



**SALISBURY CITY COUNCIL
WORK SESSION AGENDA**

**DECEMBER 2, 2019
COUNCIL CHAMBERS
GOVERNMENT OFFICE BUILDING**

- 4:30 p.m. Tree City Presentation- Dr. Sarah Surak's SU Senior Sustainability Class project
- 4:45 p.m. Presentation of FY19 Audit- PKS & Company, P.A., Finance Director Keith Cordrey
- 5:05 p.m. Hudson Health's Main Campus Project- Michael Sullivan
- 5:20 p.m. EDU Waiver Request for 218 West Main Street- DID Director Amanda Pollack
- 5:35 p.m. Introduction to Zoning Code Revision Process- DID Director Amanda Pollack
- 5:55 p.m. Accepting developer contribution for pedestrian signal and crosswalk on Beaglin Park Drive- DID Director Amanda Pollack
- 6:10 p.m. Fire Station Roof Replacement Budget Amendment- Fire Chief John Tull
- 6:20 p.m. Volunteer Recruit Coordinator Position- Fire Chief John Tull
- 6:35 p.m. Self-Contained Breathing Apparatus (SCBA) Budget Amendment- Fire Chief John Tull
- 6:45 p.m. Vehicle Repair Account Budget Amendment- Fire Chief John Tull
- 6:55 p.m. Salisbury Board of License Commissioners- Council Discussion
- 7:25 p.m. Motion to Convene in Closed Session to consult with counsel to obtain legal advice on a legal matter and to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with the Annotated Code of Maryland §3-305(b)(7)(8)
- 7:45 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).*

Posted 11/26/19



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda H. Pollack, P.E., Director of Infrastructure & Development
Date: November 1, 2019
Re: Presentation by Salisbury University Senior Sustainability Class

AP

The Salisbury University Senior Sustainability Class taught by Dr. Surak have been working with the Department of Infrastructure and Development on their semester project. The students are working towards making Salisbury Tree City Certified. There are four (4) fundamental components of becoming a Tree City:

- Standard 1: A Tree Board or Department
- Standard 2: A Tree Care Ordinance
- Standard 3: A Community Forestry Program With an Annual Budget of at Least \$2 Per Capita
- Standard 4: An Arbor Day Observance and Proclamation

The students will present their efforts towards helping Salisbury achieve all four components. Unless you or the Mayor have further questions, please forward a copy of this memo to the City Council.



Tree City Certification

Salisbury University

About Tree City USA

1. Tree City certifications have been promoting green communities since 1976
2. Provides the framework needed for cities to manage and expand their public trees
3. More than 3,400 communities participate



Why should Salisbury be a Tree City?

1. Trees can..
 - a. Tame stormwater
 - b. Fight climate change
 - c. Save energy
 - d. Contribute to our health
 - e. Increase property value
2. Informs visitors, citizens, and college students that Salisbury cares about the environment
3. Falls in-line with other certifications and sustainability goals



What have we completed?

1. Gained support from the Green Team in establishing a Tree Board
2. Allocated the funds needed for the annual Budget
3. Coordinated with the Salisbury Zoo to host an “Arbor Day Celebration”

What do we still need to do?

1. Develop a basic tree care ordinance
2. Finalize the “Tree Board”
3. Apply to become a certified Tree City





City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda Pollack, P.E., Director of Infrastructure and Development
Date: November 1, 2019
Re: Resolution – 218 West Main Street Capacity Fee Waiver

AP

Attached is a letter from Opportunity Street, LLC dated October 24, 2019 which requests consideration for a Capacity Fee waiver for the redevelopment of 218 West Main Street. 218 West Main Street is the Powell Building. It is proposed to be developed into a mixed use apartment complex. The building will have twenty (20) apartments and an interactive children's museum. The request is for a waiver of 22 EDUs. At the current Capacity Fee rate of \$3,533, the waiver request is \$77,726.00.

Per Ordinance No. 2258, the owner is seeking a Capacity Fee waiver as part of the Equivalent Dwelling Unit (EDU) Incentive Area. The original allocation of 300 EDUs was based on a transfer of EDUs from the former Linens of the Week property. To date, 191.64 EDUs of the original allocation of 300 EDUs have been used, therefore there are 108.36 EDUs available. If this request is approved, there will be 86.36 EDUs remaining.

As per Ordinance No. 2258, Infrastructure and Development has evaluated the eligibility of this project for the EDU Incentive Area. The project location is within the Central Business Zoning District and will consist of redevelopment that is not eligible for an affordable housing waiver. The project does or will comply with all other necessary criteria.

Attached is a Resolution for consideration to waive the Capacity Fees associated with the development of 218 West Main Street. After review of the request, Infrastructure and Development recommends approval. If this EDU waiver is approved, then it will be valid for two years from the date of the Resolution.

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



October 24, 2019

Amanda H. Pollack, P.E.
Director
Department of Infrastructure & Development
City of Salisbury
125 N. Division St., Room 202
Salisbury, MD 21801

EDU Waiver Request – 218 West Main Street, Salisbury MD 21801 (Powell Building)

Please consider this our formal written request for an EDU fee waiver for the above referenced, mixed-use redevelopment project.

The proposed project will create state-of-the-art residential living opportunities in Downtown Salisbury for Tenants with the offered (20) apartments. The planned use for the commercial space on the Plaza level will consist of an interactive museum for parents and kids to enjoy together. Kids will have the opportunity to explore, discover and play in uniquely designed settings to learn more about the transition to adulthood. With the new residential component as well as the commercial space becoming activated, we believe this project will increase not only the number of downtown residents but will add to the commercial foot traffic in Downtown Salisbury on a regular basis.

The proposed project meets the criteria as set forth in Ordinance 2258 by the City of Salisbury and is an eligible project within the EDU Incentive Area.

We estimate the total EDUs needed for the entire project to be Twenty-Two (22).

Thank you for your consideration.

Respectively submitted,

A handwritten signature in blue ink, appearing to read "Chris Gilkerson", written over a horizontal line.

Chris Gilkerson, Principal
Opportunity Street, LLC

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND AUTHORIZING THE CAPACITY FEE OF THE CITY’S COMPREHENSIVE CONNECTION CHARGE TO BE WAIVED FOR THE DEVELOPMENT OF 218 WEST MAIN STREET.

WHEREAS, Opportunity Street, LLC has requested a waiver of the Capacity Fee for the development of 218 West Main Street; and

WHEREAS, the proposed development is located inside the City Limits and the Central Business District; and

WHEREAS, the City seeks to encourage development and redevelopment in the Central Business District; and

WHEREAS, the City seeks to reduce the capacity fees for eligible development and redevelopment in the Central Business District by means of an Equivalent Dwelling Unit (EDU) Incentive Area; and

WHEREAS, the proposed development of 218 West Main Street requires a total of 22.0 Equivalent Dwelling Units of water and sewer service; and

WHEREAS, the current Capacity Fee for one Equivalent Dwelling Unit is \$3,533.00; and

WHEREAS, the Capacity Fee for 22.0 Equivalent Dwelling Units is \$77,726.00; and

WHEREAS, the City Council approved a Capacity Fee waiver process under Ordinance No. 2258 for development in the Central Business District; and

WHEREAS, the Director of Infrastructure and Development reviewed the request and has determined that the project is eligible for the Capacity Fee waiver; and

WHEREAS, the Mayor reviewed the request and supports sending the request to the City Council; and

WHEREAS, if approved, the EDU allocation for the Capacity Fee waiver is valid for two years from the time of the signing of this Resolution; and

WHEREAS, the property owner has the option to request an extension of the allocation for two one-year terms, if approved in writing by the Director of Infrastructure and Development prior to expiration of the term; and

WHEREAS, the allocated EDUs are assigned to the development of 218 West Main Street and cannot be transferred by the recipient.

46 NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury,
47 Maryland approves the waiver of 22.0 Equivalent Dwelling Units of Capacity Fee for the
48 development of 218 West Main Street by Opportunity Street, LLC.
49

50 THIS RESOLUTION was introduced and duly passed at a meeting of the Council of the
51 City of Salisbury, Maryland held on _____, 2019 and is to become effective
52 immediately upon adoption.
53

54 ATTEST:
55

56
57 _____
58 Kimberly R. Nichols
59 CITY CLERK
60

57 _____
58 John R. Heath
59 PRESIDENT, City Council
60

61
62 APPROVED by me this _____ day of _____, 2019
63

64
65 _____
66 Jacob R. Day
67 MAYOR, City of Salisbury



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda H. Pollack, P.E., Director of Infrastructure & Development
Date: November 1, 2019
Re: Introduction to the Zoning Rewrite process

AP

The Department of Infrastructure & Development is pleased to introduce the process of evaluating and rewriting the City's Zoning Code. The current zoning code was adopted in 1983. The City has recently contracted with JMT to perform a comprehensive review and to develop revisions to the City's Zoning Code, and Zoning Map. A goal of the revisions is to transition the zoning code from a focus on use to a focus on form. The first phase of the project was funded in FY20 and includes analysis and recommendations.

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

SALISBURY ZONING REWRITE

Phase 1 – Analysis and
Recommendations



PRESENTED TO:
Salisbury City Council

DECEMBER 2, 2019



WITH JAKUBIAK AND ASSOCIATES, INC.



Today's Presentation

- **Purpose and Goals**
- **Scope of Phase 1**
- **Schedule**
- **Advisory Committee**
- **Next Steps**

Purpose and Goals

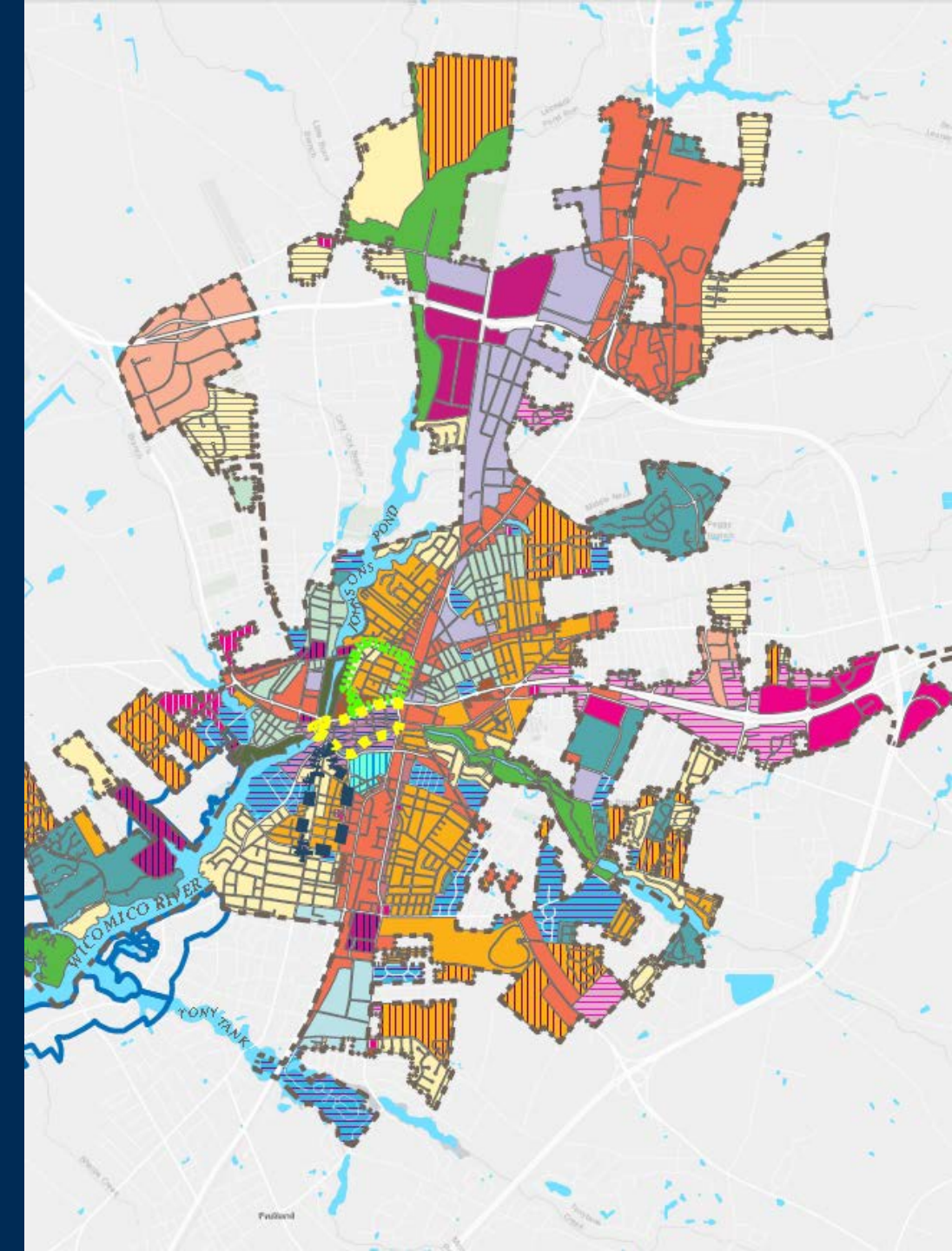
Why do we need new Zoning?

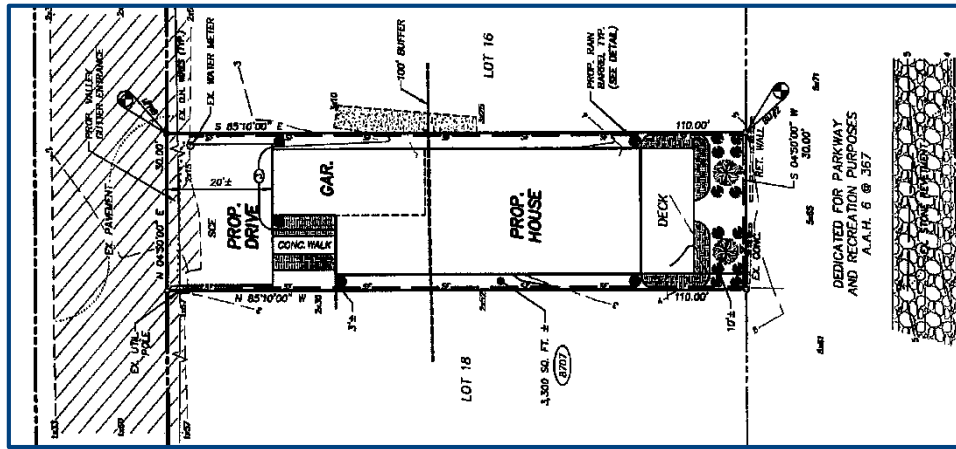
What's wrong with the current zoning?

- Outdated
- Cumbersome
- Lacking the Tools to Achieve the Vision and Higher Quality Development

What can new zoning accomplish?

- Incorporate new area Master Plans
- Increase Flexibility
- Strengthen Environmental Sustainability
- Strengthen Design Standards
- Simplified and More User-Friendly





Some Potential Issues to Address

Procedures and Due Process

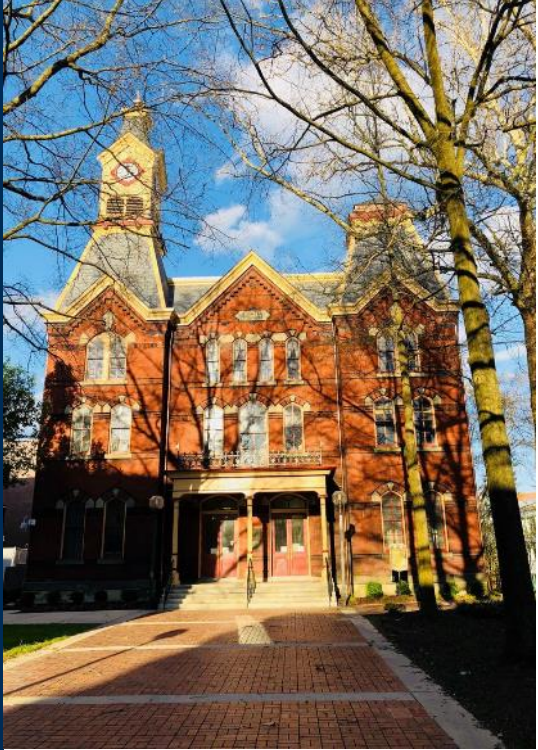
- Plan submittal requirements
- Development review and decision making
- Appeals, variances, and special exception
- Application of design standards
- Transparency, public notice
- Codifying annexation procedures
- Non-conforming uses and structures

Plan / Policy Implementation

- District boundary map changes
- Design standards and form-based approaches
- Updating land use types
- Refining parking and landscaping requirements
- Mixed use development
- Coordination with critical area

Phase 1 – Develop Zoning Recommendations





Advisory Committee

Appointed by Mayor and City Council

Members may include:

- Residents
- Planning Commission Representatives
- Board of Zoning Appeals Representatives
- Salisbury Historic District Commission
- Salisbury University
- Peninsula Regional Health System
- Developers

Targeting 7-10 Members



Public Engagement

Phase 1 Public Engagement:

- Project Website
- Public Opinion Survey
- Pop Up Events

Phase 2 Public Engagement:

- Project Website
- Public Opinion Survey
- Pop Up Events
- Community Meetings
- Public Hearing

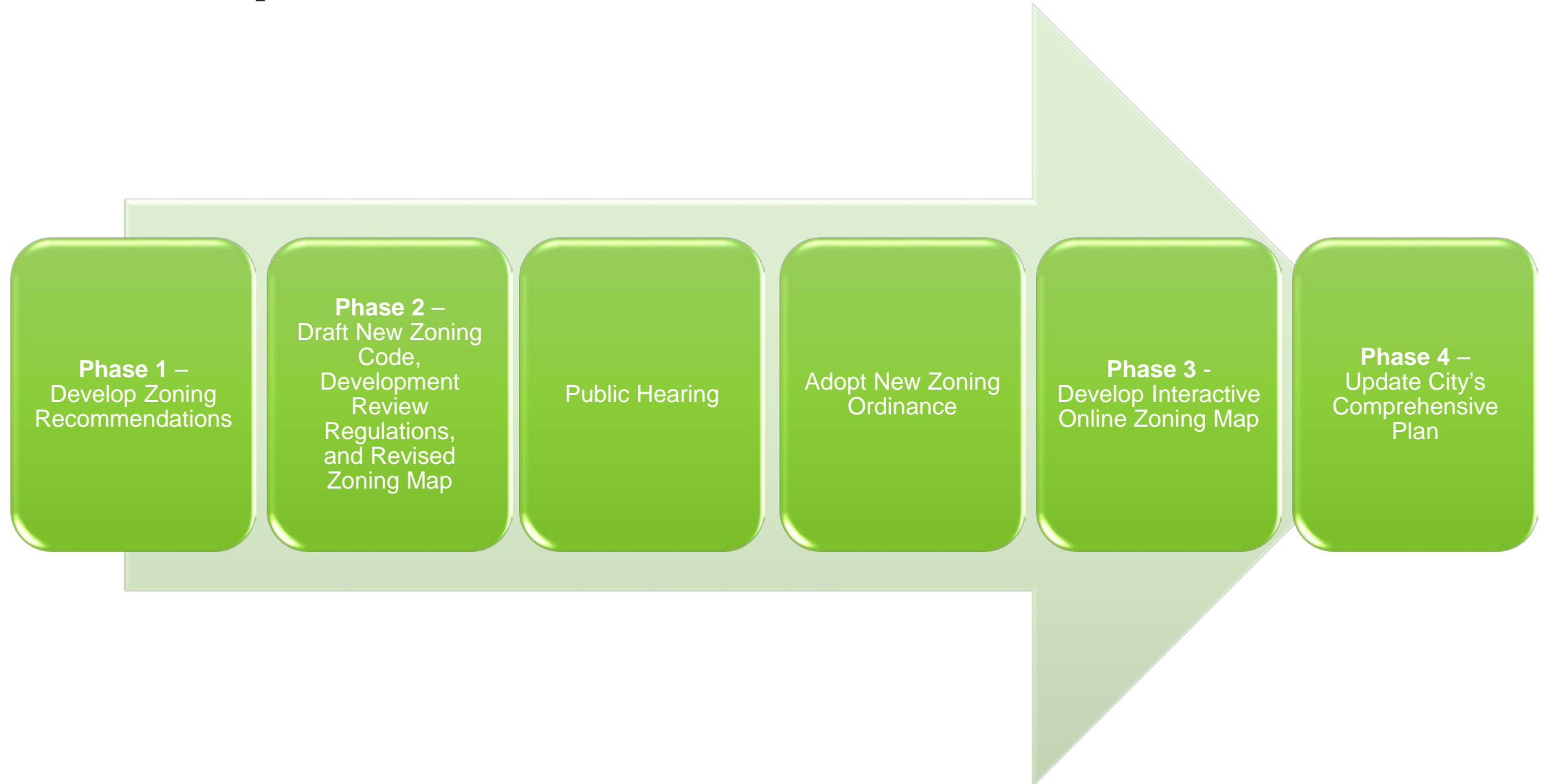


Schedule of Phase 1

Tasks	2019			2020				
	Oct	Nov	Dec	Jan	Feb	March	April	May
Kick Off <ul style="list-style-type: none"> Meet with Planning Commission Collect and Review Resources Establish Advisory Committee 	★							
Current Plan and Zoning Assessment <ul style="list-style-type: none"> Identify Inconsistencies and Conflicts Identify Overlap and Redundancies Advisory Committee Visioning Meeting Create Project Website 		★						
Best Practices Analysis <ul style="list-style-type: none"> Comparison to Similar Jurisdictions Identify Innovative Zoning Practices Public Opinion Survey Pop Up Community Meetings 								
Develop Recommendations <ul style="list-style-type: none"> Zone Consolidation New Zoning Categories Form Based Codes Environmental Considerations 				★				
Prepare Phase 1 Report <ul style="list-style-type: none"> Summarize Recommendations and Next Steps Draft for Advisory Committee Review Draft for Planning Commissioners Review Final for Mayor and City Council Review 						★ ★		

- ★ Planning Commission Meeting
- ★ Advisory Committee Meeting
- ★ Mayor and City Council Meeting

Next Steps





QUESTIONS?



WITH JAKUBIAK AND ASSOCIATES, INC.



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda H. Pollack, P.E., Director of Infrastructure & Development
Date: November 6, 2019
Re: Budget Amendment – Developer Contribution for Pedestrian Improvements

The Department of Infrastructure & Development will be receiving a developer contribution for pedestrian improvements associated with the Coventry Plaza Shopping Center project. The project was discussed by the Planning and Zoning Commission at their meeting on July 18, 2019. The approval on the project was contingent upon pedestrian improvements at the intersection of Beaglin Park Drive and Still Meadow Boulevard.

The Department of Infrastructure & Development has performed a preliminary design and has determined that the cost of the improvements will be \$27,200. The improvements will include pedestrian signals with countdown timers, breakaway poles for signal mounting, push button activators, crosswalk, curb, gutter, sidewalk and ADA mats. The Developer, Coventry Plaza, LLC, will provide a contribution to the City in the amount of \$27,200 so that the improvements can be constructed. Please reference the attached letter from Coventry Plaza, LLC dated November 5, 2019.

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

COVENTRY PLAZA, LLC

1400 EAST OAKLAND PARK BOULEVARD
SUITE 103

FORT LAUDERDALE, FL 33334

TEL: (954) 567-5161

FAX: (954) 567-5166

E-MALL: SM@SKYMARKINVEST.COM

11/5/2019

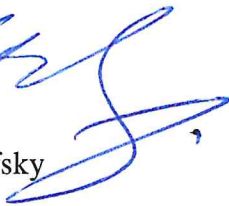
Amanda Pollack, P.E.
Director
Department of Infrastructure and Development
City of Salisbury
125 N. Division St., Room 202
Salisbury, MD 21801

Re: Coventry Commercial - crosswalk and pedestrian signal

Dear Amanda,

In reference to your email on October 23, 2019, I am thanking you and the Mayor for your consideration and approval of my request to fund the city for the crosswalk improvements as part of my approval for the Coventry commercial site plan acceptance. When we execute the amendment to the public works agreement, we will fund \$27,200. We are proceeding with the permit phase of the development and the construction of the buildings at Coventry Commercial.

Yours Truly,
Stanley Markofsky



Cc:
Anne Roane
Brain E. Wilkins

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE FY20 BUDGET TO APPROPRIATE A DEVELOPER CONTRIBUTION FOR PEDESTRIAN IMPROVEMENTS.

WHEREAS, the Salisbury-Wicomico Planning and Zoning Commission has approved the Coventry Plaza Shopping Center with the condition of pedestrian improvements at the intersection of Beaglin Park Drive and Still Meadow Boulevard; and

WHEREAS, Coventry Plaza, LLC is the developer of the Coventry Plaza Shopping Center and will provide a contribution to the City of Salisbury for the pedestrian improvements; and

WHEREAS, the Department of Infrastructure and Development has determined that the cost of the pedestrian improvements is \$27,200; and

WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into a contract that requires an expenditure not appropriated or authorized by the City Council; 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 the City's Fiscal Year 2020 budget is hereby amended as follows:

1. Increase the Developer Reimbursements (01000-424250) budget by \$27,200.00
2. Increase the Engineering Construction (31000-513026) budget by \$27,200.00

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 _____, 2020.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS:

____ day of _____, 2020

Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Julia Glanz, City Administrator
From: John W. Tull, Fire Chief
Subject: FY 2020 Bond Pool Project Reallocation
Date: November 7, 2019

Please find attached a Budget Amendment Ordinance requesting to move \$1,430 in available funds in the FY2020 Bond Pool into the Roof Replacement Fire Station #1 project to cover a shortfall in the amount required for the project.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE CITY’S CAPITAL PROJECT FUND BUDGET TO REALLOCATE FUNDING FOR THE ROOF REPLACEMENT FIRE STATION 1 PROJECT.

WHEREAS, Ordinance No. 2482 appropriated funds for the FY 2019 budget; and

WHEREAS, included in Schedule B in Ordinance 2423 was an appropriation for “Roof Replacement Fire Station 1”; and

WHEREAS, Ordinance No. 2554 appropriated funds for “Roof Replacement Fire Station 1” in the amount of \$50,000; and

WHEREAS, unforeseen roof conditions have caused this project to exceed initial budget costs by \$1,431.00; and

WHEREAS, in the same Bond there are funds from other projects available to be reallocated; and

WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into an contract that requires an expenditure not appropriated or authorized by the City Council; 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 THE City’s Capital Projects Fund Budget be and hereby is amended as follows:

Project Description	Account Description	Account	Amount
Revenues:			
Phone System Fire Department	FY20 Bond Proceeds	98019-469312-43020	-1,431
Roof Replacement Fire Station #1	FY20 Bond Proceeds	98019-469312-43019	1,431
Expenditures:			
Phone System Fire Department	Construction	98119-513026-43020	-1,431
Roof Replacement Fire Station #1	Construction	98119-513026-43019	1,431

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 _____, 2020.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS ___ day of _____, 2020.

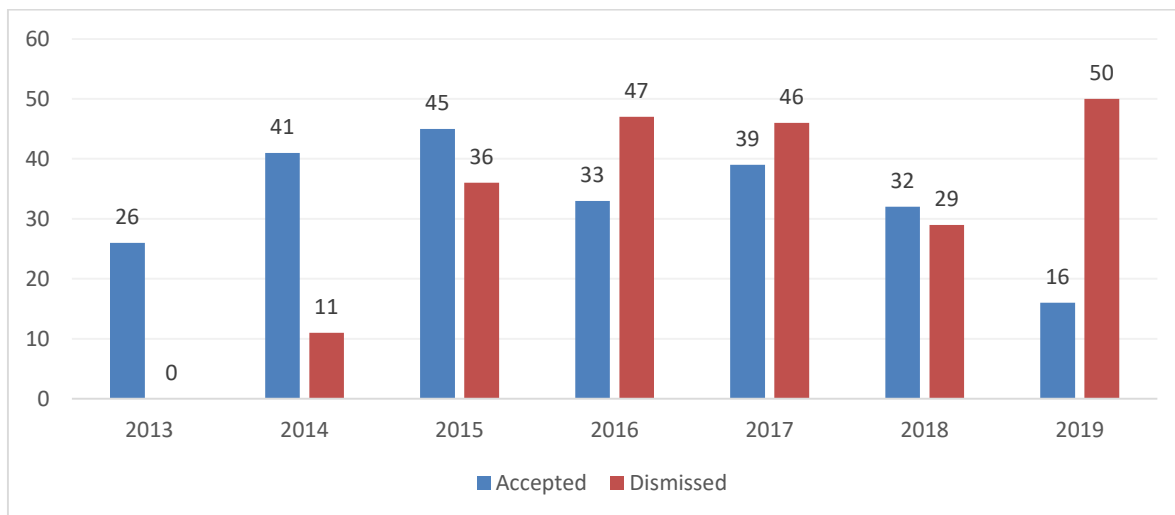
45
46
47
48

Jacob R. Day, Mayor



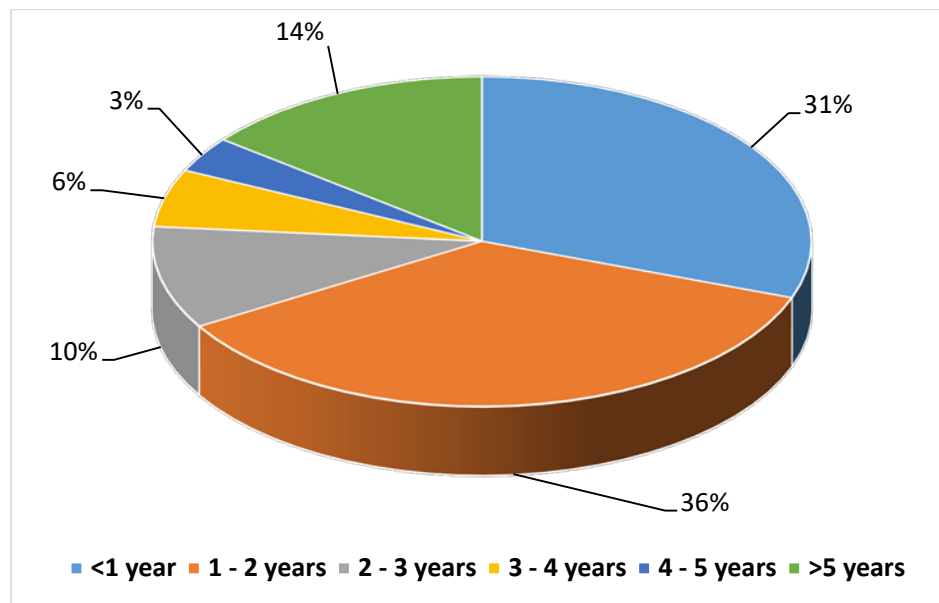
To: Julia Glanz,
From: John W. Tull, Fire Chief
Subject: Proposed Volunteer Coordinator Position
Date: October 21, 2019

The volunteer firefighter has been a long-standing tradition in the American Fire Service and in the City of Salisbury Fire Department. The need for an active volunteer membership is crucial to the overall success of a combination fire service. Unfortunately, for some time now our Department has experienced a decline in the number of people willing to join the ranks of our volunteer membership. The Department has witnessed a number of obstacles that affect our ability to recruit new volunteer members and even more alarming, we have seen a significant number of members leave the department for one reason or another. The graph below illustrates the recruitment and retention efforts since 2013.



While there is no single reason for the decline in volunteer recruitment, many contributing factors that exist are time restraints, changes in sociological conditions, loss of community feeling and pride, poor leadership, lack of coordination and failure of the Department to manage change. These facts, coupled with increasing call volume and training requirements, have also placed a severe strain on our Department's ability to retain members. According to the City of Salisbury Municipal Code Chapter 2.16 – *Fire Department*, Section 2.16.040 (C) *Volunteer fire companies and volunteer personnel – Active membership*, the Department is authorized to have up to one hundred

twenty (120) active fire-fighting members including probationary, life-active, honorary active and active members. Currently out of the 120 authorized positions, only 70 positions (58%) are filled. Department statistical data shows that even if we can recruit new members, we have the potential of losing them before they complete two (2) full years of membership. The graph below illustrates that our Department experiences a turnover rate of 67% within the first two (2) years.



Through the work of the Volunteer Corporations and the Fire Department's Administration, we are proposing the development of a full-time Volunteer Coordinator position. This position will be essential to the continued success of our Volunteer component and will assist in developing, leading and implementing a comprehensive program designed to attract and retain qualified volunteers for the Department. This will be accomplished by:

- Creating a Recruitment and Retention Strategic Plan that builds a consistent image for volunteering that is positive, engaging and supports recruitment
- Identifying potential sources of volunteers and implementing strategies to reach all communities
- Developing an onboarding process that is inclusive and aimed at improving our diversity
- Providing oversight of the volunteer contingent on a daily basis with emphasis placed on new members
- Monitoring volunteer participation by analyzing performance metrics



- Providing marketing ideas and activities aimed at targeted audiences that will raise the awareness about the Fire Department and attract non-traditional, qualified members.

The Volunteer Corporations are strongly committed to the creation and implementation of this newly created position. The cost of implementing a robust, successful recruitment and retention program is significant. Understanding the financial commitment, the Volunteer Corporations are proposing a partnership that builds on the long-standing cooperative team effort that already exists. The proposed funding for the salary and benefits of this proposed new position is as follows:

- Year one – The Volunteer Corporations will cover 100%
- Year two - The Volunteer Corporations will cover 75% and the City will cover 25%
- Year three - The Volunteer Corporations will cover 50% and the City will cover 50%
- Year four - The Volunteer Corporations will cover 25% and the City will cover 75%
- Year five and beyond – The City will assume full responsibility of funding

** At the end of year three, the City and the Volunteer Corporations will evaluate the true impact that the position has made on the recruitment and retention of volunteer members. If all parties agree that the program has been successful, funding will continue for the position. The Department will use a 10% annual increase in membership as a benchmark metric.

The goal of this position is to recruit and maintain a stable firefighting force that is diverse, improves community protection from fire-related hazards, medical emergencies and consistently meets the requirements of National Fire Protection Association (NFPA) 1720. The job description has been reviewed and analyzed by the Human Resource's Department with a recommended pay grade established at Grade 9.

Attachments: Volunteer Coordinator Job Description
Budget Amendment Ordinance

City of Salisbury

Classification Description



Classification Title: Volunteer Coordinator
Department: Fire
Date: 1/01/20

Pay Grade: 9 (City)
FLSA Status: NE

General Statement of Job

Under the general supervision of the assigned supervisor, perform public relations and administrative duties to promote and facilitate a comprehensive recruitment and retention program for the City of Salisbury Fire Department. This position will assist in developing, leading and implementing a comprehensive program that will attract and retain qualified volunteers for the Department.

Specific Duties and Responsibilities

Essential Functions:

(The following are intended only as illustrations of the various types of work performed and the omission of specific duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position)

1. Assist the Fire Chief and Volunteer Corporations in the development and implementation of all recruitment and retention programs;
2. Assist the Cadet Supervisor in developing and maintaining an effective viable cadet program;
3. Identify potential sources of volunteers and implement strategies to reach all communities.
4. Maintain entrance level training records and reports in cooperation with departmental training officers;
5. Schedules recruitment and retention activities at community events, develops public relations with the media as well as new partnerships with local businesses, schools, civic organizations, and other community groups as it pertains to recruitment and retention of Volunteers;
6. Serve as a point of contact for volunteers both during and after their probationary year;
7. Responsible for accurate documenting and reporting of volunteer activities and participation;
8. Research and study the latest techniques for recruiting and retaining volunteer firefighters and ways to improve efficiency and effectiveness;
9. Performs activities by analyzing periodic checks of statistics and performance metrics of the volunteer personnel;
10. Recommend and develop ongoing volunteer utilization in cooperation with the Command Staff and Volunteer Corporations to maintain effective internal and external working relationships;
11. Respond to appropriate requests for information from within and outside the Department;
12. Coordinate the Department's Live-In programs;

Volunteer Coordinator

13. Support the Department's Junior Fire Academy;
14. Actively schedule and conduct recruitment presentations in schools and community groups;
15. Use Google platform and other programs to manage, prepare, process, update, and review various records, reports and forms used by the Department;
16. Conduct regular follow-up meetings with applicants and members;
17. Serve on the Volunteer Personnel Board committee and assist with planning and preparation;
18. Maintain Fire Department website and various social media networks;
19. Work in conjunction with the Command Staff personnel to analyze data/issues, forecast needs, draw conclusions, and identify potential solutions, project consequences of purposed actions and effectively implement recommendations;
20. Draft and disseminate press releases and public service announcements to support recruitment efforts and visibility;
21. Attend meetings when assigned and provide update reports on volunteer participation; and
22. Performs other duties as assigned.

Required Knowledge, Skills and Abilities

1. Working knowledge of City policies and procedures;
2. Knowledge of basic fire service and EMS terminology and operational procedures of the City of Salisbury Fire Department;
3. Knowledge of techniques and programs that will successfully contribute to the recruitment and retention of volunteers within the City of Salisbury Fire Department;
4. Work and communicate with people of all ages and socioeconomic groups;
5. Communicate effectively, orally and in writing;
6. Utilize and demonstrate logical and progressive reasoning ability that supports cause and effect relationships;
7. Deal harmoniously with people while promoting community and Department interactions.
8. Act as a representative of the City of Salisbury to the public;
9. Maintain the highest levels of confidentiality;
10. Effectively and efficiently create, organize, track, and maintain department records;
11. Knowledge of Microsoft Office Suite, the Internet, e-mailing systems, and other relevant software or accounting packages;
12. Effectively prioritize and multitask with attention to detail; and
13. Effectively communicate and maintain effective working relationships with other staff members and members of the public.

Physical Requirements

(Note: The physical demands herein are representative of those that must be met by an employee to be successfully perform the essential functions of this class)

Volunteer Coordinator

1. Work requires no unusual demand for physical effort.
2. Must have the use of sensory skills in order to effectively communicate and interact with other employees and the public through the use of the telephone and personal contact as normally defined by the ability to see, read, talk, hear, handle or feel objects and controls;
3. Physical capability to effectively use and operate various items of office related equipment, such as, but not limited to a, personal computer, calculator, copier, and fax machine;
4. Work environment involves everyday risks or discomforts which require normal safety precautions typical of such places as offices or meeting and training rooms, e.g., use of safe work place practices with office equipment, avoidance of trips and falls, and observance of fire and building safety regulations.
5. Incumbents may be required to work extended hours including evenings, weekends and holidays.

Required Education and Experience

1. High school diploma or G.E.D.;
2. Must be at least 21 years of age;
3. Three (3) years of experience as a firefighter;
4. Preferred experience working in program development, event planning and volunteer recruitment and retention activities;
5. Strong knowledge of social media platforms (Facebook, Instagram, YouTube, Snapchat, etc.)
6. Minimum of an Associate degree, preferred qualifications would include a Bachelor's degree or equivalent credits from an accredited college or university with major course work in marketing, communications, fire science, public or business administration, or a related field;
7. Or equivalent training, education, and/or experience; and
8. Valid State motor vehicle license of state in which the employee resides

The above job description is not intended as, nor should it be construed as, exhaustive of all responsibilities, skills, efforts, or working conditions associated with this job.

Reasonable accommodations may be made to enable qualified individuals with disabilities to perform the essential functions of this job.

1
2
3 **ORDINANCE No. _____**

4 AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT
5 OF THE FY20 GENERAL FUND TO APPROPRIATE AN ADDITIONAL POSITION
6 ALLOCATION FOR THE HIRING OF A VOLUNTEER RECRUITMENT COORDINATOR
7 FOR THE FIRE DEPARTMENT.

8 WHEREAS, the Fire Department has the need to hire a Volunteer Recruitment
9 Coordinator who will be essential to the continued success of the Volunteer component of the
10 Department; and

11
12 WHEREAS, this position will assist in the developing, leading and implementing a
13 comprehensive recruitment and retention program; and

14
15 WHEREAS, the Volunteer Corporations are strongly committed to the creation and
16 implementation of this newly created position and are proposing a partnership that builds on the
17 long-standing cooperative team effort that already exists with the City; and

18
19 WHEREAS, there are sufficient funds available in the FY20 Fire Department Budget to
20 fund the additional position.

21
22 WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into an
23 contract that requires an expenditure not appropriated or authorized by the City Council; and

24
25 WHEREAS, appropriations necessary to execute the purpose of this grant must be made
26 upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City
27 of Salisbury.

28
29 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
30 OF SALISBURY, MARYLAND THAT THE City's Fire Department position allocations be
31 amended by:

- 32
33 1) Adding one (1) Volunteer Recruitment Coordinator (civilian)

34
35 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of
36 Salisbury held on this ____ day of _____ 2019, and thereafter, a statement of
37 the substance of the Ordinance having been published as required by law, was finally passed by
38 the Council on the ____ day of _____, 2020.

39
40
41 ATTEST:

42
43
44
45 _____
46 Kimberly R. Nichols
47 CITY CLERK

45 _____
46 John R. Heath
47 PRESIDENT, City Council

48

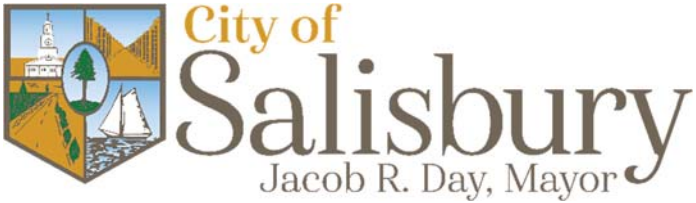
49 APPROVED BY ME THIS _____ day of _____, 2020

50

51

52

53 _____
Jacob R. Day, Mayor



MEMORANDUM

To: Julia Glanz, City Administrator
From: John W. Tull, Fire Chief
Subject: Budget Amendment
Date: November 13, 2019

During the FY20 Capital Improvement Plan and Budget process, the Fire Department submitted a request to replace our existing ninety (90) sets of Self-contained Breathing Apparatus (SCBA). This request was made because the Fire Department's current SCBA has reached its end of serviceable life in accordance with the National Fire Protection Association (NFPA) 1981 *Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services* and the Occupational Safety and Health Administration (OSHA) 42 CFR 84 *Respiratory Protective Devices*.

In addition to including this request in our budget, the Department attempted to secure funding through the 2018 Assistance to Firefighters Grant (AFG) Program to cover the replacement cost. Regrettably, we have received official notification that our application was not selected to receive any award funds. As you are aware, the AFG Program is among the Department of Homeland Security's (DHS) and FEMA's most competitive grant programs. In fact, FEMA received 8,439 AFG applications, requesting more than \$1.8 billion in federal assistance.

Please find attached a Budget Amendment Ordinance requesting the necessary funds to replace the Department's existing SCBA. Unless you or the Mayor have further questions, please forward a copy of this memo and ordinance to the City Council for their consideration.

1 **ORDINANCE No. _____**
2

3 AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET
4 AMENDMENT OF THE FY2020 GENERAL FUND BUDGET TO APPROPRIATE FUNDS
5 FOR THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS (SCBA).
6

7 WHEREAS, firefighters are extremely vulnerable to injury and death when fighting
8 structure fires or working in hazardous environments; and
9

10 WHEREAS, the Fire Department’s current SCBA has reached its end of serviceable life
11 in accordance with the National Fire Protection Association (NFPA) 1981 Standard on Open-
12 Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services and the
13 Occupational Safety and Health Administration (OSHA) 42 CFR 84 Respiratory Protective
14 Devices; and
15

16 WHEREAS, the City of Salisbury Fire Department desires to remain compliant with
17 generally accepted industry standards and protect its firefighting personnel from the elements of
18 danger associated with interior firefighting by ensuring that their personal protective equipment
19 is maintained at the highest standard; and
20

21 WHEREAS, the Fire Department has the need to replace ninety (90) sets of SCBA and
22 one hundred four (104) additional personal face masks; and
23

24 WHEREAS, the SCBA replacement cost is \$740,000; and
25

26 WHEREAS, the FY2020 Fire Department budget does not contain an appropriation
27 sufficient to cover the required expenses; and
28

29 WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into an
30 contract that requires an expenditure not appropriated or authorized by the City Council; and
31

32 WHEREAS, appropriations necessary to execute the purpose of this grant must be made
33 upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City
34 of Salisbury.
35

36 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
37 OF SALISBURY, MARYLAND THAT THE City’s Fiscal Year 2020 budget be amended as
38 follows:
39

- 40 1) Increase the Current Year Surplus (01000-469810) by \$740,000
41 2) Increase the Fire Department’s Expense - Equipment account (24035-577030) by
42 \$740,000
43

44 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of
45 Salisbury held on this _____ day of _____, 2019, and thereafter, a statement of
46 the substance of the Ordinance having been published as required by law, was finally passed by
47 the Council on the _____ day of _____, 2020.

48
49
50
51
52
53
54
55
56
57
58
59
60
61

ATTEST:

Kimberly R. Nichols
CITY CLERK

John R. Heath
PRESIDENT, City Council

APPROVED BY ME THIS _____ day of _____, 2020

Jacob R. Day, Mayor

To: Julia Glanz,
From: John W. Tull, Fire Chief
Subject: Budget Amendment Request - Vehicles
Date: November 14, 2019

The Salisbury Fire Department respectfully requests approval of a budget amendment in the amount of \$75,000.00 to the FY2020 Fire Department budget, Vehicles' account 24035-534308 to cover the current and expected costs for repairs to FD apparatus for the remainder of FY2020.

As a Department, we strive to keep a well maintained and in-service fleet. Over the course of several years, the Department has experienced a significant shortfall of funds in our vehicle account. An evaluation of the vehicle repairs account expenditures over the last six (6) years indicates that the average yearly expense to repair our fleet has been \$168,262.34. The chart below illustrates what the adopted budget has been and the amount that is transferred into the vehicle account each year.

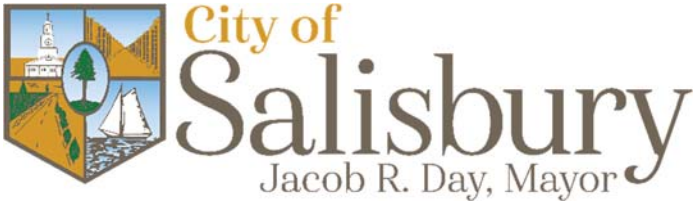
Year	Adopted Budget	Transfer	Revised Budget
2015	\$ 120,000.00	\$ 57,689.05	\$ 177,689.05
2016	\$ 100,000.00	\$ 99,832.67	\$ 199,832.67
2017	\$ 141,000.00	\$ 47,972.29	\$ 188,972.29
2018	\$ 141,000.00	\$ 15,000.00	\$ 156,000.00
2019	\$ 130,540.00	\$ 31,000.00	\$ 161,540.00
2020	\$ 125,540.00		\$ 125,540.00

As our fleet continues to age, the Department has experienced a substantial amount of unanticipated repairs to our fleet. During the first four (4) months of FY20, the Department has spent over 95% of the allocated funds established for vehicle repairs. The following is a list of unanticipated expenses so far this year that represent 65% of the total authorized budget:

- Truck 2 \$31, 631.76
 - Truck 1 \$18,762.22
 - Engine 1 \$6,186.71
 - Ambulance B2 \$6,665.31
 - Ambulance B16 \$11,014.43
 - Brush 16 \$4003.33
 - EMS2 \$3606.87
- Total - \$81,870.63

In addition to the unexpected cost for repairs, our known annual service cost is based on the following:

- Pump Testing \$2,320.00
 - DOT Testing \$7,690.00
 - Annual Testing \$9,915.00
- Total - \$19,925.00



MEMORANDUM

It is very unfortunate that we have to make this budget amendment request to you at such an early stage in the fiscal year, but circumstances have made it necessary to do so. The unanticipated expenses for these repairs were impossible to foresee. Without the transfer of these funds, the Department will be forced to defer any future repairs and place major Fire/EMS units out of service (dependent on the severity of the repair need).

The requested funds from this budget amendment will be used to replenish the Fire Department's vehicles account and be used for future FY2020 vehicle repair needs.

Thank you in advance for your time and consideration on this request. Unless you or the Mayor have further questions, please forward a copy of this memo and ordinance to the City Council for their consideration.

Attachment: Budget Amendment Ordinance - Vehicles Account - FY16

48

49

50 APPROVED BY ME THIS _____ day of _____, 2020

51

52

53

54 _____
Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

TO: City Council
FROM: Kim Nichols, City Clerk
SUBJECT: Alcohol Control Board
DATE: November 25, 2019

The material provided is for Council's discussion of a Salisbury Board of License Commissioners.

Title 7 – Salisbury Board of License Commissioners

Chapter 7.02 - ALCOHOLIC BEVERAGES

7.02.010 - Definitions.

For the purposes of this chapter, the following words and phrases have the meanings indicated:

"Alcoholic beverage" means alcohol, brandy, whiskey, rum, gin, beer, ale, porter, stout, wine and cider, and in addition, any spirituous, vinous, malt or fermented liquor, liquids and compounds, by whatever name called, containing one-half of one percent or more of alcohol by volume, which are fit for beverage purposes. "Alcoholic beverage" does not include (1) wine and cider manufactured for home consumption and which are not sold for the maker or manufacturer, nor by the maker or manufacturer; and (2) alcohol used exclusively for the manufacture of medicinal, antiseptic or toilet preparations, flavoring extracts and other preparations unfit for beverages.

"Club" means an association or corporation which is organized and operated exclusively for education, social, fraternal, charitable, civic, political, patriotic or athletic purposes, and not for profit.

"Hotel" means any establishment for the accommodation of the public equipped with not less than twenty bedrooms, containing not less than one bed in each room, with sufficient covering for each bed, and one room with toilet and bathing facilities for each seven bedrooms, and containing a restaurant as defined by this section.

"Refillable container" means a jug or other vessel used to transport draft beer.

"Restaurant" means any lunchroom, café or other establishment located in a permanent building with ample space and accommodations in which hot meals habitually are prepared, sold and served to the public during the hours it is open regularly for business. It shall be equipped with a public dining room with sufficient tables, chairs, cutlery and glassware to serve the meals prepared, and with a kitchen having complete facilities and utensils for preparing and serving hot and cold meals to the public. Each restaurant shall maintain a menu or card advertising the serving of a variety of hot meals. There shall be maintained on the premises at all times sufficient food to fill orders made from the menus. No drugstore or grocery store shall be construed to be a restaurant.

"Tavern" means any properly licensed premises used and operated primarily for the sale of alcoholic beverages; provided, however, that nuts, pretzels, potato chips, sausages, sandwiches, salads and other foodstuffs generally associated with taverns may be sold and consumed in taverns.

"Wine bar" means any properly licensed premises used and operated for the sale of wine and to a lesser extent the sale of beer; provided, however, light fare generally associated with wine bars may be sold and consumed in wine bars.

7.02.020 - Applicability of State law.

Except as otherwise provided in this chapter, the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland (1957 Edition and supplements) apply to the sale, consumption and licensing for sale of alcoholic beverages in the City.

Chapter 7.03 Board of License Commissioners

7.03.010 – Salisbury Board of License Commissioners —Established—Appointments.

A Salisbury Board of License Commissioners is created. The board consists of five residents of the City, who have demonstrated reputation for honesty, integrity and character, and who have a knowledge and understanding of the operation of establishments possessing alcoholic beverage licenses in the City of Salisbury, together with the laws and regulations pertaining to the establishment. The members of the board shall serve without compensation. The members of the board shall be appointed by the Mayor and confirmed by a majority vote of the City Council for terms of three years, or until their successors are appointed and duly qualify, commencing on July 1st of the year in which appointed. The City Council may designate the initial terms of the members of the board and provide for staggered terms so that the terms of not more than two members of the board expire in any one year.

7.03.020 – Salisbury Board of License Commissioners —Annual organization and report.

The board annually shall elect a chairman and a secretary from among its membership, each of whom shall serve for a term of one year. The board shall submit to the City Council, not later than January 1st of each year, an annual written report regarding the board's activities during the preceding fiscal year, together with any recommendations for revisions in the alcoholic beverage laws.

7.03.030 – Salisbury Board of License Commissioners —Rules and regulations.

The board shall adopt rules, not inconsistent with the provisions of this chapter or the Alcoholic Beverages Article of the Annotated Code of Maryland, as it deems necessary and desirable for the regulation and conduct of its meetings and administrative activities and as it deems necessary and proper for the proper operation and conduct of licensed establishments. Each rule and regulation shall have the force of law and shall become effective not less than forty-five days following its promulgation by the board, unless an objection to the rule or regulation, or to any portion, is registered by the City Council by a resolution adopted prior to the effective date of the rule or regulation. In addition to the foregoing, the City Council may adopt by resolution any rule recommended by the board for expedited implementation. If so adopted, each such rule shall become effective upon the approval of the resolution.

7.03.040 – Salisbury Board of License Commissioners —Powers and duties generally.

- A. Subject to the provisions of this chapter and the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland, the board may:
 - 1. Grant or deny an application for an alcoholic beverage license or for the upgrading, renewal or transfer of an alcoholic beverage license;
 - 2. Suspend or revoke an alcoholic beverage license, or take any other action permitted by law in order to secure the enforcement of all alcoholic beverage laws, ordinances, rules and regulations applicable to licensed establishments;
 - 3. Administer and enforce its rules and regulations.
- B. The board shall conduct a public hearing prior to:
 - 1. Acting upon an application for an alcoholic beverage license or for the renewal, upgrading or transfer of an alcoholic beverage license;
 - 2. Acting upon any proposed suspension or revocation of an alcoholic beverage license, or taking any other enforcement action permitted by law; or
 - 3. Adopting any rule or regulation.

- C. The board, through its chairman, may administer oaths, summon any witness and require the testimony of any witness and the production of any books, documents, records, or any other tangible item which may be of value to the board in connection with any hearing or investigation it is authorized to conduct.

7.03.050 – Salisbury Board of License Commissioners —Delegated authority.

Wherever in this chapter or in the Alcoholic Beverages Article of the Annotated Code of Maryland any of the power and authority specified in Section 7.03.040 is granted to, or vested in, the City Council or the Board of License Commissioners for the City, that power and authority is delegated to the Salisbury Board of License Commissioners created by this chapter.

7.03.060 – Salisbury Board of License Commissioners —Appeal from.

Any action or decision of the board taken under the authority of Section 7.03.040, may be appealed to the circuit court for the County, in accordance with the procedures and requirements of the Alcoholic Beverages Article of the Annotated Code of Maryland and the Maryland Rules of Procedure relating to appeals from decisions of administrative agencies.

7.03.070 – Salisbury Board of License Commissioners —Administration.

The City Clerk shall provide administrative support for the board. Testimony by a member of the board shall be inadmissible with regard to the exercise of the powers enumerated in Section 7.03.040(A)(1) and (2). Any and all investigations conducted to ascertain compliance with the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland, this Code, and the board's rules and regulations shall be performed by or at the direction of the Police Department, subject to the administration and supervision of the Chief of Police and the Mayor as with all other activities of the department.

Chapter 7.04 Consumption of Alcoholic Beverages

(or break into 2 chapters for sale and consumption and move sections around)

7.04.010 - Public consumption and possession.

- A. A person may not consume any alcoholic beverage or possess an open alcoholic container or possess an alcoholic beverage container on which the seal has been broken in or on any of the following areas or places within the City:
1. Any street, public way, highway, alley, sidewalk, road or parking area;
 2. Any vehicle;
 3. Any station or terminal;
 4. Any park, playground, parking lot, or any other public facility leased, owned or operated by the City; and

5. On the premises outside the structure of any establishment possessing a valid alcoholic beverage license, including any shopping center parking lot where there is an alcoholic beverage licensed establishment located in the shopping center, and any parking lot located adjacent to the premises of an alcoholic beverage licensed establishment.
- B. The Salisbury Board of License Commissioners may permit the consumption of:
1. Beer and wine at City run functions. Any possession, consumption or sale of beer and/or wine at City run functions must comply with all applicable requirements of this Chapter.
 2. Alcoholic beverages in or on any of the places identified in Subsection A during special events determined by the Mayor to be of significance to the City, or if, in the board's judgment, the consumption would not be contrary to the public interest. Any action of the board denying a request shall be accompanied by a written statement of the reasons for the denial.
- C. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, is subject to a fine or imprisonment, or both as established by resolution of the City Council.

7.04.020 - Possession or consumption on public highways.

- A. For the purposes of this section:
1. "Alcoholic beverage" means the same as in the Alcoholic Beverages Article of the Annotated Code of Maryland, as amended from time to time.
 2. "Container" means any object, regardless of shape or design or of material from which made, including but not limited to, a can, bottle, cup, carton or glassware, capable of holding and dispensing any substance.
 3. "Open" means any container not in sealed manufactured package form.
 4. "Public highway" includes any street, highway, shoulder, median, right-of-way, alley, sidewalk, road, parking lot or area, lane, path or public way, or any other land or portion of land owned or leased by the City, the County or the State, used, or intended or obtained for use, and whether or not in use, for public conveyance of vehicles or persons.
 5. "Vehicle" means the same as in the Transportation Article of the Annotated Code of Maryland, as amended from time to time.
- B. A person may not consume an alcoholic beverage on a public highway or in a vehicle while it is moving, stopped, standing or parked on a public highway.
- C. A person may not possess an open container of alcoholic beverage on a public highway in the City or in a vehicle while it is moving, stopped, standing or parked on a public highway.
- D. The prohibitions of this section do not apply to:
1. The consumption of alcoholic beverages or the possession of one or more alcoholic beverage containers by a nondriver passenger in a registered class B vehicle (for hire), as defined in Section 13-913 of the Transportation Article of the Annotated Code of Maryland, as amended from time to time;
 2. The possession or consumption of alcoholic beverages on any premises licensed for the consumption of alcoholic beverages under this chapter and the Alcoholic Beverages Article of the Annotated Code of Maryland, as amended from time to time;
 3. Consumption of alcoholic beverages or possession of open containers of alcoholic beverages on a public highway if allowed under the terms of a proper permit issued by an authorized State or local agency having jurisdiction over the highway;
 4. The carrying or transporting of open containers of alcoholic beverages in a part of any vehicle not within the immediate control of the driver or any passenger of the vehicle.

- E. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, is subject to a fine, or imprisonment, or both as established by resolution of the City Council.

Chapter 07.05 Sale of Alcoholic Beverages

7.5.010 - Sale to comply with chapter.

No person shall sell, offer for sale or keep for sale any alcoholic beverages except as provided by this chapter. This section does not apply to sales made by a person under a provision of law or order or decree of a court of competent jurisdiction requiring the sale of personal property.

7.05.020 - License—Application.

- A. Every individual, partnership or corporation applying for a license to sell alcoholic beverages in the City shall file an application for a license. The application for the license shall conform with the requirements of the Alcoholic Beverages Article of the Annotated Code of Maryland and, for two years next preceding the filing of the application, the applicant shall have been a resident, a taxpayer and a registered voter of the City and/or Wicomico County.
- B. Plans or drawings:
 - 1. In the case of a new enterprise, the application for any class of beer license, beer and light wine license and beer, wine and liquor license shall be accompanied by an architect's plans or drawings of the building, premises and lot for which a license is applied. The plans or drawings shall include all exterior as well as interior features of the building, including but not limited to the location where the food and beverages will be prepared and served and all other accommodations of the building, including the types of material to be used and signs to be posted. In the case of off-sale and distributor licenses, the locations of storage and sales shall be included. The license, if granted, shall not become effective until the building is completed in accordance with the filed plans.
 - 2. The application for the transfer of an existing beer, beer and light wine or beer, wine and liquor license shall not require the submission of an architect's plans or drawings.
- C. Every application for a new or transfer of an existing alcoholic beverage license shall be accompanied by a nonrefundable fee of two hundred dollars. In addition, the applicant shall pay all advertising fees necessary for publication.
- D. Application for refillable container license:
 - 1. Every applicant for a class of license that permits the sale of draft beer in refillable containers shall:
 - a. Complete the form that the Salisbury Board of License Commissioners provides; and
 - b. Pay an annual license fee set by resolution of the City Council based upon whether the applicant holds a license with an off-sale privilege at the time of application.
 - 2. Every applicant for a class of license that permits the sale of draft beer in refillable containers whose license, at the time of application, does not include an off-sale privilege shall meet the same advertising, posting of notice and public hearing requirements as those for the license that the applicant holds at the time of application.

7.05.030 - License—Hearings—Petitions.

The Salisbury Board of License Commissioners shall publicly hear petitions from residents of the district, or persons living or doing business in the vicinity of the place for which a license under this chapter is applied, or for the transfer of any license, or for the renewal of any license, in favor of or in protest of the granting, transfer or renewal of the license. Hearings for new applications and transfers may be held throughout the year. Hearings for renewals shall be held during April of each year. Any person who files a protest against a renewal by March 31st of each year shall be given an opportunity to testify at the public hearing held by the Salisbury Board of License Commissioners. The hearing may not be held, and the license may not be renewed, until all persons filing a protest have been notified of the time, date and location of the hearing. Notification shall be by a letter mailed to the address of each protestor as given in the written protest document. In all cases the board is the sole judge of the propriety of issuing, transferring or renewing the license or whether or not the applicants are fit persons to have the license granted, transferred or renewed.

7.05.040 - Alcohol License—Suspension—Revocation—Fines.

If sufficient cause at any time is shown, or proof is made to the Salisbury Board of License Commissioners, that the party licensed was guilty of any fraud in securing the license, has violated any law, rule or regulation of the State or City relating to the sale of alcoholic beverages, or has repeatedly operated the licensed premises or any property accessory to the licensed premises in a manner that violates the provisions of Title 17 of this code, as determined by the Director of Infrastructure and Development, the board after giving notice to the persons licensed, may revoke or suspend the license, or, in lieu of a suspension of the license, may impose a fine on the licensed establishment as established by resolution of the City Council.

7.05.050 - License—Records.

The Salisbury Board of License Commissioners shall keep a full record of all applications for licenses under the provisions of this chapter, of all recommendations for and remonstrations against the granting of the licenses and of the action on all applications. The vote of the board, by yeas and nays, shall be taken on the question of granting or refusing every application for a license.

7.05.060 - License—Disuse.

Any new license issued under this chapter shall be placed in use within six months of the date of the granting of the license. If not used within the six-month period, the license shall expire and be null and void, unless extended by the Salisbury Board of License Commissioners prior to the expiration of the six-month period.

7.05.070 - License—Term.

All licenses issued under the provisions of this chapter expire on April 30th of each year.

7.05.080 - License—Public notice of applications.

- A. Notice by Publication. The City Clerk shall give notice, by publication at least two times, not on consecutive days, in a newspaper published in the City and having a general circulation in the City,

of all applications for licenses under this chapter or for transfer or for assignment of licenses to other persons or premises. The Salisbury Board of License Commissioners may act upon an application at any time it deems proper after completion of the publication. Publication of the notice shall be at the expense of the applicant for the license or for the transfer of the license.

- B. Notice by Posting. The applicant shall give further public notice by the posting of a conspicuous sign upon the premises, at its main entrance on the main street or artery bounding the property, stating the time and place of the public hearing and the purposes for which it is to be held. The sign shall contain lettering and shall be of a size and type as prescribed by the board, shall be posted at least fifteen days prior to the scheduled hearing and shall remain in place until after the hearing. The posting of the premises shall be at the expense of the applicant.
- C. Payment or Satisfaction of Financial Obligations. The Salisbury Board of License Commissioners shall not approve an application for the transfer of a license unless all financial obligations of the current licensees, pertaining to the licensed establishment, have been paid fully or some arrangement concerning debts and obligations satisfactory to the creditors of the establishment have been made. A bona fide creditor must submit a claim, under affidavit, to the board prior to the hearing held on the transfer, and the claim must involve an indebtedness incurred in the operation of the licensed premises. The provisions of this subsection also shall apply to an application for a new license whenever it appears to the board that the application for a new license is being used as a subterfuge for avoiding the payment of financial obligations of an existing licensed establishment.

7.05.090 - License—Reapplication.

- A. If a license under this chapter is refused, except as provided in this section, no further application shall be considered from the applicant or for the premises, as the case may be, for a period of six months from the date of rejection of the prior application. If a subsequent application by the same applicant or for the same premises is refused within the two-year period immediately following the date of the first refusal, then no further application shall be considered from the applicant or for the premises, as the case may be, until the two-year period provided for in this subsection has elapsed.
- B. The provisions of subsection A of this section restricting reapplication within six months or two years from the date of rejection of a prior application do not apply where the license was refused on the grounds that it was not necessary for the accommodation of the public or because the premises were not suitable for the sale of alcoholic beverages under the license applied for, and also do not apply against the premises set forth in an application when the license applied for was refused because the applicant personally was determined not to be a proper person to be issued the license.

7.05.100 - License—Compliance with restrictions.

No person shall sell or furnish any alcoholic beverage to any person except at the times and hours, and in strict compliance with the regulations, set out in Sections 7.05.110 through 7.05.170.

7.05.110 - License—Types and classes.

- A. The following types and classes of alcoholic beverage licenses may be issued in the City:
 - 1. Beer: B;
 - 2. Beer and light wine: BW;

3. Beer, wine and liquor: BWL.

B. In addition, each alcoholic beverage license shall be of the class:

1. Package goods retail stores:

Class A-1,

Class A-1.b,

Class A-1.c,

Class A-2,

Class A-2.b,

Class A-2.c;

2. Restaurants:

Class B-1,

Class B-1.X,

Class B-2,

Class B-2.X,

Class B-3,

Class B-3.a,

Class B-3.X,

Class B-3.X.a,

Class B-4,

Class B-4.a,

Class B-4.a.b,

Class B-4.X,

Class B-4.X.a,

Class B-4.X.a.b;

3. Clubs:

Class C;

4. Taverns:

Class D-1,

Class D-1.a,

Class D-1.a.b;

5. Hotels:

Class E-1,
Class E-1.a,
Class E-1.a.b,
Class E-1.X,
Class E-1.X.a,
Class E-1.X.a.b;

6. Yacht clubs:
Class F;
7. (Expired)
8. Institutions for the care of the aged;
Class ICA.
9. Wine bars:
Class WB.

7.05.120 - Package goods retail stores.

- A. This section applies to package goods retail stores.
- B. There shall be no display of the stock of alcoholic beverages on the days, or during the hours, when sales are prohibited. At those times, the stock of alcoholic beverages upon any premises which remains open shall be hidden from view by substantial, nontransparent shutters, blinds or doors, or within nontransparent closets or cabinets, and locked with visible padlocks. A notice shall be prominently displayed to be easily readable by purchasers of alcoholic beverages and shall contain the following statement: "Consumption of alcoholic beverages on the public streets, parks and other public ways of the City of Salisbury is prohibited by law."
- C. Package goods retail stores license classes are as follows:
 1. Class A-1: Off sale only of package goods from six a.m. to twelve midnight, Monday through Saturday;
 2. Class A-2: Off sale only of package goods from six a.m. to twelve midnight, seven days a week;
 3. Class A-1.b and Class A-2.b: In addition to the off sale of package goods as authorized, the license permits the consumption for tasting or sampling purposes only, on premises, of beer, light wine and liquor. The licensee may not serve more than three ounces of beer or one ounce of wine or one ounce of liquor from each given brand to any one person.
 4. Class A-1.c and Class A-2.c: In addition to the off sale of package goods as authorized, the license permits the on-premises consumption of wine. Licensee must maintain no less than two thousand, two hundred (2,200) square feet of retail space open to the public.

7.05.130 - Restaurants.

- A. This section applies to restaurants.

- B. Holders of restaurant class licenses shall keep in bound book form complete records of food purchases and food sales in their restaurants, as well as records of all purchases and sales of alcoholic beverages. They also shall preserve for a period of at least four months the original invoices or sales tickets of food and alcoholic beverages so purchased.
- C. Upon making application for renewal of a restaurant class license, the applicant shall furnish a sworn statement reporting the ratio of the daily receipts from the sale of food to the combined daily receipts from the sale of food and from the sale of alcoholic beverages. The daily receipts shall be averaged on a quarterly basis for the calendar year preceding the year for which application for renewal of the restaurant class license is being made.
- D. Restaurant-class licenses are as follows:
 - 1. Class B-1: Alcoholic beverages shall be served only with meals and sales shall be only between the hours of six a.m. and twelve midnight, Monday through Saturday. The premises shall not contain a bar open to the public.
 - 2. Class B-1.X: Alcoholic beverages shall be served only with meals and sales shall be only between the hours of six a.m. and two a.m., Monday through Saturday. The premises shall not contain a bar open to the public.
 - 3. Class B-2: Alcoholic beverages shall be served only with meals and sales shall be only between the hours of six a.m. and twelve midnight, seven days a week. The premises shall not contain a bar open to the public.
 - 4. Class B-2.X: Alcoholic beverages shall be served only with meals and sales shall be only between the hours of six a.m. and two a.m., seven days a week. The premises shall not contain a bar open to the public.
 - 5. Class B-3: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and twelve midnight, Monday through Saturday.
 - 6. Class B-3.X: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and two a.m., Monday through Saturday.
 - 7. Class B-4: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and twelve midnight, seven days a week.
 - 8. Class B-4.X: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and two a.m., seven days a week.
 - 9. Class B-3.a, class B-3.X.a, class B-4.a and class B-4.X.a: In addition to the on sale of alcoholic beverages, off sale is permitted Monday through Saturday during authorized hours.
 - 10. Class B-4.a.b and class B-4.X.a.b: In addition to the on sale of alcoholic beverages and off sale of alcoholic beverages Monday through Saturday, off sale is permitted on Sunday during authorized hours.

7.05.140 - Clubs.

- A. This section applies to clubs.
- B. Club-class licenses are Class C: alcoholic beverages are restricted to on-sale only six a.m. to two a.m., seven days a week.

7.05.150 - Taverns.

- A. This section applies to taverns.

- B. The premises of any licensed tavern shall be closed from twelve midnight to six a.m.
- C. Tavern-class licenses are as follows:
 - 1. Class D-1: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and twelve midnight, seven days a week.
 - 2. Class D-1.a: In addition to the on sale of alcoholic beverages, off sale is permitted Monday through Saturday from six a.m. to twelve midnight.
 - 3. Class D-1.a.b: In addition to the on sale of alcoholic beverages and off sale of alcoholic beverages Monday through Saturday, off sale is permitted on Sunday during authorized hours.
 - 4. Class D-1.a.b.c.: In addition to the on-sale of alcoholic beverages and off-sale of alcoholic beverages Monday through Sunday, the License permits the on-premises consumption of light wine for tasting or sampling purposes only. The Licensee shall not serve more than one ounce of wine from each given brand to any one person.

7.05.160 - Hotels.

- A. This subsection applies to hotels.
- B. Hotel-class licenses are as follows:
 - 1. Class E-1: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and twelve midnight, seven days a week.
 - 2. Class E-1.X: Alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and two a.m., seven days a week.
 - 3. Class E-1.a and class E-1.X.a: In addition to the on sale of alcoholic beverages, off sale is permitted Monday through Saturday during authorized hours.
 - 4. Class E-1.a.b and class E-1.X.a.b: In addition to the on sale of alcoholic beverages and off sale of alcoholic beverages Monday through Saturday, off sale is permitted on Sunday during authorized hours.

7.05.170 - Yacht clubs.

- A. This subsection applies to yacht club licenses.
- B. Yacht-club-class licenses are class F: Alcoholic beverages are restricted to on sale only, all hours, seven days a week. This license shall be issued to a bona fide organization maintaining wharves and docking piers, with a membership of at least twenty-five paid-up members. The yacht club shall adjoin its wharves and docking facilities and shall not be open for private profit, nor shall the club be open to the public generally, but shall be maintained for its members and guests.

7.05.175 - Wine festivals.

7.05.180 – Care Home.

- A. This section applies to Care Homes.
- B. Care Homes are Class ICA: alcoholic beverages are restricted to on sale only and sales shall be only between the hours of six a.m. and two a.m., seven days a week. The license shall be issued to

a Care Home as defined in Chapter 17.04. The sale of alcohol shall be limited to on-premises consumption by residents and their bona fide guests.

7.05.190 - Wine bars.

- A. This section applies to wine bars.
- B. Wine-class license is Class WB-1: Wine and beer are restricted to on and off sale only during the hours of eleven a.m. to midnight Monday through Sunday.

7.05.200 - Fees.

After approval of the license applied for under the provisions of this chapter, the applicant shall pay to the City Clerk the sum of money as established by resolution of the City Council.

7.05.210 - Special hours for New Year's Day.

Notwithstanding any other restriction contained in this chapter with respect to the hours of sale applicable to an alcoholic beverage licensed establishment, the holder of any on-sale alcoholic beverage license in the City shall be permitted to remain open for business until two a.m. on January 1st of any year, commonly referred to as New Year's Day, and the holder shall be permitted to sell any alcoholic beverage which the holder is authorized to sell by the terms of the license until two a.m. on any New Year's Day. During these extended hours, the licensee shall comply in all other respects with the terms, conditions or restrictions applicable to the license and to all rules and regulations set forth in this chapter.

7.05.220 - When premises shall be closed.

- A. No licensed premises shall remain open to the public or private persons or parties for any purpose for more than fifteen minutes after the hours and days for sale as set forth in this code for its class of license, regardless of the fact that no sales are made after the hours of closing.
- B. The provisions of Subsection A of this section shall not apply to holders of a Class C club license. In the case of a Class C club license, although the premises may remain open for twenty-four hours, alcoholic beverages shall not be sold or consumed between the hours of two a.m. and six a.m.
- C. A violation of this section shall incur the same penalty as a violation for making a sale of alcoholic beverages after hours.

7.05.230 - Permitting persons to leave premises with open beverage.

No licensee under this chapter knowingly shall permit any person to leave the licensed premises with an alcoholic beverage open for consumption.

7.05.240 - Licenses for consumption on the premises only.

Subject to all other applicable provisions contained in this chapter and in the Alcoholic Beverages Article of the Annotated Code of Maryland pertaining to the issuance of alcoholic beverage licenses, the Salisbury Board of License Commissioners may issue a beer, wine and liquor license which authorizes the holder to keep for sale and sell beer, wine and liquor at any establishment within the City for consumption on the premises only.

7.05.250 - Temporary special class C license to clubs.

- A. All clubs which do not hold a one-year alcoholic beverage license as set forth in this chapter shall not sell, raffle or award by lottery any alcoholic beverage except after application for and receipt of a special license, class C, for the sale or awarding of beer or beer, wine and liquor in conjunction with any bona fide entertainment conducted by any club at the place described in the license.
- B. A special beer license, class C, or special beer, wine and liquor license, class C, entitles the licensee to exercise the privileges of a one-year class C license for a period not exceeding seven consecutive days, upon payment of a special beer license fee or of a special beer, wine and liquor license fee as established by resolution of the City Council.
- C. License applications under this section are expressly exempt from the provisions of Section 7.05.090.
- D. The license provided for by this section shall be applied for and be issued to three of the officers of the club, as individuals.
- E. The City Clerk shall issue the special one-day license on behalf of the City in accordance with the established policy and laws. Any denial by the City Clerk of the issuance of the special license may be appealed to the Salisbury Board of License Commissioners at its next meeting, and a hearing date shall be scheduled after that meeting.

7.05.260 - Additional license class—Refillable container license.

- A. The Salisbury Board of License Commissioners may issue to Class A, Class B, Class D, and Class E license holders a class of license that authorizes refillable containers. The suffix ".g" shall indicate that a license permits the sale of draft beer in refillable containers.
- B. Subject to paragraph C. of this section, the classes of license authorizing the sale of draft beer in refillable containers entitle the license holder to sell, for consumption off the licensed premises, draft beer in refillable containers with a capacity of not less than thirty-two ounces and not more than one hundred twenty-eight ounces.
- C. To be used as a refillable container under Paragraph B. of this section, a container shall:
 - 1. Be sealable;
 - 2. Be branded with an identifying mark of a license holder;
 - 3. Bear the Federal Health Warning Statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;
 - 4. Display instructions for cleaning the container; and
 - 5. Bear a label stating that:
 - a. Cleaning the container is the responsibility of the consumer; and
 - b. The contents of the container are perishable, should be refrigerated immediately, and should be consumed within forty-eight hours after purchase.

- D. The term of a refillable container license issued to a successful applicant shall be the same as the term of the license that the applicant holds at the time of application.
- E. The hours of sale for a refillable container license shall begin at the same time as the hours for the license already held by the license holder and shall end at midnight.
- F. A license holder may refill only a refillable container that was branded by a license holder.
- G. The Salisbury Board of License Commissioners shall adopt regulations to carry out this section.

7.05.270 - Music—Exits—Dress codes.

Each alcoholic beverage licensee shall observe the following rules:

- A. All mechanical, electronic, live or other music within a licensed premises shall cease fifteen minutes prior to the closing hour as designated for the class license except that establishments holding class C and class F licenses shall cease no later than two a.m.
- B. Appropriate sound suppression techniques shall be employed to ensure that noise or sounds of music originating within a structure are not audible off the premises upon which the structure is located.
- C. No mechanical, electronic, live or other music shall be played or performed on the exterior portion of a licensed premises without the express approval of the Salisbury Board of License Commissioners and except upon compliance with conditions specified by the board.
- D. An alcoholic beverage served within a structure on the licensed premises shall be consumed solely within that structure. An alcoholic beverage served within an approved exterior portion of the licensed premises shall be consumed solely within the approved exterior portion of the licensed premises or within a structure on the premises.
- E. The use of all live music or entertainment shall be posted or listed with the City Clerk; provided, that this rule does not apply to nonprofit organizations organized and operated exclusively for educational, social, fraternal, charitable, civic, political, patriotic or athletic purposes.
- F. All doors, entrances and exits must be closed at all times. This provision does not apply to class A licenses.
- G. All dress codes shall be posted.

7.05.280 - Allowing alcohol consumption without license.

- A. No person may give or allow to be consumed on that person's premises, or on premises under the person's possession or control, if the premises constitute a restaurant, tavern, hotel, club, dance studio, disco, or place of public entertainment, or on premises open to the general public, any alcoholic beverage other than as specifically permitted or provided in the Alcoholic Beverages Article of the Annotated Code of Maryland and this chapter. This prohibition does not apply to:
 - 1. The room of a registered guest in any hotel, motel or hospice; or
 - 2. Licensees holding a state-issued Class E steamboat license who intend to serve alcoholic beverages to paying passengers of a bona fide regularly scheduled or chartered tour while on a vessel made fast to a wharf or pier.
- B. Any owner, operator, manager or employee of any premises or places described in subsection A of this section who knowingly permits consumption in violation of this section is guilty of a misdemeanor and upon conviction shall be fined as established by resolution of the City Council.

7.05.290 - Intoxicated persons.

No person in the City, either directly or indirectly, shall sell, furnish, give or deliver any alcoholic beverage to any person who is visibly affected by alcoholic beverages or by any other intoxicant.

7.05.300 - Discriminatory practices prohibited.

- A. An establishment licensed under the provisions of Sections 7.05.140, 7.05.170 and 7.05.250 shall not exclude from membership solely on the basis of race, sex, religion, physical handicap or national origin in its membership.
1. In addition to any other requirements of law, each application for a new license, a transfer of a license, or a renewal of a license, described in Sections 7.05.140, 7.05.170 and 7.05.250, shall be accompanied by an affidavit declaring that the establishment for which the license is sought does not engage in any practice prohibited by Subsection A of this section.
 2. The issuance, transfer or renewal of a license described in Sections 7.05.140, 7.05.170 and 7.05.250 shall not be approved if the affidavit required by Subsection (A)(1) of this section is not submitted.
 3. A person who signs an affidavit pursuant to this section which contains a false statement intended to avoid the denial of the application as described in Subsection (A)(2) shall be guilty of a misdemeanor.
 4. The provisions of Subsection (A) shall be enforced only as provided in Subsections (A)(1), (2) and (3).
 5. The provisions of this section shall not be applicable to applications for Class C alcoholic beverage licenses filed on behalf of organizations formed solely for religious purposes.

Chapter 7.06 - Minors

7.06.010 - Minors—Sale or providing to.

No person, either alone, or by a clerk, agent, servant or employee, directly or indirectly, shall sell, furnish, give, serve or deliver any alcoholic beverage to any person under the age of twenty-one years. Violation of this section shall be a municipal infraction punishable by a fine as established by resolution of the City Council and shall be assessed against the person serving the alcohol to the underage person.

7.06.020 - Minors—Warning sign.

Licensees under the provisions of this chapter shall place in a prominent position in all places where intoxicating beverages are sold or served one or more signs not less than eight inches by ten inches in size, printed in black ink on a white background, in type not less than thirty-point boldface in size, and bearing the following inscription:

The sale, gift or delivery, directly or indirectly, of liquor to minors under the age of twenty-one years, for their own use or for the use of any other person, is prohibited by law.

These signs shall be furnished by the Salisbury Board of License Commissioners without cost to licensees.

7.06.030 - Minors—Misrepresenting age.

- A. A person may not represent falsely the person's age for the purpose of illegally purchasing, receiving or obtaining any alcoholic beverages, either for that person's own use or for the use of any other person.
- B. A person may not represent falsely the age of any person for the purpose of aiding, assisting or abetting a person to illegally purchase, receive or obtain any alcoholic beverage.
- C. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined, or imprisoned, or both as established by resolution of the City Council.

7.06.040 - Minors—Employment.

No person in the City shall employ a minor to sell or serve alcoholic beverages; provided, however, that a person eighteen years of age or older may serve alcoholic beverages while acting in the capacity of a waiter or waitress. Persons under the age of twenty-one years of age may not act as a bartender or barmaid or in any solely tavern-related or bar-related capacity, notwithstanding any other provisions to the contrary.

7.06.050 - Minors—Purchase, consumption or possession of alcoholic beverages.

- A. A person under the age of twenty-one years may not purchase, procure, possess or consume any alcoholic beverage on premises licensed for the sale of alcoholic beverages.
- B. Any person violating this section is guilty of a misdemeanor and, upon conviction, shall be fined, or imprisoned, or both as established by resolution of the City Council.