in stored materials from Corrado Construction, and adds unit prices and quantities to re-align a water main to avoid a conflict and provide wet taps for Fire Services not shown on drawings. Change order No. 1 includes a no cost contract extension of 116 days. This increase reflects commitment to complete Blocks 1 & 2 and Riverwalk improvements before the 2018 National Folk Festival, obligation of Utility Crew to the City's Hampshire Road Pump Station, coordinating demolition of Block 3 with the rolling utility approach which has been successfully utilized to minimize impact to residents and businesses, weather delays, accommodation of utility shut downs, contract drawing omissions, and resolution of a gas main conflict.

Please process Change Order No.1 for the net sum of \$846,303.52 in accordance with the following summary:

Original Contract Award	\$1,950,455.99
Change Order #1	<u>\$ 846,303.52</u>
New Contract Sum	\$2,796,759.51

Account Changes:

98118-513026-48049	\$ 22,960.00
97010-513026-48022	\$ 438,580.88
98119-513026-48022	\$ 454,203.24
98114-513026-48015	<u>(\$ 69,440.60) credit</u>
	\$ 846,303.52



To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: June 4, 2018
Subject: Award of Bid
125-18 Main Street Block 3 and Riverwalk Landscape Architecture

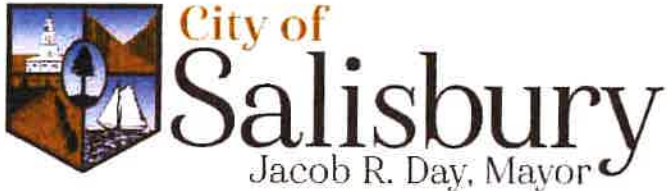
The Department of Procurement received a request from the Department of Infrastructure and Development to solicit bids for Contract 125-18 Main Street Block 3 and Riverwalk Landscape Architecture. The scope of work for this bid solicitation will furnish all labor, materials and equipment necessary for the construction of block 3 of Main Street Master Plan, all non-emergency work in blocks 1 & 2, and the landscaping of the Riverwalk.

The Department of Procurement followed standard competitive bidding practices by advertising in the Daily Times and on the City of Salisbury's procurement portal, utilizing the City's vendor list, and posting on the State of Maryland's procurement website, eMaryland Marketplace. One (1) vendor submitted a bid by the due date and time of April 20, 2018 at 2:30 p.m.:

Vendor	Total Bid
George & Lynch, Inc.	\$3,197,879.26

George & Lynch, Inc. was deemed to be a responsible bidder, and their bid proposal was determined to be responsive. However, the bid amount surpassed the project's available budget. Section 2.32.050.C.1.d "Procedure for Competitive Bidding" of the Salisbury Code of Ordinances states that in the event only one responsible bidder has submitted a responsive bid, the procurement may be negotiated with the sole bidder. The Department of Infrastructure and Development coordinated a scope modification (details are in the attached department memo) to reduce the cost of the work to \$1,950,455.99. As additional funds become available in FY19, remaining work may be awarded via change order to George and Lynch, Inc., based on the original scope desired.

The Department of Procurement concurs with the recommendation submitted by the Department of Infrastructure and Development, and thereby requests Council's approval to award Contract 125-18 Main Street Block 3 and Riverwalk Landscape Architecture to George & Lynch, Inc. in the amount of \$1,950,455.99.



To: Jennifer L. Miller, Director of Procurement
From: Amanda H. Pollack, P.E., Director of Infrastructure and Development *AP*
Date: May 25, 2018
Re: 125-18 Main Street Block 3 and Riverwalk Landscape Architecture Construction Award of Bids

The Department of Infrastructure and Development advertised the construction contract for the Construction of the Main Street Block 3, Landscaping and Site Furnishings for Main Street Blocks 1 and 2, and Riverwalk Landscape Architecture. The construction limits are on East Main Street from Route 13 to Division Street and along the North Side and South side of the East Branch of the Wicomico River from just east of Mill Street to Route 13. The Main Street the work in Block 3 includes replacement of existing water mains, sewer mains, and storm drains, full depth pavement replacement (curb to curb), installation of conduit for broadband, implementation of Best Management Practices for stormwater, and streetscape improvements including sidewalks, landscaping, street lights and streetscape amenities. The Riverwalk Landscape portion of the bid includes installation of new lighting, furnishings and landscaping.

Bids were opened on Friday, April 20, 2018 at 2:30 p.m. and are valid for 120 days. One bid was received. George & Lynch was the lowest, responsive, responsible bidder with a total base bid of \$3,197,879.26. Since the bid was higher than the available budget, the scope has been negotiated. Scope modifications include eliminating the purchase and installation of site furnishings along the Riverwalk and eliminating the installation of site furnishing along Main Street. Both of these items will be completed by the Field Operations Department at a significant cost savings. Additional Value Engineering is still underway and will be considered in future change orders.

At this time, the Department of Infrastructure and Development recommends aware of this contract within the available funding limit. We recommend awarding the remaining work as funds become available in Fiscal Year 19. We recommend award to George & Lynch in the amount of \$1,950,455.99, per the attached breakdown of items. Funds are available in the following accounts:

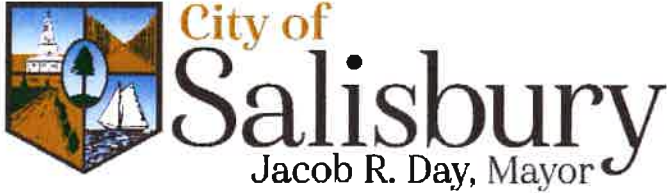
<u>Project</u>	<u>Account</u>	<u>Amount</u>
Main Street	10500-513026-33098	\$75,000.00
	96216-513026-50020	\$772,500.00
	96316-513026-55017	\$592,766.39
	97010-513026-48022	\$61,491.12
	98116-513026-48022	\$55,000.00
Riverwalk	98116-513026-48023	\$51,495.12
	98114-513026-48015	\$121,774.43
	98118-513026-48049	\$220,500.93
Total		\$1,950,455.99

Additionally, we recommend establishing a Substantial Completion date for the Block 1, Block 2 and Riverwalk items of August 31, 2018. We recommend extending the Notice to Proceed for Block 3 until September 17, 2018 with a contract duration for that work of 150 days. This timing is predicated on a change order for the remaining Block 3 work being executed prior to the Notice to Proceed.

Amanda H. Pollack

Amanda H. Pollack, P.E.
Director of Infrastructure and Development

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21801
410-548-3170 (fax) 410-548-3107
www.salisbury.md



To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: April 8, 2019
Subject: Award of Bid
RFP 19-113 Construction Administration and Inspection Services for
Main Street Master Plan Phases I & III

The Department of Procurement received a request from the Department of Infrastructure and Development to solicit proposals for RFP 19-113 Construction Administration and Inspection Services for Main Street Master Plan Phases I & III.

The Department of Procurement followed standard solicitation practices by advertising in the Daily Times, posting on the City of Salisbury's procurement portal, utilizing the City's vendor list, and advertising on the State of Maryland's website, eMaryland Marketplace. Three (3) vendors submitted a proposal by the due date and time of March 21, 2019, at 2:30 p.m. All vendors were determined to be responsive and responsible, and the technical proposals were evaluated according to the criteria established in the solicitation document (which is noted in the departmental memo, attached). All vendors were deemed qualified (achieving 75% of maximum technical points), and the Department of Procurement proceeded in opening the price proposals from vendors. Below are the composite scores and total proposed prices for each vendor:


Vendor	Evaluation Score (total max. pts = 100) Technical & Price Proposal	Total Proposal Price
GHD, Inc.	92.33	\$326,589.00
Whitman, Requardt & Assoc., LLP	81.33	\$284,120.00
EA Engineering, Science & Technology, Inc.	78.33	\$334,057.00

The Department of Procurement concurs with the award recommendation submitted by the Department of Infrastructure and Development, and thereby requests Council's approval to award a contract to GHD, in the amount of \$326,589.00. Funds are confirmed as available in the Main Street Master Plan engineering/architectural project account 98119-513026-48022.

Department of Procurement
125 N Division St., #104 Salisbury, MD 21801
410-548-3190 (fax) 410-548-3192
www.salisbury.md



City of
Salisbury
Jacob R. Day, Mayor

To: Jennifer Miller, Director of Procurement
From: Amanda H. Pollack, Director Infrastructure & Development 
Date: March 26, 2019
Re: RFP 19-113 Engineering Construction Services for Mainstreet Master Plan Phases I & III

Salisbury Department of Infrastructure and Development recently advertised a request for proposals for Engineering Construction Services for Mainstreet Master Plan Phases I & III. The engineering construction services include construction administration services, full time inspection services, and close-out services. These services are requested in response to the upcoming implementation of a streetscape program along West Main Street from just east of the North Division Street intersection to Mill Street, and along North Division Street from Church Street to Main Street. This project includes replacement of existing water mains, sewer mains, storm drains, implementation of Best Management Practices for storm water, and streetscape improvements including sidewalks, landscaping, street lights and streetscape amenities. This project also includes the full depth replacement of Main Street and the installation of conduit for Broad Band. A written Notice to Proceed with construction is likely to be issued in May 2019.

Three firms submitted bids for the engineering construction services, Proposal were opened on Wednesday March 13, 2019 at 2:30 pm. All three firms ranked as qualified under the technical proposal evaluation conducted by the Infrastructure and Development selection committee. Following completion of the technical review the cost proposal of each qualified firm was opened and evaluated by Procurement. The results of the technical and cost proposal evaluations are summarized below:

Company	Total Combined Score	Total Price
GHD	92.33	\$326,589.00
Whitman Requardt & Assoc.	81.33	\$284,120.00
EA Engineering	78.33	\$334,057.00

The Evaluation Criteria and total points for both technical and cost proposal evaluation are summarized below:

- 35 Pts. Expertise, qualifications, of the Vendor, its personnel and proposed subcontractors as related to the Scope of Services, and understanding of the Scope of Services.
- 25 Pts. Price and billable rates
- 20 Pts. Performance on all projects within the last five years including but not limited to: project success, relevance of projects to Scope of Work contained in the proposal



City of
Salisbury
Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: April 8, 2019
Subject: Declaration of Surplus

The Department of Procurement received a request from the Parking Division of Field Operations to declare a 2003 Ford Focus as surplus. This vehicle is over 15 years old, and while it has low mileage, the vehicle is in poor condition and is in need of frequent repairs. Vehicle identification information is on the attached departmental memo.

Upon declaration of surplus, as approved by Council, the Department of Procurement will attempt to sell the vehicles via an auction sale. If unsellable through an auction service, it will be sold locally as salvage.



City of
Salisbury
Jacob R. Day, Mayor

To: Jennifer Miller, Director of Procurement
From: Ben Baker, Operation and Maintenance Superintendent *BJB*
Subject: Surplus Vehicle
Date: March 27, 2019

The Department of Field Operations respectfully requests that the City declare the following vehicle as surplus. As required, Fleet Management performed a vehicle inspection and determined the car is in poor condition and recommended replacement.

The car listed below has served its useful life expectancy. The vehicle was replaced in the FY19 budget.

ID No.	Description	Year	Make	Model	VIN No.	Miles/Hrs.
PKG-2	Car	2003	Ford	Focus ZX-5	3FAFP37333R123051	44,302 Miles



Memorandum

To: Amanda Pollack, Director Infrastructure & Development
From: William T. Holland
Date: 4/4/2019
Re: City Boundary Correction of 1410 West Road

Attached is a Petition signed by Kevin L. Smith requesting that his property, which was inadvertently contained in a prior annexation description be removed from that description. The area of land affected is approximately 0.77 acres.

On October 9, 2006, the City Council introduced Resolution 1447, which involved the annexation titled "West Road – Westwood and Sassafras Annexation." On December 11, 2006, a public hearing was held for the "West Road – Westwood and Sassafras Annexation" and the City Council thereafter passed Resolution No. 1147, which contained a metes and bounds description, which inadvertently included the property now owned by Mr. Smith.

The property now owned by Mr. Smith, was at the time of the annexation owned by Daniel W. Corbin. The inadvertent error in the description was recently discovered when the property was sold to Kevin L. Smith, Jr., on March 20, 2018, by Blamar Properties, LLC and the current property owner desires the error to be corrected, which requires that the City boundaries to be adjusted accordingly.

With this in mind, please move this forward to a City Council work session.

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RESOLUTION NO. 2914

A RESOLUTION of the City of Salisbury pursuant to the authority of Article XI-E., Constitution of the State of Maryland, and Section 4-301, et seq., Subtitle 3, Title 4, Division II and Section 4-401, et seq., Subtitle 4, Title 4, Division II, Local Government Article, Annotated Code of Maryland, for the purpose of amending its corporate limits as required in its Charter (SC1-2), which covers the descriptions of the lands that make up the City, to correct an inadvertent property description involving a parcel of land owned by Kevin Leonard Smith, Jr., which was included in a prior annexation near Queen Avenue and West Road.

15 WHEREAS the City of Salisbury expanded its corporate limits in accordance with the State
16 of Maryland required annexation procedures when it passed and approved Resolution No. 1447,
17 which was subsequently filed with the State of Maryland, and which annexed real property located
18 on the Northerly side of Queen Avenue and Westerly side of West Road, including a portion of West
19 Road and Queen Avenue, said parcel having been contiguous to and binding upon the Westerly
20 corporate limit of the City of Salisbury; and

21 WHEREAS, in accordance with Section 4-301, et seq. of the Local Government Article,
22 Annotated Code of Maryland, the City of Salisbury is required pursuant to its Charter (SC1-2) to
23 include a description of its annexed land completed in accordance with Section 4-401, et seq. of the
24 Local Government Article, Annotated Code of Maryland; and

25 WHEREAS, the City's past adoption of Resolution No. 1447 and the subsequent annexed
26 lands became effective on or about January 25, 2007; and

27 WHEREAS, Resolution No. 1447 contained a property description that inadvertently
28 included a property which was then owned by Daniel W. Corbin Blamar Properties, LLC, which was
29 not to have been included in the annexation property description; and

30 WHEREAS, the affected parcel of property was subsequently acquired by Kevin Leonard
31 Smith, Jr. from Blamar Properties, LLC by deed dated March 20, 2018 and subsequently recorded in
32 the Land Records for Wicomico County, Maryland in Liber MSB No. 4302, Folio 282 having a
property address of 1410 West Road, Salisbury, Maryland 21801; and

33 WHEREAS, the incorrect metes and bounds description, which included that property was
34 recently discovered and there have been no municipal services provided to that property after the
35 adoption of Resolution No. 1447 and the property owner desires the inadvertent error to be
36 corrected, which requires a revised City boundary description; and

37 WHEREAS, the property inadvertently included in the prior annexation property
38 description was at the time of the annexation owned by Daniel W. Corbin Blamar Properties, LLC,
39 District 09, Property Tax ID No. 036423, Map 29, Parcel ~~224~~ 334, Deed Reference Liber ~~2950~~ 2972,
40 Folio ~~0084~~ 0389, being LOT NO. 1, BLOCK "Q" AND A PARCEL OF LAND 145 FEET IN WIDTH AND
41 EXTENDING BACK FROM SAID LOT NO. 1, BLOCK "Q" FOR A DISTANCE OF 230 FEET as shown and
42 designated on a Plat of West Side Manor-Section No. 1, made for Chandler and Carey by G.F. Schafer,
43 R.S., dated June, 1960 and recorded among the Land Records of Wicomico County, Maryland in
44 Liber J.W.T.S. No. 486, Folio 11 SUBJECT to and together with two certain 10 foot easements
45 described in a Deed from Chandler & Carey, Inc., et al, to Lola M. White, et al, dated August 15, 1962,
46 and recorded among the Land Records for Wicomico County, Maryland in Liber J.W.T.S. No. 551,
47 Folio 308; the improvements thereon being known as 1410 West Road, Salisbury, MD 21801; and

48 WHEREAS, the City of Salisbury received a Petition from Kevin Leonard Smith, Jr., on
49 December 28, 2018 (**Exhibit 1**) and an Amended Petition signed by him on April 4, 2019 to
50 correctly identify the parcel number as 334 (Exhibit 1 Amended Petition), requesting the
51 correction to be made pertaining to the hereinafter described parcel of land that was previously
52 included in the annexation property described in Resolution No. 1447, since it was not to have been
53 included in the annexation; and

54 WHEREAS, Leslie C. Sherrill, Surveyor, of the City of Salisbury prepared and reviewed the
55 corrected metes and bounds description; and

56 WHEREAS, it appears that all of the requirements of applicable law have been met; and

57 WHEREAS, the City of Salisbury consents to the correction and has confirmed that the

58 current petitioner is the valid owner of the affected property.

59 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT
60 the charter description pertaining to the City's property boundaries, shall be amended to correct
61 the prior metes and bounds description contained in Resolution No. 1447, which shall be replaced
62 with the corrected metes and bounds description contained in **(Exhibit A)**; and

63 BE IT FURTHER RESOLVED, that the affected property is described as follows: ALL that lot
64 or parcel of land situate, lying and being in Salisbury Election District, Wicomico County, State of
65 Maryland, located on the Westerly side of and binding upon West Road and more particularly
66 described as follows: BEGINNING for the same at a point at the southwesterly corner of Lot 3, Block
67 'Q', of "Westside Manor" X 1,197,704.86 Y 206,366.83. Thence by and with original westerly line of
68 Lot 1, Block 'Q' of "Westside Manor Subdivision" South three degrees ten minutes fifty-nine seconds
69 East (S 03° 10' 59" E) one hundred forty-five decimal zero, zero (145.00) feet to a point at the
70 original southwesterly corner of the said Lot 1, Block 'Q' X 1,197,712.91 Y 206,222.05; thence with
71 the boundary line of Lot 1A, Block 'Q', of "Westside Manor" Corrected Subdivision" the following
72 three courses: (1) South eighty-six degrees forty-nine minutes one second West (S 86° 49' 01" W)
73 two hundred thirty decimal zero, zero (230.00) feet to a point X 1,197,483.27 Y 206,209.28; (2)
74 North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) one hundred forty-five
75 decimal zero, zero (145.00) feet to a point X 1,197,475.22 Y 206,354.06; (3) North eighty-six
76 degrees forty-nine minutes one second East (N 86° 49' 01" E) two hundred thirty decimal zero, zero
77 (230.00) feet to the point of beginning. The herein described land containing 33,541.20 square feet
78 (0.77 acres), more or less the intersection of the Westerly line of West Road with the Northerly line
79 of a future 50-foot street as shown on a plat of West Side Manor Section No. 1 hereinafter referred
80 to, thence (1) running North 05 degrees 40 minutes East by and with the Westerly line of said West
81 Road, a distance of 145 feet to the Southerly line of Lot No. 3, Block "Q" as shown on said Plat;
82 thence (2) running North 84 degrees 20 minutes West by and with the Southerly line of Lot No. 3,

83 No. 3, Block "Q" as shown as said Plat and through other land now or formerly of Chandler & Carey,
84 Inc., a distance of 400 feet; thence (3) running South 05 degrees 40 minutes West a distance of 145
85 feet to the Northerly line of the aforementioned future 50 foot street; thence (4) running by and
86 with the Northerly line of said future 50 foot street South 84 degrees 20 minutes East, a distance of
87 400 feet to the place of beginning; being a part of LOT NO. 1A LOT NO. 1, BLOCK "Q" AND A PARCEL
88 OF LAND 145 FEET IN WIDTH AND EXTENDING BACK FROM SAID LOT NO. 1, BLOCK "Q" FOR A
89 DISTANCE OF 230 FEET as shown and designated on a Plat titled THE CORRECTED PLAT OF THE
90 RESUBDIVISION PLAT OF PARCEL A THE LANDS OF LAND HOLDING, LLC & LOT 1, BLOCK "Q",
91 "WESTSIDE MANOR" SUBDIVISION THE LAND OF BLAMAR PROPERTIES, LLC of West Side Manor-
92 Section No. 1, made for Chandler and Carey by G.F. Schafer, R.S., dated October 11, 2017 June, 1960
93 and recorded among the Land Records of Wicomico County, Maryland in Liber 0017, Folio 0047
94 Liber J.W.T.S. No. 486, Folio 11 SUBJECT to and together with two certain 10 foot easements
95 described in a Deed from Chandler & Carey, Inc., et al, to Lola M. White, et al, dated August 15, 1962,
96 and recorded among the Land Records for Wicomico County, Maryland in Liber J.W.T.S. No. 551,
97 Folio 308; the improvements thereon being known as 1410 West Road, Salisbury, MD 21801.

98 BE IT FURTHER RESOLVED, that a public hearing is scheduled for April 8, 2019 at 6:00 p.m.;

99 and

100 BE IT FURTHER RESOLVED, that the Zoning Map of the City of Salisbury shall be amended

101 to address the correction tied to the aforementioned parcel of property, which will revise the City's

102 municipal boundaries; and

103 BE IT FURTHER RESOLVED, that the Council hold a public hearing on the correction of the

104 prior annexation property description hereby proposed on April 8, 2019 at 6:00 p.m. in the Council

105 Chambers at the City-County Office Building and the City Administrator shall cause a public notice

106 of time and place of said hearing to be published not fewer than two (2) times at not less than

107 weekly intervals, in a newspaper of general circulation in the City of Salisbury, which said notice

108 shall specify a time and place at which the Council of the City of Salisbury will hold a public hearing
109 on the Resolution, which date shall be no sooner than 15 days after the final required date of
110 publication specified above; and

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

115 The above Resolution was introduced, read and passed at the regular meeting of the Council
116 of the City of Salisbury held on the ___ day of _____, 2019, having been duly published as
117 required by law in the meantime a public hearing was held on the ___ day of _____, 2019,
118 and was finally passed by the Council at its regular meeting held on the ___ day of _____, 2019.

119 _____
120 Kimberly R. Nichols, John R. Heath,
121 City Clerk Council President

122
123 APPROVED BY ME this ___ day of _____, 2019.

124
125 _____
126 Jacob R. Day,
127 Mayor

128
129 *Additions shown as underlined _____
130 *Deletions shows as strikethrough ~~xxxxxxx~~

Exhibit 1

CITY OF SALISBURY

PETITION FOR DE-ANNEXATION

To the Mayor and Council of the City of Salisbury,

I/We request de-annexation of my/our land from the City of Salisbury.

Parcel(s) # 224 - 1410 WEST ROAD

Map # 29 - AERD 19

SIGNATURE (S)

Steve L. Smith

12/28/18
Date

Date

Date

Date

Exhibit 1 Amended Petition

CITY OF SALISBURY

PETITION FOR ANNEXATION

To the Mayor and Council of the City of Salisbury:

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

Parcel(s) # 334

Map # 29- Grid 19

SIGNATURE (S)

Flora L. Jones

4/4/19
Date

Date

Date

Date

WEST ROAD – WESTWOOD AND SASSAFRAS ANNEXATION

A CERTAIN AREA OF LAND contiguous to and binding upon the westerly Corporate Limit of the City of Salisbury to be known as "West Road – Westwood and Sassafras Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the easterly right-of-way line of West Road at the northwest corner of the lands of Fermin C. and Martha M. Cobian X 1,198,820.80 Y 200,066.86; thence running with the easterly right-of-way line of said road the following nine courses: (1) South eighty-eight degrees eleven minutes thirty-eight seconds West (S 88° 11' 38" W) eleven decimal six, seven (11.67) feet to a point X 1,198,809.14 Y 200,066.50; (2) North twenty-two degrees forty minutes twenty-nine seconds West (N 22° 40' 29" W) one thousand five hundred and seventy-three decimal six, zero (1,573.60) feet to a point X 1,198,202.52 Y 201,518.47; (3) North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) three hundred and thirty-eight decimal two, eight (338.28) feet to a point X 1,198,183.74 Y 201,856.23; (4) South eighty-six degrees forty-nine minutes one second West (S 86° 49' 01" W) four decimal one, nine (4.19) feet to a point X 1,198,179.55 Y 201,856.00; (5) North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) five hundred and thirty-one decimal two, one (531.21) feet to a point X 1,198,150.06 Y 202,386.38; (6) North eighty-six degrees forty-nine minutes one second East (N 86° 49' 01" E) one decimal five, zero (1.50) feet to a point X 1,198,151.55 Y 202,386.47; (7) North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) one thousand six hundred and thirty-four decimal two, one (1,634.21) feet to a point X 1,198,060.81 Y 204,018.15; (8) North eighty-six degrees forty-nine minutes one second East (N 86° 49' 01" E) five decimal zero, zero (5.00) feet to a point X 1,198,065.81 Y 204,018.43; (9) North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) one thousand five hundred and forty decimal zero, zero (1,540.00) feet to a cement post on the easterly right-of-way line of West Road X 1,197,980.30 Y 205,556.06; thence crossing said road and running by and with the northerly right-of-way line of Queen Avenue the following four courses: (1) South eighty-six degrees forty-nine minutes one second West (S 86° 49' 01" W) two hundred and twenty-nine decimal nine, three (229.93) feet to a point X 1,197,750.72 Y 205,543.29; (2) South eighty-six degrees forty-eight minutes nine seconds West (S 86° 48' 09" W) four hundred and seventy-nine decimal nine, zero (479.90) feet to a point X 1,197,271.57 Y 205,516.52; (3) a simple curve to the left radius six hundred and fifty-three decimal seven, one (R = 653.71) feet one hundred and twenty-six decimal one, one (126.11) feet to a point X 1,197,147.12 Y 205,497.42; (4) South seventy-five degrees forty-four minutes fifty-nine seconds West (S 75° 44' 59" W) five hundred and seventy-four decimal zero, zero (574.00) feet to a point on the easterly right-of-way line of Sassafras Drive X 1,196,590.78 Y 205,356.13; thence by and with the easterly right-of-way line of said road the following three courses: (1) a simple curve to the right radius twenty decimal zero, zero (R = 20.00) feet thirty-one decimal four, two (31.42) feet to a point X 1,196,566.47 Y 205,370.59; (2) North fourteen degrees fifteen minutes one second West (N 14° 15' 01" W) two hundred and twenty-four decimal three, zero (224.30) feet to a point X 1,196,511.26 Y 205,587.99; (3) a simple curve to the left radius three hundred and forty decimal zero, zero (R = 340.00) feet fifty-five decimal nine, five (55.95) feet to a point on the northerly boundary line of "Royal Woodlands Subdivision, Section One" X 1,196,493.10 Y 205,640.84; thence with the northerly boundary line of said lands the following three courses: (1) North seventy-five degrees forty-four minutes fifty-nine seconds East (N 75°

44' 59" E) six hundred and ninety decimal eight, six (690.86) feet to a point X 1,197,162.70 Y 205,810.90; (2) North eighty-six degrees forty-eight minutes nine seconds East (N 86° 48' 09" E) five hundred and seventy-two decimal one, eight (572.18) feet to a point X 1,197,733.99 Y 205,842.82; (3) South three degrees eleven minutes fifty-one seconds East (S 03° 11' 51" E) ten decimal two, six (10.26) feet to a point at the northwest corner of Lot 3, Block O of "Westside Manor Subdivision" X 1,197,734.56 Y 205,832.57; thence with the northerly boundary line of said lot North eighty-six degrees forty-nine minutes one second East (N 86° 49' 01" E) one hundred and seventy decimal zero, one (170.01) feet to a point on the westerly right-of-way line of West Road X 1,197,904.31 Y 205,842.01; thence by and with the same North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) fifty decimal zero, zero (50.00) feet to a point at the southeast corner of Block P of "Westside Manor Subdivision" X 1,197,901.53 Y 205,891.93; thence with the boundary line of said Block P the following three courses: (1) South eighty-six degrees forty-nine minutes one second West (S 86° 49' 01" W) one hundred and seventy decimal zero, zero (170.00) feet to a point X 1,197,731.79 Y 205,882.50; (2) North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) two hundred and ninety decimal zero, eight (290.08) feet to a point X 1,197,715.69 Y 206,172.12; (3) North eighty-six degrees forty-nine minutes one second East (N 86° 49' 01" E) one hundred and seventy decimal zero, zero (170.00) feet to a point on the westerly right-of-way line of West Road X 1,197,885.42 Y 206,181.56; thence by and with the same North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) fifty decimal zero, zero (50.00) feet to a point at the southeast corner of Lot 1A, Block Q of "Westside Manor Subdivision" X 1,197,882.65 Y 206,231.49; thence with the boundary line of the said Lot 1A the following three courses: (1) South eighty-six degrees forty-nine minutes one second West (S 86° 49' 01" W) four hundred decimal zero, zero (400.00) feet to a point X 1,197,483.27 Y 206,209.28; (2) North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) one hundred forty-five decimal zero, zero (145.00) feet to a point X 1,197,475.22 Y 206,354.06; (3) North eighty-six degrees forty-nine minutes one second East (N 86° 49' 01" E) two hundred thirty decimal zero, zero (230.00) feet to a point at the southwesterly corner of Lot 3, Block 'Q' X 1,197,704.86 Y 206,366.83; thence by and with the westerly and northerly lines of the said Lot 3 the following two courses: (1) North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) one hundred forty-five decimal zero, zero (145.00) feet to a point X 1,197,696.79 Y 206,512.00; (2) North eighty-six degrees forty-nine minutes one second East (N 86° 49' 01" E) one hundred and seventy decimal zero, zero (170.00) feet to a point on the westerly right-of-way line of West Road X 1,197,866.52 Y 206,521.44; thence by and with the same North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) fifty decimal zero, zero (50.00) feet to a point at the southeast corner of Block R of "Westside Manor Subdivision" X 1,197,863.75 Y 206,571.36; thence with the boundary line of said Block R the following three courses: (1) South eighty-six degrees forty-nine minutes one second West (S 86° 49' 01" W) one hundred and seventy decimal zero, zero (170.00) feet to a point X 1,197,694.01 Y 206,561.92; (2) North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) two hundred and ninety decimal zero, zero (290.00) feet to a point X 1,197,677.91 Y 206,851.47; (3) North eighty-six degrees forty-nine minutes one second East (N 86° 49' 01" E) one hundred and seventy decimal zero, zero (170.00) feet to a point on the westerly right-of-way line of West Road X 1,197,847.64 Y 206,860.91; thence by and with the same North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) fifty decimal zero, zero (50.00) feet to a point at the southeast corner of Block S of "Westside

Manor Subdivision" X 1,197,844.87 Y 206,910.83; thence with the boundary line of said Block S the following three courses: (1) South eighty-six degrees forty-nine minutes one second West (S 86° 49' 01" W) one hundred and fifty decimal zero, zero (150.00) feet to a point X 1,197,695.10 Y 206,902.51; (2) North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) four hundred and thirty decimal zero, zero (430.00) feet to a point X 1,197,671.22 Y 207,331.84; (3) North eighty-six degrees forty-nine minutes one second East (N 86° 49' 01" E) one hundred and fifty decimal zero, zero (150.00) feet to a point on the westerly right-of-way line of West Road X 1,197,820.99 Y 207,340.17; thence by and with the same North three degrees ten minutes fifty-nine seconds West (N 03° 10' 59" W) four hundred and ninety decimal seven, four (490.74) feet to a point at the northeast corner of the lands of Thomas H. Ruark, Inc. X 1,197,793.75 Y 207,830.15; thence with the northerly boundary line of said lands North seventy-five degrees nineteen minutes fifty-two seconds West (N 75° 19' 52" W) one thousand six hundred and eighty-three decimal seven, six (1,683.76) feet to a cement post at the southwest corner of the lands of Green Acres Memorial Park, Inc. X 1,196,164.87 Y 208,256.53; thence with the boundary line of said lands the following two courses: (1) North five degrees fifty-nine minutes thirty-two seconds West (N 05° 59' 32" W) one hundred and forty-nine decimal three, six (149.36) feet to a field stone X 1,196,149.28 Y 208,405.08; (2) North sixty-six degrees twenty-one minutes fifty seconds East (N 66° 21' 50" E) one thousand two hundred and forty-five decimal eight, three (1,245.83) feet to a point on the westerly right-of-way line of West Road X 1,197,290.59 Y 208,904.56; thence running with the same the following two courses: (1) North twenty-nine degrees fifty-four minutes forty-five seconds West (N 29° 54' 45" W) two hundred and fourteen decimal zero, six (214.06) feet to a point X 1,197,183.85 Y 209,090.10; (2) North thirty-four degrees thirty-six minutes seven seconds West (N 34° 36' 07" W) ninety-seven decimal four, five (97.45) feet to a point X 1,197,128.51 Y 209,170.32; thence running across West Road North thirty-three degrees forty-four minutes forty-six seconds West (N 33° 44' 46" W) four hundred and seventy decimal four, two (470.42) feet to a point on the west side of Ed Taylor Road X 1,196,867.19 Y 209,561.47; thence crossing said road and running South eighty-three degrees fifty-one minutes forty-one seconds East (S 83° 51' 41" E) ninety-eight decimal eight, seven (98.87) feet to a point on the easterly side of Ed Taylor Road X 1,196,965.49 Y 209,550.90; thence running with the lands of Westwood Development, L.L.C. the following two courses: (1) North seventy-one degrees forty-five minutes eighteen seconds East (N 71° 45' 18" E) nine hundred and ninety-four decimal four, nine (994.49) feet to a point X 1,197,909.99 Y 209,862.26; (2) North seven degrees ten minutes forty-one seconds West (N 07° 10' 41" W) six hundred and four decimal eight, one (604.81) feet to a point on the southerly side of the U.S. Route 50 Salisbury By-Pass X 1,197,834.42 Y 210,462.32; thence crossing the same and running North eight degrees thirty-nine minutes fifty-three seconds West (N 08° 39' 53" W) two hundred and ninety-six decimal two, four (296.24) feet to a point on the northerly right-of-way line of said by-pass X 1,197,789.79 Y 210,755.18; thence running with the easterly boundary line of the lands of Westwood Development, L.L.C. North twenty-six degrees thirty-four minutes thirty-three seconds West (N 26° 34' 33" W) one thousand three hundred and twenty-eight decimal seven, two (1,328.72) feet to a point on the southerly right-of-way line of West Naylor Mill Road X 1,197,195.34 Y 211,943.52; thence running generally by and with the same the following three courses: (1) South sixty-three degrees forty-two minutes thirty-five seconds West (S 63° 42' 35" W) one thousand three hundred and ninety-eight decimal six, nine (1,398.69) feet to a point X 1,195,941.33 Y 211,324.01; (2) South sixty degrees twenty-six minutes twenty seconds

West (S 60° 26' 20" W) two hundred and twenty-six decimal seven, one (226.71) feet to a point X 1,195,744.13 Y 211,212.16; (3) a simple curve to the left radius eight hundred and twenty-three decimal eight, three (R = 823.83) feet six hundred and six decimal three, zero (606.30) feet to a point X 1,195,378.25 Y 210,745.86; thence crossing the said West Naylor Mill Road and running North seventy-two degrees fifty-eight minutes twelve seconds West (N 72° 58' 12" W) fifty decimal zero, zero (50.00) feet to a point on the southerly right-of-way line of Milford Twilley Road X 1,195,330.44 Y 210,760.50; thence running generally with the southerly right-of-way line of said road the following eight courses: (1) a simple curve to the left radius sixty-one decimal zero, one (R = 61.01) feet ninety decimal two, one (90.21) feet to a point X 1,195,295.27 Y 210,834.81; (2) North sixty-seven degrees forty-one minutes eleven seconds West (N 67° 41' 11" W) eighty-three decimal eight, five (83.85) feet to a point X 1,195,217.70 Y 210,866.65; (3) a simple curve to the left radius two hundred and forty-seven decimal eight, five (R = 247.85) feet two hundred and nine decimal one, six (209.16) feet to a point X 1,195,014.80 Y 210,860.04; (4) South sixty-three degrees fifty-seven minutes thirty-five seconds West (S 63° 57' 35" W) one hundred and eighty-eight decimal seven, two (188.72) feet to a point X 1,194,845.24 Y 210,777.20; (5) South seventy-seven degrees nineteen minutes thirty-five seconds West (S 77° 19' 35" W) forty-three decimal two, six (43.26) feet to a point X 1,194,803.04 Y 210,767.71; (6) South sixty-three degrees fifty-seven minutes thirty-six seconds West (S 63° 57' 36" W) one hundred and four decimal seven, seven (104.77) feet to a point X 1,194,708.90 Y 210,721.71; (7) a simple curve to the left radius eight hundred and ninety-five decimal zero, zero (R = 895.00) feet three hundred and nineteen decimal six, one (319.61) feet to a point X 1,194,452.59 Y 210,533.64; (8) South forty-three degrees twenty-nine minutes fifty-eight seconds West (S 43° 29' 58" W) nine hundred and ninety-nine decimal three, nine (999.39) feet to a point on the northerly right-of-way line of the U.S. Route 50 Salisbury By-Pass X 1,193,764.66 Y 209,808.70; thence running across said by-pass South thirty-five degrees thirty-eight minutes twenty-one seconds West (S 35° 38' 21" W) four hundred and seventy-two decimal four, two (472.42) feet to a point on the southerly right-of-way line of the U.S. Route 50 Salisbury By-Pass X 1,193,489.40 Y 209,424.76; thence running by and with the same the following two courses: (1) South twenty-eight degrees forty-two minutes forty-seven seconds West (S 28° 42' 47" W) four hundred and ninety-two decimal one, one (492.11) feet to a point X 1,193,252.98 Y 208,993.17; (2) South eight degrees nineteen minutes twelve seconds West (S 08° 19' 12" W) one hundred and ten decimal zero, seven (110.07) feet to a point on the easterly right-of-way line of U.S. Route 50 X 1,193,237.05 Y 208,884.25; thence running generally with the easterly right-of-way line of said U.S. Route 50 the following six courses: (1) South seventeen degrees thirty-seven minutes eleven seconds East (S 17° 37' 11" E) four hundred and fourteen decimal two, four (414.24) feet to a point X 1,193,362.44 Y 208,489.45; (2) South twenty degrees thirty-six minutes thirty-seven seconds East (S 20° 36' 37" E) one thousand one hundred and fifty-one decimal one, three (1,151.13) feet to a point X 1,193,767.65 Y 207,411.99; (3) South twenty-two degrees five minutes thirty-seven seconds East (S 22° 05' 37" E) forty-one decimal eight, two (41.82) feet to a point X 1,193,783.38 Y 207,373.24; (4) South twenty-two degrees four minutes forty-seven seconds East (S 22° 04' 47" E) seven hundred decimal one, six (700.16) feet to a point X 1,194,046.57 Y 206,724.43; (5) South twenty-three degrees nine minutes fifteen seconds East (S 23° 09' 15" E) two hundred and sixty-two decimal seven, six (262.76) feet to a point X 1,194,149.89 Y 206,482.83; (6) South twenty-three degrees twenty-eight minutes fifty-three seconds East (S 23° 28' 53" E) forty-eight decimal eight, four (48.84)

feet to a cement post at the southwest corner of "Westwood Commerce Park, Phase IB" X 1,194,169.35 Y 206,438.04; thence by and with the southerly boundary line of said lands North fifty-eight degrees forty-five minutes forty-nine seconds East (N 58° 45' 49" E) one thousand two hundred and ten decimal one, seven (1,210.17) to a point at the northwest corner of "Sassafras Meadows Subdivision, Phase I" X 1,195,204.09 Y 207,065.60; thence by and with the boundary line of said lands the following three courses: (1) South thirty-one degrees six minutes fifty-five seconds East (S 31° 06' 55" E) two hundred and sixteen decimal five, four (216.54) feet to a point X 1,195,315.99 Y 206,880.21; (2) South fifty-eight degrees fifty-three minutes five seconds West (S 58° 53' 05" W) sixty-four decimal three, five (64.35) feet to a point X 1,195,260.90 Y 206,846.95; (3) South thirty-four degrees twenty-six minutes fifty-five seconds East (S 34° 26' 55" E) one thousand nine hundred and thirty-six decimal four, zero (1,936.40) feet to a point on the southerly right-of-way line of Queen Avenue X 1,196,356.26 Y 205,250.14; thence running by and with the same the following eight courses: (1) North seventy-five degrees forty-four minutes fifty-nine seconds East (N 75° 44' 59" E) four hundred and forty decimal eight, nine (440.89) feet to a point X 1,196,783.59 Y 205,358.67; (2) South nineteen degrees forty-two minutes fifty-four seconds East (S 19° 42' 54" E) five decimal zero, two (5.02) feet to a point X 1,196,785.28 Y 205,353.94; (3) North seventy-five degrees forty-four minutes fifty-nine seconds East (N 75° 44' 59" E) two hundred and sixty-seven decimal four, three (267.43) feet to a point X 1,197,044.48 Y 205,419.77; (4) South nineteen degrees eleven minutes seven seconds East (S 19° 11' 07" E) two decimal one, zero (2.10) feet to a point X 1,197,045.17 Y 205,417.78; (5) North seventy-five degrees forty-one minutes forty-four seconds East (N 75° 41' 44" E) one hundred and thirty-nine decimal five, seven (139.57) feet to a point X 1,197,180.41 Y 205,452.26; (6) a simple curve to the right radius four hundred and ninety decimal four, seven (R = 490.47) feet ninety-five decimal two, seven (95.27) feet to a point X 1,197,274.43 Y 205,466.72; (7) North eighty-six degrees forty-nine minutes nine seconds East (N 86° 49' 09" E) six hundred and twenty-nine decimal seven, four (629.74) feet to a point X 1,197,903.20 Y 205,501.67; (8) a simple curve to the right radius twenty decimal zero, zero (R = 20.00) feet thirty-one decimal four, two (31.42) feet to a point on the westerly right-of-way line of West Road X 1,197,924.28 Y 205,482.81; thence running by and with the westerly right-of-way line of said road the following ten courses: (1) South three degrees ten minutes fifty-nine seconds East (S 03° 10' 59" E) one thousand two hundred and eighty-seven decimal eight, two (1,287.82) feet to a point X 1,197,995.79 Y 204,196.98; (2) North seventy-eight degrees forty-two minutes one second East (N 78° 42' 01" E) five decimal zero, five (5.05) feet to a point X 1,198,000.74 Y 204,197.97; (3) South three degrees ten minutes fifty-nine seconds East (S 03° 10' 59" E) one thousand eight hundred and ten decimal one, seven (1,810.17) feet to a point X 1,198,101.25 Y 202,390.59; (4) North sixty-seven degrees twenty-four minutes four seconds East (N 67° 24' 04" E) three decimal seven, one (3.71) feet to a point X 1,198,104.67 Y 202,392.01; (5) South three degrees ten minutes fifty-nine seconds East (S 03° 10' 59" E) four hundred and twenty-six decimal eight, seven (426.87) feet to a point X 1,198,128.37 Y 210,965.80; (6) South sixty-seven degrees twenty-six minutes four seconds West (S 67° 26' 04" W) one decimal zero, six (1.06) feet to a point X 1,198,127.40 Y 201,965.39; (7) South three degrees ten minutes fifty-nine seconds East (S 03° 10' 59" E) one hundred and forty-four decimal eight, five (144.85) feet to a point X 1,198,135.44 Y 201,820.77; (8) South four degrees five minutes forty-five seconds East (S 04° 05' 45" E) sixty-two decimal seven, six (62.76) feet to a point X 1,198,139.92 Y 201,758.17; (9) South three degrees ten minutes fifty-nine seconds

East (S 03° 10' 59" E) two hundred and twenty-three decimal seven, one (223.71) feet to a point X 1,198,152.34 Y 201,534.81; (10) South twenty-two degrees forty minutes twenty-nine seconds East (S 22° 40' 29" E) two thousand five hundred and ninety-seven decimal one, two (2,597.12) feet to a point on the Corporate Limit X 1,199,153.52 Y 199,138.43; thence running by and with the Corporate Limit the following two courses: (1) North twenty-eight degrees twenty-four minutes fifty-eight seconds East (N 28° 24' 58" E) sixty-five decimal one, zero (65.10) feet to a point X 1,199,184.50 Y 199,195.68; (2) North twenty-two degrees thirty-nine minutes thirty-four seconds West (N 22° 39' 34" W) nine hundred and forty-four decimal zero, five (944.05) feet to the point of beginning and containing 434.746 acres all of which are the lands of Thomas H. Ruark, Inc., Westwood Development, LLC (formerly known as H & R Pepsi, LLC), Windsor Development, LLC, The State of Maryland to the use of the Department of Labor, Licensing and Regulation, H & S Properties, Inc., The Westwood Owner's Corporation, Stock Building Supply, Inc., Ferguson Enterprises, Inc., Sassafra Meadows Homeowners Association, Inc., Shelley Doane-Dashiell, Jesse Darnell Allen and Denise Parker Allen, Thomasine and Bernard Graham, Sr., Darlene F. M. Hanlon, Brian K. and Nicole L. Hunger, Jennifer L. and Thomas J. Donahue, III, Lora A. Collins, Brian Richard Price, Shelley Terrelle Hearn, James E. Booth, Loretta E. Savoy, Gloria J. Littleton and Michael and Davina Campbell, the roadbeds of Westwood Drive, Exchange Court and Sassafra Drive and portions of West Road, Queen Avenue, Ed Taylor Road, West Naylor Mill Road, U.S. Route 50 Salisbury By-Pass, Marquis Avenue and Jim Morton Drive. All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.

RESOLUTION NO. 1447

A RESOLUTION of the Council of the City of Salisbury proposing the annexation to the City of Salisbury of a certain area of land situate contiguous to and binding upon the Westerly corporate limit of the City of Salisbury, to be known as the "West Road - Westwood and Sassafras Annexation" being an area located on the North side of Queen Avenue and the West side of West Road, including a portion of West Road and Queen Avenue.

WHEREAS the City of Salisbury has received a petition to annex, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed, and being located on the Northerly side of Queen Avenue and Westerly side of West Road, including a portion of West Road and Queen Avenue, said parcel being contiguous to and binding upon the Westerly corporate limit of the City of Salisbury;

WHEREAS the City of Salisbury has caused to be made a certification of the signatures on said petition to annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of September 25, 2006, as will more particularly appear by the certification of W. Clay Hall, Surveyor, of the City of Salisbury, attached hereto; and

WHEREAS it appears that the petition meets all the requirements of the law.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT it is hereby proposed and recommended that the boundaries of the City of Salisbury be changed so as to annex to and include within said City all that parcel of land together with the persons residing therein and their property, contiguous to and binding upon the Northerly side of Queen Avenue and the Westerly side of West Road, including a portion of West Road and Queen Avenue, and being more particularly described on Exhibit "A" attached hereto and made a part hereof.


SECTION 2. AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, THAT the annexation of the said area be made subject to the terms and conditions in Exhibit "B" and "C" attached hereto and made a part hereof.


SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, THAT the Council hold a public hearing on the annexation hereby proposed on December 11, 2006, at 6:00 o'clock p.m. in the Council Chambers at the City-County Office Building and the City Administrator shall cause a public notice of time and place of said hearing to be published not fewer than four (4) times at not less than weekly intervals, in a newspaper of general circulation in the City of Salisbury, of the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto, which said notice shall specify a time and place at which the Council of the City of Salisbury will hold a public hearing on the Resolution.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, THAT this resolution shall take effect upon the expiration of

forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in Article 23A of the Maryland Code.

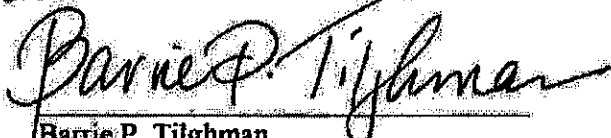
The above resolution was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on this 9th day of October, 2006, and having been duly published as required by law in the meantime, was finally passed after a public hearing at its meeting held on this 11th day of December, 2006.

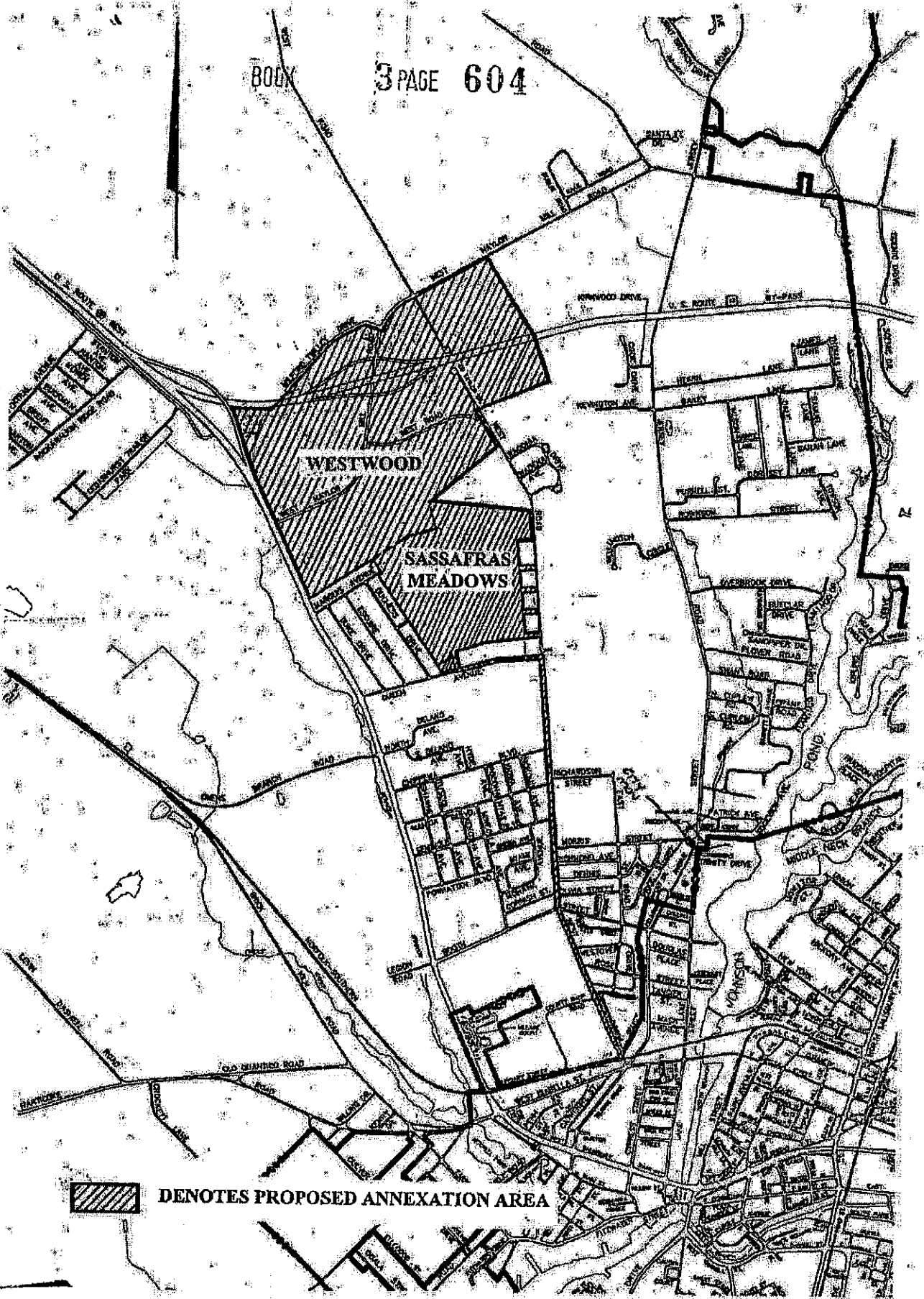

Brenda J. Colegrove,
City Clerk


Michael P. Dunn,
Council President

APPROVED BY ME this 15th day of

December 2006.


Barrie P. Tilghman,
Mayor of the City of Salisbury



 DENOTES PROPOSED ANNEXATION AREA

**WEST ROAD - WESTWOOD & SASSAFRAS
PROPOSED ANNEXATION**

June 4, 2018

City of Salisbury
Department of Building, Permitting & Inspections
Attention: Mr. William T. Holland, Director
125 North Division Street
Salisbury, MD 21801

Re: Annexation Petition
2815, 2825, 2835 N. Salisbury Blvd. Properties
Map 20 – Grid 24 – Units 153, 185, 215
City of Salisbury, Wicomico County, Maryland

Dear Mr. Holland,

We are pleased to submit the above referenced project site for consideration of Annexation within the City of Salisbury jurisdiction. The site measures approximately 2.33(+/-) acres; is zoned Commercial in the Wicomico County jurisdiction; is contiguous to the City of Salisbury boundary and is currently mostly commercial in use but for Unit 215 which is a residential use.

We are proposing demolition of all existing structures and improvements located on the properties and construction of two (2) free-standing commercial buildings (restaurants) along with customary amenities and improvements including parking facilities, stormwater management facilities, access driveways, landscaping, utilities and the like.

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

1. One (1) executed copy of the "City of Salisbury – Petition for Annexation"
2. One (1) "Preliminary Site Layout – Requested Annexation Area" plan prepared by Penntex Ventures, LLC; dated May 25, 2018.
3. One (1) Check payable to "City of Salisbury" in the amount of \$2,000.00.

Through prior correspondence with Ms. Amanda Pollack it is our understanding that our request has been tentatively scheduled for discussion and consideration at a work session meeting to occur on June 18, 2018. Be advised that members of our team intend to be present at such meeting and look forward to discussing our request in greater detail at that time.

Upon your review of the above and attached, should you require any further materials or have any questions, comments or concerns, please do not hesitate to call or email us at your convenience.

Sincerely,

PTV I, LLC (Equitable Owner/Applicant)

By:



William R. Owen, Project Design Manager

(enc.)

Cc: T. Donald, EVP – PTV – Via email only
E. Donald, VP – PTV – Via email only
S. Roddy, Project Coordinator – PTV – via email only
J. Busch, Assistant Project Coordinator – PTV – via email only

Memorandum

To: Amanda Pollack, Director, City of Salisbury Department of Infrastructure & Development
From: Michael P. Sullivan, Esq.
Date: 10/8/2018
Re: *Fiscal Impact* – PTV I, LLC; North Salisbury Boulevard Annexation

PTV I, LLC (“PTV”) filed a Petition for Annexation (the “**Petition**”), dated May 25, 2018, with the City of Salisbury (the “**City**”), requesting the City annex the following parcels of lands:

- All that certain real property identified as Map 0020, Grid 0024, Parcel 0153, consisting of .92 acres more or less, and having a premises address of 2815 N. Salisbury Blvd., Salisbury, Maryland 21801 (Tax Identification Number of 05-029651) (“**Parcel 153**”);
- All that certain real property identified Map 0020, Grid 0024, Parcel 0185, consisting of 1.07 acres more or less, having a premises address of 2825 N. Salisbury Blvd., Salisbury, Maryland 21801 (Tax Identification Number of 05-032504) (“**Parcel 185**”); and,
- All that certain real property identified as Map 0020, Grid 0024, Parcel 0215, consisting of 25,303.54 square feet more or less, having a premises address of 2835 N. Salisbury Blvd., Salisbury, Maryland 21801 (Tax Identification Number of 05-093228) (“**Parcel 215**”).

(For purposes of this Memorandum, Parcel 153, Parcel 185 and Parcel 215 are hereinafter referred to collectively as the “**Annexed Property**”; and, the City’s annexation of the Annexed Property, as requested in the Petition filed by PTV, is hereinafter referred to as the “**PTV – N. Salisbury Blvd. Annexation**”). If approved, the PTV – N. Salisbury Blvd. Annexation will add 2.5+/- acres of land to the municipal boundaries of the City, which will be zoned as “General Commercial” under the Code for the City of Salisbury (the “**City Code**”). The proposed PTV – N. Salisbury Blvd. Annexation is expected to have an overall net positive fiscal impact on the City of \$8,313.60 annually. This Memorandum is intended to summarize the costs the City is estimated to incur and the revenues the City is estimated to generate from the proposed PTV – N. Salisbury Blvd. Annexation.

Cost to the City:

Cost projections are based on a snapshot marginal cost approach. The current level of service (derived from the approved FY2019 Budget) is used to project new costs, using demand unit multipliers, which reflect how responsive a cost is to demand – i.e., how much the costs incurred by the City for providing a service are likely to vary with each additional household or job (in the present case of the PTV – N. Salisbury Blvd. Annexation, cost projections are limited solely to jobs added by the subject annexation, since development of the Annexed Property, as planned by PTV, will be exclusively commercial). Some portion of all public services provided by the City is fixed, therefore, the cost to the City for providing such public services will remain constant regardless of new development; accordingly,

for purposes of this cost projection, the portion of such fixed costs is not assigned to new development arising from the PTV – N. Salisbury Blvd. Annexation. In light of such considerations, the annual costs to the City for the PTV – N. Salisbury Blvd. Annexation is estimated to be approximately \$14,300+/-.

Revenues to the City:

When land is annexed into the City, such land is subject to the municipal real property tax levied and imposed by the City. The municipal real property tax is applied to the value of land and improvements located thereon. Under the City's FY2019 Budget, the municipal real property tax rate is set at \$0.9832 per \$100 of assessed value. Since the actual assessed value of the improvements PTV has proposed for development upon the Annexed Property is unknown, this Memorandum estimates the assessed value of the Annexed Property, once developed as PTV has proposed, by computing the average assessed value of multiple comparable properties located within the municipal boundaries of the City. The source for the assessed values is Maryland's State Department of Assessments and Taxation.

Under PTV's proposed concept development plan, the Annexed Property would be developed for two free-standing restaurants, totaling more than 10,000+/- square feet of improvements. Once fully developed, the aggregate assessed value of the Annexed Property is estimated to be approximately \$2,300,000. Using the real property tax rate adopted by the City for its FY2019 Budget, the City's total expected annual revenue from municipal real property taxes levied on the Annexed Property (after its full development) is estimated to be \$22,613.60+/-.

It is difficult to make reliable projections about the activities of future businesses that may occupy new development projects. For this reason, the personal property tax receipts likely to accrue from future businesses operated within the Annexed Property are not included as part of the analysis contained in this Memorandum. Accordingly, the fiscal impact set forth in this Memorandum undercounts the total revenue the City can project from the Annexed Property once fully developed. It is also important to note: upon annexation of the Annexed Property (regardless of its development), the City can begin receiving some revenue from municipal real property taxes levied upon the Annexed Property. These property tax revenues – which would typically occur prior to development of the Annexed Property (and, hence, before the City incurs costs to provide certain public services for the Annexed Property) – are not included for purposes of the fiscal impact study set forth in this Memorandum.

Lastly, the City imposes certain user fees, license fees and permitting fees, which the City charges to applicants for permits and/or users of certain public services provided by the City. The revenues from these various fees are relatively small compared to the revenue generated by the City's municipal real property tax, and such fee revenue is not included for purposes of the fiscal impact study set forth in this Memorandum.

Conclusion:

Upon completion of PTV's proposed development of the Annexed Property, the PTV – N. Salisbury Blvd. Annexation will result in a positive fiscal impact to the City of approximately \$8,313.60 per year in constant 2018 dollars.

August 9, 2018

Ms. Julia Glanz, City Administrator
City of Salisbury Government Office Building
P.O. Box 870
Salisbury, MD 21803

Re: Annexation Petition
2815, 2825, 2835 N. Salisbury Blvd. Properties
Map 20 – Grid 24 – Units 153, 185, 215
City of Salisbury, Wicomico County, Maryland

Dear Ms. Glanz,

Pursuant to executed Agreements of Sale ("Agreements") between the Owners of the above noted parcels and PTV I, LLC ("Buyer"), a limited liability company organized and existing under the laws of the Commonwealth of Pennsylvania and authorized to do business in the State of Maryland, located at 400 Penn Center Boulevard, Building 4 – Suite 1000, Pittsburgh, PA 15235, its successors and assigns; Buyer provides this letter, in conjunction with previously submitted materials including an executed Petition for Annexation, as indication that the parties (Sellers and Buyer) mutually intend to move forward with the annexation of the above noted properties into the City of Salisbury; subject to an annexation agreement.

Buyer intends to enter into a final Annexation Agreement and is permitted to do so by the Sellers by virtue of the Agreements.

Sincerely,

PTV I, LLC (Equitable Owner/Applicant)

By:



William R. Owen, Project Design Manager

Cc: T. Donald, EVP – PTV – Via email only
E. Baker, VP – PTV – Via email only
S. Roddy, Project Coordinator – PTV – via email only
J. Busch, Assistant Project Coordinator – PTV – via email only

CITY OF SALISBURY

PETITION FOR ANNEXATION

To the Mayor and Council of the City of Salisbury:

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

Parcel(s) # 153 - 2815 N. SALISBURY BLVD.
185 - 2825 N. SALISBURY BLVD.
215 - 2835 N. SALISBURY BLVD.
Map # 20 - GRID 24

SIGNATURE (S)



5/25/18

Date

WILLIAM R. OWEN
PROJECT DESIGN MANAGER

Date

ON BEHALF OF:

PTV I, LLC

Date

(EQUITABLE OWNER OF ALL PARCELS NOTED)

Date

RESOLUTION NO. 2927

A RESOLUTION of the City of Salisbury proposing the annexation to the City of Salisbury of a certain area of land contiguous to and binding upon the Northerly Corporate Limit of the City of Salisbury to be known as the “Route 13 North – Penntex 2 Property Annexation” the southerly boundary of which begins at a point on the Corporate Limit, said point lying at the intersection of the easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary line of the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line of the lands of PTV I, LLC.

WHEREAS the City of Salisbury has received a petition to annex dated May 25, 2018, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property sought to be annexed; and

WHEREAS, the said property is binding upon the Northerly Corporate Limit of the City of Salisbury to be known as “Route 13 North – Penntex 2 Property Annexation,” the southerly boundary of which begins at a point on the Corporate Limit, said point lying at the intersection of the easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary line of the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line of the lands of PVT I, LLC; and

WHEREAS the City of Salisbury has caused to be made a certification of the signatures on said petition for annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of June 19, 2018, and, as more particularly appears by the certification of Leslie C. Sherrill, Surveyor, of the City of Salisbury, attached hereto; and

WHEREAS the petition dated May 25, 2018, meets all the requirements of applicable law; and

31 WHEREAS the public hearing required by law is scheduled for April 8, 2019 at 6:00
32 p.m.

33 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT
34 the boundaries of the City of Salisbury be changed so as to annex to and include within the City all
35 that parcel of land together with the persons residing therein and their property, contiguous to and
36 binding upon the Northerly Corporate Limit of the City of Salisbury, the southerly boundary of
37 which begins at a point on the Corporate Limit, said point lying at the intersection of the easterly
38 right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary line of
39 the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line of the
40 lands of PVT I, LLC, and being more particularly described in Exhibit "A" attached hereto and made
41 a part hereof.

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

45 AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, that the Zoning Map of the
46 City of Salisbury shall be amended to include this newly annexed property in the General
47 Commercial Zoning District. Said property is presently classified as C-2 General Commercial
48 District under the zoning laws of Wicomico County.

49 AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, that the Council hold a public
50 hearing on the annexation hereby proposed on April 8, 2019 at 6:00 p.m. in the Council Chambers
51 at the City-County Office Building and the City Administrator shall cause a public notice of the time
52 and place of said hearing to be published not fewer than two (2) times at not less than weekly
53 intervals, in a newspaper of general circulation in the City of Salisbury, which said notice shall
54 specify a time and place at which the Council of the City of Salisbury will hold a public hearing on
55 the Resolution, which date shall be no sooner than 15 days after the final required date of

56 publication specified above.

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

61 The above Resolution was introduced, read and passed at the regular meeting of the Council
62 of the City of Salisbury held on the 11th day of March, 2019, having been duly published as required
63 by law, and in the meantime, a public hearing was held on the 8th day of April, 2019, and was finally
64 passed by the Council at its regular meeting held on the 8th day of April, 2019.

65
66 ATTEST:

67	_____	_____
68	Kimberly R. Nichols,	John R. Heath,
69	City Clerk	Council President

70
71 APPROVED BY ME this ____ day of _____, 2019.

72
73
74
75
76
77 _____
78 Jacob R. Day,
79 Mayor

City of Salisbury



MARYLAND

Salisbury



JACOB R. DAY
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

JULIA GLANZ
ASSISTANT CITY ADMINISTRATOR

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

AMANDA H. POLLACK, P.E.
DIRECTOR OF INFRASTRUCTURE
& DEVELOPMENT

CERTIFICATION

NORTH SALISBURY BLVD. – PENTEX PHASE 2 ANNEXATION

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

Leslie C. Sherrill
Surveyor

Date: 6/19/18

N Salisbury Blvd. – Pentex Phase 2 Certif.

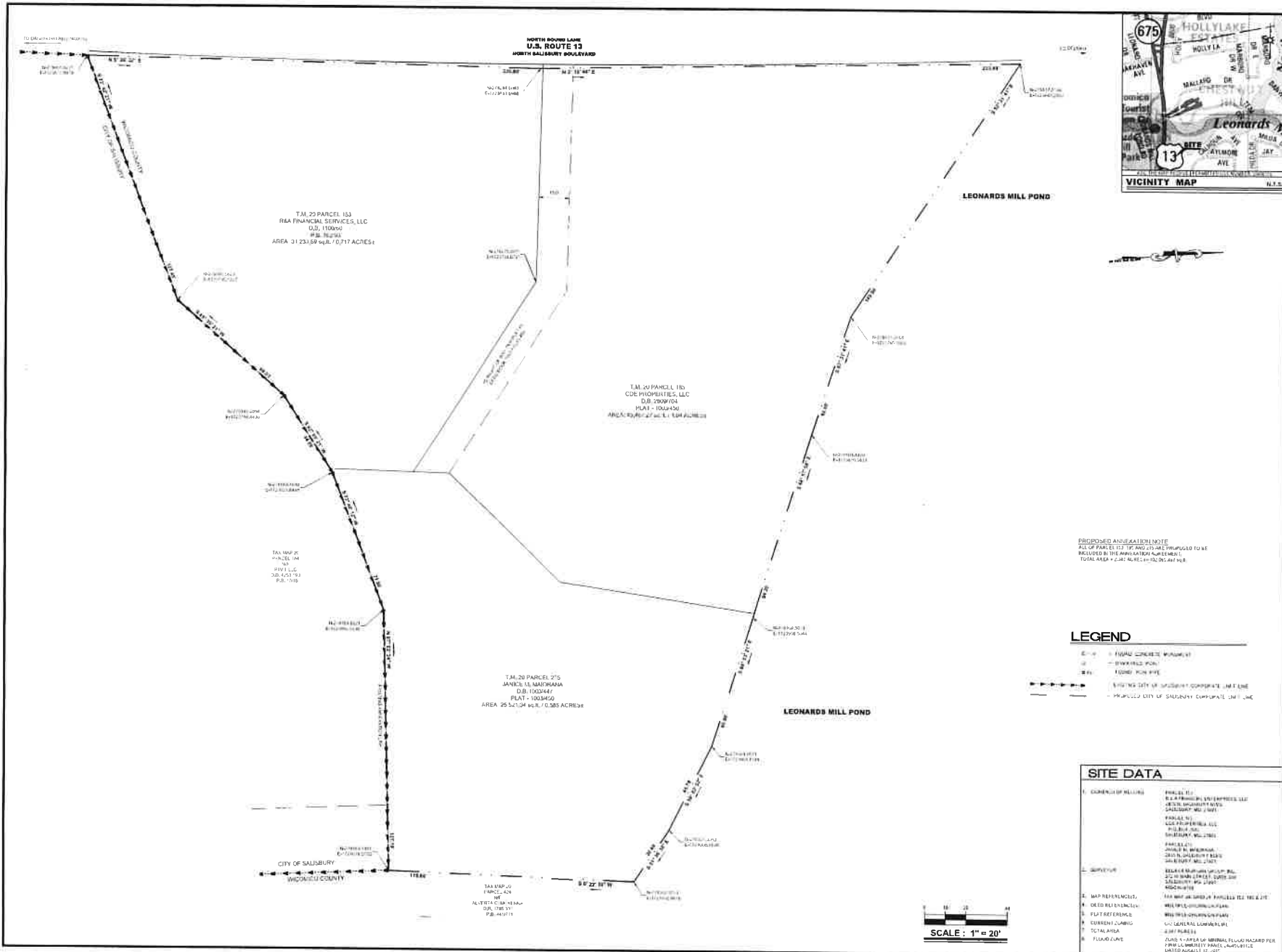
EXHIBIT A

Metes and Bounds Description

ROUTE 13 NORTH – PENNTEX 2 PROPERTY ANNEXATION

A CERTAIN AREA OF LAND contiguous to and binding upon the northerly Corporate Limit of the City of Salisbury to be known as "Route 13 North – Penntex 2 Property Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the easterly right-of-way line of U. S. Route 13, North Salisbury Boulevard, X 1,211,186.94, Y 217,317.50; thence by and with the northerly line of the lands of PTV I, LLC, the following five courses: (1) North seventy-three degrees forty-two minutes nineteen seconds East (N 73° 42' 19" E) one hundred twenty-seven decimal four, five (127.45) feet to a point X 1,211,309.27, Y 217,353.26; (2) North forty-five degrees thirty-five minutes nineteen seconds East (N 45° 35' 19" E) sixty-nine decimal zero, three (69.03) feet to a point X 1,211,358.58, Y 217,401.57; (3) North sixty-two degrees five minutes nineteen seconds East (N 62° 05' 19" E) forty-four decimal five, nine (44.59) feet to a point X 1,211,397.97, Y 217,422.44; (4) North seventy-three degrees forty minutes nineteen seconds East (N 73° 40' 19" E) seventy-one decimal six, zero (71.60) feet to a point X 1,211,466.69, Y 217,442.57; (5) South eighty-seven degrees five minutes thirty-eight seconds East (S 87° 05' 38" E) one hundred twenty-seven decimal one, eight (127.18) feet to a point X 1,211,593.71, Y 217,436.12; thence North six degrees twenty-two minutes fifty seconds East (N 06° 22' 50" E) one hundred nineteen decimal six, eight (119.68) feet to a point on the southerly edge of Leonard's Mill Pond X 1,211,607.01 Y 217,555.05; thence by and with the said line of Leonard's Mill Pond the following six courses: (1) North fifty-one degrees thirty-six minutes fifty-eight seconds West (N 51° 36' 58" W) thirty decimal four, eight (30.48) feet to a point X 1,211,583.11, Y 217,573.98; (2) North fifty-nine degrees two minutes fifty-two seconds West (N 59° 02' 52" W) forty-five decimal seven, nine (45.79) feet to a point X 1,211,543.84, Y 217,597.53; (3) North sixty-eight degrees thirteen minutes twenty-one seconds West (N 68° 13' 21" W) sixty-five decimal nine, zero (65.90) feet to a point X 1,211,482.64, Y 217,621.98; (4) North sixty-eight degrees seventeen minutes fifty-eight seconds West (N 68° 17' 58" W) ninety-four decimal two, zero (94.20) feet to a point X 1,211,395.12, Y 217,656.81; (5) North sixty-seven degrees thirty-one minutes forty-one seconds West (N 67° 31' 41" W) sixty decimal zero, zero (60.00) feet to a point X 1,211,339.68, Y 217,679.75; (6) North fifty-two degrees thirty-one minutes forty-one seconds West (N 52° 31' 41" W) one hundred forty-nine decimal zero, zero (149.00) feet to a point on the aforementioned line of U. S. Route 13, North Salisbury Boulevard X 1,211,221.42, Y 217,770.39; thence with a chord of a curve on the said line of U. S. Route 13 South three degrees fifteen minutes forty-four seconds West (S 03° 15' 44" W) two hundred thirty-three decimal four, nine (233.49) feet to a point on the said line of U. S. Route 13 X 1,211,208.14, Y 217,537.28; thence with a chord of a curve on the said line of U. S. Route 13 South five degrees thirty minutes thirty-two seconds West (S 05° 30' 32" W) two hundred twenty decimal eight, zero (220.80) feet to the point of beginning and containing 2.343 acres, more or less, being Parcels 153, 185 & 215 on Tax Map 20. All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.

Exhibit A – Annexation Plat



BECKER MORGAN GROUP
 ARCHITECTURE
 ENGINEERING
 Interiors
 100 N. Salisbury Ave
 Salisbury, MD 21801
 Phone: 410.724.7000
 Fax: 410.724.7001
 www.beckermorgan.com

**LANDS OF
 R&A FINANCIAL
 ENTERPRISES,
 LLC; JANICE M.
 MAIORANA; CDE
 PROPERTIES,
 LLC**

PARSONS ELECTION DISTRICT
 WICOMICO COUNTY, MD
**ANNEXATION
 BOUNDARY
 EXHIBIT**

PROJECT NO.:	2018103.00
DATE:	07/27/2018
SCALE:	1"=20'
DESIGNED BY:	CGD
PROJECT MGR:	JAH
V101	



City of
Salisbury
Jacob R. Day, Mayor

July 30, 2018

PenTex Ventures
Real Estate Development
400 Penn Center Boulevard, Building 4,
Suite 1000
Pittsburgh, PA 15235
Attention: Mr. William R. Owen-Project Design Manager

RE: Annexation Zoning-2815, 2825, 2835 N. Salisbury Blvd.
Map 20-Parcels 153, 185, and 215
City of Salisbury, Wicomico County, Maryland

Dear Mr. Owen,

The Salisbury-Wicomico Planning Commission at its July 19, 2018 meeting forwarded a **FAVORABLE** recommendation to the Mayor and City Council for this property to be zoned **General Commercial** upon annexation. The Commission also found that the proposed zoning is consistent with the Wicomico County Zoning and the Salisbury Comprehensive Plan.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Anne Roane

City Planner
Department of Infrastructure & Development
City of Salisbury
125 North Division St. Room 202
Salisbury, MD 21801
410-548-3170



www.salisbury.md

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21801
410-548-3170 (fax) 410-548-3107
www.salisbury.md



**Infrastructure and Development
Staff Report
Planning and Zoning Commission
Meeting of July 19, 2018**

I. BACKGROUND INFORMATION:

Project Name: Penntex Phase 2 Annexation

Applicant/Owner: Penntex Ventures LLC

Infrastructure and Development Project No.: 18-015

Nature of Request: Zoning Recommendation for Annexation Request-2.33 Acres

Location of Property: Northerly side of the City of Salisbury, on the easterly side of US Route 13, adjacent to and south of Leonard's Mill Pond.

Tax Map and Parcel: 0020/0153, 0185, 0215

A. Introduction.

The City Administration has referred Penntex Ventures, LLC's request for the annexation of three parcels located on to the northerly side of the City of Salisbury, on the easterly side of US Route 13, adjacent to and south of Leonard's Mill Pond to the Planning Commission for review and recommendation of an appropriate zoning designation. **(See Attachments #1)**

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

The applicant is requesting to zone all three parcels General Commercial.

B. Area Description.

This annexation area consists of three parcels 2.33 acres in size. Each parcel have structures that are to be removed **(See Attachment #2.)** The two parcels fronting Route 13 are existing commercial uses and parcel 215 is residential.



The site is adjacent to the Aldi grocery store which is zoned General Commercial.

II. ZONING ANALYSIS.

A. Existing Zoning.

The annexation area and the adjoining area to the north is zoned C-2 General Commercial under the County Code. **(See Attachments #3)**

B. Zoning History.

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

C. County Plan.

The 2017 County Comprehensive Plan designates this area as "Commercial".

D. Zoning for Annexed Areas.

1. Introduction.

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

2. Adopted Plans.

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



City of
Salisbury
Jacob R. Day, Mayor

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

- a. The Salisbury Comprehensive Plan -The Salisbury City Council adopted the current Comprehensive Plan on July 12, 2010. That document includes land use policies for all lands within the Corporate Limits as well as a Municipal Growth Element addressing growth areas outside the Corporate Limits. The Land Use Map of the City Plan designates this area as a "Low-density residential". A proposed amendment to the Comprehensive Plan is included on this agenda to correct this mistaken designation.
- b. The Wicomico County Comprehensive Plan - The Wicomico County Council adopted its Plan on February 3, 1998. The Land Use Map of the County Comprehensive Plan designates this area as "Metro Core." The 2017 County Plan designates this area as "Commercial".

3. Maryland Law.

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

- 1. The Five-Year Rule.** First, the rule is applied solely on zoning. In the past, the five-year rule could be applied whenever a proposed new zoning classification was substantially different from the use envisioned "in the current and duly adopted master plan." The reference to the master plan is now gone and the issue becomes the degree of change from the current county zoning classification to the proposed municipal classification following the annexation. When the zoning change is from one residential zone to another, "substantially different" is now defined as a density change. The five-year rule will not kick in for a density change unless the proposed zoning is more dense by 50 percent.
- 2. Annexation Plans Required.** An annexation plan is required that replaces the "outline" for the extension of services and public facilities prior to the public hearing for an annexation proposal. This section contains no additional language for the content of the



annexation plan to be adopted, but does require it to be consistent with the municipal growth element for any annexations that begin after October 1, 2009. The Plan must be provided to the county and the State (the Maryland Department of Planning) at least 30 days prior to the hearing.

III. DEVELOPMENT SCENARIO.

A. Proposed Use.

The applicant is proposing to redevelop the three parcels for two restaurants. (See Attachment 4)

B. Access.

The property currently has two access points on Route 13. Upon redevelopment, the plan indicates one access point on Route 13 with a connection to the Aldi site, which has access from Dagsboro Road.

C. Configuration and Design

The annexation area is contiguous with the City boundary.

D. Estimated Development Impacts.

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

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

VI. RECOMMENDATION.

The specific purpose of the Planning Commission's review is to make a zoning recommendation for the annexation area that is currently zoned Commercial in the County. The adopted Salisbury Comprehensive Plan designates this area as "Low density



City of
Salisbury
Jacob R. Day, Mayor

residential. General Commercial zoning is proposed for the property upon annexation to the City. An amendment to the Salisbury Comprehensive Plan will be required.

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



400 Penn Center Boulevard, Building 4
Suite 1000
Pittsburgh, PA 15235

T: 724-420-5367
F: 724-420-5369

June 4, 2018

City of Salisbury
Department of Building, Permitting & Inspections
Attention: Mr. William T. Holland, Director
125 North Division Street
Salisbury, MD 21801

Re: **Annexation Petition**
2815, 2825, 2835 N. Salisbury Blvd. Properties
Map 20 – Grid 24 – Units 153, 185, 215
City of Salisbury, Wicomico County, Maryland

Dear Mr. Holland,

We are pleased to submit the above referenced project site for consideration of Annexation within the City of Salisbury jurisdiction. The site measures approximately 2.33(+/-) acres; is zoned Commercial in the Wicomico County jurisdiction; is contiguous to the City of Salisbury boundary and is currently mostly commercial in use but for Unit 215 which is a residential use.

We are proposing demolition of all existing structures and improvements located on the properties and construction of two (2) free-standing commercial buildings (restaurants) along with customary amenities and improvements including parking facilities, stormwater management facilities, access driveways, landscaping, utilities and the like.

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

1. One (1) executed copy of the "City of Salisbury – Petition for Annexation"
2. One (1) "Preliminary Site Layout – Requested Annexation Area" plan prepared by Penntex Ventures, LLC; dated May 25, 2018.
3. One (1) Check payable to "City of Salisbury" in the amount of \$2,000.00.

Through prior correspondence with Ms. Amanda Pollack it is our understanding that our request has been tentatively scheduled for discussion and consideration at a work session meeting to occur on June 18, 2018. Be advised that members of our team intend to be present at such meeting and look forward to discussing our request in greater detail at that time.

ATTACHMENT 1



400 Penn Center Boulevard, Building 4
Suite 1000
Pittsburgh, PA 15235
T: 724-420-5367
F: 724-420-5369

Upon your review of the above and attached, should you require any further materials or have any questions, comments or concerns, please do not hesitate to call or email us at your convenience.

Sincerely,

PTV I, LLC (Equitable Owner/Applicant)

By:

A handwritten signature in black ink, appearing to read "William R. Owen". The signature is written over a horizontal line.

William R. Owen, Project Design Manager

(enc.)

Cc: T. Donald, EVP – PTV – Via email only
E. Donald, VP – PTV – Via email only
S. Roddy, Project Coordinator – PTV – via email only
J. Busch, Assistant Project Coordinator – PTV – via email only

City of Salisbury

JACOB R. DAY
MAYOR

M. THOMAS STEVENSON, JR.
CITY ADMINISTRATOR

JULIA GLANZ
ASSISTANT CITY ADMINISTRATOR



MARYLAND

Salisbury



2010

125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

AMANDA H. POLLACK, P.E.
DIRECTOR OF INFRASTRUCTURE
& DEVELOPMENT

CERTIFICATION

NORTH SALISBURY BLVD. – PENTEX PHASE 2 ANNEXATION

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

Leslie C. Sherrill
Surveyor

Date: 6/19/18

N Salisbury Blvd. – Pentex Phase 2 Certif.

CITY OF SALISBURY

PETITION FOR ANNEXATION

To the Mayor and Council of the City of Salisbury:

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

Parcel(s) # 153 - 2815 N. SALISBURY BLVD.
185 - 2825 N. SALISBURY BLVD.
215 - 2835 N. SALISBURY BLVD.
Map # 20 - GRID 24

SIGNATURE (S)



5/25/18
Date

WILLIAM R. OWEN
PROJECT DESIGN MANAGER

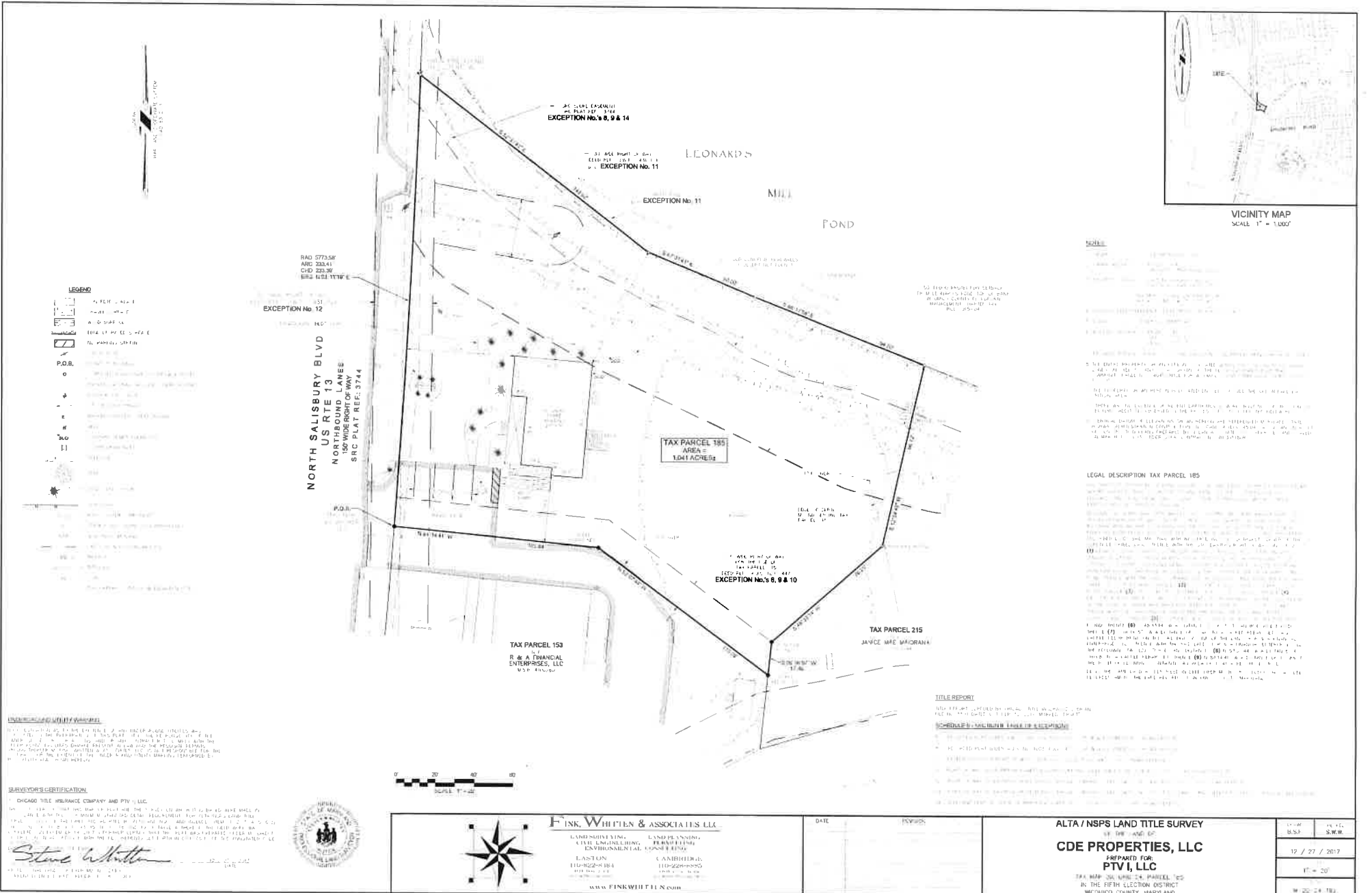
Date

ON BEHALF OF:
PTV I, LLC

Date

(EQUITABLE OWNER OF ALL PARCELS NOTED)

Date



LEGEND

(Symbol)	(Description)
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TITLE REPORT

This report is prepared for use in connection with the proposed land transaction described in the Schedule of Subdivided Land in Attachment 1 to this report. It is not intended to constitute a title opinion or title insurance policy and should not be relied upon as such. The information herein is based on the records of the State Department of Assessments and Taxation and other records available to the Surveyor.

LEGAL DESCRIPTION TAX PARCEL 185

TAX PARCEL 185 AREA: 1.041 ACRES

SECTION 18 OF TOWNSHIP 24 NORTH, RANGE 24 WEST, COUNTY OF WASHINGTON, MARYLAND.

ACROSS THE NORTH PART OF SECTION 18 OF TOWNSHIP 24 NORTH, RANGE 24 WEST, COUNTY OF WASHINGTON, MARYLAND, THE EAST 1/2 OF THE EAST 1/2 OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 24 WEST, COUNTY OF WASHINGTON, MARYLAND, TOGETHER WITH THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 24 WEST, COUNTY OF WASHINGTON, MARYLAND, AND ALSO THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 24 WEST, COUNTY OF WASHINGTON, MARYLAND, AS SHOWN ON THE SURVEY MAP.

TITLE REPORT

This report is prepared for use in connection with the proposed land transaction described in the Schedule of Subdivided Land in Attachment 1 to this report. It is not intended to constitute a title opinion or title insurance policy and should not be relied upon as such. The information herein is based on the records of the State Department of Assessments and Taxation and other records available to the Surveyor.

UNUSUAL/UNWARRANTED

The Surveyor has identified the following items as unusual or unwarranted:

- EXISTING ENCUMBRANCES
- EXISTING EASEMENTS
- EXISTING RIGHTS
- EXISTING UTILITIES
- EXISTING RECREATION RIGHTS
- EXISTING RESERVATIONS
- EXISTING ENCUMBRANCES
- EXISTING EASEMENTS
- EXISTING RIGHTS
- EXISTING UTILITIES
- EXISTING RECREATION RIGHTS
- EXISTING RESERVATIONS



FINK, WHITTEN & ASSOCIATES, LLC

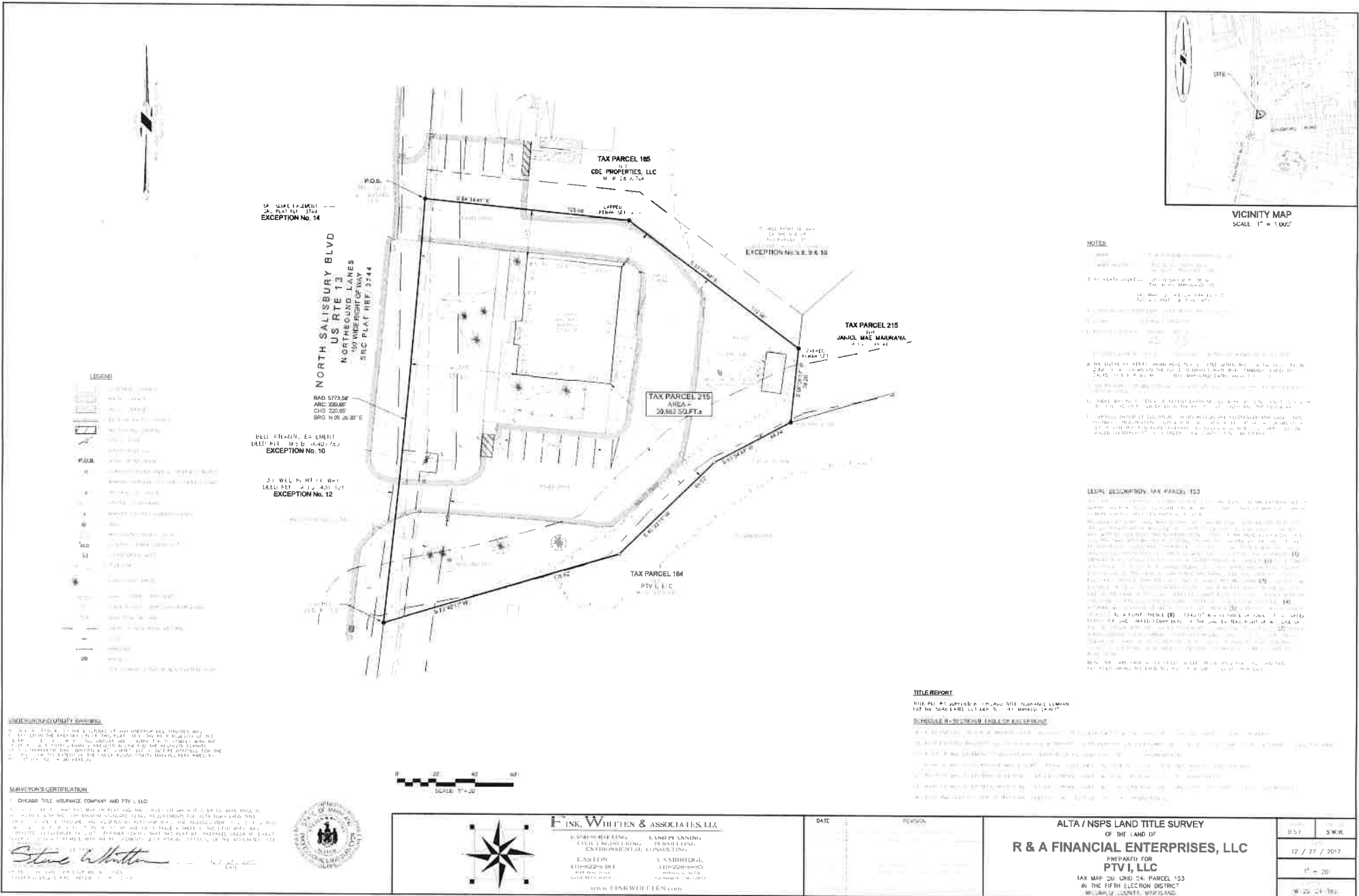
LAND SURVEYING LAND PLANNING
 CIVIL ENGINEERING PLANNING
 ENVIRONMENTAL CONSULTING

LASTON CAMBERIDGE
 HILLSBORO HINGSHAMPTON

www.FINKWHITTEN.com

DATE	REVISED

ALTA / NSPS LAND TITLE SURVEY		DATE	12 / 27 / 2017
CDE PROPERTIES, LLC		SCALE	1" = 20'
PTV, LLC		DATE	12 / 27 / 2017
TAX MAP - 204, 206, 210, 214, PARCELS 125-1 IN THE FIFTH ELECTION DISTRICT, WASHINGTON COUNTY, MARYLAND		BY	EDWARD L. WHITTEN



VICINITY MAP
SCALE 1" = 1000'

NOTES:

1. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE SURVEYING ACT, 1984 P.S. 13-101 THROUGH 13-107.
2. THE PROPERTY LINES SHOWN ON THIS MAP WERE DETERMINED BY MEASUREMENTS MADE BY THE SURVEYOR ON THE GROUND.
3. THE SURVEYOR HAS BEEN ADVISED THAT THERE ARE NO RECORDS OF PREVIOUS SURVEYS OF THIS PROPERTY.
4. THE SURVEYOR HAS BEEN ADVISED THAT THERE ARE NO RECORDS OF PREVIOUS SURVEYS OF THIS PROPERTY.
5. THE SURVEYOR HAS BEEN ADVISED THAT THERE ARE NO RECORDS OF PREVIOUS SURVEYS OF THIS PROPERTY.
6. THE SURVEYOR HAS BEEN ADVISED THAT THERE ARE NO RECORDS OF PREVIOUS SURVEYS OF THIS PROPERTY.
7. THE SURVEYOR HAS BEEN ADVISED THAT THERE ARE NO RECORDS OF PREVIOUS SURVEYS OF THIS PROPERTY.
8. THE SURVEYOR HAS BEEN ADVISED THAT THERE ARE NO RECORDS OF PREVIOUS SURVEYS OF THIS PROPERTY.
9. THE SURVEYOR HAS BEEN ADVISED THAT THERE ARE NO RECORDS OF PREVIOUS SURVEYS OF THIS PROPERTY.
10. THE SURVEYOR HAS BEEN ADVISED THAT THERE ARE NO RECORDS OF PREVIOUS SURVEYS OF THIS PROPERTY.

LEGAL DESCRIPTION TAX PARCELS 184

TO HAVE AND TO HOLD unto the said PTV I, LLC, the East 1/4 of Section 13, Township 36 North, Range 10 West, Cook County, Illinois, containing approximately 30,862 square feet, more or less, as shown on the attached plat.

TITLE REPORT

THIS TITLE REPORT IS BASED UPON THE RECORDS OF THE PUBLIC RECORDS OF COOK COUNTY, ILLINOIS, AND THE SURVEY MAP FILED IN COOK COUNTY, ILLINOIS, ON 12/27/2017.

SCHEDULE B - SUMMARY TABLE OF ENCUMBRANCES

NO.	DESCRIPTION	DATE	REMARKS

- LEGEND**
- 1. EASEMENT
 - 2. RIGHT OF WAY
 - 3. BOUNDARY LINE
 - 4. CORNER MARK
 - 5. ADJACENT PROPERTY
 - 6. PUBLIC ROAD
 - 7. UNRECORDED EASEMENT
 - 8. UNRECORDED ENCUMBRANCE
 - 9. UNRECORDED INTEREST
 - 10. UNRECORDED ENCUMBRANCE
 - 11. UNRECORDED INTEREST
 - 12. UNRECORDED ENCUMBRANCE
 - 13. UNRECORDED INTEREST
 - 14. UNRECORDED ENCUMBRANCE
 - 15. UNRECORDED INTEREST
 - 16. UNRECORDED ENCUMBRANCE
 - 17. UNRECORDED INTEREST
 - 18. UNRECORDED ENCUMBRANCE
 - 19. UNRECORDED INTEREST
 - 20. UNRECORDED ENCUMBRANCE

INTERESTED PARTY CERTIFICATIONS

I, the undersigned, being duly sworn, depose and say that I am the owner of the property described in the above plat and that I have read and approved the same and that I have no objection to the same being recorded.

SURVEYOR'S CERTIFICATION

I, CHICAGO TITLE INSURANCE COMPANY AND PTV I, LLC, have caused this survey to be made and the same to be true and correct according to the best of our knowledge and belief and that we have read and approved the same and that we have no objection to the same being recorded.



FINK WHITTEN & ASSOCIATES, LLC
 10000 BEECHING, LAND PLANNING
 CIVIL ENGINEERING, DESIGN
 ENVIRONMENTAL CONSULTING
 EASTON, ILLINOIS 61830-1814
 410-662-6184
 WWW.FINKWHITTEN.COM

ALTA / NSPS LAND TITLE SURVEY
 OF THE LAND OF
R & A FINANCIAL ENTERPRISES, LLC
 PREPARED FOR
PTV I, LLC
 TAX MAP 20, GRID 24, PARCEL 153
 IN THE FIFTH ELECTION DISTRICT
 WILSONVILLE COUNTY, VIRGINIA

DATE	12/27/2017
SCALE	1" = 40'
PROJECT	17-25-24-153

LEGEND

- 8000 ft Airport Turning Radius
- ▭ Municipal Areas
- Resource Conservation Districts**
 - ▭ A - 1 Agricultural - Rural
 - ▭ VC Village Conservation
- Residential Districts**
 - ▭ R - 8 Residential
 - ▭ R - 15 Residential
 - ▭ R - 20 Residential
 - ▭ R - 30 Residential
 - ▭ REC Residential, Educational & Cultural
 - ▭ TT Town Transition
- Commercial Districts**
 - ▭ C - 1 Select Commercial
 - ▭ C - 2 General Commercial
 - ▭ C - 3 Regional Commercial
- Institutional, Business and Industrial Districts**
 - ▭ LB - 1 Light Business & Institutional
 - ▭ LB - 2 Light Business & Residential
 - ▭ AB Airport Business
 - ▭ I - 1 Light Industrial
 - ▭ I - 2 Heavy Industrial
- Overlay Districts**
 - ▭ A - 2 Airport Overlay
 - ▭ CBCA Chesapeake Bay Critical Area
 - ▭ HP Historic Preservation
 - ▭ Neighborhood Preservation
 - ▭ Paleochannel
- Legislatively Approved Floating Districts**
 - ▭ CID Corporate Industrial



**preliminary site layout
(requested annexation area)**

5015/2026/2038 NORTH SALISBURY BLVD.
SALISBURY, MD 21801

PROTOTYPE:	DEVELOPER:	DESIGNER:
BLDG. SF:	COMPANY: PENN TEX VENTURES, LLC	COMPANY: PENN TEX VENTURES, LLC
ACREAGE: 2.33 AC.	NAME: TIA WERNAN	NAME: WILLIAM OWEN
PARKING SPACES: 139 SPACES	PHONE: 724-420-3367	PHONE: 724-420-3367

SITE SUMMARY:

Site Area: 2.33 acres
Parking: 139 spaces



RESOLUTION NO. 2928

1
2
3 A RESOLUTION of the City of Salisbury to adopt an annexation plan
4 for a certain area of land contiguous to and binding upon the
5 Northerly Corporate Limit of the City of Salisbury to be known as the
6 “Route 13 North – Penntex 2 Property Annexation” the southerly
7 boundary of which begins at a point on the said Corporate Limit ,
8 said point lying at the intersection of the easterly right-of-way line of
9 U.S. Route 13, North Salisbury Boulevard, and the northerly
10 boundary line of the lands of PTV I, LLC, thence running in an
11 easterly direction by and with the northerly line of the lands of PTV I,
12 LLC.

13 WHEREAS the City of Salisbury is considering the annexation of a parcel of land contiguous
14 to and binding upon the Northerly Corporate Limit of the City of Salisbury, the southerly boundary
15 of which begins at a point on the said Corporate Limit, said point lying at the intersection of the
16 easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary
17 line of the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line
18 of the lands of PTV I, LLC, and being more particularly described in Exhibit “A” attached hereto and
19 made a part hereof; and

20 WHEREAS the City of Salisbury is required to adopt an annexation plan for the proposed
21 area of annexation pursuant to the Local Government Article of the Maryland Annotated Code; and

22 WHEREAS the public hearing required by law is scheduled for April 8, 2019, at 6:00p.m.

23 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT
24 an annexation plan for the “Route 13 North – Penntex 2 Property Annexation,” as set forth in
25 Exhibit “B” attached hereto and made a part hereof, is adopted for that area of land located and
26 binding upon the Northerly Corporate Limit of the City of Salisbury, the southerly boundary of
27 which begins at a point on the said Corporate Limit, said point lying at the intersection of the
28 easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary
29 line of the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line
30 of the lands of PVT I, LLC, and being more particularly described in Exhibit “A” attached hereto and

31 made a part hereof; said parcel being contiguous to and binding upon the corporate limit of the City
32 of Salisbury.

33 AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, THAT the Council hold a
34 public hearing on the annexation plan hereby proposed on April 8, 2019, at 6:00p.m. in the Council
35 Chambers at the City-County Office Building and the City Administrator shall cause a public notice
36 of time and place of said hearing to be published not fewer than two (2) times at not less than
37 weekly intervals, in a newspaper of general circulation in the City of Salisbury, which said notice
38 shall specify a time and place at which the Council of the City of Salisbury will hold a public hearing
39 on the Resolution.

40 The above Resolution was introduced and read and passed at the regular meeting of the
41 Council of the City of Salisbury held on March 11, 2019, having been duly published as required by
42 law, and in the meantime, a public hearing was held on April 8, 2019, and was finally passed by the
43 Council at its regular meeting held on the 8th day of April 2019.

44

45 ATTEST:

46

47

48

49 _____
Kimberly R. Nichols,
50 City Clerk

John R. Heath,
51 Council President

52

53

APPROVED BY ME this ____ day of _____, 2019.

54

55

56 _____
Jacob R. Day,
57 Mayor

58

EXHIBIT A

Metes and Bounds Description

ROUTE 13 NORTH – PENNTEX 2 PROPERTY ANNEXATION

A CERTAIN AREA OF LAND contiguous to and binding upon the northerly Corporate Limit of the City of Salisbury to be known as "Route 13 North – Penntex 2 Property Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the easterly right-of-way line of U. S. Route 13, North Salisbury Boulevard, X 1,211,186.94, Y 217,317.50; thence by and with the northerly line of the lands of PTV I, LLC, the following five courses: (1) North seventy-three degrees forty-two minutes nineteen seconds East (N 73° 42' 19" E) one hundred twenty-seven decimal four, five (127.45) feet to a point X 1,211,309.27, Y 217,353.26; (2) North forty-five degrees thirty-five minutes nineteen seconds East (N 45° 35' 19" E) sixty-nine decimal zero, three (69.03) feet to a point X 1,211,358.58, Y 217,401.57; (3) North sixty-two degrees five minutes nineteen seconds East (N 62° 05' 19" E) forty-four decimal five, nine (44.59) feet to a point X 1,211,397.97, Y 217,422.44; (4) North seventy-three degrees forty minutes nineteen seconds East (N 73° 40' 19" E) seventy-one decimal six, zero (71.60) feet to a point X 1,211,466.69, Y 217,442.57; (5) South eighty-seven degrees five minutes thirty-eight seconds East (S 87° 05' 38" E) one hundred twenty-seven decimal one, eight (127.18) feet to a point X 1,211,593.71, Y 217,436.12; thence North six degrees twenty-two minutes fifty seconds East (N 06° 22' 50" E) one hundred nineteen decimal six, eight (119.68) feet to a point on the southerly edge of Leonard's Mill Pond X 1,211,607.01 Y 217,555.05; thence by and with the said line of Leonard's Mill Pond the following six courses: (1) North fifty-one degrees thirty-six minutes fifty-eight seconds West (N 51° 36' 58" W) thirty decimal four, eight (30.48) feet to a point X 1,211,583.11, Y 217,573.98; (2) North fifty-nine degrees two minutes fifty-two seconds West (N 59° 02' 52" W) forty-five decimal seven, nine (45.79) feet to a point X 1,211,543.84, Y 217,597.53; (3) North sixty-eight degrees thirteen minutes twenty-one seconds West (N 68° 13' 21" W) sixty-five decimal nine, zero (65.90) feet to a point X 1,211,482.64, Y 217,621.98; (4) North sixty-eight degrees seventeen minutes fifty-eight seconds West (N 68° 17' 58" W) ninety-four decimal two, zero (94.20) feet to a point X 1,211,395.12, Y 217,656.81; (5) North sixty-seven degrees thirty-one minutes forty-one seconds West (N 67° 31' 41" W) sixty decimal zero, zero (60.00) feet to a point X 1,211,339.68, Y 217,679.75; (6) North fifty-two degrees thirty-one minutes forty-one seconds West (N 52° 31' 41" W) one hundred forty-nine decimal zero, zero (149.00) feet to a point on the aforementioned line of U. S. Route 13, North Salisbury Boulevard X 1,211,221.42, Y 217,770.39; thence with a chord of a curve on the said line of U. S. Route 13 South three degrees fifteen minutes forty-four seconds West (S 03° 15' 44" W) two hundred thirty-three decimal four, nine (233.49) feet to a point on the said line of U. S. Route 13 X 1,211,208.14, Y 217,537.28; thence with a chord of a curve on the said line of U. S. Route 13 South five degrees thirty minutes thirty-two seconds West (S 05° 30' 32" W) two hundred twenty decimal eight, zero (220.80) feet to the point of beginning and containing 2.343 acres, more or less, being Parcels 153, 185 & 215 on Tax Map 20. All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.

Exhibit B

ANNEXATION PLAN FOR THE PTV I, LLC – N. SALISBURY BOULEVARD ANNEXATION TO THE CITY OF SALISBURY

October 11, 2018

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

- At a Work Session of the City of Salisbury Mayor and City Council, held on June 18, 2018, the Salisbury City Council (the “**City Council**”) reviewed the Petition for Annexation (the “**Annexation Petition**”) submitted by PTV I, LLC (“**PTV**”), dated May 25, 2018, which requested the City of Salisbury, Maryland (the “**City**”) annex the following parcels of land:
 - Map 0020, Grid 0024, Parcel 0153, consisting of .92 acres more or less, and having a premises address of 2815 N. Salisbury Blvd., Salisbury, Maryland 21801 and a Tax Identification Number of 05-029651 (“**Parcel 153**”);
 - Map 0020, Grid 0024, Parcel 0185, consisting of 1.07 acres more or less, having a premises address of 2825 N. Salisbury Blvd., Salisbury, Maryland 21801 and a Tax Identification Number of 05-032504 (“**Parcel 185**”); and,
 - Map 0020, Grid 0024, Parcel 0215, consisting of 25,303.54 square feet more or less, having a premises address of 2835 N. Salisbury Blvd., Salisbury, Maryland 21801 and a Tax Identification Number of 05-093228 (“**Parcel 215**”) (Parcel 153, Parcel 185 and Parcel 215 are hereinafter referred to collectively as the “**Annexed Property**”).
- At the July 19, 2018 Meeting of the Salisbury-Wicomico County Planning Commission (the “**Planning Commission**”), the Planning Commission reviewed the proposed annexation of the Annexed Property and approved a favorable recommendation to the City for the proposed zoning of the Annexed Property.
- On _____, 2018, a Regular Meeting of the City of Salisbury Mayor and City Council was convened, during which the City Council reviewed this Annexation Plan and a Resolution of the City Council to authorize and approve the City's annexation of the Annexed Property (said Resolution is hereinafter referred to as the “**Annexation Resolution**”), and, in accordance with applicable state and local law, directed that a date for a Public Hearing be established to hear public comment on the City's annexation of the Annexed Property, as requested by the Annexation Petition submitted by PTV. Furthermore, at the _____ 2018, Regular Meeting of the City of Salisbury Mayor and City Council, the City Council directed that this Annexation Plan be submitted to the Maryland Department of Planning and the Wicomico County Council for comment, within thirty (30) days of the Public Hearing on the Annexation Resolution, as required by applicable Maryland law.

1.0. GENERAL INFORMATION AND DESCRIPTION OF ANNEXED PROPERTY.

1.1. Petitioners for Annexation of the Annexed Property.

(a) **Parcel 153.** PTV is the Petitioner for annexation of Parcel 153. Pursuant to an Agreement of Sale, dated October 14, 2016, by and between PTV and R & A Financial Enterprises, LLC (“**R&A**”), R&A agreed to convey unto PTV, and PTV agreed to purchase from R&A, all that certain real property defined herein as Parcel 153. In accordance with the aforesaid Agreement of Sale, PTV has an equitable interest in the annexation of Parcel 153; and, PTV is acting as the developer of Parcel 153 and all other parcels of land comprising the Annexed Property which is the subject of this Annexation Plan.

(b) **Parcel 185.** PTV is the Petitioner for annexation of Parcel 185. Pursuant to an Agreement of Sale, dated July 18, 2016, by and between PTV and CDE Properties, LLC (“**CDE**”), CDE agreed to convey unto PTV, and PTV agreed to purchase from CDE, all that certain real property defined herein as Parcel 185. In accordance with the aforesaid Agreement of Sale, PTV has an equitable interest in the annexation of Parcel 185; and, PTV is acting as the developer of Parcel 185 and all other parcels of land comprising the Annexed Property which is the subject of this Annexation Plan.

(c) **Parcel 215.** PTV is the Petitioner for annexation of Parcel 215. All that certain real property defined herein as Parcel 215 was conveyed unto PTV by Deed from Janice Mae Maiorana (a/k/a Janice Mae Maiorana-Smith), dated September 11, 2018 and recorded among the Land Records of Wicomico County, Maryland in Liber 4377, folio 90.

1.2. Location.

(a) **Parcel 153.** Parcel 153 is located on the easterly side of N. Salisbury Blvd. (i.e. U.S. Route 13, having a premises address of 2815 N. Salisbury Blvd., Salisbury, Maryland 21801 (Map 0020, Grid 0024, Parcel 0153).

(b) **Parcel 185.** Parcel 185 is located on the easterly side of N. Salisbury N. Salisbury Blvd. (i.e. U.S. Route 13) and is bounded on, the northerly side, by Leonard’s Mill Pond, having a premises address of 2825 N. Salisbury Blvd., Salisbury, Maryland 21801 (Map 0020, Grid 0024, Parcel 0185).

(c) **Parcel 215.** Parcel 215 is located on the easterly side of both Parcel 153 and Parcel 185, and is bounded, on the northerly side, by Leonard’s Mill Pond, having a premises address of 2835 N. Salisbury Blvd., Salisbury, Maryland 21801 (Map 0020, Grid 0024, Parcel 0215).

1.3. Property Description. The Annexed Property consists of 2.33 +/- acres of land more or less and is comprised of Parcel 153, Parcel 185 and Parcel 215, as more particularly described hereinabove.¹ Parcel 153 is depicted by a survey titled, “ALTA/NSPS Land Title Survey of the Land of R & A Financial Enterprises, LLC Prepared for PTV I, LLC”, attached hereto and incorporated herein as **Attachment 1**. Parcel 185 is depicted by a survey titled, “ALTA/NSPS Land Title Survey of the Land of CDE Properties, LLC Prepared for PTV I, LLC”, dated December 27, 2017, attached hereto and incorporated herein as **Attachment 2**. Parcel 215 is depicted by a survey titled, “ALTA/NSPS Land Title Survey of the Land of Janice Mae Maiorana

¹ Enclosed with its Annexation Petition, PTV provided an Alta Survey for each of the Annexed Property’s three parcels (i.e. Parcel 153, Parcel 185 and Parcel 215). Based on those Alta Surveys, PTV calculates the total acreage for the Annexed Property to measure 2.33+/- acres. However, it should be noted: the Maryland State Department of Assessments and Taxation (“**SDAT**”) calculates the total acreage of the Annexed Property to measure 2.57+/- acres.

Prepared for PTV I, LLC”, dated December 27, 2017, attached hereto and incorporated herein as *Attachment 3*.

1.4. Existing Zoning. All of the Annexed Property is now zoned C-2, General Commercial under the Wicomico County Code.

- (a) **Parcel 153.** Parcel 153 adjoins C-2 zoned property to the north (i.e. Parcel 185) and to the east (i.e. Parcel 215) and adjoins property identified as Map 0020, Grid 0024, Parcel 0184 (“**Parcel 184**”) to the south, which said Parcel 184 is located within the municipal limits of the City of Salisbury and is zoned “General Commercial” under the City of Salisbury Code.
- (b) **Parcel 185.** Parcel 185 adjoins Leonard Mill Pond to the north and adjoins Parcel 153 to the south and Parcel 215 to the east, both of which are zoned C-2, General Commercial under the Wicomico County Code.
- (c) **Parcel 215.** Parcel 215 is adjoined: by Parcels 153 and 185 to the west, both of which are zoned C-2, General Commercial under the Wicomico County Code; by Leonard Mill Pond to the north; and by Parcel 184 to the south, which is located within the municipal limits of the City of Salisbury and is zoned “General Commercial” under the City of Salisbury Code.

2.0. LAND USE PATTERN PROPOSED FOR THE ANNEXED PROPERTY.

2.1. Comprehensive Plan.

- (a) The City of Salisbury adopted the current Comprehensive Plan in 2010. The Annexed Property is located within the City of Salisbury’s designated municipal growth area.²
- (b) With respect to annexation of lands, the goal of the City of Salisbury’s Comprehensive Plan is as follows: “To encourage the orderly growth and expansion of the City of Salisbury by annexing selected areas and by providing public services to newly developing areas without overburdening these facilities while continuing to maintain a high level of services to existing developments and residents of the City.”

2.2. Proposed Zoning for Annexed Property. Upon annexation, the Annexed Property is proposed to be zoned as “General Commercial”. Per Section 17.36.010 of the City of Salisbury Code, the purpose of the “General Commercial” zoning district is “to provide a wide range of functional and attractive regional retail, office, service, wholesale, storage, distributing and light manufacturing activities.” In a letter to PTV, dated July 30, 2018, from Anne Roane, City Planner for the City of Salisbury, informing PTV the Planning Commission had forwarded a favorable recommendation to the Mayor and Council for the Annexed Property to be zoned General Commercial upon annexation, Ms. Roane explained: the Planning Commission found that the proposed zoning of General Commercial for the Annexed Property is consistent with Wicomico County’s General Commercial zoning district and the recommendation provided in the City of Salisbury’s Comprehensive Plan for commercial development in the area of the Annexed Property.

² Pursuant to Resolution No. 2669, the City of Salisbury’s Comprehensive Plan was amended to correctly identify the land use designation of the Annexed Property, as well as other properties within the City of Salisbury’s municipal growth area, including Parcel 184, as “commercial”.

2.3. Proposed Land Use for Annexed Property. PTV proposes to redevelop the Annexed Property for two free-standing restaurants in accordance with the concept development plan submitted with the Annexation Petition filed by PTV (a copy of PTV's concept development plan for the Annexed Property is attached hereto and incorporated herein as *Attachment 4*).

3.0. THE PUBLIC FACILITIES AND SERVICES NEEDED BY THE DEVELOPMENT AND THE METHODS TO PROVIDE SUCH FACILITIES AND SERVICES TO THE ANNEXED PROPERTY.

3.1. Roads.

- (a) Currently, the Annexed Property has two (2) access points on U.S. Route 13 (i.e. N. Salisbury Blvd.). Upon redevelopment of the Annexed Property, PTV's concept development plan (*see Attachment 4*) indicates one access point on U.S. Route 13 with a connection to Parcel 184 (commonly known as the "Aldi site"), which has access to Dagsboro Road. The City of Salisbury Department of Infrastructure and Development will ultimately evaluate and make a determination about this proposed access configuration upon PTV's submittal of a final site development plan for the City's review and approval.
- (b) Sidewalks built to City standards would be located: (i) along the full road frontages around the portions of the Annexed Property's perimeter which adjoin public roadways; and, (ii) internal to the site connecting the Annexed Property to Parcel 184 (i.e. the Aldi site).

3.2. Water and Wastewater Treatment. In keeping with its concept development plan, PTV's redevelopment of the Annexed Property will create a demand of about 10,000 gallons per day. At its expense, PTV will connect to existing public water and sewerage facilities in the area at the direction of the City of Salisbury Department of Infrastructure and Development. The City has no concerns about the feasibility or capacity to serve the Annexed Property upon its redevelopment.

3.3. Schools. As a non-residential use, the Annexed Property will not generate pupil enrollment and will have no impact on school capacity.

3.4. Parks and Recreation. As a non-residential use, the Annexed Property will have no impact on park and recreational facilities, nor will PTV's planned redevelopment of the Annexed Property generate a demand for park and recreational facilities.

3.5. Fire, E.M., and Rescue Services. The Salisbury Fire Department provides fire suppression, technical rescue, special operations and advanced life support emergency medical treatment and transport services to residents of the Salisbury Fire District. The Annexed Property is located within the Salisbury Fire District; accordingly, the Salisbury Fire Department will provide the aforesaid services to the Annexed Property.

3.6. Police. The City of Salisbury Police Department will provide police services to the Annexed Property.

3.7. Stormwater Management. Stormwater management is governed by the State of Maryland, and stormwater management regulations are administered locally.

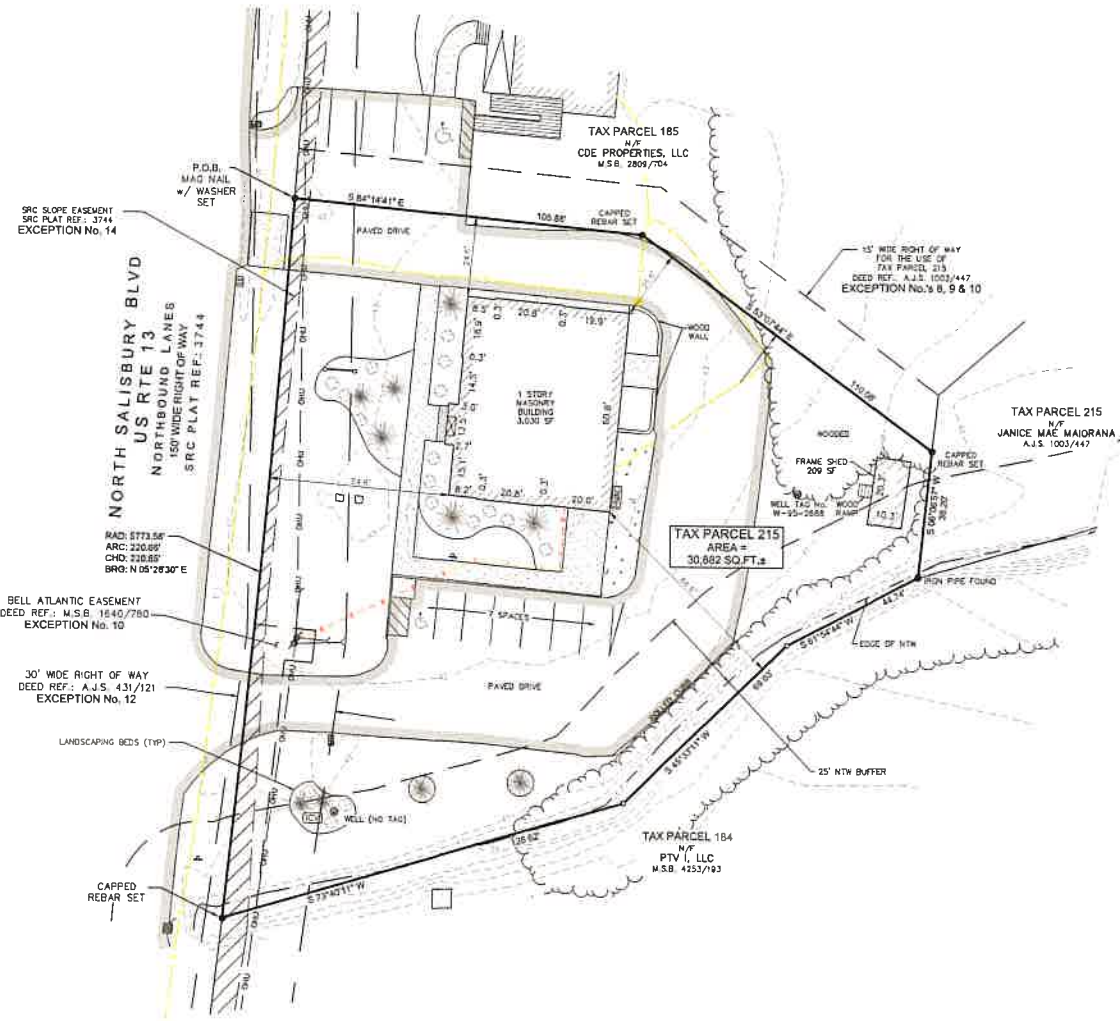
3.8. Waste Collection. Commercial development in the City of Salisbury is served by independent waste haulers.

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

- (a) The Annexed Property is located along and, except for Parcel 215, is immediately adjacent to U.S. Route 13 (i.e. N. Salisbury Blvd.) at the northern gateway to the Salisbury Boulevard commercial corridor. PTV's proposed commercial use of the Annexed Property is consistent with the overall plan for this geographic area of the City of Salisbury. The Annexed Property is located within the City of Salisbury's Municipal Growth Area and is eligible for annexation. PTV's proposed redevelopment of the Annexed Property would serve existing and future residents in this region of the City of Salisbury and would create various types of new jobs.
- (b) Attempts have been made to secure a development scenario that would be accessible by walking and would promote greater accessibility overall. The road constructed at the entrance to Parcel 184 (i.e. the Aldi site) along Dagsboro Road opposite Dickerson Lane will be extended through the Annexed Property, thereby connecting the Annexed Property to the entranceway on Parcel 184 for Dagsboro Road. Sidewalks would be constructed along the full road frontages around the portions of the Annexed Property's perimeter which adjoin public roadways.
- (c) PTV will be required to connect the Annexed Property by road and by pedestrian way to Parcel 184 (i.e. the Aldi site).
- (d) The thoughtful use of landscape design will enhance the quality of the streetscape in the area of the Annexed Property, which will improve it over existing conditions. For example: PTV will provide enhanced site landscaping at the site of the Annexed Property which recognizes and otherwise displays the "gateway" character of the Annexed Property; and, PTV will also provide buffer plantings and forest retention for purposes of establishing a buffer between the developed portion of the Annexed Property and the residentially zoned properties adjoining portions of the Annexed Property (i.e. the residentially zoned properties adjoining Parcel 215 on the easterly side).
- (e) The Annexed Property is located within the City of Salisbury's designated Paleochannel District, which is intended to protect and conserve the water resources of the Paleochannel, an ancient riverbed at a depth of 100 to 200 feet below the surface which is estimated to hold approximately 7 billion gallons of water. Development projects in the Paleochannel District are required to undergo site plan review and approval by the Planning Commission and comply with certain protection performance standards.



- LEGEND:**
- = CONCRETE SURFACE
 - = BRICK SURFACE
 - = WOOD SURFACE
 - = EDGE OF PAVED SURFACE
 - = NO PARKING STRIPING
 - = UTILITY POLE
 - = UTILITY POLE GUY
 - P.O.B.** = POINT OF BEGINNING
 - = COMPUTED POINT UNLESS OTHERWISE NOTED
 - = MARKED NATURAL GAS LINE (UNDERGROUND)
 - = NATURAL GAS VALVE
 - = UTILITIES (OVERHEAD)
 - = MARKED UTILITIES (UNDERGROUND)
 - = WELL
 - = IRRIGATION CONTROL VALVE
 - = SANITARY SEWER CLEAN OUT
 - = STORM DRAIN INLET
 - = TREE LINE
 - = LANDSCAPE SHRUB
 - = HVAC SYSTEM COMPONENTS
 - = STATE ROADS COMMISSION (MARYLAND)
 - = NON-TIDAL WETLAND
 - = LIMITS OF NON-TIDAL WETLANDS
 - = SON
 - = MARQUEE
 - = MALBEC
 - = TOPOGRAPHIC CONTOUR & ELEVATION (1'FP)



UNDERGROUND UTILITY WARNING:
 NO INVESTIGATION AS TO THE EXISTENCE OF ANY UNDERGROUND UTILITIES WAS CONDUCTED IN THE PREPARATION OF THIS PLAT. IT IS THE RESPONSIBILITY OF THE OWNER, SUCCESSORS, OR ASSIGNEES AND/OR ANY CONTRACTOR TO COMPLY WITH THE UNDERGROUND FACILITIES DAMAGE PREVENTION LAW AND THE REGULATORY PERMITS AND/OR ORDINANCES THEREOF. FINK, WHITTEN & ASSOCIATES, LLC IS NOT RESPONSIBLE FOR THE ACCURACY, OR THE EXTENT OF THE UNDERGROUND UTILITY MARKING PERFORMED BY ANY UTILITY AND SHOWN HEREON.

SURVEYOR'S CERTIFICATION:
 TO CHOCADO TITLE INSURANCE COMPANY AND PTV I, LLC.
 THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DEGREE REQUIREMENTS FOR ALTA/NPSPLS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES FEES 1, 2, 3, 4, 5, 6(A), 6(B), 7(A), 7(B), 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 19, 2017. I FURTHER CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN DS.13.06.12 OF THE ANNOTATED CODE OF MARYLAND.
 DATE OF PLAT OR MAP: DECEMBER 27, 2017
 SIGNED: *Steven R. Whitten*
 STEVEN R. WHITTEN
 PROFESSIONAL LAND SURVEYOR NO. 12128
 CURRENT LICENSE EXPIRES: FEBRUARY 1 / 6 / 2019



FINK, WHITTEN & ASSOCIATES, LLC.
 LAND SURVEYING LAND PLANNING
 CIVIL ENGINEERING SURVEYING
 ENVIRONMENTAL CONSULTING
 EASTON CAMBRIDGE
 410-622-9498 410-228-8805
 1000 State Street 1000 State Street
 Easton, Maryland 21829 Cambridge, Maryland 21613
 www.FINKWHITTEN.com

DATE	REVISION

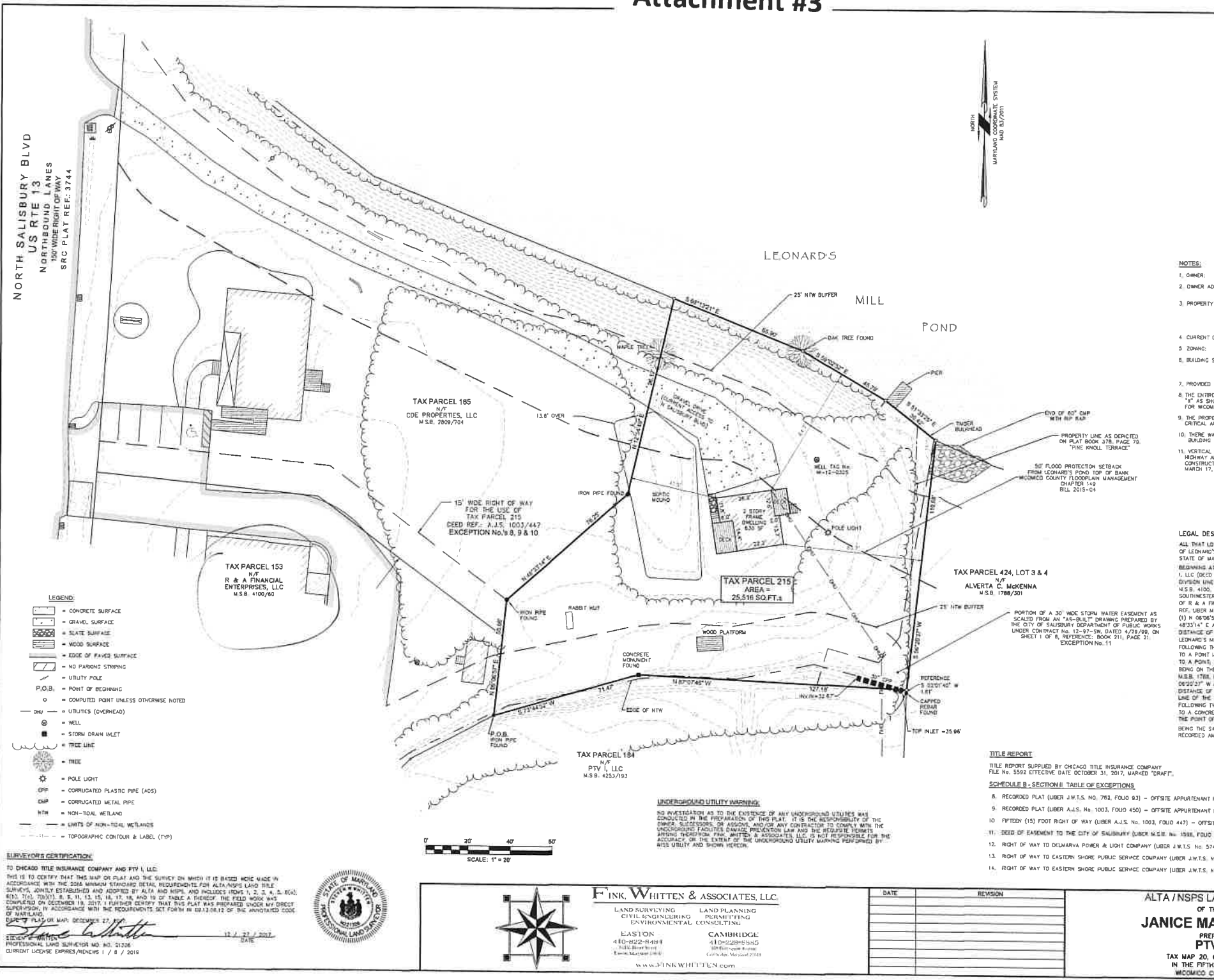
ALTA / NPSPLS LA
 OF THE
R & A FINANCIAL
 PREP
 PTV
 TAX MAP 20, C
 IN THE FIFTH
 WICOMICO CC

NOTES:

1. OWNER:
2. OWNER ADDRESS:
3. PROPERTY ADDRESS:
4. CURRENT DEED:
5. ZONING:
6. BUILDING SETBACKS:
7. PROVIDED PLAT:
8. THE ENTIRE PARCEL IS ZONED AS 2404SC0112E
9. THE PROPER CRITICAL AREA:
10. THERE WAS NO BUILDING AT THE TIME OF THE SURVEY:
11. VERTICAL DIMENSIONS ARE TO THE CENTERLINE OF THE ROADWAY AND SET OF CORNERS SEaled ON THE DATE OF RECORDING.

LEGAL DESCRIPTION:
 ALL THAT LOT NORTH SAUSBURG IS MORE PART: BEGINNING AT THE EASTERN END OF THE EASTERN FRONTAL CORNER OF THE SAID LAND OF 815'44" W.A. OF 68.03' TO A REBAR SET, SA RT. 13, THENCE NORTHERLY, LENGTH OF 22' 220.65' TO THE MORE OR LESS, BEING THE SAME RECORDED AND

TITLE REPORT:
 TITLE REPORT SUPPLIED BY CHOCADO TITLE INSURANCE COMPANY, FILE NO. 5448 DATED OCTOBER 30, 2017, MARKED "DRAW".
SCHEDULE B - SECTION II TABLE OF EXCEPTIONS:
 8. PLAT ENTITLED "GEORGE W. HERRITT", DATED AUGUST 12, 1971 (LBER J.W.T.S. N
 9. PLAT ENTITLED "PROPERTY SURVEY FOR GEORGE W. HERRITT", DATED FEBRUARY
 10. RIGHT OF WAY EASEMENT TO BELL-ATLANTIC (LBER M.S.B. NO 1640/780;
 11. RIGHT OF WAY TO DELMARVA POWER & LIGHT COMPANY (LBER J.W.T.S. NO 574);
 12. RIGHT OF WAY TO EASTERN SHORE PUBLIC SERVICE COMPANY (LBER J.W.T.S. NO
 13. RIGHT OF WAY TO EASTERN SHORE PUBLIC SERVICE COMPANY (LBER J.W.T.S. NO
 14. DEED AND PLAT TO STATE OF MARYLAND (LBER I.D.T. NO. 219, FOLIO 788) - A



SURVEYOR'S CERTIFICATION:

TO CHICAGO TITLE INSURANCE COMPANY AND PTV I, LLC:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NPS/LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 19, 2017. I FURTHER CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN 62-13.08.12 OF THE ANNOTATED CODE OF MARYLAND.

DATE OF PLAT OR MAP: DECEMBER 27, 2017

Janice M. PTV

PROFESSIONAL LAND SURVEYOR NO. 21238
CURRENT LICENSE EXPIRES: FIVE/8 / 2019



FINK, WHITTEN & ASSOCIATES, LLC.

LAND SURVEYING CIVIL ENGINEERING ENVIRONMENTAL CONSULTING

LAND PLANNING PERMITTING ENVIRONMENTAL CONSULTING

EASTON 410-822-8484
FIVE BAY DRIVE
EASTON, MARYLAND 21829

CAMBRIDGE 410-528-8545
3800 ROUTE 4
CAMBRIDGE, MARYLAND 21613

WWW.FINKWHITTEN.COM

DATE	REVISION

ALTA/NPS/LA OF THE JANICE MA PTV PREP TAX MAP 20, 01 IN THE FIFTH 1 WICOMICO CO

NOTES:

- OWNER
- OWNER ADDRESS
- PROPERTY ADDRESS
- CURRENT DEED
- ZONING
- BUILDING SETBACK
- PROVIDED PLAT
- THE EXISTING PROPERTY AS SHOWN FOR WICOMICO COUNTY
- THE PROPERTY CRITICAL AREAS
- THERE WAS NO BUILDING ADJACENT TO THE HIGHWAY ADMINISTRATION CONSTRUCTION MARCH 17, 2017
- VERTICAL DATA FROM LEONARD'S POND TOP OF BANK WICOMICO COUNTY FLOODPLAIN MANAGEMENT CHAPTER 149 BILL 2015-04

LEGAL DESCRIPTION:

ALL THAT LOT OF LEONARD'S MILL POND, STATE OF MARYLAND, BEGINNING AT A POINT IN THE SOUTHWESTERLY CORNER OF R & A FINANCIAL ENTERPRISES, LLC (DEED RE: DIVISION LINE 0 M.S.B. 4100, FC 0622237) W.A. DISTANCE OF 1.14 FEET TO A POINT IN LEONARD'S MILL POND FOLLOWING THE LINE OF THE S1/4 FOLLOWING TWO TO A CONCRETE POINT OF BEGINNING BEING THE SAME RECORDED AND

**preliminary site layout
(requested annexation area)**

2815/2825/2835 NORTH SALISBURY BLVD.
SALISBURY, MD 21801

PROTOTYPE:	DEVELOPER:	DESIGNER:
BLDG. SF:	COMPANY: PENN TEX VENTURES,LLC	COMPANY: PENN TEX VENTURES,LLC
ACREAGE: 2.33 AC.	NAME: TIM WEINMAN	NAME: WILLIAM OWEN
PARKING SPACES: 139 SPACES	PHONE: 724-420-5367	PHONE: 724-420-5367

SITE SUMMARY:

Site Area: 2.33 acres
Parking: 139 spaces



PTV I, LLC – NORTH SALISBURY BOULEVARD ANNEXATION

EXHIBIT C

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (“**Agreement**”) is made this ____ day of October, 2018, by and between the *City of Salisbury, Maryland*, a municipal corporation of the State of Maryland (the “**City**”), and *PTV I, LLC*, a Pennsylvania limited liability company (“**PTV**”) (the City and PTV are hereinafter referred to collectively as the “**Parties**”).

RECITALS

WHEREAS, for purposes of this Agreement, the term “PTV” shall be deemed to include each and every subsidiary, successor-in-interest and/or assign of PTV, as the case may be, such that this Agreement, and all of the terms and conditions set forth herein, shall apply to, be binding in all respects upon and inure to the benefit of each and every successor-in-interest and/or assign of PTV, as the case may be;

WHEREAS, pursuant to that certain Agreement of Sale, dated October 14, 2016, by and between R & A Financial Enterprises, LLC (“**R&A**”) and PTV, R&A agreed to convey unto PTV, and PTV agreed to purchase from R&A, all that certain real property identified as Map 0020, Grid 0024, Parcel 0153, consisting of .92 acres more or less, and having a premises address of 2815 N. Salisbury Blvd., Salisbury, Maryland 21801 (“**Parcel 153**”);

WHEREAS, pursuant to that certain Agreement of Sale, dated July 18, 2016, by and between CDE Properties, LLC (“**CDE**”) and PTV, CDE agreed to convey unto PTV, and PTV agreed to purchase from CDE, all that certain real property identified as Map 0020, Grid 0024, Parcel 0185, consisting of 1.07 acres more or less, having a premises address of 2825 N. Salisbury Blvd., Salisbury, Maryland 21801 (“**Parcel 185**”);

WHEREAS, PTV is the owner of all that certain real property identified as Map 0020, Grid 0024, Parcel 0215, consisting of 25,303.54 square feet more or less, having a premises address of 2835 N. Salisbury Blvd., Salisbury, Maryland 21801 (“**Parcel 215**”), pursuant to a Deed, dated September 11, 2018, from Janice Mae Maiorana (a/k/a Janice Mae Maiorana-Smith) (“**Maiorana-Smith**”) to PTV, recorded among the Land Records of Wicomico County, Maryland in Liber 4377, folio 90 (Parcel 153, Parcel 185 and Parcel 215 are hereinafter referred to collectively as the “**Property**”);

WHEREAS, upon acquiring title to all three (3) parcels of land comprising the Property, PTV intends to re-subdivide the three (3) parcels of the Property into two (2) parcels, as described in *Exhibit A* attached hereto and incorporated herein;

WHEREAS, upon PTV’s acquisition of all parcels comprising the Property (i.e. Parcel 153, Parcel 185 and Parcel 215), and following PTV’s subdivision of the Property into two (2) parcels as described in *Exhibit A*, PTV intends to construct upon the Property certain commercial buildings and associated site improvements consistent with the use of property located in the City’s General Commercial zoning district;

WHEREAS, all of the land which makes up the Property is located within Wicomico County, Maryland and outside the municipal boundaries of the City, and, therefore, the Property is ineligible to receive City services, including municipal water and sanitary sewer utility service, which PTV desires to obtain for its development of the Property as aforesaid;

WHEREAS, PTV, with the consent of each of R&A, CDE and Maiorana-Smith, submitted a Petition for Annexation (the “**Petition**”), dated May 25, 2018, requesting the City annex each parcel of land which makes up the Property as contemplated herein;

WHEREAS, the City is willing to annex the Property, provided PTV agrees to adhere to all laws, ordinances and regulations of the City, and the provisions of this Agreement, regarding PTV's use and development of the Property;

WHEREAS, appropriate and required public hearings on the proposed annexation of the Property have been held pursuant to all applicable state and local laws;

WHEREAS, pursuant to the authority contained in MD Code, Local Government, § 4-101, et seq., the City and PTV enter into this Agreement to set forth the terms and conditions of the proposed annexation of the Property and all annexation proceedings relating thereto.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties hereto, the Parties hereby agree as follows:

1. Effective Date.

The effective date of this Agreement shall be the date upon which the Resolution approving the City's annexation of the Property becomes effective (said Resolution is hereinafter referred to as the "**Annexation Resolution**"). The annexation of the Property shall not become effective unless and until all applicable appeal and referendum periods have expired, and, if applicable, all appeals and referenda have been resolved in favor of the City's annexation of the Property.

2. Warranties & Representations of the City.

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

(b) The Parties expressly acknowledge and agree the City's support for the annexation of the Property, as provided herein, is not intended, nor shall it be construed, to prohibit the City from enacting such future ordinances, charter provisions, engineering standards or any amendments thereto deemed necessary or appropriate to protect the public, health, safety and welfare of the residents of the City, nor from applying such ordinances or charter provisions to the development of the Property or any portion thereof, provided any such application does not operate to divest prior approvals, nor interfere with PTV's vested rights in and to the Property, or any portion thereof, to any extent greater than the impact of such ordinances and charter resolutions have upon other similarly-situated properties located within the municipal boundaries of the City.

3. Warranties & Representations of PTV.

(a) This Agreement shall constitute the written consent of PTV to annexation of the Property, as required by MD Code, Local Government, §§ 4-403(b)(1)-(2). PTV represents and warrants to the City that it has the full power and authority to sign this Agreement and that PTV is the sole owner of the Property more particularly described in *Exhibit A* and, thus, constitutes the owner of one hundred percent (100%) of the assessed value of the Property. PTV further represents and warrants to the City that there is no action pending against, or otherwise involving, PTV that would affect, in any way, the right and authority of PTV to execute this Agreement.

(b) PTV expressly acknowledges and agrees that it will receive a benefit from and upon the City's annexation of the Property; accordingly, by PTV's execution of this Agreement, PTV agrees, as a bargained-for condition for the City's annexation of the Property, to waive and relinquish any and all right

it has or may have to withdraw its consent to the City's annexation of the Property or any portion thereof. PTV shall not petition the Annexation Resolution to referendum and, in the event the Annexation Resolution is petitioned to referendum and PTV is permitted to vote in such referendum, PTV shall vote in favor of the Annexation Resolution.

4. Application of City Code and Charter.

From and after the effective date of the Annexation Resolution, all provisions of the City of Salisbury Charter (the "Charter") and the Salisbury Municipal Code (the "City Code") shall have full force and effect within the Property, except as otherwise expressly set forth herein.

5. Municipal Zoning.

Upon the effective date of the Annexation Resolution, the Property shall be zoned General Commercial.

6. Municipal Services.

(a) Subject to the obligations of PTV set forth in Section 9(f)(i)-(ii) hereof, the City agrees to provide all necessary municipal services required for PTV's development of the Property, including, but not limited to, adequate water and sewer services, fire and police protection, and other municipal services as generally available to City residents.

(b) With regard to public water and sewer allocation for the Property or any portion thereof, any allocation of public water or wastewater capacity and/or services shall be made by the City according to adopted allocation plans in effect at the time PTV makes a request for such capacity and/or services.

7. Standards & Criteria.

Should any environmental, engineering, or other similar standard or criteria expressly provided in this Agreement be exceeded by any local, state or federal law, regulation, rule, standard or authorized criteria, which may be adopted subsequent to the execution of this Agreement, the newer stricter standard, criteria, law or regulation shall apply.

8. City Boundary Markers.

(a) PTV, at its sole cost and expense, shall install City Boundary Markers at the boundary lines representing the enlarged City boundaries resulting from the City's annexation of the Property. PTV shall provide the City with receipt(s), or other written documentation acceptable to the City, evidencing the installation of the boundary lines, as aforesaid, within ninety (90) days of the expiration of the forty-five (45) day referendum period applicable to the Annexation Resolution.

(b) In the event PTV fails to comply with its obligations under Section 8(a) hereof, then, upon the expiration of the ninety (90) day period set forth in Section 8(a), PTV shall make payment to the City in the amount of either Ten Thousand Dollars and 00/100 (\$10,000.00) or the amount of the costs incurred by the City to perform the obligations of PTV under Section 8(a), whichever is greater.

9. **Development Considerations.**

(a) **Fees & Costs.** PTV expressly acknowledges and agrees that it shall make payment to the City for any and all fees, costs and/or expenses, including, but not limited to, legal fees, planning fees and/or consulting fees, incurred by the City in connection with the preparation of this Agreement, the preparation of the Annexation Resolution, the preparation of any other document(s) pertaining to the annexation of the Property, the publication of public notice(s) for the annexation of the Property, and any other matter relating to or arising from the annexation of the Property, as determined by the City in its sole discretion. The City shall invoice PTV for all costs to be paid by PTV under this Section 9(a) and PTV shall make payment to the City for all such amounts within fifteen (15) days of PTV's receipt of any such invoice from the City.

(b) **Development of Property.** PTV shall develop the Property in a manner compliant with all laws and regulations governing the development of property located within the City's General Commercial zoning district.

(c) **Contribution to Area Improvement.** PTV agrees to install sidewalks along the full public road frontage of the Property and to install pedestrian walkways within the Property in such manner and to such extent as determined necessary and appropriate by the City's Department of Infrastructure and Development.

(d) **Contribution to the Re-Investment in Existing Neighborhoods.**

(i) Prior to PTV's submission or filing of any application or request for issuance of a permit for or relating to PTV's development of the Property, including an application for a building permit, or upon the expiration of one hundred twenty (120) days from the effective date of the Annexation Resolution, whichever occurs first, PTV shall pay to the City a non-refundable development assessment in the amount of Twenty-One Thousand Dollars and 00/100 (\$21,000.00) (the "**Development Assessment**"). PTV expressly acknowledges and agrees that its payment of the Development Assessment to the City under this Section 9(d)(i) is a material part of the consideration received by the City hereunder, without which the City would not enter into this Agreement.

(ii) In the event PTV fails to pay the Development Assessment to the City in accordance with the terms of Section 9(d)(i), the Development Assessment shall bear interest from the due date thereof to the date of payment at the rate of ten percent (10%) per annum. Notwithstanding any term to the contrary set forth herein, PTV shall make payment of the Development Assessment, including all late charges incurred thereon, if any, to the City, prior to the City's issuance of any permit for or relating to any development of the Property.

(iii) The Parties expressly acknowledge and agree the Development Assessment is intended for use by the City, in its sole discretion, for purposes of beautification, restoration and revitalization improvements to existing neighborhoods in the City. The Parties further acknowledge and agree the Development Assessment shall be in addition to, and otherwise independent of, any and all water and sewer comprehensive connection charges or fees assessed, levied or otherwise imposed by the City, any and all impact fees imposed by Wicomico County or the City, and/or any other charges or fees which the City may assess against PTV or the Property in accordance with the terms and conditions of this Agreement and/or pursuant to any law or regulation applicable to the Property and/or the development thereof.

(e) **Community & Environmental Design.** PTV expressly acknowledges and agrees that any development plan for the Property shall: feature strong pedestrian, functional and visual relationships from

the street and sidewalk to the front entrance of each structure constructed at or upon the Property; include enhanced site landscaping which recognizes and otherwise displays the "gateway" character of the Property; and, provide buffer plantings and forest retention for purposes of establishing a buffer between the developed portion of the Property and the residentially zoned properties adjoining portions of the Property.

(f) Public Utility Improvements & Extensions.

- (i)** The Parties expressly acknowledge and agree that extensions of public water and sanitary sewer utilities will be necessary to meet the utility service requirements for and within the Property. Accordingly, the Parties expressly acknowledge and agree that PTV shall, at its sole cost and expense, design and construct, or cause to be designed and constructed, such public water and sanitary sewer utility extension(s), including water and sewer main(s), trunk line(s), fire hydrant(s) and appurtenant facilities, required or imposed to serve the development or redevelopment of, or any other site improvements to or for, the Property or any portion thereof, in accordance with the City's standards and specifications.
- (ii)** In addition to the provisions set forth in Section 9(f)(i), PTV's design and construction of all facilities necessary for the extension and service of public water and sanitary sewer utilities to the Property shall be governed by the terms and conditions of a Public Works Agreement, by and between PTV and the City (the "PWA"), which shall be executed by the Parties as soon as practicable after the Annexation Resolution becomes effective, with the express agreement that execution of the PWA by the Parties will not be unreasonably conditioned, withheld or delayed; provided, however, no permit may be issued to PTV, or any party acting on its behalf, for any work associated with PTV's development of the Property, or any portion thereof, until the PWA has been executed by the Parties.

10. RECORD PLAT.

PTV shall provide the City with a copy of the final record plat for any development of, on or within the Property.

11. NOTICES.

All notices and other communication in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof: (1) when delivered in person on a business day at the address set forth below; (2) on the third (3rd) business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage prepaid certified or registered mail, return receipt requested, at the address set forth below; or, (3) when delivered by a nationally-recognized delivery service company at the address set forth below, with written proof of delivery.

All notices and other communications to PTV shall be addressed to, and delivered at, the following addresses:

PTV I, LLC
c/o Ted Donald
400 Penn Center Boulevard, Building 4
Suite 1000
Pittsburgh, PA 15235

All notices and other communications to the City shall be addressed to, and delivered at, the following addresses:

City of Salisbury

c/o Amanda H. Pollack, P.E., Director
Department of Infrastructure and Development
125 N. Division Street, Room 202
Salisbury, Maryland 21801

With a copies to:
Michael P. Sullivan, Esquire
Cockey, Brennan & Maloney, P.C.
313 Lemmon Hill Lane
Salisbury, Maryland 21801

S. Mark Tilghman, Esquire
Seidel, Baker & Tilghman, P.A.
110 N. Division Street
Salisbury, MD 21801
City Solicitor

12. Future Uses of Annexation Property.

PTV expressly acknowledges and agrees that, upon the effective date of the Annexation Resolution, any development of the Property must comply with all applicable laws, rules and regulations of the City, as may be amended from time to time, including, but not limited to, all applicable zoning laws of the City, and all applicable permitting and/or approval procedures established by the City governing the development and/or use of property located within the City's General Commercial zoning district. Development of the Property shall be subject to, and must comply with, any and all applicable capacity fees and/or impact fees established by the City and/or Wicomico County existing as of the effective date of the Annexation Resolution, subject to any amendments thereto as approved by the City and/or Wicomico County from time to time. The Parties expressly acknowledge and agree that this Agreement, or any of the terms set forth herein, shall not, in any way, constitute, or otherwise be construed as, an approval for any specific development on or within the Property or any portion thereof; nor shall this Agreement or any of its terms constitute or otherwise be construed as a waiver by the City of any fee(s) or charge(s) associated with or arising from PTV's development and/or use of the Property or any portion thereof.

13. Miscellaneous Provisions.

(a) Applicable Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Maryland, without regard to its conflict of laws principles. The Parties, acting for themselves and for their respective successors and assigns, without regard to domicile, citizenship or residence, hereby expressly and irrevocably consent to and subject themselves to the jurisdiction of the Maryland courts and to venue in Wicomico County, Maryland with respect to any matter arising from or in connection with this Agreement.

(b) Scope of Agreement. This Agreement is not intended to limit the exercise of any police power(s) of the City, to limit the operation of the City government or to guarantee the outcome of any administrative process. Unless otherwise expressly set forth in this Agreement or in any other subsequent agreement entered into by the Parties, this Agreement shall be subject to all properly enacted laws, and properly adopted governmental regulations, now or hereafter existing and applicable. This Agreement shall not be rendered invalid by reason of the enactment or amendment of any law or the adoption or amendment of any regulation, which is: **(i)** enacted or adopted by the City in the exercise of a governmental power for a valid governmental purpose; **(ii)** enacted or adopted by the City as a result of a state or federal mandate; or, **(iii)** applicable to the Property and to similarly situated property located outside of the City in Wicomico County.

(c) **Entire Agreement.** This Agreement and all exhibits and/or addenda attached hereto constitutes the entire agreement and understanding of the Parties with respect to the transactions contemplated herein, and all prior negotiations, writings and understandings relating to the subject matter of this Agreement are merged herein and are superseded and canceled by this Agreement.

(d) **Waiver.** None of the terms or conditions of this Agreement may be waived, except if set forth in a writing signed by the party entitled to the benefit of the term(s) or condition(s) so waived; and, such waiver shall be effective only in the specific instance and for the specific purpose for which it is given.

(e) **Project as a Private Undertaking.** The Parties expressly acknowledge and agree: (i) that the development or redevelopment of the Property, or any portion thereof, is a private undertaking; (ii) that neither the City nor PTV is acting as the agent of the other party in any respect hereunder; and, (iii) that each of the City and PTV is an independent contracting entity with respect to the provisions of this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement.

(f) **Modification.** Neither this Agreement nor any provision hereof may be waived, modified, amended, discharged or terminated except by an instrument in writing signed by the Parties.

(g) **Binding Effect.** The terms of this Agreement shall be binding upon and shall inure to the benefit of the Parties hereto, any successor municipal authority of the City and/or any successor owner(s) of record of the Property or any portion thereof.

(h) **Assignment of Agreement.** The Parties expressly acknowledge and agree this Agreement shall be assignable, in whole or in part, by PTV, without the consent of the City or any of its elected officials, employees or agents, to any purchaser of the Property or any portion thereof; provided, however, any transfer of all or a portion of the Property shall be subject to the terms of this Agreement. Notwithstanding any term to the contrary set forth in this Section 13(h), PTV shall not transfer, or pledge as security for any debt or obligation, any of its interest in or to all or any portion of the Property without first obtaining the acknowledgment of the transferee or pledgee to be bound by all of the terms and conditions set forth herein, as if such transferee or pledgee was a party to this Agreement. PTV shall provide the City with a copy of all documents, including all exhibits attached thereto (if any), evidencing any transfer or assignment by PTV of any of its interests in and to the Property or any portion thereof.

(i) **Express Condition.** The obligations of PTV under this Agreement shall be contingent upon the annexation of the Property becoming effective (as set forth in Section 1 hereof) and shall not constitute the personal obligations of PTV independent of its ownership of the Property or any portion thereof. Notwithstanding any term to the contrary set forth herein, the obligations of PTV under Section 9(a) hereof shall not be contingent or otherwise conditioned upon annexation of the Property and shall be binding upon and enforceable against PTV, its successors, representatives and assigns, to the fullest extent permitted by Maryland law.

(j) **No Third-Party Beneficiaries.** This Agreement shall not confer any rights or remedies upon any person or entity other than the Parties hereto and their respective successors and/or assigns.

(k) **Recording of Agreement.** This Agreement, including all exhibits, schedules and/or addenda attached hereto, each of which is incorporated in this Agreement by this reference, shall be recorded among the Land Records of Wicomico County, the costs of which shall be paid by PTV. This Agreement, and all of the terms contained herein, shall run with the Property and be binding upon and inure to the benefit of the Parties and their respective heirs, personal representatives, successors and/or assigns.

(l) **No Reliance.** Each party to this Agreement, for itself, expressly acknowledges and agrees that, in entering into this Agreement, such party has not been induced by, nor has relied upon, nor included as part of the basis of the bargain herein, any representation(s) or statement(s), whether express or implied,

made by any agent, representative or employee of the other party to this Agreement, which is not expressly set forth herein.

(m) Further Assurances. The Parties covenant and agree to do, execute, acknowledge and deliver, or cause to be done, executed, acknowledged and delivered, all such further acts, deeds, documents, assignments, transfers, conveyances, powers of attorney and assurances as may be reasonably necessary or desirable to give full effect to this Agreement.

(n) Severability. The Parties intend that should any provision, covenant, agreement, or portion of this Agreement or its application to any person, entity, or property be held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement and the validity, enforceability, and application thereof to any person, entity, or property shall not be impaired thereby, but such remaining provisions shall be interpreted, applied and enforced so as to achieve, as near as may be, the purpose and intent of this Agreement to the greatest extent permitted by applicable law.

(o) Waiver of Jury Trial. The Parties hereto shall and they hereby do waive trial by jury in any action, proceeding or counter-claim brought by any party against any other party on any matters whatsoever arising out of or in any way connected with this Agreement, the relationship of the Parties to one another, and/or any claim, injury or damage arising from or consequent upon this Agreement.

(p) Remedies. In addition to each and every remedy now or hereafter existing at law or in equity, the Parties expressly agree that, provided the Annexation Resolution becomes effective, the Parties shall have the right to enforce this Agreement by an action for specific performance.

(q) Survival. The terms and conditions of this Agreement shall survive the effective date of the Annexation Resolution and shall not be merged or expunged by the City's annexation of the Property or any portion thereof.

(r) Construction. This Agreement and all of the terms and conditions set forth herein shall not be construed or enforced in favor of or against any party hereto by reason of the fact that party or that party's agent or attorney drafted all or any part of this Agreement. Section headings are for convenience of reference only and shall not limit or otherwise affect any of the provisions of this Agreement. As used herein, any reference to the masculine, feminine or neuter gender shall include all genders, the plural shall include the singular, and the singular shall include the plural.

(s) Time. Time is of the essence with respect to this Agreement and each and every provision hereof.

(t) Cooperation. The Parties hereto agree that each will cooperate with the other to the extent necessary to facilitate the issuance of any and all required permits from any non-party government agency for PTV's development of the Property.

(u) Recitals. The Recitals set forth hereinabove are incorporated by reference herein, and made a part hereof, as if fully set forth in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals and acknowledged this Agreement as of the day and year first above written.

ATTEST/WITNESS:

“PTV”:

PTV I, LLC

By: _____ (Seal)
Ted Donald, Authorized Representative

THE "CITY":
City of Salisbury, Maryland

By: _____ (Seal)
Jacob R. Day, Mayor

STATE OF _____, _____ COUNTY, TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____, 2018, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared TED DONALD, who

acknowledged himself to be an Authorized Representative of PTV I, LLC, and that he, as such Authorized Representative, being authorized so to do, executed the foregoing instrument on behalf of PTV I, LLC for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

STATE OF MARYLAND, COUNTY OF _____, TO WIT:

I HEREBY CERTIFY that on this ____ day of _____, 2018, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared JACOB R. DAY, who acknowledged himself to be the MAYOR of THE CITY OF SALISBURY, MARYLAND, and that he, as such officer, being authorized to do so, executed the foregoing instrument on behalf of said municipal corporation for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

My Commission Expires: _____

CERTIFICATION BY ATTORNEY

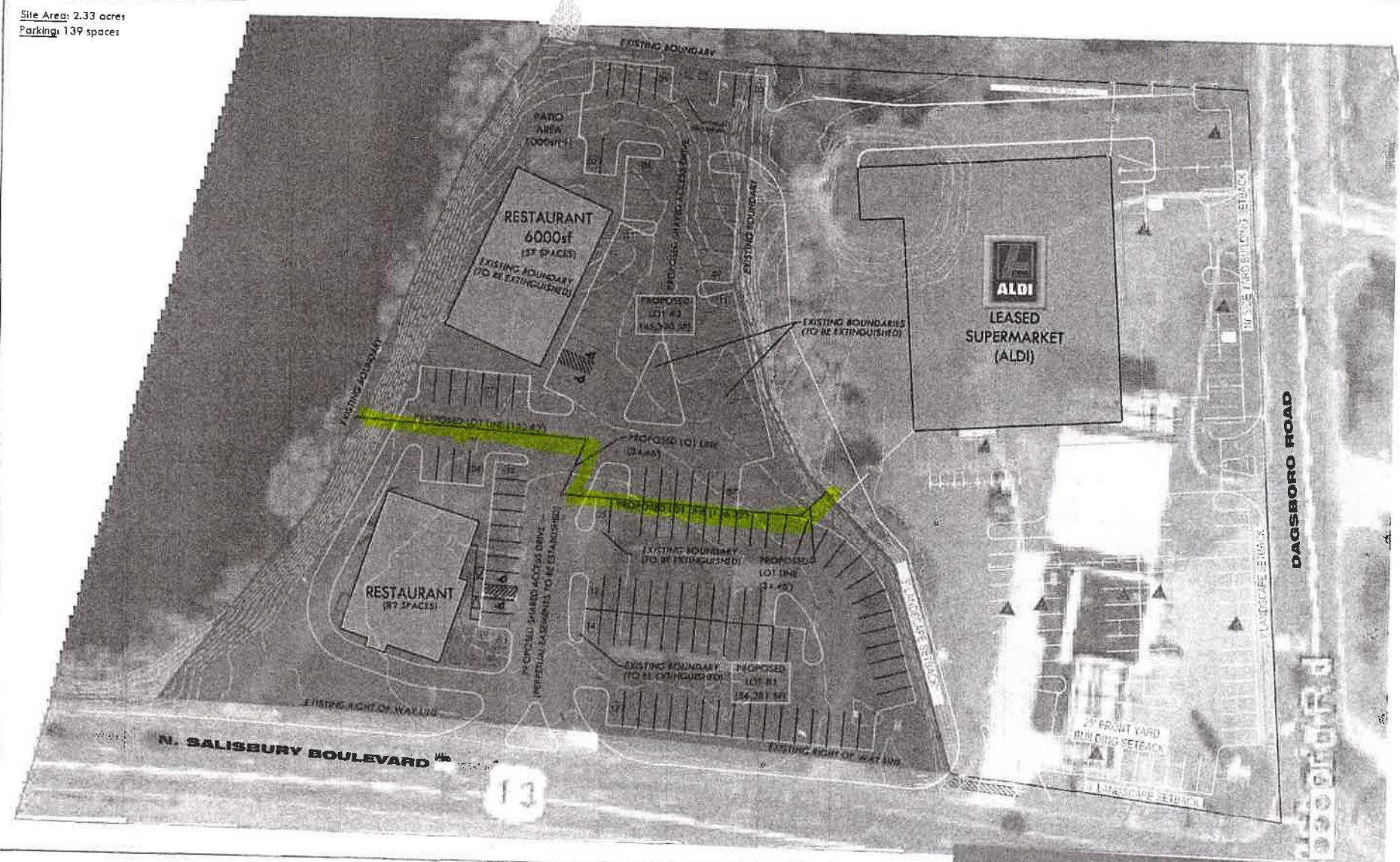
I hereby certify that I am an attorney admitted to practice before the Court of Appeals of Maryland, and that the foregoing instrument was prepared under my supervision.

Michael P. Sullivan, Esq.

preliminary site layout (requested annexation area)		2815/2825/2835 NORTH SALISBURY BLVD. SALISBURY, MD 21801	
PROTOTYPE:	DEVELOPER:	DESIGNER:	
BLDG. SF:	COMPANY: PENN TEX VENTURES,LLC	COMPANY: PENN TEX VENTURES,LLC	
ACREAGE: 2.33 AC.	NAME: TIM WEINMAN	NAME: WILLIAM OWEN	
PARKING SPACES: 139 SPACES	PHONE: 724-420-5367	PHONE: 724-420-5367	

SITE SUMMARY:

Site Area: 2.33 acres
 Parking: 139 spaces



AS AMENDED ON SEPTEMBER 26, 2016

RESOLUTION NO. 2669

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND, TO AMEND THE ADOPTED 2010 CITY OF SALISBURY COMPREHENSIVE PLAN. ~~DATED MAY 2012~~

WHEREAS, the Land Use Article of the Annotated Code of Maryland delegates planning and land use authority to certain local governments in the State of Maryland, including the City of Salisbury, and enable the City to guide its future growth and development; and

WHEREAS, in accordance with the applicable provisions of the Land Use Article, §3-204(c)(2), of the Maryland Annotated Code, the following two corrective actions have occurred to the adopted 2010 *City of Salisbury Comprehensive Plan*: 1) 4 parcels totaling approximately 5.081 acres of land situated in the Parsons Election District. The parcels are shown on County Tax Map #20, Parcels #153, 184, 185, and 215. The land use of the aforementioned properties has been changed from Low Density Residential to Commercial (Map 11-3 and 11-4); and 2) all or portions of 22 parcels totaling approximately 55.47 acres of land situated in the Parsons Election District. The parcels shown on Tax Map 39 include: 424; portion of 264 (4.4 acres +/-); 264 (Section 1/Block A/ Lots 1, 2, 3, 4, 5, 6, 7B, 11, 12C, 13, 14, 15, 16AA); 264 (Section 1/Block B/Lots 3A, 5B, 8AA, 11AA, 15AA, and), portion 428 (6.2 acres +/-). In addition, a portion of parcel 01 (approx. 2.7 +/- acres) shown on Tax Map 40. The aforementioned properties, listed in action #2, have been incorporated into Map 11-3 and 11-4 with a land use classification of Mixed Use; and

WHEREAS, the Salisbury Planning Commission conducted an advertised Public Hearing on July 20, 2016, to hear from opponents and proponents of the proposed amendments. At which time, no public comments were received, and the Salisbury Planning Commission unanimously voted to recommend approval of the proposed amendments to the Mayor and City Council; and

WHEREAS, the Salisbury City Council held an advertised Public Hearing on September 26, 2016, to hear from opponents and proponents of the proposed amendments. At which time, no public comments were received, and the Salisbury City Council reviewed and approved the amendments to the 2010 *City of Salisbury Comprehensive Plan*; and


NOW, THEREFORE, be it resolved by the City of Salisbury, Maryland, the 2010 *City of Salisbury Comprehensive Plan* has been amended to include the amendments as contained in this Resolution; and

AND BE IT FURTHER RESOLVED, this Resolution be affixed to and be made part of the 2010 *City of Salisbury Comprehensive Plan*;

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury held on the 26th day of September, 2016, and is to become effective immediately upon adoption.

ATTEST:

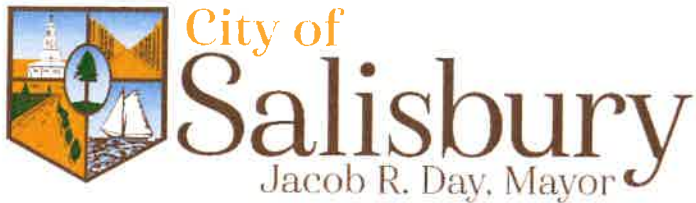

Diane K. Carter, Assistant City Clerk



John R. Heath, City Council President

APPROVED BY ME THIS

27 day of SEPTEMBER, 2016.


Jacob R. Day, Mayor



To: Julia Glanz, City Administrator
From: Amanda H. Pollack, P.E., Director of Infrastructure & Development 
Date: March 21, 2019
Re: Resolution – Opposition of Seismic Testing and Offshore Drilling

The Department of Infrastructure & Development provides staff support for the Sustainability Advisory Committee (also known as the “Green Team”). In December 2018, the Committee heard a presentation by Oceana regarding offshore drilling and seismic testing. Since that time, a subcommittee has worked on a resolution in opposition to offshore drilling and seismic testing. At the meeting held on March 6, 2019, the Sustainability Advisory Committee passed a motion unanimously to support the resolution and to forward the resolution to the Mayor and City Council. Attached are supporting documentations.

Unless you or the Mayor have further questions, please forward a copy of this memo and the resolution to the City Council. Members of the Sustainability Advisory Committee will be present at the Council meeting to answer questions.

East Coast opposition

More than 330 municipalities and over 2,100 elected local, state and federal officials have formally opposed offshore oil and gas drilling and seismic airgun blasting, including over 240 along the Atlantic Coast. Numerous fishing and tourism interests, including local chambers of commerce, tourism and restaurant associations, and an alliance representing over 46,000 businesses and 500,000 commercial fishing families from Florida to Maine, also oppose oil exploration and development in the Atlantic.

Additionally, the New England, South Atlantic and Mid-Atlantic Fishery Management Councils, the Department of Defense, NASA, and the Florida Defense Support Task Force have all expressed concerns about the compatibility of their activities with offshore oil and gas operations.

Nationwide opposition to offshore oil and gas drilling has been mounting for years. These dirty and dangerous drilling proposals put at risk over [1.5 million East Coast jobs and nearly \\$108 billion](#) in gross domestic product (GDP) that rely on healthy ocean ecosystems and a clean marine environment. [In Maryland alone](#), over 96,000 jobs and roughly \$6 billion in GDP depend on healthy ocean resources, mainly through tourism, fishing and recreation.

For more information, please visit: stopthedrill.org

Maryland municipalities and counties opposing seismic blasting and/or offshore drilling

1. [Annapolis](#)
2. [Baltimore](#)
3. [Berlin](#)
4. [Crisfield](#)
5. [Montgomery County](#)
6. [Ocean City](#)
7. [St. Mary's County](#)
8. [Worcester County](#)

Opposition from Maryland business interests

- [Ocean Pines Chamber of Commerce](#): Put out statement opposing any form of seismic testing in offshore waters 1/15/2019
- [Business Alliance for Protecting the Atlantic Coast](#): Sent [letter](#) to Interior Secretary Zinke on behalf of more than 41,000 businesses and 500,200 commercial fishing families, urging them not to reconsider the 2017-2022 plan, and opposing offshore drilling and seismic blasting 4/28/17
- [Business Alliance for Protecting the Atlantic Coast](#): Sent [letter](#) to President Obama on behalf of more than 35,000 businesses and 500,200 commercial fishing families from Maine to Florida, urging him to permanently protect the Atlantic from offshore oil and gas drilling, and to deny all Atlantic seismic airgun blasting permits 12/13/2016 (offshore drilling and seismic blasting)
- [Greater Ocean City, MD Chamber of Commerce](#): Sent letter to President Obama 12/13/2016 (offshore drilling and seismic blasting)
- [66 East Coast businesses](#): Signed letter to President Obama 12/12/2016 (offshore drilling)
- [Business Alliance for Protecting the Atlantic Coast](#): Sent [letter](#) to President Obama on behalf of more than 12,000 businesses and 400,000 commercial fishing families 10/27/2016 (offshore drilling and seismic blasting)
- [Ocean City, MD Hotel-Motel-Restaurant Association](#): Sent letter to BOEM 2/29/2016 (offshore drilling and seismic blasting)

- [360+ East Coast Businesses](#): Signed letter to President Obama 2/16/2016 (offshore drilling)
- [280 East Coast Businesses](#): Signed letter to President Obama 2/3/2016 (offshore drilling and seismic blasting)
- [Ocean City, MD Chamber of Commerce](#): Sent letter to Governor Hogan 1/25/2016 (offshore drilling and seismic blasting)

National security stakeholders

- [DoD Report on Preserving Military Readiness in the Eastern Gulf of Mexico](#): Outlines the negative impact offshore drilling in the Eastern Gulf of Mexico would have on military readiness activities. (05/11/2018)
- [Hampton Roads Military and Federal Facilities Alliance](#): sent letter to Secretary Zinke strongly opposing any offshore drilling activities that could jeopardize the military's ability to conduct operations and training off the coast of Virginia 1/29/2018 (offshore drilling)
- [U.S. Airforce](#): Sent letter to Senator Nelson 6/27/2017 (offshore drilling)
- [Office of the Under Secretary of Defense](#): Responded to a letter from U.S. Representative Gaetz (R-FL) stating that “the DoD cannot overstate the vital importance of maintaining [the Eastern Gulf of Mexico offshore oil and gas] moratorium” (4/26/17)
- [Florida Defense Support Task Force White Paper - Oil Drilling & Military Mission Compatibility](#): Recommended that Florida maintain a united front in supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line 1/31/17
- [DoD Mission Compatibility Planning Assessment - BOEM 2017-2022 Outer Continental Shelf \(OCS\) Oil and Gas Leasing Draft Proposed Program](#): Outlined the large conflicting national security and current military operational uses in the U.S. OCS, especially the Atlantic Ocean, with permanent and temporary oil and gas structures 10/30/15
- [The National Aeronautics and Space Administration \(NASA\) commented on the 2017-2022 Five-Year Plan Request for Information](#): Expressed continued concern regarding the potential impacts that oil and gas development of the coast of Virginia would have on the operation at Wallops Flight Facility 8/2014
- [Defense Secretary Rumsfeld](#): Sent a letter to Chairman Warner stating that offshore oil and gas activities within the Gulf of Mexico Military Mission Line would be incompatible with military activities 11/30/05

Opposition from fishing interests in the Mid-Atlantic region of the United States

- [New England Fishery Management Council](#) (6/29/2017), [Mid-Atlantic Fishery Management Council](#) (4/25/2017) and [South Atlantic Fishery Management Council](#) (4/25/2017): All sent letters to Interior Secretary Zinke expressing concerns with the risks posed by seismic surveys and oil and gas development to managed resources, fisheries and coastal communities along the Atlantic coast.
- [Mid-Atlantic Fishery Management Council](#): Sent a letter to Interior Secretary Zinke expressing concerns with the risks posed by seismic surveys and oil and gas development to managed resources, fisheries and coastal communities along the Atlantic coast 4/25/17
- [Maryland Saltwater Sportfishing Association](#): Sent letter to President opposing offshore oil exploration and development in the Atlantic 11/10/2016 (offshore drilling and seismic blasting)

- [Snook and Gamefish Foundation](#): Sent letter to BOEM opposing offshore oil exploration in the Atlantic 8/30/2016 (seismic blasting)
- [36 commercial and recreational fishing interests in the Mid-Atlantic](#): Sent letter to the governors of Delaware, Maryland and Virginia, expressing their concerns with offshore drilling and proposed seismic airgun blasting 3/29/2016 (offshore drilling and seismic blasting)
- [Mid-Atlantic Fishery Management Council](#): Updated and strengthened its policies to increase protection for fisheries and fish habitat from energy exploration and development activities for the species and areas the Council is charged with managing 2/17/2016 ([Read the full policy](#))
- [Fisheries Survival Fund](#): Sent letter to the Mid-Atlantic Fishery Management Council expressing concern 8/7/2015 (offshore drilling and seismic blasting)
- [Billfish Foundation](#): Sent letter to BOEM 5/7/2014 (seismic blasting)
- [Mid-Atlantic Fishery Management Council](#): Sent letter to BOEM 5/2/2014 (seismic blasting)
- [International Game Fish Association](#): Sent letter to BOEM 5/1/2014 (seismic blasting)

Opposition from Maryland elected officials and key stakeholders

- [9 Attorneys General](#): Lead by Attorney General Frosh (MD), they announced on 12/20/2018 that they will be intervening in the lawsuit to stop the proposed use of air guns to survey the Atlantic Ocean floor for oil and gas. Attorneys General from Delaware, New York, North Carolina, Virginia, Massachusetts, New Jersey, Connecticut, and Maine joined the suit.
- [The Mid-Atlantic Regional Council on the Ocean](#): sent a letter to NOAA opposing offshore drilling and the issuance of permits for seismic airgun blasting 12/20/2018.
- [10 Atlantic State Governors](#): sent a letter to Secretaries Ross and Zinke to express their opposition to seismic airgun surveys and oil and gas drilling off the coast. They urged the Department of the Interior to deny permits for seismic airgun surveys in the Atlantic. 12/20/2018
- [227 state legislators representing 17 coastal states](#): Sent letter to Secretary Zinke opposing the Draft Proposed Program 3/5/2018
- [Maryland Governor Hogan and North Carolina Governor Cooper](#): Published joint op-ed demonstrating strong bipartisan opposition to Trump's offshore drilling plan 2/2/2018 (offshore drilling)
- [7 East Coast Governors](#): sent letter to Secretary Zinke expressing joint opposition to the inclusion of the Atlantic Ocean in the proposed 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program 1/17/2018 (offshore drilling)
- [7 East Coast Governors, including Maryland Governor Hogan](#): Sent letter to Secretary Zinke expressing joint opposition to the inclusion of the Atlantic Ocean in the proposed 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program 1/17/18 (offshore drilling)
- [Maryland Attorney General Brian Frosh](#): Submitted RFI comments strongly opposing any efforts to open up the Mid-Atlantic OCS lease area to oil and gas exploration and drilling 8/17/2017
- [The Maryland Department of Natural Resources](#): Submitted RFI comments on behalf of the Hogan Administration opposing offshore oil and gas drilling and expressing serious concerns about seismic surveys and testing in the Atlantic Ocean 8/16/2017
- [Maryland Governor Larry Hogan](#): Sent letter to BOEM 8/16/2017 (offshore drilling); [letter of concern to NOAA](#) 7/6/2017 (seismic blasting)

- [Attorneys General of Maryland, Connecticut, Delaware, the District of Columbia, Massachusetts, New York, North Carolina, Pennsylvania, and Rhode Island](#): sent [letter to NOAA](#) 7/21/2017 (seismic blasting)
- [Assateague Coastal Trust, MD](#): Sent letter to President Obama 11/15/2016 (offshore drilling and seismic blasting)
- [42 state and local elected officials from Maryland led by Senator Raskin, Delegate Lierman and Council Member Hucker](#): Sent letter to DOI 8/2/2016 (seismic blasting)
- [70 State Legislators led by Representatives Harrison and Jones, and Senators Campsen and Jackson](#): Sent letter to DOI 7/26/2016 (seismic blasting)
- [83 East Coast State Legislators, led by State Representative Pricey Harrison](#): Sent letter to BOEM 3/30/2015 (offshore drilling)
- [Maryland Attorney General Brian Frosh](#): Sent letter to BOEM 3/30/2015 (offshore drilling and seismic blasting)
- [95 state and local elected officials](#): Submitted letter to President Obama opposing seismic blasting on 5/6/2014 (seismic blasting)
- [Maryland \(Former\) Governor Martin O'Malley](#): Sent letter to DOI 2/26/2014 (offshore drilling); [Wrote an op-ed](#) in the New York Times 2/2/2015 (offshore drilling)

Congressional letters of opposition with Maryland members

- [23 Senators](#): sent a letter, led by Senator Markey (D-MA), to Secretaries Ross and Zinke to express opposition to the issuance of five incidental harassment authorization (IHA) permits that would allow companies to conduct seismic airgun blasting surveys along the Atlantic coast.
- [93 U.S. Representatives](#): sent a bipartisan letter led by Congressman Rutherford (R-FL) to Interior Secretary Ryan Zinke and Commerce Secretary Wilbur Ross expressing strong opposition to the issuance of 5 Incidental Harassment Authorization (IHA) permits to companies planning to conduct seismic airgun blasting surveys along the Atlantic coast 12/6/2018.
- [Maryland Delegation led by Senator Cardin](#): Sent a bipartisan letter to Secretary Zinke and Dr. Cruickshank strongly opposing the Draft Proposed Program 2/27/2018
- [Maryland House Democrats](#): Sent letter to Maryland Governor Hogan urging him to ask Interior Secretary Ryan Zinke to remove MD from the Draft Proposed Program 1/19/18 (offshore drilling)
- [U.S. Senators Cardin and Van Hollen](#): Sent a letter to MD Governor Hogan urging him to request a Coastal Zone Management Act consultation for new seismic airgun blasting permit applications off the coast of Maryland 6/30/2017
- [103 U.S. Representatives led by Reps. Rutherford \(R-FL\) & Beyer \(D-VA\)](#): Sent a bipartisan letter to Interior Secretary Zinke urging him not to authorize Incidental Harassment Authorizations (IHAs) and deny pending seismic airgun blasting permits in the Atlantic 6/28/2017
- [14 U.S. Senators led by Sen. Nelson \(D-FL\)](#): Sent a letter to Commerce Secretary Ross opposing the issuance of Incidental Harassment Authorizations (IHAs) for Atlantic offshore oil and gas exploration, including seismic airgun blasting; and requested the agency extend the public comment period, and hold field hearings 6/9/2017
- [107 U.S. Representatives led by Reps. LoBiondo \(R-NJ\), & Lowenthal \(D-CA\)](#): Sent a bipartisan letter to Interior Secretary Zinke urging him not to include the Atlantic and Pacific Oceans in the new OCS Five-Year Plan as re-initiated by President Trump's Executive Order 5/11/2017

- [14 U.S. Senators](#): Sent letter asking President Obama to permanently protect the Atlantic and Arctic Oceans from any future offshore oil and gas leasing 10/6/2016 (offshore drilling)
- [74 U.S. Representatives](#): Sent bipartisan letter asking President Obama to permanently protect the Atlantic and Arctic Oceans from any future offshore oil and gas leasing 9/28/2016 (offshore drilling)
- [U.S. Representatives Sanford \(SC-1\) and Connolly \(VA-11\)](#): Sent bipartisan letter with 53 colleagues urging President Obama to halt consideration of G&G permits in the Atlantic 6/8/2016 (seismic blasting)
- [U.S. Representative Seth Moulton \(D-MA\)](#): Sent a letter with 28 colleagues to Secretary of State John Kerry expressing serious concern over offshore oil and gas exploration and development in Nova Scotia waters tangential to critical U.S. fishing waters 5/19/2016 (offshore drilling and seismic blasting)
- [18 U.S. Senators](#): Sent letter to President Obama urging the administration to refrain from permitting seismic blasting in the Atlantic 4/28/2016
- [51 U.S. Representatives](#): Sent letter to President Obama thanking the administration for removing the Atlantic from consideration in the five-year plan 4/25/2016 (offshore drilling)
- [36 U.S. Representatives](#): Sent bipartisan letter to DOI asking to remove the Atlantic Ocean from the next five-year plan 2/11/2016 (offshore drilling)
- [10 U.S. Senators](#): Sent a letter to DOI asking not to issue any new leases in federal waters 2/3/2016 (offshore drilling)
- [U.S. Representatives Scott \(VA-3\) and Sanford \(SC-1\)](#): Sent bipartisan letter with 31 colleagues to BOEM asking to halt seismic testing in the Atlantic 12/14/2015 (seismic blasting)
- [53 U.S. Representatives](#): Sent letter to DOI 3/9/2015 (offshore drilling)
- [12 U.S. Senators](#): Sent letter to DOI 3/9/2015 (offshore drilling)
- [8 members of Maryland's congressional delegation](#): Sent letter to President Obama opposing seismic testing 7/31/2014
- [9 U.S. Senators](#): Sent letter to DOI requesting that the seismic airgun PEIS not be released without incorporation of the "best available science" 2/26/2014
- [8 U.S. Senators](#): Sent letter to President Obama opposing seismic testing 1/30/2013

National security stakeholders

- [U.S. Airforce](#): Sent letter to Senator Nelson 6/27/2017 (offshore drilling)
- [Office of the Under Secretary of Defense](#): Responded to a letter from U.S. Representative Gaetz (R-FL) stating that "the DoD cannot overstate the vital importance of maintaining [the Eastern Gulf of Mexico offshore oil and gas] moratorium" (4/26/17)
- [Florida Defense Support Task Force White Paper - Oil Drilling & Military Mission Compatibility](#): Recommended that Florida maintain a united front in supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line 1/31/17
- [DoD Mission Compatibility Planning Assessment - BOEM 2017-2022 Outer Continental Shelf \(OCS\) Oil and Gas Leasing Draft Proposed Program](#): Outlined the large conflicting national security and current military operational uses in the U.S. OCS, especially the Atlantic Ocean, with permanent and temporary oil and gas structures 10/30/15
- [The National Aeronautics and Space Administration \(NASA\) commented on the 2017-2022 Five-Year Plan Request for Information](#): Expressed continued concern regarding the potential

impacts that oil and gas development of the coast of Virginia would have on the operation at Wallops Flight Facility 8/2014

- [Defense Secretary Rumsfeld](#): Sent a letter to Chairman Warner stating that offshore oil and gas activities within the Gulf of Mexico Military Mission Line would be incompatible with military activities 11/30/05

Editorials in Maryland

- *Baltimore Sun*: [Offshore drilling is a loser](#)
- *Baltimore Sun*: [Offshore Drilling- All Risk, No Reward](#)
- *Cecil Whig*: [Seismic testing off coast ill-advised](#)
- *Delmarva Now*: [Our view: Imposing offshore drilling on unwilling states a recipe for disaster](#)

Opposition from scientists and advocacy groups

- [225 Nonprofit Organizations and Businesses](#): Sent letter to the U.S. House of Representatives opposing the pro-offshore drilling "ASTRO" Act 11/7/2017
- [66 Nonprofit Organizations](#): Sent letter to U.S. House of Representatives opposing the pro-offshore drilling "SECURE" Act 11/7/2017
- [67 Non-Profit Organizations](#): Sent letter to NOAA 7/21/2017 (seismic blasting)
- [60+ local groups](#): Sent letter to Rep. Mark Sanford (R-SC) in support of [H.R. 2252](#), a bill that would establish a 10-year moratorium on offshore oil and gas drilling and seismic airgun blasting in the Atlantic, Straits of Florida, and Eastern Gulf of Mexico 6/8/2017 (offshore drilling and seismic blasting)
- [38 diverse community groups](#): Sent letter to DOI 5/24/17 (offshore drilling and seismic blasting)
- [50+ conservation and animal rights groups](#): Sent letter led by the Waterkeeper Alliance to President Obama urging him to permanently protect unleased U.S. waters from offshore drilling 12/13/2016 (offshore drilling)
- [Members of the Green Group](#): Sent letter to the U.S. Senate urging them to vote down Senate Bill 3110 sponsored by Senators Vitter and Cassidy 7/5/2016 (offshore drilling)
- [30+ conservation and animal rights groups](#): Sent letter to BOEM urging them to redo or supplement the environmental impact statement for offshore oil and gas exploration in the Atlantic 5/26/2016 (seismic blasting)
- [60+ conservation and animal rights groups](#): Sent letter to BOEM urging them to deny pending permits for seismic blasting now that the Atlantic has been removed from the 5-year plan 4/28/2016 (seismic blasting)
- [28 leading marine biologists with specific expertise on the North Atlantic right whale](#): Submitted letter to President Obama to halt the permitting of oil and gas seismic surveys off the East Coast 4/14/2016 (seismic blasting)
- [48 state/regional conservation and civic groups](#): Sent letter to BOEM supporting their decision to remove the Atlantic from consideration for offshore drilling 4/11/2016 (offshore drilling)
- [75 Leading marine scientists](#): Sent letter to the President urging him "to reject the Interior Department's analysis and its decision to introduce seismic oil and gas surveys in the Atlantic," 3/5/2015 (seismic blasting)
- [163 conservation and animal rights groups](#): Submitted letter to President Obama opposing seismic blasting on 5/6/2014 (seismic blasting)

- [100+ scientists](#): Sent letter to President Obama urging him to "wait on new science before permitting the use of seismic airguns in the Atlantic Ocean" 2/20/2014 (seismic blasting)

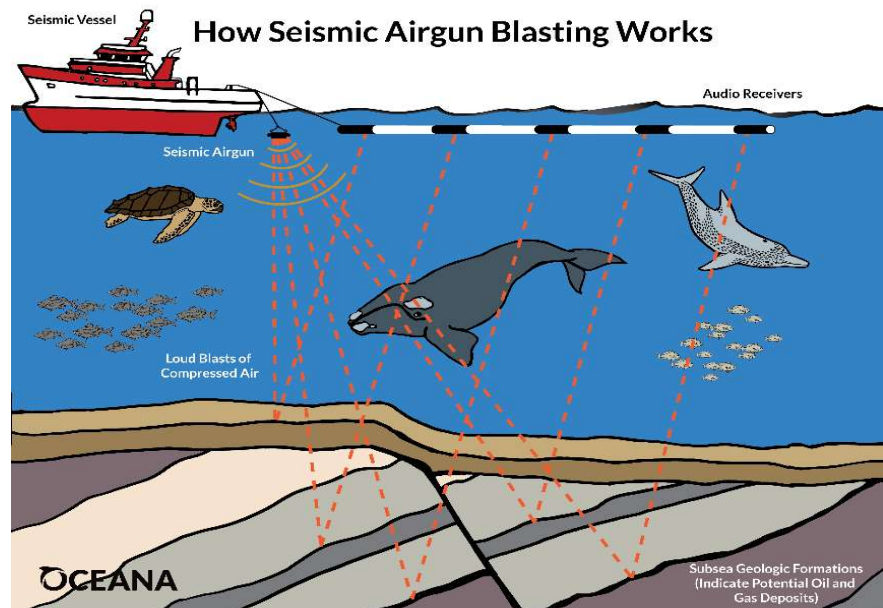


Offshore Oil & Gas Exploration: Seismic Airgun Blasting

Seismic airgun blasting is a process used to search for and map oil and gas deposits deep below the seafloor. A typical seismic survey involves a ship traveling across the ocean in successive parallel lines while towing one or more seismic airgun arrays. These airguns create one of the loudest sources of noise in the oceans, behind explosives for military testing and shipping.¹

How does seismic airgun blasting work?

Seismic airguns release pressurized air blasts to create powerful sound waves that travel through the water column² and seabed, and provide information about the seafloor.³ These sound waves travel as echoes back to the surface, where they are captured by audio monitors called hydrophones.⁴



Seismic airgun blasting characteristics:

- Loud blasts repeated every 10-12 seconds⁵ for days, weeks, or months at a time.⁶
- 12-48 individual airguns are towed in each array; a single ship can tow up to 96 airguns.⁷
- The surface area covered by the largest seismic array was 21 times larger than the National Mall in Washington, D.C.⁸
- Seismic airgun sounds can be heard up to 2,500 miles from the source under some conditions, approximately the distance of a flight from New York to Los Angeles.⁹

Why is seismic airgun blasting a problem?

Not only is seismic airgun blasting the first step toward dirty and dangerous offshore drilling, but the process itself is harmful to marine life. Seismic airguns produce repetitive, explosive sounds that can travel over large distances.¹⁰ Because sound travels so efficiently underwater, airgun blasts can be heard far from their sources.¹¹ As the sound waves from the individual seismic blasts move away from the airguns, they merge into continuous noise pollution that drowns out other sounds in the ocean.

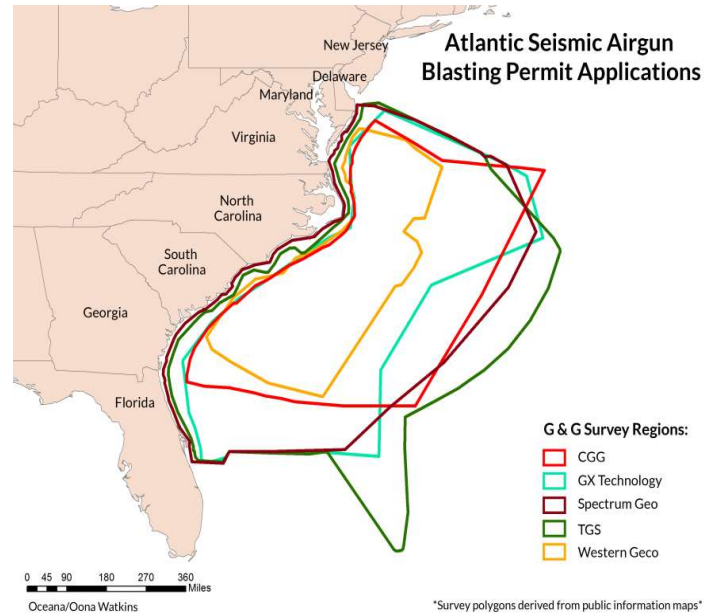


Where is seismic airgun blasting being considered?

On April 28, 2017, President Trump signed Executive Order 13797 aimed at expanding offshore drilling and exploration in U.S. waters.¹² The order calls for a review of the current Five-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program (for 2017-2022) and directs the responsible agencies to fast-track the permitting process for seismic airgun blasting.

Following that directive, the Department of the Interior reversed a decision made in January 2017 to deny seismic airgun blasting permits in an area twice the size of California, stretching from Delaware to Florida.¹³ The Bureau of Ocean Energy Management is now reconsidering issuing those permits. Concurrently, the National Oceanic and Atmospheric Administration resumed evaluation of incidental take authorizations that would grant seismic survey companies permission to harm marine mammals.

If approved, seismic airgun permits would allow overlapping seismic surveys along the Atlantic coast that could result in even more severe impacts to marine life.



Permits for Atlantic seismic surveys being reviewed by BOEM.

Biological impacts of seismic airgun blasting: Overview

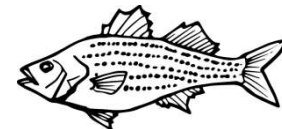
Seismic airgun noise can have significant and wide-ranging impacts on fish, shellfish, whales and sea turtles. According to the government's own estimates, seismic airgun blasting in the Atlantic could harm or harass marine mammals like dolphins and whales hundreds of thousands of times, and could disturb the vital activities of millions more.¹⁴

Fish

Fish species vary in their ability to detect and use sound, and seismic airgun noise therefore has a range of impacts on fish species. Seismic airgun noise elicits varying degrees of startle and alarm responses in fish, including escape responses, and changes in schooling patterns, water column positions and swim speeds.¹⁵

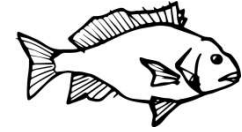
Examples include:

- 40-80 percent reduced catch rates in Atlantic cod, haddock, rockfish, herring, sand eel and blue whiting.^{16 17 18 19 20}
- 78 percent decline in reef fish abundance during evening hours, the time of day when fish habitat use is typically highest for the study area.²¹





- Behavioral responses in cod, such as swimming away from seismic sources, and damaged hearing structures in pink snapper.²²
- Elevated stress hormones and chemicals in sea bass.²³
- Schools of some fish species, including blue whiting, moving lower in the water column, which could take extra energy or displace the fish from behaviors needed for survival.²⁴

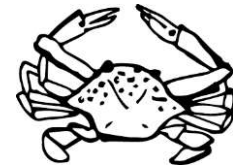


Invertebrates (shellfish)

Invertebrate exposure to seismic noise can cause physical injury and mortality at near-distances and impede development of early life history stages.

Examples include:

- Significant increase in mortality for scallops exposed to seismic airgun noise, particularly over long periods of time.^{25 26}
- Stress responses, including physiological changes, in bivalves, which are clam-like species.²⁷
- Slower development rates in crabs²⁸ and scallop larvae²⁹ after repeated exposure to nearby seismic sound.
- Damage to small organs that control balance and orientation in rock lobsters³⁰ and spiny lobsters,³¹ up to a year after seismic airgun blasting occurred.
- Distinctive finching response and persistent alterations in reflex behavior for scallops following exposure to seismic airguns.³²
- Sensory and internal organ damage in seven stranded giant squid after nearby seismic surveys.³³
- Significant decrease in zooplankton abundance, and a two- to threefold increase in dead adult and larval zooplankton at distances of at least $\frac{3}{4}$ miles from seismic source.³⁴

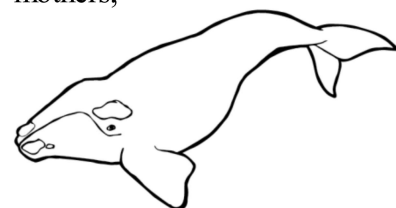


Whales

Marine mammals rely on sound for feeding, communication, navigation and other behaviors necessary for survival. Seismic airgun noise can cause hearing impairment as well as physiological and behavioral changes.³⁵ These include avoidance, displacement, communication masking, vocalization changes and chronic stress, which could cause increases in stress hormones,³⁶ lead to behavioral changes, and reduce effectiveness of the immune system.³⁷

Examples include:

- Changes in Bowhead Whale breathing patterns, avoidance and silencing of calls, which could interrupt communication between whales, including mothers, calves and potential mates.^{38 39 40}
- Declines in the feeding rates of Sperm Whales.⁴¹
- Altered Fin Whale vocalizations, which are important for communication, and abandonment of habitat.⁴²





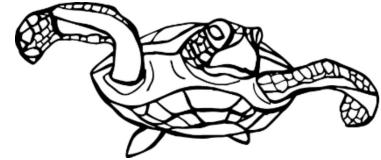
- Responses of North Atlantic Right Whale to other sources of low-frequency noise demonstrates that noise may be associated with increases in stress-related hormones in baleen whales.⁴³

Sea Turtles

Sea turtle hearing range overlaps with the higher frequency noises from seismic airguns. Studies show that seismic airgun noise can negatively affect sea turtles.

Examples include:

- Increases in erratic swimming behavior.⁴⁴
- Responses, including swimming away from the noise source, suggesting avoidance of seismic noise.⁴⁵
- Risk of entanglement in survey equipment.⁴⁶



Conclusion

The United States should protect the diverse array of whales, fish, turtles and invertebrates that live along the Atlantic coast and are threatened by proposed seismic airgun blasting. The potential damage to marine animals and ecosystems, and the communities and industries that depend on these resources, is too great to risk.

The National Marine Fisheries Service should not approve Incidental Harassment Authorizations (IHAs) nor should the Bureau of Ocean Energy Management approve the permits for seismic airgun blasting in the Atlantic. If the IHAs and seismic permits are approved, Oceana recommends the following mitigation practices to minimize harm to marine life:

- Sharing of data between companies, the government and the public so seismic airgun blasting happens only once and impacts are minimized.
- Require that companies fund third party passive acoustic monitoring before, during and after seismic airgun blasting to observe any effects on marine life, archive acoustic data recordings and immediately stop seismic airgun surveys if animals are detected during the surveys.
- Require third party visual observers to watch for whales, dolphins and sea turtles before, during and after the seismic airgun surveys, record sightings and immediately stop seismic airgun blasting if animals are within view.
- Do not conduct seismic airgun blasting during endangered and threatened species calving or nesting seasons, or in Critical Habitat areas, Essential Fish Habitat, or in other areas important to the survival of fish, invertebrates, sea turtles or marine mammals.

Citations can be found here:

http://usa.oceana.org/sites/default/files/662/seismic_fact_sheet_long_final_7-25.pdf



Citations:

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1 RESOLUTION NO. 2933

2
3 A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND IN OPPOSITION
4 TO OFFSHORE SEISMIC TESTING AND DRILLING FOR OIL AND GAS.

5
6 WHEREAS, the City of Salisbury, Maryland was designated a Sustainable Maryland
7 community in 2016; and

8
9 WHEREAS, scientific study has proven that seismic air gun blasting, to explore for oil
10 and gas deposits, disrupts and displaces marine life and threatens our coastal wetlands in
11 Maryland, which are of intrinsic ecological value for numerous diverse species, serve as essential
12 nursery habitats for recreational and commercially important fisheries, and act as natural buffers
13 from storm surges and hurricanes; and

14
15 WHEREAS, offshore oil and gas drilling and exploration places coastal communities at
16 economic and ecological risk from oil spills and the pollution brought by routine drilling
17 operations and on shore industrialization, threatening the livelihoods of commercial and
18 recreational fisherman and small businesses that rely on a clean and healthy ocean and beaches
19 for a thriving tourism industry; and

20
21 WHEREAS, offshore drilling may require significant onshore infrastructure, such as
22 pipelines and refineries, which would harm the character of Maryland's coastline, perpetuate our
23 ties to carbon pollution, and exacerbate wetland loss, storm surge, and sea level rise impacts; and

24
25 WHEREAS, tourism that is related to the appreciation of our natural coastline and
26 historical environment is a major economic force in the region; and

27
28 WHEREAS, the City of Salisbury, Maryland endeavors to be a good steward of the
29 State's environment and its resources.

30
31 NOW, THEREFORE, BE IT RESOLVED BY THE SALISBURY CITY COUNCIL that
32 the City opposes offshore oil and gas drilling, and exploration activities, including air gun
33 blasting, in the mid-Atlantic Ocean adjacent to Maryland's coastline.

34
35 AND BE IT FURTHER RESOLVED BY THE SALISBURY CITY COUNCIL that a
36 copy of this Resolution be sent to the Governor, Maryland's 1st Congressional District House and
37 Senate Delegations to the 116th Congress, the President of the Maryland Senate, and the
38 Maryland House Speaker.

39
40 THE ABOVE RESOLUTION was introduced, read and passed at the regular meeting of
41 the Council of the City of Salisbury held on this 8th day of April 2019 and is to become effective
42 immediately upon adoption.

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ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

Muir Boda, Vice-President
Salisbury City Council

Angela M. Blake, Council Member
Salisbury City Council

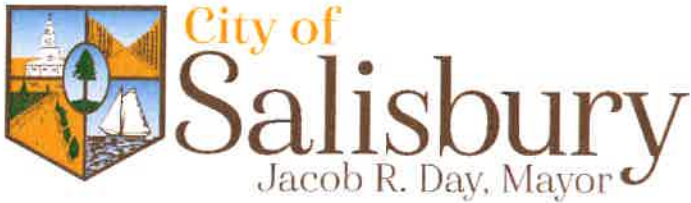
James P. Ireton, Council Member
Salisbury City Council

April Jackson, Council Member
Salisbury City Council

APPROVED BY ME THIS:

_____ day of _____ 2019

Jacob R. Day, Mayor



To: Julia Glanz, City Administrator
From: Amanda Pollack, P.E., Director of Infrastructure and Development *AP*
Date: March 20, 2019
Re: Resolutions to adopt Vision Zero and establish a Task Force

As discussed at the March 18, 2019 City Council work session, the Department of Infrastructure and Development supports the adoption of Vision Zero as the City's Traffic and Engineering Policy. The City has received support from both MDOT-SHA District 1 and MDOT-MVA. Vision Zero prioritizes system-wide safety over speed and throughput. Vision Zero principals are based on National Association of City Transportation Officials (NACTO) guides for engineering best practices.

Attached is a resolution to adopt Vision Zero as the City's Traffic and Engineering Policy and to establish a Task Force. The resolution establishes the goals of ending traffic fatalities and serious injuries by January 1, 2030 and to have a Vision Zero Action Plan adopted by July 1, 2020. Additionally, annual progress reports will be due to Council in July of each year.

The Department of Infrastructure and Development supports the creation of a Vision Zero Task Force to direct the City's Vision Zero efforts and coordinate actions with the City's jurisdictional partners. Vision Zero is a complex policy that crosses between various City departments and will necessitate working with our partner agencies, such as Maryland Department of Transportation-State Highway Administration, Maryland State Police, Salisbury University and others. Due to the level of coordination, it is imperative that a Task Force be formed to oversee the effort. We recommend that the Task Force be have flexibility in its organization so that it can work with as many partner agencies as are willing to participate. The Task Force will be asked to review and assist with the Vision Zero Action Plan and the annual progress reports. Additionally, the Task Force will be asked to provide a recommendation on any future legislation such as speed limit reduction or eliminating free right turns.

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

1 RESOLUTION NO. 2934

2 A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND ADOPTING VISION ZERO AS
3 THE CITY’S TRAFFIC AND ENGINEERING POLICY AND ESTABLISHING A VISION ZERO
4 TASK FORCE.

5
6 WHEREAS, the Salisbury Charter (SC11-2) gives the City charge of all public ways of the City,
7 excepting those under State or County jurisdiction; and

8
9 WHEREAS, the City of Salisbury desires to pursue an end to traffic fatalities and serious injuries
10 within the City’s limits; and

11
12 WHEREAS, the City recognizes that all people have a fundamental right to safe and equitable
13 transportation networks via foot, bicycle, transit or automobile; and

14
15 WHEREAS, the City recognizes that there are no traffic “accidents” and that every traffic-derived
16 collision, injury or fatality is preventable; and

17
18 WHEREAS, it is the express goal of the City to eliminate all traffic fatalities and serious injuries
19 by January 1, 2030; and

20
21 WHEREAS, the City recognizes that the most effective way to prevent traffic fatalities is to work
22 at the systemic level of the transportation system by improving corridors and neighborhoods; and

23
24 WHEREAS, Vision Zero is an internationally recognized and proven way to reduce traffic
25 fatalities and serious injuries; and

26
27 WHEREAS, the City desires to adopt Vision Zero as the City’s Traffic and Engineering Policy
28 for all public ways in the City for which the City has jurisdiction; and

29
30 WHEREAS, the City Council determined that a Task Force could be helpful in advising the City
31 and overseeing all Vision Zero efforts; and

32
33 WHEREAS, the Vision Zero Task Force shall collect, analyze and act on crash and street data in
34 order to prepare the Vision Zero Action Plan and recommend policy related to Vision Zero; and

35
36 WHEREAS, the Vision Zero Task Force may consist of members from the following
37 organizations:

- 38 City of Salisbury Mayor and Administration
- 39 City of Salisbury Department of Infrastructure and Development
- 40 City of Salisbury Department of Field Operations
- 41 City of Salisbury Police Department
- 42 City of Salisbury Fire Department
- 43 City of Salisbury Department of Information Services
- 44 City of Salisbury Housing and Community Development Department
- 45 City of Salisbury Traffic and Safety Advisory Committee
- 46 City of Salisbury Bicycle and Pedestrian Advisory Committee

47 Maryland Department of Transportation – State Highway Administration
48 Maryland Department of Transportation – Maryland Highway Safety Office
49 Maryland State Police
50 Wicomico County Sheriff’s Office
51 Salisbury University
52 Salisbury/Wicomico Metropolitan Planning Organization Technical Advisory Committee
53

54 WHEREAS, the Council requires that the City of Salisbury Vision Zero Action Plan be presented
55 to Council by the Director of the Infrastructure and Development Department and adopted no later than
56 July 1, 2020 with the Plan subsequently updated every five years; and
57

58 WHEREAS, the Director of the Infrastructure and Development Department shall make a yearly
59 progress report to Council in an open forum prior to July 31st every year, beginning in July 2020.
60

61 NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SALISBURY, MARYLAND that
62 for the purposes and reasons hereinabove set forth, the City of Salisbury adopts Vision Zero as the City’s
63 traffic and engineering policy and establishes a Vision Zero Task Force.
64

65 THE ABOVE RESOLUTION was introduced, read and passed at the regular meeting of the
66 Council of the City of Salisbury held on this ____ day of _____ 2019 and is to become effective
67 immediately upon adoption.
68

69 ATTEST:

70
71 _____
72 Kimberly R. Nichols, City Clerk

71 _____
72 John R. Heath, City Council President

73
74 Approved by me, this _____ day of _____ 2019.
75

76 _____
77 Jacob R. Day, Mayor

1
2
3 **ORDINANCE NO. 2533**

4 AN ORDINANCE OF THE CITY OF SALISBURY TO ESTABLISH A RIVERWALK
5 CONSTRUCTION REIMBURSEMENT PROGRAM TO PROMOTE AND ACCELERATE
6 NEW COMMERCIAL CONSTRUCTION OR EXPANSION ALONG THE RIVERWALK
7 AREAS TO ENCOURAGE DEVELOPMENT IN AND NEAR THE DOWNTOWN AREA
8 AND DISTRICTS TIED TO THE RIVERWALK.

9 WHEREAS, the City seeks to incentivize the construction and expansion of business interests in
10 and near the Downtown area, the Central Business Zoning District, Riverfront Redevelopment
11 Zoning District #1, Riverfront Redevelopment Zoning District #2 and areas designated as having
12 future Riverwalk in the adopted 2015 Downton Master Plan in order to increase the amount of
13 economic activity in those areas; and

14
15 WHEREAS, implementing a Riverwalk Construction Reimbursement Program will allow
16 financially responsible businesses to construct or expand business interests in those areas, which
17 will further result in positive economic and social effects, including, but not limited to increases
18 in cultural activity opportunities, employment opportunities, extracurricular activities, business
19 activities and environmental upgrades; and

20
21 WHEREAS, the City through the Department of Infrastructure & Development shall process
22 applications connected to the Riverwalk Construction Reimbursement Program to ensure
23 compliance with the program and adequate funding for the program and shall review and
24 approve all completed applications before benefits tied to the program are approved and enjoyed
25 by developers; and

26
27 WHEREAS, the City has developed a Riverwalk Construction Reimbursement Program
28 Application with specific requirements that shall be monitored and administered by the
29 Department of Infrastructure and Development in order to ensure that all information and
30 submissions are correct and properly considered; and

31
32 WHEREAS, the Mayor joins with the City Council in recommending the implementation of the
33 program and application process.

34
35 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
36 SALISBURY, MARYLAND that the Municipal Code of the City of Salisbury, Title 12-
37 STREETS, SIDEWALKS AND PUBLIC PLACES, be amended by adding Section 12.24.060 to
38 read as follows:

39
40 **12.24.060 RIVERWALK CONSTRUCTION REIMBURSEMENT PROGRAM (RCRP)**

41
42 A. A Riverwalk Construction Reimbursement Program (RCRP) is hereby established for the
43 purpose of accelerating the construction or expansion of new commercial buildings and
44 development along the incomplete and planned Riverwalk areas in order to create positive
45 economic effects in the Central Business Zoning District, Riverfront Redevelopment Zoning

46 District #1, Riverfront Redevelopment Zoning District #22 and areas designated as having future
47 Riverwalk in the adopted 2015 Downtown Master Plan.

48
49 B. The RCRP application process shall be administered by the Director of the Department of
50 Infrastructure & Development subject to appropriation of any necessary funds for the program
51 from year to year and final approval of all applications and the expenditure of funds by a
52 Resolution approved by the City Council.

53
54 C. The City hereby adopts the application submitted with this ordinance and attached as Exhibit
55 A as the initial approved application and grants administrative powers to the Director of the
56 Department of Infrastructure and Development to process and monitor submitted applications in
57 conjunction with the Department of Finance and to make necessary changes to the application
58 and its requirements as needed and deemed necessary to properly administer the program and
59 monitor and disperse appropriated and approved funding for the program.

60
61 D. Upon approval of a Resolution by the City Council for funding of any RCRP project, the
62 Department of Infrastructure & Development shall prepare a RCRP Agreement that, among
63 other requirements as determined by the Department of Infrastructure & Development, shall
64 require the owners of the subject property to convey title to the completed Riverwalk to the City
65 of Salisbury.

66
67 E. All reimbursable costs to be paid as a result of RCRP applications shall run with the land and
68 be payable only to the then current owners of the land adjoining each Riverwalk Construction
69 Project from which the Riverwalk was conveyed and for which an application was received and
70 approved.

71
72 F. The City may suspend or terminate the continuance of the RCRP program by resolution or by
73 not appropriating funds to continue the program.

74
75 BE IT FURTHER ORDAINED that this ordinance shall take effect from the date of its final
76 passage.

77
78 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of
79 Salisbury held on the 25th day of March 2019, and thereafter, a statement of the substance of the
80 Ordinance having been published as required by law, was finally passed by the Council on the
81 ____ day of _____ 2019.

82
83 ATTEST:

84
85 _____
86 Kimberly R. Nichols, City Clerk

85 _____
86 John R. Heath, President
87 Salisbury City Council

88
89 Approved by me this ____ day of _____ 2019

90
91 _____
92 Jacob R. Day, Mayor

EXHIBIT A



**Riverwalk Construction
Reimbursement Program (RCRP)**

Application – 2019

Department of Infrastructure & Development
Room 202
125 N. Division Street
Salisbury, Maryland 21801

Phone: 833-SBY-CITY

September 2018

Riverwalk Construction Reimbursement Program Application – 2019

The primary goal of the Riverwalk Construction Reimbursement Program (RCRP) is to accelerate the construction or expansion of new commercial buildings along the planned Riverwalk that contribute towards the economic vitality of Downtown Salisbury. Additionally, the program aims to:

- Add new jobs to the Downtown workforce by providing spaces, culture and an environment that will be attractive to new companies and promote local growth.
- Attract private capital investments into the Riverwalk Redevelopment and Central Business Districts (see Exhibit 2 map) by funding the building of critical public infrastructure that creates economic activity Downtown through commercial construction cost reimbursement grants.
- Support and incentivize the development of publicly accessible, resident-serving amenities such as healthy food options, fitness opportunities, pet amenities, a pharmacy, and garden plots.

Eligibility for RCRP Funds

A developer may submit written documentation to the Director of Infrastructure & Development to establish eligibility for a project if the project meets all of the following criteria:

1. The project location is within one or more of the following areas: Central Business Zoning District, Riverfront Redevelopment Zoning District #1, Riverfront Redevelopment Zoning District #2, and/or is identified in the adopted 2015 Downtown Master Plan as having future Riverwalk.
2. The project within an above referenced Zoning District constitutes new development or revitalization of an existing building.
3. The project complies, or will comply, with all applicable Zoning and Building Code criteria.
4. The project is consistent with the adopted 2015 Downtown Master Plan and the adopted Comprehensive Plan of the City of Salisbury.
5. The project complies, or will comply, with all requirements of the Salisbury Historic District Commission (Exhibit 3).
6. The project does not have complete, consistent Riverwalk in place as of January 1, 2019.

How to Apply for RCRP Funds

1. Meet with the Department of Infrastructure & Development staff to review the program and project specifications.
2. Applications are due after preliminary site plan approval submission to the Department of Infrastructure & Development and prior to issuance of grading/site permits.

3. One copy of the completed application should also be emailed to apollack@salisbury.md. Portions of the application may be kept confidential by completing a Nondisclosure Agreement upon request and providing specific reasons for the request. Applicants should be aware that any Maryland public information act requests may result in information marked “confidential” being released if the request is challenged and the confidentiality is found to be overly broad.
4. **IMPORTANT NOTE:** RCRP applications must be received, reviewed and confirmed as complete by the Department of Infrastructure & Development staff **PRIOR** to the start of any work reflected in the application in order for that work to be considered for reimbursement.
5. The Director of Infrastructure & Development will issue an official Notice of Pre-Approval in the form of a Letter of Intent to be signed by an applicant. Projects pre-approved for reimbursement funding will be issued a Letter of Intent and a Riverwalk Construction Reimbursement Program (RCRP) Funding Terms sheet. Applicants must agree to the negotiated terms within 30 days of receipt of these documents.
6. Once the Letter of Intent has been signed, the application and recommendation will be forwarded to the Mayor for his/her pre-approval.
7. Once the Mayor has pre-approved the project for RCRP funding, a Resolution supporting the expenditure of funds will be placed on the next available City Council Work Session and subsequently (if approved) sent to a City Council Legislative Session for approval.
8. Department of Infrastructure & Development staff will prepare a RCRP Agreement for the applicants, which must be executed within 15 days of receipt. Program Agreements are valid for one (1) calendar year from the signature date. If projects are delayed, applicants may request a 1-year extension which will be considered by the Mayor.
9. Applicants agree to provide quarterly updates on financing, construction costs, and other pertinent information as projected costs become actual costs.
10. **The total amount of the reimbursement will be limited to the original approved estimate.** Cost overruns on the project will not be reimbursed.
11. Applicants agree to provide before, during and after photographs documenting the progress of the project throughout its completion.
12. Non-Appropriations: Projected reimbursement amounts are not ~~guaranteed~~permitted and are contingent upon appropriations of sufficient amounts for projected reimbursements and approval by the Mayor and Council.

Riverwalk Construction Reimbursement Program – General Conditions

1. Applicants must thoroughly review all Riverwalk Construction Reimbursement Program guidelines, conditions, and forms prior to submission of an application.

2. Applicants must review the ‘Envision Salisbury Downtown Master Plan 2035’ document so that they will be familiar with the plan of development for the area in question.
3. Applicants must be the owner or partner of a development project located within the boundaries of the planned Riverwalk district (see Exhibit 1 map).
4. Properties must be current on all City, County and State property and income taxes and remain current throughout the period of reimbursement.
5. Project building permits must be received within one year of the date of the signed RCRP agreement.
6. All construction work must comply with Salisbury City Code Section 12.24.05 Riverwalk Construction standards and all applicable laws, ordinances, building codes and zoning ordinances.
7. The RCRP application must include drawings showing what the proposed project will look like when completed, and estimated costs of the project obtained from a qualified professional.
8. Eligible costs include the construction of the Riverwalk, bulkhead, bulkhead repairs or extensions, and associated work such as backfill. Lighting, landscaping and signage are **NOT** eligible expenses.
9. Eligible, reimbursable costs are capped at an amount equal to or less than the sum total of 90% of the incremental increase in City property taxes due based on the assessed value of the property in a given year for a maximum of 20 years subsequent to the issuance of a Certificate of Occupancy by the City of Salisbury and all other conditions of the RCRP being met, over the amount in City property taxes due based on the assessed value of the property as of January 1, 2019. Year 1 of the calculation will be the first July 1st subsequent to the agreed-upon deadline for the issuance of a Certificate of Occupancy.

This can be expressed by the following formula:

GC	Total gross amount of approved qualifying costs
EC	75% * QC
CTD ^B	City property taxes based on assessed value as of January 1, 2019
CTD [#]	City property taxes due in a given year based on that year’s assessed value
TC	All applied City Property Tax Credits
RCRP [#]	= 0.9[CTD [#] – CTD ^B - ∑(TC)]
RCRP ^E	RCRP ¹ + RCRP ² + ... RCRP ¹⁹ + RCRP ²⁰
AG	Approved Grant Amount = lessor of EC and RCRP ^E

- represents given year 1-20, with 1 being the first year of RCRP fund reimbursement

An example of this formula is included in Exhibit 4.

10. RCRP funds are not distributed in one lump sum. The total estimate is derived in order to support private financing needs of the property developer/owner. Funds are actually

committed based on the formula articulated above and distributed annually based on each year's assessment. If the original (RCRP^E) committed funding amount has not been funded in the first 20 years due to lower than anticipated assessed values, the grant period may be extended by up to 5 years in order to achieve the total. At no point in time may the original RCRP^E committed funding amount be exceeded.

11. To determine the RCRP^E funding amount, a development schedule will show the completion date of phases, estimated value of construction and estimated subsequent assessed value. Deviation from the schedule, investment or phasing may result in lower assessments and thus a reduced cap for payments (at the sole discretion of the Mayor and City Council). The property developer/owner accepts all risk associated with assessments.
12. If RCRP funds are awarded for a specific construction project, the scope of that project may **NOT** be changed without first receiving written permission from the Director of the Department of Infrastructure & Development.
13. It is expressly understood and agreed that applicants shall be solely responsible for all safety conditions and compliance with all safety regulations, building codes, ordinances, and other applicable regulations.
14. It is expressly understood and agreed that applicants will not seek to hold the City of Salisbury, its agents, employees, officers and/or directors liable for any property damage, personal injury, or other loss related in any way to the RCRP.
15. Applicants shall be responsible for hiring and executing an agreement with a general contractor who is licensed to operate in the State of Maryland. Applicants shall ensure that said contractor provides insurance coverage for comprehensive public liability, property damage liability / builder's risk, and workers' compensation insurance.
16. Applicants must certify that there are no hazardous materials located on the property, that he/she will not cause or allow any hazardous materials to be placed on the property, and that the property is in compliance with all applicable Federal and State environmental laws and regulations.
17. Applicants shall maintain or cause to be maintained both property and commercial general liability coverage on the Project and the Property both during and after the construction / rehabilitation related to the RCRP.
18. If the project is located in the 100-year floodplain, as designated by FEMA and the United States Department of Housing and Urban Development (HUD), applicants shall be required to provide evidence of flood plain insurance coverage.
19. Following the completion of the rehabilitation work, applicants shall ensure that all necessary approvals for the commencement of the activities that will take place in the property have been obtained, including all applicable permits and licenses.

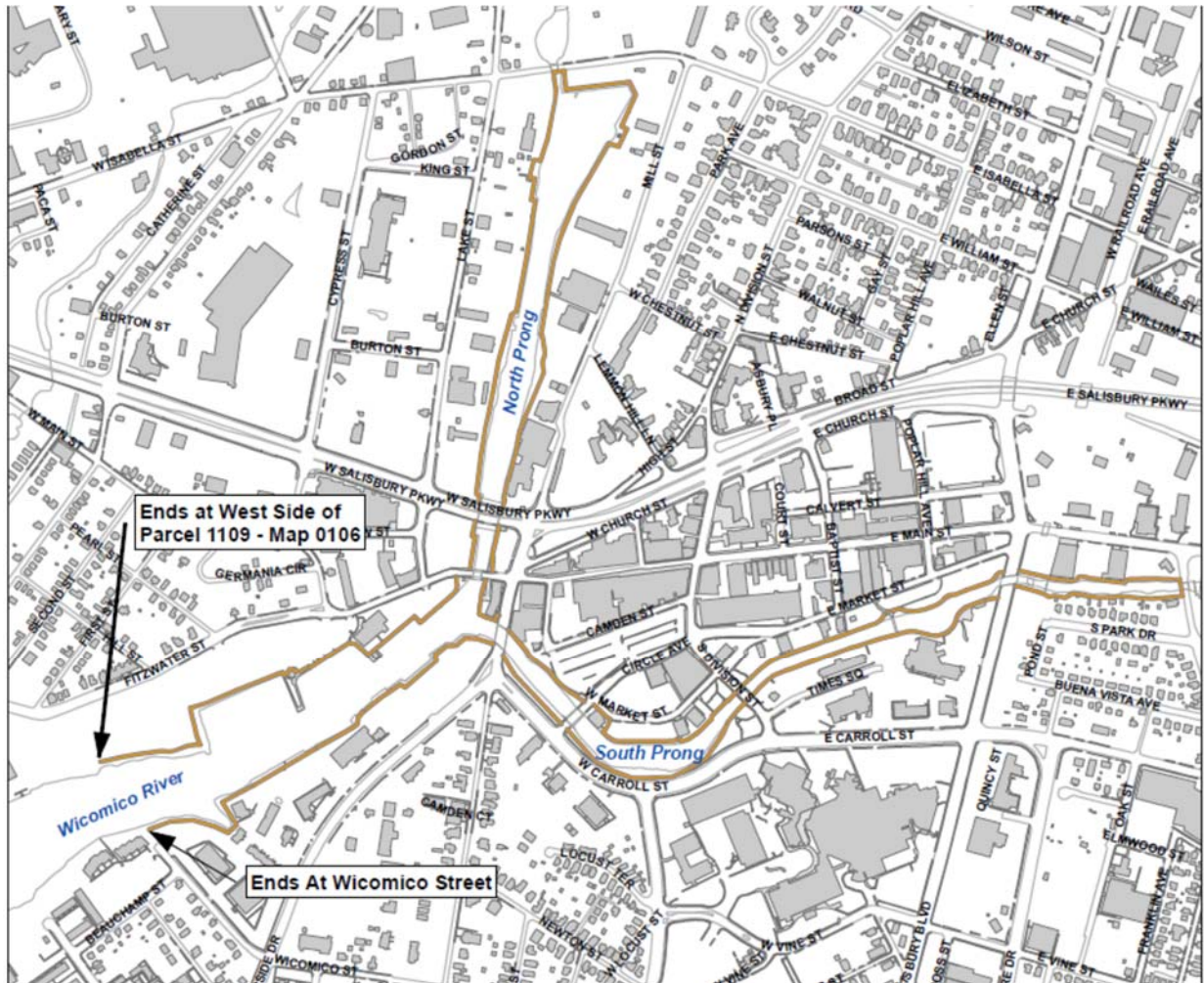
20. Applicants must agree to begin construction, having met all other requirements to receive a building permit, no later than 1 year after the date that the City Council formally adopts the Resolution consenting to the expenditure of the RCRP funds.
21. Applicants must agree to secure their Certificate of Occupancy, having met all other requirements to do so, no later than 2 years after the date that the building permit is issued.
22. Applicants agree to maintain the property and improvements and otherwise complying with the Municipal City Code of the City of Salisbury.
23. Applicants authorize the City of Salisbury to promote an approved RCRP project including, but not limited to displaying a sign at the site during and after construction, and using photographs and descriptions of the project in its materials and press releases.
24. The City of Salisbury shall have the right to refuse reimbursement to the owner / partner if the City believes the work is unsatisfactory or the construction project is not being completed according to the approved RCRP application.
25. The City of Salisbury will not reimburse applicants for more than the approved amount should the scope of work and/or costs increase due to unforeseen circumstances.
26. Applicants who have been awarded a RCRP grant in the past may apply for funds again for an additional eligible property, however applicants who have never been awarded RCRP funds before will be given preferential consideration.

Reimbursement Process

- 1) Documentation for all eligible costs (paid invoices, cancelled checks, and any other requested documentation) must be submitted within 90 days following completion of construction.
- 2) Properties must be current on all City, County and State property and income taxes. All payments will be suspended unless and until the property's owners and tenants are current on all City, County and State property and income taxes.
- 3) **The total amount of the reimbursement will be limited to the original approved estimate.** Cost overruns on the project will not be reimbursed.
- 4) **All applicants must be aware that RCRP grant funds are awarded on a reimbursement basis only.** Grantees must have sufficient funds available to allow them to expend those funds on project expenses, provide the City with copies of paid invoices, cancelled checks, and any other requested documentation, and then wait to be reimbursed for those expenditures. This is a lengthy process, so applicants must be aware that this is a condition of the award.

Exhibit 1

Proposed Extent of Riverwalk in Riverfront Redevelopment Districts and Central Business District



Brown line denotes the location of the proposed Riverwalk.

Exhibit 2

Zoning Map showing Riverfront Redevelopment Districts #1 and #2 and Central Business District

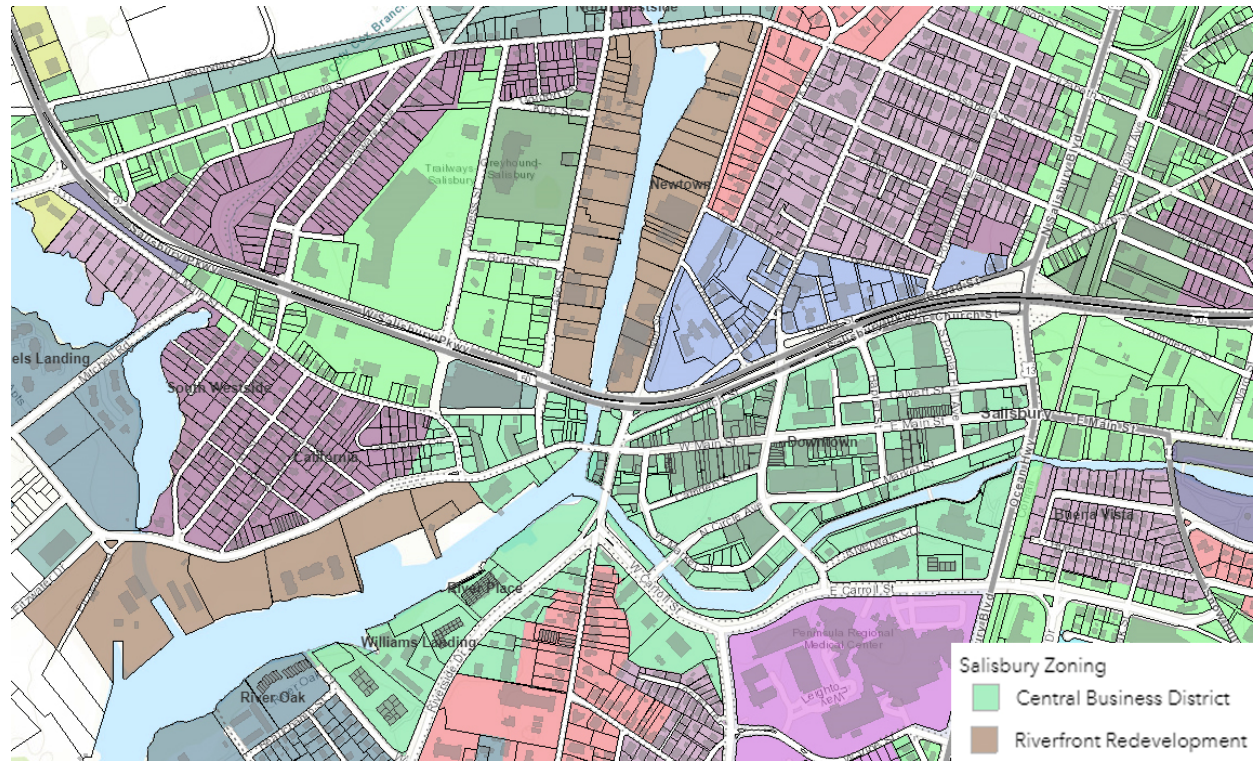
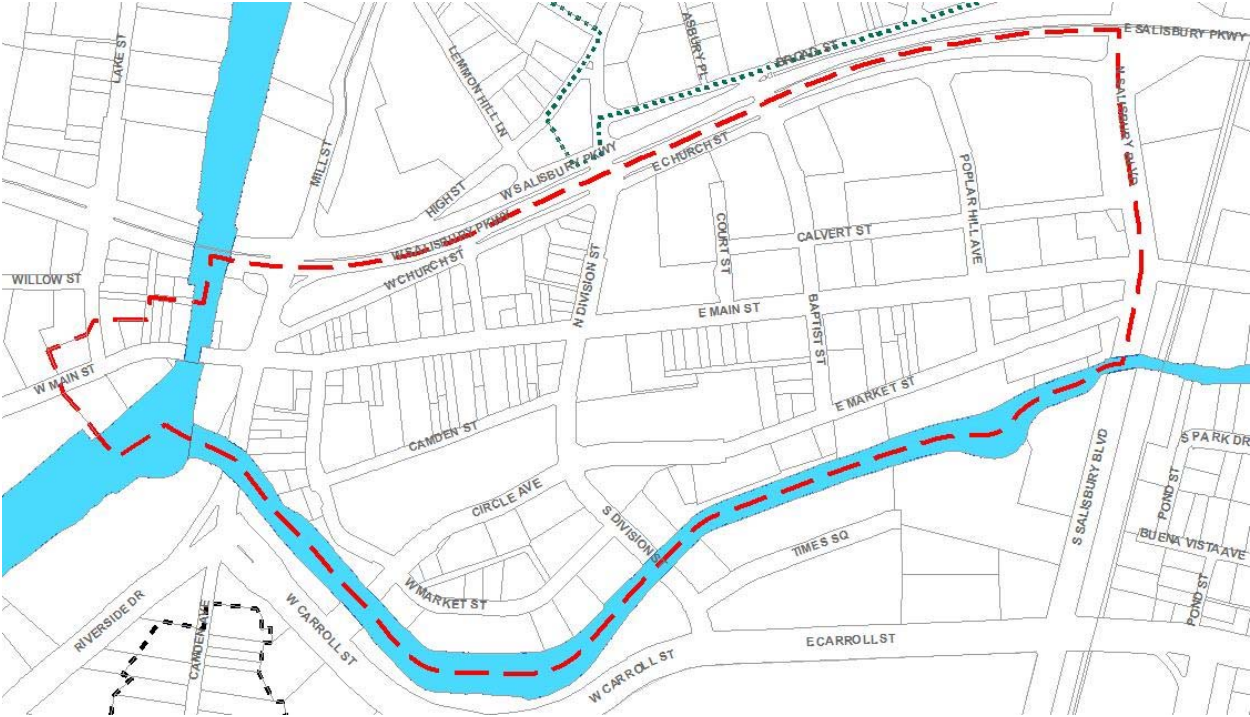


Exhibit 3

Downtown Historic District



Salisbury's Downtown Historic District is denoted as the area within the red dashed-line boundaries.

City of Salisbury
Riverwalk Construction Reimbursement Program
Application – 20_____

General Information

Application Date: _____

Legal Name of Business:

Address of Property:

Legal Description of Property:

Name of Business Owner:

Home Address of Business Owner:

Business Owner Telephone #: _____

Business Owner E-mail address: _____

Name of Property Owner:

Home Address of Property Owner:

Property Owner Telephone #: _____

Property Owner E-mail address: _____

Project Narrative

1) Brief history of the site / building:

2) General description of the proposed project:

3) Property ownership structure:

4) Does this project conform to the City's adopted Downtown Master Plan and Urban Greenway Master Plan? How does this project meet the goals of the Downtown Master Plan?

5) How does this project align with the RCRP priorities?

6) Clear description of the eligible public benefits of the project.

7) Clear description of expenditures / costs related to the requested reimbursement amount.

8) Total Square Footage of the Building(s): _____

9) Use Mix: Type of Use / Percentages:

10) Description of on- or off-site or associated additional projects, if applicable.

11) Description of public or tenant accessible amenities, if applicable.

12) Description of how the project demonstrates environmental stewardship.

Check any other incentives / programs that have been applied for.

- Enterprise Zone
- Rise Zone
- Revolving Loan Program
- Community Legacy Grant
- SD/SGIF Grant
- Other City/County/State/Federal Grant
- Other Tax incentives
- Energy use incentives
- Other Public investment

I, the applicant, have read and understand the Riverwalk Construction Reimbursement Program (RCRP) guidelines, and I agree to abide by the general conditions as set forth in this application. I further understand that if I am awarded reimbursement grant funds I will be required to enter into a Program Agreement with the City of Salisbury.

Signature of Business Owner: _____

Printed Name: _____

Date: _____

Signature of Property Owner (if different from Business Owner):

Signature of Property Owner: _____

Printed Name: _____

Date: _____

ORDINANCE NO. 2534

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY19 GENERAL FUND BUDGET TO APPROPRIATE FUNDS RECEIVED FROM WITMER PUBLIC SAFETY GROUP FROM THE SALE OF HANDGUNS TO BE USED TO REPAIR THE MOISTURE BARRIER ALONG THE FOUNDATION OF THE SALISBURY POLICE DEPARTMENT.

WHEREAS, on October 16, 2017 the Salisbury Police Department (SPD) traded-in 72 previously issued police officer duty handguns; and

WHEREAS, these handguns are further described as:

- 49 – Glock, Model 21, Semi Auto 45 Fixed Sight
Serial# CWK267US, DMM800US, GHT978, EDD917US, WG617US, WG628US, GHT979, GKW653, WG633US, WG603US, CGU965US, DMM799US, WG627US, WG600US, WG638US, WG622US, CWK269US, APC816US, WH472US, BSG832US, GHT981, KHR698, GKW656, GKW652, DMM801US, CGU960US, CGU962US, HYM872, VGA938, VGA937, GKW655, SAU248, VGA935, HYM873, SAU247, AFP917US, AWE975US, G20231, WG645US, AWE796US, G20232, BAE070US, BSG834US, WH477US, BWP521US, WG602US, WG613US, APC818US, WH479US
- 12 – Glock, Model 21SF, Semi Auto 45
Serial# NTE332, XHL088, XHL081, NPM895, XHL087, XHL084, XHL089, LSF851, XHL080, LSF852, NTE334, TSD996
- 5 – Glock, Model 36, Semi Auto, 45
Serial# NKX941, NKX943, HXH884, NKX942, NKX945
- 4 – Glock, Model 19 Semi Auto, 45
Serial# WV765US, WV768US, AGD156US, WV767US
- 1 – Glock, Model 19C Semi Auto, 9mm
Serial# KDG397
- 1 – Glock, Model 26, Semi Auto, 9mm
Serial# BTP990US

WHEREAS, the aforementioned 72 handguns were sold to Witmer Public Safety Group in the amount of \$21,747.01; and

WHEREAS, SPD received payment from Witmer Public Safety Group for the handguns on November 20, 2018; and

WHEREAS, SPD is requesting these funds be transferred to the SPD Building Maintenance Account, 21021-534301 in the amount of \$21,747.01; and

WHEREAS, SPD will utilize the funds appropriated from the sale of these handguns to make necessary repairs along the foundation of the Salisbury Police Department; and

49 WHEREAS, additional funds needed to complete the repairs will be taken from SPD
50 surplus funds available from vacant salary positions; and

51
52 WHEREAS, the moisture barrier along the foundation of SPD has been identified as in
53 need of repair in order to prevent water seepage and eventual degradation of the foundation; and

54
55 WHEREAS, once the project is completed, the project will be removed from the SPD
56 Capital Improvement Plan.

57
58 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
59 OF SALISBURY, MARYLAND that the City's Fiscal Year 2019 General Fund Budget is
60 hereby amended as follows:

- 61
62 1) Increase General Fund (01000-469200) by \$21,747.00
63 2) Increase the Police Department budget by \$21,747.00
64

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

67
68 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of
69 Salisbury held on this 25th day of March 2019, and thereafter, a statement of the substance of the
70 Ordinance having been published as required by law, was finally passed by the Council on the ___
71 _____ day of _____ 2019.

72
73 ATTEST:

74
75 _____
76 Kimberly R. Nichols, City Clerk

75 _____
76 John R. Heath, President
77 Salisbury City Council

78
79 Approved by me this _____ day of _____ 2019

80
81 _____
82 Jacob R. Day., Mayor

ORDINANCE NO. 2535

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY19 BUDGET TO APPROPRIATE FUNDS FOR STREET RESURFACING AND CONCRETE REPAIR.

WHEREAS, the City of Salisbury Department of Infrastructure and Development has completed paving and concrete repair projects throughout the City that are eligible for reimbursement from MDOT-SHA; and

WHEREAS, the City has received a reimbursement from MDOT-SHA in the sum of \$123,864.47; and

WHEREAS, the Department of Infrastructure and Development seeks to reimburse the operating account from which the original appropriation was budgeted in order to continue the Citywide Paving and Concrete Programs.

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

- 1. Increase the MDOT Reimbursements (01000-424202) budget by \$123,864.47
- 2. Increase the Citywide Street Maintenance (31000-534318) budget by \$123,864.47

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

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 25th day of March 2019, and thereafter, a statement of he substance of the Ordinance having been published as required by law, was finally passed by the Council on the ___ day 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



To: Laura Soper, Business Development

From: Andrew Kitzrow, Deputy City Administrator
Julia Glanz, City Administrator

Subject: Budget Transfer Ordinance – General Merchandise Sales

Date: 03/18/2019

The Downtown Salisbury Visitor Center is currently selling merchandise – including hats, t-shirts, coffee mugs, magnets and water bottles. These funds are remitted to the General fund and in order to keep this merchandise well stocked, the Visitor Center would like to employ regular quarterly budget amendments based on the sales number to put funds back into the Visitor Center Marketing Account.

As of 03/18/2019– the Downtown Visitor Center sold \$913.30 worth of merchandise and would like to remit those funds to the marketing account (11600-555512) from the General Merchandise Sold Fund (0010-01000-434717)

ORDINANCE NO. 2536

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY 2019 GENERAL FUND BUDGET TO APPROPRIATE FUNDING TO THE BUSINESS DEVELOPMENT MARKETING FUND.

WHEREAS, as of March 18, 2019, the City has sold \$913.30 worth of merchandise at the Downtown Salisbury Visitor Center since the last budget amendment; and

WHEREAS, the City would like to return those funds to the Downtown Visitor Center Marketing Account on a regular basis to make sure the Visitor Center has a healthy stock of merchandise.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND THAT THE City's Fiscal Year 2019 General Fund Budget be and hereby is amended as follows:

- 1) Increase account 11600-555512 Marketing by \$913.30
- 2) Decrease account 0010-01000-434717 City Merchandise by \$913.30

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



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: The Mayor & City Council
From: Nancy Talbott, Grants Coordinator
Subject: Community Needs Grant for the SWIFT Program
Date: April 4, 2019

The City of Salisbury has applied for and received funding from the Community Foundation of the Eastern Shore to support the Salisbury Wicomico Firstcare Team (SWIFT). The award totals \$4,000, and will be used to pay provide transportation for SWIFT patients who are otherwise unable to attend necessary medical appointments and meetings.

Please feel free to contact me if you have any questions or concerns.

Attachment:

COMMUNITY FOUNDATION OF THE EASTERN SHORE, INC.

1324 Belmont Avenue
Salisbury, Maryland 21804
(410) 742-9911

GRANTEE PUBLICITY STANDARDS

By accepting this grant, the Grantee agrees to:

- **Acknowledge funding support by the Community Foundation of the Eastern Shore (CFES);**
- **Include the CFES logo in publication and electronic media;**
- **Link to the CFES website;**
- **Abide by all other CFES Grantee Publicity Standards (Review Page 2).**

Grants approved by the Board of Directors, Community Foundation of the Eastern Shore, are reported to the community through media releases and in the Foundation's newsletter and annual report.

Grantees are encouraged to contact CFES with questions about use of the CFES logo or language specific to the Foundation. Draft copy submitted to the Foundation will be reviewed promptly.

EXPENDITURE OF FUNDS

This grant is to be used only for the purpose described above and in accordance with the approved budget. **The program is subject to modification only with the Foundation's prior written approval.**

The grantee shall return to the Foundation any unexpended funds, including accrued interest:

- a) At the end of the grant period, or
- b) If the Foundation determines that the grantee has not performed in accordance with this agreement and approved program/budget, or
- c) If the grantee loses its exemption from Federal income taxes under Section 501(c)(3) of the Internal Revenue Code.

No funds provided by the Foundation may be used for any political campaign, or to support attempts to influence legislation by any governmental body, other than through making available the results of nonpartisan analysis, study, and research.

All grants are made in accordance with current and applicable laws and pursuant to the Internal Revenue Code, as amended, and the regulations issued there under.

By accepting this grant, your organization certifies to the Community Foundation that no tangible benefit, goods, or services are received by any individual or entities connected with the Community Foundation.

Expenses charged against this grant may not be incurred prior to the effective date of the grant or subsequent to the termination date, and may be incurred only as necessary to carry out the purposes and activities of the approved program.

The grantee organization is responsible for the expenditure of funds and for maintaining adequate supporting records consistent with generally accepted accounting practices.

REPORTS TO THE FOUNDATION

Completion of a Grantee Performance Report and a financial accounting expenditure of this money are required as a condition of this grant. An interim and final report may be required. The 6-month interim performance report will be due as noted in e-Grants.

As part of the Foundation's ongoing efforts to ensure the most efficient and effective use of grant dollars, the Foundation reserves the right to request additional information on the status and success of the program. In addition to responding to such requests for written documentation, the Grantee also agrees to respond to Foundation requests for a follow-up site visit, if deemed appropriate by the Foundation, to assess the impact of the grant.

Grantee Publicity Standards

The Community Foundation of the Eastern Shore is pleased to have provided funding to your organization. Acknowledgement of Community Foundation of the Eastern Shore's funding must be included in all press releases, newsletters, brochures, annual reports and other promotional materials. By doing so, you will help the community understand how the Community Foundation of the Eastern Shore supports outstanding organizations in the Lower Eastern Shore.

The following standards apply to your grant:

- **Acknowledgement of the grant (this information must be included):** You must acknowledge that The Community Foundation of the Eastern Shore funded your organization.

Example: *Funding provided by the Community Foundation of the Eastern Shore.*

- **Use of Community Foundation Logo** – Brochures, flyers, announcements or other printed/electronic materials supporting your project must bear the CFES logo. The logo must be used in its entirety and shall always be large enough to be legible and readily recognizable. The logo may be used in black and white, or the official CFES colors. To request an electronic copy of the logo, please contact the Community Foundation's Program Director or Marketing Officer or visit <http://www.cfes.org/presskit> to download.
- **Link to us on your website**
Work with us to help boost the presence of local nonprofits on the web. We can help you link to us and are happy to include you under the nonprofit links on the CFES site.
- **Send us copies of photos illustrating your organization and program**
We would appreciate copies (electronic preferably) for use in our annual report, newsletters, and other publications throughout the year. If possible, please identify individuals in the photo as well as the event/location and date.
- **Put us on your PR mailing list, invite us to your events, show off your work!**
We would appreciate receiving copies of news releases and newsletter articles that mention the Community Foundation of the Eastern Shore, as well as any newspaper articles that mention that you have received funding from us. Please send copies to CFES, 1324 Belmont Avenue, Suite 401, Salisbury, Maryland 21804.

If you have any questions about these guidelines, please contact us at (410) 742-9911.

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ORDINANCE NO. 2537

AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE COMMUNITY FOUNDATION OF THE EASTERN SHORE FOR THE PURPOSE OF ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$4,000, AND APPROVING A BUDGET AMENDMENT TO THE FY 2019 GRANT FUND TO APPROPRIATE FUNDS FOR THE SALISBURY-WICOMICO INTEGRATED FIRSTCARE TEAM.

WHEREAS, the Community Foundation of the Eastern Shore (CFES) has a Community Needs Grant program; and

WHEREAS, the purpose of the grant program is to benefit organizations that serve health and human services, education, arts and culture, community development, environment and historical preservation; and

WHEREAS, the City of Salisbury submitted a grant application to CFES for funding to support the Salisbury-Wicomico Integrated Firstcare Team (SWIFT); and

WHEREAS, the CFES has awarded the City funds in the amount of \$4,000; and

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

WHEREAS, all funds shall be used to provide medical transportation for SWIFT patients who are otherwise unable to attend necessary medical appointments and meetings; and

WHEREAS, § 7-29 of the Salisbury City Charter forbids contracts requiring an expenditure in excess of the amount appropriated for that general classification or expenditure, and forbids any office, department, or agency from expending funds not appropriated; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, THAT Mayor Jacob R. Day is hereby authorized to enter into a grant agreement with the Community Foundation of the Eastern Shore to accept grant funds in the amount of \$4,000.00.

BE IT FURTHER ORDAINED that the City's Fiscal Year 2019 Grant Fund Budget be and hereby is amended as follows:

- 1) Increase FY19 CFES – SWIFT Transport Revenue account (10500-426100-XXXXX) by \$4,000
- 2) Increase FY19 CFES – SWIFT Transport Expense account (10500-426100-XXXXX) by \$4,000

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

45 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of
46 Salisbury held on this ____ day of _____, 2019, and thereafter, a statement of the
47 substance of the Ordinance having been published as required by law, was finally passed by the
48 Council on the ____ day of _____ 2019.
49

50
51 **ATTEST:**

52
53
54 _____
55 Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

56
57
58 APPROVED BY ME THIS ____ day of _____ 2019.
59

60
61
62 _____
63 Jacob R. Day, Mayor
64