



**SALISBURY CITY COUNCIL  
WORK SESSION AGENDA**

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**AUGUST 5, 2019  
COUNCIL CHAMBERS  
GOVERNMENT OFFICE BUILDING**

- 4:30 p.m. Updating the Fire Code- Business Licenses- Fire Chief John Tull, Fire Marshal Eric Cramer
- 4:45 p.m. Aldi Budget Amendment for lights – DID Director Amanda Pollack
- 5:10 p.m. Council discussion
- 5:15 p.m. Adjournment

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.  
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 3-305(b).*



City of  
**Salisbury**  
Jacob R. Day, Mayor

## MEMORANDUM

**To:** Julia Glanz, City Administrator  
**From:** Eric Cramer, Fire Marshal  
**Date:** July 10, 2019  
**Re:** **Updating Fire Inspection Requirements**

Please see the attached ordinance to require a favorable fire inspection prior to the issuance of certain City licenses.

Should you require any additional information, please do not hesitate to contact me.

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A. No person shall operate any business establishment within the downtown business district without obtaining an annual license, to be known as the "downtown business district license," from the ~~treasurer~~ Director of Finance of the city. The operator of any exempt establishment shall not be required to obtain a business district license and shall not be eligible to use the management services provided by the business association for

50 the district. To the extent that the central Salisbury revitalization district includes within  
51 its boundaries a public market owned by the city, ~~any~~**and** business operated by any  
52 merchant in such market shall be included within the downtown business district and  
53 subject to this chapter.

- 54
- 55 B. The fee for the downtown business district license shall be as set forth in Exhibit B,  
56 Section 5.04.160.
- 57
- 58 C. The business association shall certify to the ~~treasurer~~Director of Finance on a yearly  
59 basis the following:
- 60
- 61 1. The name, business address and mailing address of the person(s) responsible for  
62 payment of the downtown business district license fee for each business  
63 establishment;
  - 64 2. The fee due from each business establishment, other than an exempt  
65 establishment.
- 66
- 67 D. The downtown business district license fee shall be in two categories: category one,  
68 pertaining to retailers; and category two, pertaining to professional service, rental and all  
69 nonretail establishments in the district. The rate for the 1988 calendar year shall be as set  
70 forth in Exhibit B, Section 5.04.160. There shall be no rate change for successive years  
71 unless the district, by a majority vote of the licensees therein, suggests a rate change,  
72 which shall be ratified by the mayor and city council by ordinance.
- 73
- 74 E. The ~~treasurer~~Director of Finance shall collect the fee from the responsible person of  
75 each business establishment. The downtown business district license fee shall be due and  
76 payable on January 1st of each and every year, and the entire charge prescribed for the  
77 year shall be collected when the license is issued. The ~~treasurer~~Director of Finance  
78 shall not collect the downtown business district license fee due and payable on January  
79 1, 1999, January 1, 2000, January 1, 2001, January 1, 2002 and January 1, 2003.
- 80
- 81 F. Subject to all applicable provisions of other ordinances of the city, statutes of Maryland  
82 and laws of the federal government, the downtown business district licenses shall be  
83 transferable, upon written notice to the ~~treasurer~~Director of Finance, and renewable  
84 from year to year during the continuous operation of the business by the downtown  
85 business district licensee within the downtown business district and so long as such area  
86 continues to be designated as a commercial district.
- 87
- 88 G. In the event that any person commences business operations in the business district  
89 subsequent to January 1st in any year, the ~~treasurer~~Director of Finance may prorate the  
90 amount of the fee due and payable based on the number of months of operation during  
91 the licensing year. There shall be no refund for any business that ceases operation during  
92 the licensing year.
- 93
- 94 H. Every establishment, subject to the provisions of this section, shall, upon application for  
95 an annual license, submit proof of an inspection and approval by the City Fire Marshal  
96 showing compliance with the City's fire prevention code prior to the issuance of a  
97 license under this chapter.
- 98

Chapter 5.32 – TRANSIENT MERCHANTS AND MOBILE VENDORS

5.32.080 - Investigation—Issuance of license—Determination of threat to health, safety and welfare.

- A. The Business Development Director shall contact the city police and fire departments and may contact any other agency of the city government as he or she deems necessary in connection with any investigation under this chapter.
- B. Unless after investigation the Business Development Director finds that the person making the application has not complied with this chapter, or the Business Development Director ~~or~~, chief of police, or chief of the fire department determines that the person being licensed as a mobile vendor or transient merchant may be a threat to the health, safety and welfare of the citizens of the city, he or she shall issue a license upon the posting of the bond as provided in Section 5.32.060. No license shall be issued to any holder of a license previously issued under this chapter within one year of a revocation of the previous license.
- C. In determining the threat to health, safety and welfare, the Business Development Director shall consider the reputation of the person seeking the license, his or her criminal record, if any, and license history in this or other jurisdictions as reported to the Business Development Director by the police department, fire department, or any other department or agency of the city government. Emphasis in reaching a decision shall be given to any convictions for crimes of violence, sex offenses, violations of the gaming, narcotic and alcoholic beverage laws and fraud.
- D. A mobile vendor engaged in the preparation and/or sale of food or other similar activity shall submit proof of an inspection and approval by the City Fire Marshal showing compliance with the City's fire prevention code prior to the issuance of a license under this chapter.

Chapter 5.44 - PLAYS, CONCERTS AND CIRCUSES

5.44.10 - License required—Fees.

- A. Except as provided in Section 5.44.020, it is unlawful for any person within the corporate limits of the city to present any play, farce, interlude, show, opera, concert, circus, menagerie or other public exhibition of any kind whatsoever for gain, directly or indirectly, unless he shall first have obtained a license therefor from the city clerk.
- B. The license fee required to be paid for a license under this section shall be as follows:
1. For every circus or feats of horsemanship performed under a covering of canvas or any other material temporarily erected for that purpose: seventy-five dollars (\$75.00) for each day;
  2. For every other exhibition of any kind whatsoever: five dollars (\$5.00) for each day.

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150 5.44.020 - License required for halls presenting entertainment—Fees—Duration of license.  
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- 152 A. It is unlawful for any person owning or renting a hall located within the corporate limits  
153 of the city, fitted up permanently for giving entertainments, as referred to in Section  
154 5.44.010, for gain, to permit such hall to be used for such purpose without first obtaining  
155 a license therefor from the city clerk. A license fee of fifty dollars (\$50.00) per year shall  
156 be paid therefor. When any entertainment, as referred to in Section 5.44.010, is presented  
157 in any hall licensed under this section, the license required under Section 5.44.010 need  
158 not be obtained.  
159  
160 B. Licenses issued under the provisions of this section shall expire on the last day of the year  
161 in which issued. All such licenses issued during any year shall be charged for on a pro  
162 rata basis from the date of issue until the end of the year in which issued.  
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164 5.44.030 – Safety requirements  
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166 No license, in accordance with this chapter, shall be issued prior to an inspection and  
167 approval by the City Fire Marshal showing compliance with the City fire prevention code.  
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169 Chapter 5.52 - RESTAURANTS  
170

171 5.52.030 - Application for license—Contents.  
172

- 173 A. An application for a restaurant license under this chapter shall be made in writing on a form  
174 supplied by the city clerk. In such application, the applicant shall agree to conform to all  
175 provisions of this chapter and other ordinances of the city and the rules and regulations  
176 governing restaurants, to permit such examinations and inspections as may be deemed  
177 necessary by the health officer or assistant health officer and to the revocation of the  
178 restaurant license at any time for failure to comply with the provisions of this chapter and  
179 other ordinances of the city and the rules and regulations governing restaurants.  
180  
181 B. Any person requesting a restaurant license under this chapter shall complete and sign an  
182 application as provided for in subsection (A) of this section, which shall be filed with the  
183 city clerk.  
184  
185 C. An application for a restaurant license under this chapter shall include a report of  
186 inspection and approval by the City Fire Marshal showing compliance with the City Fire  
187 Prevention Code.  
188

189 Explanation:  
190

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

193 **Bolded and ~~struck through~~ print indicates material deleted from existing law.**  
194

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

197  
198       THIS ORDINANCE was introduced and read at a meeting of the Council of the City of  
199 Salisbury held on this \_\_\_\_ day of \_\_\_\_\_ 2019, and thereafter, a statement of  
200 the substance of the Ordinance having been published as required by law, was finally passed by  
201 the Council on the \_\_\_\_ day of \_\_\_\_\_, 2019.

202  
203 ATTEST:

204  
205 \_\_\_\_\_  
206 Kimberly R. Nichols  
207 CITY CLERK

\_\_\_\_\_  
John R. Heath  
PRESIDENT, City Council

208  
209 APPROVED BY ME THIS \_\_\_\_\_ day of \_\_\_\_\_, 2019

210  
211 \_\_\_\_\_  
212 Jacob R. Day, Mayor



City of  
**Salisbury**  
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator  
From: Amanda H. Pollack, P.E., Director of Infrastructure & Development  
Date: July 23, 2019  
Re: Budget Amendment – Aldi street light fee in lieu of

AP

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The Department of Infrastructure & Development received a request from PennTex Ventures regarding the installation of street lights along Dagsboro Road at the new Aldi store. Please see the attached letter dated July 16, 2019. The approved construction drawings showed five (5) new City standard street lights along Dagsboro Road. The installation of the street lights were also referenced in the Public Works Agreement and discussed at the pre-construction meeting. The street lights have not been installed.

PennTex is requesting being allowed to pay a fee in lieu of installing the street lights. Per the attached letter, their reasons include that there is adequate lighting already on that portion of Dagsboro Road, that the lights detract from the aesthetics and that the lights would be in conflict with their landscaping. PennTex is offering \$35,000 to the City. The Department of Infrastructure and Development agrees that this is an adequate offer to furnish and install five (5) street lights.

If the City accepts the fee in lieu of, the Department of Infrastructure and Development recommends using the funds for either installing street lights in areas that do not have lights, or replacing old street lights and upgrading to the new City standard.

The Department of Infrastructure and Development does not want to make a fee in lieu of program for street lights the norm. It is our preference to have developers install street lights on the adjacent City owned streets, per our standard. Due to the various factors listed in the attached PennTex letter and since the parking lot lighting also lights the roadway, we can support the fee in lieu of in this unique situation.

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



July 16, 2019

Ms. Amanda Pollack, P.E., Director  
Department of Infrastructure and Development  
City of Salisbury  
125 N. Division Street – Room 202  
Salisbury, MD 21801  
E – [Apollack@salisbury.md](mailto:Apollack@salisbury.md)  
P – 410.548.3170

Re: Streetlighting – Aldi Grocery Market  
30248 Dagsboro Road, Salisbury, MD 21804

Dear Ms. Pollack,

As you know, in conjunction with the development of the above noted project, we entered into a Public Works Agreement (hereinafter 'PWA') which outlined certain improvements to be provided by the developer, Penntex Ventures, LLC (hereinafter 'PTV').

One of the improvements required by the PWA is installation of five (5) new City standard streetlights along Dagsboro Road. On behalf of Penntex Ventures, LLC; the developer of the project, please accept this letter as our formal request that we be permitted to provide a fee to the City of Salisbury in the amount of \$35,000 in lieu of installation of the lights.

The intent of the lighting is to provide illumination of the roadway and pedestrian walkways along Dagsboro Road. That said, there currently exist streetlights along the opposite side of Dagsboro Road which provide an adequate light level and which were further supplemented by parking lot lighting installed in conjunction with the Aldi project. We believe that to install five (5) additional lights would detract from the aesthetics by 'over-lighting' the area. Further, the location of the City lights is in direct conflict with landscaping and street trees installed along Dagsboro Road in conjunction with the Aldi; the heads would be located between the canopies.

PTV believes that the dollars associated with this improvement requirement could be better spent in other areas of Salisbury where there is a greater need for streetlighting. Accordingly, we respectfully request that the City accept the noted payment of a fee in lieu of the installation of the lighting; whereby the City can choose to allocate such funding to some other part of the City where better lighting is warranted.

On behalf of PTV, please accept my thanks in advance for your consideration of this request. At your convenience, kindly advise us of the City's position as to our request and we will proceed accordingly in effort to bring this project to a close.

As always, please feel free to call or email me at your convenience with any questions, comments, concerns or need to discuss the above in greater detail.

Warmest Regards,

PennTex Ventures, LLC

By: 

Ted Donald, Executive Vice President

Cc: A. Weinman, CFO, VP of Construction – PTV

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY2020 BUDGET TO APPROPRIATE A DEVELOPER CONTRIBUTION FOR STREET LIGHTING IMPROVEMENTS.

WHEREAS, the City of Salisbury Department of Infrastructure and Development has received a request from PennTex Ventures to pay a fee in lieu of installing streetlights along Dagsboro Road associated with the Aldi project; and

WHEREAS, PennTex Ventures has committed to pay the amount of \$35,000 in lieu of installing five (5) streetlights; and

WHEREAS, the Department of Infrastructure and Development seeks to use the developer contribution to perform streetlight improvements throughout the City where there are no streetlights or where streetlights are in need of replacement or upgrade; and

WHEREAS, the Department of Infrastructure and Development has reviewed the site in question and is satisfied that there is sufficient lighting along Dagsboro Road where the Aldi project is located.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that the City's Fiscal Year 2020 budget is hereby amended as follows:

1. Increase the Developer Reimbursements (01000-424250) budget by \$35,000.00
2. Increase the Traffic Control and Highway Lighting Operating (22000-546006) budget by \$35,000.00

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

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the \_\_\_\_ 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