



## CITY OF SALISBURY CITY COUNCIL AGENDA

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**JANUARY 25, 2021**

**6:00 p.m.**

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### **ZOOM MEETING**

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Times shown for agenda items are estimates only.

- 6:00 p.m. CALL TO ORDER
- 6:01 p.m. WELCOME/ANNOUNCEMENTS
- 6:02 p.m. SILENT MEDITATION
- 6:03 p.m. PRESENTATIONS
- PROCLAMATIONS - City Administrator / Acting Mayor Julia Glanz
    - Human Trafficking Awareness
    - Service Recognition
  - KINDNESS UPDATE- Secretary of Kindness Grace Murdock
- 6:20 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:21 p.m. CONSENT AGENDA - City Clerk Kimberly Nichols
- December 21, 2020 Special Meeting Minutes
  - December 21, 2020 Work Session Minutes
  - January 4, 2021 Work Session Minutes
  - Approving the Manufacturing Exemption request for Clean Air Filters LLC
  - Approving the Manufacturing Exemption request for Jubilant Cadista Pharmaceuticals Inc.
  - Approving the Manufacturing Exemption request for K & L Microwave
  - Approving the Manufacturing Exemption request for LWRC International LLC
  - Approving the Manufacturing Exemption request for Pepsi Bottling Ventures LLC
  - Approving the Manufacturing Exemption request for Spartech LLC
- 6:26 p.m. ORDINANCES - City Attorney Mark Tilghman
- **Ordinance No. 2642**- 2<sup>nd</sup> reading- authorizing the Mayor to sign the Supplemental Agreement and Cost Share Agreement and accept a grant from the Maryland Department of Transportation State Highway Administration and approving an amendment of the Grant Fund Budget to allocate said funds for purposes of implementation
  - **Ordinance No. 2643**- 2<sup>nd</sup> reading- to create Bicycle Facilities on Wayne Street, Milford Street, Power Street, Avery Street, Bateman Street, West Road, Lake Street, Isabella Street, Delaware Avenue, Cypress Street and West Main Street in accordance with MDMUTCD, Chapter 9, as designated by the 2017 Salisbury Bicycle Network Plan

- **Ordinance No. 2644**- 2<sup>nd</sup> reading- to eliminate 16 parking spaces on Fitzwater Street from Fitzwater Street to the main gate of Chesapeake Shipbuilding approximately 310 feet east in order to prevent traffic crashes and accommodate a previously approved safe bicycle facility on Fitzwater Street
- **Ordinance No. 2645**- 2<sup>nd</sup> reading- to eliminate parking spaces on Power Street, from South Division Street to Wayne Street, and to eliminate the parking spaces on Wayne Street, from Milford Street to Power Street, in order to prevent traffic crashes and accommodate safe bicycle facilities around the East Campus of Salisbury University
- **Ordinance No. 2646**- 2<sup>nd</sup> reading- to eliminate parking spaces on West College Avenue from Lorecrop Drive to Camden Avenue in order to prevent traffic crashes and accommodate a previously approved safe bicycle facility on West College Avenue
- **Ordinance No. 2647**- 2<sup>nd</sup> reading- approving a budget amendment of the City's Special Revenue Fund Budget and to accept and appropriate donated funds from the Bless Our Children Campaign for the Santa's Workshop Program
- **Ordinance No. 2648**- 2<sup>nd</sup> reading- allocation of FY16 Bond proceeds for GOB Roof Improvements and WWTP HVAC
- **Ordinance No. 2649**- 2<sup>nd</sup> reading- allocation of FY18 Bond proceeds for GOB Roof Improvements and (2) dump trucks
- **Ordinance No. 2650**- 2<sup>nd</sup> reading- to authorize the Mayor to enter into a contract with the Salisbury Wicomico Metropolitan Planning Organization for the purpose of accepting grant funds in the amount of \$7,000.00, and to approve a budget amendment to the FY 2021 Grant Fund to appropriate funds for offsetting RFP 21-101 Port Feasibility Study
- **Ordinance No. 2651**- 2<sup>nd</sup> reading- approving an amendment of the City's Water Sewer Capital Project Fund budget to reallocate funding for the Waste Water Treatment Plant HVAC Project
- **Ordinance No. 2652**- 1<sup>st</sup> reading- authorizing the Mayor to sign the grant agreement and accept a grant of \$4,000.00 from the State of Maryland Department of Natural Resources Critical Area Commission and approving an amendment of the Grant Fund Budget to allocate the funds for purposes of critical area program implementation
- **Ordinance No. 2653**- 1<sup>st</sup> reading- approving an amendment of the City's General Capital Project Fund Budget to reallocate funding for the Police Communication Project

7:10 p.m. RESOLUTIONS – City Administrator / Acting Mayor Julia Glanz

- **Resolution No. 3086**- amending and supplementing Resolution No. 2569 to authorize and empower City of Salisbury to use and apply investment earnings on the \$4,726,200 Public Improvements Bond of 2015 to projects identified as "GOB Roof and Air Handler Replacement" and "WWTP HVAC" in addition to the projects originally identified in Resolution No. 2569, authorizing and empowering City officials and employees to take certain actions with respect to the 2015 bond
- **Resolution No. 3087**- amending and supplementing Resolution No. 2794 to authorize and empower City of Salisbury to use and apply a portion of the principal amount of the \$5,724,853 Public Improvements Bond of 2017 to projects identified as "GOB Roof and Air Handler Replacement" and "2 One Ton Dump Trucks (Sanitation & Parks)" in addition to the projects originally identified in Resolution No. 2794, authorizing and empowering City officials and employees to take certain actions with respect to the 2017 bond
- **Resolution No. 3088**- approving and adopting the Environmental Policy Task Force report

- 7:20 p.m. PUBLIC COMMENTS
- 7:25 p.m. COUNCIL COMMENTS
- 7:30 p.m. ADJOURNMENT

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

**NEXT COUNCIL MEETING – FEBRUARY 8, 2021**

- **Proclamation**- Black History Month
- **Ordinance No. 2652**- 2<sup>nd</sup> reading- authorizing the Mayor to sign the grant agreement and accept a grant of \$4,000.00 from the State of Maryland Department of Natural Resources Critical Area Commission and approving an amendment of the Grant Fund Budget to allocate the funds for purposes of critical area program implementation
- **Ordinance No. 2653**- 2<sup>nd</sup> reading- approving an amendment of the City's General Capital Project Fund Budget to reallocate funding for the Police Communication Project
- **Ordinance No.** - 1st reading- accepting funds from DHCD MD-SERI for business relief program and to provide marketing support for Main St businesses

Join Zoom Meeting  
<https://us02web.zoom.us/j/5362772908>

Meeting ID: 536 277 2908

Phone: 1.301.715.8592

**CITY OF SALISBURY, MARYLAND**

**SPECIAL MEETING VIA ZOOM**

**DECEMBER 21, 2020**

**PUBLIC OFFICIALS PRESENT**

*Council President John “Jack” R. Heath  
Councilwoman Angela M. Blake  
Councilwoman April Jackson*

*Council Vice-President Muir Boda  
Councilwoman Michele Gregory*

**PUBLIC OFFICIALS ABSENT**

*Mayor Jacob R. Day*

**IN ATTENDANCE**

*Deputy City Administrator Andy Kitzrow, Fire Chief John Tull, Deputy Fire Chief James Gladwell, City Clerk Kimberly Nichols, and Associate City Attorney Peter Golba*

*The City Council convened in a Special Meeting via Zoom on December 21, 2020 at 4:30 p.m. President Heath called the meeting to order at followed by a moment of silent meditation.*

**ADOPTION OF LEGISLATIVE AGENDA**

*Ms. Jackson moved and Ms. Gregory seconded to approve the legislative agenda.*

*Mr. Boda moved to amend the agenda by removing Ordinance No. 2636 from the agenda. Ms. Jackson seconded, and the vote was unanimous to approve the amendment to the agenda.*

*The legislative agenda, as amended, was approved by unanimous vote in favor.*

**ORDINANCE** – presented by City Attorney Mark Tilghman

- **Ordinance No. 2637**- 2<sup>nd</sup> reading- to authorize the Mayor to enter into a contract with the Wicomico County Health Department for the purpose of accepting grant funds in the amount of \$27,310.00, and to approve a budget amendment to the FY2021 Grant Fund to appropriate these funds for the purchase of a 2020 Subaru Outback

*Ms. Jackson moved and Ms. Blake seconded to approve Ordinance No. 2637, and Mr. Golba presented the ordinance.*

*Mr. Boda moved to amend Ordinance No. 2637 by striking FY2021 on Line 6 and striking Fiscal Year 2021 on Line 39. Ms. Jackson seconded, and the amendment was approved by unanimous vote in favor.*

Ordinance No. 2637, as amended for second reading, was unanimously approved.

- **Ordinance No. 2638**- 2<sup>nd</sup> reading- to authorize the Chief of Police to enter into a MOU with the University, to accept funding from the Governor's Office of Crime Control & Prevention in the amount of \$100,000.00, and to approve a budget amendment of the FY2021 budget to appropriate these grant funds for the purpose of exploring the predictive policing with machine learning project to assist in predicting crime patterns and to ultimately reduce crime in the City of Salisbury

Mr. Boda moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2638 for first reading.

- **Ordinance No. 2641**- 2<sup>nd</sup> reading- to authorize the Mayor to enter into a contract with the U.S. Department of Housing & Urban Development for the purpose of accepting additional Community Development Block Grant funds associated with the CARES Act in the amount of \$227,905 (CDBG-CV1) and \$244,747 (CDBG-CV3), and to approve a budget amendment to the FY2021 Grant Fund to appropriate these funds for the projects outlined in the 2020 CDBG Action Plan CV1 and CV3 amendments

Ms. Jackson moved and Ms. Blake seconded to approve Ordinance No. 2641 for second reading.

Mr. Boda moved to amend Ordinance No. 2641 as it was read by Associate City Attorney Peter Golba. Ms. Jackson seconded, and the amendment was unanimously approved.

Ordinance No. 2641, as amended for second reading, was passed by unanimous vote in favor.

## **ADJOURNMENT**

With no further business to discuss, the Special Meeting adjourned at 4:52 p.m.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council President

CITY OF SALISBURY  
WORK SESSION (VIA ZOOM MEETING)  
DECEMBER 21, 2020

Public Officials Present

Council President John “Jack” R. Heath  
Councilwoman Angela M. Blake  
Councilwoman April Jackson

Council Vice President Muir Boda  
Councilwoman Michele Gregory

Public Officials Absent

Mayor Jacob R. Day

In Attendance

City Administrator / Acting Mayor Julia Glanz, Deputy City Administrator Andy Kitzrow, Department of Infrastructure & Development (DID) Director Amanda Pollack, Transportation Project Specialist Will White, Associate City Attorney Peter Golba, City Clerk Kimberly Nichols, and members of the Public and press.

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On December 21, 2020 the Salisbury City Council convened in a Work Session at 4:52 p.m. via Zoom following the adjournment of the 4:30 p.m. Special Meeting. The following is a synopsis of the topics discussed:

**Ordinance to accept funds for Santa’s Workshop**

Housing & Community Development Director Ron Strickler reported the Santa’s Workshop was an annual event for HCD where toys were distributed to children that might not otherwise receive gifts for Christmas. Draper Holdings Charitable Fund / Bless Our Children campaign donated \$1,000, and Mr. Strickler recommended accepting the donation.

Council reached unanimous consensus to move forward to legislative session with the grant acceptance.

**Ordinance to accept a grant from MDOT for Naylor Mill Bridge Design**

DID Director Amanda Pollack reported the State of Maryland grant was for the design to replace the Naylor Mill Bridge. The State would handle the design, hire the vendor, and conduct the entire procurement for the project. The City would oversee, review the scope of work and work with the vendor.

Ms. Pollack said that the City had budgeted the replacement in the CIP and Budget last year based on the grant projections at the time (\$280,000). Since that time, State Highway negotiated the scope of work with their preferred vendor, and the cost came in higher. The total estimated design costs were \$471,382.72. The grant was for \$377,106.18 (80%) and the City match was \$94,276.54 (20%). The design costs included MDOT SHA review costs.

35 The draft ordinance was a budget amendment accepting the additional grant amount while  
36 authorizing entering into the new grant agreement., which was an amendment to the master  
37 agreement, specific to the project.

38  
39 Council reached unanimous consensus to advance the legislation to legislative agenda.

#### 40 41 **Ordinance to create Bicycle Facilities**

42  
43 Ms. Pollack said that the City adopted the Bicycle Master Plan in 2016, and decided to come  
44 before Council every year with an ordinance to adjust the Charter with what the City would do  
45 on each street.

46  
47 Mr. White provided an overview of the construction to the following streets: Lake Street,  
48 Isabella Street, Delaware Avenue, Cypress Street, West Road and West Main Street. Salisbury  
49 University requested bicycle facilities be added on Wayne Street, Power Street, Avery Street,  
50 Milford Street and requested improvements to the existing bike facility on Bateman Street.

51  
52 Each of the facilities would consist of dedicated facilities wherever possible, with shared lanes  
53 being placed when street width was not sufficient for some form of dedicated facility type.

54  
55 President Heath asked if each of the homes on Fitzwater Street had their own driveway. Mr.  
56 White said they did not, and President Heath asked where they would park. Mr. White said on-  
57 street parking would still be provided on Fitzwater Street. Ms. Jackson asked about West Road  
58 since some of it was in the County. Mr. White said the City facility would be terminated once it  
59 reached the County, and once the County paved their section, they would be able to tie into it.

60  
61 Council reached unanimous consensus to advance the legislation to legislative agenda.

#### 62 63 **Ordinance – Parking Removal on Fitzwater Street**

64  
65 Ms. Pollack discussed the removal of 16 parking spaces on Fitzwater Street, only in front of  
66 Chesapeake Shipbuilding. On-street parking would still be in front of all of the residential  
67 properties. Chesapeake Shipbuilding requested the removal of the parking spaces due to safety  
68 issues.

69  
70 Council reached unanimous consensus to advance the legislation to legislative agenda.

#### 71 72 **Ordinance – Parking Removal on College Avenue**

73  
74 Ms. Pollack reported on the request by Salisbury University to remove 35 parking spaces on the  
75 south side of College Avenue between Rt. 13 and Camden Avenue. The City was under design  
76 for the College Avenue Bikeways Project (the City received a Maryland Bikeways Grant for the  
77 project) and the parking removal would help the City greatly in the design of the bike lanes.

78  
79 Council reached unanimous consensus to advance the legislation to legislative agenda.

81  
82 **Ordinance – Parking removal on Power Street**  
83

84 Ms. Pollack reported that Salisbury University requested 68 parking spaces be removed from  
85 Wayne and Power Streets.  
86

87 Council reached unanimous consensus to advance the legislation to legislative agenda.  
88

89 **Administrative and Council remarks**  
90

91 Mr. Boda wished everyone a Merry Christmas. He recognized Donna Haag and Julie English  
92 from the Mayor's Office for putting together the gifts for the City employees. Over 500 gift bags  
93 were prepared to be given to each City employee in place of the Christmas Party this year. He  
94 appreciated the hard work and thoughtfulness that went into the gifts.  
95

96 Ms. Jackson wished everyone a Merry Christmas. She asked that everyone wear their masks and  
97 stay safe. As Governor Hogan advised, she asked people to limit their guests to 10 people.  
98

99 Ms. Blake asked everyone to have a Merry Christmas, shop local and donate blood if healthy.  
100

101 Ms. Gregory reminded everyone that today was Winter Solstice, and from now on the days  
102 would begin to get longer. Be careful and keep gatherings to no more than 10 people, and please  
103 stay home if possible.  
104

105 Mr. Kitzrow wished everyone a Merry Christmas and Happy New Year. He was happy to be part  
106 of the team that made dreams come to fruition.  
107

108 Ms. Glanz said it had been an incredibly challenging year and wanted everyone to relax and  
109 recharge.  
110

111 President Heath wished everyone the happiest of holidays, asked them to be careful and wear  
112 masks.  
113

114 **Adjournment**  
115

116 With no further business to discuss, the Work Session immediately adjourned at 5:19 p.m.  
117

118 \_\_\_\_\_  
119 City Clerk  
120

121 \_\_\_\_\_  
122 Council President

CITY OF SALISBURY  
WORK SESSION (VIA ZOOM MEETING)  
JANUARY 4, 2021

Public Officials Present

Council President John “Jack” R. Heath  
Councilwoman Michele Gregory

Council Vice President Muir Boda  
Councilwoman April Jackson

Public Officials Absent

Mayor Jacob R. Day  
Councilwoman Angela M. Blake

In Attendance

City Administrator / Acting Mayor Julia Glanz, Deputy City Administrator Andy Kitzrow,  
Business Development Director Laura Soper, City Attorney Mark Tilghman, City Clerk  
Kimberly Nichols, and members of the Public and press.

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On January 4, 2021 the Salisbury City Council convened in a Work Session at 4:30 p.m. via  
Zoom. The following is a synopsis of the topic discussed:

**Ordinance to approve a memorandum of understanding with the Salisbury Wicomico  
Metropolitan Planning Organization (SWMPO) and receive a contribution for Salisbury’s Port  
Feasibility Study**

Business Development Director Laura Soper reported on the contribution from the Salisbury  
Wicomico Metropolitan Planning Organization in the amount of \$7,000 for the City’s Port Feasibility  
study and MOU that states the proposed terms of the agreement for the contribution.

An RFP was put out to bid by the City to have a study done to examine the economic, physical and  
fiscal possibilities of creating a multi-user port in the southwest area of the drawbridges. The bid was  
awarded in September 2020 to CPCS Transcom Inc.

President Heath remarked that a lot of people did not realize that the Port of Salisbury was the second  
largest port in the State of Maryland, and the project had great potential to become a reality.

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

**Administrative and Council remarks**

Ms. Glanz asked everyone to stay safe in 2021.

Mr. Boda wished everyone a Happy New Year and Ms. Gregory a Happy Birthday. He asked  
everyone to keep supporting local businesses, look out for neighbors, protect everyone by  
wearing masks, and make sure to get the vaccine when possible.

30 Ms. Jackson said she was looking forward to a prosperous New Year for the world.

31  
32 Ms. Gregory thanked everyone for the birthday wishes. The vaccine roll out was very slow and  
33 she was hearing a lot of concern from constituents. She asked everyone to continue wearing  
34 masks, stay home if possible and have a healthy new year.

35  
36 President Heath concurred with everything said and reminded everyone to donate blood if they  
37 were healthy enough.

38  
39 **Adjournment**

40  
41 With no further business to discuss, the Work Session immediately adjourned at 4:37 p.m.

42  
43 \_\_\_\_\_  
44 City Clerk

45  
46 \_\_\_\_\_  
47 Council President



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

To: Julia Glanz, City Administrator  
From: Sandra Green, Assistant Director Finance  
Date: 1/6/21  
Re: Manufacturing Exemption for equipment purchased 2019 –  
Clean Air Filters LLC

*Me*

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I am recommending that Clean Air Filters, LLC be granted an exemption from Personal Property Tax for their equipment purchased in 2019 as requested by the Company. Since the request came within 2 years of the purchase of the equipment, they are eligible for up to 5 years' exemption for the 2019 purchases. Over the next five years they will benefit from this exemption by a total savings in personal property taxes of \$25,480. The exemptions will be applied to City Property Tax years 2021-2025 as shown in the schedule provided herein. Attached please find copies of the calculations and manufacturing exemption applications.

City of Salisbury  
Finance Department  
Exemption Recommendation to City Council

Company: Clean Air Filters LLC  
 Address: 400 W Railroad Avenue

Requested By: John M. Speake III  
 Date of Request: 12/4/2020

Description of Mfg.: Filter Manufacturer

Equipment Year 2019

New Equipment See Listing \$ 303,335.00

**Total** \$ 303,335

<b>Exemption Value</b>	<b><u>City Property Tax Year</u></b>	<b><u>State Return</u></b>	<b><u>Year of Exemption</u></b>	<b><u>Deprec. Value</u></b>	<b><u>Am't of Exemption</u></b>
	2021	2020	1	273,002	6,552
	2022	2021	2	242,668	5,824
	2023	2022	3	212,335	5,096
	2024	2023	4	182,001	4,368
	2025	2024	5	151,668	3,640

**Total Value of Exemption:** \$ 25,480

Recd 12/9/20

# City of Salisbury



**KEITH CORDREY**  
DIRECTOR INTERNAL SERVICES

**MARYLAND**

**FINANCE DEPARTMENT**

125 N. Division Street  
Salisbury, MD 21801-4940  
(410) 548-3110  
(410) 860-5154 (Fax)

**SANDRA GREEN**  
ASSISTANT DIRECTOR INTERNAL SERVICES - ACCOUNTING

## Exemption Application For Machinery and Equipment Used for Manufacturing/Research & Development

Business Name: CLEAN AIR FILTERS, LLC MD Department ID#: W17356635

Mailing Address: 400 W. RAILROAD AVE SALISBURY, MD 21804

Contact Name: JOHN M SPEAKE, III Phone No.: (410) 726-2308

1. In order to qualify for an exemption you must meet one of the following requirements: Equipment is owned and operated by a facility that (1) locates in Salisbury (2) expands operations in Salisbury, or (3) develops a new product or industrial process in Salisbury. If you meet one of these requirements please explain in detail how you meet these requirements including raw materials used and products produced or R & D activity being conducted. Please include number of employees used in Manufacturing/ R&D and number of administrative employees.
2. Exemption is requested for tools, machinery & equipment used in Manufacturing / Research & Development acquired in calendar year 2019.
3. Address of Manufacturing / R & D operation. 400 W. RAILROAD AVE SALISBURY, MD 21804
4. Date Manufacturing / R & D operation began in Salisbury. 07-05-2016
5. Attach a description of each asset claimed under this exemption. The schedule must include a description, original cost, and date of acquisition for each item. General descriptions such as Equipment, Various, or Miscellaneous are not acceptable.
6. Attach a copy of the State of Maryland Personal Property Return for the year of acquisition.

### Additional information and requirements

All exemptions require approval by the City of Salisbury Council and receipt of exemption from Wicomico County does not mean you will automatically be granted an exemption by the City of Salisbury. The exemption that is granted is for a specific year in which equipment was purchased and can be for a term up to a maximum of 5 years. Once an exemption has been granted, a copy of the personal property tax return must be sent in for each year of the exemption. To be eligible to receive the maximum exemption term of 5 years, the application must be received within two (2) years from December 31<sup>st</sup> of the calendar year in which the equipment was purchased. A separate request must be made for each year. The application can be mailed to Finance Department, 125 North Division St., Salisbury, MD 21801-4940 or faxed to (410) 860-5154.

Preparer's Signature [Signature] Date 11/10/2020

Email address dmccabe@pkscpa.com

**5. Tools, machinery, and/or equipment used for manufacturing or research and development:**  
 State the original cost of the property by year of acquisition. Include all fully depreciated property and property expensed under IRS rules. If this business is engaged in manufacturing / R&D, and is claiming such an exemption for the first time, a manufacturing / R&D exemption application must be submitted by September 1 or within 6 months after the date of the first assessment notice for the taxable year that includes the manufacturing / R&D property. Visit the website <https://dat.maryland.gov> for an application and additional information. If the property is located in a taxable jurisdiction, a detailed schedule by depreciation category should be included to take advantage of higher depreciation allowances.

Year Acquired	A	C	D	Year Acquired	A	C	D
2019	303,335			2015	34,100		
2018	8,200			2014	27,728		
2017				2013	112,500		
2016	121,872			2012 & prior			

Describe Property in C &amp; D above:

Total Cost

\$ 607,735

**6. Vehicles with interchangeable Registration and/or Unregistered vehicles:** (dealer, recycler, finance company, special mobile equipment, and transporter plates) and unregistered vehicles should be reported here. See specific instructions.

Year Acquired	Original Cost	Year Acquired	Original Cost
2019		2017	
2018		2016 & prior	

Total Cost

\$ NONE

**7. Non-farming livestock:**

Book Value \$

Market Value \$

**8. Other personal property:**

File separate schedule giving a description of property, original cost and the date of acquisition.

Total Cost

\$ NONE

**9. Property owned by others and used or held by the business as lessee or otherwise:**

File separate schedule showing names and addresses of owners, lease number, description of property, installation date and separate cost in each case.

Total Cost

\$ NONE

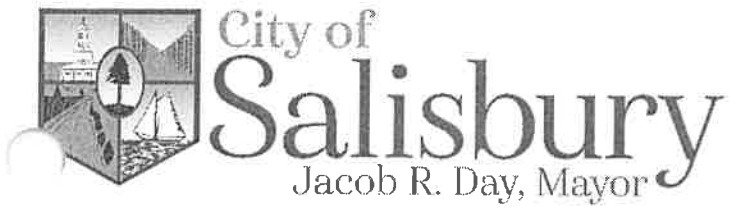
**10. Property owned by the business, but used or held by others as lessee or otherwise:**File separate schedule showing names and addresses of lessees, lease number, description of property, installation date and original cost by year of acquisition for each location. Schedule should group leases by county where the property is located. Manufacturer lessors should submit the retail selling price of the property, not the manufacturing cost. For additional information regarding separate schedules, please see Form 1 Instructions at <https://dat.maryland.gov>

Total Cost

\$ NONE

# Tax Asset Detail 1/01/19 - 12/31/19

Asset	Property Description	Date In Service	Tax Cost	Sec 179 Exp Current = c	Tax Bonus Amt	Tax Prior Depreciation	Tax Current Depreciation	Tax End Depr	Tax Net Book Value	Tax Method	Tax Period
Group: Machinery & Equipment											
32	1" Rotary Pleater	6/30/14	23,075.00	0.00	11,537.50	20,500.74	1,029.70	21,530.44	1,544.56	200DB	7.0
33	Upper and Lower Knife Blande	7/23/14	1,900.00	0.00	950.00	1,688.03	84.79	1,772.82	127.18	200DB	7.0
34	Frame Former	4/23/14	2,753.00	0.00	1,376.50	2,445.87	122.85	2,568.72	184.28	200DB	7.0
35	Slitter Machine	2/04/15	4,100.00	0.00	2,050.00	4,100.00	0.00	4,100.00	0.00	200DB	7.0
36	Strip Notching Machine	10/07/15	30,000.00	0.00	15,000.00	30,000.00	0.00	30,000.00	0.00	200DB	7.0
Machinery & Equipment			61,828.00	0.00c	30,914.00	58,734.64	1,237.34	59,971.98	1,856.02		
Group: Manufacturing Equipment											
1	Frame Machine	8/04/16	50,320.00	0.00	25,160.00	39,317.09	3,143.69	42,460.78	7,859.22	200DB	7.0
2	Conveyors	9/16/16	11,450.00	0.00	5,725.00	8,946.36	715.33	9,661.69	1,788.31	200DB	7.0
3	Servo Strip Notcher	11/07/16	21,000.00	0.00	10,500.00	16,408.16	1,311.95	17,720.11	3,279.89	200DB	7.0
4	Laminator	12/07/16	3,835.00	0.00	1,917.50	2,996.44	239.59	3,236.03	598.97	200DB	7.0
5	Manufacturing Equipment	4/26/16	35,266.60	0.00	17,633.30	27,555.24	2,203.25	29,758.49	5,508.11	200DB	7.0
6	NJ Wire Sticher	1/08/13	6,500.00	0.00	0.00	5,803.86	464.09	6,267.95	232.05	200DB	7.0
7	Frame Former	1/08/13	26,000.00	0.00	0.00	23,215.45	1,856.37	25,071.82	928.18	200DB	7.0
8	Lockform Notcher	1/08/13	12,000.00	0.00	0.00	10,714.82	856.79	11,571.61	428.39	200DB	7.0
9	30 Colonel Glue Fast	1/08/13	9,000.00	0.00	0.00	8,036.12	642.59	8,678.71	321.29	200DB	7.0
10	Azco Shear	1/08/13	10,000.00	0.00	0.00	8,929.02	713.99	9,643.01	356.99	200DB	7.0
11	36 Inch Hand Guillotine Cutter	1/08/13	4,000.00	0.00	0.00	3,571.61	285.59	3,857.20	142.80	200DB	7.0
12	Kaiser Compressor	1/08/13	6,000.00	0.00	0.00	5,357.41	428.39	5,785.80	214.20	200DB	7.0
13	CMS Framing Die Line	5/13/13	10,000.00	0.00	0.00	8,929.02	713.99	9,643.01	356.99	200DB	7.0
14	Cold Glue Roll Coater - Vertical Dr	5/13/13	12,000.00	0.00	0.00	10,715.42	856.39	11,571.81	428.19	200DB	7.0
15	Laminator Rewind, Push Bar Pleate	5/13/13	12,000.00	0.00	0.00	10,714.82	856.79	11,571.61	428.39	200DB	7.0
16	SS Assembly Table for GMD Dryer	5/13/13	5,000.00	0.00	0.00	4,464.51	356.99	4,821.50	178.50	200DB	7.0
23	Stitchers	3/20/18	8,200.00	0.00	8,200.00	0.00	0.00	8,200.00	0.00	200DB	7.0
24	Cold Glue Roll Coater	7/24/19	25,940.00	0.00c	25,940.00	0.00	25,940.00	0.00	0.00	200DB	7.0
25	SSNIF Wide Servo Strip Notcher	8/14/19	80,095.00	0.00c	80,095.00	0.00	80,095.00	0.00	0.00	200DB	7.0
26	1" Rotary Pleater	8/15/19	70,750.00	0.00c	70,750.00	0.00	70,750.00	0.00	0.00	200DB	7.0
27	Upgrades for Brace Machine	8/28/19	9,900.00	0.00c	9,900.00	0.00	9,900.00	0.00	0.00	200DB	7.0
28	Push Bar Pleater - PO 2820	9/17/19	39,687.50	0.00c	39,687.50	0.00	39,687.50	0.00	0.00	200DB	7.0
29	KASF - S Auto Pad Cutter w/ Slitte	10/24/19	61,885.00	0.00c	61,885.00	0.00	61,885.00	0.00	0.00	200DB	7.0
30	2934 - De-Coiler	12/06/19	3,500.00	0.00c	3,500.00	0.00	3,500.00	0.00	0.00	200DB	7.0
31	Stretch Wrap Machine	12/17/19	11,577.50	0.00c	11,577.50	0.00	11,577.50	0.00	0.00	200DB	7.0
Manufacturing Equipment			545,906.60	0.00c	372,470.80	203,875.35	318,980.78	522,856.13	23,050.47		
Group: Office Equipment											
20	Office Equipment	1/13/13	1,800.00	0.00	0.00	1,607.23	128.51	1,735.74	64.26	200DB	7.0
Office Equipment			1,800.00	0.00c	0.00	1,607.23	128.51	1,735.74	64.26		
Grand Total			609,534.60	0.00c	403,384.80	264,217.22	320,346.63	584,563.85	24,970.75		



To: Julia Glanz, City Administrator

From: Sandra Green, Assistant Director Finance *SG*

Date: 1/6/21

Re: Manufacturing Exemption for equipment purchased 2019 - Jubilant Cadista Pharmaceuticals Inc.

---

I am recommending that Jubilant Cadista Pharmaceuticals Inc. (Cadista) be granted exemption from Personal Property Tax for their equipment purchased in 2019 as requested by the company. Since the request came within 2 years of the purchase of the equipment for purchases in all three years they are eligible for up to 5 years' exemptions for each year.

Over the next five years they will benefit from this exemption by a total savings of \$58,157 in personal property tax for 2019 equipment purchases based on the current personal property tax rate. The exemptions will be applied to City Property Tax years as shown in the schedule provided herein.

City of Salisbury  
Manufacturing Exemption Worksheet

Company: Jubilant Cadista Pharmaceuticals Inc.

Year New Equipment Purchased: 2019					
Equipment Purchased Amount:				\$	692,350
City Tax Year	State Tax Year	Exemption Credit Value(1)	Exemption Value Total	Deprec Value	%
2021	2020	14,954.76	623,115	623,115	90%
2022	2021	13,293.12	553,880	553,880	80%
2023	2022	11,631.48	484,645	484,645	70%
2024	2023	9,969.84	415,410	415,410	60%
2025	2024	8,308.20	346,175	346,175	50%
		\$ 58,157	NA	58,157	

**Application Eligibility Information:**

Exempt yrs Granted	Calculated Yrs based on equip Yr	
5	1	2021
5	<2	2022
3	2-3	2023
2	3-4	2024
1	4-5	2025
# Years Eligible:		5
Date Filed:		02/26/20

*(1) The exemption credit value shown above is using rate of 2.40 per hundreded . The acutal credit to be issued will be based on rates in effect for the Tax Year the credit is issued to.*

# City of Salisbury



**KEITH CORDREY**  
DIRECTOR INTERNAL SERVICES

**MARYLAND**

**FINANCE DEPARTMENT**  
125 N. Division Street  
Salisbury, MD 21801-4940  
(410) 548-3110  
(410) 860-5154 (Fax)

**SANDRA GREEN**  
ASSISTANT DIRECTOR INTERNAL SERVICES - ACCOUNTING

## Exemption Application For Machinery and Equipment Used for Manufacturing/Research & Development

Business Name: Jubilant Cadista Pharmaceuticals Inc. MD Department ID#: F-04890174

Mailing Address: 207 Kiley Drive, Salisbury, MD 21801

Contact Name: Manoj Gupta Phone No.: 410-912-3729

1. In order to qualify for an exemption you must meet one of the following requirements: Equipment is owned and operated by a facility that (1) locates in Salisbury (2) expands operations in Salisbury, or (3) develops a new product or industrial process in Salisbury. If you meet one of these requirements please explain in detail how you meet these requirements including raw materials used and products produced or R & D activity being conducted. Please include number of employees used in Manufacturing/ R&D and number of administrative employees.
2. Exemption is requested for tools, machinery & equipment used in Manufacturing / Research & Development acquired in calendar year 2019.
3. Address of Manufacturing / R & D operation. same as above
4. Date Manufacturing / R & D operation began in Salisbury. 1996
5. Attach a description of each asset claimed under this exemption. The schedule must include a description, original cost, and date of acquisition for each item. General descriptions such as Equipment, Various, or Miscellaneous are not acceptable.
6. Attach a copy of the State of Maryland Personal Property Return for the year of acquisition.

### Additional information and requirements

All exemptions require approval by the City of Salisbury Council and receipt of exemption from Wicomico County does not mean you will automatically be granted an exemption by the City of Salisbury. The exemption that is granted is for a specific year in which equipment was purchased and can be for a term up to a maximum of 5 years. Once an exemption has been granted, a copy of the personal property tax return must be sent in for each year of the exemption. To be eligible to receive the maximum exemption term of 5 years, the application must be received within two (2) years from December 31<sup>st</sup> of the calendar year in which the equipment was purchased. A separate request must be made for each year. The application can be mailed to Finance Department, 125 North Division St., Salisbury, MD 21801-4940 or faxed to (410) 860-5154.

Preparer's Signature Manoj Gupta Date 02/25/2020

Email address manoj.gupta@cadista.com

**5. Tools, machinery, and/or equipment used for manufacturing or research and development:**

State the original cost of the property by year of acquisition. Include all fully depreciated property and property expensed under IRS rules. If this business is engaged in manufacturing / R&D, and is claiming such an exemption for the first time, a manufacturing / R&D exemption application must be submitted by September 1 or within 6 months after the date of the first assessment notice for the taxable year that includes the manufacturing / R&D property. Visit the website [dat.maryland.gov](http://dat.maryland.gov) for an application and additional information. If the property is located in a taxable jurisdiction, a detailed schedule by depreciation category should be included to take advantage of higher depreciation allowances.

Year Acquired	A	C	D	Year Acquired	A	C	D
2019	692,350			2015	2,485,316		
2018	2,817,023			2014	1,212,172		
2017	4,757,369			2013	928,985		
2016	6,233,383			2012 prior	9,179,737		

Describe Property in C &amp; D above:

Total Cost

\$ 28,306,335

**6. Vehicles with interchangeable Registration and/or Unregistered vehicles:** (dealer, recycler, finance company, special mobile equipment, and transporter plates) and unregistered vehicles should be reported here. See specific instructions

Year Acquired	Original Cost	Year Acquired	Original Cost
2019		2017	
2018		2016 prior	

Total Cost

\$ 0

**7. Non-farming livestock:**

Book Value \$	Market Value \$
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**8. Other personal property:**

File separate schedule giving a description of property, original cost and the date of acquisition.

Total Cost

\$

**9. Property owned by others and used or held by the business or lessee or otherwise:**

File separate schedule showing names and addresses of owners, lease number, description of property installation date and separate cost in each case.

Total Cost

\$

**10. Property owned by the business, used by others as lessee or otherwise:**

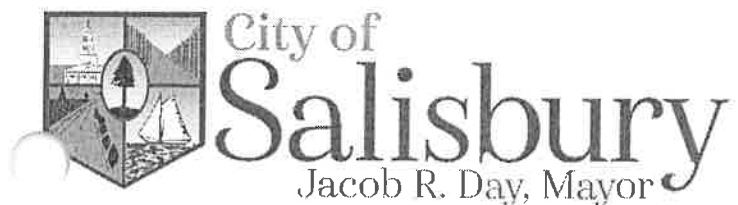
File separate schedule showing names and addresses of lessees, lease number, description of property, installation date and original cost by year of acquisition for each location. Schedule should group leases by county where the property is located. Manufacturer lessors should submit the retail selling price of the property not the manufacturing cost. **For additional information regarding separate schedules please see Form 1 instructions at <https://dat.maryland.gov>**

Total Cost

\$

**Jubilant Cadista Pharmaceuticals Inc.****Details of Asset Wise Additions in 2019**

Asset Class	Asset	Asset description	Cap.date	Amount
ZP&M	22000406	HVAC SYSTEM - NEW BUILDING 2015	1/1/2019	14,382.00
ZP&M	22000443	PALLET INVERTER 23" TO 91"	1/1/2019	10,227.59
ZP&M	22000459	Alarming Chart Recorder (Input recorder,relay outp	3/31/2019	20,075.70
ZP&M	22000460	Uline Stainless Steel Pallet Jack-48 x 27" (4 Qty)	3/31/2019	7,383.73
ZP&M	22000461	Used Mono lift - Metolift MM53 Mobile Lift - Posit	3/31/2019	4,375.68
ZP&M	22000462	NEW PKG TANK STAND	3/31/2019	3,939.48
ZP&M	22000472	SULLAIR VARIABLE SPEED OIL-FREE COMPRESSOR	11/30/2019	73,392.86
ZP&M	22000463	Hitachi Compressor & Dryer and galvanized piping	6/30/2019	118,472.21
ZP&M	22000464	DP Monitoring / Alarms for Pkg Suite 3 - Setra	6/30/2019	7,062.22
ZP&M	22000465	Integrated Sifter / Feeder for CCS720 Chilsonator	7/31/2019	50,000.00
ZP&M	22000466	Kirby-Lester Tablet/Capsule Counter	10/4/2019	6,257.23
ZP&M	22000467	Kirby-Lester Tablet/Capsule Counter	10/4/2019	6,257.23
ZP&M	22000468	Kirby-Lester Tablet/Capsule Counter	10/4/2019	6,259.11
ZP&M	22000470	Combination Tablet deduster/metal detector (Used)	10/25/2019	20,407.25
ZP&M	22000471	Combination Tablet deduster/metal detector (Used)	10/25/2019	20,407.21
ZP&M	22000469	Label Counter	10/25/2019	28,664.52
ZQCE	19000257	GC Mass Spec for QC Lab	7/24/2019	250,675.06
ZTOE	9000244	METHYLPREDNISOLONE 4MG PUNCHES/DIES	3/31/2019	12,720.25
ZTOE	9000245	Top Brush sets for Pkg Line 2 Filler (5 units)	10/31/2019	20,527.60
ZTOE	9000246	PCP 10mg Compression Tooling	12/31/2019	10,863.01
				<b>692,349.94</b>



To: Julia Glanz, City Administrator

From: Sandra Green, Assistant Director Finance

*slg*

Date: 1/6/21

Re: Manufacturing Exemption for equipment purchased 2019 – K & L Microwave

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I am recommending that K & L Microwave be granted exemption from Personal Property Tax for their equipment purchased in 2019 as requested by the company. Since the request came within 2 years of the purchase of the equipment for purchases in all three years they are eligible for up to 5 years' exemptions for each year.

Over the next five years they will benefit from this exemption by a total savings of \$3,710 in personal property tax for 2018 equipment purchases based on the current personal property tax rate. The exemptions will be applied to City Property Tax years as shown in the schedule provided herein.

City of Salisbury  
Internal Services -Finance Department  
Exemption Recommendation to City Council

Company: K&L Microwave  
Address: 2250 Northwood Drive

Requested By: Dawn Adkins-Harcum  
Date of Request: 7/9/2020

Description of Mfg.: Manufacture of RF and microwave filters and duplexers

Equipment Year 2019

New Equipment Amount per Tax Return \$ 44,166

Total \$ 44,166

Exemption Value	City Property <u>Tax Year</u>	State <u>Return</u>	Year of <u>Exemption</u>	Deprec. <u>Value</u>	Amount of <u>Exemption</u>
	2021	2020	1	39,749	\$ 954
	2022	2021	2	35,333	\$ 848
	2023	2022	3	30,916	\$ 742
	2024	2023	4	26,500	\$ 636
	2025	2024	5	22,083	\$ 530
Total Value of Exemption:					<u>\$ 3,710</u>

Ready to process for Council

Rec'd 7/9/20

# City of Salisbury



**KEITH CORDREY**  
DIRECTOR INTERNAL SERVICES

**SANDRA GREEN**  
ASSISTANT DIRECTOR INTERNAL SERVICES - ACCOUNTING

**MARYLAND**

## FINANCE DEPARTMENT

125 N. Division Street  
Salisbury, MD 21801-4940  
(410) 548-3110  
(410) 860-5154 (Fax)

### Exemption Application For Machinery and Equipment Used for Manufacturing/Research & Development

Business Name: K&L Microwave, Inc. MD Department ID#: F01560291

Mailing Address: 2250 Northwood Drive, Salisbury, Md 21801

Contact Name: Dawn Adkins-Harcum Controller Phone No.: 410-749-2424 EXT 3540

1. In order to qualify for an exemption you must meet one of the following requirements: Equipment is owned and operated by a facility that (1) locates in Salisbury (2) expands operations in Salisbury, or (3) develops a new product or industrial process in Salisbury. If you meet one of these requirements please explain in detail how you meet these requirements including raw materials used and products produced or R & D activity being conducted. Please include number of employees used in Manufacturing/ R&D and number of administrative employees.
2. Exemption is requested for tools, machinery & equipment used in Manufacturing / Research & Development acquired in calendar year 2019.
3. Address of Manufacturing / R & D operation. 2250 & 2300 Northwood
4. Date Manufacturing / R & D operation began in Salisbury. 8/1/1983
5. Attach a description of each asset claimed under this exemption. The schedule must include a description, original cost, and date of acquisition for each item. General descriptions such as Equipment, Various, or Miscellaneous are not acceptable.
6. Attach a copy of the State of Maryland Personal Property Return for the year of acquisition.

#### Additional information and requirements

All exemptions require approval by the City of Salisbury Council and receipt of exemption from Wicomico County does not mean you will automatically be granted an exemption by the City of Salisbury. The exemption that is granted is for a specific year in which equipment was purchased and can be for a term up to a maximum of 5 years. Once an exemption has been granted, a copy of the personal property tax return must be sent in for each year of the exemption. To be eligible to receive the maximum exemption term of 5 years, the application must be received within two (2) years from December 31<sup>st</sup> of the calendar year in which the equipment was purchased. A separate request must be made for each year. The application can be mailed to Finance Department, 125 North Division St., Salisbury, MD 21801-4940 or faxed to (410) 860-5154.

Preparer's Signature [Signature] Date 7/9/2020

Email address: daharcum@klmicrowave.com

## 5. Tools, machinery, and/or equipment used for manufacturing or research and development:

Year Acquired	A	C	D	Year Acquired	A	C	D
2019	44,166			2015	90,425		24,066
2018	42,440		150,589	2014	125,716		45,315
2017	22,399		235,384	2013	34,539		
2016	36,471		176,231	2012 & prior	7,385,688	53,822	4,442,443

Describe property identified in C &amp; D above:

2016: D - ELECTRONIC EQUIPMENT, 2015: D - ELECTRONIC EQUIPMENT, 2014: D - ELECTRONIC EQUIPMENT, 2017: D - ELECTRONIC EQUIPMENT, 2018: D - ELECTRONIC EQUIPMENT, 2012: C - FORK LIFT; D - ELECTRONIC EQUIPMENT ELECTRIO

Total Cost: \$ 12,909,694

## 6. Vehicles with interchangeable Registration and/or Unregistered vehicles:

Year Acquired	Original Cost	Year Acquired	Original Cost
2019		2017	
2018		2016 & prior	

Total Cost: \$

## 7. Non-farming livestock:

Book Value: \$	Market Value: \$
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## 8. Other personal property:

Total Cost: \$ 131,547

## 9. Property owned by others and used or held by the business or lessee or otherwise:

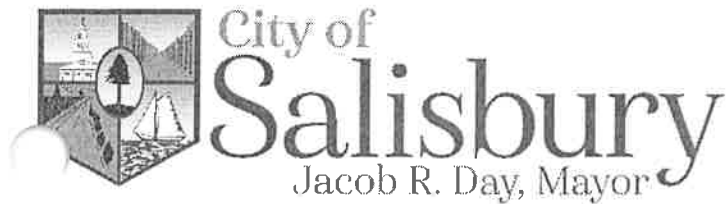
Total Cost: \$

## 10. Property owned by the business, used by others as lessee or otherwise:

Total Cost: \$

### 2019 Additions

Sys No	Co Asset	Description	In Svc Date	Location	Additions
003643	123675-B	MAZAK CNC #21 SPINDLE UPGRADED	11/29/19	Machine Shop	\$ 44,166.35
2019 Additions					<u>\$ 44,166.35</u>



To: Julia Glanz, City Administrator

From: Sandra Green, Assistant Director Finance *SG*

Date: 2/6/21

Re: Manufacturing Exemption for equipment purchased 2019 – LWRC International, LLC

---

I am recommending that LWRC International, LLC be granted an exemption from Personal Property Tax for their equipment purchased in 2019 as requested by the Company. Since the request came within 2 years of the purchase of the equipment, they are eligible for up to 5 years' exemption for the 2019 purchases. Over the next five years they will benefit from this exemption by a total savings of \$1,372 for 2019 equipment purchases in personal property tax.

The exemptions will be applied to City Property Tax years 2021-2025 as shown in the schedule provided herein. Attached please find copies of the calculations, property tax returns and manufacturing exemption applications.

## Finance Department

## Exemption Recommendation to City Council

Company: LWRC International LLC  
 Address: 510 Naylor Mill Road

Requested By: Cindy Golliday  
 Date of Request: 11/9/2020

Description of Mfg.: Manufacturing

Equipment Year 2019

New Equipment

\$ 16,338

Total \$ 16,338

Exemption Value	City Property <u>Tax Year</u>	State <u>Return</u>	Year of <u>Exemption</u>	Deprec. <u>Value</u>	Am't of <u>Exemption</u>
	2021	2020	1	14,704	\$ 353
	2022	2021	2	13,070	\$ 314
	2023	2022	3	11,437	\$ 274
	2024	2023	4	9,803	\$ 235
	2025	2024	5	8,169	\$ 196
Total Value of Exemption:					\$ 1,372

(1) The exemption credit value shown above is using rate of 2.40 per hundreded . The acutal credit to be issued will be based on rates in effect for the Tax Year the credit is issued to.

# City of Salisbury



**KEITH CORDREY**  
DIRECTOR INTERNAL SERVICES

**MARYLAND**

**FINANCE DEPARTMENT**

125 N. Division Street  
Salisbury, MD 21801-4940  
(410) 548-3110  
(410) 860-5154 (Fax)

**SANDRA GREEN**  
ASSISTANT DIRECTOR INTERNAL SERVICES - ACCOUNTING

## Exemption Application For Machinery and Equipment Used for Manufacturing/Research & Development

Business Name: LWRC INTERNATIONAL, LLC MD Department ID#: W12297040  
Mailing Address: 815 CHESAPEAKE DRIVE, CAMBRIDGE, MD 21613  
Contact Name: CINDY GOLLIDAY Phone No.: 410-901-1348

1. In order to qualify for an exemption you must meet one of the following requirements: Equipment is owned and operated by a facility that (1) locates in Salisbury (2) expands operations in Salisbury, or (3) develops a new product or industrial process in Salisbury. If you meet one of these requirements please explain in detail how you meet these requirements including raw materials used and products produced or R & D activity being conducted. Please include number of employees used in Manufacturing/ R&D and number of administrative employees.
2. Exemption is requested for tools, machinery & equipment used in Manufacturing / Research & Development acquired in calendar year 2019.
3. Address of Manufacturing / R & D operation. 510 NAYLOR MILLE ROAD  
SALISBURY, MD
4. Date Manufacturing / R & D operation began in Salisbury. 01/01/2014
5. Attach a description of each asset claimed under this exemption. The schedule must include a description, original cost, and date of acquisition for each item. General descriptions such as Equipment, Various, or Miscellaneous are not acceptable.
6. Attach a copy of the State of Maryland Personal Property Return for the year of acquisition.

### Additional information and requirements

All exemptions require approval by the City of Salisbury Council and receipt of exemption from Wicomico County does not mean you will automatically be granted an exemption by the City of Salisbury. The exemption that is granted is for a specific year in which equipment was purchased and can be for a term up to a maximum of 5 years. Once an exemption has been granted, a copy of the personal property tax return must be sent in for each year of the exemption. To be eligible to receive the maximum exemption term of 5 years, the application must be received within two (2) years from December 31<sup>st</sup> of the calendar year in which the equipment was purchased. A separate request must be made for each year. The application can be mailed to Finance Department, 125 North Division St., Salisbury, MD 21801-4940 or faxed to (410) 860-5154.

Preparer's Signature [Signature] Date 11/05/2020

Email address cgolliday@salisbury.org

NAME OF BUSINESS LWRC INTERNATIONAL, LLCDEPARTMENT ID NUMBER W 1 2 2 9 7 0 4 0**2020****Form 1**  
**Additional Business**  
**Locations**

ACTUAL PHYSICAL LOCATION OF PERSONAL PROPERTY:

510 NAYLOR MILL RD SALISBURY21801Wicomico County**5. Tools, machinery and equipment used for manufacturing or R&D:**

Year Acquired	A	C	D	Year Acquired	A	C	D
2019	16,338			2015	57,285		
2018	660,391			2014	397,405		
2017	837,365			2013	2,542,680		
2016	136,982			2012 & prior	1,890,412		

Total Cost

\$ **6,538,858**

Describe Property in C &amp;-D above:

**6. Vehicles with interchangeable Registration and/or Unregistered vehicles:**

Year Acquired	Original Cost	Year Acquired	Original Cost
2019		2017	
2018		2016 & prior	

Total Cost

\$ **NONE****7. Non-farming livestock:**

Book Value \$	Market Value \$
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**8. Other personal property:**

File separate schedule giving a description of property, original cost and the date of acquisition.

Total Cost

\$ **NONE****9. Property owned by others and used or held by the business as lessee or otherwise:**

File separate schedule showing names and addresses of owners, lease number, description of property, installation date and separate cost in each case.

Total Cost

\$ **NONE****10. Property owned by the business, but used or held by others as lessee or otherwise:**File separate schedule showing names and addresses of lessees, lease number, description of property, installation date and original cost by year of acquisition for each location. Schedule should group leases by county where the property is located. Manufacturer lessors should submit the retail selling price of the property, not the manufacturing cost. For additional information regarding separate schedules, please see Form 1 instructions at <https://dat.maryland.gov>

Total Cost

\$ **NONE**

LWRC Capital Equipment 2019			
Description	Acquisition Date	Depreciation Years	
HAAS FACTORY OUTLET-PHILLIPS-HAAS - 1 - EC300 HORIZONTAL MACH CTR& -1-MINIMILL (S/N2053822-EC300-REFURBISH)	10/1/2019	3	
AMERICAN GFM INV0019 ( HAMMERS -BFM )	10/1/2019	3	
Total			

Original Cost
6,838.00
9,500.00
<b>16,338.00</b>



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

To: Julia Glanz, City Administrator

From: Sandra Green, Assistant Director Finance

SLG

Date: 1/6/21

Re: Manufacturing Exemption for equipment purchased 2019 – Pepsi Bottling Ventures LLC

---

I am recommending that Pepsi Bottling Ventures LLC be granted an exemption from Personal Property Tax for their equipment purchased in 2019 as requested by the Company. Since the request came within 2 years of the purchase of the equipment, they are eligible for up to 5 years' exemption for the 2019 purchases. Over the next five years they will benefit from this exemption by a total savings of \$5,171 for 2019 equipment purchases in personal property tax.

The exemptions will be applied to City Property Tax years 2021-2025 as shown in the schedule provided herein. Attached please find copies of the calculations, property tax returns and manufacturing exemption applications.

City of Salisbury  
Finance Department  
Exemption Recommendation to City Council

Company: Pepsi Bottling Ventures LLC  
Address: 330 Snow Hill Road, Salisbury, MD 21804

Requested By: Jessica Collum  
Date of Request: 7/7/2020

Description of Mfg.: Soft Drink Manufacturing and Distribution

Equipment Year 2019

New Equipment \$ 61,559

**Total** \$ 61,559

<u>Exemption Value</u>	<u>City Property Tax Year</u>	<u>State Return</u>	<u>Year of Exemption</u>	<u>Deprec. Value</u>	<u>Am't of Exemption</u>
	2021	2020	1	55,403	1,330
	2022	2021	2	49,247	1,182
	2023	2022	3	43,091	1,034
	2024	2023	4	36,935	886
	2025	2024	5	30,780	739

**Total Value of Exemption:** \$ 5,171

*(1) The exemption credit value shown above is using rate of 2.40 per hundreded . The acutal credit to be issued will be based on rates in effect for the City Tax Year the credit is issued to.*

*(2) A Personal Property Tax return is required to be submitted to the City of Salisbury each year in order for issuance of credits related to any exemptions awarded.*

# City of Salisbury



**KEITH CORDREY**  
DIRECTOR INTERNAL SERVICES

**SANDRA GREEN**  
ASSISTANT DIRECTOR INTERNAL SERVICES - ACCOUNTING

**MARYLAND**

## FINANCE DEPARTMENT

125 N. Division Street  
Salisbury, MD 21801-4940  
(410) 548-3110  
(410) 860-5154 (Fax)

FY21 Rec'd 7/7/20  
needs amended return

## Exemption Application For Machinery and Equipment Used for Manufacturing/Research & Development

Business Name: Pepsi Bottling Ventures LLC MD Department ID#: Z12285409

Mailing Address: 4141 ParkLake Ave. Suite 600, Raleigh, NC 27612

Contact Name: Jessica Collum Phone No.: 919-865-2388

1. In order to qualify for an exemption you must meet one of the following requirements: Equipment is owned and operated by a facility that (1) locates in Salisbury (2) expands operations in Salisbury, or (3) develops a new product or industrial process in Salisbury. If you meet one of these requirements please explain in detail how you meet these requirements including raw materials used and products produced or R & D activity being conducted. Please include number of employees used in Manufacturing/ R&D and number of administrative employees.
2. Exemption is requested for tools, machinery & equipment used in Manufacturing / Research & Development acquired in calendar year 2019.
3. Address of Manufacturing / R & D operation. 330 Snow Hill Rd. Salisbury, MD 21804
4. Date Manufacturing / R & D operation began in Salisbury. 09/05/2004
5. Attach a description of each asset claimed under this exemption. The schedule must include a description, original cost, and date of acquisition for each item. General descriptions such as Equipment, Various, or Miscellaneous are not acceptable.
6. Attach a copy of the State of Maryland Personal Property Return for the year of acquisition.

### Additional information and requirements

All exemptions require approval by the City of Salisbury Council and receipt of exemption from Wicomico County does not mean you will automatically be granted an exemption by the City of Salisbury. The exemption that is granted is for a specific year in which equipment was purchased and can be for a term up to a maximum of 5 years. Once an exemption has been granted, a copy of the personal property tax return must be sent in for each year of the exemption. To be eligible to receive the maximum exemption term of 5 years, the application must be received within two (2) years from December 31<sup>st</sup> of the calendar year in which the equipment was purchased. A separate request must be made for each year. The application can be mailed to Finance Department, 125 North Division St., Salisbury, MD 21801-4940 or faxed to (410) 860-5154.

Preparer's Signature Jessica Collum Date 07/07/2020

Email address jessica.collum@pbvllc.com

**BUSINESS PERSONAL PROPERTY RETURN OF DEPT ID#** Z12285409**2020  
Form 1**

Maryland1001, Maryland

Goddard - Delmar, Delmar, MD

**5. Tools, machinery, and/or equipment used for manufacturing or research and development:**

State the original cost of the property by year of acquisition. Include all fully depreciated property and property expensed under IRS rules. If this business is engaged in manufacturing / R&D, and is claiming such an exemption for the first time, a manufacturing / R&D exemption application must be submitted by September 1 or within 6 months after the date of the first assessment notice for the taxable year that includes the manufacturing / R&D property. Visit the website [dat.maryland.gov](http://dat.maryland.gov) for an application and additional information. If the property is located in a taxable jurisdiction, a detailed schedule by depreciation category should be included to take advantage of higher depreciation allowances.

Year Acquired	A	C	D	Year Acquired	A	C	D
2019	61,559			2015	203,317		
2018	287,954			2014	102,115		
2017	109,320			2013	1,202,531		
2016	140,453			2012 & Prior	4,792,990		

**Describe Property in C & D above:**

Soft Drink Manufacturing

**Total Cost**

\$ 6,900,239

**6. Vehicles with interchangeable Registration and/or Unregistered vehicles:** (dealer, recycler, finance company, special mobile equipment, and transporter plates) and unregistered vehicles should be reported here. See specific instructions

Year Acquired	Original Cost	Year Acquired	Original Cost
2019		2017	
2018		2016 & Prior	

**Total Cost**

\$ NONE

**7. Non-farming livestock:**

Book Value \$	None	Market Value \$
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**8. Other personal property:**

File separate schedule giving a description of property, original cost and the date of acquisition.

**Total Cost**

\$ NONE

**9. Property owned by others and used or held by the business or lessee or otherwise:**

File separate schedule showing names and addresses of owners, lease number, description of property installation date and separate cost in each case.

**Total Cost**

\$ NONE

**10. Property owned by the business, used by others as lessee or otherwise:**

File separate schedule showing names and addresses of lessees, lease number, description of property, installation date and original cost by year of acquisition for each location. Schedule should group leases by county where the property is located. Manufacturer lessors should submit the retail selling price of the property not the manufacturing cost. **For additional information regarding separate schedules please see Form 1 instructions at <https://dat.maryland.gov>**

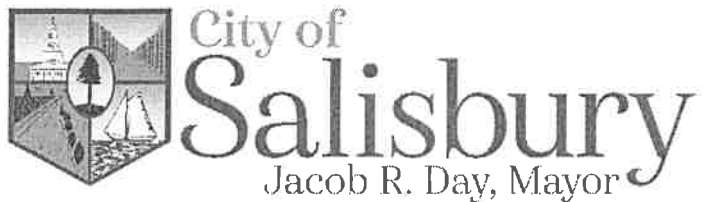
**Total Cost**

\$ NONE

**Address**  
330 SNOW HILL RD

**City**      **State**   **Jurisdiction Code**   **Jurisdiction Descrp**  
SALISBURY   MD   MD0100000   Wicomico

Asset	Asset description	Capitalized on	Year	Acquisition Value	Asset Class	Asset Class Description
1102447	80 NEW BOD SAMPLER FRIDGE 115V VINYL	4/20/2019	2019	4,226.40		2000 Machinery & Equip
1102492	CO2 CYLINDER TANK (QTY 250)	9/7/2019	2019	31,340.33		2000 Machinery & Equip
1102501	80 BOTTLE NECK SUPPORT UPGRADE	11/2/2019	2019	25,992.27		2000 Machinery & Equip
<b>2019 Purchases</b>				<b>61,559.00</b>		



To: Julia Glanz, City Administrator

From: Sandra Green, Assistant Director Finance

*SG*

Date: 1/7/21

Re: Manufacturing Exemption for equipment purchased in 2019 – Spartech LLC

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I am recommending that Spartech LLC be granted exemptions from Personal Property Tax for their equipment purchased in 2019, as requested by the company. Since the request came within 2 years of the purchase of the equipment, they are eligible for up to 5 years' exemption. Over the next five years they will benefit from this exemption by a total savings of \$34,631 in personal property tax. The exemptions will be applied to City Property Tax years 2021-2025 as shown in the schedule provided herein.

Attached please find copies of the calculations, property tax returns and manufacturing exemption applications.

1/7/2021

City of Salisbury  
Finance Department  
Exemption Recommendation to City Council

2:14 PM

Company: Spartech, LLC  
Address: 601 Marvel Road

Requested By: Juli Donelson  
Date of Request: 8/21/2020

Description of Mfg.: Manufacturing

Equipment Year 2019

New Equipment See Listing \$ 412,271.00

**Total** \$ 412,271

<b>Exemption Value</b>	<b>City Property Tax Year</b>	<b>State Return</b>	<b>Year of Exemption</b>	<b>Deprec. Value</b>	<b>Am't of Exemption</b>
	2021	2020	1	371,044	8,905
	2022	2021	2	329,817	7,916
	2023	2022	3	288,590	6,926
	2024	2023	4	247,363	5,937
	2025	2024	5	206,136	4,947

**Total Value of Exemption:** \$ 34,631

# City of Salisbury

Rec'd 8/21/20



**KEITH CORDREY**  
DIRECTOR INTERNAL SERVICES

**MARYLAND**

**FINANCE DEPARTMENT**

125 N. Division Street  
Salisbury, MD 21801-4940

**SANDRA GREEN**  
ASSISTANT DIRECTOR INTERNAL SERVICES - ACCOUNTING

(410) 548-3110  
(410) 860-5154 (Fax)

## Exemption Application For Machinery and Equipment Used for Manufacturing/Research & Development

Business Name: Spartech, LLC MD Department ID#: Z15461130

Mailing Address: C/O: Ryan, LLC, 600 Superior Ave E, Suite 1810, Cleveland, OH 44114

Contact Name: Juli Donelson Phone No.: 216.685.9448

1. In order to qualify for an exemption you must meet one of the following requirements: Equipment is owned and operated by a facility that (1) locates in Salisbury (2) expands operations in Salisbury, or (3) develops a new product or industrial process in Salisbury. If you meet one of these requirements please explain in detail how you meet these requirements including raw materials used and products produced or R & D activity being conducted. Please include number of employees used in Manufacturing/ R&D and number of administrative employees.

**54 MFG/R&D Employees; 11 Admin Employees; See Attached Process/Activities Detail**

2. Exemption is requested for tools, machinery & equipment used in Manufacturing / Research & Development acquired in calendar year 2018-2019.

3. Address of Manufacturing / R & D operation. 601 Marvel Road, Salisbury, MD 21801

4. Date Manufacturing / R & D operation began in Salisbury. 7/31/17

5. Attach a description of each asset claimed under this exemption. The schedule must include a description, original cost, and date of acquisition for each item. General descriptions such as Equipment, Various, or Miscellaneous are not acceptable.

6. Attach a copy of the State of Maryland Personal Property Return for the year of acquisition.

### Additional information and requirements

All exemptions require approval by the City of Salisbury Council and receipt of exemption from Wicomico County does not mean you will automatically be granted an exemption by the City of Salisbury. The exemption that is granted is for a specific year in which equipment was purchased and can be for a term up to a maximum of 5 years. Once an exemption has been granted, a copy of the personal property tax return must be sent in for each year of the exemption. To be eligible to receive the maximum exemption term of 5 years, the application must be received within two (2) years from December 31<sup>st</sup> of the calendar year in which the equipment was purchased. A separate request must be made for each year. The application can be mailed to Finance Department, 125 North Division St., Salisbury, MD 21801-4940 or faxed to (410) 860-5154.

Preparer's Signature Juli Donelson Date 08/21/2020

Email address juli.donelson@ryan.com

**BUSINESS PERSONAL PROPERTY RETURN OF DEPT ID#** Z15461130**2020  
Form 1**

7019, Salisbury

601 Marvel Road, Salisbury, MD 21801

**5. Tools, machinery, and/or equipment used for manufacturing or research and development:**

State the original cost of the property by year of acquisition. Include all fully depreciated property and property expensed under IRS rules. If this business is engaged in manufacturing / R&D, and is claiming such an exemption for the first time, a manufacturing / R&D exemption application must be submitted by September 1 or within 6 months after the date of the first assessment notice for the taxable year that includes the manufacturing / R&D property. Visit the website [dat.maryland.gov](http://dat.maryland.gov) for an application and additional information. If the property is located in a taxable jurisdiction, a detailed schedule by depreciation category should be included to take advantage of higher depreciation allowances.

Year Acquired	A	C	D	Year Acquired	A	C	D
2019	390,671			2015			
2018	180,191			2014			
2017	5,071,047			2013			
2016				2012 & Prior			

**Describe Property in C & D above:****Total Cost**

\$ 5,641,909

**6. Vehicles with interchangeable Registration and/or Unregistered vehicles:** (dealer, recycler, finance company, special mobile equipment, and transporter plates) and unregistered vehicles should be reported here. See specific instructions

Year Acquired	Original Cost	Year Acquired	Original Cost
2019		2017	
2018		2016 & Prior	

**Total Cost**

\$ NONE

**7. Non-farming livestock:**

Book Value \$	None	Market Value \$
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**8. Other personal property:**

File separate schedule giving a description of property, original cost and the date of acquisition.

**Total Cost**

\$ NONE

**9. Property owned by others and used or held by the business or lessee or otherwise:**

File separate schedule showing names and addresses of owners, lease number, description of property installation date and separate cost in each case.

**Total Cost**

\$ NONE

**10. Property owned by the business, used by others as lessee or otherwise:**

File separate schedule showing names and addresses of lessees, lease number, description of property, installation date and original cost by year of acquisition for each location. Schedule should group leases by county where the property is located. Manufacturer lessors should submit the retail selling price of the property not the manufacturing cost. **For additional information regarding separate schedules please see Form 1 instructions at <https://dat.maryland.gov>**

**Total Cost**

\$ NONE

Spartech, LLC  
City of Salisbury, MD  
ID: Z15461130  
Fixed Asset Detail

December 31, 2019

Asset #	State Class	Asset Description	Acq Date (O)	Cost (O)
1711038430-0	Mfg M&E	Cal 2 Gearbox Replacement	12/17/2019	264,839
1711038431-0	Mfg M&E	Kneader Rebuild CAR	12/17/2019	35,611
1711038394-0	Mfg M&E	C2 Mill Connecting Gears	10/15/2019	23,389
1711038313-0	Mfg M&E	Infrared Heaters for Laminator	06/01/2019	8,927
1711038314-0	Mfg M&E	Corona Treater Install on Line 1	06/01/2019	24,279
1711038315-0	Mfg M&E	C2 Winder Control Boards	06/01/2019	19,515
1711038316-0	Mfg M&E	Press 2 OS Replacement CAR V3	06/01/2019	10,100
1711038272-0	Mfg M&E	Re-Engrave Carrera Marble Pattern	04/15/2019	4,013
1711038185-0	Mfg M&E	Resin Silo Upgrade	12/20/2018	21,600

Total Mfg M&E 412,271

- 21,600  
390,671

ORDINANCE NO. 2642

AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO SIGN THE SUPPLEMENTAL AGREEMENT AND COST SHARE AGREEMENT AND ACCEPT A GRANT FROM THE MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION AND APPROVING AN AMENDMENT OF THE GRANT FUND BUDGET TO ALLOCATE SAID FUNDS FOR PURPOSES OF IMPLEMENTATION.

WHEREAS, the City of Salisbury executed a Master Memorandum of Understanding with the Maryland Department of Transportation regarding Federal Aid projects on February 1, 2018; and

WHEREAS, the City desires to utilize the Maryland Department of Transportation Memorandum of Understanding to perform design services associated with the Naylor Mill Bridge Replacement Project; and

WHEREAS, the Project will replace aging infrastructure and enhance the safety of the transportation network for the City's residents and visitors; and

WHEREAS, Maryland Department of Transportation has awarded a grant in the amount of \$377,106.18 to provide for the Naylor Mill Bridge design; and

WHEREAS, the City's FY20 Budget Ordinance No 2539 included the projected grant amount of \$280,000.00; and

WHEREAS, the actual grant amount has been increased by \$97,106.18 to \$377,106.18; and

WHEREAS, the City shall accept the grant in the form of reimbursements and transfer those funds from the Reimbursement account to the Grant Account.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED that the City Council of the City of Salisbury, Maryland does hereby authorize the Mayor to sign the attached Supplemental Agreement accepting the project term and the attached Cost Share Agreement for the betterment of the City and its residents, and accept the grant of \$377,106.18 from the Maryland Department of Transportation to perform the Naylor Mill Bridge design and further authorizes grant reimbursements to be transferred to the appropriate Grant account.

BE IT FURTHER ORDAINED that the City's Grant Fund Budget be amended as follows:

- 1) Increase the Maryland Department of Transportation Grant Revenue Account (10500-425805-48062) by \$97,106.18
- 2) Increase the Engineering Expense Account (10500-513020-48062) by \$97,106.18

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 11<sup>th</sup> day of January, 2021, and thereafter, a statement of the substance of the

52 Ordinance having been published as required by law, was finally passed by the Council on the  
53 \_\_\_\_ day of \_\_\_\_\_, 2021.

54  
55  
56 ATTEST:

57  
58 \_\_\_\_\_  
59 Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

60  
61  
62 APPROVED BY ME THIS:

63  
64 \_\_\_\_ day of \_\_\_\_\_, 2021

65  
66 \_\_\_\_\_  
67 Julia Glanz, City Administrator  
68 for and at the direction of  
69 Jacob R. Day, Mayor

**MASTER MEMORANDUM OF UNDERSTANDING**

**CITY OF SALISBURY  
and  
MARYLAND DEPARTMENT OF TRANSPORTATION  
MDOT SHA HIGHWAY ADMINISTRATION**

**FEDERAL-AID PROJECT  
GUIDELINES AND WORKING AGREEMENT**

**THIS MASTER MEMORANDUM OF UNDERSTANDING (“MOU”)**, executed in duplicate, made effective as of the **First (1<sup>st</sup>) day of FEBRUARY 2018**, by and between the Maryland Department of Transportation State Highway Administration, acting for and on behalf of, the State of Maryland, hereinafter referred to as “**MDOT SHA**”, and “**City of Salisbury**”, Maryland, a body corporate and politic, hereinafter referred to as the “**Local Public Agency**” or “**LPA**”.

**WHEREAS**, MDOT SHA is responsible for the oversight of and assistance to the LPA for projects financed with Federal funds in accordance with Title 23 U.S.C.; 23 CFR 635.105 which contains regulations (general and permanent rules published in the Federal Register) relating to highways including 2 CFR 200. Regulations based on Civil Rights requirements in Title 49, the Uniform Relocation Assistance and Real Property Policies, the Federal Highway Administration “**FHWA**”, and other Federal laws and regulations set forth procedures whereby services and facilities of LPA may be utilized on Federally-aided projects and requires that an agreement be executed between MDOT SHA and the LPA setting forth the conditions under which any project would be implemented; MDOT SHA determines if the LPA is able to satisfy the requirements of Title 23 U.S.C. 106(g)(4) and therefore be effective in managing Federally-aided projects; and

**WHEREAS**, the LPA desires to make improvements to roads, bridges, traffic signals, or other highway-related facilities, or to engage in a safety or highway related project, either on and/or off the Federal-aid system of highways; and

**WHEREAS**, the MDOT SHA has accepted the proposal of the LPA and agrees to assist in the administering and partnering with the LPA as outlined in this MOU and in the Supplemental Agreement (“**SA**”) as they are developed for any selected project(s); and

**WHEREAS**, the LPA proposes to utilize Federal funds for eligible project activities and agrees to participate in financing the project if the project costs exceed the amount of the Federal aid; and

**WHEREAS**, the LPA desires to cooperate with the MDOT SHA in carrying out Projects, in accordance with the regulations, policies, and procedures of the FHWA, with the provisions of the MDOT SHA's, USDOT Order 5020.2 dated August 14, 2014 and Stewardship & Oversight Agreement between the MDOT/SHA/FHWA dated May 21, 2015, where applicable.

**NOW, THEREFORE**, be it understood the MDOT SHA and the LPA do hereby agree as follows:

**I. Project Selection**

- A. Projects shall be selected by the LPA in cooperation with the MDOT SHA (hereinafter "**Project**"). Grant Programs may require the LPA to apply for funding that is approved and awarded by a Review Committee. For each Project, the parties will jointly develop a SA, which shall include, when applicable, the following:
1. A Detailed scope and objective(s).
  2. Set milestone targets and schedule.
  3. Indicate compliance with the MDOT SHA's monitoring requirements to include monthly progress or status reports which shall be submitted to the designated Office(s) within the MDOT SHA on or about March 1<sup>st</sup>, June 1<sup>st</sup>, September 1<sup>st</sup>, and December 1<sup>st</sup> of each year until the Project has been closed out.
  4. Outline the Federal and LPA funding amounts and other pertinent financial information.
  5. Establish roles and responsibilities that are tailored to and recognize the LPA's experience and capabilities
  6. Insure timely delivery.
  7. Monthly billing and reimbursement arrangement.
  8. Set forth a timely Project Closeout Date for the LPA to complete all related project closeout activities and reviews.
  9. Set forth a timely Project Agreement End Date (Period of Performance 2 CFR Part 200.309)
  10. The Project Closeout Date and Project Agreement End Date will be determined using the established MDOT SHA project end date procedures.
  11. Outline records and retention requirements
  12. Identifies the LPA's fulltime employee to be in "responsible charge" of the project as defined on the MDOT SHA Development Guide for Local Public Agencies and other Sub-recipients of federal funds.
- B. The LPA Projects must be included in an approved State Transportation Improvement Program (STIP) and, when applicable, an approved Metropolitan Transportation Improvement Program (TIP).

- C. The LPA's pursuant to 23 U.S.C. 106(g)(4) and the MDOT SHA shall be responsible for determining that sub-recipients of Federal funds have adequate project delivery systems for locally administered projects and sufficient accounting controls to properly manage such Federal-aid funds. The MDOT SHA is also responsible for ensuring compliance with reporting and other requirements applicable to grantees making sub-awards, such as monthly reporting requirements under the Federal Funding Accountability and Transparency Act of 2006, PL 109-282 (as amended by PL 110-252).

## **II. Procurement of Consultant Services**

- A. The LPA shall perform preliminary design (PD) and final design (FD) work under Preliminary Engineering (PE), prepare specification, estimates, contract plans, inspections and/or construction management either with their own forces or by utilizing the services of an approved A/E Consultant in accordance with 23 CFR Part 172.
- B. The LPA shall, prior to initiating procurement of a A/E consultant, request the MDOT SHA approval for procuring an A/E consultant, the contract type, the procurement and payment methods to be used based on the estimated cost, and the award of the A/E consultant contract from the MDOT SHA Office of Procurement through the MDOT SHA Office of Finance Federal Aid Programming Division. If the contract type is an open-end (IDIQ), the LPA shall also request approval of their 2<sup>nd</sup> Qualification Based Selection (QBS) in awarding of task orders is in compliance with 23 CFR 172.9 (a)(3).
- C. The LPA will use the Development Guide for LPAs and Other Sub-Recipients of Federal Funds for instructions on the procurement and payment methods, and contract types.
- D. The MDOT SHA may allow the following options for obtaining A/E Consultant Services. Each request will be subject to review, availability of services, LPA's ability to manage process as described in Section I.C.

### **The LPA Consultant Procurement Options:**

- 1. The LPA request use of the MDOT SHA open-end contract (IDIQ).
- 2. The LPA procure a project specific contract via the QBS or small purchases method.
- 3. The LPA procure an IDIQ or project specific contract QBS (see section II.B).

## **III. Preliminary and Final Design**

- A. Design Standards:
  - 1. The geometric design standards shall meet FHWA most currently

adopted edition of "A Policy on Geometric Design of Highways and Streets" by American Association of State Highway and Transportation Officials (AASHTO), or as modified with the concurrence of (i) the LPA, and the MDOT SHA for projects exempt from FHWA review, and (ii) the LPA, the MDOT SHA, and FHWA for projects not exempt from FHWA review.

2. Bridge design standards shall be consistent with the current edition of AASHTO Load Resistance Factor Design (LRFD) Bridge Design Specifications.
3. Non-highway projects must conform to the currently accepted standards for the type of work being done, such as architectural standards and/or International Building Code (IBC) (current version).
4. Bicycle and pedestrian facilities funded with Federal funding must conform to design standards in the MDOT's Bicycle Policy & Design Guidelines and Accessibility Guidelines for Pedestrian Facilities along State Highways (current version).
5. All projects must conform to FHWA design standards, specifications and guidelines. Projects within the MDOT SHA right-of-way must conform to the MDOT SHA approved standards where they are more stringent than FHWA requirements as outlined Chapter 9 of the Development Guide for LPA and other Sub-Recipients of Federal Funds. Projects within the Local right of way must meet Local and Federal requirements.
6. The installation of traffic control devices shall meet the warrants and/or guidelines prescribed in the current version of Maryland's Manual on Uniform Traffic Control Devices and Maryland Supplements.
7. The specific design and dimensions shall be determined from said standards using traffic volumes, terrain, and benefit/cost analysis as warranted. Design exceptions shall be cooperatively reviewed and approved by the MDOT SHA, the LPA, and FHWA, for Projects not exempt from FHWA review.
8. The LPA will comply with the Project Design Standards, Guidelines, Policies and Requirements as outlined in Chapter 9 of the Development Guide for Local Public Agencies and Other Sub-Recipients of Federal Funds.

B. Project Plan Development:

1. Preliminary and final design work may be performed by the LPA, the MDOT SHA, or a A / E consultant (23 CFR Part 172),

as agreed to by the LPA and the MDOT SHA (see Section II). PE (preliminary and final design) may be programmed for Federal participation, including surveys, environmental documents, hearings, and permits.

2. LPA will comply with the MDOT SHA approved Book of Standards for Highway & Incidental Structures to develop plans and specifications to the maximum extent practical; and the Standards Specifications for Construction and Materials of the MDOT SHA shall apply unless other MDOT SHA approved specifications are adopted.
3. The appropriate MDOT SHA Office, which may include but not be limited to, the MDOT SHA Office of Highway Development, Office of Traffic and Safety or Office of Structures. The appropriate office will provide technical assistance, guidance and review and approval of the LPA's design documents.

C. Environmental Reviews and Permitting:

1. The preparation, submittal and approval of all environmental permits, clearances and approvals is the responsibility of the local public agencies, except for National Environmental Policy Act (NEPA) clearances and approvals [e.g., Programmatic Categorical Exclusion (PCE), Categorical Exclusion (CE), Finding of No Significant Impact (FONSI), or a Record of Decision (ROD)] specifically required by FHWA to be obtained by the MDOT SHA. Environmental documents must be obtained prior to FHWA authorization of final design funds, right of way funds and construction funds. Permits and other environmental clearances must be obtained prior to submitting PS&E package for advertisement to MDOT SHA.
  - a) LPA must request a NEPA document from the MDOT SHA Environmental Liaison, PCE #1, before initiating any *Preliminary Design* (Preliminary Investigation) activities.
  - b) Generally, the threshold for entering final design is the approval of the NEPA document.
  - c) *Final Design* (Semi-Final, Final, and PS&E) means any design activities following preliminary design that expressly includes the preparation of final construction plans and detailed specifications for the performance of construction work.
  - d) FHWA can approve some final design activities during preliminary design if those activities do not materially affect

the objective consideration of alternatives or have adverse environmental impacts.

- e) The execution or modification of the project agreement to authorize final design for design-bid-build projects shall not occur until after the NEPA decision.
  - f) Under no circumstances may any construction related work, such as long lead item procurement or early work packages, proceed prior to a NEPA decision.
- 2. Portions of the environmental documents may be prepared by the LPA, consultant, or the MDOT SHA, as agreed by the project sponsor and the MDOT SHA. All LPA projects must receive environmental approval through the MDOT SHA's Environmental Planning Division (EPLD) as NEPA approval is not delegated to the LPAs.
  - 3. The MDOT SHA, through its Environmental Planning Section, shall coordinate with the LPA and may provide technical assistance in the preparation of environmental documents, where required. As staff resources are available, the MDOT SHA may also provide technical assistance for the preparation of environmental documents during the preliminary engineering phase of project development. The LPA must follow the Environmental Coordination and Documentation Process for Local Government projects.
  - 4. In conformance with the MDOT SHA and/or Federal established procedures, the LPA shall provide the opportunity for, and hold when required, public involvement or hearings for each Federal-aid project. The MDOT SHA shall, if requested and agreed to in the SA, assist in publicizing and conducting hearings.

#### D. Railroads

- 1. A railroad certification statement is a standard requirement that applies to all Federal-aid projects, even if railroads are not affected by the project. Sub-recipients are responsible for working with the MDOT SHA's Office of Traffic and Safety's Traffic Development and Support Division (OOTSD) to obtain a railroad certification.
- 2. The Railroad certification statement should include that either no Railroad coordination is required or that all Railroad work has been completed prior to the project or that the necessary arrangements have been made for all Railroad work to be undertaken and completed as required for proper coordination with physical construction schedules.

3. The LPA shall contact the Railroad Liaison within the OOTS TDSD when a highway-rail crossing is located within the project or within 500 feet outside the project limits to determine if a highway-rail crossing safety improvement is needed as prescribed in Chapter 7 of the Development Guide for LPA and other Sub-Recipients of Federal Funds.
4. The LPA may only include costs allowable under Title 23 CFR Part 140 Subpart I, and Title 23 Part 646 Subpart B in the total project costs; all other costs associated with railroad work will be at the sole expense of the LPA, or others. The LPA may request the MDOT SHA, in writing and at project expense, provide railroad coordination and negotiations. However, the MDOT SHA is under no obligation to agree to perform said duties.

E. Utilities

1. A utility certification is a standard requirement that applies to all Federal-aid projects, even if utilities aren't affected by the project. Sub-recipients are responsible for working with the MDOT SHA's District Utility Liaison to obtain a utility certification.
2. The LPA shall follow the MDOT SHA established Utility Policy and Utility Procedures Manual when impacts occur to privately or publicly-owned utilities. MDOT SHA's Utility Policy, Utility Procedures Manual and applicable forms are available through the MDOT SHA's website at <https://www.roads.maryland.gov/Index.aspx?PageId=869> or the MDOT SHA's District LPA Liaison as included in Chapter 8 of the Development Guide for LPA and other Sub-Recipients of Federal Funds.
3. The Utility certification should include that either no Utility coordination required or that all Utility work has been completed prior to the project or that the necessary arrangements have been made for all Utility work to be undertaken and completed as required for proper coordination with physical construction schedules.
4. The LPA shall provide copies of all required utility documentation (Agreements, MOUs, Utility Permits, Utility Certification, Utility cost, Utility schedule, etc.) for each utility listed in the Utility Statement of the Invitation for Bids (IFB) to the MDOT SHA's District Utility Liaison. Only those utility relocations, which are eligible for reimbursement under State Law and Title 23 CFR 645 Subpart A and B, shall be included in the total project costs; all other utility relocations shall be at the sole expense of the LPA, or others. The LPA may send a written request to the MDOT SHA, at LPA expense, to arrange for utility relocations/adjustments lying within

the LPA jurisdiction. This request must be submitted no later than; (i) twenty-one (21) weeks prior to bid let date or (ii) the time needed to relocate utilities with physical construction schedules, whichever is longer. However, the MDOT SHA is under no obligation to agree to perform said duties.

5. The LPA shall not perform any utility work on the MDOT SHA highway right of way without first receiving written authorization from the MDOT SHA.

F. Rights-of-Way

1. The LPA must select the method of acquisition and reference the specific method in the SA. If any federal funding has been utilized during any portion of the project, federal acquisition requirements must be followed regardless if federal funding is used for right-of-way acquisition activities.

2. If the LPA performs right of way acquisition, the following method would apply:

The LPA shall provide all necessary rights-of-way, in compliance with the conditions governing acquisition of rights-of-way with Federal participation, as set forth in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended in 1987, Public Law 91-646, 42 U.S.C. Sections 4601-4655 and the enforcement regulations at no expense to the MDOT and in accordance with the LPA's Right-of-Way Manual. The LPA shall, prior to acquiring any rights-of-way, prepare a LPA's Right-of-Way Manual approved by the MDOT SHA and the FHWA, or use the MDOT SHA's Manual.

3. If the LPA requests the MDOT SHA Office of Real Estate to perform some of the right-of-way services, the applicable part(s) of the following should be used:

If the LPA requests, and the MDOT SHA agrees, the MDOT SHA shall provide title, right-of-way plan preparation, right-of-way plat preparation, appraisal, appraisal review, relocation assistance, and negotiation services, at the expense of the LPA. The LPA is responsible for providing all the other services in connection with right-of-way acquisitions at their own expense.

4. If the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended in 1987, and the enforcement regulations to the Act or the Manual, are not complied with, neither the MDOT SHA nor the FHWA will participate in the cost of preliminary and final design engineering, construction, or any other costs of the Project(s).
5. The LPA will coordinate with the MDOT SHA Office of Real Estate for revision of all ROW documentation. The MDOT SHA Office of Real Estate

is responsible for issuing a right-of-way certification once all necessary documents are received. For information on the documents needed for submittal, refer to Chapter 6 of the Development Guide for LPAs and Other Sub-Recipients of Federal Funds.

**G. Advertisement, Bid and Concurrence in Award**

1. The LPA shall submit the Plans, Specifications and Estimate (PS&E) package to the MDOT SHA Office of Finance Federal Aid Programming Division for approval to advertise. Refer to Chapter 10 for process guidance and Appendix F for a PS&E checklist in the Development Guide for LPAs and Other Sub-Recipients of Federal Funds.
2. The LPA shall not advertise the project prior to obtaining written approval of Federal funds. The LPA must advertise the project for competitive bidding and shall award the contract to the lowest responsible and responsive bidder.
3. The LPA must advertise all projects using Maryland Department of General Services website: eMaryland Marketplace.
4. The LPA must conduct a public opening of the sealed bid proposals. The LPA will review and evaluate the bid documents to determine the lowest responsive and responsible bid that conforms to the requirements contained in the Invitation for Bids book and design plans. The LPA must submit a formal request for written concurrence of the bid analysis for the MDOT SHA Concurrence in Award (CIA) approval.
5. The MDOT SHA Office of Construction and the Federal Aid Office shall distribute the CIA letter to the LPA.
6. The LPA must contact the MDOT SHA District Assistant District Engineer of Construction (ADE-C) prior to Notice to Proceed.

**IV. Construction & Construction Management**

- A. All Project work shall be performed in accordance with plans, estimates, and specifications prepared in accordance with Section II and III, above, approved in advance, by the MDOT SHA, if exempt from FHWA oversight, or by the MDOT SHA and FHWA, if the MDOT SHA's exempt status is not applicable.

The LPA shall either perform project work with their own forces in compliance with 23 CFR 635 Subpart B; or advertise, receive bids, and award a contract or contracts for the performance of the work (all Contract Procedures shall comply with the provisions of 23 CFR 635 Subpart A). The LPA forces performing work on a Force Account basis or Agreed Unit Price shall be acceptable to, and approved in advance, by the MDOT SHA and FHWA.

- B. The MDOT SHA, the LPA or qualified consultant may perform construction management, if obtained in accordance with 23 CFR Part 172 as described in Section II.
- C. The LPA shall provide the MDOT SHA with a project and organizational chart including a person in “responsible charge” (RC) of the administration and construction inspection for the project. This person must be a full-time employee of the sub-recipient’s agency who is accountable for the project per FHWA Memorandum dated August 4, 2011, that is included in Appendix G of the Development Guide for LPAs and Other Sub-Recipients of Federal Funds.
  - 1. The LPA may hire a consultant to oversee the project; however, the RC must be available to respond to any issues on the project and be informed on the day-to-day activities.
  - 2. The LPA’s RC will be the primary contact for the MDOT SHA regarding contract administration issues. The RC is ultimately responsible to ensure the requirements described in this manual are followed and documented as a stipulated condition for receiving the Federal Aid associated with the project.
- D. The MDOT SHA ADE-C are responsible for construction oversight. The MDOT SHA ADE-C will establish the oversight expectations for each project located within their District. The ADE-C will assign various field managers who will be authorized as the MDOT SHA construction compliance reviewers. These individuals will serve as the MDOT SHA representatives to the subrecipients regarding compliance reviews, technical questions, guidance, and other information during the project.

## **V. Inspection**

- A. The LPA’s project is subject to inspections by representatives of the MDOT SHA and of the FHWA. The LPA shall complete the inspection processes in accordance with the procedure as outlined in Chapter 11 of the MDOT SHA Development Guide for LPAs and Other Sub-Recipients of Federal Funds.
- B. The LPA and/or consultant employed by LPA must maintain good records, such as measured field quantities for payment; work activities on the Inspectors Daily Reports (IDRs); certifications of material quality; field diaries as a general project record; environmental permits and commitments; and other documentation to show observance with other Federal, State, and local requirements in the contract.
- C. The LPA must supply adequate construction inspection staff during all construction activities. The RC and/or designated on-site consultant assigned to inspect the project are required to have and maintain proper

experience, training, certifications and knowledge throughout the duration of the project to ensure all requirements are met.

1. The number and qualifications of the inspection forces shall be determined in accordance with standards generally applied on other comparable MDOT SHA contracts.
  2. The LPA may supply the inspection forces by assigning its own personnel, by utilizing the services of a consultant acceptable to the MDOT SHA under 23 CFR Part 172 as described in Section II, or by utilizing available MDOT SHA personnel. The MDOT SHA, at the request and expense of the LPA, shall provide its construction inspection forces, if available.
- D. The MDOT SHA District Construction Office, Office of Construction (OOC), OOC Safety Inspectors, OEO Compliance Officer, Office of Environmental Design and/or Highway Hydraulics Division will provide technical support and guidance for compliance documentation.
- E. The LPA will develop a punch list after the semi-final inspection and track completion of remaining items till closeout. The LPA will schedule a project final inspection meeting/walk through and invite all key project personnel (to include SHA District staff, Program Manager and FHWA Area Engineer). The MDOT SHA ADE-C staff must participate in the project final inspection meeting/walk through and the MDOT SHA must approve project acceptance according to the 2015 Stewardship and Oversight Agreement. The MDOT SHA District Construction staff is available for technical support or guidance.
- F. The LPA will send a letter to notify the contractor of the Final Acceptance and the MDOT SHA and FHWA should be carbon copied. A project closeout audit is required by the District Contract Finals personnel prior to processing of final reimbursement and contract closeout.

## **VI. Material Testing**

- A. The LPA must have all materials sampled, tested and inspected to comply with the details published in the specifications at the time of the advertisement award request in accordance with the procedure as outlined in Chapter 11 of the MDOT SHA Development Guide for LPAs and Other Sub-Recipients of Federal Funds.
- B. The AASHTO certified testing laboratory of the LPA or of the MDOT SHA shall be incorporated in the work only after the materials have been approved and accepted by the MDOT SHA.

1. The LPA must contact the MDOT SHA's Office of Materials Technology (OMT) prior to executing the project to determine materials testing requirements and associated expenses.
  2. The MDOT SHA will provide general requirements and an associated cost estimate to the LPA for concurrence.
  3. The MDOT SHA shall accept all materials meeting SHA's Standard Specification for Construction and Materials. The LPAs must follow all current policies, procedures and directives of the MDOT SHA for material testing, clearance and acceptance and in accordance with State Quality Assurance (QA) Processes Manual (<http://roads.maryland.gov/Index.aspx?PageId=284>).
- C. The LPAs and the MDOT SHA must appoint RC persons for each project.
  - D. The LPA's contractor must submit a Source of Supply (SOS) listing for all items used on the project, which identifies the manufacturer and supplier for each material for the MDOT SHA's OMT review and approval.
  - E. The LPA shall submit regular material clearance reports to OMT. Refer to the Materials Clearance Report and Materials Approval Status Report in Appendix G and Chapter 11 of the Development Guide for Local Public Agencies and Other Sub-Recipients of Federal Funds. OMT will issue a Materials Clearance letter when all material issues are resolved.

## **VII. Changes and Additional Work**

- A. The LPA must submit any contract changes to the MDOT SHA Program Manager or RC and the MDOT SHA ADE-C for review and approval. All changes to the project must be accepted and approved in advance by the MDOT SHA (if Exempt from FHWA oversight) or be acceptable and approved in advance by the MDOT SHA and FHWA (if non-Exempt from FHWA oversight).
- B. The cost of any change or additional work that has not been approved by the MDOT SHA or by the MDOT SHA and FHWA shall be borne solely by the LPA.
- C. The LPA will submit a request in accordance with the procedure as outlined in the MDOT SHA Development Guide for LPAs and Other Sub-Recipients of Federal Funds. The MDOT SHA District Office of Construction and Office of Construction's Engineering Support Section will review and provide approval of the package for distribution to the LPA.

## **VIII. Maintenance of Traffic Operation**

- A. The LPA shall install all necessary traffic control devices. All signs, signals, and markings shall conform to the Maryland's Manual on Uniform Traffic Control Devices for Streets and Highways. The LPA is responsible

for the operation and maintenance of all traffic control devices as detailed in Chapter 11 of the MDOT SHA Development Guide for LPAs and Other Sub-Recipients of Federal Funds.

- B. The LPA shall ensure the contractor has a designated Traffic Control Manager with current certifications, to be on site anytime the project requires disruption to the normal flow of traffic and perform Traffic Control Quality Assurance inspections as necessary. The LPA shall document daily Maintenance of Traffic set-ups on the IDRs.
- C. The MDOT SHA District Traffic Office is available for technical support and guidance.

#### **IX Maintenance of Project Improvements**

- A. Upon completion of the project, the LPA having jurisdiction will maintain and operate the project at its own cost and expense, and in a manner satisfactory to the MDOT SHA and the FHWA. Where unsatisfactory maintenance has been identified by the MDOT SHA or FHWA and brought to the attention of the LPA in writing, immediate corrective action shall be taken by the LPA at its sole expense.
- B. If the LPA fails to fulfill its responsibilities under this Section, it shall be disqualified from receiving Federal aid for future projects for which it will have maintenance responsibility. Federal funds may be withheld from future LPA projects until the infrastructure is properly functioning, or until deficiencies in regulations have been corrected, or until project improvements have been brought to a condition of maintenance to the satisfaction of the MDOT SHA and FHWA.

#### **X. Fund Reimbursement - General**

- A. The amount of funds available for the local bridge program will be determined annually by the MDOT SHA.
- B. The MDOT SHA federal funds may be used for all phases of a project, including but not limited to, PE (preliminary and final design), right of way, utility relocation, and construction. The funding use shall be consistent with the applicable program requirements, laws and policies of the MDOT SHA and FHWA. The LPA shall be subject to audits for expenditure of the MDOT SHA funds.
- C. The MDOT SHA and the LPA shall enter into a Supplemental Project Agreement ("SA") to funding reimbursement projects. SAs shall describe the projects and assign specific responsibilities in matters of project financing. The procedure for invoice submittal, review and processing varies based on the LPA; therefore, the details and timeframes of each are determined by the project schedule, unless otherwise amended by the parties.

- D. Funding reimbursements shall be requested by the LPA on, at minimum, a quarterly basis and will be paid on a reimbursement basis up to the maximum amount specified in the approved SA.

**XI. Funding Reimbursements - SHA Services for LPA Project**

- A. If the LPA requests MDOT SHA services (design, material testing, inspection, etc.) a SA shall be entered to document requested services and agreed upon cost for the services. Payment method for all MDOT SHA expenses incurred will be determined in the SA.
- B. Reimbursement shall cover direct salary costs of personnel assigned to the Project, (which includes the appropriate payroll additives); all non-salary direct costs, including, but not limited to, payments to contractors or consulting engineers, travel, supplies, equipment utilization, plus the prevailing MDOT SHA and general overhead rate as applied to direct costs.
- C. If for any reason the LPA fails to pay any portion of said Project(s) costs, MDOT SHA is hereby authorized to deduct such costs from the LPA's share of applicable Federal Aid funds and/or MDOT SHA Highway User Revenue.

**XII. Funding Reimbursements - Eligible Project Costs**

- A. The LPA shall be reimbursed for all eligible Project costs to the extent of the amount stipulated in the approved SA. Reimbursement shall be made through the MDOT SHA on a monthly or quarterly basis.
- B. The LPA shall bill the MDOT SHA for federal aid project costs incurred in conformity with applicable federal and state laws. Expenditures by the LPA for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in 2 CFR Part 200 - Uniform Admin Requirements, Cost Principles and Audit Requirements for Federal Awards, and retained for audit.
- C. Final reimbursement shall be made to the LPA upon the acceptance of the Project by the SHA after a satisfactory checklist of the LPA's records has been performed.
- D. The LPA shall maintain, in readily accessible files, all project records in support of all costs incurred and actual expenditures in accordance with local government accounting procedures prescribed by the Maryland State Auditor's Office, the U.S. Department of Transportation, and the MDOT SHA. The records shall be open to inspection by the State and Federal Government at all reasonable times and shall be retained and made available for such inspection for a period of not less than five years from the financial closure of the project to FHWA. Copies of said records shall be furnished to the State and/or Federal Government upon request.

- E. The LPA is not prevented from pooling their funds with other LPA or transportation jurisdictions in order to accomplish one or more transportation projects as long as they meet the federal, state and program policies.
- F. If the LPA makes a written request for the cancellation of a Federal-aid project, the LPA shall bear one hundred (100) percent of all costs as of the date of cancellation. If MDOT SHA was the sole cause of the cancellation, MDOT SHA shall bear one hundred (100) percent of all costs incurred. If it is determined the project was cancelled due to a third party or circumstances beyond the control of MDOT SHA or the LPA, then no further charges may be incurred to the project once work has been terminated. Repayment for completed work will not be required by the LPA.
- G. The requirements of MDOT SHA as required in the 2 CFR part 200.501 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, issue December 26, 2014, and the Federal Single Act must be followed by those LPA receiving \$750,000 or more in Federal funds. The Single Audit Act of 1984, PL 98 502 as amended by PL 104 156, described in "Office of Management and Budget Circular A 133" requires LPA to obtain an audit that includes internal controls and compliance with Federal laws and regulations of all Federally funded programs in which the LPA participates. The cost of this audit can be partially prorated to the Federal program.
- H. If right of way acquisition, or actual construction of the improvement for which PE is undertaken is not started by the close of the tenth fiscal year, following the fiscal year in which preliminary design phase was authorized, the LPA will repay to the State the sum or sums of federal funds paid to the LPA under the terms of this agreement per the PE 10-year rule.
- I. The LPA stipulates, as a condition to payment of the Federal funds obligated, it accepts and comply with the provisions set forth in 23 CFR 630.112. These provisions incorporate by reference all other federal laws and regulations pertaining to the project or the activity for which the funds are obligated. Solely for the purposes of emphasis, such applicable provisions include, but are not limited to, the requirements of Appendix A to 2 CFR Part 170-Award terms for Reporting subaward and executive compensation information, and 2 CFR 200, including for those funds for which such amount will be sub awarded to a sub recipient, 2 CFR 200.331.3
- J. Any costs incurred after the Project Agreement End Date are NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 90 days after the Project Agreement End Date or they become ineligible for federal reimbursement.

- K. The procedure for invoice submittal, review and processing varies depending on the LPA and funding program; therefore, the details and timeframes of each are defined in the SA. Additional general information can be found in the Development Guide for LPAs and Other Sub-Recipients of Federal Funds.

### **XIII. Indemnity**

The LPA shall save the MDOT SHA and the State of Maryland harmless from all liability adjudged in any law or equity suit for or on account of Project work undertaken by the LPA, and from all liability whatever, either directly or indirectly related to that work.

### **XIV. Nondiscrimination**

All parties to this MOU shall comply with the requirements of APPENDIX A through APPENDIX E of SHA's Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A which generally set forth non-discriminatory regulations and other civil rights related regulations. APPENDIX A through APPENDIX E are attached hereto and incorporated herein as substantive parts of this document.

### **XV. General**

- A. This MOU supersedes the previous Federal-Aid AGREEMENT between parties dated August 1, 1978.
- B. This MOU shall inure to and be binding upon the parties and their successors and assigns.
- C. This MOU does not and is not intended to create any rights or benefits for any third party. No third party shall have any legally enforceable rights or benefits under this MOU.
- D. Any amendment to the MOU must first be approved in writing by all the parties signing the MOU, subject to any additional approval required by Maryland law.
- E. This MOU shall be construed, interpreted, and enforced according to the laws of the State of Maryland and in Maryland courts.
- F. The parties hereby warrant and affirm that the persons executing this MOU are authorized and empowered to act on behalf of their respective party.
- G. The WHEREAS clauses are incorporated herein as a substantive part of this MOU.
- H. Contacts:

For the LPA:

Jacob Day  
Mayor, City of Salisbury  
Wicomico County

125 N. Division St., Rm. 304  
Salisbury, MD 21801  
410-548-3100  
[jday@salisbury.md](mailto:jday@salisbury.md)  
[mayor@salisbury.md](mailto:mayor@salisbury.md)

For MDOT SHA:

William J. Bertrand  
Director, Office of Finance  
MDOT SHA  
707 N. Calvert Street, MS C-505  
Baltimore, MD 21202  
Phone: 410-545-5530  
Email: [bbertrand@sha.state.md.us](mailto:bbertrand@sha.state.md.us)

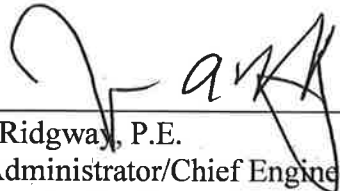
with a copy to:

Agreements Division  
MDOT SHA  
Office of Procurement and Contract Management  
707 N. Calvert Street, MS C-405  
Baltimore, MD 21202  
Phone: 410-545-5547  
Fax: 410-209-5025  
Email: [SHAAGreementsTeam@sha.state.md.us](mailto:SHAAGreementsTeam@sha.state.md.us)

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed by their respective duly authorized officers.


**MARYLAND DEPARTMENT OF TRANSPORTATION  
STATE HIGHWAY ADMINISTRATION**

  
WITNESS


BY:  (SEAL)  
Jason A. Ridgway, P.E.  
Deputy Administrator/Chief Engineer for  
Planning, Engineering, Real Estate, and  
Environment

6/14/19  
Date

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

  
Assistant Attorney General

**RECOMMENDED FOR APPROVAL**

  
Tim Smith, P.E.  
Deputy Administrator/Chief Engineer  
for Operations

  
Lisa B. Conners  
Deputy Administrator for Administration

  
William J. Bertrand  
Director  
Office of Finance

City of Salisbury  
WICOMICO COUNTY, MARYLAND

Laura K Baasland  
WITNESS

BY: Jacob Day 7-16-19 (SEAL)  
Mayor Date

**MDOT** MARYLAND DEPARTMENT OF TRANSPORTATION<sup>TM</sup>  
**STATE HIGHWAY ADMINISTRATION**

**COST SHARING AGREEMENT**

**Purpose: Documentation of Costs for Services Provided on Behalf of Counties, Municipalities and Others.**

Description of work: For MDOT SHA to provide engineering services for the Replacement of Bridge No.

WIS-10001 on Naylor Mill Rd over Naylor Pond Stream in the City of Salisbury

1. I, Amanda H. Pollack, P.E. Director of Department of November 5, 2020  
Infrastructure and Development  
**Name Title Date**  
Being authorized to act on behalf of City of Salisbury Department of Infrastructure and Development  
City of Salisbury  
**City of Salisbury**  
Billing address: Department of Infrastructure and Development  
125 N. Division St, Salisbury, MD 21801 (Michael Zimmerman)

**Do assure that:**

2. The requesting organization does not have adequate forces to perform this service and requests the State Highway Administration to: (check one)
- a. ☐ Manage the entire project.
- b. ☒ Provide services as described above or in the supplemental Attachment A.
3. A written agreement exists between the Maryland Department of Transportation State Highway Administration and the requesting organization, which agreement clearly indicates responsibility for project costs. (If no agreement exists, proceed to 4 and 4a. or 4b.)
- Date of Agreement: \_\_\_\_\_
- or
- Date of Master Agreement: February 1, 2018
- and
- Date of Supplemental Letter: November 5, 2020
4. The total estimated costs of this project; \$ 471,382.72, which includes the payroll fringe benefit expenses on direct labor and the Administrative and General Overhead Expenses at the prevailing rates, will be invoiced at (check one)
- a. ☒ 20 % of the total actual cost of this project—not to exceed the estimated total cost by more than 15% without prior notification and agreement.
- or
- b. ☐ not to exceed \$ \_\_\_\_\_

## COST SHARING AGREEMENT

Page 2

5. Estimated funds are available and will be paid by the requesting organization, other than Counties, Municipalities and other State Agencies:
  - By advance deposit for the total estimated costs. Refunds to the advance deposit will be issued at the completion of the project.
6. Estimated funds are available and will be paid by the Counties, Municipalities and other State Agencies (check one):
  - a. ☐ By payment of all costs expended to date within 30 days of receipt of SHA's progress billings.
  - b. ☒ By payment of all costs in excess of federal recovery either as an advance deposit or 30 days of receipt of MDOT SHA's progress billings
7. Requesting organizations (including other State Agencies) other than Counties and Municipalities will be billed monthly.
8. Counties and Municipalities will be billed as follows:
  - A project/local share which does not exceed \$60,000 will be billed quarterly
  - A project/local share which exceeds \$60,000 will be billed monthly.
9. Should the County or Municipality default in remitting payment to the State for their portion of the work, their Highway User Revenue Funds will be reduced accordingly.
10. Costs incurred in excess of the advance deposit, if applicable, will be billed monthly.

\_\_\_\_\_  
Authorized Representative of      Date  
Requesting Organization

\_\_\_\_\_  
District Engineer or Senior Manager      Date

## **PROJECT COST DERIVATION WORKSHEET**

PROJECT NUMBER:  
PROJECT DESCRIPTION: Salisbury City Naylor Mill Rd.  
LOCAL GOVERNMENT BR/BH PROJECT: TRUE  
DATE: 11/04/2020

### **PRELIMINARY ENGINEERING**

MDOT SHA STAFF REVIEW COSTS:	\$15,000.00
PAYROLL BURDEN FOR FRINGE BENEFITS FOR SHA STAFF (78.82%):	\$11,823.00
CONSULTANT DESIGN COSTS:	\$444,559.72
ADMINISTRATIVE AND GENERAL OVERHEAD COSTS (7.79%):	\$0.00
(0% for Local Government BR/BH Projects)	<hr/>
TOTAL PROJECT COST:	\$471,382.72
20% Local Government Share:	\$94,276.54
80% FEDERAL BR/BH AID SHARE:	\$377,106.18

NOTES: \* THIS FACTOR NOT APPLIED TO LOCAL GOVERNMENT BR/BH PROJECTS

PE PAYROLL BURDEN:	78.82%
PE OVERHEAD*:	7.79%

**MDOT SHA Control No. BCS 2014-21G  
FEDERAL-AID PROJECT GUIDELINES AND WORKING  
SUPPLEMENTAL AGREEMENT**

**(City of Salisbury)**

**and**

**MARYLAND DEPARTMENT OF TRANSPORTATION  
STATE HIGHWAY ADMINISTRATION**

This **SUPPLEMENTAL AGREEMENT** (“SA”), executed on the 5th day of November 2020 is in accordance with the terms of a Master Memorandum of Understanding “MOU” made effective February 1, 2018 by and between the Maryland Department of Transportation State Highway Administration, acting for and on behalf of, the State of Maryland, hereinafter referred to as “**MDOT SHA**”, and **City of Salisbury** Maryland, a body corporate and politic, hereinafter referred to as the “**Local Public Agency**” or “**LPA**”.

**WHEREAS,** The MDOT SHA agrees to assist in administering and partnering with the LPA as outlined in the Master Agreement and in this SA developed for the selected project Replacement of Bridge No. WIS-10001 on Naylor Mill Road over Naylor's Pond Stream (**PROJECT**) ; and

**WHEREAS,** The **PROJECT** activities and reimbursement of expenses are subject to State and Federal requirements; and

**WHEREAS,** The LPA and MDOT SHA acknowledge the need to define the responsibilities and obligations of each party for the **PROJECT**;

**I. Project Information**

- A. The **PROJECT** shall consist of the following preliminary engineering for the replacement of the bridge including hydraulic and hydrological studies and scour analysis, wetland delineation, forest conservation waiver and tree permit, surveys, soil brings for roadway and SWM with geotechnical report, roadway design, erosion and sediment control, stormwater design, structural design, MOTAA maintenance of traffic plans, signage and marking plans, Pre-TS&L submittal, TS&L submittal, PI submittal, environmental coordination/NEPA approval, foundation plans/foundation report submittal, and coordinate with local utilities.
- B. The LPA shall be staffed and equipped to perform work satisfactorily and cost effectively, and adequate staffing and supervision exists to manage the Federal project. The LPA has

identified Mr./Ms. Amanda Pollack, P.E., Director of Infrastructure and Development, a fulltime employee, to be the "responsible charge" of the project as defined on MDOT SHA Development Guide for Local Public Agencies and other Sub-recipients of federal funds. If the responsible charge changes, the LPA is responsible for notifying MDOT SHA Program Manager.

## **II. Project Time Period**

- A. All PROJECT activities shall not begin until the execution date of SA and federal authorization from the Program Manager has been provided to the LPA.
- B. The PROJECT Closeout Date and PROJECT Agreement End Date (Period of Performance 2 CFR Part 200.309) will be established at the time of federal authorization. The PROJECT Closeout Date is the date by which the LPA must complete all related project closeout activities and reviews. The Project Closeout Date and Project Agreement End Date will be determined using the established MDOT SHA project end date procedures.
- C. The LPA will comply with MDOT SHA's monitoring requirements to include quarterly progress reports due with the billing invoice, which shall be submitted to the District Engineer within MDOT SHA until the Project has been closed out.
- D. The MDOT SHA and LPA of federal funds shall retain all documents and records subject to audit for a minimum of 3 years from the last expenditure report payment. If there is an action resulting from an audit or other action started before the expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues or the end of the three-year period, whichever is later in accordance with the requirements of 49 CFR Part 18, Section 18.42- Retention and Access Requirements for Records.

## **III. Project Funding and Payment**

- A. The Maryland Department of Transportation will reimburse the LPA up to an amount not to exceed eighty percent (80%) of the eligible expenses of the project.
- B. The LPA shall submit to the District Engineer 1 copy of paid invoices to show costs incurred in constructing the PROJECT on a quarterly basis. For design costs for projects utilizing a MDOT SHA open end consultant, MDOT SHA will bill the LPA 20% of monthly incurred costs.
- C. The MDOT SHA shall provide reimbursement up to the maximum federal funding amount or eighty percent (80%) as specified in Section III A prior to the PROJECT Closeout Date. Reimbursement requests received after the PROJECT Closeout Date will be considered for payment on a case-by-case basis with prior written justification

explaining the expected delay submitted by the LPA. All costs must have been incurred prior to the project agreement end date.

- D. Invoices shall contain sufficient documentation and proof of payment, in MDOT SHA's sole discretion, to evidence actual expenses of items eligible for reimbursement. Upon receipt, the District Engineer will forward invoice to the Federal Aid Billing Office for approval.
- E. The MDOT SHA shall remit payment to the LPA within thirty (30) days following receipt of each invoice, provided:
  - a. The invoice contains all necessary information for processing, in MDOT SHA's discretion,
  - b. No charges are disputed by MDOT SHA,
  - c. The invoice does not exceed 80% of the project costs.
- F. The MDOT SHA shall deduct from each invoice the amount of the non-eligible portion of the expenses any costs deemed not eligible for reimbursement by law. All such non-eligible costs shall be borne solely by the LPA.
- G. There are four options for construction -related services (i.e. construction inspection, materials testing, etc.)
  - a. MDOT SHA Construction Services are not applicable to this agreement;
  - b. The LPA will use their internal staff to complete construction-related services;
  - c. The LPA will hire staff to complete construction-related services;
  - d. MDOT SHA construction-related services for the PROJECT will be reduced by an amount incurred by MDOT SHA equal to the monetary value of the construction related services from federal funding and determined prior to advertisement.
- H. The LPA will not be reimbursed for maintenance activities, maintenance equipment and other non-essential PROJECT activities and they cannot be used towards the LPAs non-federal project cost match.
- I. The LPA must submit separate invoices to MDOT SHA for PROJECT costs to be reimbursed through any other funds, grants, or activities by MDOT SHA, the Maryland Department of Transportation, or the United States Department of Transportation.
- J. The LPA will forward the completed closeout package to the MDOT SHA Program Manager and the Assistant District Engineer- Construction. The completed package will include a certification of PROJECT materials used and of PROJECT workmanship, which must be signed and stamped by the contractor and the LPA. The completed package shall also include a request for the final reimbursement of the remaining eligible costs.

#### IV. Additional Project Conditions

- A. Upon request by MDOT SHA, submit for MDOT SHA review and written comment, design plans, specifications and estimates at major design milestones, including:
  - a. Preliminary Design Review thirty percent (30%),
  - b. Semifinal Review sixty-five percent (65%),
  - c. Final Review ninety-five percent (95%), and
  - d. Plans, Specifications, and Estimates (PS&E) one hundred percent (100%).
- B. Project documentation must show the environmental review of the project, per 23 CFR part 771, was completed prior to the final design authorization and/or the construction authorization, and that a determination was made before construction authorization that the project's NEPA document(s) remained valid for the authorization decision, or supplemental NEPA documentation was completed before the construction authorization.
  - a. The LPA requests the MDOT SHA to assist in publicizing and conducting public hearings, if required to comply with the NEPA process.
- C. The LPA has agreed to provide all necessary rights-of-way in compliance with the conditions governing acquisition of rights-of-way, set forth in the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, Public Law 91-646, 42 U.S. Code SS4601-4655 and any supplemental amendments and in the Federal Aid Policy Guide, as amended, at no expense to MDOT SHA or Federal Highway Administration. The LPA intends to acquire necessary rights-of-way through permanent easement(s) for the project.
- D. The LPA shall require its contractor(s) to provide a surety performance bond in the amount of the most responsive and responsible bid to ensure that the PROJECT will be constructed if the contractor defaults. The LPA or Sub-recipient shall also require a surety payment bond in the amount of the estimated construction cost to ensure that the contractor pays its subcontractors and suppliers, as required by the most current MDOT SHA Standard Specifications for Construction and Materials and addendums, located at <http://www.roads.maryland.gov/ohd/part1.pdf>, page 20, section GP-3.03.
- E. The LPA shall hold a pre-construction meeting with the contractor to which MDOT SHA representatives: Assistant District Engineer of Construction from respective District, Area Materials Engineer from respective District, Equal Opportunity Officers from respective District and Program Manager shall be invited.
- F. Only steel, iron and manufactured items produced in the United States shall be used in carrying out this PROJECT, in accordance with the provisions of the Buy America (23 USC 313 and 23 CFR 635.410), unless a waiver request has been submitted to and approved by the U.S. Secretary of Transportation.
- G. The LPA shall not make any award or permit any award (sub-grant or contract) at any tier to any party which is **debarred or suspended** or otherwise excluded from or ineligible

for participation in federal assistance programs under Executive Order 12549 – Debarment and Suspension.

H. All notices and/or invoices, if to the LPA, shall be addressed to:

Amanda H. Pollack P.E., Director of Infrastructure & Development  
County : City of Salisbury  
Agency: Infrastructure & Development  
Address: 125 N. Division St, Salisbury, MD 21801  
Phone: 410-548-3170  
E-mail: APollack@salisbury.md

All invoices from LPA to MDOT SHA sent for processing to:

James W. Meredith, District Engineer  
District 1  
Maryland Department of Transportation  
State Highway Administration  
660 West Rd.  
Salisbury, MD 21801  
Phone: 410-677-4006  
Fax: 410-543-6598  
E-mail: [jmeredith@sha.state.md.us](mailto:jmeredith@sha.state.md.us)

**APPROVED ON BEHALF OF City of Salisbury Maryland**

By: \_\_\_\_\_  
Julia Glanz, City Administrator and Acting Mayor  
City of Salisbury

Date: \_\_\_\_\_

**PROPOSAL ACCEPTED ON BEHALF OF THE MDOT STATE HIGHWAY  
ADMINISTRATION**

By: \_\_\_\_\_  
Director, Office of Finance

Date: \_\_\_\_\_

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**

By: \_\_\_\_\_  
Assistant Attorney General  
Maryland Department of Transportation  
State Highway Administration

Date: \_\_\_\_\_

ORDINANCE NO. 2643

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO CREATE BICYCLE FACILITIES ON WAYNE STREET, MILFORD STREET, POWER STREET, AVERY STREET, BATEMAN STREET, WEST ROAD, LAKE STREET, ISABELLA STREET, DELAWARE AVENUE, CYPRESS STREET AND WEST MAIN STREET IN ACCORDANCE WITH MDMUTCD, CHAPTER 9, AS DESIGNATED BY THE 2017 SALISBURY BICYCLE NETWORK PLAN.

WHEREAS, the City of Salisbury desires to encourage the use of bicycles throughout the City; and

WHEREAS, the Salisbury Charter (SC11-2) gives the City charge of all public ways in the City; and

WHEREAS, the City Council adopted the Salisbury Bicycle Network Plan via Resolution No. 2712 on December 13, 2016; and

WHEREAS, the Department of Infrastructure and Development is in the process of implementing the Salisbury Bicycle Network Plan by making the improvements to the streets listed herein; and

WHEREAS, proposed bicycle routes will consist of a West Side Network of bicycle facilities in both directions along Lake Street from the City Limit to US 50, along Delaware Avenue from the City Limit to West Main Street, along Isabella Street from Delaware Avenue to North Division Street, along West Road from Delaware Avenue to the City Limit, along Cypress Street from Isabella Street to West Main Street, and along West Main Street from Nanticoke Road to Fitzwater Street; and

WHEREAS, proposed bicycle routes will consist of a university East Campus Network of bicycle facilities in both directions along Milford Street from Rt 13 to South Division Street, along Wayne Street from Milford Street to Avery Street, along Power Street from Wayne Street to South Division Street, and along Avery Street from Wayne Street to South Division Street; and

WHEREAS, portions of Bateman Street already have existing bicycle facilities that shall be upgraded to two-way bicycle traffic; and

WHEREAS, portions of Isabella Street already have existing bicycle facilities; and

WHEREAS, in order to define the dedicated bicycle lanes, appropriate lane striping and lane marking must be provided on the pavement; and

WHEREAS, in order to provide a bicycle route, portions of the roads must be marked as shared between motorized vehicular traffic and bicycle traffic; and

WHEREAS, in order to define the portions of the roadway that are to be available for usage by bicycles, appropriate shared markings will be installed on the pavement; and

WHEREAS, in order to clearly define the route, appropriate signage will be installed; and

47 WHEREAS, the curb-to-curb street width on the affected streets shall be unchanged by the  
48 proposed bicycle route; and  
49

50 WHEREAS, the Department of Infrastructure and Development desires to construct the facilities  
51 listed above in a timely and efficient manner to the benefit of the residents and visitors of the City of  
52 Salisbury.  
53

54 NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SALISBURY, MARYLAND that  
55 bicycle facilities be created on Lake Street, Isabella Street, Delaware Avenue, Cypress Street, West Main  
56 Street, Wayne Street, Power Street, Avery Street, Milford Street and Bateman Street as described herein.  
57

58 AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY,  
59 MARYLAND that this Ordinance shall take effect upon its final passage.  
60

61 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of  
62 Salisbury, MD held on the 11<sup>th</sup> day of January, 2021, and thereafter, a statement of the substance of the  
63 Ordinance having been published as required by law, was finally passed by the Council on the \_\_\_\_\_  
64 day of \_\_\_\_\_, 2021.  
65

66 ATTEST:  
67

68 \_\_\_\_\_  
69 Kimberly R. Nichols, City Clerk  
70

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council  
71

72 APPROVED BY ME THIS:  
73

74 \_\_\_\_\_ day of \_\_\_\_\_, 2021  
75

76 \_\_\_\_\_  
77 Julia Glanz, City Administrator  
78 for and at the direction of  
79 Jacob R. Day, Mayor

ORDINANCE NO. 2644

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO ELIMINATE 16 PARKING SPACES ON FITZWATER STREET FROM FITZWATER STREET TO THE MAIN GATE OF CHESPAEAKE SHIPBUILDING APPROXIMATELY 310 FEET EAST IN ORDER TO PREVENT TRAFFIC CRASHES AND ACCOMMODATE A PREVIOUSLY APPROVED SAFE BICYCLE FACILITY ON FITZWATER STREET.

WHEREAS, the City of Salisbury desires to encourage the use of bicycles throughout the City; and

WHEREAS, the Salisbury Charter (SC11-2) gives the City charge of all public ways in the City; and

WHEREAS, Fitzwater Street has on-street parking along the south frontage of the street between Fitzwater Street and West Main Street; and

WHEREAS, removal of selected on-street parking from Fitzwater Street to the main gate of Chesapeake Shipbuilding will allow for safety improvements; and

WHEREAS, Chesapeake Shipbuilding wholly owns all of the property on that side of the street and supports the removal of parking; and

WHEREAS, the Department of Infrastructure and Development desires to build bicycle facilities in the areas listed above and to resolve any issues that could lead to traffic crashes in keeping with the Vision Zero Program.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SALISBURY, MARYLAND that for the purposes and reasons hereinabove set forth, that the removal of 16 parking spaces on Fitzwater Street from Fitzwater Street to the main entrance of Chesapeake Shipbuilding, is hereby approved.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND that this Ordinance shall take effect upon its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury, MD held on the 11<sup>th</sup> day of January, 2021 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 \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS:

47 \_\_\_\_\_ day of \_\_\_\_\_, 2021  
48  
49 \_\_\_\_\_  
50 Julia Glanz, City Administrator  
51 for and at the direction of  
52 Jacob R. Day, Mayor  
53

ORDINANCE NO. 2645

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO ELIMINATE PARKING SPACES ON POWER STREET, FROM SOUTH DIVISION STREET TO WAYNE STREET, AND TO ELIMINATE THE PARKING SPACES ON WAYNE STREET, FROM MILFORD STREET TO POWER STREET, IN ORDER TO PREVENT TRAFFIC CRASHES AND ACCOMMODATE SAFE BICYCLE FACILITIES AROUND THE EAST CAMPUS OF SALISBURY UNIVERSITY.

WHEREAS, the City of Salisbury desires to encourage the use of bicycles throughout the City; and

WHEREAS, the Salisbury Charter (SC11-2) gives the City charge of all public ways in the City; and

WHEREAS, Power Street connects South Division Street to Wayne Street and all parcels except one are owned by the University and all parcels have off-street parking; and

WHEREAS, Wayne Street connects Milford Street to Power Street and all parcels on both sides are owned in their entirety by Salisbury University; and

WHEREAS, the Department of Infrastructure and Development desires to build bicycle facilities in the areas listed above and to resolve any issues that could lead to traffic crashes in keeping with the Vision Zero Program.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SALISBURY, MARYLAND that for the purposes and reasons hereinabove set forth, that the removal of parking spaces on Wayne Street and Power Street, as set forth herein, is hereby approved.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND that this Ordinance shall take effect upon its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury, MD held on the 11<sup>th</sup> day of January, 2021 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 \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS:

\_\_\_\_\_ day of \_\_\_\_\_, 2021

47 \_\_\_\_\_  
48 Julia Glanz, City Administrator  
49 for and at the direction of  
50 Jacob R. Day, Mayor  
51

ORDINANCE NO. 2646

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO ELIMINATE PARKING SPACES ON WEST COLLEGE AVENUE FROM LORECROP DRIVE TO CAMDEN AVENUE IN ORDER TO PREVENT TRAFFIC CRASHES AND ACCOMMODATE A PREVIOUSLY APPROVED SAFE BICYCLE FACILITY ON WEST COLLEGE AVENUE.

WHEREAS, the City of Salisbury desires to encourage the use of bicycles throughout the City; and

WHEREAS, the Salisbury Charter (SC11-2) gives the City charge of all public ways in the City; and

WHEREAS, West College Avenue has on-street parking along the south frontage of the street between Camden Avenue and Lorecrop Drive; and

WHEREAS, removal of on-street parking will allow for safety improvements; and

WHEREAS, Salisbury University wholly owns all of the property on that side of the street and supports the removal of parking; and

WHEREAS, the Department of Infrastructure and Development desires to build bicycle facilities in the areas listed above and to resolve any issues that could lead to traffic crashes in keeping with the Vision Zero Program.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SALISBURY, MARYLAND that for the purposes and reasons hereinabove set forth, that removal of the parking spaces from West College Ave, between Lorecrop Drive and Camden Street, is hereby approved.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND that this Ordinance shall take effect upon its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury, MD held on the 11th day of January, 2021 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 \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS:

\_\_\_\_\_ day of \_\_\_\_\_, 2021

47 \_\_\_\_\_  
48 Julia Glanz, City Administrator  
49 for and at the direction of  
50 Jacob R. Day, Mayor  
51



2 Permitted Spaces  
(Residential Permits)

Non-Permitted Spaces

ORDINANCE NO. 2647

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET ADMENDMENT OF THE CITY'S SPECIAL REVENUE FUND BUDGET AND TO ACCEPT AND APPROPRIATE DONATED FUNDS FROM THE BLESS OUR CHILDREN CAMPAIGN FOR THE SANTA'S WORKSHOP PROGRAM.

WHEREAS, the City of Salisbury's Housing and Community Development Department hosts a Santa's Workshop program every year; and

WHEREAS, Bless Our Children wishes to donate funds to help sponsor this annual program; and

WHEREAS, the donation of funds will be used to purchase gifts, refreshments and equipment used to run the program; and

WHEREAS, these donations are to be used to protect the public welfare by purchasing toys to provide to children; and

WHEREAS, appropriations necessary for this donation 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 FY21 Special Revenue Fund be and hereby is amended as follows:

- 1) Increase 10700-456423-81001 Contribution Revenue by \$2,000
- 2) Increase 10700-546006-81001 Operating Expense by \$2,000

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 this 11<sup>th</sup> day of January 2021, 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 \_\_\_\_\_, 2021.

**ATTEST:**

\_\_\_\_\_  
Kimberly R. Nichols  
City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Julia Glanz, City Administrator  
for and at the direction of Jacob R. Day, Mayor

Ordinance No. 2648

AN ORDINANCE OF THE COUNCIL (THE "COUNCIL") OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING ORDINANCE NO. 2357, PASSED BY THE COUNCIL ON OCTOBER 12, 2015, APPROVED BY THE MAYOR OF CITY OF SALISBURY (THE "CITY") ON OCTOBER 14, 2015 AND EFFECTIVE ON OCTOBER 14, 2015 ("ORDINANCE NO. 2357"), IN ORDER TO (1) AUTHORIZE AND EMPOWER THE CITY TO USE AND APPLY CERTAIN INVESTMENT EARNINGS ON THE \$4,726,200 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2015 ISSUED ON DECEMBER 1, 2015 (THE "2015 BOND"), TO THE PROJECTS IDENTIFIED HEREIN AS "GOB ROOF AND AIR HANDLER REPLACEMENT" AND "WWTP HVAC", AND (2) IDENTIFY SUCH ADDITIONAL PROJECTS AS "PROJECTS" FOR ALL PURPOSES OF ORDINANCE NO. 2357; PROVIDING THAT THIS TITLE IS A FAIR STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2015 BOND.

RECITALS

WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the "City"), is authorized and empowered by Sections 19-301 to 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the "Enabling Act"), and Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as replaced, supplemented or amended (the "Charter"), to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds; and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2357, passed by the Council of the City (the "Council") on October 12, 2015, approved by the Mayor of the City (the "Mayor") on October 14, 2015 and effective on October 14, 2015 ("Ordinance No. 2357"), the City authorized general obligation bonds to be issued from time to time in one or more series in an aggregate principal amount not to exceed Four Million Seven Hundred Twenty-Six Thousand Two Hundred Dollars (\$4,726,200.00) (the "Authorized Bonds") in order to finance, reimburse or refinance "costs" (as defined in Section 3(b) of Ordinance No. 2357) of the projects identified in Section 3(b) of Ordinance No. 2357 as (1) "Main Street Master Plan", (2) "East Main St Storm Drain", (3) "Beaverdam Creek Tidal Dam Repair", and (4) "24" W in Gordy Rd" (herein collectively referred to as the "Authorized Projects" and referred to as the "Projects" in Ordinance No. 2357) in the maximum principal amounts set forth opposite each such Authorized Project in such Section 3(b); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2357 and Resolution No. 2569, adopted by the Council on November 23, 2015, approved by the Mayor on November 23, 2015 and effective on November 23, 2015

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44 (“Resolution No. 2569”), the City determined to borrow money for the public purpose of financing  
45 or reimbursing “costs” (as defined in Section 2(b) of Resolution No. 2569, which definition mirrors  
46 the definition of “costs” set forth in Section 3(b) of Ordinance No. 2357) of the projects specified  
47 in Section 2(a) of Resolution No. 2569 (which included all of the Authorized Projects), and to  
48 evidence this borrowing by the issuance and sale of a single series of the Authorized Bonds in the  
49 form of a single general obligation installment bond in the maximum principal amount of Four  
50 Million Seven Hundred Twenty-Six Thousand Two Hundred Dollars (\$4,726,200.00); and

51  
52 WHEREAS, pursuant to Resolution No. 2569, such Authorized Bond was issued in the  
53 original principal amount of \$4,726,200.00 and was designated as the City of Salisbury Public  
54 Improvements Bond of 2015 (the “2015 Bond”); and

55  
56 WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of  
57 the Charter, Ordinance No. 2357 and Resolution No. 2569, the City sold and delivered the 2015 Bond  
58 to Bank of America, N.A. on December 1, 2015; and

59  
60 WHEREAS, Section 2 of Resolution No. 2569 provides that proceeds of the 2015 Bond  
61 (which is referred to as the “Bond” in Resolution No. 2569) shall be appropriated and allocated to the  
62 specified Authorized Projects identified below, subject to the further provisions of such Section 2  
63 (which Authorized Projects are referred to as the “Projects” in Resolution No. 2569):

64

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Main Street Master Plan	\$2,240,000.00
2.	East Main St Storm Drain	350,200.00
3.	Beaverdam Creek Tidal Dam Repair	1,136,000.00
4.	24” W in Gordy Rd	<u>1,000,000.00</u>
TOTAL		<u>\$4,726,200.00</u>

65 ; and

66  
67 WHEREAS, pursuant to Ordinance No. 2411, passed by the Council on January 23, 2017 and  
68 approved by the Mayor on January 24, 2017 (“Ordinance No. 2411”), the City reallocated an  
69 aggregate of \$548,117.00 (rounded to the nearest whole dollar) of the principal amount of the  
70 Authorized Bonds originally allocated to the Authorized Project identified as “Beaverdam Creek  
71 Tidal Dam Repair” to the Authorized Project identified as “Main Street Master Plan”, such that the  
72 maximum principal amount of the Authorized Bonds was reallocated as follows:

73  
74  
75 [CONTINUED ON FOLLOWING PAGE]  
76

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Main Street Master Plan	\$2,788,117
2.	East Main St Storm Drain	350,200.00
3.	Beaverdam Creek Tidal Dam Repair	587,883.00
4.	24" W in Gordy Rd	<u>1,000,000.00</u>
TOTAL		<u>\$4,726,200.00</u>

; and

WHEREAS, there remains unspent \$203,500.00 of investment earnings on proceeds of the 2015 Bond, and the Council wishes to allocate such unspent investment earnings as provided herein to (i) a project referred to in the City's fiscal year 2021 budget as originally adopted as "GOB Roof and Air Handler Replacement", and (ii) a project referred to as "WWTP HVAC" that is expected to be added to the fiscal year 2021 budget by amendment prior to or contemporaneously with the enactment of this Ordinance (collectively, the "2021 Additional Projects"); and

WHEREAS, accordingly, the City desires to expand the list of the Authorized Projects as set forth in Ordinance No. 2357 in order to allow certain investment earnings on proceeds of the 2015 Bond to be applied to costs of the 2021 Additional Projects, and to identify such 2021 Additional Projects as "Projects" for all purposes of Ordinance No. 2357.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that:

(a) The Recitals to this Ordinance are incorporated by reference herein and deemed a substantive part of this Ordinance. Capitalized terms used in the Sections of this Ordinance that are not defined therein shall have the meanings given to such terms in the Recitals.

(b) References in this Ordinance to any official by title shall be deemed to refer (i) to any official authorized under the Charter, the code of ordinances of the City (the "City Code") or other applicable law or authority to act in such titled official's stead during the absence or disability of such titled official, (ii) to any person who has been elected, appointed or designated to fill such position in an acting or interim capacity under the Charter, the City Code or other applicable law or authority, (iii) to any person who serves in a "deputy", "associate" or "assistant" capacity as such an official, provided that the applicable responsibilities, rights or duties referred to herein have been delegated to such deputy, associate or assistant in accordance with the Charter, the City Code or other applicable law or authority, and/or (iv) to the extent an identified official commonly uses another title not provided for in the Charter or the City Code, the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

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110 (c) References in this Ordinance to the “principal amount” of any obligations shall be  
111 construed to mean the par amount of such obligations.

112 (d) References in the Sections of this Ordinance to Ordinance No. 2357 shall be construed  
113 to mean Ordinance No. 2357 as the allocation of the principal amount of the Authorized Bonds  
114 provided for therein has been reallocated pursuant to Ordinance No. 2411 prior to the introduction of  
115 this Ordinance.

116 SECTION 2. BE IT FURTHER ORDAINED that:

117 (a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the  
118 Charter and Ordinance No. 2357, from and after the effective date of this Ordinance, and subject to  
119 Sections 2(e) and 7 hereof, Section 3(b) of Ordinance No. 2357 is hereby deleted in its entirety and  
120 inserted in place thereof shall be the following:

121  
122 “(b) With respect to the projects listed below, the word “costs” as used in  
123 Section 2 hereof shall include, as applicable, land and right-of-way acquisition and  
124 development; site and utility improvements; acquisition, construction, expansion,  
125 demolition, reconstruction, replacement, renovation, rehabilitation, improvement,  
126 installation, furnishing and equipping activities and expenses, and related or similar  
127 costs; planning, design, engineering, architectural, feasibility, inspection, construction  
128 management, surveying, permitting, financial and legal expenses, and related or  
129 similar costs; costs of issuance (which may include costs of bond insurance or other  
130 credit or liquidity enhancement); interest during construction and for a reasonable  
131 period thereafter (whether or not expressly so stated); and any such costs that may  
132 represent the City’s share or contribution to the financing, reimbursement or  
133 refinancing of any such project. The total Bond (or BANs, as identified in Section 6  
134 hereof) funds to be appropriated or applied to the costs of such projects (exclusive of  
135 any investment earnings that may be applied for such purposes) shall be allocated  
136 among the following public purpose projects in the maximum principal amount set  
137 forth opposite each, except as otherwise herein provided:

138  
139 [CONTINUED ON FOLLOWING PAGE]  
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~~Strike through~~ : Indicates material deleted by amendment after introduction

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Main Street Master Plan	\$2,788,117
2.	East Main St Storm Drain	350,200
3.	Beaverdam Creek Tidal Dam Repair	587,883
4.	24" W in Gordy Rd	1,000,000
5.	GOB Roof and Air Handler Replacement	0(1)
6.	WWTP HVAC	0(2)
	<b>TOTAL</b>	<b><u>\$4,726,200</u></b>

(1) The City intends to allocate certain investment earnings on the Bonds to this project.

(2) The City intends to allocate certain investment earnings on the Bonds to this project.

The projects identified in items 1-6 above are collectively referred to herein as the "Projects". The Projects described in items 1-6 above are identified by approximately the same names as such Projects are identified in City budget materials. The City, without notice to or the consent of any registered owners of the Bonds (or the registered owners of any of the BANs, as applicable), may reallocate the maximum principal amount of the Bonds (and of any of the BANs, as applicable) to be spent among any of the Projects in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that proceeds of the Bonds (or of any of the BANs, as applicable) may be spent on any applicable costs (as defined above) relating to the Projects, notwithstanding the descriptive names used for such Projects in the table above, including, without limitation, changes in scopes of the Projects identified above effected through applicable budgetary procedures or applicable law."

(b) Subject to the further provisions of this subsection (b), the Council hereby appropriates and allocates (i) \$113,500.00 of investment earnings on the 2015 Bond to be applied to costs of the 2021 Additional Project identified in the table in subsection (a) above as "GOB Roof and Air Handler Replacement", and (ii) \$90,000.00 of investment earnings on the 2015 Bond to be applied to costs of the 2021 Additional Project identified in the table in subsection (a) above as "WWTP HVAC". Notwithstanding the foregoing sentence, no investment earnings on the 2015 Bond may be applied to costs of the 2021 Additional Project identified in the table in subsection (a) above as "WWTP HVAC" unless and until the applicable budget of the City is amended to include such 2021 Additional Project and funding therein.

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172  
173 (c) By undertaking the amendments to Section 3(b) of Ordinance No. 2357 provided for  
174 in subsection (a) of this Section 2, the City is in effect (i) adding the 2021 Additional Projects  
175 identified as items 5-6 in the table set forth in subsection (a) above to the list of projects the costs of  
176 which may be financed or reimbursed from the principal amount of the 2015 Bond and investment  
177 earnings thereon and (ii) allocating (A) \$113,500.00 of investment earnings on the 2015 Bond to the  
178 2021 Additional Project identified as "GOB Roof and Air Handler Replacement" and (B) \$90,000.00  
179 of investment earnings on the 2015 Bond to the 2021 Additional Project identified as "WWTP  
180 HVAC".

181  
182 (d) The projects identified in the table set forth in subsection (a) above (which amends  
183 Section 3(b) of Ordinance No. 2357) are collectively referred to herein as the "2021 Revised  
184 Projects". Subject to the provisions of subsection (e) below and Section 7 of this Ordinance, from  
185 and after the effective date of this Ordinance, all references to the Projects in Ordinance No. 2357  
186 shall be deemed to be references to the 2021 Revised Projects, as identified in this Ordinance. Subject  
187 to the provisions of subsection (e) below and Section 7 of this Ordinance, from and after the effective  
188 date of this Ordinance, the provisions of this Section 2 shall supersede the provisions of Section 3(b)  
189 of Ordinance No. 2357 with respect to the application of the principal amount of the Authorized  
190 Bonds (which is the 2015 Bond because the maximum principal amount of "Bonds" authorized by  
191 Ordinance No. 2357 was issued as the 2015 Bond).

192  
193 (e) Notwithstanding the foregoing provisions of this Section 2, 2015 Bond proceeds  
194 (including investment earnings thereon) may not be applied to costs of the 2021 Additional Projects  
195 unless and until the City adopts a resolution making corresponding amendments to the provisions of  
196 Section 2(a) of Resolution No. 2569 to include the 2021 Additional Projects in the list of Projects  
197 identified in Resolution No. 2569, thereby allowing proceeds of the 2015 Bond and investment  
198 earnings on the 2015 Bond to be applied to costs of the 2021 Additional Projects.

199  
200 (f) Subject to the provisions of subsections (b) and (e) above and Section 7 of this  
201 Ordinance, it is the intention of the Council that any interest income or investment earnings earned  
202 on the principal amount of the 2015 Bond (i) prior to the effective date of this Ordinance, to the extent  
203 not already spent in accordance with the provisions of the Ordinance No. 2357, Resolution No. 2569  
204 or applicable budgetary procedures or applicable law, and (ii) on and after the effective date of this  
205 Ordinance, shall be applied to costs of the any of the 2021 Revised Projects; provided that, any such  
206 interest income or investment earnings may be allocated otherwise in accordance with applicable  
207 budgetary procedures or applicable law, including, to the extent applicable, by resolution.

208  
209 SECTION 3. BE IT FURTHER ORDAINED that, subject to the provisions of Sections 2(e)  
210 and 7 of this Ordinance, the Mayor, the City Administrator, the Director of Finance and all other  
211 appropriate officials and employees of the City, to the extent acting within the scope of their respective  
212 authority, are hereby authorized and empowered to take any and all action necessary or appropriate  
213 to provide for the application of the proceeds of the 2015 Bond to finance or reimburse costs of the  
214 2021 Revised Projects and to approve, execute and deliver all documents, certificates or instruments

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necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Ordinance, including, without limitation, any amendments, modifications or supplements to any documents, certificates or instruments delivered in connection with the 2015 Bond.

SECTION 4. BE IT FURTHER ORDAINED that from and after the effective date of this Ordinance, Ordinance No. 2357 shall be deemed amended and supplemented as provided herein and all other terms and provisions of Ordinance No. 2357 shall remain in full force and effect.

SECTION 5. BE IT FURTHER ORDAINED that the title of this Ordinance shall be deemed to be, and is, a fair statement of the substance of this Ordinance for posting and all other purposes.

SECTION 6. BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

SECTION 7. BE IT FURTHER ORDAINED that this Ordinance shall become effective following approval by the Mayor or subsequent passage by the Council following the Mayor's veto in accordance with the provision of Section SC2-12 of the Charter; provided, however, that notwithstanding the effective date of this Ordinance, in the event (i) the City fails to amend the applicable budget of the City to include therein the 2021 Additional Project identified as "WWTP HVAC" in this Ordinance, the City may not apply 2015 Bond proceeds or investment earnings thereon to costs of such 2021 Additional Project, and (ii) the City fails to adopt a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2569 to allow 2015 Bond proceeds and investment earnings thereon to be applied to costs of the 2021 Additional Projects, the City may not apply 2015 Bond proceeds or investment earnings thereon to costs of the 2021 Additional Project identified herein as "GOB Roof and Air Handler Replacement" or to costs of the 2021 Additional Project identified herein as "WWTP HVAC" if clause (i) is not satisfied, as applicable. Pursuant to Charter Section SC2-16, this Ordinance shall not be subject to petition to referendum.

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THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 and thereafter, a statement of the substance of this Ordinance having been posted or published as required by law, was finally passed by the Council \_\_\_\_\_ [as introduced] \_\_\_\_\_ [as amended] [CHECK APPLICABLE LINE] on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021:

\_\_\_\_\_  
Jacob R. Day, Mayor

#219994;58111.001

\_\_\_\_\_  
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Ordinance No. 2649

AN ORDINANCE OF THE COUNCIL (THE "COUNCIL") OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING ORDINANCE NO. 2463, PASSED BY THE COUNCIL ON NOVEMBER 13, 2017, APPROVED BY THE MAYOR OF CITY OF SALISBURY (THE "CITY") ON NOVEMBER 15, 2017 AND EFFECTIVE ON NOVEMBER 15, 2017 ("ORDINANCE NO. 2463"), IN ORDER TO (1) AUTHORIZE AND EMPOWER THE CITY TO USE AND APPLY A PORTION OF THE PRINCIPAL AMOUNT OF THE \$5,724,853 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2017 ISSUED ON DECEMBER 13, 2017 (THE "2017 BOND"), PLUS CERTAIN INVESTMENT EARNINGS THEREON, TO THE PROJECTS IDENTIFIED HEREIN AS "GOB ROOF AND AIR HANDLER REPLACEMENT" AND "2 ONE TON DUMP TRUCKS (SANITATION & PARKS)" IN ADDITION TO THE PROJECTS ORIGINALLY IDENTIFIED IN ORDINANCE NO. 2463, AND (2) IDENTIFY SUCH ADDITIONAL PROJECTS AS "PROJECTS" FOR ALL PURPOSES OF ORDINANCE NO. 2463; PROVIDING THAT THIS TITLE IS A FAIR STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2017 BOND.

RECITALS

WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the "City"), is authorized and empowered by Sections 19-301 to 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the "Enabling Act"), and Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as replaced, supplemented or amended (the "Charter"), to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds; and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2463, passed by the Council of the City (the "Council") on November 13, 2017, approved by the Mayor of the City (the "Mayor") on November 15, 2017 and effective on November 15, 2017 ("Ordinance No. 2463"), the City authorized general obligation bonds to be issued from time to time in one or more series in an aggregate principal amount not to exceed Five Million Seven Hundred Twenty-four Thousand Eight Hundred Fifty-three Dollars (\$5,724,853.00) (the "Authorized Bonds") in order to finance, reimburse or refinance "costs" (as defined in Section 3(b) of Ordinance No. 2463, and also defined as "Costs of the Projects") of the projects identified in Section 3(b) of Ordinance No. 2463 as (1) "MDT Upgrades/Replacements", (2) "Station 16 Rear Driveway Paving", (3) "Radio System & Dispatch Equipment/Improvements", (4) "Riverside Circle", (5) "Service Center Facility – Phase 1", (6) "Service Center Facility – Phase 2", (7) "Urban Greenway – Phase 1 – Riverwalk Section", (8) "Urban Greenway – Phase 2 – Carroll Street Section", (9) "Bicycle Master Plan Paths Including 1<sup>st</sup> Half of Rail Trail", (10) "Maintenance Dump Trucks", (11) "Recycle Trucks", (12) "Street Scaping: Division, Circle, and Camden", (13) Parking Garage

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44 Roof Waterproof Membrane”, (14) “New Parking Meters for Downtown”, and (15) “Parking Garage  
45 Upgraded Security Cameras” (herein collectively referred to as the “Authorized Projects” and  
46 referred to as the “Projects” in Ordinance No. 2463) in the maximum principal amounts set forth  
47 opposite each such Authorized Project in such Section 3(b); and  
48

49 WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of  
50 the Charter, Ordinance No. 2463 and Resolution No. 2794, adopted by the Council on November 27,  
51 2017, approved by the Mayor on November 28, 2017 and effective on November 28, 2017  
52 (“Resolution No. 2794”), the City determined to borrow money for the public purpose of financing  
53 or reimbursing “costs” and “Costs of the Projects” (as defined in Section 2(b) of Resolution No.  
54 2794, which definitions mirror the definitions of “costs” and “Costs of the Projects” set forth in  
55 Section 3(b) of Ordinance No. 2463) of the projects specified in Section 2(a) of Resolution No.  
56 2794 (which included all of the Authorized Projects), and to evidence this borrowing by the  
57 issuance and sale of a single series of the Authorized Bonds in the form of a single general  
58 obligation installment bond in the maximum principal amount of Five Million Seven Hundred  
59 Twenty-four Thousand Eight Hundred Fifty-three Dollars (\$5,724,853.00); and  
60

61 WHEREAS, pursuant to Resolution No. 2794, such Authorized Bond was issued in the  
62 original principal amount of \$5,724,853.00 and was designated as the City of Salisbury Public  
63 Improvements Bond of 2017 (the “2017 Bond”); and  
64

65 WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of  
66 the Charter, Ordinance No. 2463 and Resolution No. 2794, the City sold and delivered the 2017 Bond  
67 to Branch Banking and Trust Company on December 13, 2017; and  
68

69 WHEREAS, Section 2 of Resolution No. 2794 provides that proceeds of the 2017 Bond  
70 (which is referred to as the “Bond” in Resolution No. 2794) shall be appropriated and allocated to the  
71 specified Authorized Projects identified below, subject to the further provisions of such Section 2  
72 (which Authorized Projects are referred to as the “Projects” in Resolution No. 2794):  
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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	MDT Upgrades/Replacements	\$150,000
2.	Station 16 Rear Driveway Paving	40,000
3.	Radio System & Dispatch Equipment/Improvements	898,253
4.	Riverside Circle	1,326,000
5.	Service Center Facility – Phase 1	550,000
6.	Service Center Facility – Phase 2	200,000
7.	Urban Greenway – Phase 1 – Riverwalk Section	307,200
8.	Urban Greenway – Phase 2 – Carroll Street Section	100,000
9.	Bicycle Master Plan Paths Including 1 <sup>st</sup> Half of Rail Trail	761,500
10.	Maintenance Dump Trucks	160,000
11.	Recycle Trucks	150,000
12.	Street Scaping: Division, Circle, and Camden	750,000
13.	Parking Garage Roof Waterproof Membrane	97,500
14.	New Parking Meters for Downtown	179,400
15.	Parking Garage Upgraded Security Cameras	<u>55,000</u>
	TOTAL	<u>\$5,724,853</u>

; and

WHEREAS, pursuant to Ordinance No. 2487, passed by the Council on June 4, 2018 and approved by the Mayor on June 13, 2018 (“Ordinance No. 2487”), the City reallocated an aggregate of \$37,230.00 of the principal amount of the Authorized Bonds originally allocated to the Authorized Projects identified as “Bicycle Master Plan Paths Including 1<sup>st</sup> Half of Rail Trail”, “Maintenance Dump Trucks” and “Recycle Trucks” to the Authorized Project identified as “Station 16 Rear Driveway Paving”, such that the maximum principal amount of the Authorized Bonds was reallocated as follows:

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	MDT Upgrades/Replacements	\$150,000
2.	Station 16 Rear Driveway Paving	77,230
3.	Radio System & Dispatch Equipment/Improvements	898,253
4.	Riverside Circle	1,326,000
5.	Service Center Facility – Phase 1	550,000
6.	Service Center Facility – Phase 2	200,000
7.	Urban Greenway – Phase 1 – Riverwalk Section	307,200
8.	Urban Greenway – Phase 2 – Carroll Street Section	100,000
9.	Bicycle Master Plan Paths Including 1 <sup>st</sup> Half of Rail Trail	758,534
10.	Maintenance Dump Trucks	154,500
11.	Recycle Trucks	121,236
12.	Street Scaping: Division, Circle, and Camden	750,000
13.	Parking Garage Roof Waterproof Membrane	97,500
14.	New Parking Meters for Downtown	179,400
15.	Parking Garage Upgraded Security Cameras	<u>55,000</u>
	TOTAL	<u>\$5,724,853</u>

; and

WHEREAS, \$55,400.00 of the principal amount of the 2017 Bond originally allocated to the Authorized Project identified as “Radio System & Dispatch Equipment/Improvements” in Ordinance No. 2463 and Resolution No. 2794 remains unspent, and the Council wishes to reallocate such unexpended principal amount, together with an additional \$146,100.00 of investment earnings on proceeds of the 2017 Bond, to two separate projects referred to in the City’s fiscal year 2021 budget as “GOB Roof and Air Handler Replacement” and “2 One Ton Dump Trucks (Sanitation & Parks)” (collectively, the “2021 Additional Projects”); and

WHEREAS, accordingly, the City desires to expand the list of the Authorized Projects as set forth in Ordinance No. 2463 in order to allow a portion of the principal amount of the 2017 Bond, together with certain investment earnings thereon, to be applied to costs of the 2021 Additional Projects, and to identify such 2021 Additional Projects as “Projects” for all purposes of Ordinance No. 2463.

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108  
109        SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
110 THE CITY OF SALISBURY, MARYLAND that:

111  
112        (a)     The Recitals to this Ordinance are incorporated by reference herein and deemed a  
113 substantive part of this Ordinance. Capitalized terms used in the Sections of this Ordinance that  
114 are not defined therein shall have the meanings given to such terms in the Recitals.

115        (b)     References in this Ordinance to any official by title shall be deemed to refer (i) to any  
116 official authorized under the Charter, the code of ordinances of the City (the “City Code”) or other  
117 applicable law or authority to act in such titled official’s stead during the absence or disability of such  
118 titled official, (ii) to any person who has been elected, appointed or designated to fill such position in  
119 an acting or interim capacity under the Charter, the City Code or other applicable law or authority,  
120 (iii) to any person who serves in a “deputy”, “associate” or “assistant” capacity as such an official,  
121 provided that the applicable responsibilities, rights or duties referred to herein have been delegated to  
122 such deputy, associate or assistant in accordance with the Charter, the City Code or other applicable  
123 law or authority, and/or (iv) to the extent an identified official commonly uses another title not  
124 provided for in the Charter or the City Code, the official, however known, who is charged under the  
125 Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights  
126 or duties referred to herein.

127        (c)     References in this Ordinance to the “principal amount” of any obligations shall be  
128 construed to mean the par amount of such obligations.

129        (d)     References in the Sections of this Ordinance to Ordinance No. 2463 shall be construed  
130 to mean Ordinance No. 2463 as the allocation of the principal amount of the Authorized Bonds  
131 provided for therein has been reallocated pursuant to Ordinance No. 2487 prior to the introduction of  
132 this Ordinance.

133        SECTION 2. BE IT FURTHER ORDAINED that:

134        (a)     Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the  
135 Charter and Ordinance No. 2463, from and after the effective date of this Ordinance, and subject to  
136 Sections 2(e) and 7 hereof, Section 3(b) of Ordinance No. 2463 is hereby deleted in its entirety and  
137 inserted in place thereof shall be the following:

138  
139        “(b)     With respect to the projects listed below, the word “costs” as used in  
140 Section 2 hereof shall include, as applicable, land and right-of-way acquisition and  
141 development; acquisition of other property rights; site and utility improvements,  
142 including, without limitation, grading, landscaping, paving, sidewalk, curb, gutter,  
143 storm drain, water and sewer improvements, and related or similar activities and  
144 expenses; demolition, razing and removal; acquisition, construction, expansion,  
145 reconstruction, renovation, rehabilitation, improvement, installation, furnishing and  
146 equipping activities and expenses, and related or similar activities and expenses;

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147 planning, design, engineering, architectural, feasibility, surveying, bidding,  
148 permitting, inspection, construction management, financial, administrative and legal  
149 expenses, and related or similar activities and expenses; costs of issuance (which may  
150 include costs of bond insurance or other credit or liquidity enhancement); interest  
151 during construction and for a reasonable period thereafter (whether or not expressly  
152 so stated); and any such costs that may represent the City's share or contribution to  
153 the financing, reimbursement or refinancing of any such project (collectively, "Costs  
154 of the Projects"). The total Bond (or BANs, as identified in Section 6 hereof) funds  
155 to be appropriated or applied to the costs of such projects (exclusive of any investment  
156 earnings that may be applied for such purposes) shall be allocated among the  
157 following public purpose projects in the maximum principal amount set forth opposite  
158 each, except as otherwise herein provided:  
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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	MDT Upgrades/Replacements	\$150,000
2.	Station 16 Rear Driveway Paving	77,230
3.	Radio System & Dispatch Equipment/Improvements	842,853
4.	Riverside Circle	1,326,000
5.	Service Center Facility – Phase 1	550,000
6.	Service Center Facility – Phase 2	200,000
7.	Urban Greenway – Phase 1 – Riverwalk Section	307,200
8.	Urban Greenway – Phase 2 – Carroll Street Section	100,000
9.	Bicycle Master Plan Paths Including 1 <sup>st</sup> Half of Rail Trail	758,534
10.	Maintenance Dump Trucks	154,500
11.	Recycle Trucks	121,236
12.	Street Scaping: Division, Circle, and Camden	750,000
13.	Parking Garage Roof Waterproof Membrane	97,500
14.	New Parking Meters for Downtown	179,400
15.	Parking Garage Upgraded Security Cameras	55,000
16.	GOB Roof and Air Handler Replacement	55,400(1)
17.	2 One Ton Dump Trucks (Sanitation & Parks)	0(2)
	<b>TOTAL</b>	<b><u>\$5,724,853</u></b>

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- (1) In addition to the par amount of the Bonds allocated to the indicated project, the City intends to allocate certain investment earnings on the Bonds to this project.
- (2) All Costs of the Projects of this identified project will be funded from investment earnings on the Bonds.

The projects identified in items 1-17 above are collectively referred to herein as the “Projects”. The Projects described in items 1-17 above are identified by approximately the same names as such Projects are identified in City budget materials. The City, without notice to or the consent of any registered owners of the Bonds (or the registered owners of any of the BANs, as applicable), may reallocate the maximum principal amount of the Bonds (and of any of the BANs, as applicable) to be spent among any of the Projects in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that proceeds of the Bonds (or of any of the BANs, as applicable) may be spent on any applicable Costs of the Projects, notwithstanding the descriptive names used for

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such Projects in the table above, including, without limitation, changes in scopes of the Projects identified above effected through applicable budgetary procedures or applicable law.”

(b) The Council hereby appropriates and allocates (i) \$6,100.00 of investment earnings on the 2017 Bond to be applied to costs of the 2021 Additional Project identified in the table in subsection (a) above as “GOB Roof and Air Handler Replacement”, and (ii) \$140,000.00 of investment earnings on the 2017 Bond to be applied to costs of the 2021 Additional Project identified in the table in subsection (a) above as “2 One Ton Dump Trucks (Sanitation & Parks)”.

(c) By undertaking the amendments to Section 3(b) of Ordinance No. 2463 provided for in subsection (a) of this Section 2, the City is in effect (i) reducing the principal amount of the 2017 Bond to be applied to costs of the Authorized Project identified as “Radio System & Dispatch Equipment/Improvements” from \$898,253.00 to \$842,853.00; (ii) adding the 2021 Additional Projects identified as items 16-17 in the table set forth in subsection (a) above to the list of projects the costs of which may be financed or reimbursed from the principal amount of the 2017 Bond and investment earnings thereon; (iii) reallocating a portion of the principal amount of the 2017 Bond previously allocated to the project identified as “Radio System & Dispatch Equipment/Improvements” to the 2021 Additional Project identified as “GOB Roof and Air Handler Replacement”; and (iv) allocating (A) \$6,100.00 of investment earnings on the 2017 Bond to the 2021 Additional Project identified as “GOB Roof and Air Handler Replacement” and (B) \$140,000.00 of investment earnings on the 2017 Bond to the 2021 Additional Project identified as “2 One Ton Dump Trucks (Sanitation & Parks)”.

(d) The projects identified in the table set forth in subsection (a) above (which amends Section 3(b) of Ordinance No. 2463) are collectively referred to herein as the “2021 Revised Projects”. Subject to the provisions of subsection (e) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, all references to the Projects in Ordinance No. 2463 shall be deemed to be references to the 2021 Revised Projects, as identified in this Ordinance. Subject to the provisions of subsection (e) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, the provisions of this Section 2 shall supersede the provisions of Section 3(b) of Ordinance No. 2463 with respect to the application of the principal amount of the Authorized Bonds (which is the 2017 Bond because the maximum principal amount of “Bonds” authorized by Ordinance No. 2463 was issued as the 2017 Bond).

(e) Notwithstanding the foregoing provisions of this Section 2, 2017 Bond proceeds (including investment earnings thereon) may not be applied to costs of the 2021 Additional Projects unless and until the City adopts a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2794 to allow a portion of the principal amount of the 2017 Bond, together with investment earnings on the 2017 Bond, to be applied to costs of the 2021 Additional Projects.

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(f) Subject to the provisions of subsections (b) and (e) above and Section 7 of this Ordinance, it is the intention of the Council that any interest income or investment earnings earned on the principal amount of the 2017 Bond (i) prior to the effective date of this Ordinance, to the extent not already spent in accordance with the provisions of the Ordinance No. 2463, Resolution No. 2794 or applicable budgetary procedures or applicable law, and (ii) on and after the effective date of this Ordinance, shall be applied to costs of the any of the 2021 Revised Projects; provided that, any such interest income or investment earnings may be allocated otherwise in accordance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution.

SECTION 3. BE IT FURTHER ORDAINED that, subject to the provisions of Sections 2(e) and 7 of this Ordinance, the Mayor, the City Administrator, the Director of Finance and all other appropriate officials and employees of the City, to the extent acting within the scope of their respective authority, are hereby authorized and empowered to take any and all action necessary or appropriate to provide for the application of the proceeds of the 2017 Bond to finance or reimburse costs of the 2021 Revised Projects and to approve, execute and deliver all documents, certificates or instruments necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Ordinance, including, without limitation, any amendments, modifications or supplements to any documents, certificates or instruments delivered in connection with the 2017 Bond.

SECTION 4. BE IT FURTHER ORDAINED that from and after the effective date of this Ordinance, Ordinance No. 2463 shall be deemed amended and supplemented as provided herein and all other terms and provisions of Ordinance No. 2463 shall remain in full force and effect.

SECTION 5. BE IT FURTHER ORDAINED that the title of this Ordinance shall be deemed to be, and is, a fair statement of the substance of this Ordinance for posting and all other purposes.

SECTION 6. BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

SECTION 7. BE IT FURTHER ORDAINED that this Ordinance shall become effective following approval by the Mayor or subsequent passage by the Council following the Mayor's veto in accordance with the provision of Section SC2-12 of the Charter; provided, however, in the event the City fails to adopt a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2794 to allow 2017 Bond proceeds and investment earnings thereon to be applied to costs of the 2021 Additional Projects, the City may not apply 2017 Bond proceeds or investment earnings thereon for such purposes, notwithstanding the effective date of this Ordinance. Pursuant to Charter Section SC2-16, this Ordinance shall not be subject to petition to referendum.

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Underlining : Indicates material added by amendment after introduction  
~~Strike through~~ : Indicates material deleted by amendment after introduction

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and thereafter, a statement of the substance of this Ordinance having been posted or published as required by law, was finally passed by the Council \_\_\_\_\_ [as introduced] \_\_\_\_\_ [as amended] [CHECK APPLICABLE LINE] on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021:

\_\_\_\_\_  
Jacob R. Day, Mayor

#219536;58111.001

\_\_\_\_\_  
Underlining : Indicates material added by amendment after introduction  
~~Strike through~~ : Indicates material deleted by amendment after introduction

ORDINANCE NO. 2650

AN ORDINANCE OF THE CITY OF SALISBURY TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH THE SALISBURY WICOMICO METROPOLITAN PLANNING ORGANIZATION FOR THE PURPOSE OF ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$7,000.00, AND TO APPROVE A BUDGET AMENDMENT TO THE GRANT FUND TO APPROPRIATE FUNDS FOR OFFSETTING RFP 21-101 PORT FEASIBILITY STUDY.

WHEREAS, the City of Salisbury ("City") has solicited qualified vendors for a Request for Proposal (RFP)(Exhibit 1) for a Port Feasibility study ("Study") to assess the economic and physical feasibility of a multi-user port along the Wicomico River;

WHEREAS, the Salisbury Wicomico Metropolitan Planning Organization ("SWMPO") is a federally designated regional transportation planning agency for the urbanized area encompassing Sussex County, Wicomico County, and a small portion of Somerset County;

WHEREAS, SWMPO coordinates with appropriate authorities and departments of all impacted state and local governments in an effort to assist with solving regional problems and implementing regional goals and policies;

WHEREAS, SWMPO desires to support the City's efforts to perform the Study;

WHEREAS, the City of Salisbury must enter into a Memorandum of Understanding with SWMPO defining how the funds must be expended;

WHEREAS, all funds shall be used to offset the cost of hiring a consultant to perform the Study;

WHEREAS, SWMPO requests two separate presentations of the Final Study to the SWMPO Technical Advisory Committee (1) and the SWMPO Council (1), and will add the SWMPO logo to the final Study along with language confirming that funding was provided from SWMPO;

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 Mayor Jacob R. Day is hereby authorized to enter into a grant agreement with the Salisbury Wicomico Metropolitan Planning Organization to accept grant funds in the amount of \$7,000.00.

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

- 1) Increase Port Feasibility donated matching funds account (10500-426100-72100) by \$7,000.00
- 2) Increase Consulting Fees Expense account (10500-513400-72100) by \$7,000.00

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

47           THIS ORDINANCE was introduced and read at a meeting of the Council of the City of  
48 Salisbury held on this 11<sup>th</sup> day of January, 2021, and thereafter, a statement of the substance of the  
49 Ordinance having been published as required by law, was finally passed by the Council on the \_\_\_\_  
50 day of \_\_\_\_\_, 2021.

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53 **ATTEST:**

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56 \_\_\_\_\_  
57 Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

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61 APPROVED BY ME THIS \_\_\_\_ day of \_\_\_\_\_, 2021.

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64 \_\_\_\_\_  
65 Julia Glanz, City Administrator, for and at the  
66 direction of Jacob R. Day, Mayor

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN SALISBURY WICOMICO METROPOLITAN PLANNING ORGANIZATION AND**  
**THE CITY OF SALISBURY**

**This Agreement** is made by and between Wicomico County, on behalf of the Salisbury Wicomico Metropolitan Planning Organization ("SWMPO"), and the City of Salisbury ("City").

RECITALS

Whereas, the City of Salisbury ("City") has solicited qualified vendors for a Request for Proposal (RFP)(Exhibit 1) for a Port Feasibility study ("Study") to assess the economic and physical feasibility of a multi-user port along the Wicomico River;

Whereas, the SWMPO is a federally designated regional transportation planning agency for the urbanized area encompassing Sussex County, Wicomico County, and a small portion of Somerset County;

Whereas, the SWMPO coordinates with appropriate authorities and departments of all impacted state and local governments in an effort to assist with solving regional problems and implementing regional goals and policies; and

Whereas, the SWMPO desires to support the City's efforts to perform the aforementioned study.

NOW, THEREFORE, in consideration of the mutual promises, recitals and agreements contained herein, and for other good and valuable consideration, the parties do covenant and agree as follows:

1. SWMPO Representations: The SWMPO represents, acknowledges, and agrees that it will contribute \$7,000 to the City for the express purpose of funding the 2020 Port Feasibility study that was put out to bid August 28, 2020 and closed for bidding September 30, 2020 under Bid # RFP-21-101.
2. City Representations: The City represents, acknowledges, and agrees that in exchange for the SWMPO's \$7,000 contribution to the Port Feasibility study, the City will ensure that the selected vendor will provide two separate presentations of the Final Study to the SWMPO Technical Advisory Committee (1) and the SWMPO Council (1), and will add the SWMPO logo partner to the Final Study along with language confirming that funding was provided from the SWMPO. SWMPO's \$7,000 contribution shall be payable upon completion of the above.
3. Entire Agreement: This Agreement represents the parties' entire agreement with respect to

the matters specified herein.

4. Governing Law and Venue It is understood that this Agreement shall be governed by and construed under and in accordance with the laws of the State of Maryland. Venue for any actions arising under this Agreement shall be in Wicomico County.
5. Severability Any provision of the Agreement which is prohibited or unenforceable shall be ineffective only to the extent of such prohibition or unenforceability without invalidating the remaining provisions thereof.
6. Termination This Agreement may be terminated upon thirty (30) days written notice provided to the other party.
7. Non-Appropriation In the event no funds or insufficient funds are appropriated and budgeted or are otherwise not available in any fiscal year, the City will immediately notify SWMPO of such occurrence and this Agreement shall terminate on the last day for which appropriations were received, without penalty or expense to the City

**THIS AGREEMENT** is hereby executed by the duly authorized representatives of the parties as of this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Wicomico County, on behalf of the  
Salisbury Wicomico Metropolitan Planning Organization

By \_\_\_\_\_

(Printed) John D. Psota

(Title) Acting County Executive

City of Salisbury

By \_\_\_\_\_

(Printed) \_\_\_\_\_

(Title) \_\_\_\_\_

ORDINANCE NO. 2651

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE CITY'S WATER SEWER CAPITAL PROJECT FUND BUDGET TO REALLOCATE FUNDING FOR THE WASTE WATER TREATMENT PLANT HVAC PROJECT.

WHEREAS, The HVAC system for the main building at the waste water treatment plant is in need of replacement; and

WHEREAS, the City has received an estimate of \$90,000 to replace the system; and

WHEREAS, there are available funds from interest accrued on the FY2016 Bond Issue that was approved by City Council on October 14, 2015 and issued on December 1, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND THAT THE City's Water Sewer Capital Projects Fund Budget be and hereby is amended as follows:

Project Description	Account Description	Account	Amount
<b>Revenues:</b>			
WWTP HVAC	Interest Revenue	96016-456110-xxxxx	90,000
<b>Expenditures:</b>			
WWTP HVAC	Construction	96216-513026-xxxxx	90,000

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this 11<sup>th</sup> day of January 2021, 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 \_\_\_\_\_, 2021.

**ATTEST:**

\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Julia Glanz, City Administrator  
for and at the direction of 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: December 17, 2020  
Re: Budget Amendment – Critical Area Commission Grant-In-Aid Program

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AP

The Department of Infrastructure & Development is requesting consideration to approve a grant agreement and a budget amendment to accept a grant from the State of Maryland, Department of Natural Resources Critical Area Commission (CAC). This is for the annual grant-in-aid to assist local governments with implementation of the Critical Area Program functions.

Ordinance No. 2578 dated February 26, 2020 gave the Department of Infrastructure and Development the responsibility of overseeing the City's Critical Area Program.

Grant funds may only be used to support local personnel, administrative costs, or consulting services utilized for the direct implementation of the local Critical Area Program. Therefore, we propose to fund a portion of the City Planner's salary with the grant each year. In future years, this grant will be included in Schedule C of the annual budget ordinance.

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

ORDINANCE NO. 2652

AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO SIGN THE GRANT AGREEMENT AND ACCEPT A GRANT OF \$4,000.00 FROM THE STATE OF MARYLAND DEPARTMENT OF NATURAL RESOURCES CRITICAL AREA COMMISSION AND APPROVING AN AMENDMENT OF THE GRANT FUND BUDGET TO ALLOCATE THE FUNDS FOR PURPOSES OF CRITICAL AREA PROGRAM IMPLEMENTATION.

WHEREAS, Ordinance No. 2578 dated February 26, 2020 gave the Department of Infrastructure and Development the responsibility of overseeing the City's Critical Area Program; and

WHEREAS, the State of Maryland Department of Natural Resources Critical Area Commission provides an annual grant-in-aid to assist local governments with implementation of the Critical Area Program functions; and

WHEREAS, grant funds may only be used to support local personnel, administrative costs, or consulting services utilized for the direct implementation of the local Critical Area Program; and

WHEREAS, the funds are proposed to be utilized to fund a portion of the City Planner's salary; and

WHEREAS, the budget amendment will allocate the FY21 grant funds for the implementation of the Critical Area Program functions.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED that the City Council of the City of Salisbury, Maryland does hereby authorize the Mayor to sign the attached Grant Agreement accepting the project term and accept the grant of \$4,000.00 from the State of Maryland Department of Natural Resources Critical Area Commission for the implementation of the Critical Area Program functions and further authorizes grant reimbursements to be transferred to the appropriate Grant account.

BE IT FURTHER ORDAINED that the City's Grant Fund Budget be amended as follows:

- 1) Increase the Critical Area Commission Grant Revenue Account (10500-413225-xxxxx) by \$4,000.00
- 2) Increase the Planning Salary Grant Account (10500-501001-xxxxx) by \$4,000.00

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 11<sup>th</sup> day of January, 2021, 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 \_\_\_\_\_, 2021.

ATTEST:

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54 Kimberly R. Nichols, City Clerk

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APPROVED BY ME THIS:

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58 \_\_\_\_\_ day of \_\_\_\_\_, 2021

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61 \_\_\_\_\_  
62 Julia Glanz, City Administrator

63 for and at the direction of

Jacob R. Day, Mayor

\_\_\_\_\_  
John R. Heath, President

Salisbury City Council

STATE OF MARYLAND  
DEPARTMENT OF NATURAL RESOURCES  
CRITICAL AREA COMMISSION FOR THE  
CHESAPEAKE AND ATLANTIC COASTAL BAYS  
GRANT-IN-AID PROGRAM

**GRANT AGREEMENT PO#: K00P1600125**

THIS GRANT AGREEMENT, entered into this **1st** day of **July** 2020,  
by and between

STATE OF MARYLAND  
CRITICAL AREA COMMISSION FOR THE  
CHESAPEAKE AND ATLANTIC COASTAL BAYS  
Hereinafter ("Critical Area Commission"),

And

**City of Salisbury, MD**

Hereinafter ("Grantee")

WHEREAS, funding has been appropriated by the General Assembly to the Critical Area Commission for **Fiscal Year 2021**, to be disbursed in grants to local governments for the purpose of assisting them in carrying out their responsibilities under the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program, MD.CODE ANN., Natural Resources II, §8-1801 et seq., (2012 Repl. Vol. as amended) ("the Act"); and

WHEREAS, the purpose of these grants is to assist local jurisdictions in implementing their local Critical Area Programs in compliance with the Act and with the criteria promulgated by the Commission codified at COMAR 27.01 et seq. ("Criteria"); and

WHEREAS, the Grantee has notified the Commission that it needs grant assistance funding to implement its Critical Area Program; and

WHEREAS, the Commission has determined such grant assistance shall be provided to Grantee if Grantee agrees to the provisions contained herein;

NOW, THEREFORE, in consideration for the receipt of a **Grant for the fiscal year 2021 (July 1, 2020- June 30, 2021) in the amount of Four Thousand Dollars (\$4,000).**

The Grantee agrees to the following provisions:

1. The Grantee shall review and implement its approved local Critical Area Program and conduct its 6-year Comprehensive Review (if applicable). Grantee shall incorporate promptly into its program any amendments to the Act and the Criteria which have been approved by the General Assembly, but are not yet reflected in the Grantee's Program, by proposing a Program Amendment or Refinement, as applicable, for the Commission's review and approval. Notwithstanding any provision, or lack of provision in Grantees' local Critical Area Program, Grantee shall implement all provisions of the Act as provided in MD Code, Natural Resource II 8-1808 (c)(1).
2. Grant funds may only be used to support local personnel, administrative costs, or consulting services utilized for the direct implementation of the local Critical Area Program. Only local planning, environmental health, zoning enforcement, public works, and other activities specifically related to the direct administration and implementation of the local Critical Area Program, may be funded with this grant.
3. This Grant Agreement shall become effective upon the date of execution by the Commission and shall expire June 30, 2021. This agreement may be amended only with the written approval of the Commission.
4. The Commission shall reimburse the Grantee for expenses authorized under the grant upon the Grantee's submission of **two (2) Progress status reports and one (1) invoice**. (Refer to pages 1-3), Article V of Appendix A – FY21 "Scope of Work and Funding Guide Local Governments" for minimum requirements.
5. The Grantee shall insure that any person with a pecuniary or other business interest in a proposed project or program amendment that requires Commission approval and/or compliance with the local Critical Area Program, shall not review the project or program amendment on behalf of the jurisdiction for consistency and compliance with local Critical Area regulations or requirements.
6. The attached Scope of Work is hereby incorporated by reference into and made an integral part of this Grant Agreement.
7. The attachments: Appendix A – FY21 "Scope of Work and Funding Guide for Local Governments and Scope Outline" and Appendix B - "Department of Natural Resources - General Conditions for Critical Area Commission Grant-In-Aid Program – (Rev. 4/17)" are hereby incorporated into and made an integral part of this Grant Agreement.
8. In accordance with Article IV – PROPERTY, Section A, Rights in Data, Public Disclosure, identified in the aforementioned Appendix B - General Conditions, all reports, studies, or other documents prepared for public distribution, and which are financially supported in whole or in part by Department of Natural Resources, Critical Area Commission, will bear the following statement on the cover or first page:

“This document is funded (in part, if appropriate) by a grant/cooperative agreement from the Department of Natural Resources, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. The views expressed herein are those of the author(s) and do not necessarily reflect the views, opinions, or policies of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays or Department of Natural Resources.”

## 9. GIS/DATA GUIDELINES

- A. Data, databases, and products associated with electronic Geographic Information Systems (GIS), which have been collected, manipulated, or purchased using funds administered by the Critical Area Commission (CAC) will be transferred to CAC according to the following terms:
  - i. Data and products collected, manipulated, or directly purchased, as part of the Grant shall become the property of CAC.
  - ii. All other data and products shall be transferred to CAC for internal use only. Any other use of such data shall occur only after CAC has consulted with the Grantee on the limitations of such data. In the case of certain sensitive information, limitations or transfer of data shall be determined by mutual agreement between the Grantee and CAC. The Grantee shall in no case be responsible for CAC’s use of such data.
- B. Any GIS data to be transferred to CAC that is collected, manipulated, or purchased pursuant to this agreement utilizing funds administered by CAC through Match funds, shall be documented as specified in Sections 1-7 of the Digital Spatial Metadata Standard, FGDC-STD-001-1998, as authorized by both the Department of Natural Resources (Policy 93:04) and the Maryland State Geographic Information Committee (MSGIC), and any subsequent updates or revisions.
- C. Any electronic data to be transferred to CAC in conjunction with a GIS shall be transferred in ARC/INFO Export or Shape file or Map and Image Processing Systems (MIPS) compatible formats, or other mutually acceptable format. Unless otherwise specified differently in the Grant, the data shall be in the Maryland State Plane coordinate system, North American Datum (NAD) of 1983, North American Vertical Datum (navd) of 1998 and units of meters. Non-Spatial text or database data to be transferred to CAC shall be delivered in Word, dBase (.dbf), or ASCII compatible formats. Acceptable media for delivery includes CD ROM, DVD or External Hard Drive. All delivery requirements shall be coordinated directly through the Grant Administrator, with media and format specifications as determined on a case-by-case basis by the grant coordinator, in coordination with the technical staff of CAC and technical staff of the Grantee.

- D. All deliverables will be submitted directly to the Grant Administrator at the Commission. **Two (2) Progress status reports and One (1) Invoice at the end of the project** shall be submitted in electronic format. Final deliverable work products, including the Final Reports, any geographic or mapping related efforts, and those items listed in the Scope of Work as expected final deliverables, shall be submitted in electronic format. Please email Reports and Invoice to: **cacgrants.dnr@maryland.gov**

The reports must document progress made toward the achievement of the above stated goals and products/outcomes during each reporting term. A succinct description of activities shall be reported for each product/outcome. Please quantify where possible. These reports shall also describe difficulties encountered for each activity, any changes in expected deliverable dates, and budget changes, or changes in staffing. Include sample products as appropriate.

**Two (2) Project Status Reports and One (1) Invoice are due for this contract.**

**First Project Status Report is due to Commission on January 15, 2021 for work completed on the project between July 1, 2020 and December 31, 2021. No request for payment should be submitted to Commission with the first Status Report.**

**The second and final Project Status Report along with an Annual Invoice is due to the Commission between the period of May 15, 2021 and June 30, 2021 for work completed on the project between the periods of January 1, 2021 and June 30, 2021. The Commission will not submit payment for any invoices received prior to May 15, 2021. Final Report and Invoice should be emailed to: [cacgrants.dnr@maryland.gov](mailto:cacgrants.dnr@maryland.gov)**

**Due Dates**

**January 15, 2021**

**May 15, 2021**

**Thru June 30, 2021**

**Reporting Time Frame**

**Progress Status Report for Work completed  
July 1, 2020 – December 31, 2020 (No Invoice)**

**Final Status Report and Final  
Invoice for Work  
completed January 1, 2021 – June 30, 2021**

10. The Commission retains the right to audit and inspect the records of the Grantee pertaining to this Grant for a period of 3 years after the conclusion of the Grant. Should the Commission determine that Grant funds have been expended for activities outside of the Scope of this Grant Agreement; the Grantee shall reimburse the Commission for funds so identified.

11. Electronic Signatures -This document may be executed in multiple counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. Signatures, including notary signatures, provided by electronic means including, by way of example and not of limitation, facsimile, Adobe, PDF, and sent by electronic mail, or via an electronic signature program, shall be deemed to be original signatures.

IN WITNESS WHEREOF, the parties have executed this Grant Agreement by causing the same to be signed on the day and year first above written.

**Signatory for the Grantee for: City of Salisbury, MD**

By: \_\_\_\_\_  
GRANTEE WITNESS

By: \_\_\_\_\_  
GRANTEE

\_\_\_\_\_  
PRINT NAME & TITLE

By: \_\_\_\_\_  
GRANTEE

\_\_\_\_\_  
PRINT NAME & TITLE

**Signatory for the Commission:**

By: \_\_\_\_\_  
COMMISSION WITNESS

By: \_\_\_\_\_  
Katherine Charbonneau, Executive Director  
Critical Area Commission for the  
Chesapeake and Atlantic Coastal Bays

**Signatory for Procurement Division:**

By: \_\_\_\_\_  
DNR WITNESS

By: \_\_\_\_\_  
Shiela Harrison, Procurement Officer

*Approved as to form and legal sufficiency, April 2020*

*By: Rachel L. Eisenhauer*

*Assistant Attorney General, Department of Natural Resources*

## APPENDIX A

### **CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS**

#### **SCOPE OF WORK AND FUNDING GUIDE FOR LOCAL GOVERNMENTS**

##### **I. PURPOSE**

The purpose of this document is to assist local governments in preparing and managing their Scopes of Work. It is also the basis upon which Critical Area Grant funding is issued.

##### **II. FUNDING**

The Critical Area Commission provides grant funding to support jurisdictions in their efforts to implement local Critical Area Protection Programs. The level of funding is based upon the extent of Critical Area in the affected jurisdiction, the level of activity occurring in the Critical Area, the ability of the jurisdiction to implement its local Program with current resources, and the total amount of funding made available by the General Assembly. Funding is provided to each jurisdiction through a grant agreement signed by the jurisdiction and the Critical Area Commission.

##### **III. CONTACTS**

**Questions or inquiries about the agreement for funding should be directed to the  
Grant Administrator: [cacgrants.dnr@maryland.gov](mailto:cacgrants.dnr@maryland.gov)**

**The Commission is located at 1804 West Street, Suite 100, Annapolis, Maryland 21401.**

##### **IV. SCOPE PREPARATION**

Below is a list of tasks, activities, and deliverables that the local governments shall use as a guide when preparing the Scope of Work. The Commission and the Grantee acknowledge that not all of the listed activities/tasks may be required by the Grantee in any single grant year.

##### **V. GUIDELINES FOR PROPER INVOICING**

Jurisdictions shall submit **two (2) activity reports and one (1) invoice** to the **Grant Administrator** at the Commission. The format of the invoice should summarize expenditures and mimic the format of the Budget in the Scope of Work to the greatest extent possible. Separately, jurisdictions should include a detailed expenditure sheet that identifies expenditures by budget category.

Please note that in order to be reimbursed you must provide proof of payment. In lieu of reporting salaries on the detailed expenditure sheet and providing copies of time sheets, jurisdictions may use the Salary Summary form to report salaries. In order to use this form, jurisdictions must provide to the

Commission before the billing period, the name of signing authority who will be responsible for verifying the accuracy of the forms and must agree to maintain time records on file for three years following the close of the grant. **Do not include social security numbers on the salary summary forms, expense accounts, time sheets or any other support documents provided to the Commission.**

The same level of detail should be provided regarding other expenditures, such as supply and material purchases, consultant fees, travel, etc. Please refer to the descriptions below for examples of expenditure documentation, which must be submitted along with the invoice and detailed expenditure sheet.

Examples of acceptable documentation for expenditures are listed below.

**Category**

**Backup Documentation Needed**

Salaries

Copies of time sheets or Salary Summary Sheet. Description of project hours, hourly rate, fringe benefit rates, position title. If submitting Salary Summary sheet, hard copies (ink or computer printout) of time sheets will be retained by the local government for a minimum of three years from the close of the grant period.

Communication

Copies of phone bills and canceled checks or check numbers (telephone, postage, etc.) verifying payment. Documentation for postage should include copies of receipts.

Travel

Copies of approved expense reports and copies of all validated bills, invoices and receipts that are related to the travel should be included. Additional information is required if claiming reimbursement for using a personal vehicle. In order for the contractor to be reimbursed, they must provide proof that the driver has been reimbursed. Check numbers or copies of canceled checks are acceptable forms of payment verification. Itemization and purpose of travel are required.

Supplies/Equipment

Copies of canceled checks or check numbers, receiving reports showing that merchandise was received, cash register receipts, or payment forms signed by a fiscal officer. Itemized description of purchases on detailed expenditure sheet.

Contractual Services

Copies of bills or invoices **with** receipts or a payment authorization form signed by a fiscal officer. Also, copies of canceled checks or copies of check numbers. Detailed description of services provided, timeframe of services, and

hourly rate for services. Description of services on detailed expenditure sheet.

**Note:** Time period of support documentation should coincide with the grant time period.

## VI. ELIGIBLE EXPENDITURES

Only those expenditures directly related to local Critical Area Protection Program implementation and/or amendment(s) may be charged against the grant; unless otherwise specifically authorized by the Commission in writing.

Eligible expenditures may include but are not limited to:

<u>Category</u>	<u>Description</u>
Administrative Costs	Operational expenditures such as: telephone, postage, advertising, map reproduction (associated with comprehensive review), etc. Dues are an ineligible expense. Expenditures for services must be individually itemized in the Scope of Work and justified (including identifying the possible use of consultants/contractors).
Supplies & Materials	Operational expenditures such as: offices supplies, publications, printing, etc.
Travel/Conferences	<p>In-state conferences, workshops, seminars, training, or in-state travel. In-state conferences, etc. may be eligible for reimbursement if they: a) have been specifically identified in the original Scope of Work and, b) are Critical Area-related.</p> <p>If the generic term of "Conferences/Training" is used as the line-item description in the Scope of Work to cover <i>possible</i> expenditures, which <i>may</i> arise, the jurisdiction must obtain prior written approval from the Commission before incurring any conference/training costs in order for the expenditure to be considered eligible for reimbursement.</p> <p>TRAVEL: Travel must be directly associated with implementing the local Critical Area Program. Use of personal vehicles will be reimbursed at a rate not to exceed the State's standard reimbursement rate. Refer to Section V – "Guidelines for Proper Invoicing" above, for required support documentation. Maintenance, repairs, and insurance are ineligible expenses.</p>

VEHICLES: Leased vehicles must be specifically identified and justified in the Scope of Work. Multi-year leases will not be approved. The Commission will require a copy of the lease agreement between the vendor and the local jurisdiction prior to reimbursement. Jurisdictions must provide mileage reports that show: personnel using vehicle, places traveled to, miles traveled, gasoline/oil purchased, and any other maintenance requirements. The local government must cover the cost of insurance for the vehicle. The purchase of vehicles or the purchase/lease of boats are ineligible for reimbursement.

Consultants/Legal\*

Work to be performed by outside consultants, contractors, or lawyers, for which a “contractual agreement” is legally entered into, must be specifically identified in the Scope of Work. The Scope description must include: name of vendor to perform services (if available), a detailed description of the services to be performed, and the time frame for completion of each task, the expected work product, and an itemized budget. Work products (such as maps, ordinances, plans, etc.) produced by consultants must be submitted **with two (2) progress reports and one (1) invoice.**

\*If legal counsel is considered a staff person hired by the local jurisdiction, rather than one used on retainer, then they should be identified under “PERSONNEL AND BENEFITS,” and not as a contractor under “CONSULTANTS/ LEGAL.”

In addition, only those legal fees associated with the review of program refinements/ amendments, new ordinances/regulations or local project review are eligible expenses. Legal fees directly or indirectly associated with preparing for, conducting, defending, and/or prosecuting an administrative, judicial or other original proceeding or appeal in which the local jurisdiction takes a position concerning a project approval and/or program amendment, which are contrary to that which has been or is expressed in writing by the Commission, are ineligible for reimbursement. Types of fees to which this provision may be applicable are: legal counsel, attorney preparation and/or review of documents and court fees.

Salaries & Fringe Benefits:

Only the percentage of time spent actually working on Critical Area activities may be applied toward the grant. Please identify all positions in the Scope of Work. For each position identified in the Scope, the following items must also be included: hourly rate, itemized fringe benefits with associated cost breakdown, and percentage of time to be spent working on Critical Area activities, and description of work to be performed by position.

Unless specifically included in the original proposed Scope of Work, or incorporated and approved through the amendment process, expenditures associated with consultants, contractors, legal fees, or any other category defined above, will be considered an ineligible expense.

## VII. SCOPE OF WORK - VEHICLE FOR OBTAINING GRANT

A detailed Scope of Work identifying tasks/activities, products/deliverables, time-lines for completion of work, and a detailed budget should be submitted to the Grant Administrator at the Commission upon receiving notice that they are due.

## VIII. PERIOD OF PERFORMANCE

The period of performance for grants made in **FY 2021 shall be from July 1, 2020 through June 30, 2021**. Unless there is a "No-Cost Extension" granted by the Commission, **all unspent monies will revert back to the Commission by June 30<sup>th</sup> of each year.**

## IX. AMENDMENTS

Amendments to the Scope of Work must be requested in writing to the Grant Administrator at the Commission. Amendments for task, budget or appropriation change must: 1) include justification for the change; and

2) Provide a detailed description of the change.

Amendments for "No-Cost Extensions" must include: 1) justification for extension; and 2) detailed budget identifying the monies to be spent during the extension period (maximum 90-day extension).

Requests for major changes or amendments which include monetary changes greater than 10% and/or task changes that involve adding/deleting or significantly altering tasks must be submitted in writing to the Grant Administrator no later than May 15<sup>st</sup>. Requests for minor changes/amendments that include monetary change less than 10% and/or insignificant task changes may be submitted to the Commission in writing any time before May 15<sup>st</sup>.

*Please Note:* A "No-Cost Extension" is designed to enable completion of tasks listed in the Scope of Work which cannot be completed during the fiscal year due to extenuating circumstances. Extensions will not be granted based solely on the need to spend the fiscal year grant allocation and will not be extended beyond June 30, 2021. No-cost extensions are considered a major amendment and requests must be submitted no later than March 1<sup>st</sup>.

**Final invoice and report must be submitted to the Commission between the period starting May 15, 2021 and no later than June 30, 2021 for the close of the grant.**

## X. STATUS REPORTS

**Two (2) Status reports** should detail work activities; identify progress made on Scope Tasks to date, obstacles encountered during the contract, and new tasks that are about to begin. The report should follow the format of the approved Scope of Work and should report on activities contained therein.

If for any reason a jurisdiction is unable to perform the tasks identified or expend monies as detailed in the Scope of Work, a written explanation must be provided to the Grant Administrator at the Commission, as to why tasks were not performed and/or as to why monies were not spent. A formal annual review will be conducted each year by the Commission to evaluate the progress being made under the Scopes of Work. Local governments who have not expended at least half of the funding appropriation and who have not provided justifications will be in jeopardy of losing funding in an amount commensurate with the time lost.

### **Due Dates**

**January 15, 2021**

**May 15, 2021**

**Thru June 30, 2021**

### **Reporting Time Frame**

**Progress Status Report for Work completed  
July 1, 2020 – December 31, 2020 (No Invoice)**

**Final Status Report and Final Invoice for Work  
completed January 1, 2021 – June 30, 2021**

Any changes to the original Scope of Work (as identified in Section VII above) must be requested in writing to the Grant Administrator at the Commission and written approval provided, before they can be included in the annual report. An electronic copy of the annual report shall be submitted to the Grant Administrator at the Commission.

## XI. INVOICE

The Invoice must be submitted on local government letterhead or official local finance office stationery. An invoice should always include: the local jurisdictions name and address, federal identification number, grant agreement purchase order number, the time-frame covered by the invoice and should summarize, by category, expenditures which add up to the invoice total or the amount being requested for reimbursement or amount invoiced. In addition to the invoice, jurisdictions must include a detailed expenditure sheet that provides detailed line item descriptions, by category, of expenditures. The detailed expenditure sheet should include the time period that the invoice covers and provide detailed information on expenditures as described in Section V, on page 5. The Invoice must be submitted to the Grant Administrator at the Commission electronically on an **Annual basis** and include proper support documentation, of which the annual report is a part, in order to be considered valid submission. Please submit **One (1) electronic invoice**, detailed expenditure sheet, support documents. **Annual Invoice should be submitted to the Commission for payment along**

**with Final Progress Status Report between the period starting May 15, 2021 and no later than June 30, 2021 at the close of the State fiscal year.**

An Invoice dated prior to, or costs incurred prior to, the execution date noted on the Grant Agreement, are ineligible expenditures and cannot be reimbursed by the Commission.

Please note: Proper support documentation for items to which reimbursement request pertains, must be submitted before the invoice can be paid. Please refer to Appendix A, Section V – “Guidelines for Proper Invoicing” for valid types of documentation. **The final invoice must be provided to the Grant Administrator at the Commission between the period starting May 15, 2021 and no later than June 30, 2021 close of the State fiscal year. Email all information to grant administrator at: [cacgrants.dnr@maryland.gov](mailto:cacgrants.dnr@maryland.gov)**

## XII. WORK PRODUCTS

1. **Two (2) Status reports and One (1) Invoice are required**, with the exception of GIS activities and any scientific or technical paper, abstract or report. For GIS activities, refer to Article 9, "A-C," in the Grant Agreement, DNR/OOS-103, 04/16. For scientific or technical paper, abstract or report, please refer to Appendix B – General Conditions, Artic Property.

### **APPENDIX B**

#### **DEPARTMENT OF NATURAL RESOURCES**

#### **GENERAL CONDITIONS FOR CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS GRANT-IN-AID PROGRAM (REV. 04/16)**

### **ARTICLE I - TERMS AND APPLICABILITY**

These General Conditions apply to agreements exempt from the requirements of State Finance and Procurement Article, §11-101 et seq. of the Annotated Code of Maryland. The General Conditions do not constitute a complete agreement but are part of a Grant-In-Aid Agreement executed by all parties, which identifies the specific work to be performed, compensation, term, and special conditions, if any. The General Conditions and the Agreement are intended to be complementary and shall be construed together. In the event of a direct conflict between them, the terms of the Agreement, including the Scope of Work, shall govern and control.

Specific terms used in this document have the following meaning:

- A. "Basic Agreement" means the executed document to which the general conditions contained herein are appended or incorporated.
- B. "Agreement" means the agreement between the Department and the local government Grantee for performance of services, including the Scope of Work and these General Conditions.
- C. "Scope of Work" or "Work" refers to the specific obligation of the local government Grantee as identified in the Agreement or other work statement incorporated into the Agreement.
- D. "Grantee" means the State agency, political subdivision or government entity obligated to perform services for the Department under this Agreement.
- E. "Department" means the Maryland Department of Natural Resources.

## **ARTICLE II - THE PARTIES**

A. Independent Entity - The Grantee is not an employee of the Department but is an independent entity. The Grantee shall be responsible for providing all supplies and materials necessary for performance of all work under the Agreement, and for withholding any taxes and social security payments due in relation to the Agreement. The Grantee is not an agent of the Department and cannot commit the Department to any expenditure of funds or enter into any contractual obligation on behalf of the Department.

B. Service - Service of any notice required by the Agreement shall be complete upon mailing of such notice, postage prepaid, to the appropriate contract representative at the address indicated in the Agreement. If no representative is named, then the person executing the Agreement for a party shall be the representative for purposes of notice.

## **ARTICLE III - PERFORMANCE**

A. Standard of Performance - The Grantee is responsible for the supervision and inspection of, and the technical accuracy and coordination of all data and works pursuant to this Agreement, and shall provide services and products meeting professional standards of quality and methodology.

B. Prosecution of the Work - The Grantee agrees to prosecute all work under this Agreement continuously and diligently and to meet all milestones contained in the Agreement. The Grantee further agrees that no charges or claims for damages shall be made by it for any delays

or hindrances from any cause whatsoever during the progress of any portion of the work specified in this Agreement.

Time extensions will be granted only for excusable delays that arise from unforeseeable causes beyond the control and without the fault or negligence of the Grantee, including but not restricted to, acts of God, acts of the public enemy, acts of the State in either its sovereign or contractual capacity, acts of another sub-grantee or sub-contractor in the performance of a contract with the State, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault or negligence of either the Grantee or the sub-grantees, sub-contractors or suppliers.

C. Subletting or Assignment - The benefits and obligations hereunder shall inure to and be binding upon the parties hereto and their respective successors, provided the personnel of any such successor, whether such successor be an individual, a partnership or a corporation, is acceptable to the Department. The Grantee shall not hire consultants, sublet, sell, transfer, assign or otherwise dispose of this Agreement or any portion thereof, or of its right, title or interest therein, without prior written consent of the Department.

In the case of any sub-contract or sub-grant, the Grantee agrees to bind the subcontractor and every subcontractor agrees to be bound by all terms of this Agreement unless particular provisions are expressly waived in writing by the Department.

D. Changes - The Department, by written direction to the Grantee, may at any time make any change in the work within the general scope of the Agreement. Within fifteen (15) days of receipt of a Notice of Change, the Grantee shall advise the Department of the effect, if any, such changes would have on budgeting, cost, delivery schedules, milestones or any other Agreement provisions. If such effects are acceptable to the Department, the Department shall issue a Notice to Proceed with Changes, upon receipt of which the Grantee shall immediately institute all such requested changes. Such directed additions or changes to the Scope of Work shall become part of the Agreement. Any change or modification to the Agreement must be approved in writing by the Department.

E. Suspension of Work - The Department unilaterally may order the Grantee in writing to suspend, delay, or interrupt all or any part of the work for a period of time the Department determines to be appropriate.

F. Disputes - If the Grantee intends to assert a claim against the Department, the Grantee shall do so within 30 days of the date the Grantee knows, or should know, of the basis of the claim. Failure to file a claim within the 30-day period is a complete bar to the claim. The claim shall consist of a written statement to the Department setting forth the nature and monetary extent of the claim, and the facts on which the claim is based. Pending resolution of a claim, the Grantee shall proceed diligently with the performance of the Agreement. The Department shall advise the Grantee in writing of the Department's decision on the claim. The Department's decision is final.

## **ARTICLE IV - PROPERTY**

A. Rights in Data, Public Disclosure - Unless otherwise specified in writing as part of this Agreement, the Grantee agrees that all reports, drawings, studies, specifications, estimates, maps, and computations prepared by or for it under the terms of this Agreement shall be delivered to and become and remain the property of the Department upon termination or completion of the work. The Grantee may retain copies for its files. The Department shall have the absolute right to duplicate and use, for any purpose whatsoever, all or any part of the technical data which are to be delivered under this Agreement.

The Grantee shall notify the Department in advance of public disclosure of any information related to this Agreement, unless such disclosure is compelled by legislative or judicial process. The Grantee shall in all cases submit to the Department (1) copy of any scientific or technical paper, abstract, report or other vehicle pertaining in whole or in part to this Agreement which the Grantee desires to publish, submit for publication, distribute or otherwise publicly disseminate. Such submission shall be made by the Grantee to the Department at least sixty (60) days prior to its planned initial public dissemination, disclosure, or submission for publication. The Grantee shall include in any such documents or vehicles of public disclosure a statement which acknowledges the Department, the specific programs therein, and the financial support provided by this Grant. Furthermore, upon receipt of a written request from the Department, the Grantee shall also provide a disclaimer stating that the contents of the aforesaid document or vehicle of public disclosure do not in any way reflect the views, opinions, or policies of the Department.

B. Patents and Copyrights - The Grantee may retain the entire right, title, and interest throughout the world to each subject invention associated with or reduced to practice in the course of performance under this Agreement. With respect to any subject invention in which the Grantee retains title, the Department, and in those cases where federal money is involved, the federal government shall have a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced the subject invention throughout the world.

The Grantee shall have the duty to disclose to the Department any invention associated with or reduced to practice in the course of performance under this Agreement. Furthermore, the Grantee agrees that, if at any time during the course of performance of this Agreement, it should become aware of a potential conflict between the rights of the Department under this Agreement, and those of any other party or entity, as to ownership of any patent or copyright interests developing in relation to said performance, then the Department shall be immediately notified of such conflict. In such a case, it is agreed and understood that the terms of this Agreement may be adjusted to provide for an equitable relationship between monies expended hereunder in pursuit of such patent or copyright interests and benefits to be obtained therefrom by the Department.

The Grantee assumes the risk that any materials, equipment, process, or other items required under the Agreement or furnished by the Grantee are subject to any patent, copyright, trademark, trade secret or other property right of another. The Grantee shall pay for all royalties and license fees and shall obtain all necessary licenses or permits to permit use of any such item by the Department. The Grantee shall defend all suits or claims of infringement of any patent, copyright, trademark, trade secret or other property right of another and shall save the Department harmless from loss or expense on account thereof.

C. Equipment - Unless otherwise provided in the Agreement, all non-expendable equipment, including major equipment as defined in this Article, procured with funds from this Agreement, shall be Department property and shall be used primarily for work under this Grant. Prior written approval of the Department shall be required for use of the equipment, on a non-interference basis, for other work of the Grantee. The Grantee shall use all effort to care for and maintain the equipment. Upon termination of this Grant, the Department shall determine what disposition shall be made of the equipment and shall so notify the Grantee within thirty (30) days. The Grantee shall report its acquisition of non-expendable equipment covered by this Agreement to the Department annually. Non-expendable equipment is that which: 1) has a probable useful life in excess of one year beyond the date of acquisition, and 2) costs at least \$500, either as an individual piece or as a group of pieces intended to be used together.

All items of Major Equipment to be procured with funds from this Agreement shall be itemized in the budget of this Agreement to the extent possible. "Major Equipment" shall be defined as any item of equipment costing Two Thousand Dollars (\$2,000.00) or more. Unless itemized in the budget approved by the Department, purchase of each item of Major Equipment shall require prior written approval of the Department.

## **ARTICLE V - INDEMNIFICATION**

A. Department Saved Harmless - The Grantee is, to the fullest extent permitted by law, responsible for all damage to life and property due to its activities, or those of its agents, employees, sub-grantees or sub-contractors, in connection with its performance under this Agreement, and is responsible for all work, both permanent and temporary, until all services under this Agreement are declared accepted by the Department.

The Grantee shall, to the fullest extent permitted by law, indemnify and save harmless and defend the Department and all of its representatives from all suits, actions, or claims of any character, brought on account of any injuries or damage sustained by any person or property in consequence of any work performed under this Agreement, either by the Grantee or any sub-contractor, sub-grantee, agents, employees, or representatives. This responsibility is not to be deemed as a waiver of any immunity which may exist in any action against the Department.

B. Insurance - If specified in the Agreement, the Grantee shall provide insurance protecting the Department from bodily injury and property damage. Certificates of such insurance acknowledging the foregoing "Department Saved Harmless" clause shall be filed with the Department.

## **ARTICLE VI - WARRANTIES AND DISCLOSURES**

A. Nondiscrimination in Employment - The Grantee agrees: (1) not to discriminate in any manner against an employee or applicant for employment because of race, color, religion, creed, age, sex, marital status, national origin, ancestry, or physical or mental handicap unrelated in nature and extent so as reasonably to preclude the performance of such employment; (2) to include a provision similar to that contained in subsection (1), above, in any subcontract except a subcontract for standard commercial supplies or raw materials; and (3) to post and to cause subcontractors to post in conspicuous places available to employees and applicants for employment, notices setting forth the substance of this clause.

B. Compliance with Laws - The Grantee hereby represents and warrants that:

1. It shall comply with all federal, State and local laws, regulations, and ordinances applicable to its activities and obligations under this Agreement; and
2. It shall obtain, at its expense, all licenses, permits, insurance, and governmental approvals, if any, necessary to the performance of its obligations under this Agreement.

## **ARTICLE VII - ACCOUNTING**

A. Retention of Records - Audit - The Grantee shall retain and maintain all records and documents relating to this Agreement for three years after final payment by the Department hereunder or any applicable statute of limitations, whichever is longer, and shall make them available for inspection and audit by authorized representatives of the Department, including the Critical Area Commission's procurement officer or designee, at all reasonable times. The Department shall have the right, during usual business hours, to examine and audit pertinent records of the Grantee to verify invoices submitted pursuant to this Agreement.

B. Payment of State Obligations - Payments to the Grantee shall be made in accordance with the terms of the Agreement. The Department is not responsible under any circumstances for payment of any charges due to late payment of invoices.

## **ARTICLE VIII - DURATION**

A. Effective Date - It is understood and agreed by the parties hereto that this Agreement and any modification thereof shall not become effective or enforceable until executed by the Department.

B. Termination for Convenience - The performance of work under this Grant Agreement may be terminated by the Department in accordance with this clause in whole, or from time to time in part, whenever the Department shall determine that such termination is in the best interest of the Department. The Department will pay all reasonable costs associated with this Agreement that the Grantee has incurred up to the date of termination and all reasonable costs actually incurred by the Grantee and directly associated with termination of the Grant Agreement.

C. Termination for Default - If the Grantee fails to fulfill its obligation under this Agreement properly and on time, or otherwise fails to carry out the work or violates any term of this Agreement, the Department may terminate the Agreement by written notice to the Grantee. The notice shall specify the acts or omissions relied upon as cause for termination. All finished or unfinished work provided by the Grantee shall, at the Department's option, become the Department's property. The Department shall pay the Grantee fair and equitable compensation for satisfactory performance prior to receipt of notice of termination, less the amount of damages caused by the Grantee's breach. If the damages are more than the grant funds payable to the Grantee, the Grantee will remain liable after termination and the Department can affirmatively recover any amount due to the Department.

## **ARTICLE IX - LEGAL**

A. Severability - If a court of competent jurisdiction declares that any of these provisions contravenes, or is invalid under, the laws of Maryland, or of the county or jurisdiction where used, such contravention or invalidity shall not invalidate the whole agreement, but the Agreement shall be construed as if not containing the particular provision or provisions held to be invalid and the rights and obligations of the parties shall be construed and enforced accordingly.

B. Law Applicable – This Agreement is governed by the laws of the State of Maryland, and the parties hereby expressly agree that the courts of the State of Maryland shall have exclusive jurisdiction to decide any question arising hereunder.

***APPROVED*** as to form and legal sufficiency

*By: Rachel L. Eisenhauser*

*Office of the Attorney General*

*Department of Natural Resources*

*April 2020*

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INTER

OFFICE

# MEMO

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## *Department of Finance*

**To:** Julia Glanz, City Administrator  
**From:** Keith Cordrey, Director of Finance *KAC*  
**Subject:** Police Communication Workstations  
**Date:** January 15, 2021

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Please find attached a Budget Ordinance which reallocates \$38,777 of available funds in other projects for accrued interest, purchase of department of Field Operations vehicles, and cost of issuance for the bond proceeds.

Previously \$60,000 has been assigned to the Police Communications Project for the purchase of workstations and updates to the dispatch operations. The bids for the workstations came in \$38,777 higher than expected which requires the reallocation to cover the shortage.

After your review, if you do not have questions or concerns, please forward this ordinance to council for their consideration.

ORDINANCE NO. 2653

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE CITY'S GENERAL CAPITAL PROJECT FUND BUDGET TO REALLOCATE FUNDING FOR THE POLICE COMMUNICATION PROJECT.

WHEREAS, the Police Communications Project has \$60,000 of available funds currently assigned for the purchase of workstations; and

WHEREAS, the Procurement Department issued an RFP for the workstations and the lowest bid received was \$98,777 exceeding the available funds by \$38,777; and

WHEREAS, there is \$10,674.12 previously allocated for the purchase of 2 vehicles for the Department of Field Operations that is now available to be reallocated to cover part of the shortfall; and

WHEREAS, there is \$13,048.34 previously allocated to the bond issuance cost that is now available to be reallocated to cover part of the shortfall; and

WHEREAS, there is \$15,054.54 in interest accrued on bond proceeds not previously allocated that is now available to be reallocated to cover part of the shortfall.

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

Project Description	Account Type	Account Description	Account	Amount
Police Communication	Revenue	Bond Proceeds	98017-469312-48033	10,674.12
Field Op. Vehicles	Revenue	Bond Proceeds	98017-469312-48034	-10,674.12
Police Communication	Expense	Equipment	98017-577030-48033	10,674.12
Field Op. Vehicles	Expense	Vehicles	98017-577025-48034	-10,674.12
Police Communication	Revenue	Bond Proceeds	98017-469312-48033	13,048.34
Cost of Bond Issuance	Revenue	Bond Proceeds	98017-469312-99998	-13,048.34
Police Communication	Expense	Equipment	98017-577030-48033	13,048.34
Cost of Bond Issuance	Expense	Bond Issuance Cost	98117-588900-99998	-13,048.34
Police Communication	Revenue	Interest	98017-456110-48033	15,054.54
Cost of Bond Issuance	Expense	Equipment	98017-577030-48033	15,054.54

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this 11<sup>th</sup> day of January 2021, 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 \_\_\_\_\_, 2021.

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**ATTEST:**

\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Julia Glanz, City Administrator,  
for and at the direction of Jacob R. Day, Mayor

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INTER

OFFICE

# MEMO

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## *Department of Finance*

**To:** Julia Glanz, City Administrator  
**From:** Keith Cordrey, Director of Finance *KAC*  
**Subject:** Allocation of FY16 Bond proceeds for GOB Roof Improvements and WWTP HVAC  
**Date:** January 20, 2021

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Please find attached the companion resolution by bond counsel which supplements the ordinance allocating \$113,500 of interest accrued on FY16 bond proceed to be used for GOB Roof Improvements and \$90,000 to be used for the WWTP Main Building HVAC project.

Schedule B of the FY21 Budge Ordinance (No. 2593) established an appropriation of \$175,000 for GOB Roof Improvements using bond proceeds to be reallocated. A summary of funding sources for the GOB Roof improvements follows:

Funding Source	Amount
FY16 Bond Interest	113,500
FY18 Bond Interest	6,100
Police Communication Equipment Project	55,400
Total	175,000

A separate ordinance has been submitted to establish an appropriation for the WWTP Main Building HVAC project since it was not included in the City' FY21 Budget Ordinance.

After your review, if you do not have questions or concerns, please forward this ordinance to council for their consideration.

Resolution No. 3086

1  
2 A RESOLUTION OF THE COUNCIL (THE "COUNCIL") OF THE CITY OF SALISBURY  
3 ENTITLED A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 2569,  
4 ADOPTED BY THE COUNCIL ON NOVEMBER 23, 2015, APPROVED BY THE MAYOR ON  
5 NOVEMBER 23, 2015 AND EFFECTIVE ON NOVEMBER 23, 2015 ("RESOLUTION NO.  
6 2569"), IN ORDER TO (1) AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE  
7 "CITY") TO USE AND APPLY CERTAIN INVESTMENT EARNINGS ON THE \$4,726,200  
8 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2015 ISSUED ON DECEMBER  
9 1, 2015 (THE "2015 BOND"), TO PROJECTS IDENTIFIED HEREIN AS "GOB ROOF AND AIR  
10 HANDLER REPLACEMENT" AND "WWTP HVAC" IN ADDITION TO THE PROJECTS  
11 ORIGINALLY IDENTIFIED IN RESOLUTION NO. 2569, AND (2) IDENTIFY SUCH  
12 ADDITIONAL PROJECTS AS "PROJECTS" FOR ALL PURPOSES OF RESOLUTION NO.  
13 2569; AUTHORIZING AND EMPOWERING CITY OFFICIALS AND EMPLOYEES TO TAKE  
14 CERTAIN ACTIONS WITH RESPECT TO THE 2015 BOND; PROVIDING THAT THE  
15 PROVISIONS OF THIS RESOLUTION SHALL BE LIBERALLY CONSTRUED; AND  
16 OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2015 BOND.  
17

18 RECITALS

19 WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the "City"),  
20 was authorized and empowered by Sections 19-301 to 19-309, inclusive, of the Local Government  
21 Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the "Enabling  
22 Act"), and Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as replaced,  
23 supplemented or amended (the "Charter"), to borrow money for any proper public purpose and to  
24 evidence such borrowing by the issuance and sale of its general obligation bonds; and  
25

26 WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of  
27 the Charter, and Ordinance No. 2357, passed by the Council of the City (the "Council") on October  
28 12, 2015, approved by the Mayor of the City (the "Mayor") on October 14, 2015 and effective on  
29 October 14, 2015 ("Ordinance No. 2357"), the City authorized general obligation bonds to be issued  
30 from time to time in one or more series in an aggregate principal amount not to exceed Four Million  
31 Seven Hundred Twenty-Six Thousand Two Hundred Dollars (\$4,726,200.00) (the "Authorized  
32 Bonds") in order to finance, reimburse or refinance "costs" (as defined in Section 3(b) of Ordinance  
33 No. 2357) of the projects identified in Section 3(b) of Ordinance No. 2357 as (1) "Main Street Master  
34 Plan", (2) "East Main St Storm Drain", (3) "Beaverdam Creek Tidal Dam Repair", and (4) "24" W  
35 in Gordy Rd" (herein referred to as the "Authorized Projects" and referred to as the "Projects" in  
36 Ordinance No. 2357) in the maximum principal amounts set forth opposite each such Authorized  
37 Project in such Section 3(b); and  
38

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Underlining : Indicates material added by amendment after introduction  
~~Strike through~~ : Indicates material deleted by amendment after introduction

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2357 and Resolution No. 2569, adopted by the Council on November 23, 2015, approved by the Mayor on November 23, 2015 and effective on November 23, 2015 (“Resolution No. 2569”), the City determined to borrow money for the public purpose of financing or reimbursing “costs” (as defined in Section 2(b) of Resolution No. 2569, which definition mirrors the definition of “costs” set forth in Section 3(b) of Ordinance No. 2357) of the projects specified in Section 2(a) of Resolution No. 2569 (which included all of the Authorized Projects), and to evidence this borrowing by the issuance and sale of a single series of the Authorized Bonds in the form of a single general obligation bond in the maximum principal amount of Four Million Seven Hundred Twenty-Six Thousand Two Hundred Dollars (\$4,726,200.00); and

WHEREAS, pursuant to Resolution No. 2569, such Authorized Bond was issued in the original principal amount of \$4,726,200.00 and was designated as the City of Salisbury Public Improvements Bond of 2015 (the “2015 Bond”); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2357 and Resolution No. 2569, the City sold and delivered the 2015 Bond to Bank of America, N.A. on December 1, 2015; and

WHEREAS, Section 2(a) of Resolution No. 2569 provides that proceeds of the 2015 Bond (which is referred to as the “Bond” in Resolution No. 2569) shall be appropriated and allocated to the specified Authorized Projects identified below (the “Original Projects”) in the maximum principal amount set forth opposite each such Original Project, subject to the further provisions of such Section 2 (which Original Projects are referred to as the “Projects” in Resolution No. 2569); and

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Main Street Master Plan	\$2,240,000.00
2.	East Main St Storm Drain	350,200.00
3.	Beaverdam Creek Tidal Dam Repair	1,136,000.00
4.	24” W in Gordy Rd	<u>1,000,000.00</u>
TOTAL		<u>\$4,726,200.00</u>

; and

WHEREAS, pursuant to Ordinance No. 2411, passed by the Council on January 23, 2017 and approved by the Mayor on January 24, 2017 (“Ordinance No. 2411”), the City reallocated an aggregate of \$548,117.00 (rounded to the nearest whole dollar) of the principal amount of the Authorized Bonds originally allocated to the Authorized Project identified as “Beaverdam Creek Tidal Dam Repair” to the Authorized Project identified as “Main Street Master Plan”, such that the maximum principal amount of the Authorized Bonds was reallocated as follows:

Underlining : Indicates material added by amendment after introduction  
~~Strike-through~~ : Indicates material deleted by amendment after introduction

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Main Street Master Plan	\$2,788,117
2.	East Main St Storm Drain	350,200.00
3.	Beaverdam Creek Tidal Dam Repair	587,883.00
4.	24" W in Gordy Rd	<u>1,000,000.00</u>
TOTAL		<u>\$4,726,200.00</u>

; and

WHEREAS, there remains unspent \$203,500.00 of investment earnings on proceeds of the 2015 Bond, and the Council wishes to allocate such unspent investment earnings as provided herein to (i) a project referred to in the City's fiscal year 2021 budget as originally adopted as "GOB Roof and Air Handler Replacement", and (ii) a project referred to as "WWTP HVAC" that is expected to be added to the fiscal year 2021 budget by amendment prior to or contemporaneously with the passage of this Ordinance (collectively, the "2021 Additional Projects"); and

WHEREAS, prior to the introduction of this Resolution, the Council passed Ordinance No. 2648 expanding the list of the Authorized Projects set forth in Ordinance No. 2357 to include the 2021 Additional Projects and amending Ordinance No. 2357 to allow certain investment earnings on the Authorized Bonds (meaning the 2015 Bond) to be applied to costs of the 2021 Additional Projects (the "Companion Ordinance"); and

WHEREAS, accordingly, the City desires to expand the list of the Original Projects as set forth in Resolution No. 2569 in order to allow certain investment earnings on proceeds of the 2015 Bond to be applied to costs of the 2021 Additional Projects, and to identify such 2021 Additional Projects as "Projects" for all purposes of Resolution No. 2569.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that:

(a) The Recitals hereto constitute an integral part of this Resolution and are incorporated herein by reference. Capitalized terms used in the Recitals to this Resolution and not otherwise defined herein shall have the meanings given to such terms in the Recitals.

(b) References in this Resolution to any official by title shall be deemed to refer (i) to any official authorized under the Charter, the code of ordinances of the City (the "City Code") or other applicable law or authority to act in such titled official's stead during the absence or disability of such titled official, (ii) to any person who has been elected, appointed or designated to fill such position in an acting or interim capacity under the Charter, the City Code or other applicable law or authority,

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(iii) to any person who serves in a “deputy”, “associate” or “assistant” capacity as such an official, provided that the applicable responsibilities, rights or duties referred to herein have been delegated to such deputy, associate or assistant in accordance with the Charter, the City Code or other applicable law or authority, and/or (iv) to the extent an identified official commonly uses another title not provided for in the Charter or the City Code, the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

(c) References in this Resolution to “principal amount” shall be construed to mean par amount.

(d) References in the Sections of this Resolution to Ordinance No. 2357 shall be construed to mean Ordinance No. 2357 as the allocation of the proceeds of the Authorized Bonds provided for therein has been reallocated pursuant to Ordinance No. 2411 and as Ordinance No. 2357 has been further supplemented and amended pursuant to the Companion Ordinance.

(e) References in the Sections of this Resolution to Resolution No. 2569 shall be construed to mean Resolution No. 2569, as the allocation of the proceeds of the 2015 Bond provided for therein has been reallocated pursuant to Ordinance No. 2357, Ordinance No. 2411 and the Companion Ordinance.

(f) References in this Resolution to the application or use of proceeds of the 2015 Bond to fund costs of the 2021 Revised Projects (as defined in Section 2(d) hereof) shall be construed to mean for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2357 and Resolution No. 2569, as the same may be amended, modified or supplemented (including as provided for herein), use of such proceeds (including investment earnings) to finance or reimburse costs of the 2021 Revised Projects.

SECTION 2. BE IT FURTHER RESOLVED that:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and Resolution No. 2569, subsections (a), (b) and (d) of Section 2 of Resolution No. 2569 are hereby deleted in their respective entireties and inserted in place thereof shall be the following (with no modifications being made to subsection (c) of Section 2 of Resolution No. 2569):

“SECTION 2. BE IT FURTHER RESOLVED that:

(a) Pursuant to the authority of the Enabling Act, the Charter and the Ordinance, subject to any reallocation of proceeds of the Bond made to date, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing or reimbursing costs (as defined in subsection (b) below) of the following public purpose projects in the maximum principal amount set forth opposite each such

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project (exclusive of any investment earnings that may be applied for such purposes, except as otherwise expressly provided herein):

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Main Street Master Plan	\$2,788,117
2.	East Main St Storm Drain	350,200
3.	Beaverdam Creek Tidal Dam Repair	587,883
4.	24" W in Gordy Rd	1,000,000
5.	GOB Roof and Air Handler Replacement	0(1)
6.	WWTP HVAC	0(2)
	TOTAL	<u>\$4,726,200</u>

(1) The City intends to allocate certain investment earnings on the Bond to this project.

(2) The City intends to allocate certain investment earnings on the Bond to this project.

The projects identified in items 1-6 above are collectively referred to herein as the "Projects" and individually as a "Project".

(b) With respect to the Projects listed above, the word "costs" shall include, as applicable, land and right-of-way acquisition and development; site and utility improvements; acquisition, construction, expansion, demolition, reconstruction, replacement, renovation, rehabilitation, improvement, installation, furnishing and equipping activities and expenses, and related or similar activities and expenses; planning, design, engineering, architectural, feasibility, inspection, construction management, surveying, permitting, financial and legal expenses, and related or similar costs; costs of issuance (which may include costs of bond insurance or other credit or liquidity enhancement); interest during construction and for a reasonable period thereafter (whether or not expressly so stated); and any such costs that may represent the City's share or contribution to the financing, reimbursement or refinancing of any such project.

\*\*\*\*\*

(d) Proceeds of the Bond are hereby appropriated and allocated to pay costs of the Projects in the maximum principal amount specified for each Project in

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subsection (a) above (exclusive of any investment earnings that may be applied for such purposes, except as otherwise expressly noted); provided that, the City, without notice to or the consent of the registered owner of the Bond, may reallocate the maximum principal amount of the proceeds of the Bond to be spent among the Projects identified in such subsection (a) in compliance with applicable City budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that proceeds of the Bond may be spent on any applicable costs (as defined in subsection (b) above), notwithstanding the descriptive names used for the Projects in the table set forth in subsection (a) above, including, without limitation, changes in scopes of the Projects effected through applicable budgetary procedures or applicable law.”

(b) By the Companion Ordinance, the Council has appropriated and allocated (i) \$113,500.00 of investment earnings on the 2015 Bond to be applied to costs of the 2021 Additional Project identified in the table in subsection (a) above as “GOB Roof and Air Handler Replacement”, and (ii) \$90,000.00 of investment earnings on the 2015 Bond to be applied to costs of the 2021 Additional Project identified in the table in subsection (a) above as “WWTP HVAC”. Notwithstanding the foregoing sentence, no investment earnings on the 2015 Bond may be applied to costs of the 2021 Additional Project identified in the table in subsection (a) above as “WWTP HVAC” unless and until the applicable budget of the City is amended to include such 2021 Additional Project and funding therein.

(c) By undertaking the amendments to Section 2(a) of Resolution No. 2569 provided for in subsection (a) of this Section 2, the City is in effect (i) adding the 2021 Additional Projects identified as items 5-6 in the table set forth in subsection (a) above to the list of Projects the costs of which may be financed or reimbursed from the principal amount of the 2015 Bond and investment earnings thereon and (ii) allocating (A) \$113,500.00 of investment earnings on the 2015 Bond to the 2021 Additional Project identified as “GOB Roof and Air Handler Replacement” and (B) \$90,000.00 of investment earnings on the 2015 Bond to the 2021 Additional Project identified as “WWTP HVAC”.

(d) The Projects identified in items 1-6 in the table set forth in subsection (a) above (which in part amends Section 2(a) of Resolution No. 2569) are collectively referred to herein as the “2021 Revised Projects”. Subject to the provisions of subsection (e) below and Section 6 of this Resolution, from and after the effective date of this Resolution, all references to the Projects in Resolution No. 2569 shall be deemed to be references to the 2021 Revised Projects, as identified in this Resolution. From and after the effective date of this Resolution, the provisions of this Section 2 shall supersede the provisions of Section 2 of Resolution No. 2569 with respect to the application of proceeds of the 2015 Bond.

(e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the 2015 Bond (including investment earnings thereon) may not be applied to costs of the 2021 Additional Projects,

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nor will the amendments to Resolution No. 2569 provided for in this Section 2 be applicable, until (i) the Companion Ordinance becomes effective in accordance with applicable law, and (ii) this Resolution becomes effective in accordance with applicable law.

(f) As provided in the Companion Ordinance, subject to the provisions of subsection (e) above and Section 6 of this Resolution, it is the intention of the Council that any interest income or investment earnings earned on the principal amount of the 2015 Bond (i) prior to the effective date of the Companion Ordinance, to the extent not already spent in accordance with the provisions of the Ordinance No. 2357, Resolution No. 2569 or applicable budgetary procedures or applicable law and (ii) on and after the effective date of the Companion Ordinance, shall be applied to costs of any of the 2021 Revised Projects, except as otherwise provided in the Companion Ordinance; provided that, any such interest income or investment earnings may be allocated otherwise in accordance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution.

SECTION 3. BE IT FURTHER RESOLVED that, subject to the provisions of Section 2(e) and Section 6 of this Resolution, the following officials of the City: the Mayor, the City Administrator, the Director of Finance (which official was known at the time of adoption of Resolution No. 2569 as the Director of Internal Services), the City Clerk and all other appropriate officials and employees of the City, as applicable, are hereby authorized and empowered to take any and all action necessary to provide for application of the proceeds of the 2015 Bond to finance or reimburse the costs of the 2021 Revised Projects and to approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Resolution. In particular, any one or more of the Mayor, the City Administrator and the Director of Finance may approve, execute and deliver a certificate supplementing the Tax and Section 148 Certificate executed and delivered by the City in connection with the issuance of the 2015 Bond.

SECTION 4. BE IT FURTHER RESOLVED that from and after the effective date of this Resolution, Resolution No. 2569 shall be deemed amended and supplemented as provided herein and all other terms and provisions of Resolution No. 2569 shall remain in full force and effect.

SECTION 5. BE IT FURTHER RESOLVED that the provisions of this Resolution shall be liberally construed in order to effectuate the transactions contemplated by this Resolution.

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249        SECTION 6. BE IT FURTHER RESOLVED that this Resolution shall become effective  
250 upon adoption by the Council and approval by the Mayor; provided, however, that in the event (i) the  
251 City fails to amend the applicable budget of the City to include therein the 2021 Additional Project  
252 identified in this Resolution as “WWTP HVAC”, the City may not apply 2015 Bond proceeds  
253 (including investment earnings thereon) to costs of such 2021 Additional Project, and (ii) the  
254 Companion Ordinance does not become effective in accordance with applicable law, the City may  
255 not apply 2015 Bond proceeds (including investment earnings thereon) to costs of either of the 2021  
256 Additional Projects.. Pursuant to Charter Section SC7-46A, this Resolution may not be petitioned to  
257 referendum.  
258

259 THIS RESOLUTION was introduced and read at a meeting of the Council of the City of Salisbury  
260 held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
261 and was adopted by the Council \_\_\_\_\_ [as introduced] \_\_\_\_\_ [as amended] [CHECK  
262 APPLICABLE LINE] on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
263

264 ATTEST:  
265  
266

267 \_\_\_\_\_  
268 Kimberly R. Nichols, City Clerk  
269

\_\_\_\_\_   
John R. Heath, President  
Salisbury City Council

270  
271  
272 APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021  
273  
274

275 \_\_\_\_\_  
276 Jacob R. Day, Mayor  
277  
278

279 #220294;58111.001  
280  
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INTER

OFFICE

# MEMO

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## *Department of Finance*

**To:** Julia Glanz, City Administrator  
**From:** Keith Cordrey, Director of Finance *KAC*  
**Subject:** Allocation of FY18 Bond proceeds for GOB Roof Improvements & (2) Dump Trucks  
**Date:** January 20, 2021

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Please find attached the companion resolution by bond counsel which supplements the ordinance allocating \$6,100 of interest accrued on FY18 bond proceed to be used for GOB Roof Improvements and \$140,000 to be used for two Dump Trucks for the Field Operations Department.

Schedule B of the FY21 Budge Ordinance (No. 2593) established appropriations of \$140,000 for the Dump Trucks and \$175,000 for GOB Roof Improvements using bond proceeds to be reallocated. A summary of funding sources for the GOB Roof improvements follows:

Funding Source	Amount
FY16 Bond Interest	113,500
FY18 Bond Interest	6,100
Police Communication Equipment Project	55,400
Total	175,000

After your review, if you do not have questions or concerns, please forward this ordinance to council for their consideration.

1  
2 A RESOLUTION OF THE COUNCIL (THE "COUNCIL") OF THE CITY OF SALISBURY  
3 ENTITLED A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 2794,  
4 ADOPTED BY THE COUNCIL ON NOVEMBER 27, 2017, APPROVED BY THE MAYOR ON  
5 NOVEMBER 28, 2017 AND EFFECTIVE ON NOVEMBER 28, 2017 ("RESOLUTION NO.  
6 2794"), IN ORDER TO (1) AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE  
7 "CITY") TO USE AND APPLY A PORTION OF THE PRINCIPAL AMOUNT OF THE  
8 \$5,724,853 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2017 ISSUED ON  
9 DECEMBER 13, 2017 (THE "2017 BOND"), PLUS CERTAIN INVESTMENT EARNINGS  
10 THEREON, TO PROJECTS IDENTIFIED HEREIN AS "GOB ROOF AND AIR HANDLER  
11 REPLACEMENT" AND "2 ONE TON DUMP TRUCKS (SANITATION & PARKS)" IN  
12 ADDITION TO THE PROJECTS ORIGINALLY IDENTIFIED IN RESOLUTION NO. 2794,  
13 AND (2) IDENTIFY SUCH ADDITIONAL PROJECTS AS "PROJECTS" FOR ALL PURPOSES  
14 OF RESOLUTION NO. 2794; AUTHORIZING AND EMPOWERING CITY OFFICIALS AND  
15 EMPLOYEES TO TAKE CERTAIN ACTIONS WITH RESPECT TO THE 2017 BOND;  
16 PROVIDING THAT THE PROVISIONS OF THIS RESOLUTION SHALL BE LIBERALLY  
17 CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS  
18 OF THE 2017 BOND.

19  
20 RECITALS

21 WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the "City"),  
22 was authorized and empowered by Sections 19-301 to 19-309, inclusive, of the Local Government  
23 Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the "Enabling  
24 Act"), and Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as replaced,  
25 supplemented or amended (the "Charter"), to borrow money for any proper public purpose and to  
26 evidence such borrowing by the issuance and sale of its general obligation bonds; and  
27

28 WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of  
29 the Charter, and Ordinance No. 2463, passed by the Council of the City (the "Council") on November  
30 13, 2017, approved by the Mayor of the City (the "Mayor") on November 15, 2017 and effective on  
31 November 15, 2017 ("Ordinance No. 2463"), the City authorized general obligation bonds to be  
32 issued from time to time in one or more series in an aggregate principal amount not to exceed Five  
33 Million Seven Hundred Twenty-four Thousand Eight Hundred Fifty-three Dollars (\$5,724,853.00)  
34 (the "Authorized Bonds") in order to finance, reimburse or refinance "costs" and "Costs of the  
35 Projects" (each as defined in Section 3(b) of Ordinance No. 2463) of the projects identified in Section  
36 3(b) of Ordinance No. 2463 as (1) "MDT Upgrades/Replacements", (2) "Station 16 Rear Driveway  
37 Paving", (3) "Radio System & Dispatch Equipment/Improvements", (4) "Riverside Circle", (5)  
38 "Service Center Facility – Phase 1", (6) "Service Center Facility – Phase 2", (7) "Urban Greenway –  
39 Phase 1 – Riverwalk Section", (8) "Urban Greenway – Phase 2 – Carroll Street Section", (9) "Bicycle  
40 Master Plan Paths Including 1<sup>st</sup> Half of Rail Trail", (10) "Maintenance Dump Trucks", (11) "Recycle  
41 Trucks", (12) "Street Scaping: Division, Circle, and Camden", (13) Parking Garage Roof Waterproof  
42 Membrane", (14) "New Parking Meters for Downtown", and (15) "Parking Garage Upgraded  
43 Security Cameras" (herein referred to as the "Authorized Projects" and referred to as the "Projects")  
44

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45 in Ordinance No. 2463) in the maximum principal amounts set forth opposite each such Authorized  
46 Project in such Section 3(b); and  
47

48 WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of  
49 the Charter, Ordinance No. 2463 and Resolution No. 2794, adopted by the Council on November 27,  
50 2017, approved by the Mayor on November 28, 2017 and effective on November 28, 2017  
51 (“Resolution No. 2794”), the City determined to borrow money for the public purpose of financing  
52 or reimbursing “costs” (also defined as “Costs of the Projects”, each as defined in Section 2(b) of  
53 Resolution No. 2794, which definitions mirror the definitions of “costs” and “Costs of the  
54 Projects” set forth in Section 3(b) of Ordinance No. 2463) of the projects specified in Section 2(a)  
55 of Resolution No. 2794 (which included all of the Authorized Projects), and to evidence this  
56 borrowing by the issuance and sale of a single series of the Authorized Bonds in the form of a  
57 single general obligation bond in the maximum principal amount of Five Million Seven Hundred  
58 Twenty-four Thousand Eight Hundred Fifty-three Dollars (\$5,724,853.00): and  
59

60 WHEREAS, pursuant to Resolution No. 2794, such Authorized Bond was issued in the  
61 original principal amount of \$5,724,853.00 and was designated as the City of Salisbury Public  
62 Improvements Bond of 2017 (the “2017 Bond”); and  
63

64 WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of  
65 the Charter, Ordinance No. 2463 and Resolution No. 2794, the City sold and delivered the 2017 Bond  
66 to Branch Banking and Trust Company on December 13, 2017; and  
67

68 WHEREAS, Section 2(a) of Resolution No. 2794 provides that the principal amount of the  
69 2017 Bond (which is referred to as the “Bond” in Resolution No. 2794) shall be appropriated and  
70 allocated to the specified Authorized Projects identified below (the “Original Projects”) in the  
71 maximum principal amount set forth opposite each such Original Project, subject to the further  
72 provisions of such Section 2 (which Original Projects are referred to as the “Projects” in Resolution  
73 No. 2794); and  
74

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	MDT Upgrades/Replacements	\$150,000
2.	Station 16 Rear Driveway Paving	40,000
3.	Radio System & Dispatch Equipment/Improvements	898,253
4.	Riverside Circle	1,326,000
5.	Service Center Facility – Phase 1	550,000
6.	Service Center Facility – Phase 2	200,000
7.	Urban Greenway – Phase 1 – Riverwalk Section	307,200
8.	Urban Greenway – Phase 2 – Carroll Street Section	100,000
9.	Bicycle Master Plan Paths Including 1 <sup>st</sup> Half of Rail Trail	761,500
10.	Maintenance Dump Trucks	160,000
11.	Recycle Trucks	150,000
12.	Street Scaping: Division, Circle, and Camden	750,000
13.	Parking Garage Roof Waterproof Membrane	97,500
14.	New Parking Meters for Downtown	179,400
15.	Parking Garage Upgraded Security Cameras	<u>55,000</u>
	TOTAL	<u>\$5,724,853</u>

; and

WHEREAS, pursuant to Ordinance No. 2487, passed by the Council on June 4, 2018 and approved by the Mayor on June 13, 2018 (“Ordinance No. 2487”), the City reallocated an aggregate of \$37,230.00 of the principal amount of the Authorized Bonds originally allocated to the Authorized Projects identified as “Bicycle Master Plan Paths Including 1<sup>st</sup> Half of Rail Trail”, “Maintenance Dump Trucks” and “Recycle Trucks” to the Authorized Project identified as “Station 16 Rear Driveway Paving”, such that the maximum principal amount of the 2017 Bond was reallocated as follows:

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	MDT Upgrades/Replacements	\$150,000
2.	Station 16 Rear Driveway Paving	77,230
3.	Radio System & Dispatch Equipment/Improvements	898,253
4.	Riverside Circle	1,326,000
5.	Service Center Facility – Phase 1	550,000
6.	Service Center Facility – Phase 2	200,000
7.	Urban Greenway – Phase 1 – Riverwalk Section	307,200
8.	Urban Greenway – Phase 2 – Carroll Street Section	100,000
9.	Bicycle Master Plan Paths Including 1 <sup>st</sup> Half of Rail Trail	758,534
10.	Maintenance Dump Trucks	154,500
11.	Recycle Trucks	121,236
12.	Street Scaping: Division, Circle, and Camden	750,000
13.	Parking Garage Roof Waterproof Membrane	97,500
14.	New Parking Meters for Downtown	179,400
15.	Parking Garage Upgraded Security Cameras	<u>55,000</u>
	<b>TOTAL</b>	<b><u>\$5,724,853</u></b>

; and

WHEREAS, \$55,400.00 of the principal amount of the 2017 Bond originally allocated to the Original Project identified as “Radio System & Dispatch Equipment/Improvements” in Ordinance No. 2463 and Resolution No. 2794 remains unspent, and the Council wishes to reallocate such unexpended principal amount, together with an additional \$146,100.00 of investment earnings on proceeds of the 2017 Bond, to two separate projects referred to in the City’s fiscal year 2021 budget as “GOB Roof and Air Handler Replacement” and “2 One Ton Dump Trucks (Sanitation & Parks)” (collectively, the “2021 Additional Projects”); and

WHEREAS, prior to the introduction of this Resolution, the Council passed Ordinance No. 2649 expanding the list of the Authorized Projects set forth in Ordinance No. 2463 to include the 2021 Additional Projects and amending Ordinance No. 2463 to allow a portion of the principal amount of the Authorized Bonds (meaning the 2017 Bond), together with certain investment earnings thereon, to be applied to costs of the 2021 Additional Projects (the “Companion Ordinance”); and

WHEREAS, accordingly, the City desires to expand the list of the Original Projects as set forth in Resolution No. 2794 in order to allow a portion of the principal amount of the 2017 Bond, together with certain investment earnings thereon, to be applied to costs of the 2021 Additional

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Projects, and to identify such 2021 Additional Projects as “Projects” for all purposes of Resolution No. 2794.

**SECTION 1.** NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that:

(a) The Recitals hereto constitute an integral part of this Resolution and are incorporated herein by reference. Capitalized terms used in the Recitals to this Resolution and not otherwise defined herein shall have the meanings given to such terms in the Recitals.

(b) References in this Resolution to any official by title shall be deemed to refer (i) to any official authorized under the Charter, the code of ordinances of the City (the “City Code”) or other applicable law or authority to act in such titled official’s stead during the absence or disability of such titled official, (ii) to any person who has been elected, appointed or designated to fill such position in an acting or interim capacity under the Charter, the City Code or other applicable law or authority, (iii) to any person who serves in a “deputy”, “associate” or “assistant” capacity as such an official, provided that the applicable responsibilities, rights or duties referred to herein have been delegated to such deputy, associate or assistant in accordance with the Charter, the City Code or other applicable law or authority, and/or (iv) to the extent an identified official commonly uses another title not provided for in the Charter or the City Code, the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

(c) References in this Resolution to “principal amount” shall be construed to mean par amount.

(d) References in the Sections of this Resolution to Ordinance No. 2463 shall be construed to mean Ordinance No. 2463 as the allocation of the proceeds of the Authorized Bonds provided for therein has been reallocated pursuant to Ordinance No. 2487 and as Ordinance No. 2463 has been further supplemented and amended pursuant to the Companion Ordinance.

(e) References in the Sections of this Resolution to Resolution No. 2794 shall be construed to mean Resolution No. 2794, as the allocation of the proceeds of the 2017 Bond provided for therein has been reallocated pursuant to Ordinance No. 2463, Ordinance No. 2487 and the Companion Ordinance.

(f) References in this Resolution to the application or use of proceeds of the 2017 Bond to fund costs of the 2021 Revised Projects (as defined in Section 2(d) hereof) shall be construed to mean for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2463 and Resolution No. 2794, as the same may be amended, modified or supplemented (including as provided for herein), use of such proceeds (including investment earnings) to finance or reimburse costs of the 2021 Revised Projects.

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147 SECTION 2. BE IT FURTHER RESOLVED that:

148  
149 (a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the  
150 Charter and Resolution No. 2794, subsections (a), (b) and (d) of Section 2 of Resolution No. 2794 are  
151 hereby deleted in their respective entireties and inserted in place thereof shall be the following (with  
152 no modifications being made to subsection (c) of Section 2 of Resolution No. 2794):

153  
154 “SECTION 2. BE IT FURTHER RESOLVED that:

155  
156 (a) Pursuant to the authority of the Enabling Act, the Charter and the  
157 Ordinance, subject to any reallocation of proceeds of the Bond made to date, the City  
158 hereby determines to borrow money and incur indebtedness for the public purpose of  
159 financing or reimbursing costs (as defined in subsection (b) below) of the following  
160 public purpose projects in the maximum principal amount set forth opposite each such  
161 project (exclusive of any investment earnings that may be applied for such purposes,  
162 except as otherwise expressly provided herein):

163

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	MDT Upgrades/Replacements	\$150,000
2.	Station 16 Rear Driveway Paving	77,230
3.	Radio System & Dispatch Equipment/Improvements	842,853
4.	Riverside Circle	1,326,000
5.	Service Center Facility – Phase 1	550,000
6.	Service Center Facility – Phase 2	200,000
7.	Urban Greenway – Phase 1 – Riverwalk Section	307,200
8.	Urban Greenway – Phase 2 – Carroll Street Section	100,000
9.	Bicycle Master Plan Paths Including 1 <sup>st</sup> Half of Rail Trail	758,534
10.	Maintenance Dump Trucks	154,500
11.	Recycle Trucks	121,236
12.	Street Scaping: Division, Circle, and Camden	750,000
13.	Parking Garage Roof Waterproof Membrane	97,500
14.	New Parking Meters for Downtown	179,400
15.	Parking Garage Upgraded Security Cameras	55,000
16.	GOB Roof and Air Handler Replacement	55,400(1)
17.	2 One Ton Dump Trucks (Sanitation & Parks)	0(2)
	TOTAL	<u>\$5,724,853</u>

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(1) In addition to the par amount of the Bond identified in Section 3 below allocated to the indicated project, the City intends to allocate certain investment earnings on the Bond to this project.

(2) All Costs of the Projects of this identified project will be funded from investment earnings on the Bond.

The projects identified in items 1-17 above are collectively referred to herein as the "Projects" and individually as a "Project".

(b) With respect to the Projects listed above, the word "costs" shall include, as applicable, land and right-of-way acquisition and development; acquisition of other property rights; site and utility improvements, including, without limitation, grading, landscaping, paving, sidewalk, curb, gutter, storm drain, water and sewer improvements, and related or similar activities and expenses; demolition, razing and removal; acquisition, construction, expansion, reconstruction, renovation, rehabilitation, improvement, installation, furnishing and equipping activities and expenses, and related or similar activities and expenses; planning, design, engineering, architectural, feasibility, surveying, bidding, permitting, inspection, construction management, financial, administrative and legal expenses, and related or similar activities and expenses; costs of issuance (which may include costs of bond insurance or other credit or liquidity enhancement); interest during construction and for a reasonable period thereafter (whether or not expressly so stated); and any such costs that may represent the City's share or contribution to the financing, reimbursement or refinancing of any such project (collectively, "Costs of the Projects").

\*\*\*\*\*

(d) Proceeds of the Bond are hereby appropriated and allocated to pay Costs of the Projects in the maximum principal amount specified for each Project in subsection (a) above (exclusive of any investment earnings that may be applied for such purposes, except as otherwise expressly noted); provided that, the City, without notice to or the consent of the registered owner of the Bond, may reallocate the maximum principal amount of the proceeds of the Bond to be spent among the Projects identified in such subsection (a) in compliance with applicable City budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that proceeds of the Bond may be spent on any applicable Costs of the Projects, notwithstanding the descriptive names used for such Projects in the table set forth in subsection (a) above, including, without limitation, costs related to changes in the scopes of the Projects identified above effected through applicable budgetary procedures or applicable law."

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(b) By the Companion Ordinance, the Council has appropriated and allocated (i) \$6,100.00 of investment earnings on the 2017 Bond to be applied to costs of the 2021 Additional Project identified in the table in subsection (a) above as “GOB Roof and Air Handler Replacement”, and (ii) \$140,000.00 of investment earnings on the 2017 Bond to be applied to costs of the 2021 Additional Project identified in the table in subsection (a) above as “2 One Ton Dump Trucks (Sanitation & Parks)”.

(c) By undertaking the amendments to Resolution No. 2794 provided for in this Section 2, the City is in effect (i) reducing the principal amount of the 2017 Bond to be applied to costs of the Original Project identified as “Radio System & Dispatch Equipment/Improvements” from \$898,253.00 to \$842,853.00; (ii) adding the 2021 Additional Projects identified as items 16-17 in the table set forth in subsection (a) above to the list of Projects the costs of which may be financed or reimbursed from the principal amount of the 2017 Bond and investment earnings thereon; (iii) reallocating a portion of the principal amount of the 2017 Bond previously allocated to the Original Project identified as “Radio System & Dispatch Equipment/Improvements” to the 2021 Additional Project identified as “GOB Roof and Air Handler Replacement”; and (iv) allocating (A) \$6,100.00 of investment earnings on the 2017 Bond to the 2021 Additional Project identified as “GOB Roof and Air Handler Replacement” and (B) \$140,000.00 of investment earnings on the 2017 Bond to the 2021 Additional Project identified as “2 One Ton Dump Trucks (Sanitation & Parks)”.

(d) The Projects identified in items 1-17 in the table set forth in subsection (a) above (which in part amends Section 2(a) of Resolution No. 2794) are collectively referred to herein as the “2021 Revised Projects”. Subject to the provisions of subsection (e) below and Section 6 of this Resolution, from and after the effective date of this Resolution, all references to the Projects in Resolution No. 2794 shall be deemed to be references to the 2021 Revised Projects, as identified in this Resolution. From and after the effective date of this Resolution, the provisions of this Section 2 shall supersede the provisions of Section 2 of Resolution No. 2794 with respect to the application of proceeds of the 2017 Bond.

(e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the 2017 Bond (including investment earnings thereon) may not be applied to costs of the 2021 Additional Projects, nor will the amendments to Resolution No. 2794 provided for in this Section 2 be applicable, until (i) the Companion Ordinance becomes effective in accordance with applicable law and (ii) this Resolution becomes effective in accordance with applicable law.

(f) As provided in the Companion Ordinance, subject to the provisions of subsection (e) above and Section 6 of this Resolution, it is the intention of the Council that any interest income or investment earnings earned on the principal amount of the 2017 Bond (i) prior to the effective date of the Companion Ordinance, to the extent not already spent in accordance with the provisions of the Ordinance No. 2463, Resolution No. 2794 or applicable budgetary procedures or applicable law and (ii) on and after the effective date of the Companion Ordinance, shall be applied to costs of any of the 2021 Revised Projects, except as otherwise provided in the Companion Ordinance; provided that, any

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such interest income or investment earnings may be allocated otherwise in accordance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution.

SECTION 3. BE IT FURTHER RESOLVED that, subject to the provisions of Section 2(e) and Section 6 of this Resolution, the following officials of the City: the Mayor, the City Administrator, the Director of Finance, the City Clerk and all other appropriate officials and employees of the City, as applicable, are hereby authorized and empowered to take any and all action necessary to provide for application of the proceeds of the 2017 Bond to finance or reimburse the costs of the 2021 Revised Projects and to approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Resolution. In particular, any one or more of the Mayor, the City Administrator and the Director of Finance may approve, execute and deliver a certificate supplementing the Tax and Section 148 Certificate executed and delivered by the City in connection with the issuance of the 2017 Bond.

SECTION 4. BE IT FURTHER RESOLVED that from and after the effective date of this Resolution, Resolution No. 2794 shall be deemed amended and supplemented as provided herein and all other terms and provisions of Resolution No. 2794 shall remain in full force and effect.

SECTION 5. BE IT FURTHER RESOLVED that the provisions of this Resolution shall be liberally construed in order to effectuate the transactions contemplated by this Resolution.

SECTION 6. BE IT FURTHER RESOLVED that this Resolution shall become effective upon adoption by the Council and approval by the Mayor; provided, however, that in the event the Companion Ordinance does not become effective in accordance with applicable law, the City may not apply 2017 Bond proceeds or investment earnings thereon to pay or reimburse Costs of the Projects of the 2017 Additional Projects. Pursuant to Charter Section SC7-46A, this Resolution may not be petitioned to referendum.

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THIS RESOLUTION was introduced and read at a meeting of the Council of the City of Salisbury held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and was adopted by the Council \_\_\_\_\_ [as introduced] \_\_\_\_\_ [as amended] [CHECK APPLICABLE LINE] on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

\_\_\_\_\_  
Jacob R. Day, Mayor


#220288;58111.001

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# City of Salisbury

Jacob R. Day, Mayor

To: Julia Glanz, City Administrator  
From: Amanda Pollack, P.E., Director of Infrastructure and Development   
Date: January 6, 2021  
Re: Resolution to Adopt and Approve the Environmental Policy Task Force Report

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The Mayor convened an Environmental Policy Task Force in February 2020. The task force was charged with reviewing the 2009 Environmental Policy Task Force report and developing new priorities. The December 2020 Task Force report is attached along with a resolution to adopt the report. The report recommendations are based on action items from five subcommittees:

- Energy Use and Emissions
- Water, Wastewater, and Stormwater
- Management of Public Open Space
- Transportation, Sustainable Operation, and Design
- Education and Outreach

The task force members have presented the report to City Department Heads. Implementation of the recommendation span across various departments and the administration. The Report is intended to guide Capital Programming and Budgetary priorities.

Unless you or the Mayor have further questions, please forward a copy of this memo, the Environmental Policy Task Force Report and the resolution to the City Council.



FINAL REPORT OF THE

# CITY OF SALISBURY'S ENVIRONMENTAL POLICY TASK FORCE

DECEMBER 2020

## **2020 Mayor's Environmental Policy Task Force Members**

### Task Force Chair:

Dave Nemazie, University of Maryland Center for Environmental Science

### City Council Representative:

Michele Gregory, District 4

### County Council Representative:

Josh Hastings, District 4

### Environmental Group Representatives:

Marina Feeser, Surfrider Foundation

Mario Ramirez, Wicomico Environmental Trust

Dan Savoy, Wicomico Environmental Trust

Elise Trelegan, NOAA and Chair, City Sustainability Advisory Committee

### Commercial/Developer Representatives:

Tom Anderson, Tidal Health Peninsula Regional

Dave Layfield, Green Street Housing

Steve Levitsky, Perdue Farms

### Engineer/ Architect/ Landscape Architect Representatives:

John Foley, Becker Morgan Group

Steve Marsh, George, Miles, and Buhr

Tim Metzner, Davis, Bowen, and Friedel

Dave Van der Vossen, Allen and Shariff

### Community Representatives:

David Plotts, Chair, City Parks and Recreation Committee

Bhaskar Subrarian

### Educational Representatives:

Mary Buffington, ESRCG

Dr. Mike Lewis, Salisbury University

Dr. Jennifer Nyland, Salisbury University

### City Staff:

Brielle McQuiston, Sustainability Intern

Anne Roane, City Planner, Department of Infrastructure and Development

Mary Seemann, Salisbury Zoo

### Staff Support:

Alyssa Hastings, Sustainability Coordinator, Department of Infrastructure and Development

Amanda Pollack, Director, Department of Infrastructure and Development

## Executive Summary

The City of Salisbury Environmental Policy Task Force (EPTF) was created by Mayor Jake Day in early 2020 to develop a body of recommendations in order to reduce the environmental impact of the City and its citizens and is comprised of a variety of residents from the city of Salisbury and greater Wicomico County. Working through the COVID-19 pandemic, the EPTF settled upon twenty-two recommendations which are classified into the following categories: Energy Use and Emissions; Water, Wastewater, and Storm Water; Management of Public Open Space; Transportation, Sustainable Operation and Design; and Education and Outreach. These recommendations will serve the City as it develops and implements a sustainability plan.

Over ten years ago the City had previously charged an Environmental Policy Task Force to help guide its decision-making and to prioritize environmental policies and practices; and significant steps were taken to follow several of its recommendations. This current report was greatly informed by what the City has learned and implemented since the submission of its predecessor. In addition, new challenges and environmental priorities have emerged with each recommendation considering its impact on environmental justice and climate change implications. Recommendations were organized to be considered in Immediate, Medium, and Long Term time frames with general costs classified as Low, Medium and High.

The EPTF urges the City to lead by example in the County and greater Delmarva Peninsula, namely by prioritizing the consideration of environmental ramifications when making decisions with property it largely controls. Examples include embedding energy assessments into city planning (A-1); purchasing hybrid, electric and appropriately sized vehicles when necessary, as well as establishing fuel reduction goals (A-4), inserting trash collectors at storm water runoff drains (B-3), and establishing robust policies and procedures for the management of plants and trees on city-owned properties (C-2) while enhancing landscaping that is native to the Chesapeake Bay watershed (D-3).

The City needs to provide its own internal expertise and leadership to ensure that it can achieve and remain at the leading edge of environmental actions and policies. While focused on developing a robust plan for managing and expanding public open space (C-3), the City should consider a new department dedicated to city parks and recreation (C-1). Additionally, the City needs to work with the private sector to offer incentives for environmentally friendly building construction and renovation (A-3), to expand solar energy opportunities for the entire community (A-5) and to enhance the quality of local and regional transportation systems to ensure safe pedestrian and wildlife passage in and around the City (D-1). Environmental health of the citizenry should also be considered throughout City planning efforts (E-5).

Active educational and outreach programs should prioritize the impact of nuisance flooding (E-6), highlight the excellent quality of the City's drinking water (B-1) while making it more available (E-1) and preventing lead contamination (B-2). Many of the recommendations require the creation of partnerships with third parties to evaluate, design and implement gray water systems (B-4) and smart-growth alternatives (D-2), managing open space throughout the City (C-4), enhancing recycling and solid waste alternatives (E-4), and connecting with local educators to provide environmental learning opportunities outside of the classroom for K-12 students (E-3).

## Executive Summary Table

Estimates of priorities and costs are considered relative to the other recommendations. It is recommended that the mayor, city council, and city department leadership consider taking further evaluation and/or action on the priorities ranked “Immediate” regardless of the relative cost. Costs associated with these recommendations could be borne by the City’s operating or capital budget or by the non-profit and private sectors. Whenever possible, external funding opportunities and partnerships should be considered.

### Prioritization Key:

- I-Immediate (1-3 years)
- Med-Medium (2-5 years)
- LT- Long-term (4-7 years)

	Overall Priority	Cost	Page
<b>A. Energy Use and Emissions</b>			2
<b>A-1 Embed Energy &amp; Emissions Assessments Into City Planning</b>	<b>I</b>	<b>Med</b>	2
a. Establish Goals			
b. Conduct Community Emissions Inventory			
c. Perform Regular Emissions Assessments			
d. Provide Training			
<b>A-2 Environmentally Conscious Building Policy for City-Owned Construction Projects</b>	<b>Med</b>	<b>High</b>	4
a. DOE ComCheck reports			
b. LEED Certification for City Buildings			
c. LEED Silver Certification for City Buildings			
<b>A-3 Environmentally Conscious Building Policy for Non City-Owned Construction Projects</b>	<b>LT</b>	<b>High</b>	6
a. DOE ComCheck reports			
b. Tax incentive for LEED Certified Buildings			
c. Tax incentive for LEED Certified Silver Buildings			
<b>A-4 City Vehicles: Maintenance, Use, and Alternatives</b>	<b>I</b>	<b>Low</b>	8
a. Apply for Grant Funding			
b. Optimize Vehicles for Size and Use			
c. Vehicle Rating System			
d. Establish Fuel Reduction Goals			
e. Accessory Power Units for All Emergency Vehicles			
<b>A-5 Renewable Energy: Procurement, On-Site Solar and Community Solar</b>	<b>Med</b>	<b>Low</b>	9
a. Expand Community Solar Partnerships			
b. On-site Solar Expansion			
c. Promote Renewable Energy			
d. Renewable Energy Procurement			

	Overall Priority	Cost	Page
<b>B. Water, Wastewater, and Storm Water</b>			12
<b>B-1 Increase Public Outreach and Data Accessibility</b>	<b>Med</b>	<b>Med</b>	12
a. Online Water Monitoring Website or App			
b. Consumer Confidence Report			
c. State of the River Report			
<b>B-2 Lead Poisoning Prevention</b>	<b>Med</b>	<b>Low</b>	13
a. Lead Registration Initiative			
<b>B-3 Stormwater Inlet Trash Inserts</b>	<b>I</b>	<b>Low</b>	14
a. Prioritize locations for Inlet Nets			
b. Add 10 Inlet Nets Per Year			
<b>B-4 Gray Water Infrastructure Development</b>	<b>LT</b>	<b>High</b>	15
a. Evaluate Feasibility of Greywater Infrastructure for New Construction			
<b>C. Management of Public Open Space</b>			17
<b>C-1 Parks Staffing and Organization</b>	<b>Med</b>	<b>High</b>	17
a. Properly Staffed Parks Division			
b. Establish a Department of Parks and Recreation			
<b>C-2 Establish Policies and Procedures</b>	<b>Med</b>	<b>Low</b>	19
a. Pesticide/Herbicide Use & Invasive Species Removal			
b. Tree Planting and Growth (Tree Canopy)			
c. Native Plantings			
d. Water Edge Practices			
<b>C-3 Prepare a City-Wide Parks and Open Spaces Master Plan</b>	<b>I</b>	<b>Med</b>	24
a. Analyze Existing Parks Throughout the City			
b. Prioritize Park Expansion and Pocket Parks			
c. Improve Utilization of Parks, also Considering Use of Waterways			
<b>C-4 Increase Collaboration with Governmental, For-profit, and Nonprofit Organizations</b>	<b>LT</b>	<b>Med</b>	27
a. Increased Collaboration with Local Governments & State Government			
b. Increased Collaboration with Nonprofit and For-profit Organizations			
<b>D. Transportation, Sustainable Operation, and Design</b>			30
<b>D-1 Transportation Recommendations</b>	<b>Med</b>	<b>Low</b>	30
a. Bicycle-Pedestrian Advisory Commission			
b. Transportation Infrastructure Plan			
c. Bicycle Parking Requirement in Zoning Code			
d. Pervious and Grass Pavers Requirement			
e. Wildlife Corridors			
<b>D-2 Smart Growth Zoning alternatives</b>	<b>I</b>	<b>Low</b>	33
<b>D-3 Bay Friendly and Sustainable Landscape Options</b>	<b>Med</b>	<b>Low</b>	34

	Overall Priority	Cost	Page
<b>E. Education and Outreach</b>			36
<b>E-1 Drinking Water Stations</b>	<b>LT</b>	<b>High</b>	36
a. Increase Accessibility of Water Bottle Refill Stations			
<b>E-2 Efficient and Effective Plumbing Conveyance systems</b>	<b>LT</b>	<b>Low</b>	37
a. “Don’t Flush” Educational Campaign			
<b>E-3 Partnerships</b>	<b>Med</b>	<b>Med</b>	37
a. Connect and Partner with Local Educators			
<b>E-4 Recycling and Solid Waste</b>	<b>Med</b>	<b>Low</b>	39
a. Expand Recycling Education			
b. Continue Green Festivals			
<b>E-5- Environmental Health</b>	<b>Med</b>	<b>Low</b>	39
a. Include Environmental Health in Planning Decisions			
<b>E-6 Nuisance Flooding (Sunny Day Flooding)</b>	<b>I</b>	<b>High</b>	40
a. Flooding Educational Campaign			

## **Mayor's Environmental Policy Task Force**

### **Charge of the Environmental Policy Task Force**

The 2020 Environmental Policy Task Force (EPTF) was created to undertake the following: perform a review of the progress made since the 2009 EPTF; work with the City staff in prioritizing broad sustainability goals and the actions required to achieve them; and form recommendations to serve as key elements of a city sustainability plan. Additionally, the task force will develop recommendations that the non-profit and private sectors may want to consider as a means to educate the citizens of the City. The goal of the City is to ensure that it will make decisions in an informed manner to become a more resilient city and community.

The Task Force has been appointed by the Mayor to help her develop a policy recommendation for consideration by the City Council and Department leadership. The membership has been drawn from a broad base of interests and backgrounds to facilitate discussion and to ensure that the results of the Task Force comprehensively cover the topic.

### **Meetings, Process, and Deliberations**

The 2020 EPTF held its inaugural meeting in February and an organization meeting in March. There was a hiatus of a few months due to the pandemic but virtual meetings resumed soon thereafter. To facilitate the development of recommendations, the members of the task force split into the following five subcommittees:

1. Energy Use and Emissions
2. Water, Wastewater, and Storm Water
3. Management of Public Open Space
4. Transportation, Sustainable Operation and Design
5. Education and Outreach.

Besides initial and final meetings, the five subcommittees met separately from the task force. Each subcommittee was asked to update the task force on its initial recommendations for broader task force discussion and development. This report focuses on twenty-two recommendations largely developed within one of the five subcommittees.

## **A. Energy Use and Emissions**

**Vision Statement:** The Energy Subcommittee provides these recommendations for municipal operations and community efforts to move towards a net-zero emissions goal for the City of Salisbury. The concept of “net-zero” means that the city and the community will work together to reduce current greenhouse gas emissions in a manner that also implements measures and changes to offset the remaining emissions that cannot be completely eliminated. A move towards net-zero is a complex but necessary process that will necessitate cooperation among multiple city government departments.

These recommendations include both broad and specific goals, some of which are large-systemic changes in municipal operations, while others are “low hanging fruit” that can be accomplished in the near-term. The following specific recommendations center on four distinct aspects of Salisbury’s energy portfolio:

1. Embedding energy and emissions assessments into city planning, which is a prerequisite for being able to adequately implement and track these efforts into the future;
2. Building usage, which in 2009 accounted for nearly 20% of the City’s emissions (2,057 tons);
3. Transportation usage, which in 2009 accounted for more than 19% of the City’s emissions (2,059 tons) and the most expensive category at \$435,813 per year; and
4. Sustainable energy sources, which are critical for moving the needle forward.

### **Recommendation A-1: Embed Energy and Emissions Assessments into City Planning**

**Synopsis:** The Energy Subcommittee proposes an initial recommendation that the city of Salisbury incorporates a biennial municipal and community Greenhouse Gas (GHG) Emissions Audit into the work plan of its existing energy consultant, CQI Associates. Additionally, because the City currently lacks a protocol for managing emissions, it should identify opportunities to normalize and embed these concepts into future comprehensive plans.

### **Recommendation A-1A: Establish Goals**

We recommend that Salisbury publicly establish decadal goals (2030, 2040, 2050 and beyond) for municipal and community emissions reduction. This subcommittee recommends the following timeline for municipal goals, based on the ongoing 2020 GHG Emissions Inventory conducted by the City’s Americorps Member in 2020: 50% reduction by 2030, 90% by 2040, and net-zero by 2050.

### **Recommendation A-1B: Conduct Community Emissions Inventory**

We recommend that the City undertake a Community GHG Emissions Inventory starting in 2022, in tandem with the next municipal emissions inventory. Based on the findings, the City should establish a timeline for achieving the broad reduction goals.

### **Recommendation A-1C: Perform Regular Emission Assessments**

After reviewing the baseline emissions inventory conducted in FY20, we recommend undertaking GHG inventories on a biennial basis to adequately track progress against the baseline. Comparing annual biennial progress against performance measures will indicate whether implemented actions are effective or if adjustments to the approach are needed. The

documentation of progress can also encourage funding from both internal and external sources. The City already engages a consultant, to analyze their energy portfolio and has an opportunity to build on that experience to the biennial assessments. To ensure that these assessments are broadly understood, findings from reports should be published in an easy-to-understand format to the City's website with briefings to the department leaders and City Council.

**Recommendation A-1D: Provide Training**

In order for the assessments to be as effective as possible, we recommend providing energy efficiency and emissions reduction training to city personnel to establish and build upon a culture of sustainability. This training should be differentiated across departments which should be equipped to share the financial and environmental value of such training with their respective staffs.

**Benefits:**

- By working with energy consultants and internal staff the City can develop key data and metrics that need to be incorporated into an energy assessment.
- Biannual assessments will be helpful in ensuring that there is consistency in the data collection and integration.
- Professional assessments are important to ensure measured consistency and that further recommendations for consideration are feasible and are likely to meet goals.

**Barriers:**

- The consultant may not be familiar with the reporting ClearPath program. Tutorials and support from Local Governments for Sustainability (ICLEI) are available to support this with the City's existing membership.
- There will be an additional cost associated with adding this bi-annual activity to a scope of work.
- Some support from the Sustainability Coordinator will likely be needed to fill in certain gaps in information.

**Actions Required:** Establish long term goals for emissions reductions at both the city and neighborhood levels. Commit to regular professional emissions assessments and share the results of those assessments. Provide training to city staff to maximize the impact of the assessment results.

**Climate Change Implications:** These recommendations are absolutely essential for the city to begin addressing its contributions to regional and global climate degradation.

**Diversity and Justice:** Climate change, caused by the anthropogenic creation of greenhouse gases, is fundamentally an environmental justice issue. By curbing the City's and its communities' emissions, we hope to limit its effects on public health. Among the many sectors that are significantly affected by the energy consumption of fossil fuels, the negative impact of climate change on minority and vulnerable populations is especially evident in the public health sector.

**Priority Level and Recommended Timeline:** This activity is a prerequisite for any energy and/or emissions policies to be effective. It is critical that the city develop goals that are ambitious, that align with other similarly sized cities have established goals and that regular assessments are conducted to determine what strategies are working or where adaptations may need to occur. As a result, costs associated with this activity will be on a biannual basis. It is expected that savings in cost will occur by incorporating this activity into the workplan.

*Priority - Immediate; Estimated Cost - Medium*

**Recommendation A-2: Environmentally Conscious Building Policy for City-Owned Construction Projects**

**Synopsis:** Several tools are available to define and implement energy-efficient and environmentally conscious building projects. These tools include the International Energy Conservation Code (IECC), the International Green Code (IGC), the Department of Energy (DOE) COMcheck and the Leadership in Energy & Environmental Design (LEED®) rating system. To prevent disproportionately high costs to smaller projects, the proposed policy would increase requirements as the project size increases. Most studies show returns on the premium cost for environmentally conscious construction to be conservatively between five and ten years. The city should take the opportunity to lead by example with this policy.

**Recommendation A-2A**

All new construction and renovation projects shall have DOE ComCheck reports submitted to the City and stamped by a Maryland-registered architect and engineer before construction begins. COMcheck is a software program used by the Department of Energy that determines whether new commercial or high-rise residential buildings, additions, and alterations meet the requirements of the IECC and ASHRAE Standard 90.1 as well as several state-specific codes. The program has four sections – building envelope, mechanical systems, interior lighting and exterior lighting. The building envelope section lists a percentage higher than the code-required minimum, thus ensuring that all projects are meeting the IECC code minimum. The COMcheck reports shall also have a stamped letter submitted to the City by the same architect and engineer stating that they have visually surveyed the completed project and that the completed installation meets the requirements of the IECC and the ComCheck reports. This will ensure that the energy efficiency measures designed into the project will not be eliminated as it is constructed.

**Recommendation A-2B**

All new construction and renovation projects over 50,000 square feet shall obtain LEED certification.

**Recommendation A-2C**

All new construction and renovation projects over 75,000 square feet shall obtain LEED Silver certification.

**Benefits:**

- From construction and through its lifetime, an environmentally conscious building uses less energy, water and natural resources and creates, among many additional benefits, less waste and lower energy consumption costs.
- Healthier buildings have lower to no volatile organic compounds (VOCs) and other indoor toxins, contributing to increased health and productivity among employees and residents.
- Promotion of the active reduction of greenhouse gas emissions and lessened exposure to VOCs and other indoor toxins.
- Increased application of sustainable materials and adoption of practices used in the construction process.

**Barriers:**

- Outreach and Training - there is a need for outreach, education and training in every sector regarding environmentally conscious design and construction practices.
- Construction and Design Costs - green construction methods represent a 0 -15% premium in different studies. Payback periods are typically five and ten years. Administrative and design costs for LEED-registered projects need to be accounted for in design and construction cost planning.

**Actions Required:** Creation and passage of an environmentally conscious construction policy for all new city-owned facilities. Additionally, education of city permit officials and revisions to RFP and procurement policies and procedures would need to occur.

**Climate Change Implications:** Building construction and a building's energy usage within its finished envelope account for about a quarter of the world's greenhouse gas emissions. By adopting the policies presented in this section, the City can work toward limiting the amount of emissions created through the existence and use of these spaces.

**Diversity and Justice:** LEED explicitly promotes socially responsible practices within the project team and its supply chain through its Social Equity Pilot Credits, which includes social equity in the community.

**Priority Level and Recommended Timeline:** Low investment costs would be required to develop and adopt an environmentally conscious building policy. Premium construction, design and administrative costs would need to be included in construction budgets for new projects. Reduced energy costs and higher worker productivity would reduce long-term costs and typically begin to provide paybacks from five to ten years after the completion of construction. Using a stepped approach reduces the impact of higher design and administrative costs associated with LEED certification. Larger projects are able to absorb these costs more efficiently as the return on investment is generally greater.

*Priority - Medium; Estimated Cost - High*

### ***Recommendation A-3: Environmentally Conscious Building Policy for Non City-Owned Construction Projects***

**Synopsis:** Several tools are available to implement and define energy-efficient and environmentally conscious building projects. These tools include the International Energy Conservation Code (IECC), the International Green Code (IGC), the Department of Energy (DOE) COMCheck and RESCheck, and the Leadership in Energy & Environmental Design (LEED®) rating system. The goal is to ensure minimum compliance with the IECC. To prevent disproportionately high costs to smaller projects, the proposed policy would increase requirements as the project size increases. City costs are primarily related to staff training and enforcement. Most studies show returns on the premium cost for environmentally conscious construction to be conservatively between five and ten years. The city should take the opportunity to lead by example with this policy.

#### **Recommendation A-3A**

All new residential and commercial construction and renovation projects shall have DOE ComCheck/ResCheck reports (as applicable) submitted to the city and stamped by a Maryland registered architect and engineer before construction begins. COMcheck is a software program used by the Department of Energy that determines whether new commercial or high-rise residential buildings, additions, and alterations meet the requirements of the IECC and ASHRAE Standard 90.1 as well as several state-specific codes. The program has four sections – building envelope, mechanical systems, interior lighting and exterior lighting. The building envelope section lists a percentage higher than the code-required minimum, thus ensuring that all projects are meeting the IECC code minimum. REScheck is a similar program for residential construction. The COMcheck and REScheck reports shall also have a stamped letter submitted to the City by the same architect and engineer stating that they have visually surveyed the completed project and that the completed installation meets the requirements of the IECC and the ComCheck reports. This will ensure that the energy efficiency measures designed into the project will not be eliminated as it is constructed.

#### **Recommendation A-3B**

All new construction and renovation projects over 50,000 square feet that obtain LEED certification will be offered a reduction in property tax by the City. Reduction amount will be determined by the City.

#### **Recommendation A-3C**

All new construction and renovation projects over 75,000 square feet that obtain LEED Silver certification will be offered a reduction in property tax by the City. Reduction amount will be determined by the City.

#### **Benefits:**

- From construction and through its lifetime, an environmentally conscious building uses less energy, water and natural resources and creates, among many additional benefits, less waste and lower energy consumption costs.

- Healthier buildings have lower to no volatile organic compounds (VOCs) and other indoor toxins, contributing to increased health and productivity among employees and residents.
- Promotion of the active reduction of greenhouse gas emissions and lessened exposure to VOCs and other indoor toxins.
- Increased application of sustainable materials and adoption of practices used in the construction process.

#### **Barriers:**

- Outreach and Training - there is a need for outreach, education and training in every sector regarding environmentally conscious design and construction practices.
- Other jurisdictions with dissimilar requirements. Outreach to Wicomico County and other local jurisdictions should occur so that similar requirements can be implemented in the County to even the playing field and not incentivize projects to move out of the City to the County or other local jurisdictions.
- Construction and Design Costs - green construction methods represent a 0 -15% premium in different studies. Payback periods are typically five and ten years. Administrative and design costs for LEED-registered projects need to be accounted for in design and construction cost planning.
- Increased upfront construction and design cost for developers: While increased costs are usually offset by 5-10-year payback periods, this timeframe may be longer than is typically acceptable for some developers. This can also be offset with increased property and rent values associated with environmentally conscious construction projects.

**Actions Required:** Creation and passage of an environmentally conscious building construction policy for all new non city-owned facilities. Additionally, education of city permit officials and revisions to RFP and procurement policies and procedures would need to occur while outreach to and education of the development community could be considered.

**Climate Change Implications:** Building construction and a building's energy usage within its finished envelope account for about a quarter of the world's greenhouse gas emissions. By adopting the policies presented in this section, the City can work toward limiting the amount of emissions created through the existence and use of these spaces.

**Diversity and Justice:** LEED explicitly promotes socially responsible practices within the project team and its supply chain through its Social Equity Pilot Credits, which includes social equity in the community.

**Priority Level and Recommended Timeline:** Low investment costs would be required to develop and adopt an environmentally conscious building policy. The cost of code enforcement on private commercial projects is negligible but the costs to the private sector of implementing environmentally conscious building practices will be more significant. Using a stepped approach reduces the impact of higher design and administrative costs associated with LEED certification. Larger projects are able to absorb these costs more efficiently as the return on investment is generally greater.

*Priority – Long-Term; Estimated Cost – High*

#### ***Recommendation A-4: City Vehicles: Maintenance, Use, and Alternatives***

**Synopsis:** Currently, almost all city vehicles run on gas or diesel with a few electric/gas hybrids and no electric cars. The typical lifespan of a city vehicle is approximately twenty years. It is recommended that the City of Salisbury develop and implement a “Green Fleet” purchasing policy where purchases of new vehicles are mandated to be the lowest emission vehicle possible with a special focus on electric vehicles. Multiple types of hybrid and alternatively fueled vehicles now readily exist in the retail market. Depending upon the mix of fuel and/or power source, these vehicles significantly increase fuel efficiency, reduce carbon emissions and often reduce other forms of pollution. There are opportunities for bulk-purchase programs facilitated through organizations like Climate Mayors, most of which provide discounts on electric vehicles through SourceWell.

#### **Suggested Policy:**

##### **Recommendation A-4A**

The transportation specialist should apply for grant funding through the Maryland Clean Fuels Technical Assistance (CFTA) Program run through the Maryland Energy Administration to acquire needed technical assistance in examining the entire city fleet and determining a plan for vehicle conversion.

##### **Recommendation A-4B**

The carpool manager should begin a program to ensure that user needs are met by the smallest and most fuel-efficient vehicle available. Aside from emergency vehicles, small four-passenger automobiles with four-cylinder engines should be used over others. If the City purchases alternative fuel vehicles, their use should be a priority over older combustible engine vehicles. The city should consider opportunities for bulk purchases set forth through SourceWell.

##### **Recommendation A-4C**

A rating system should be established in which vehicles with low fuel efficiency and high use are prioritized for replacement and upgraded. The City should focus on procuring electric vehicles and require that new non-electric vehicles are as fuel-efficient as possible.

##### **Recommendation A-4D**

Department heads should be asked to monitor fuel consumption with the goal of maximum reduction in consumption. Annual goals for reduction in vehicle miles traveled (VMT) per department should also be established.

##### **Recommendation A-4E**

Consider purchasing Accessory Power Units for all stationary emergency vehicles to power equipment. According to DOE, payback periods for power packs can be reached within a few months or years because of the fuel savings.

**Benefits:**

- Gas/electric hybrids generally offer significant fuel efficiency and reduced emissions over models that are powered by a combustible engine.
- Electric vehicles have a limited range but may be highly useful for tasks that occur within or just outside of the city limits.
- Immediate fuel saving costs.
- Reduction in emissions.
- Educate the employees on the best methods for fuel-efficiency.

**Barriers:**

- Currently there is a premium cost to the purchase price of vehicles using alternative power systems.
- Newer vehicles will have a greater mileage rate as newer EVs – electric vehicles - have the capacity to go farther than older models before needing to be recharged.
- Older vehicles would not be used as much as they may have a lower rate of turnover and may require additional maintenance due to age.

**Climate Change Implications:** Transportation is a major contributor to greenhouse gas emissions due to the burning of fossil fuels like gasoline and diesel. Limiting the use of high-emission vehicles and transitioning to an electric fleet is an important aspect of moving the City towards a net-zero future.

**Diversity and Justice:** Climate change, caused by the anthropogenic creation of greenhouse gases, is fundamentally an environmental justice issue. By curbing the City's and its communities' emissions, we hope to limit its effects on public health. Among the many sectors that are significantly affected by the energy consumption of fossil fuels, the negative impact of climate change on minority and vulnerable populations is especially evident in the public health sector.

**Priority Level and Recommended Timeline:** The costs associated with matching user needs to vehicles would be minimal and should be covered by current staff. It is recommended that the City use gas/electric hybrids for vehicles that often go beyond the city limits and electric vehicles for cars that stay within the city limits. This cost difference may take several years to recover from the difference in fuel cost and efficiency due to the premium cost of the vehicles. The costs associated with this recommendation would be borne by the City in its Capital Equipment Budget only when vehicles are being replaced.

*Priority - Immediate; Estimated Cost – Low*

**Recommendation A-5: Renewable Energy: Procurement, On-Site Solar & Community Solar Synopsis:** Buildings use 40% of America's energy and 70% of its electricity and are responsible for more than one-third of all greenhouse gas emissions. Most buildings in Salisbury, private or municipal, commercial, residential, or industrial, use electricity as their primary source of energy for heating and cooling in addition to lighting and other electrical uses. Converting the energy supply for these buildings to renewable sources could account for a major reduction in greenhouse gas emissions attributed to our city. There are many ways in which these buildings

can utilize renewable electricity sources and the City should enhance current or adopt new strategies to facilitate this transition. Community solar is a relatively new opportunity in Maryland. As large solar farms are developed, individual homeowners may purchase their electricity from these facilities without having to make large equipment investments or have solar panels on their properties. There is a low-income carve out with all Maryland community solar projects that provide lower-income residents to save money on their power bills and participate in saving their environment. On-site solar continues to be a viable alternative to standard coal-fired electricity for commercial, residential, and municipal properties. In most cases, on-site solar is a long-term cash flow positive endeavor for the city government, local businesses, and homeowners. Even if the city can't feasibly supply all of its electricity needs from on-site sources, Renewable Energy Credits (RECs) may be purchased effectively categorizing all energy used by the City as renewable.

**Suggested Policy:**

*Recommendation A-5A:*

The City should expand upon its existing community solar provider relationships by partnering with multiple community solar providers. As community solar starts to increase in Maryland, there are multiple providers that city residents could buy solar energy from. The City should a) establish these connections and b) facilitate public outreach so that citizens are aware of the opportunities.

*Recommendation A-5B*

Solar technology costs have plummeted over the last few years and government incentives still exist that can make on-site solar a much cheaper alternative to standard electricity delivery or special renewable energy purchase contracts. A portion of these financing incentives are based on tax credits and as a not-for-profit tax entity, the City may not benefit from them. However, the City could still benefit from on-site solar by entering into a Power Purchase Agreement (PPA) or a standard commercial lease with a private entity that develops the solar asset on municipal assets. When the term of the PPA or lease expires, the City may purchase the solar asset for little to no additional cost. The City should a) identify municipal locations that could support the solar infrastructure and b) procure a private vendor capable of offering a PPA or commercial lease to facilitate the solar assets.

*Recommendation A-5C*

As solar costs fall and financing incentives continue, there is an opportunity for local businesses and residents to build solar energy assets on their properties. The City should encourage the installation of solar assets through outreach to local businesses and residents with informational mailers, workshops, and cross-promotions with local solar energy installers.

*Recommendation A-5D*

The City has entered into a renewable energy procurement contract with Constellation Energy that expires in 2025. Through this procurement mechanism, the City is saving \$225,000 per year and sourcing 100% of its energy usage through renewable sources. The City should renew or rebid this contract for 100% renewable energy sources when the current contract expires in 2025.

**Benefits:**

- Solar and renewable energy effectively reduces greenhouse gas emissions to zero.
- Solar and renewable energy costs are often lower than conventional electricity costs due to financial incentives.
- Due to long lifecycles, the cost of on-site solar production can effectively approach zero in the out years of the asset.
- For properties either without room for solar or whose owners do not have access to investment capital for large equipment installations, there are alternatives that make the use of solar energy a viable option for all property types.

**Barriers:**

- Some properties may not have the physical capacity to host on-site solar production.
- Community solar capacity in Maryland is still limited, just a finite number of homeowner slots are available in these community systems.
- Financial incentives are typically government-based and rely on ongoing legislation that could be discontinued.
- For municipal on-site solar installations, the city must not own the equipment to maximize financial incentives and would therefore be required to enter into a procurement contract with a private entity in order to gain the use of required equipment.

**Climate Change Implications:** Investing in more renewable energy is critical for a transition away from creating greenhouse gas emissions from the burning of fossil fuels, a significant contributor to climate change.

**Diversity and Justice:** Climate change, caused by the anthropogenic creation of greenhouse gases, is fundamentally an environmental justice issue. By curbing the City's and its communities' emissions, we hope to limit its effects on public health. Among the many sectors that are significantly affected by the energy consumption of fossil fuels, the negative impact of climate change on minority and vulnerable populations is especially evident in the public health sector.

**Priority Level and Recommended Timeline:**

*Priority - Medium; Estimated Cost - Low to Revenue Positive*

## B. Water, Wastewater, and Stormwater

**Vision Statement:** We envision a City of Salisbury where all residents have access to clean water, who are informed about and engaged in the maintenance of our waterways and who live in a community focused on water resource conservation, policies and infrastructure that minimize negative impacts to our watershed.

### **Recommendation B-1: Increase Public Outreach and Data Accessibility**

**Synopsis:** It is recommended to increase publicly accessible data and readily available resources for citizens to understand their own water usage and what steps they can take to help improve water quality and to efficiently consume water. With a personal computer or cellphone, citizens could log on to view, for example, hourly household water usage or a leak alert, taking personal action to help reduce the City's overall water usage. A map of citywide water conservation efforts onto which citizens could log their own domestic conservation practices (such as the use of rain barrels, planting of native plants, the reduction or elimination of fertilizer use on lawns, etc.) would allow them to see where others are doing the same and how areas of the city are trending. Conveying the consumer confidence report on the City's water quality through easily comprehensible infographics can help increase public knowledge on drinking water quality while highlighting the city's award-winning water. Doing the same with the State of the Wicomico River report could help increase public awareness of issues concerning river water quality and achievements while highlighting areas in which citizens could help with their own individual stewardship actions.

#### **Benefits:**

- Could reduce residents and the City's water consumption, save residents and taxpayer money on water bills
- Can identify potential leaks/issues in timely manner
- Highlight City of Salisbury's excellent drinking water quality
- Increase public knowledge on water quality issues; could help with public engagement on water conservation efforts

#### **Barriers:**

- Requires significant initial app development, integrating into systems already put in place.
- Cost for app development/use and integration in city efforts

**Actions Required:** This project would require application and website development both for monitoring direct water usage and for use of a map of water conservation projects. There would also be graphic design work required to convert the consumer confidence report on drinking water quality into easily comprehensible infographics to be publicly shared on the City's official website and its various social media platforms.

**Climate Change Implications:** According to the EPA, the shifting trends of rain and water accessibility will be a major implication of climate change. Creating awareness of the way we use water, how we distribute it, and the challenges it may face as a resource could be a driver of

public support for future projects to preserve, protect and manage the city's water supply in a sustainable manner. This could have positive implications for the public's support of preventative measures that guarantee future water accessibility.

**Diversity and Justice:** Environmental injustice disproportionately affects minority and poor communities when compared to their white and affluent counterparts. Cases like that of lead contamination in Flint, MI demonstrate that cost reduction measures can have devastating and long lasting effects on those underserved communities. The City of Salisbury has taken preventative measures to minimize such a scenario from happening; and creating awareness of these measures, such as water line replacement and water treatment, can boost public confidence and support for future improvement projects.

**Priority Level and Recommended Timeline:** Coordinating the creation of a computer application with the availability of real-time information on a platform such as a Neptune meter reading system may not happen in the next year. However, infographic sets and a map of citywide conservation efforts could be implemented in a shorter time frame.

*Priority – Medium; Estimated Cost – Medium*

#### **Recommendation B-2: Lead Poisoning Prevention**

**Synopsis:** In compliance with Maryland's Reduction of Lead Risk in Housing Law, it is recommended that the City of Salisbury implement a registration initiative to reduce risks of lead exposure to renters within the city limits. The law requires owners of rental properties built before 1978 to register their units with the Maryland Department of the Environment (MDE), to distribute specific information pertaining to existing lead paint and its abatement, and to meet specific lead paint risk reduction standards at certain triggering events. Similar to a program established by the City of Baltimore, it is recommended that Salisbury require registration for all rental properties and that the registration includes further information on risks from lead exposures from municipal water lines.

#### **Benefits:**

- Reduced public health impacts from lead exposures
- Increased awareness of health risks from lead paint and lead-containing fixtures

#### **Barriers:**

- Staffing and records maintenance
- Increased on-boarding for inspections

#### **Actions Required:**

- Creation of a city plan and timeline for registration of all rental properties with MDE
- Creation of a city plan and timeline for inspections of all rental properties (and associated entry into a City tracking database)
- Baltimore includes single-family homes as well as multi-family complexes (the registration occurs through MDE; and Baltimore requires inspection(s) and registration prior to initiation of a new rental agreement). The burden of inspection cost is borne by

the property owner, the burden of registry is borne by MDE and the burden of inspection expiration is borne by the City.

**Climate Change Implications:** As the likelihood of major storm events and flooding increases with global climate change, the potential for mobilization of lead-contaminated soils (created as a result of degradation of lead paint on building exteriors) and exposure to previously encapsulated lead-contaminated soils is also increased. Notification to renters of current levels of lead risk as well as routine monitoring and inspections of rental properties will mitigate detrimental public health effects.

**Diversity and Justice:** Environmental injustice disproportionately affects minority and poor communities when compared to their white and affluent counterparts. Cases like that of lead contamination in Flint, MI demonstrate that cost reduction measures can have devastating and long lasting effects on those underserved communities. The City of Salisbury has taken preventative measures to minimize such a scenario from happening; and creating awareness of these measures, such as water line replacement and water treatment, can boost public confidence and support for future improvement projects.

**Priority Level and Recommended Timeline:**

*Priority Level – Medium; Estimated Cost - Low*

Sources:

<https://mde.maryland.gov/programs/LAND/LeadPoisoningPrevention/Pages/rentalowners.aspx>

[https://mde.maryland.gov/programs/LAND/Documents/LeadPamphlets/Non-owner\\_occupied\\_brochure\\_07102018FINAL.PDF](https://mde.maryland.gov/programs/LAND/Documents/LeadPamphlets/Non-owner_occupied_brochure_07102018FINAL.PDF)

**Recommendation B-3: Stormwater Inlet Trash Inserts**

**Synopsis:** Storm water inlet trash-capture technologies use a device to trap trash at the inlet, helping to reduce the amount of trash entering the municipal storm water system and eventually our surrounding waterways. Of the 4,747 total storm water inlets in the City of Salisbury, only sixty-two have been fitted with trash-capture technology. From January to September of 2020, a total of 160 tons of trash was removed from all storm water inlets. In an effort to increase the amount of trash captured in storm water inlets, it is recommended that the City of Salisbury increase the number of storm water inlets with trash capture technologies by ten inlets each year. The number of inlets with trash-capture technologies may include the installation of new storm water inlets or existing storm water inlets retrofitted with this technology.

**Benefits:**

- A reduced amount of trash and debris entering our waterways
- Additional support to the City of Salisbury's Municipal Separate Storm Sewer System (MS4) permit to limit the amount of trash released from storm water system outfalls

**Barriers:**

- Increased initial capital costs compared to standard, or more conventional, storm water inlets
- Additional budget and capacity requirements for ongoing operation and maintenance

**Actions Required:** It is recommended that the City develop a plan to identify high priority existing storm water inlets likely to capture above average amounts of trash. High priority storm water inlets may be located along heavily used pedestrian areas, near convenience stores and gas stations, and within a specified distance of a waterway. Once high priority existing stormwater inlets have been identified, a plan should be developed to modify or replace the inlets to include a trash capture technology. It is recommended that the City encourage the installation of trash capture technology in all new storm water development and in areas of reconstruction.

**Climate Change Implications:** The reduction of inorganic trash, particularly plastics, in and around our waterways may encourage residents to make further changes toward reducing their carbon footprint.

**Diversity and Justice:** The amount of trash entering and accumulating along our waterways is likely to occur more in areas with poor or minority populations. Its interception at street level will reduce the amount of trash in these areas, contributing to a cleaner and healthier community.

**Priority Level and Recommended Timeline:**

*Priority Level – Immediate; Estimated Cost - Low*

Sources:

<https://www.epa.gov/trash-free-waters>

[City of Salisbury Utility Viewer](#)

**Recommendation B-4: Gray Water Infrastructure Development**

**Synopsis:** Gray water, gently used and dirtied water from bathroom sinks, showers, tubs and washing machines, can be used in irrigation of household plants and yards or reused for toilet flushing. Currently, most urban wastewater systems treat gray water and black water as one. Implementing a gray water infrastructure in future construction could help residents reduce potable water use. According to the Alliance for Water Efficiency, gray water infrastructure could save homeowners per capita up to 2300 gallons of clean water per year.

**Benefits:**

- Reduction of household water use and cost.
- Lower input of wastewater into the water treatment plant.
- Potential for ancillary projects such as constructed wetlands.

**Barriers:**

- Resistance from developers.
- Gray water is unsafe to keep stored for prolonged periods of time.
- High cost of retrofitting existing installations.

**Actions Required:**

- Creation of a cost-benefit analysis of implementing gray water infrastructure.
- Work with construction companies in an implementation strategy for new developments.
- If implementation is viable, creation of provisions in the city code.

**Climate Change Implications:** Gray water as a source for non-consumptive water use allows potable water to be used strictly for our community's primary needs – drinking, cooking and bathing. Water for safe personal use is a resource whose responsible management will significantly contribute to resiliency and sustainability in our area.

**Diversity and Justice:** Infrastructure that allows for the use of gray water for community gardens and home vegetable gardens may benefit people in lower-income brackets. The corresponding reduction in potable water use, and therefore its lower usage cost, would also benefit those in the lower income brackets.

**Priority Level and Recommended Timeline:**

*Priority – Long-Term; Estimated Cost - High*

Sources:

[www.allianceforwaterefficiency.org/files/assets/AWE-Greywater-Report-CDN\\_March-2017.pdf](http://www.allianceforwaterefficiency.org/files/assets/AWE-Greywater-Report-CDN_March-2017.pdf)

## C. Management of Public Open Space

**Vision Statement:** The Parks and Open Spaces Subcommittee envisions a City of Salisbury, in the year 2100, that is filled with vibrancy, prosperity, equity, and healthy and abundant life of all kinds.

The Subcommittee envisions a diverse and thriving Salisbury with public open space access within a ten minute walk of every resident, varied forms of active and passive recreation, ample access to clean waterways, a vast tree canopy, limited impervious surfaces, very little to no storm water runoff, sustainable infrastructure and practices, and multi-modal transportation safely interweaving between neighborhoods.

Under the oversight and guidance of a collaborative mix of engaged residents, community leaders, business owners, and City administration, the City of Salisbury will host healthy landscapes healthy habitats for families, birds, pollinators, and native flora and fauna while prioritizing climate resilience, connectivity, aesthetic beauty and sustainability.

### ***C-1 Parks Staffing and Organization***

#### ***Recommendation C-1A: Properly Staffed Parks Division***

**Synopsis:** The existing staffing of the Department of Field Operations' Parks Division is insufficient for the number of parks, playgrounds, open spaces, and related facilities that the City must maintain. Over the past four years staffing has grown from six, as it has been for at least the past ten years, to now eight. Further growth is needed. Based on the National Recreation and Parks Association's 2020 Agency Performance Review benchmark report[1], the City should have a total of 12 parks maintenance staff[2] plus one division supervisor. Due to the seasonal nature of some maintenance, seasonal staff or contractors could be utilized.

#### **Benefits:**

- With additional staff and increased availability, parks maintenance standards would be at a higher level while environmental improvements, policies and procedure revisions would be able to be implemented.
- The parks supervisor would not need to be in the field performing maintenance, allowing him instead to invest considerably more time to planning for and coordinating improvements, grant applications, meetings, etc. and implementing improvements, policies, and procedures.

#### **Barriers:**

- The primary barrier to the hiring of additional staff is the potential lack of funding. Due to COVID-19, the city will have reduced revenue for the near future.
- Obtaining qualified applicants.

**Actions Required:** The City should develop a plan to increase the division's staff from eight to thirteen people over the next five years. These staff positions may be seasonal or contractual.

**Climate Change Implications:** Increased staff will be able to assist the City with implementing policies that will allow it to better adapt to climate change.

**Diversity and Justice:** Increasing the City's staff will allow for greater equity in maintenance among the city's parks.

**Priority Level and Recommended Timeline:** Without an increase in staff the majority of the recommendations for Public Open Space cannot be implemented. As such, this recommendation has a high priority and should be implemented within the next five years. The cost would be low, but would grow as staff and needed equipment are added.

*Priority – Medium; Estimated Cost – High*

[1] <https://www.nrpa.org/siteassets/nrpa-agency-performance-review.pdf>

[2] 8.9 median FTE per 10,000 residents.  $8.9 \times 3 = 26.7$ . 45% maintenance = 12, 31% programming = 8, 18% admin = 5, 3% capital development = 1, 3% other = 1.

***Recommendation C-1B: Establish a Department of Parks and Recreation***

**Synopsis:** The current parks, recreation and open space programs are managed through various departments. Planning is handled by the Department of Infrastructure and Design, maintenance by the Field Operations Department, and community centers through the Housing and Community Development Department. Implementation of park improvements is currently handled by the Department of Infrastructure and Design and the Field Operations Department, with some improvements handled by one or the other, or both. Reorganizing into a Department of Parks and Recreation, as found in many other cities, would assist in centralizing operations, including the development, coordination, and administration of all parks, open space, and recreation within the City, including the Zoo and community centers.

**Benefits:**

- A centralized and efficient coordination of core roles as the new operations model versus control among different departments currently employed.
- Move the park reservation process from the Mayor's office to this department to allow for a more direct path between a reservation request and reserved space.
- Centralized point for donations.
- Allows a department structure for future park rangers/enforcement similar to Wicomico County.

**Barriers:**

- Additional cost of hiring staff, including a Parks and Recreation department head.
- Coordinating currently shared equipment between Field Operations divisions and Parks and Recreation.
- Communication among departments when utilizing other staff for projects (i.e. involving the city planner when an outside planner or architect is hired for a park master plan, the sanitation supervisor when discussing park trash pickup, etc.).

**Actions Required:** To clarify the scope of the new Department of Parks and Recreation, the City should develop a plan to reorganize and consolidate all tasks associated with the city's new department, conducting interviews with other cities such as Greensboro, NC, whose Parks and Recreation Department functions alongside a Field Operations Department and an Engineering and Inspections Department. A department head should be hired with a background in Parks, Recreation and Sports Management, or a background in a similar field of study.

**Climate Change Implications:** Increased staff will be able to assist the City in coordinating implementation of its environmental policies, allowing the City to better prepare for and adapt to climate change.

**Diversity and Justice:** Increasing the City's staff will result in a more equitable maintenance plan among the city parks, builds upon an increased diversity among employees, will allow for more engagement by community centers and the unique communities they serve, and will offer enhanced recreational opportunities overall.

**Priority Level and Recommended Timeline:** The City should commission the new Department of Parks and Recreation once a fully staffed parks division and a citywide Parks Master Plan have been completed to gain a full-understanding of the department.

*Priority - Medium; Estimated Cost - Medium*

## ***C-2 - Establish Policies and Procedures***

### ***Recommendation C-2A: Pesticide/Herbicide Use & Invasive Species Removal***

#### **Synopsis: Pesticide & Herbicide Use and Invasive Species Removal**

**Synopsis:** The City currently has a staff member that is licensed to perform and oversee herbicide applications, however due to budget and understaffing, this staff member cannot be present at all times during the application process by staff. The City must develop a clear statement of goals, strategies and best practices for pesticide and herbicide use on city properties, and for removal and eradication of invasive species. Along with pesticide and herbicide applications, qualified personnel should also be present during invasive species removal to ensure all the plant material has been properly removed and disposed. The City must also ensure that a qualified staff member is present during these applications to reduce excessive use of pesticides and herbicides. Alternative pesticide and herbicide applications that are more environmentally friendly should be used whenever possible due to the proximity of City property to the Wicomico River; the city's pollinator, bird, and tree certifications; and areas of regular usage by young and old residents alike. Soil samples in open spaces and athletic fields can also reduce excessive amounts of fertilizer use.

#### **Benefits:**

- Improves health of downstream water bodies and open space plantings.
- Reduces excess waste of materials from over applying which saves the City money.
- Reduces the amount of applications needed to control invasive and noxious plants.
- Improves the health of the existing plant material.
- Reduces threats to non-target organisms
- Reduces threats to applicators and city residents
- Opportunity to reduce herbicide use through the installation of native landscaping, such as along park fence lines to reduce herbicide application and labor-intensive string trimming.

#### **Barriers:**

- Qualified staff are not sufficiently supplied with current education materials.
- With limited staffing, qualified staff may not always be present during applications.

- Lack of easily available and reliable information on alternative control methods and options beyond the status quo, and lack of time to investigate these.
- Some alternative methods require more labor than high-chemical alternatives, and the Parks Division is already understaffed.

**Actions Required:** An assessment of the areas of concern will help determine the levels of priority. Possible actions include the following: further education of staff, a maintenance plan and a statement of goals and best practices. Further education will enable certification of more staff to apply chemical pest and plant controls while also providing alternative incentives and control types and methods. A maintenance plan will then provide the City with the ability to follow an established schedule. This will allow the City to ensure that a qualified staff member is present to oversee the application of pesticides and herbicides and the removal of invasive and noxious plant materials. This will help in maintenance scheduling and long term planning. The City should also develop an educational and outreach plan to inform the public around their pesticide and herbicide use, including content on the City's website.

**Climate Change Implications:** The introduction and spread of invasive plant and insect species is expected to increase due to climate change. Eliminating invasive insects and noxious plant material will reduce the need for pesticide and herbicide applications, which will in turn greatly reduce the amount of pollutants entering into the adjacent water bodies. Alternative applications that are more environmentally friendly will also improve the health of the surrounding flora.

**Diversity and Justice:** Education and licensure will allow additional city staff to become qualified to perform the application and supervision duties of the large scale application of pesticides and herbicides and will reduce the potential for the misuse of chemicals in a manner not consistent with best practices. This will decrease damage to local flora and fauna and will reduce the risk to health of humans through direct contact. Consistent control of chemical applications at each park will provide more even applications for adjacent communities, reducing the negative impacts from spray applications and ensuring that all community parks are maintained equitably.

**Priority Level and Recommended Timeline:** With proper planning in the beginning, this would allow the City to schedule the qualified staff to be present during the application of pesticides and herbicides. The qualified staff member should also be current on the education material for these applications, and the growing number of environmentally friendly alternatives. Actions could be initiated immediately with planning and staff scheduling, while maintenance scheduling could begin immediately. The costs for these recommendations would be within the purview the City for capital improvements.

*Priority - Medium; Estimated Cost - Low*

**Recommendation C-2B: Tree Planting and Growth (Tree Canopy)**

**Synopsis:** The City's Code does not currently have requirements for tree plantings. This absence of requirements prevents large areas, including parking lots, streets, and open spaces from being shaded by a tree canopy. The City must develop a policy for tree canopy over impervious surfaces such as parking lots and streets in order to reduce heat island effect and storm water runoff. Increasing the City's urban tree canopy can also impact the City's

greenhouse gas emissions, as the energy recommendations discuss. This policy would be retroactive, allowing for analyses of existing large impervious areas for their potential to provide additional tree canopy.

**Benefits:**

- Reduces heat island effect which reduces temperatures (and air conditioning costs, and human health impacts from high heat).
- Reduces storm water runoff from the trees absorbing the water.
- Provides additional habitats for birds and animals.
- Increases property values.

**Barriers:**

- Poor selection of tree species and/or placement can damage property.
- Poor selection of tree species can introduce diseases and pests.
- Additional initial costs for tree installation.
- Currently the City does not have an arborist on staff.
- Power lines prohibit tree canopy and shading opportunities. There are currently no plans to more aggressively bury utility lines.

**Actions Required:** The City must establish requirements in the City Code that mandate minimum tree planting requirements for different land-use applications. These requirements must be for quantity and density, appropriate species, and size at installation. The City must also explore grants and provide incentives to install islands or grates for tree plantings for existing residential and commercial properties that do not currently have sufficient tree cover. Whenever possible during major road projects, the City must take advantage of the opportunity to bury power lines, with a long-term goal of burying all utility lines in the City. Through the Department of Information Services' GIS Division, City-owned rights-of-way and properties that could support more tree cover can be identified and used to create a long-term planting priority list. The City will need to develop an educational and outreach plan, which could include content on the City's website and involvement of various City Committees to encourage tree plantings and growth.

**Climate Change Implications:** Increasing the tree canopy had an enormous effect on mitigating the worst impacts of climate change. Trees create oxygen (and improve air pollution in urban areas), reduce carbon dioxide, absorb storm water (particularly important as climate change is correlated with an increased number of severe storm events), just to name a few benefits. One of the most important effects humans can feel by increasing tree canopy is the reduction of ambient temperature while standing outside. Maryland currently averages 10 days a year of extreme heat. This is projected to increase to 47 by 2050. Urban areas are estimated to be, on average, 2.7 degree warmer than rural areas. Trees are the most important and simplest way to combat this urban heat island effect.

**Diversity and Justice:** Increasing shade in open spaces, streets, and parking lots provides those who are typically unable to be in direct sunlight for extended periods of time the ability to be outside. Reduction in heat island effect reduces the need for the use of air conditioning needs in lower income neighborhoods, and reduces the impact of high heat on populations with health vulnerability. Research in US cities consistently shows that increased tree cover is associated

with wealthier neighborhoods, and that poorer neighborhoods and areas with high rental rates tend to have lower amounts of tree canopy (and thus are hotter).

**Priority Level and Recommended Timeline:** While the City is in the process of revising the Code, additional tree planting requirements can be added to increase tree canopy. Actions to research grant opportunities to plant trees in existing parking lots in public or private property could be initiated immediately. The costs for these recommendations would be covered by the City, and would be for capital improvements.

*Priority - Medium; Estimated Cost - Low*

#### Recommendation C-2C: Native Plantings

**Synopsis:** Native plantings have multiple benefits to the ecosystem. They require less water, less herbicides, and have greater resilience to pests. The City must develop a native plant list to be required for future land use applications. It is understood that there many non-native plants that have flourished in this region and have had successful results. Therefore, the City should also develop a non-native plantings list that would provide acceptable alternatives to native plantings for reference. To encourage native plantings, the City should develop a policy to require more plantings in land use applications if non-native plants are specified.

#### **Benefits:**

- Native plantings require less maintenance.
- Benefits insects, bees and other pollinators, supporting the City's Birds and Pollinator initiatives.
- Reduces ability for invasive plantings to overtake areas.

#### **Barriers:**

- Plant availability, cost may increase to find particular species.
- Planting too many of the same plants may create a pest problem.
- As climate changes, some plants that have traditionally been native to this region may become inappropriate, so careful selection must be used in choosing plants for the planting list.

**Actions Required:** The City will need to create a native plant list to use in the City Code. Also included will be alternative plants to those native plants, or the ability to provide alternatives at that approval of the City. The Code should also require an increase in plant material if non-native plants are used. This would provide incentives for using native plantings. The City will need to develop an educational and outreach plan, including content on the City's website, to encourage native plantings.

**Climate Change Implications:** Native plantings have no known adverse impact on climate change since these plants have grown accustomed to the region's climate and biodiversity. However, due to climate change, plants that are resilient to increased drought and warmer temperatures should be prioritized.

**Diversity and Justice:** Native plant diversity is essential in the health of the landscape. Planting too many of one species will result in the opportunity for pests or diseases to wipe out the landscape.

**Priority Level and Recommended Timeline:** While the City is in the process of revising the Code, native plant lists could be added. The City should also establish policies on non-native plantings. Whether allowing particular species as alternatives, increasing the quantity of non-native plants if selected over native, or requiring approval of non-native species, the City has the opportunity to reduce noxious, nuisance plant species before they're planted. The costs for these recommendations would be covered by the City and would be for capital improvements.

*Priority - Medium; Estimated Cost - Low*

*Recommendation C-2D: Water Edge Practices*

**Synopsis:** The traditional grass lawn to the edge of the water body has always provided pleasant views. However, this could be one of the worst practices for the health of the water body. City parks, as well as other waterfront property owners, should allow thick vegetation to grow along waterways to slow runoff, soak up pollutants, and provide habitat for a wide range of species (including fish). Planting native trees, shrubs and groundcover should be encouraged along water edges. This will absorb up to 14 times more water than a traditional grass lawn. To compromise between the desire for views, safety in parks, and need for access to the waters edge for fishing and recreational purposes, planning should be in place to isolate areas along waterways to allow for access and to choose planting materials that offer the benefits without overgrowth.

**Benefits:**

- Thick, native plantings improve water quality.
- Proper water edge practices provide a biologically diverse habitat, particularly for fish, birds and insects.
- Discourages Canada geese from using the water feature.

**Barriers:**

- Property owners will remove vegetation to get a full view of the water.
- Proper plant selection to survive in wet conditions.
- Maintenance of plantings with invasive seedlings.

**Actions Required:** The City should create a policy to require a certain distance to the water to be set aside as a buffer or easement. A planting plan should also be required for this area on all future land use applications to ensure proper plant selection is proposed. Locations for access to the water body should be determined and provide clear access. Signage at parks, and content on the City's website, could be used for public education about the benefits of water-edge plantings.

**Climate Change Implications:** Proper plantings and buffers around water bodies will absorb a significant amount of runoff, which then doesn't allow it to get into the waterway. This also reduces the amount of trash and debris that make its way into the water and ocean.

**Diversity and Justice:** City staff can be trained to review plant selection and specifications for these buffers. Guidelines can be established by City staff.

**Priority Level and Recommended Timeline:** While the City is in the process of revising the Code, buffers and easements should be added along water edges. Plant selection will also be critical to establish the desired goals for the buffer. The costs for these recommendations would be covered by the City, and would be for capital improvements.

*Priority - Medium; Estimated Cost - Medium*

***Recommendation C-3: Prepare a City-Wide Parks and Open Spaces Master Plan***

***Recommendation C-3A: Analyze Existing Parks Throughout the City***

**Synopsis:** In order to analyze the existing parks and how to expand or improve in the future, the City needs to evaluate the current parks and open spaces within the corporate limits. This includes mapping the parks, neighborhoods, and proximity to areas of interest. Distance and safe routes would be evaluated to select where sidewalks and bike lanes need to be constructed or improved.

**Benefits:**

- This will provide the City with an up-to-date inventory of parks and equipment.
- Mapping will allow City staff to develop a more comprehensive schedule for routine maintenance.
- Provides the City with knowledge of the areas that have limited resources for recreation.

**Barriers:**

- Mapping of the park locations, equipment, and amenities will take considerable investment in time to complete and utilize already limited staffing resources.
- Analyzing the existing routes to the parks to determine what improvements are needed will be costly and timely.

**Actions Required:** Utilizing resources from the City, staff would need to map each park at its current state, including but not limited to, condition and type of equipment, access ways to the park, safety measures in place at the park (lighting, cameras, etc.) Neighborhoods would need to be surveyed for feedback on current and future use and needs.

**Climate Change Implications:** Pedestrian and bicycle traffic will reduce the greenhouse gas emissions from vehicles traveling to and from the parks. Energy efficient lighting will reduce energy use on City property. GIS maps of city parks and open spaces could be combined with data layers from the ESRGC showing projected sea level rise and flooding risk along city waterways.

**Diversity and Justice:** Parks in less privileged neighborhoods would be evaluated and provided equal opportunities for recreation. Safe access ways will be delineated to provide all interested parties to experience the City's parks.

**Priority Level and Recommended Time-Line:** The City will need to dedicate staff members to map and evaluate the existing parks and routes to get to access the parks. In order to make any improvements to the existing parks, this task must be completed, therefore making this recommendation a higher priority and should be performed as soon as the City's budget allows. The costs for these recommendations would be covered by the City, and would be for capital improvements.

*Priority - Immediate; Estimated Cost - Medium*

**Recommendation C-3B: Prioritize Park Expansion and Pocket Parks**

**Synopsis:** Utilizing an up-to-date map of the parks throughout the City, staff can begin prioritizing where to focus adding new parks, expansion existing of parks, or park upgrades based on need. This allows an opportunity to include the local residents during the planning process to determine the needs of that particular neighborhood. Future parks should be mapped for locations and amenities per community recommendations, which will allow prioritization of improvements based on need. In some cases, neighborhoods with high rental rates and high rates of resident turnover will need to be shown special care in soliciting input.

**Benefits:**

- Provides the City with a plan to prioritize the areas of need.
- Improves the health of the residents and promotes outdoor activities.
- Allows community members to be a part of the City's vision.
- Improves residential property values.

**Barriers:**

- Costs associated with upgrading, adding or enhancing park equipment.
- Land to be acquired for parks would be expensive.
- Upgrading safe routes to new or upgraded parks would take a lot of time and could be expensive.

**Actions Required:** The City staff will need to prioritize the needs of the existing parks and allow community involvement to ensure the success of the park improvements. Whether being community surveys or meetings, community residents will be able to participate in the planning of the parks. The City will need to review areas requiring additional real property for potential property donors and develop and advertise to the public incentives for land donation. The City will need to target opportunities for new public parks during annexations.

**Climate Change Implications:** By adding more parks throughout the City, the residents will reduce the need for vehicular use, which reduces the amount of greenhouse gas emissions. Utilizing energy efficient power at the parks will also reduce the amount of energy consumed by the City. More green spaces is associated with reducing stormwater and the urban heat island effect.

**Diversity and Justice:** More parks throughout the City allows equal opportunities for all the residents to enjoy outdoor activities.

**Priority Level and Recommended Timeline:** The need to improve the access ways, park equipment, and locations of parks is important to the health and wellbeing of the City residents,

therefore making this recommendation a higher priority and should be performed as soon as the City's budget allows. The costs for these recommendations would partially be covered by the City and would also need donations and large purchases for additional lands.

*Priority - Immediate; Estimated Cost - High*

*Recommendation C-3C: Improve Utilization of Parks, also Considering Use of Waterways*

**Synopsis:** Diversification of amenities for all the parks will be key to the successful utilization of the new and existing parks. The Wicomico River offers the City an opportunity to provide recreation activities that are not available to surrounding communities. Providing safe access to the waterways from neighborhoods will promote healthy lifestyles while reducing emissions from vehicles and providing another "branding" opportunity for Salisbury's identity - particularly exciting would be an urban wilderness water trail from the Wicomico tourism center on Hwy 13 at Leonard's Mill pond to the Rose Street boat ramp, or from the Pohanka stage to Pemberton Park.

**Benefits:**

- Providing diverse, multi-use parks for residents to enjoy will promote active lifestyles.
- Active recreation on waterways is a great opportunity to promote
- The addition of waterway activities will bring more foot traffic downtown, which will improve the local economy
- Makes the city more appealing to young professionals interested in outdoor recreation.

**Barriers:**

- The costs to install the ramps or any other equipment necessary to access the waterways.
- Adding additional security measures to ensure the areas remain a safe place to use.
- The added costs to provide the safe access routes to and from the waterways.
- The City staff will be required to maintain the additional equipment.
- Current lack of commercial recreational infrastructure (selling or renting boats, etc.).

**Actions Required:** The City will need to determine what type of activities would be most utilized in the waterways. Prioritizing the needs of the existing and new parks will allow for budgeting and planning for future improvements. Access routes for pedestrians and bicyclists will need to be evaluated to establish the safest routes throughout the City.

**Climate Change Implications:** By adding more parks throughout the City, the residents will reduce the need for vehicular use, which reduces the amount of greenhouse gas emissions. Utilizing energy efficient power at the parks will also reduce the amount of energy consumed by the City.

**Diversity and Justice:** Safer access to parks throughout the City allows equal opportunities for all the residents to enjoy outdoor activities.

**Priority Level and Recommended Timeline:** The need to improve the access ways and utilization of the parks is important to the health and wellbeing of the City residents. Adding new parks and utilizing the waterways would provide additional benefits to the economy, therefore making this recommendation a beneficial improvement and should be performed as

soon as the City's budget allows. The costs for these recommendations would be covered by the City and would be for capital improvements. Water trails are a prime opportunity for a city-private business partnership with a recreational provider.

*Priority - Immediate; Estimated Cost - Medium to low.*

**Recommendation C-4: Increase Collaboration with Governmental, For-profit, and Nonprofit Organizations**

***Recommendation C-4A: Increased Collaboration with Local Governments and State Government***

**Synopsis:** Currently, the City of Salisbury's Parks Division of the Field Operations Department maintains much of the City's open space but doesn't appear to have the capacity to build new partnerships or initiatives with outside organizations or other government entities. Increased collaboration between City departments, with Wicomico County's Department of Recreation and Parks, with funding programs and staff at the Maryland Department of Natural Resources (DNR), or with the Wicomico County Board of Education, could yield a better result with open space usage and shared costs.

**Benefits:**

- Multiple City committees, including the Bicycle and Pedestrian Committee, the Sustainability Advisory Committee ("Green Team"), and the Parks and Recreation Committee all relate to public open space, and could all benefit from stronger and more frequent communication among themselves and with various City departments – bringing about cost savings on duplication of efforts or benefits from shared goals.
- Schools, especially environmental science classes and environmental clubs, could engage in real-world projects – bringing about a greater connection to the City while gaining a source of volunteers for needed or desired projects.
- Wicomico County Board of Education owns a significant amount of the open space in or adjacent to the city. The more that this property can be managed in concert with city open space management, the better this will be for all city parks and open space goals (everything from tree canopy, to pocket parks, to native plants, to herbicide/pesticide usage, etc.)
- Further City collaboration with Maryland DNR resiliency efforts could prove beneficial for DNR goals in the facing of a changing climate.

**Barriers:**

- Not having a lead individual who has the bandwidth and authority to coordinate open space and parks projects.
- Potentially not having matching money (from the City) for open space, resiliency, or planning projects.
- Lack of institutional culture of collaboration with regards to both the city and partner organizations.

**Actions Required:** This action may require a commitment from the City of Salisbury leadership towards having a public face and active team dedicated towards prioritizing projects, writing grants, or seeking out partnerships – beyond keeping up with current obligations. The City may

want to consider hiring an individual to lead this as well as committing an annual appropriation towards matching funds. A new Parks and Recreation Department director could be this person (see recommendation 1b above).

**Climate Change Implications:** The City is going to have to continue to partner with Wicomico County to deal with flooding and issues stemming from climate change. Over the next couple decades, there will be a greater surge in climate refugees and Salisbury will need to plan for displacement.

**Diversity and Justice:** Salisbury can continue to partner with Wicomico County, the Wicomico County Public School System, and others to continue to make sure that its open space projects and spaces are planned with the whole community in mind. Green space has mental health benefits, traffic calming, benefits, property value implications, and can serve as important space for healing, convening, and recreation. By engaging with local schools, underserved youth can have the opportunity to learn about ways to engage with the environment in their community.

**Priority Level and Recommended Time-Line:** This is likely a medium priority, but investment into collaboration often leads to free or discounted services as well as rapid advancement of shared goals. The City of Salisbury could immediately determine to make collaboration with local and state government, as well as nonprofit and for-profit partners, a budget priority.

*Priority – Long-Term; Estimated Cost - Medium*

**Recommendation C-4B: Increased Collaboration with Nonprofit and For-profit Organizations**

**Synopsis:** Much like with collaboration with local and state government entities, currently, the City of Salisbury's does not appear to have the capacity to focus on building new partnerships or initiatives with local or regional nonprofit and for-profit partners. The City should consider a dedicated effort towards partnerships with local nonprofits (including Lower Shore Land Trust, the Wicomico Environmental Trust, or the Chesapeake Bay Foundation), local businesses (including Salisbury Certified Green Businesses, residential and commercial property owners, or restaurants) or others.

The City is currently partnering with the Chesapeake Bay Trust to effectively manage and open funding for the City's Storm Water Utility Fee projects. The City could also consider converting the existing Parks and Recreation Committee to a 501c3 nonprofit organization in a similar fashion to the Zoo Commission and Friends of Poplar Hill Mansion, or establish a separate organization, with the goal for the organization to seek grants and donations, manage an Adopt-A-Park, Adopt-A-Waterway, and Adopt-a-Stormwater Facility Program, or for outdoor recreation businesses/providers.

**Benefits:**

- The City of Salisbury could benefit from local nonprofits' ability to secure financing for large and small projects, as well as benefit from their already established pool of volunteers and ability to manage projects.
- City partnerships with nonprofits like the Chesapeake Bay Trust are helpful in supporting the City to meet water quality and resilience goals.

- For-profit businesses could also support and benefit from open-space projects, tree canopy enhancement, or management of City property adjoining their businesses. Additionally, more partnerships – similar to “Adopt a Highway” – could relieve City staff from some of the burden of managing the vast land assets.
- If the City were to convert the existing Parks and Recreation Committee to a nonprofit organization, it could work in tandem with the City to accept grants towards mutually beneficial projects and priorities.

**Barriers:**

- The City does not currently appear to have an individual to lead collaboration efforts or have the staffing bandwidth to properly coordinate with potential nonprofit or for-profit partners.

**Actions Required:** As with partnering with local governments, partnering with nonprofits and for-profit businesses requires a commitment from the City of Salisbury to build and manage these partnerships. The City may want to consider hiring an individual or empowering a current individual to lead these partnerships as well as committing an annual appropriation towards matching funds. As with 5A, a new director of a Department of Parks and Recreation could be this person.

The City may want to consult with the Parks and Recreation Committee as to how to evolve these potential actions and if changing the structure of the relationship (such as creating a Salisbury City Parks Nonprofit arm) would be immediately beneficial.

**Climate Change Implications:** Partnering with local nonprofits on climate mitigation projects can be of benefit to all involved and can include, planning for sea -level rise or nuisance flooding, further creation of a better Salisbury tree-canopy (for heat-island effect mitigation), or partnering with local businesses on green infrastructure or other efforts to lower greenhouse gases.

**Diversity and Justice:** Environmental and conservation-minded nonprofits are looking for ways to bring their services and resources outside the traditionally homogeneous group of supporters and partners. Group could partner on beautification projects, community planning, strategic planning, outreach, and more. The goal should be a diverse and thriving Salisbury with public open space access within a 10-minute walk of every resident, varied forms of active and passive recreation, ample access to clean waterways, a vast tree canopy, limited impervious surfaces, near-zero stormwater runoff, sustainable infrastructure and practices, and multi-modal transportation safely interweaving between neighborhoods.

**Priority Level and Recommended Timeline:** This should be a higher level priority as there are nonprofits, “green businesses”, and numerous groups that are eager to partner with the City, but have had trouble navigating the bureaucracy.

*Priority – Long-Term; Estimated Cost – Low*

## D. Transportation, Sustainable Operation, and Design

**Vision Statement:** Active towns and cities had developed for millennia in ways that directly responded to and enhanced pedestrian movement and interaction. In just over a generation up to now, however, the automobile and the infrastructure required to support it has redirected the arc of urban growth in a way that broadening social and commercial connections among citizens has, if not discouraged, been degraded.

The 2020 Salisbury Environmental Policy Task Force was reformed to review the environmental policy recommendations put forth by its 2008 predecessor and was guided by a shared vision of what Salisbury, MD should look like in the year 2100. The Transportation, Sustainable Operation and Design Subcommittee envisions a City of Salisbury, in the year 2100, whose communities share a sense of connection and connectivity and whose citizens may travel efficiently and unfettered as pedestrians among the primary and commercial districts established by the city land use code.

The subcommittee envisions a sustainable planning and practice model that encourages a dynamic and resilient pedestrian- and bicycle-friendly network and multi-modal transportation infrastructure that engenders a dense city center and accessible residential, commercial and work zones, enhances open-space access for all residents, and which espouses an urban growth model that unambiguously discourages urban sprawl into the city's rural surroundings.

Under the oversight and guidance of a collaborative mix of engaged residents, community leaders, business owners and city administration, the City of Salisbury shall be a model of responsible, efficient and intelligent urban development that not only sustains the emotional and cultural growth of its citizens but that enhances its positive impact on the landscape around it.

### **Recommendation D-1: Transportation**

**Synopsis:** The current City administration has crafted its policies around the tenets that not only encourage the revitalization of a small urban center but that endeavor to connect it to the people who will seek its commercial and cultural resources. In conjunction with the forthcoming 2021 City Zoning Code revision and following the guidelines of contemporary urban planning, pedestrian, and bicycle infrastructure initiatives put in place since 2015, the City anticipates a realignment of growth with historically urban density and inward focus. While this alone will not immediately fix the problems of urban sprawl and its inherent barriers to multimodal transportation, the coordination of various programs, practices and initiatives with new and proven methods of urban transportation infrastructure pedagogy will seek to efficiently connect the city's residents with where they work and play. Nothing less than maintaining a shared, coordinated effort among city and county officials and city residents will be required.

Options to be considered may include the following:

- a. Creation of a Bicycle-Pedestrian Advisory Commission and subcommittee to better coordinate City road and bridge improvement projects with a robust pedestrian and bicycle infrastructure agenda that includes, but is not limited to, the 2017 Bicycle Network Master Plan, the 2017 Northwest Bikeways Plan, the 2017 Salisbury Boulevard Master Plan, the 2018 Rail with Trails Master Plan, the 2025 Vision Zero Action Plan, the Salisbury Urban Greenway Plan, and the Eastern Shore Drive Linear Park. It is

further recommended that the commission meet *biannually* or more frequently as required to discuss and vote upon the recommendations put forth by the subcommittee, which will meet *quarterly* or more frequently as required to discuss current and future work and to propose recommendations for vote by the commission. In addition to the representative members listed below, the inaugural commission will be comprised of members of the Bicycle-Pedestrian Advisory Committee, as a transitioning body, that exists at the time of commissioning. While the subcommittee shall have a minimum of six members -- five county residents and a commission liaison -- the size of the subcommittee shall be determined by the commission, which is to be comprised of one of each of the following representatives:

- a. (1) MDOT
  - b. (1) Maryland Department of Natural Resources
  - c. (1) county council
  - d. (1) Salisbury/ Wicomico Metropolitan Planning Commission
  - e. (1) city council
  - f. (1) Salisbury Department of Infrastructure and Development
  - g. (1) Salisbury Department of Housing and Community Development
  - h. (1) Salisbury Department of Business Development
  - i. (5) county residents, (1) per county district
- b. A revision of the Bicycle Network Master Plan (BNMP) to a Transportation Infrastructure Plan that integrates the BNMP with a city roads and bridges plan. This plan, created and maintained within a GIS framework, shall be revised every five years to coordinate the primary, secondary and tertiary areas of priority with, but not limited to, traffic rates and density, population density, commercial activity, school attendance, and recommendations put forth by the Public Open Space subcommittee of this Environmental Policy Task Force. University Zone and a connecting zone to the Hospital, Hospital Zone, Downtown, Historic Newtown (Family Destinations District), Peggy Branch Zone, the 2017 Northwest Bikeways Plan and Fitzwater Street should be included as areas of top priority.
  - c. An increase of bicycle parking and addition of a clause to the 2021 zoning code that any new commercial and residential development that exceeds a minimum of square footage must meet requirements for a bicycle parking facility as determined by the City upon recommendation by the Bicycle-Pedestrian Advisory Commission.
  - d. Coordination with a third-party urban planning consultant to study the realities of a multimodal transportation network of designated lanes on surface streets. This study will not include bicycle usage such as the Rail with Trails Master Plan but will instead study the creation of a local bus network with a BRT (Bus Rapid Transit) route on Business Route 13 with a secondary trunk branch at College Avenue and Beaglin Park Drive between Salisbury University and the Centre at Salisbury, and Route 50 between Westover Hills and Worcester-Wicomico Community College.
  - e. Incorporation of pervious and grass pavers as a required percentage of surface parking into city code. This not only will mitigate against stormwater runoff and urban heating but will also be an attribute to urban planning and design.

- f. An increase in pedestrian safety and efficient automobile traffic flow, the creation of a “Don’t Block the Box” initiative under the Vision Zero Action Plan, to be recommended by the Bicycle-pedestrian Advisory Committee on a three-tier priority rating and implemented first at major intersections of top priority. Automobile locations at intersections will be monitored by camera, which will record and document infractions for ticket issuance. Ticket shall include image capture of car for evidential purposes, much like a curb-mounted speed camera. With an initially high cost, the cost over time will add revenue to the city budget while building safety awareness of others in the increasingly multimodal transportation network.
- g. Creation of wildlife corridors across the Route 50 bypass, in tandem with new zoning laws and from studies and recommendations presented by appropriate advocating body and within parameters established by federal and state guidelines. To further mitigate against sprawl and to protect the natural habitats and corridors of local fauna, this should be coordinated with applicable 2020 environmental task force recommendations and city zoning code revisions, and may also be in conjunction with but not limited to local partnership with sustainable land use groups such as a local land trust. This initiative would additionally result in the lowering of traumatic interaction between wildlife and automobile traffic and would encourage the extension of the local urban bicycle trail network beyond the extents of the Route 50 bypass, enabling the further interconnection of a local network while contributing to a growing regional network.

**Benefits:**

- See **Zoning**

**Barriers:**

- Automobile single-user ambivalence or bias against increased bicycle presence on surface streets.
- Public ambivalence toward transportation usage because of connection to wealth identity.
- Requires a high level of coordination among various parties and among various city initiatives.
- Controversial during public hearing process.
- Will require designation of appropriate “high density” areas or corridors.

**Actions Required:** These recommendations require substantial coordination among and adherence to by numerous parties derived from the city’s government and population. As the City explores these and other recommendations, the creation of a Bicycle-Pedestrian Advisory Commission would largely begin to address the issue of coordinating a growing list of infrastructure projects and the needs that they are to address.

**Priority Level and Recommended Timeline:** This project could have significant long-term impacts on the City’s future development patterns, infrastructure investment and allocation of resources. The economic and health impacts generated by a more extensive bicycle and multimodal transportation network are anecdotally encouraging. The initial financial burden of a significant portion of these recommendations would be covered by grant funding, while the additional overall life cost would translate to a higher initial financial cost but a lower cost over time. A small mass transit system would mean less road and automobile maintenance and less

congestion on primary city streets, would offer more access to the city's amenities by the poor and working citizens and encourage a healthier and more balanced lifestyle.

*Priority - Medium; Estimated Cost – Low*

### **Recommendation D-2: Smart Growth Zoning Alternatives**

**Synopsis:** The existing City of Salisbury Zoning Code has not been updated since 1983. Because the code is currently being rewritten, the City has the opportunity to explore and incorporate the best practices and strategies to enhance community open space, facilitate linkage of parks and usable open spaces for both passive and active recreation, encourage positive infill development, and promote density incentives and cluster options where appropriate while simultaneously preserving open space and farmland.

Options to be considered may include the following:

1. A transfer of development rights (TDR) program that may include coordination with Wicomico County.
2. An open space conservation program that may include coordination with Wicomico County.
3. A cluster development option that rewards preservation of community open space with smaller lot size, reduced setbacks, and greater density incentives.
4. Density bonus programs or other incentives for infill development.
5. Investment in connectivity of regional bicycle and pedestrian routes and open spaces in conjunction with new development or redevelopment.
6. A density bonus for proffers of investment in regional multimodal, bike, or pedestrian projects to link development with open space and urban/suburban commercial cores.
7. Programs to encourage cleanup and development of, and eventual investment in, existing Brownfield Program sites through density bonus or other improvement incentives.

### **Benefits:**

- Reduction of sprawl development.
- Linkage of Community Open Space
- Concentrated density in appropriate areas, which would further facilitate redevelopment, promote greater opportunities for alternate modes of transportation, and optimize infrastructure investment
- Protection of property values for areas that are to be annexed or dedicated to open space/conservation

### **Barriers:**

- Institutional and community bias against TDR
- More complex procedures required and more staff time and expertise for “tracking” TDR or bonus density programs.
- Requires strong internal management.
- Will require significant staff investment with Johnson, Mirmiran & Thompson (JMT), the primary consultant on the code revision.
- Controversial during public hearing process

- Will require designation of appropriate “high density” areas or corridors

**Actions Required:** This project requires coordination with Johnson, Miriam & Thompson personnel responsible for coordinating the revision of the City of Salisbury Zoning Code as well as City of Salisbury staff. Ideas should be vetted through discussion and focus groups and, if appropriate, included in the documents submitted for public comment and public hearing.

**Priority Level and Recommended Timeline:** This project could have significant long-term impacts on the City’s future development patterns, infrastructure investment and allocation of resources. Furthermore, timing is critical due to the City’s current zoning ordinance revision. The costs associated with this recommendation would be burdened by the City, in terms of staff time investment, and in coordination with JMT. It is also expected that local design professionals, with their own personal and professional stakes in the positive growth of the City of Salisbury, would donate their time to sessions involving public input and to the public hearing process in general.

*Priority - Immediate; Estimated Cost - Low*

### **Recommendation D-3: Bay Friendly and Sustainable Landscape Options**

**Synopsis:** The existing City code requires that all grass, weeds, brush, or plant growth in excess of 8” in height be cut, trimmed, or otherwise removed. The code does not allow for native vegetation in meadow condition under current rules. The city should explore options for more creative and functional use of native vegetation and meadow conditions on individual lots and in developments, and codify a specific native landscaping program in the either “Title 15 - Buildings and Construction” or “Title 8 - Health and Safety” of the Salisbury Municipal Code.

#### **Benefits:**

- Enhanced stormwater filtration, infiltration, and peak flow attenuation
- Creation of pollinator habitat
- Creation of habitat corridors
- Heat island reduction
- Reduction in suburban fertilizer use

#### **Barriers:**

- Community bias against “unmanicured” lawns
- Likelihood of increased complaints
- Requires strong internal management.
- Will require some staff investment to implement and oversee – including more work from code enforcement, and potentially an environmental scientist on staff, or some time and training from the sustainability officer.
- Has the potential to cause arguments between neighbors
- Must be developed in detail so it is not “misused”

**Actions Required:** This project requires coordination with City of Salisbury personnel. The City should take the opportunity to cross reference in the zoning code during the code re-write, and while JMT personnel have the opportunity to offer expertise. Ideas should be vetted through discussion and focus groups. Ordinance development will require coordination between

planning staff, sustainability coordinator, and the Department of Housing and Community Development. We recommend coordination with any local master gardener programs for design and maintenance expertise.

**Priority Level and Recommended Timeline:** This item should be cross referenced in the zoning code. Overall timing is not critical, but JMT staff expertise should be leveraged while they are re-writing the City's zoning ordinance. The costs associated with this recommendation would be covered by the City, in terms of staff time investment, and coordination. It is also expected that local design professionals would donate time in the brainstorming sessions and potentially during the public hearing process.

*Priority - Medium; Estimated Cost - Low*

## E. Education and Outreach

**Vision Statement:** We envision the people who live, work, play, and are educated within the City of Salisbury to be in an environmentally safe and equitable environment regardless of race or economic status. They would also know what the City is doing to continually implement these ideals but also why they are so important to the vibrancy and health of our community.

### **Recommendation E-1: Drinking Water Stations**

**Synopsis:** The City will be establishing an outdoor water bottle filling station in the City Park in Spring 2021. The station can be an excellent site to educate users on the benefits of re-filling water bottles such as 1) the importance of reducing plastic use which is costly to recycle and harmful to the environment, 2) highlighting the excellent quality of the City's water (both chemically and taste), and 3) the importance of drinking water for human health. The City should monitor the use of the filling station and determine how much water was used and estimate the number of plastic bottles saved. If the City Park's water filling station is deemed effective, the City should consider placing stations at multiple locations including "downtown," the amphitheater, and other highly trafficked pedestrian areas.

#### **Benefits:**

- Reduce the use of plastic bottles.
- Provides a free and safe source of water for its users.
- Is a venue for educational materials about the City's "award winning" water.

#### **Barriers:**

- Limited education and outreach staff.
- Cost associated with education and outreach materials.

**Actions Required:** This project requires an internal, administrative decisions related to staff time and the purchasing some resource materials. This project may be ideal for the City to engage suitable partners to identify funding sources and shared outreach programs.

**Climate Change Implications:** The production of plastic water bottles are energy and oil intensive.

**Diversity and Justice:** Everyone should have access to free and safe drinking water when necessary. Educational materials should be produced in multiple languages including Haitian Creole and Spanish.

**Priority Level and Recommended Timeline:** This is an excellent way for the City to enhance its sustainability goals while educating the citizenry. If the initial filling station is deemed to be successful, then the City should begin planning to install additional outdoor stations throughout the City in high traffic areas. There is likely to be excellent partnership potential (with NGOs and/or the private sector) as well as suitable grant funding. The priority is low because it may take 2-3 years to determine if the Park filling station is meeting its goals.

*Priority – Long-Term; Estimated Cost - High*

### **Recommendation E-2: Efficient and Effective Plumbing Conveyance Systems**

**Synopsis:** Water conservation and effective wastewater treatment relies upon effective and efficient plumbing within structures as well as along the entire public water conveyance systems. Leaky faucets are one of the leading causes of unusually high water bills. Additionally, disposing of chemicals, wipes, prescription drugs, and oils and grease through plumbing systems can lead to blockages within the structure and/or public conveyance system, impact the waste water treatment process, and unnecessarily discharge harmful chemicals into the Wicomico River (WWTP outfall). The City should enhance its public outreach “Don’t Flush” programs and educate the importance of fixing leaky faucets.

#### **Benefits:**

- Leaky faucets waste high quality potable water and money.
- “Don’t Flush” programs reduce household and sewer blockages while reducing the risk of dangerous chemicals getting into the wastewater treatment facility and receiving waters.
- The County already has recycling programs associated with household chemicals, oil/grease.
- Numerous public (police stations) and private (several pharmacies) have “Prescription Drug Take Back” programs where they can ensure that the materials are disposed of properly.

#### **Barriers:**

- Identifying the best mechanism(s) to effectively inform the public.
- Limited education and outreach staff.
- Cost associated with education and outreach materials.

**Actions Required:** This project requires an internal, administrative decisions related to staff time and the purchasing some resource materials.

**Priority Level and Recommended Timeline:** Fixing leaky faucets reduces wasting potable water and saves money for its customers. City employees have reported more household items, particularly wipes, entering the wastewater system causing blockages along the conveyance system. Therefore, during the pandemic the City should enhance its “Don’t Flush” program.

**Climate Change Implications:** Production of potable water is energy intensive and thus conservation programs save more than just water.

**Diversity and Justice:** Educational materials should be produced in multiple languages including Haitian Creole and Spanish.

*Priority – Long-Term; Estimated Cost - Low*

### **Recommendation E-3: Partnerships**

**Synopsis:** Currently there are numerous citizen groups, non-governmental agencies, and educational institutions that are working to study, explore and monitor our local environment. This opportunity is aimed at bringing formal and non-formal educators under Education and

Outreach Recommendation group so that multiple resources and efforts could be leveraged for the long-term sustainability and implementation of projects through education.

### **Benefits:**

Helen Keller's words are true- *"Alone we can do so little; together we can do so much"*.

- Students have the opportunity to investigate environmental issues in their community and identify ways to solve these issues using student voice and choice.
- Students have the opportunity to explore the outdoors.
- Students will have the opportunity for Meaningful Watershed Educational Experience.
- By partnering with different educational groups, there is shared responsibility and ownership to implement projects.
- Recruiting students from the school system would also benefit the students as they will be able to garner Service-Learning Hours and meet the Environmental Literacy graduation requirement.
- Students will develop a sense of place and positively contribute to the community.
- Overall reduction in project cost due to volunteers.

### **Barriers**

- Communication between and among different educational groups and environmental projects
- Coordination between local environmental events and educational groups
- Timing the implementation of the project(s)
- Transportation

**Actions Required:** The primary focus needs is creating a list of ideas or environmental projects that the City has with a timeline of project implementation. Next we need to find a team of formal and non-formal educators to develop a plan that would connect the projects to the curriculum. This is crucial as it is important for teachers to have a longer lead time to incorporate the projects (not only the lessons) but also complete the required paper works to implement the projects.

**Climate Change Implications:** None

**Diversity and Justice:** Salisbury has a very rich and diverse groups of people representing different cultures and economic status. It is important to work across these groups to be inclusive and fair. The school system is a reflection of the community and so giving the students a voice in these projects will help with achieving this goal. This will also give students opportunities to develop their communication and leadership skills.

**Priority Level and Timeline:** Establishing partnership and leveraging resources between formal and nonformal educators. Planning and implementing student driven initiatives would be high priority as this will garner youth voice and rally the community around making positive changes throughout the community. The recycling project, drinking water fountain, tree planting, and water sampling are some of those projects which are high priority and could benefit immensely from partnerships.

*Priority - Medium; Estimated Cost - Medium*

#### **Recommendation E-4: Recycling and Solid Waste**

**Synopsis:** The city of Salisbury currently sends collected solid waste and recyclable material to Newland Park Landfill, which is operated by Wicomico County. The City should take a leadership role in encouraging sustainable procurement of solid waste and recyclable material in working toward becoming a zero-waste city.

##### **Benefits:**

- Decreases the tonnage of residential waste sent to the landfill.
- Partner with Wicomico County to educate and promote ways to reduce, reuse, recycle and recover waste material.

##### **Barriers:**

- Challenges involved in increasing consumer awareness and environmentally preferable products.
- Community members must be informed, empowered and motivated to actively support good health for everyone.

##### **Actions Required:**

- Continue with the ‘Reduce, Reuse, Recycle’ campaign
- Continue and increase scope of “Green Festivals” within the city.
- Increase business participation in recycling programs
- Learn more about what each multi-family unit is doing to encourage recycling

**Climate Change Implication:** Identify how cutting waste not only helps the environment but also saves on associated cost (lower disposal costs, waste treatment cost, savings on material and supplies.)

**Diversity and Justice:** Ensure that no one geographic or socioeconomic group in the city is being unfairly impacted.

##### **Priority Level and Recommended Timeline:**

*Priority - Medium; Estimated Cost - Low*

#### **Recommendation E-5: Environmental Health**

**Synopsis:** The City of Salisbury is responsible for programs and activities related to the natural environment through the review of applications for land use. Staff will evaluate the impact of development proposals on residents, green infrastructure and the river.

##### **Benefits:**

- Ensure that our city is providing an exceptional quality of life for our citizens and visitors while being good stewards to our environment.

##### **Barriers:**

- Can the community, residents, and business owners manage and sustain the efforts.

##### **Actions Required:**

- Staff will propose appropriate measures to mitigate identified impacts.

- Development and implementation of community-led projects that address specific planning issues.
- Expansion of community gardens and food pantry gardens.
- Expansion of energy education programs in schools, businesses, organizations and government.
- Encouragement schools to incorporate into their curricula topics concerning sustainability.

**Climate Change Implications:** May reduce traffic and gas emissions and the distance that food products travel.

**Diversity and Justice:** Achieve and maintain a mix of affordable and livable housing types throughout the city for all socioeconomic and cultural groups that include household types for the elderly, families, single individuals and the disabled.

**Priority Level and Recommended Timeline:**

*Priority - Medium; Estimated Cost - Low*

**Recommendation E-6: Nuisance or “Sunny Day” Flooding**

**Synopsis:** Sea levels are rising at a greater rate due to climate change, with Maryland’s being considered the third most vulnerable state. Recent conservative estimates predict that sea levels will rise an additional 10-20 inches over the next thirty years. Coastal communities such as Salisbury therefore face an even greater risk in the future. Due to the rising sea levels, parts of Salisbury are now experiencing what is commonly known Sunny Day Flooding (a.k.a. Nuisance Flooding) with great frequency – particularly in the flood plain area surrounding the North Prong of the Wicomico River. In addition, flooding due to storm surges is also impacting greater areas of the City. Besides the impacted businesses and residents, the streets are under pressure from constant flooding and traffic is often diverted as a result. The City should begin an aggressive education campaign for the businesses and residents who are currently or soon to be impacted from Sunny Day Flooding. This program should be focused on protecting property, reducing mold, and evacuation planning – especially when storm surges are expected.

The City should also begin to consider its ability to establish a Resilience Authority (perhaps jointly with Wicomico County) to establish and fund infrastructure projects and redevelopment.

**Benefits:**

- Sunny Day Flooding is becoming more challenging to greater parts of the City.
- It is important to properly clean up after flooding to minimize the impact of mold that can have deleterious health impacts.
- These areas are also the most vulnerable during storm surges and the residents and businesses should develop evacuation plans and know the locations of shelters.
- The City can now establish a Resilience Authority that may be a tool toward funding for redevelopment of heavily impacted areas.

**Barriers:**

- Education programs alone will not stop the flooding only prepare the impacted businesses and residents. Sea levels are rising due to global greenhouse gas emissions.
- Establishing a new bonding authority (Resilience Authority) may not raise sufficient funds for significant redevelopment of the impacted regions.

**Actions Required:** This project requires an internal, administrative decisions related to staff time associated with the development and delivery of educational materials to impacted businesses and residents.

**Priority Level and Recommended Timeline:** Due to the continued acceleration of sea level rise in this region, the number of days impacted by Sunny Day Flooding is expected to increase even further.

**Climate Change Implications:** This recommendation is a means toward mitigating the impacts of climate change to vulnerable sections of the City. This vulnerable area is likely to grow over time.

**Diversity and Justice:** Many of the residences in the area impacted by Sunny Day Flooding serve lower income populations and also serve minority communities.

*Priority - Immediate; Estimated Cost - High*

1 RESOLUTION NO. 3088

2 A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND APPROVING AND ADOPTING  
3 THE ENVIRONMENTAL POLICY TASK FORCE REPORT.  
4

5 WHEREAS, in February 2020 Mayor Jacob R. Day convened an Environmental Policy Task  
6 Force to develop recommendations for environmental policy goals; and  
7

8 WHEREAS, the Environmental Policy Task Force was comprised of local citizens and  
9 professionals in the fields of environmental issues, planning and engineering; and  
10

11 WHEREAS, the Department of Infrastructure and Development was charged with staffing the  
12 Environmental Policy Task Force, facilitating its meetings and assisting in the preparation of a report; and  
13

14 WHEREAS, the City of Salisbury strives to be a more environmentally sustainable City; and  
15

16 WHEREAS, the development and implementation of the Report demonstrates the commitment of  
17 City officials to reducing the City's environmental impact; and  
18

19 WHEREAS, the Environmental Policy Task Force Report is a guiding document for the Mayor,  
20 City Council, and Departments of Salisbury, setting forth recommendations and prioritizing projects and  
21 initiatives based on environmental sustainability; and  
22

23 WHEREAS, the Department of Infrastructure and Development desires to begin executing the  
24 various projects and strategies outlined in the Report to the benefit of the residents and visitors of the City  
25 of Salisbury; and  
26

27 WHEREAS, the Director of the Department of Infrastructure and Development shall make a  
28 yearly progress report to Council in an open forum prior to January 31<sup>st</sup>, beginning in January 2022.  
29

30 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
31 SALISBURY, MARYLAND that the attached Environmental Policy Task Force Report dated December  
32 2020 is adopted.  
33

34 THIS RESOLUTION was duly introduced, read, and passed at a meeting of the Council of the  
35 City of Salisbury, MD held on the 11<sup>th</sup> day of January, 2021, and is to become effective immediately upon  
36 adoption.  
37

38 ATTEST:  
39

40  
41 \_\_\_\_\_  
42 Kimberly R. Nichols, City Clerk  
43  
44

40  
41 \_\_\_\_\_  
42 John R. Heath, President  
43 Salisbury City Council  
44

45 APPROVED BY ME THIS:

46

47 \_\_\_\_\_ day of \_\_\_\_\_, 2021

48

49 \_\_\_\_\_

50 Julia Glanz, City Administrator

51 for and at the direction of

52 Jacob R. Day, Mayor

53