



CITY OF SALISBURY CITY COUNCIL AGENDA

APRIL 13, 2020

6:00 p.m.

ZOOM MEETING

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. PROCLAMATION- Salisbury Arbor Day – Mayor Jacob R. Day
- 6:08 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:09 p.m. CONSENT AGENDA –City Clerk Kimberly Nichols
- **March 16, 2020** Work Session Minutes
 - **March 23, 2020** Legislative Session Minutes
 - **April 6, 2020** Work Session Minutes
 - **Resolution No. 3027**- approving the Enterprise Zone application for 218 W Main Street
 - **Resolution No. 3028**- approving the Enterprise Zone application for 232 Leonard Lane Investment LLC/Delaware Elevator, Inc.
- 6:12 p.m. AWARD OF BIDS – Procurement Director Jennifer Miller
- Award of Bid, ITB 20-122, WWTP Internal Recycle Pump Replacement
 - Award of Bid, ITB A-20-109, Auditing Services
 - Declaration of Surplus, SPD - Vehicle
 - Declaration of Surplus, SPD – Duty Weapon
- 6:20 p.m. RESOLUTION – City Administrator Julia Glanz
- **Resolution No. 2875**- approving the WaWa-John Deere Drive annexation
 - **Resolution No. 2876**- approving the WaWa-John Deere Drive annexation plan
 - **Resolution No. 3029**- deferring the Revolving Loan Repayments for Shamrock Hospitality Group, LLC
- 6:30 p.m. ORDINANCE – City Attorney Mark Tilghman
- **Ordinance No. 2587**- 1st reading- to amend Chap. 5.32, Transient Merchants & Mobile Vendors, to remove the terms Hawkers & Peddlers, and to update the licensing process

- **Ordinance No. 2588**- 1st reading- to reallocate 2012 bond proceeds
- **Ordinance No. 2589**- 1st reading- to approve agreement with DPL for EV Charging Stations
- **Ordinance No. 2590**- 1st reading- Budget Amendment for Mt. Hermon Rd sewer extension

6:45 p.m. PUBLIC COMMENTS

7:00 p.m. ADJOURNMENT

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

NEXT COUNCIL MEETING – April 27, 2020

- **Resolution No.** -accepting the Grant for the Truitt Street Community Center
- **Ordinance No. 2588**- 2nd reading- to amend Chap. 5.32, Transient Merchants & Mobile Vendors, to remove the terms Hawkers & Peddlers, and to update the licensing process
- **Ordinance No. 2589**- 2nd reading- to reallocate 2012 bond proceeds
- **Ordinance No. 2590**- 2nd reading- to approve agreement with DPL for EV Charging Stations
- **Ordinance No. 2591**- 2nd reading- Budget Amendment for Mt. Hermon Rd sewer extension
- **Ordinance No.** _ 1st reading- of Proposed FY21 Budget
- **Ordinance No.** _ 1st reading- of Proposed Water & Sewer Rates
- **Ordinance No.** _ 1st reading- of Proposed Fees Ordinance
- **Establish date for Public Hearing**- all budget items

Join Zoom Meeting

<https://zoom.us/j/166480496>

Meeting ID: 166 480 496

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CITY OF SALISBURY
WORK SESSION
MARCH 16, 2020

Public Officials Present

Council President John “Jack” R. Heath (*teleconferenced*) Council Vice President Muir Boda
Councilwoman Angela M. Blake Councilwoman Michele Gregory
Councilwoman April Jackson

Public Officials Absent

Mayor Jacob R. Day

In Attendance

Deputy City Administrator Andy Kitzrow, Permits & Inspections Manager Bill Holland, Brock Parker of Parker and Associates, Inc., Business Development Director Laura Soper, Procurement Director Jennifer Miller, Bret Davis of Davis Strategic Development, LLC, Wicomico County Board of Elections Director Anthony Gutierrez, Assistant City Clerk Diane Carter, and City Attorney Mark Tilghman.

On March 16, 2020 Salisbury City Council convened in a Work Session at 4:33 p.m. in Council Chambers of the Government Office Building. The following is a synopsis of the topics discussed:

John Deer Drive (WaWa) – Milford St. Associates Property Annexation Agreement

Permits & Inspections Manager Bill Holland and Agent for the Developer Brock Parker of Parker and Associates joined Council at the table. Mr. Holland reported that the annexation process began approximately two years ago and had been in a holding pattern while the developer was negotiating with WaWa. After the annexation request was introduced to Council, it then went before the Planning Commission where the property was approved for rezoning to Non-Residential Mixed Use to accommodate a 5,600 square foot convenience store with gas pumps and a canopy valued at approximately \$1.4 million dollars. Mr. Holland referred to the Fiscal Impact document prepared by Christopher Jakubiak which indicated that the estimated annual cost to the City as a result of the annexation was approximately \$3,670.00, and the estimated annual tax revenue approximately \$16,280.00 resulting in an annual positive net impact to the City of approximately \$12,600.00. Mr. Holland further reported that the developer annexation fees to be paid were estimated at \$18,500.00 and were for re-beautification, restoration, and revitalization of existing neighborhoods. Mr. Holland concluded that the next phase would be to set a date for the Public Hearing regarding the Annexation.

There being no questions or discussion, Council reached unanimous consensus (5-0) to advance this item to an upcoming Legislative Session.

Mobile Vendor Licensing & Fees

Business Development Director Laura Soper reported that she had recently met with City Administration about streamlining the Mobile Vendor Licensing application and process and shared with Council proposed changes to the existing legislation which included clarifying exactly which

vendors would need a license as well as those same vendors being exempt from licensure if they would be participating in a City or City-endorsed event. It was also being proposed that the Surety Bond requirement run for a period concurrent with the license, as opposed to the current requirement to run for one year beyond the expiration date of the license, citing potential vendors' concerns with obtaining surety bonds for the extended period. The proposed new flat rate application fee of \$100.00 and renewal application fee of \$50.00 for the owner/proprietor would replace the current owner/proprietor \$50.00 application fee and \$40.00 background check fee required for all owner/proprietors and employees. Police Chief Duncan endorsed background checks continuing to be completed for owners/proprietors. Vendors would be encouraged to obtain their own background checks on their employees, but the onus for employees would fall to the owners/proprietors who would have to guarantee their employees as part of the application process. The City would no longer be collecting/maintaining information on vendors' employees and vendors would be advised that their licenses could be in jeopardy should their employees be problematic as far as their behavior/conduct/legal issues. It was noted that the City does not require background checks for owners/proprietors and employees for restaurants/vendors with permanent locations in a building.

Discussion included the potential hardship and expense for owners/proprietors should they experience significant turnover with employees (requiring background checks at \$40-each for all agents of the vendor) and the reasoning behind the current legislation requiring Surety Bonds remain in effect for one full year beyond the expiration date of the vendor license (requiring vendor to purchase a two-year-term Surety Bond.) City Attorney Tilghman indicated he allowed the proposed legislation at the Work Session while he researched the City's exposure/risk should it approve the proposed change for the Surety Bonds to run concurrent with the vendor license.

After discussion, Council reached unanimous consensus (5-0) to advance this item to an upcoming Legislative Session once City Attorney Tilghman had clarified the Surety Bond issue-whether to allow Surety Bonds to run concurrent with license expiration, versus the current requirement for the Surety Bond to remain in effect a full one year beyond the license expiration date.

Salisbury Green and Lot 16

Procurement Director Jennifer Miller and Bret Davis of Davis Strategic Development, LLC joined Council at the table. Ms. Miller reviewed information in Council's packet which included the following:

Resolution allowing transfer of sale to Davis Strategic Development (DSD)

Fourth Amendment to the Land Disposition Contract between DSD and the City of Salisbury

- References the transfer of ownership
- States the same conditions remain intact for new buyer DSD that were in place previously for R. Miller Properties for the Salisbury Green in the original agreement of sale with the City
- Lot 3 (Salisbury Green) and Lot 16 would be consolidated into one parcel for development purposes with any re-subdivision costs borne by the buyer
- Different set of timeline milestones which would be recorded in the amendment for purposes of the Land Disposition Contract

Ms. Miller indicated the next step would be to bring the item to a Legislative Session.

Mr. Davis indicated the only change to the agreement between DSD and the Beer Garden was DSD would not be required to obtain a liquor license. DSD was concerned that if Wicomico County suspended the liquor license, the City would take away the 49 apartments being built. City Attorney Tilghman confirmed that DSD is required to build a beer garden-style restaurant and will secure a liquor license in order to serve alcohol at the restaurant and explained that this is different than the liquor license requirement previously imposed on the former buyer R. Miller Properties.

Mr. Davis reported that combining the two lots will yield 16 parking spaces and the outdoor seating amount will remain the same with at least 45 seats outside including bar-style seating. The restaurant will be two stories with a mezzanine, approximately 3,600 square feet inside, and a two-story glass garage door 24ft x 20ft that will allow patrons to enjoy sitting on the water.

After discussion, Council reached unanimous consensus (5-0) to advance this item to an upcoming Legislative Session.

Budget Amendment for Elections

Vice President Boda read the City Clerk's Memo to Council detailing a request for a budget amendment in the amount of \$16,550 in order to pay the December 11, 2019 final invoice from the Wicomico County Board of Elections in the amount of \$26,171.19 for the City's 2019 Election process. The billed amount for services provided by staff on Wicomico County time was \$20,552.14 and the estimate for that amount provided to the City on February 5, 2019, was \$4,500.00. As there are funds in the Elections accounts totaling \$9,623.00, a budget amendment in the amount of \$16,550 is necessary in order to pay the invoice. Wicomico County Board of Elections Director Anthony Gutierrez joined Council at the table to discuss the final invoice and field questions.

President Heath asked why the estimate was so low and the actual expenses were almost 500% more than the estimate.

Mr. Gutierrez explained that the City's 2019 Election was the first time the relatively new paper ballot system was used as opposed to the touch screen system used in the City's 2015 Election and there were no numbers for comparison for the paper ballot system. He said after the 2015 Election when he had been before Council then, it was recommended that they use the actual numbers going forward as a baseline and then track actual expenses, which they did. He noted that Deputy Elections Director Church has a strong accounting/human resources background; she had tracked and then double-checked the actual 2019 Election expenses. Mr. Gutierrez observed that contributing factors for the increased expenses could be the aforementioned paper ballot system, new employees for the 2019 Election who may have taken longer to complete tasks, and a higher voter turnout in 2019 requiring more overall processing. The 2019 Election expenses will now serve as the baseline for the 2023 Election expenses.

President Heath asked what Mr. Gutierrez would do if he received an invoice that was approximately \$16,000.00 over the estimate provided.

Mr. Gutierrez indicated that it was not unusual when working with Elections to receive an annual estimate from the State Board of Elections in January or February for presentation to the County Council that could change by tens of thousands of dollars by the time innovations and changes had been made throughout the Election process. For example in 2023 there will be new poll books and

145 Same Day Registration (SDR) – the SDR requiring an additional piece of equipment and an Election
146 Judge at each polling place. He said routinely his department has to go back to request
147 additional/supplemental funds or try to guess/estimate costs in advance of an Election.

148
149 Councilwoman Blake asked if there had been any other Election that had had this large a discrepancy
150 between the estimated and actual expenses.

151
152 Mr. Gutierrez said that he was unaware of any during his tenure which included conducting the City
153 Elections every two years until it changed to four years from 2015 to 2019; he indicated that is why
154 Deputy Elections Director Church had double-checked the actual 2019 Election expenses.

155
156 Councilwoman Blake asked about temporary workers – a definition, and whether they worked on City
157 Elections only.

158
159 Mr. Gutierrez explained that temporary workers worked on both City and County Elections and were
160 tasked with tracking work hours for both which Ms. Church then tabulated. He indicated that the City
161 Election overlapped the April County Election, so work on each had to be tracked separately. As an
162 example, when mail came in it was sorted so City and County mail could be worked on separately and
163 easily tracked, noting City mail was processed first to accommodate registration deadlines. Temporary
164 workers also helped with a variety of tasks in different area including the reception office,
165 supplementing the absentee staff, working in the back on supplies, and testing the equipment.

166
167 Councilwoman Blake asked if the City should look at previous City Election expenses and/or other
168 Election expenses even if from municipalities similar in size to Salisbury; Councilwoman Gregory
169 asked if there was such a discrepancy in Election costs with other Wicomico County municipalities.

170
171 Mr. Gutierrez explained that the County Board of Elections does not conduct Elections for the other
172 six County municipalities as extensively as it does for the City of Salisbury. Other municipalities are
173 provided a street file to verify, a prepared precinct register to pick up for use on Election Day, and
174 voter history.

175
176 Councilwoman Jackson asked if County Elections knew from the time of the 2015 to 2019 City
177 Election and the planned change to paper ballots that estimated expenses would increase — did the
178 County anticipate and actually hire more temporary workers.

179
180 Mr. Gutierrez could not speak to whether the number of temporary workers increased from the 2015 to
181 2019 City Election. He did indicate that since workers were tracking City Election time worked, the
182 number of hours tracked would be the same no matter the number of temporary workers — eight
183 workers tracking 10 hours each week or ten workers tracking 8 hours each week still resulted in 80
184 hours/week tracked on the City Election.

185
186 Councilwoman Blake asked if the paper cost more for the Election, since the system was still
187 computerized for touch screen or paper fed machine tabulation.

188
189 Mr. Gutierrez said it was counterintuitive; it would seem it would cost less but it actually costs more to
190 process paper ballots and to test the paper ballot system.

Vice President Boda asked about the most recent County Board of Education Election and the recount – did the County Election Board have to go back to the County Council for a budget amendment.

Mr. Gutierrez said that he thought they did, but indicated the County’s zero-based accounting method could have contributed to that as well as the low estimate from the State the prior January when the County Budget was being drafted. At that time his Department did not know they would be needing network routers or a Same Day Registration (SDR) judge for the April Primary. He indicated it is quite common to receive low estimates from the State as well as have changes to equipment and personnel costs that require the County Elections Board go back to the County for additional funds.

After discussion, Council reached unanimous consensus (5-0) to prepare questions for submission to the City Clerk that would be forwarded to Mr. Gutierrez in time for answers to be discussed at the next Work Session.

Mr. Gutierrez said he would provide or re-provide whatever information is needed. He offered to amend agreements going forward to include keeping detailed work logs for his Department’s internal check as well as the City Clerk Department’s triple check. He also referred to another expense that could be expected for the 2023 Election, redistricting after the 2020 Census; does his Department go back ten years to estimate that cost based on the redistricting cost after the 2010 Census and the change in districts then, or does it try to estimate costs from the City’s 2019 Election?

Council Comments-Census 2020

Vice President Boda encouraged all Citizens to complete the 2020 Census by mailing it in or completing it online at www.census.gov; he noted how important the Census is in determining a municipality’s eligibility for a variety of items including grants and congressional apportionments.

Council Comments-COVID-19

Vice President Boda spoke briefly about the COVID-19 Health Crisis affecting everyone and noted that information was constantly evolving so there was not a full update at this time; he did however, touch on the following topics:

- Governor Hogan’s directive for all restaurants, bars, and gyms to close at 5:00 p.m. today
- Supporting local businesses by ordering carryout and taking advantage of some of the delivery services that in many cases were waiving fees
- Washing hands for 20 seconds, using hand sanitizer, maintaining the appropriate distance, and coughing into your sleeve/elbow
- City bills can be paid by mail or online – Citizens should not come to the Government Office Building. Late fees will not be assessed until 30 days following the end of the State of Emergency. Governor Hogan also directed no water/utility shutoffs or evictions during the State of Emergency. Questions about Utility Bills may be directed to 1-833-SBY-City or to the Finance Department on the City Website at salisbury.md.
- Licensing and permitting is not accepting anything in person – Questions may be directed to 1-833-SBY-City or researched online at the City website at salisbury.md.
- RunSBY Marathon and Half-Marathon-cancelled
 - if registered -no refunds, but registration deferred to next year’s race
 - questions - email sbymarathon@gmail.com

- Any and all permitted events through April 12, 2020 and possibly later– cancelled-no City services provided to events-no leases of City property during this time period will be honored-deposits will be returned upon request if event cancelled or the event could be rescheduled at a later date beyond the current State of Emergency
- 3rd Friday – Downtown Salisbury-March cancelled – April still tentatively scheduled
- Events to be rescheduled-Average Joe’s Half-K, Hops on the River, Census 2020 Neighborhood Walk, Spring Bulk Pickup
- Grub Hub, Uber Eats and Door Dash have suspended local franchise fees during the emergency
- Visit stores and general merchandise stores during non-peak hours
- Youth & Community Programs at City owned/operated Community Centers-suspended
- Follow Centers for Disease Control (CDC) guidelines for COVID-19
- Doctors may offer remote clinical appointments as an alternative to in-person office visits
- Public Health Information – continue to monitor the Wicomico County Health Department’s and Peninsula Regional Medical Center’s Social Media Feeds and Websites AND/OR call 410-341-4600 during regular business hours and 211 during non-business hours
- All Municipal parking lots will be free until further notice; permit parking will still be enforced

Council shared final comments to stay safe and be healthy, wash your hands, check on the elderly, and look out for each other. Be a good neighbor.

Adjournment

With no further business to discuss, the Work Session adjourned at 5:15 p.m.

Assistant City Clerk

City Clerk

Council Vice President

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

MARCH 23, 2020

PUBLIC OFFICIALS PRESENT

President John “Jack” R. Heath
Council Vice-President Muir Boda
Councilwoman Michele Gregory

Mayor Jacob R. Day
Councilwoman Angela M. Blake
Councilwoman April Jackson

IN ATTENDANCE

City Administrator Julia Glanz, City Clerk Kimberly Nichols, City Attorney Mark Tilghman,
other City staff and interested citizens.

CITY INVOCATION – PLEDGE OF ALLEGIANCE

The City Council met in regular session at 6:00 p.m. via a Zoom Meeting. Council President
John R. Heath called the meeting to order.

ADOPTION OF LEGISLATIVE AGENDA

Mr. Boda moved, Ms. Blake seconded, and the vote was unanimous to approve the legislative
agenda as presented.

CONSENT AGENDA – presented by City Clerk Kimberly Nichols

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

- **March 9, 2020** Legislative Session Minutes
- **Resolution No. 3020**- approving the appointment of Jillian Burns to the Salisbury Historic District Commission for the term ending March 2023
- **Resolution No. 3021**- approving the reappointment of Chris Roberts to the Parks & Recreation Committee for the term ending March 2023
- **Resolution No. 3022**- approving the reappointment of Linda Wainer to the Salisbury Zoo Commission for the term ending March 2023
- **Resolution No. 3023**- approving the reappointment of Charles Ryan Weitzel to the Sustainability Advisory Committee for the term ending March 2023
- **Resolution No. 3024**- approving the appointment of Elliott Neal White to the Salisbury Zoo Commission for the term ending March 2023
- **Resolution No. 3025**- approving the appointment of Jeremy Wolfer to the Disability Advisory Committee for the term ending March 2023

AWARD OF BIDS – presented by Procurement Director Jennifer Miller

The Award of Bids, consisting of the following items, was unanimously approved on a 4-0 vote on a
motion by Ms. Jackson that was seconded by Mr. Boda:

- Award of Bid, ITB 20-103, Self-Contained Breathing Apparatus \$739,975.00
- Award of Bid, ITB 20-119, CDBG Neighborhood Sidewalk Construction \$197,081.72
- Award of Bid, RFP 20-103, WWTP Laboratory Information Management System \$171,577.81
- Declaration of Surplus, FO- Vehicles and Equipment 0.00
- Declaration of Surplus, SPD K-9 0.00
- Declaration of Surplus, SFD Self-Contained Breathing Apparatus Fill Station 0.00

RESOLUTION – presented by City Administrator Julia Glanz

- **Resolution No. 3026**- approving the fourth amendment to disposition contract for the sale of property known as Parking Lot #16 and the Salisbury Green, approving the sales contract between Davis Simpson Holdings, LLC and R. Miller Properties, LLC for the sale of the Salisbury Green, to consolidate the two lots and to adjust the deadlines for the redevelopment of the lots

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Resolution No. 3026.

ORDINANCE – presented by City Attorney Mark Tilghman

- **Ordinance No. 2586**- 2nd reading- approving an amendment of the City's Capital Project Fund budget to provide additional funding for a bathroom addition project

Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2586 for second reading.

PUBLIC COMMENTS

There were no requests for Public Comment.

COUNCIL COMMENTS

Council President Day thanked the Boards and Commission volunteers for taking their time to serve the City.

Mayor Day provided an update on the efforts of Administration to keep the business of the City moving and recapped an order signed earlier in the day to follow Governor Hogan's order.

ADJOURNMENT

With no further business to discuss, the Legislative Session adjourned at 6:28 p.m.

City Clerk

CITY OF SALISBURY
WORK SESSION (VIA ZOOM MEETING)
APRIL 6, 2020

Public Officials Present

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

Mayor Jacob R. Day
Councilwoman Angela M. Blake
Councilwoman April Jackson
(joined meeting at 4:40 p.m)

In Attendance

City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Department of Infrastructure and Development (DID) Director Amanda Pollack, Business Development Director Laura Soper, Wicomico County Board of Elections Director Anthony Gutierrez and Deputy Director Dionne Church, City Clerk Kim Nichols, and City Attorney Mark Tilghman.

On April 6, 2020 Salisbury City Council convened in a Work Session at 4:30 p.m via a Zoom Meeting. The following is a synopsis of the topics discussed:

Resolution to defer Revolving Loan payment for Shamrock Hospitality Group, LLC until the end of the pandemic

Business Development Director Laura Soper joined Council in the Zoom Meeting and requested the Revolving Loan repayment deferment of terms and accrual of interest for Shamrock Hospitality Group, LLC for a time when the COVID-19 pandemic has ended, and restaurants can offer dine-in service. The term was based partly on the deferrals that many banks offered their clients in relation to the COVID-19 outbreak. Ms. Soper reported the borrower was comfortable with re-starting repayment 12 full months after Governor Hogan makes the announcement that dine-in service may resume. This would allow them time to build up their reserves.

Council reached unanimous consensus to approve the deferment and advance the legislation to legislative agenda. Ms. Jackson had not joined Council in the meeting yet.

Ordinance to approve agreement with DPL for EV Charging Stations

DID Director Amanda Pollack reported on Delmarva Power’s request to install two (2) electric vehicle charging stations in City owned Parking Lot No. 15, located at the corner of Market Street and Camden Street. The two EV charging stations would serve four (4) parking spaces. Delmarva Power would fully fund the project and required the City to execute a Right of Way Agreement.

Delmarva Power Public Affair Manager John Petito joined the meeting via Zoom. Mr. Petito informed Council that the stations would be for anyone to use at any time. The Maryland Service Commission required Delmarva Power to install 100 stations on the Eastern Shore.

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

42 **Budget Amendment for Mt. Hermon Road sewer extension**

43
44 Ms. Pollack reported on the request for a budget amendment to accept financing in the form of a
45 low interest loan from the Maryland Water Quality Financing Administration (MWQFA) for the
46 Mt. Hermon Road Sewer Extension project which included extending sewer to two residential
47 properties in the City that currently were served with septic systems.
48

49 Ordinance No. 2497 authorized the City to finance up to \$120,000 for the project through the
50 MWQFA. At the February 24, 2020 City Council meeting the construction contract was awarded to
51 Chesapeake Turf in the amount of \$186,106.00, with a portion of the contract funded directly by the
52 City. The Maryland Department of the Environment approved the package on February 26, 2020.
53 The final approval needed from the State was from the Board of Public Works, which would meet
54 on April 22, 2020 to review the item.
55

56 Ms. Pollack said the budget amendment would allocate funds to the appropriate project account
57 (55021) and was needed prior to granting authorization for construction to proceed. Once
58 construction has begun, DID would file for reimbursements from the MWQFA.
59

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

62 **Budget Amendment to cover shortfall in November 2019 Elections budget**

63
64 Wicomico County Board of Elections Director Anthony Gutierrez and Deputy Director Dionne
65 Church joined Council in the Zoom Meeting. Mr. Gutierrez told Council he wanted to be as
66 transparent as possible so that the City was comfortable with their processes and would be open to
67 adding additional measures to the City's agreement such as an itemized statement. There were
68 unforeseen expenditures where the quote provide in February was only an estimate. Ms. Church
69 stated the office staff, full and part-time, generated the same amount of work as in 2015. Mr. Boda
70 said he appreciated Mr. Gutierrez's patience with the Council as they did their due diligence. Mr.
71 Heath said the Election budget had no funds to pay the additional invoice and the only way to pay it
72 was to pass a budget amendment. He asked Mr. Gutierrez to request from County Administration
73 relief in the bill.
74

75 Mr. Boda asked about the request for a recount and wondered how much of the invoice included
76 calculations for the recount. Mr. Gutierrez and Ms. Church said they would have to respond the next
77 day, as the spreadsheet was not itemized. Mr. Boda said that in the future if a recount was
78 requested, the pre costs should be charged to the person requesting the recount. Mr. Heath asked
79 Mr. Tilghman since the candidate did not follow through with the recount, if he could be required to
80 pay for the expenses incurred up to the point he withdrew his request. Mr. Tilghman said the
81 candidate should be liable for the expenses. Mr. Heath asked Mr. Gutierrez to calculate the
82 expenses and the candidate would be invoiced.
83

84 Mayor Day suggested an internal breakdown would provide clarity before making a final decision.
85 In 2013, with a Primary Election, election expenses totaled \$58,900. In 2015, election expenses
86 totaled \$37,570, and \$51,500 in 2019.
87

88 **Council comments**

89
90 Mr. Boda asked the public to help each other and to be safe.

91
92 Ms. Jackson announced she had been very sick, and the COVID-19 pandemic was very serious.

93
94 Ms. Blake thanked City Administrator Julia Glanz and Mayor Day for their leadership.

95
96 Ms. Gregory thanked all the healthcare workers and asked the public to not go out if they did not
97 have to.

98
99 President Heath thanked all the essential workers for the jobs they did and asked everyone else to
100 stay home. He also thanked PAC14 and staff members Keith Eagle and Creig Twilley for the hard
101 work they put into airing the City meetings live on PAC14 and Zoom.

102
103 **Adjournment**

104
105 With no further business to discuss, the Work Session adjourned at 5:02 p.m.

106
107 _____
108 City Clerk

109
110 _____
111 Council President

INTER

OFFICE

MEMO

Office of the Business Development

To: City Council
From: Laura Soper
Subject: Enterprise Zone Eligibility – Opportunity Street, LLC
Date: April 8, 2020

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

I recommend that the City Council adopt the attached resolution designating Opportunity Street, LLC located at 218 W Main Street, eligible to receive the benefits of the Enterprise Zone.

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

cc: Mayor Day
Julia Glanz
Kim Nichols

Attachments

Application for Maryland State Enterprise Zone Certification in

Salisbury-Wicomico County, Maryland

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

Applying For:

Income Tax Credit

☐

Real Property Tax Credit

☒

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

☐

This Section is to be filled by Local Zone Administrators Only

The Real Property Credit

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

Necessary Qualifications

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

The State Income Credit

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

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

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

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

Section A: Applicant Information

Name of Business / Developer applying for Enterprise Zone credits:

Opportunity Street, LLC

Name of Contact Person: Kevin Dorman

Title: Controller

Phone: 410-749-4821

Email: kdorman@ggibuilds.com

Mailing Address: 118 N. Division Street, Suite 201, Salisbury, MD 21801

Section B: Enterprise Zone Property Information

Enterprise Zone Property Address: 218 W. Main Street, Salisbury, MD 21801

Property Tax Account Number: 09-055304

Property Ownership: Opportunity Street, LLC

Lease: Own: X

Section C: Enterprise Zone Property Improvements Information

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

Owner of the Real Property: Opportunity Street, LLC

Mailing address of property owner: 118 N. Division Street, Suite 201, Salisbury, MD 21801

Phone: 410-749-4821

Email Address: kdorman@ggibuilds.com

Project Start Date: November 2019

Anticipated Project Completion Date: September 2020

Briefly describe capital improvements plans: Renovate interior space for first floor

commercial, and upper floor multi-family housing

Type of Construction and Costs

Cost of building(s) & land (acquisition): \$ 525,000


New Construction: \$ _____

Rehabilitation: \$ 4,800,000

Cost of new machinery & equipment*: \$ _____

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

Name of Applicant: Kevin Dorman Position/Title: Controller

Applicant Signature:  Date: 3/12/2020

Name of Property Owner: Opportunity Street, LLC Position/Title: Owner

Property Owner Signature:  Date: 3/12/2020

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

Laura Soper

From: Amanda Pollack
Sent: Monday, March 16, 2020 1:57 PM
To: Laura Soper
Subject: RE: Enterprise Zone Requests

Laura,
110 hasn't submitted building permits yet. 218 is under construction. So I cannot certify yet that they have met all codes. Is that okay?
Amanda

From: Laura Soper
Sent: Thursday, March 12, 2020 3:47 PM
To: Amanda Pollack; Olga Butar
Subject: Enterprise Zone Requests

I have received **two** requests from Opportunity Street, LLC located at 218 W Main Street and 110 W Main Street, Salisbury, MD that they be deemed qualified to receive Enterprise Zone benefits. In order to receive such designation, it is necessary that they meet certain criteria. I am requesting that your departments help me in processing their application by helping me to determine if they meet the necessary criteria.

Infrastructure & Development

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

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

Does this business meet the zoning code?

Does this business comply with subdivision regulations?

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

Does this business meet all permit requirements?

Finance

Is this business up to date on their taxes?

Are they in good standing with SDAT?

Please answer the questions above under the heading for your department and return to my office by 3/19/2020. Your assistance is appreciated. If you have any questions, please let me know.

Laura Soper

Director of Business Development

City of Salisbury

110 N Division Street

Salisbury, MD 21801

(O): 410-677-1916



www.salisbury.md

Laura Soper

From: Kay Lundy
Sent: Thursday, March 12, 2020 4:08 PM
To: Laura Soper
Subject: RE: Enterprise Zone Requests

From: Olga Butar
Sent: Thursday, March 12, 2020 3:53 PM
To: Kay Lundy <klundy@salisbury.md>
Cc: Laura Soper <lsoper@salisbury.md>
Subject: FW: Enterprise Zone Requests

Kay,

Could you please provide information requested to Laura.
Thank you,

Olga Butar
Assistant Director of Finance - Operations
City of Salisbury
125 N. Division St
Salisbury, MD 21801
Email: obutar@salisbury.md
Phone: 410-548-3110



www.salisbury.md

From: Laura Soper
Sent: Thursday, March 12, 2020 3:47 PM
To: Amanda Pollack <APollack@salisbury.md>; Olga Butar <obutar@salisbury.md>
Subject: Enterprise Zone Requests

I have received **two** requests from Opportunity Street, LLC located at 218 W Main Street and 110 W Main Street, Salisbury, MD that they be deemed qualified to receive Enterprise Zone benefits. In order to receive such designation, it is necessary that they meet certain criteria. I am requesting that your departments help me in processing their application by helping me to determine if they meet the necessary criteria.

Infrastructure & Development

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

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

Does this business meet the zoning code?

Does this business comply with subdivision regulations?

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

Does this business meet all permit requirements?

Finance

Is this business up to date on their taxes? Yes.

Are they in good standing with SDAT? Yes.

Please answer the questions above under the heading for your department and return to my office by 3/19/2020. Your assistance is appreciated. If you have any questions, please let me know.

Real Property Data Search

Search Result for WICOMICO COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)**Special Tax Recapture: None****Account Identifier:** District - 09 Account Number - 055304

Owner Information

Owner Name:	OPPORTUNITY STREET LLC	Use:	COMMERCIAL
Mailing Address:	118 N DIVISION ST STE 201 SALISBURY MD 21801-	Principal Residence:	NO
		Deed Reference:	/04537/ 00058

Location & Structure Information

Premises Address:	218 W MAIN ST SALISBURY 21801-0000	Legal Description:	L-43.3X117&34.5X125 218 W MAIN CITY OF SALIS
--------------------------	---------------------------------------	---------------------------	--

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0107	0014	1061	21003.23	0000				2018	Plat Ref:

Town: SALISBURY

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1930	29,238 SF		13,816 SF	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
		RETAIL STORE	/	C2			

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2018	07/01/2019	07/01/2020
Land:	207,200	207,200		
Improvements	170,600	180,100		
Total:	377,800	387,300	384,133	387,300
Preferential Land:	0			0

Transfer Information

Seller: WRIGHT JOSEPH P JR	Date: 10/07/2019	Price: \$525,000
Type: ARMS LENGTH IMPROVED	Deed1: /04537/ 00058	Deed2:
Seller: POWELL, VERNON H	Date: 05/12/1987	Price: \$0
Type: ARMS LENGTH MULTIPLE	Deed1: /01103/ 00385	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

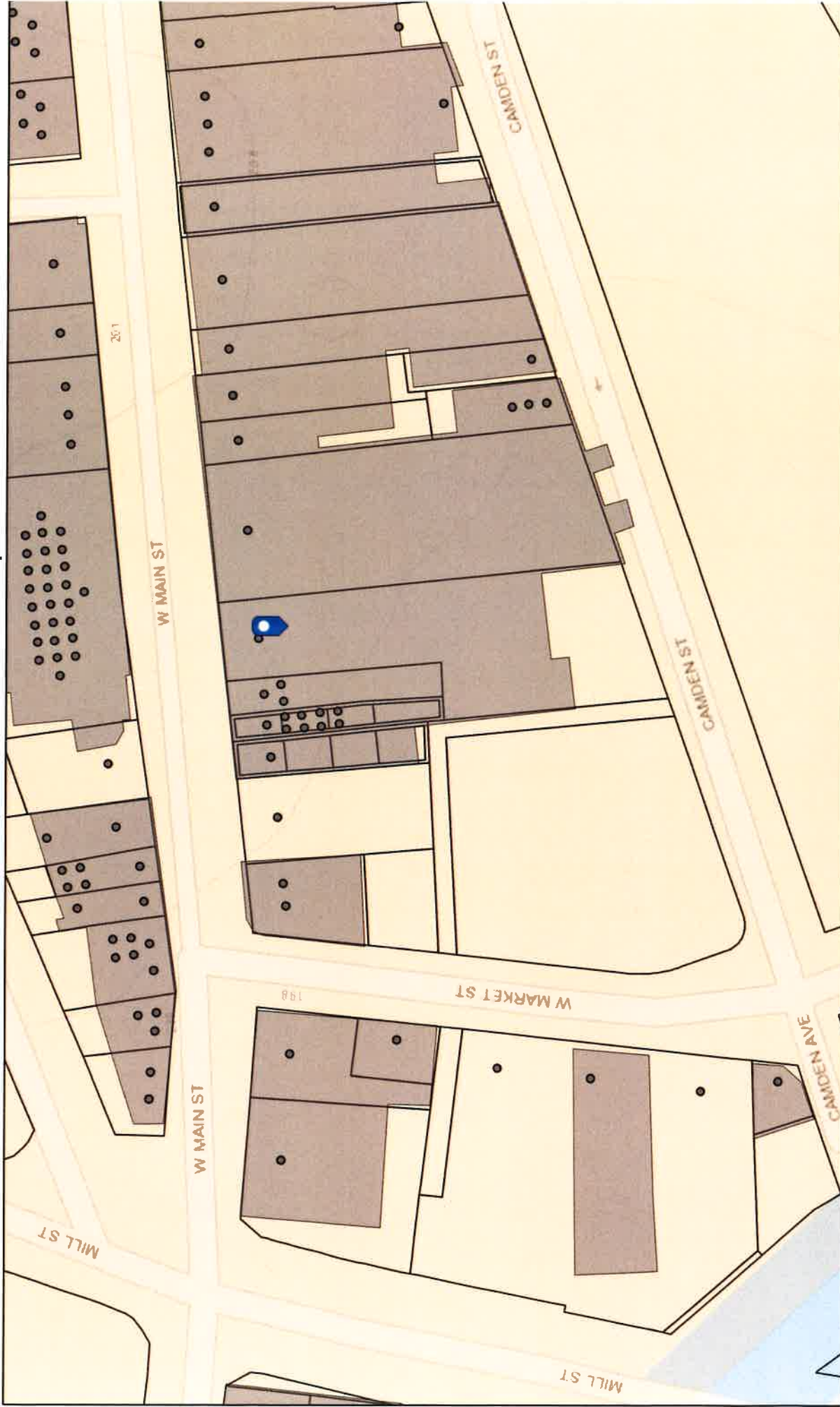
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

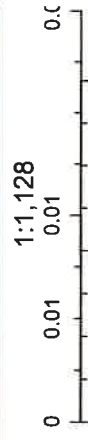
Homeowners' Tax Credit Application Status: No Application **Date:**

ArcGIS Web Map



3/27/2020, 2:05:56 PM

- Address Points
- ▭ Parcels
- Buildings
- Enterprise Zone



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GE
FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance
Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contrib
GIS User Community

RESOLUTION NO. 3027

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND DECLARING THAT OPPORTUNITY STREET, LLC IS ELIGIBLE TO RECEIVE ENTERPRISE ZONE BENEFITS FOR PROPERTY LOCATED AT 218 W MAIN STREET, SALISBURY MD.

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

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

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

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

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

WHEREAS, Kevin Dorman, Managing Member/Owner representing Opportunity Street, LLC has requested that the company be designated as eligible for Enterprise Zone benefits because of its investment of more than \$50,000 at its property located in the zone at 218 W Main Street.

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

The above Resolution was introduced, read and passed at the regular meeting of the Salisbury City Council on the _____ day of _____, 2020.

Kimberly Nichols
CITY CLERK

John R. Heath
PRESIDENT, City Council

APPROVED by me this
_____ day of _____ 2020.

Jacob R. Day
MAYOR, City of Salisbury

INTER

OFFICE

MEMO

Office of the Business Development

To: City Council
From: Laura Soper
Subject: Enterprise Zone Eligibility – Leonard Lane Investment, LLC
Date: April 8, 2020

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

I recommend that the City Council adopt the attached resolution designating Leonard Lane Investment, LLC located at 232 Leonard Lane, eligible to receive the benefits of the Enterprise Zone.

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

cc: Mayor Day
Julia Glanz
Kim Nichols

Attachments

Application for Maryland State Enterprise Zone Certification in

Salisbury-Wicomico County, Maryland

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

Applying For:

Income Tax Credit

☒

Real Property Tax Credit

☒

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

This Section is to be filled by Local Zone Administrators Only

The Real Property Credit

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

Necessary Qualifications

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

The State Income Credit

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

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

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

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

Section A: Applicant Information

Name of Business / Developer applying for Enterprise Zone credits:

Delaware Elevator, Inc

Name of Contact Person: Denice C. Cordrey

Title: Executive Assistant / Property Manager

Phone: 443-497-0140 Cell / Office 410-749-3489 x1000

Email: dcordrey@delawareelevator.com

Mailing Address: c/o Charles Meeks PO Box 2111, Salisbury, MD 21802

Section B: Enterprise Zone Property Information

Enterprise Zone Property Address: 232 Leonard Lane, Salisbury MD 21801

Property Tax Account Number: 09-049541

Property Ownership: Leonard Lane Investment LLC.

Lease: Own: ✓

Section C: Enterprise Zone Property Improvements Information

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

Owner of the Real Property: Charles Meeks / Leonard Lane Investment, LLC

Mailing address of property owner: PO Box 2111, Salisbury MD 21802

Phone: 410-749-3489 x1000

Email Address: charlesmeeks@delawareelevator.com

Project Start Date: 10/02/2018 Plan Review date: 11/19/2018 stakeout at Jobsite

Anticipated Project Completion Date: 4/30/2020

Briefly describe capital improvements plans: Construction of new warehouse / office space / manufacturing facility

Type of Construction and Costs

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

New Construction: \$ 2,200,000.⁰⁰

Rehabilitation: \$ _____

Cost of new machinery & equipment*: \$ _____

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

Name of Applicant: Charles Meeks Jr. Position/Title: President/owner

Applicant Signature: Charles E Meeks Jr. Date: 3/30/20.

Name of Property Owner: Charles Meeks Jr. Position/Title: member owner.

Property Owner Signature: Charles E Meeks Jr. Date: 3/30/20

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

Section D: Enterprise Zone Employment Tax Credit Information

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

Federal Employer Identification Number (EFIN): 52-1193017

Unemployment Insurance #: 0073369517 NAICS Code (if available): 238900

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

Is business located in the Enterprise Zone now? Yes ☒ No ☐

If yes, since what year: 1980

Is the business relocation from another place? Yes ☐ No ☒

If yes, where was the previous location?: _____

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

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

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

The tax credits will help yield more available funds for future growth.

Number of existing employees: 240

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

If you were already located in the Enterprise Zone, please provide the number of employees as of date of this application in the Enterprise Zone: 240

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

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

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

Name of Applicant: Charles Meeks Position/Title: President/owner

Signature: Charles E. Meeks Date: 3/30/20

Laura Soper

From: Kay Lundy
Sent: Thursday, April 2, 2020 10:56 AM
To: Laura Soper
Cc: Olga Butar
Subject: Re: Enterprise Zone - Leonard Lane Investment LLC

Laura,

Delaware Elevator Inc. is in good standing with the Assessment Office and taxes are paid.

If you need anything else, please let me know.

Thanks
Kay

From: Laura Soper <lsoper@salisbury.md>
Sent: Wednesday, April 1, 2020 11:34 AM
To: Kay Lundy <klundy@salisbury.md>
Cc: Olga Butar <obutar@salisbury.md>
Subject: RE: Enterprise Zone - Leonard Lane Investment LLC

Delaware Elevator, Inc.

From: Kay Lundy
Sent: Tuesday, March 31, 2020 3:12 PM
To: Laura Soper <lsoper@salisbury.md>
Cc: Olga Butar <obutar@salisbury.md>
Subject: Re: Enterprise Zone - Leonard Lane Investment LLC

Delaware Elevator has several corporate business names. Which one in particular is applying?

Thanks
Kay

From: Laura Soper <lsoper@salisbury.md>
Sent: Tuesday, March 31, 2020 2:16 PM
To: Kay Lundy <klundy@salisbury.md>
Cc: Olga Butar <obutar@salisbury.md>
Subject: Re: Enterprise Zone - Leonard Lane Investment LLC

Does that also cover Delaware Elevator? They are applying for the State Income tax credit as well.

Sent from my iPhone

> On Mar 31, 2020, at 2:11 PM, Kay Lundy <klundy@salisbury.md> wrote:
>

Laura Soper

From: Kay Lundy
Sent: Tuesday, March 31, 2020 2:11 PM
To: Olga Butar
Cc: Laura Soper
Subject: Re: Enterprise Zone - Leonard Lane Investment LLC

Laura,

The corporation, Leonard Lane Investment LLC, is in good standing with the Assessment Office. This corporation is non-assessable, therefore there are no taxes. The real estate taxes are paid in full for 2019-2020.

If you have any questions, please let me know.

Thanks
Kay

From: Olga Butar <obutar@salisbury.md>
Sent: Tuesday, March 31, 2020 12:30 PM
To: Kay Lundy <klundy@salisbury.md>
Cc: Laura Soper <lsoper@salisbury.md>
Subject: FW: Enterprise Zone - Leonard Lane Investment LLC

Kay,

Could you please respond to the inquiry below.
Thank you,

Olga Butar
Assistant Director of Finance - Operations
City of Salisbury
125 N. Division St
Salisbury, MD 21801
Email: obutar@salisbury.md
Phone: 410-548-3110



Laura Soper

From: Amanda Pollack
Sent: Tuesday, March 31, 2020 4:09 PM
To: Laura Soper
Subject: Fw: Enterprise Zone - Leonard Lane Investment LLC

Laura,
Please see Bill's email below. We have also reviewed the site/stormwater plans and the property will comply once construction is complete.
Amanda

From: William Holland <wholland@salisbury.md>
Sent: Tuesday, March 31, 2020 12:11 PM
To: Amanda Pollack <APollack@salisbury.md>; Anne Roane <aroane@salisbury.md>
Subject: RE: Enterprise Zone - Leonard Lane Investment LLC

Amanda – once completed, the subject property will meet all building codes and is correctly zoned for the use of a warehouse..... Bill

William T. Holland
Building Official

Infrastructure & Development
City of Salisbury
125 N. Division Street, B13
Salisbury, MD 21801
Phone: 410-548-3130
Fax: 410-548-3183

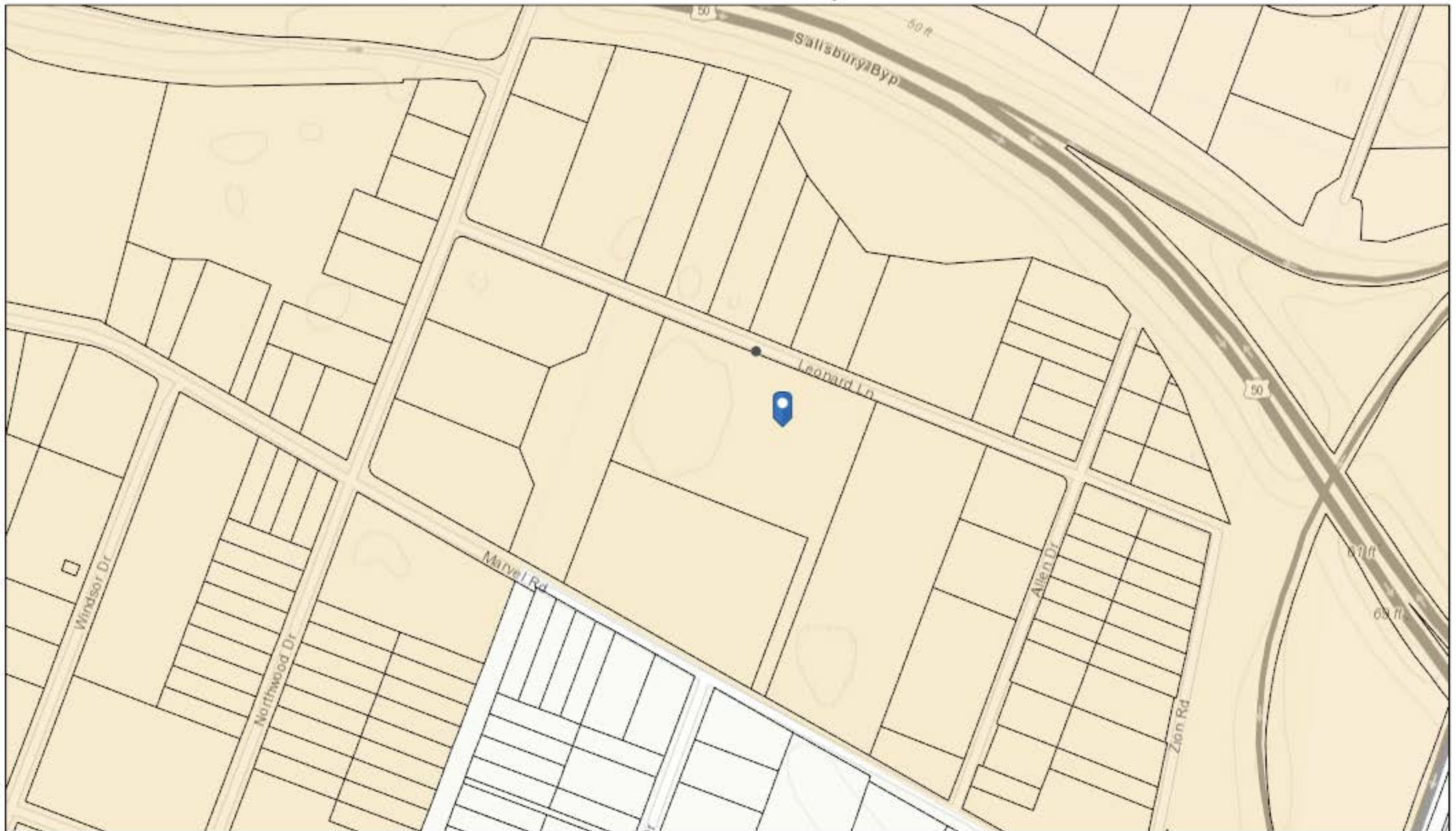


www.salisbury.md

From: Amanda Pollack
Sent: Tuesday, March 31, 2020 12:06 PM
To: William Holland <wholland@salisbury.md>; Anne Roane <aroane@salisbury.md>
Subject: Fw: Enterprise Zone - Leonard Lane Investment LLC

Bill and Anne,

ArcGIS Web Map



3/31/2020, 11:48:44 AM

 Parcels

 Enterprise Zone

1:4,514
0 0.03 0.06 0.12 mi
0 0.05 0.1 0.19 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS
VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDO

Real Property Data Search (w3)

Search Result for WICOMICO COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 09 Account Number - 049541		
Owner Information		
Owner Name:	LEONARD LANE INVESTMENT LLC	Use: INDUSTRIAL
Mailing Address:	PO BOX 2111 SALISBURY MD 21802-2111	Principal Residence: NO Deed Reference: /03140/ 00009
Location & Structure Information		
Premises Address:	232 LEONARD LN SALISBURY 21801-0000	Legal Description: LOT 33A-4.26 AC 232-236 LEONARD LANE DE ELEVATOR LEONARD FM
Map: 0102	Grid: 0011	Parcel: 0033
Neighborhood: 19103.23	Subdivision: 0000	Section:
Block:	Lot: 33A	Assessment Year: 2018
Plat No:	Plat Ref: 0015/ 0844	
Town: SALISBURY		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
		Property Land Area 4.2600 AC
Stories	Basement	Type
		Exterior /
Quality	Full/Half Bath	Garage
		Last Notice of Major Improvements
Value Information		
	Base Value	Value
		As of 01/01/2018
Land:	210,400	210,400
Improvements	0	0
Total:	210,400	210,400
Preferential Land:	0	0
Phase-in Assessments		
	As of 07/01/2019	As of 07/01/2020
Transfer Information		
Seller: RINNIER DEVELOPMENT COMPANY	Date: 12/23/2009	Price: \$192,005
Type: ARMS LENGTH VACANT	Deed1: /03140/ 00009	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

RESOLUTION NO. 3028

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND DECLARING THAT
LEONARD LANE INVESTMENT, LLC IS ELIGIBLE TO RECEIVE ENTERPRISE ZONE
BENEFITS FOR PROPERTY LOCATED AT 232 LEONARD LANE, SALISBURY MD.

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

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

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

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

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

WHEREAS, Charles Meeks, Managing Member/Owner of Leonard Lane Investment, LLC has
requested that the company be designated as eligible for Enterprise Zone benefits because of its
investment of more than \$50,000 at its property located in the zone at 232 Leonard Lane and for it hiring
two or more new full time employees.

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

The above Resolution was introduced, read and passed at the regular meeting of the Salisbury
City Council on the _____ day of _____, 2020.

Kimberly Nichols
CITY CLERK

John R. Heath
PRESIDENT, City Council

APPROVED by me this
_____ day of _____ 2020.

Jacob R. Day
MAYOR, City of Salisbury



City of
Salisbury
Jacob R. Day, Mayor

COUNCIL AGENDA – Award of Bids

April 13, 2020

- | | |
|---|----------------------|
| 1. Award of Bid
ITB 20-122
WWTP Internal Recycle Pump Replacement | \$184,880.00 |
| 2. Award of Bid
ITB A-20-109
Auditing Services | \$165,000.00 (3 yr.) |
| 3. Declaration of Surplus
SPD - Vehicle | \$ 0.00 |
| 4. Declaration of Surplus
SPD – Duty Weapon | \$ 0.00 |



City of
Salisbury
Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: April 13, 2020
Subject: Award of Bid for ITB 20-122
WWTP Internal Recycle Pump Replacement

The Department of Procurement received a request from the Department of Water Works to purchase a vertical turbine solids handling pump for the Wastewater Treatment Plant as approved in the FY20 Budget. With a 22 week lead time, this pump will be stored as a spare until needed, thereby reducing the possibility of a critical failure in the event a pump needs to be repaired or rebuilt. Lead times for repair, rebuild and replacement can be up to 6 months. The Department of Water Works personnel will handle the installation when the pump needs to be put in service.

Per Section 2.32.050.C.5.e "Procedure for Competitive Bidding" of the City of Salisbury Code of Ordinances, competitive bidding procedures performed by the City of Salisbury are not necessary in the following circumstance:

"Sole source procurement exists whenever the director determines that there is only one available source for the subject of a procurement contract and he/she may award the contract without competition to that source."

The current IRPS building and wet well were designed for the Pentair - Fairbanks brand of pump in the 2008 upgrade. Pentair – Fairbanks has a contractual sales agreement with Sydnor Hydro, Inc. of Richmond, VA, which includes the sales of pumps, parts, and service for the municipal market in the Commonwealth of Virginia, the District of Columbia, the State of Maryland, and Sussex County, Delaware. Therefore, all order for pumps, parts, and service for this brand of pump in the State of Maryland must be placed through Sydnor Hydro, Inc. To change brands would require a rebuild of the IRPS building and wet well, which would prove too costly. Therefore, it is my determination that there is only one available source for this procurement.

The Procurement Department requests Council's approval to award City of Salisbury Contract ITB 20-122 to Sydnor Hydro, in the amount of \$184,880.00. Funding is available in the following accounts:

97010-513026-55517	Internal Recycle Pump Replacement	\$180,000
96113-513026-50036	Pump Station Improvements	\$ 4,880

SUGGESTED VENDORS
6241

CITY OF SALISBURY, MARYLAND
Waste Water Treatment Plant
1142 Marine Road, Salisbury, MD 21801
Voice: (410) 548-3180 Fax: (410) 548-3182

PURCHASE
REQUISITION #

9433

Sydnor Hydro Inc.

DATE

4/3/20

DEPT.

WWTP

PO Box 27186

BUDGET ACCT. NO.

97010-513026-55517 (\$180,000)

96113-513026-50036 (\$4,880)

Richmond, VA 23261

DATE NEEDED

CHECK ONE

DELIVER:

PICKUP:

1-800-552-7714

REMARKS

ITEM NO		QUANTITY	UNIT PRICE	PRICES
	IRPS Pump To include: Cast iron construction 24" VTSH bowl assembly SS pump shaft and coupling shaft 24" column pipe 5" enclosed tube 2-15/16" enclosed lineshaft 24-1/2" x 24" type "F" variable speed discharge head Packing box Assembled Note: Price includes freight	1	185,000.00	184,880.00
	TOTAL			184,880.00

FUND OK'D

ORDERED BY:



SIGNED

Cori Cameron



HYDRO. . . INC.

2111 MAGNOLIA ST., RICHMOND, VA 23223
P.O. BOX 27186, RICHMOND, VA 23261-7186
800-552-7714 • 804-643-2725 • FAX: 804-788-9058

QUOTE #200316DM2-35, Revision #1
PAGE 1 OF 1
MARCH 27, 2020

**SUBJECT TO THE CONDITIONS OF SALE SET OUT BELOW AND ON THE BACK HEREOF,
Sydnor Hydro, Inc. offers to sell to Buyer the following:**

**Ms. CONNIE LUFFMAN
SUPERINTENDENT, WWTP
CITY of SALISBURY
125 N. DIVISION STREET
SALISBURY, MARYLAND 21801**

**C (410) 548-3180 x1605
cluffman@salisbury.md**

**REFERENCE: 24" VERTICAL TURBINE SOLIDS HANDLING PUMP
FAIRBANKS MORSE SERIAL #1272892**

We propose to furnish FOB Destination, with freight allowed to the jobsite, one (1) Fairbanks Nijhuis 24" Vertical Turbine Solids-Handling Pump, with stainless steel shafting, 24" column pump, 5" enclosed tube, 215/16" enclosed lineshaft, 24½" x 24" Type F Variable Speed Discharge Head, with packing box. The pump will ship assembled.

This pump will be a hydraulic & dimensional duplicate to the above-referenced serial number.

Price.....\$ 184,880.00

Delivery is approximately 22 weeks ARO.

Price is exclusive of all applicable taxes. Terms, upon credit approval, are net due and payable 30 days after the date of invoice. All items quoted herein are subject to engineer / owner approval.

For further information, please contact Mr. Jared Wray in Richmond at (804) 586-5614, or Mr. Derek McCown, in Richmond, at (804) 644-2292.

**ACCEPTED UPON THE CONDITIONS SET OUT ABOVE AND OVER. EXPIRATION IS 60 DAYS FROM QUOTATION
DATE.**

SYDNOR HYDRO, INC.

BUYER – CITY of SALISBURY, MARYLAND

BY:

AUTHORIZED AGENT

BY:

AUTHORIZED AGENT - TITLE

**ACCEPTANCE COPY
(PLEASE SIGN & RETURN TO SYDNOR)**



City of
Salisbury
Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: April 13, 2020
Subject: Award of Bid
ITB A-20-109 Auditing Services

The Department of Procurement received a request from the Department of Finance to enter into a Professional Service agreement for a Certified Public Accountant firm to audit the financial statements for the City of Salisbury, Mitchell Landing and the Zoo Commission for up to three (3) consecutive fiscal years, FY20 through FY22, contingent upon sufficient yearly budget appropriations and mutual agreement between the City and the Vendor.

Per § SC16-3 General policy of competitive bidding; exceptions, competitive bidding procedures are not necessary or appropriate in the following circumstance:

(3). Contracts for professional services or for personal services requiring special training and skill.

Professional services are occupations in the tertiary (service) sector of the economy, many of which involve holding professional licenses or providing specialist business support. While a clear definition is hard to attain, there are generally four types of professional service firms (PSF):

- Classic PSFs – law and accounting firms
- Professional campuses – hospitals, etc
- Neo-PSFs – management consultants
- Technology developers – R&D firms

This designation concludes that the auditing service requested by the Department of Finance is a Professional Service and thereby exempt from competitive bidding. As such, the Department of Finance has recommended Barbacane, Thorton and Company, LLP, as the provider of these services, as their past performance in conducting auditing services for the City of Salisbury has been exemplary. Additionally, the Department of Finance was able to negotiate a favorable and consistent rate for the initial and upcoming terms.

Pending Council approval of the FY21 budget in June 2020, the Department of Procurement hereby requests Council approval to award contract ITB A-20-109 Auditing Services, to Barbacane, Thorton and Company LLP, in the amount of \$55,000 for an FY20 Audit Engagement. It is intended that all subsequent renewal requests shall be processed under a Contract Extension clause by the Department of Procurement, with no additional Council approval requirement.

FORM OF PROPOSAL

Date 3/18/2020

Director of Procurement
City of Salisbury
Government Office Building
Room 104
Salisbury, Maryland 21801

We hereby submit our Cost Proposal for "Auditing Services" as indicated in the Contract.

Having carefully examined the Contract and having received clarification on all items of conflict or upon which any doubt arose, the undersigned hereby requests consideration of our Vendor for award of the referenced Contract. All lump sum fees quoted are on a not-to-exceed basis and include all labor, materials, incidentals, and expenses.

Item	DESCRIPTION	Total Lump Sum Price
SCHEDULE A: FISCAL YEAR 2020		
101.	City of Salisbury Audit Engagement	\$ 45,000
102.	Mitchell Landing Audit Engagement	7,000
103.	Zoo Commission Review Engagement	3,000
SCHEDULE B: FISCAL YEAR 2021		
104.	City of Salisbury Audit Engagement	45,000
105.	Mitchell Landing Audit Engagement	7,000
106.	Zoo Commission Review Engagement	3,000
SCHEDULE C: FISCAL YEAR 2022		
107.	City of Salisbury Audit Engagement	45,000
108.	Mitchell Landing Audit Engagement	7,000
109.	Zoo Commission Review Engagement	3,000
TOTAL PRICE (Items 101-109):		\$ 165,000

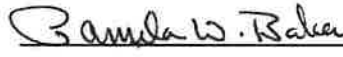
The cost stated above is the total cost for each years' audit engagement for each section and includes all necessary out-of-pocket expenses and all other incidental costs.

ADDITIONAL WORK:

The following hourly rates will apply for the duration of this contract for any additional services that the City shall require:

	<u>Hourly Rate</u>
Partners	<u>\$ 350</u>
Managers	<u>220</u>
Supervisors	<u>145</u>
Staff	<u>105</u>
Other (please specify):	
Administrative	<u>95</u>

Pamela W. Baker, CPA, CGFM
Printed Name


Signature

Barbacane, Thornton & Company LLP
Name of Company

3411 Silverside Road, 200 Springer Building
Address

Pamela W. Baker / pbaker@btcpa.com
Primary Contact Name / Email

Wilmington, DE 19810
City, State, Zip



City of
Salisbury
Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: April 13, 2020
Subject: Declaration of Surplus
Salisbury Police Department – Vehicle 1474

The Department of Procurement received a request from the Salisbury Police Department to declare a vehicle as surplus. This vehicle was involved in an accident which left unable to be put into service. Vehicle identification information is on the attached departmental memo.

Upon declaration of surplus, as approved by Council, the City will receive insurance proceeds and the vehicle will be turned over to LGIT as salvage.



City of
Salisbury
Salisbury Police Department

DATE: March 27, 2020
TO: Jennifer Miller
Director of Procurement
FROM: Patrick Guyer
Quartermaster
SUBJECT: SURPLUS VEHICLE 1474 – DECLARED TOTALED

With the Chief's approval, the Salisbury Police Department is requesting that Patrol vehicle #1474 (2014 Chevrolet Caprice, VIN #6G3NS5U33EL962755) be declared as surplus since it is no longer able to be put into service. An approximate value of this vehicle is \$13,950.00. This vehicle was in an accident on March 1, 2020, causing major damage to the operating systems and equipment in this vehicle.

LGIT has declared this vehicle totaled and it is no longer useable by the Salisbury Police Department. LGIT will pay the city \$13,050.00 for this vehicle once the title is released and they have claimed this vehicle for salvage.

Respectfully Submitted,

Patrick Guyer 1756
Quartermaster
Administrative Division

Approved:

Chief Barbara Duncan
Chief of Police



699 W. Salisbury Parkway
Salisbury, MD 21801
410-548-3165
www.salisburypd.com





City of
Salisbury
Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: April 13, 2020
Subject: Declaration of Surplus
Salisbury Police Department – Duty Weapon

The Department of Procurement received a request from the Salisbury Police Department to declare the following handgun surplus:

- Glock .45 Caliber Handgun, Model 21 – Serial BFRA634

Upon declaration of surplus, as approved by the Council, the aforementioned handgun will be given to retiring police officers, Major Scott Kolb, as a retirement gifts.



City of Salisbury

Salisbury Police Department

DATE: March 25, 2020

TO: Jennifer Miller
Director - Procurement

FROM: Patrick Guyer
Quartermaster

SUBJECT: SURPLUS WEAPONS – MAJ KOLB

The Salisbury Police Department has a history of giving retired Police Officers their duty weapon as a retirement gift. With Chief Duncan's approval, I am requesting that the Salisbury City Council declare as surplus one Glock Auto Pistol, 45 Caliber Model 21 with serial number BFRA634. This weapon is valued at \$479.00. This weapon will be given to Major Scott Kolb who will be retiring from the Salisbury Police Department June 1, 2020.

Respectfully Submitted,

Patrick Guyer 1756
Quartermaster
Administrative Division

Barbara Duncan
Chief of Police



MEMO

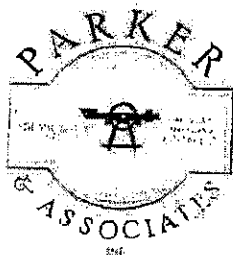
To: Amanda Pollack, Director Infrastructure & Development

From: William T Holland

Date: 3/23/2020

Re: John Deere Dr. (WAWA) Annexation

Amanda, attached is the annexation package for the John Deere Drive- WAWA Annexation. Please have this scheduled for the April 13th City Council legislative meeting to introduce the two resolution's and to set the public hearing date for May 11, 2020.



528 RIVERSIDE DRIVE
SALISBURY, MD 21801
PHONE: 410-749-1023
FAX: 410-749-1012
WWW.PARKERANDASSOCIATES.ORG

LAND SURVEYING • CIVIL ENGINEERING • LAND PLANNING • FORESTRY SERVICES

Mr. Les Sherrill
City of Salisbury
125 N. Division St, Suite 202
Salisbury, MD 21801

March 20, 2018

RE: Petition for Annexation, John Deere Drive, Milford Street Associates, Inc.

Dear Mr. Sherrill

Please accept this letter as a "Letter Petitioning Annexation" for two lots located on John Deere Drive, just south of the City limits of Salisbury, Maryland, in Wicomico County, Maryland

The property that is being requested for annexation currently consists of two parcels: Lot 11 and Lot 12, a total of 2.55 acres

Both lots are unimproved and do not have a physical street address at this time. The proposed development plan for these two parcels is a convenience store, as the attached concept annexation site plan indicates. The requested zoning for this project is Mixed Use Residential. Multiple properties in this area have been annexed into the City and we feel that this property and its proposed improvements would be an excellent addition to the surrounding areas.

The project is currently in the preliminary design/approval stages. If we are able to feasibly obtain annexation and water/sewer services we will move forward diligently with the project. We strongly feel this project would have success in its given location.

Thank you for your time and consideration with this exciting project.

Please note for the record that I have been authorized to make this petition on behalf of the developer, as his agent. Thank you for your time and consideration with this exciting project.

Sincerely,

Brock E. Parker, PE, RLS, QP
Vice President, Parker and Associates

CITY OF SALISBURY

PETITION FOR ANNEXATION

To the Mayor and Council of the City of Salisbury:

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

Parcel(s) # 38

Lots 11 & 12

Map # 39

SIGNATURE (S)

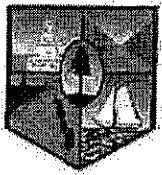
 (agent)

3/15/18
Date

Date

Date

Date



City of
Salisbury
Jacob R. Day, Mayor

CERTIFICATION

JOHN DEERE DRIVE – MILFORD STREET ASSOC. ANNEXATION

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

Leslie C. Sherrill
Surveyor

Date: 8/23/18

John Deere Drive – Milford St Association – Certification – 8-23-19.doc

Metes And Bounds Description

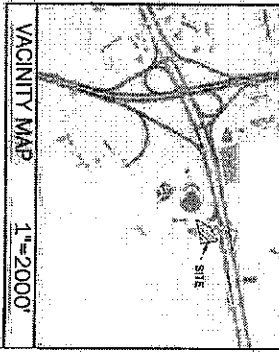
JOHN DEERE DRIVE – MILFORD ST. ASSOC. ANNEXATION

A CERTAIN AREA OF LAND contiguous to and binding upon the southerly Corporate Limit of the City of Salisbury to be known as "John Deere Drive – Milford St. Assoc. Property Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the southerly right-of-way line of John Deere Drive, X 1,222,176.61, Y 199,280.90; thence by and with the line of the said John Deere Drive North seventy-eight degrees twenty-seven minutes ten seconds East (N 78° 27' 10" E) eighty decimal zero, zero (80.00) feet to a point X 1,222,255.08, Y 199,296.93; thence by and with the westerly line of Lot 10, Block 'A', of "Tim-Mar Acres Business Park" South eleven degrees thirty-two minutes fifty seconds East (S 11° 32' 50" E) four hundred twenty-seven decimal one, eight (427.18) feet to a point at the southwesterly corner of the said Lot 10 X 1,222,340.50 Y 198,878.39; thence by and with the southerly line of Lot 11 and Lot 12 of the said "Tim-Mar Acres Business Park" North eighty-three degrees fifty-five minutes forty-one seconds West (N 83° 55' 41" W) four hundred twenty-seven decimal seven, four (427.74) feet to a point on the aforesaid line of John Deere Drive X 1,221,915.16, Y 198,923.63; thence by and with the said line of John Deere Drive the following two courses: (1) North twenty-two degrees fifty-two minutes eleven seconds East (N 22° 52' 11" E) two hundred thirty-seven decimal two, six (237.26) feet to a point X 1,222,007.37, Y 199,142.23; (2) North fifty degrees forty minutes eighteen seconds East (N 50° 40' 18" E) two hundred eighteen decimal seven, nine (218.79) feet to the point of beginning and containing 2.550 acres, being Lot 11 and Lot 12, Block 'A', "Tim-Mar Acres Business Park". All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.

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LEGEND

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MEMORANDUM

To: Julia Glanz, City Administrator
From: Christopher Jakubiak, AICP
Date: October 31, 2018
Re: Fiscal Impact, Milford Street Associates, Inc. — John Deere Drive Annexation

The Milford Street Associates, Inc. — John Deere Drive Annexation would add 2.55 acres to the City zoned for mixed use, non-residential (commercial) use. The subject Property is vacant and unimproved. The annexation is expected to have an overall net positive fiscal impact to the City. This memorandum summarizes the costs and revenues associated with the Annexation.

Cost

Cost projections are based on a snapshot marginal cost approach. The current level of service (derived from the approved FY 2019 Approved Budget) is used to project new costs, using demand unit multipliers, which reflect how responsive a cost is to demand—that is, how much the City's cost of providing a service is likely to vary with each additional household or job and in the present case, solely jobs since the project is not residential. Some portion of all City services is fixed and therefore will remain constant in light of new development; this portion of the cost therefore is not assigned to new development. The estimated annual cost to the City is \$3,670.

Revenues

When land is annexed into Salisbury it is subject to the municipal real property tax. The property tax rate is applied to the value of land and improvements (structures) thereon. The City's rate is \$0.9832 per \$100 of assessed value. Since the assessed value of a future land use is unknown, this study estimates an assessed value by comparing assessed values of comparable properties in the City of Salisbury. The source for the information is the Maryland Department of Assessments and Taxation.

According to the proposed concept development plan, upon annexation, one portion of this Property would be developed with a 5,600 square foot convenience food store with gasoline pumps and canopy. At an estimated assessed value of \$1.38 million, the total expected revenue from development on the Property, as presently proposed, is \$16,280.

It is difficult to make reliable projections about the activities of future businesses so personal property tax receipts are not included in our analyses. Therefore, in this respect, the study undercounts revenue potential from the Annexation.

It is also important to note that upon annexation of a property, the City of Salisbury could begin receiving property tax revenues on the entire Property. These revenues, which typically would occur prior to actual development are not included.

Lastly, the City collects user fees, license fees, and permitting fees. These are charged to applicants for permits and/or users of certain services. These revenues are small relative to the property tax revenue and are not included in this study.

Conclusion

The Annexation would have a positive fiscal impact to the City of about \$12,600 per year¹.

¹This study considers only "direct" costs and revenues. "Indirect" costs and revenues, which may arise from increased demand for local commercial and industrial uses as a result of the development are not considered in this model.



City of
Salisbury
Jacob R. Day, Mayor

August 28, 2018

Parker and Associates, Inc.
528 Riverside Drive
Salisbury, Maryland 21801
Attn: Brock Parker

RE: Annexation Zoning-John Deer Drive
Tax Map and Parcel: 0039/038 Lots 11 & 12
City of Salisbury, Wicomico County, Maryland

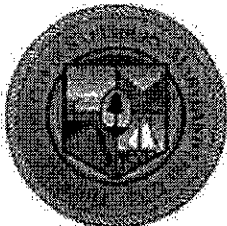
Dear Brock,

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

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

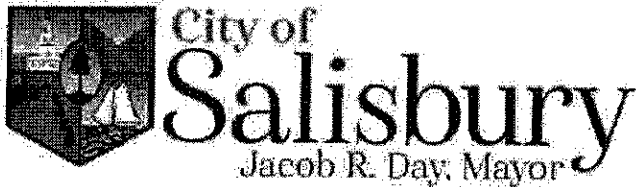
Sincerely,

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



www.salisbury.md

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



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

I. BACKGROUND INFORMATION:

Project Name: John Deer Drive

Applicant/Owner: Milford Street Associates, Inc.

Infrastructure and Development Project No.: 18-016

Nature of Request: Zoning Recommendation for Annexation Request-2.55 Acres

Location of Property: South-east side of the corner of John Deer Drive and Hobbs Road
Tax Map and Parcel: 0039/038 Lots 11 & 12

A. Introduction.

The City Administration has referred Milford Street Associates, Inc., request for the annexation of a property located on the South-east side of the corner of John Deer Drive and Hobbs Road to the Planning Commission for review and recommendation of an appropriate zoning designation. **(See Attachments #1 and 2)**

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

The applicant is seeking to zone the property Mixed Use Non-Residential.

B. Area Description.

This annexation area consists of two lots of one parcel 2.55 acres in size and is undeveloped. **(See Attachment #3)**

II. ZONING ANALYSIS:

A. Existing Zoning

The annexation area and the adjoining County area (south and east) is zoned LB-1 Light Business and Institutional. **(See Attachment #4.)**

B. Zoning History.

The proposed annexation area was first zoned 'C' Residential by the County on October 19, 1950. When the County revised and expanded its zoning coverage on April 1, 1968, the area was zoned A-1 Agricultural-Rural. During the most recent Comprehensive Rezoning in September 2004, the area was zoned Light Business and Institutional.

C. County Plan.

The County Comprehensive Plan adopted in 2017 designates this area as "Mixed Use Non-Residential".

The 2010 City of Salisbury's Comprehensive Plan designates this area as Mixed Use.

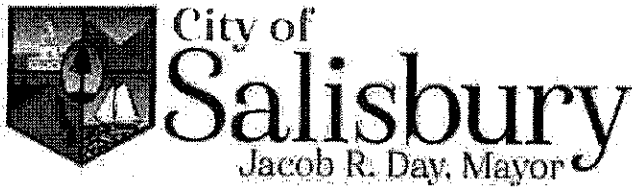
D. Zoning for Annexed Areas.

1. Introduction.

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

2. Adopted Plans.

The Planning Commission is a jointly established agency for both the City of Salisbury and Wicomico County. One of its basic charges



is to prepare and recommend various plans guiding the long-range development of both jurisdictions.

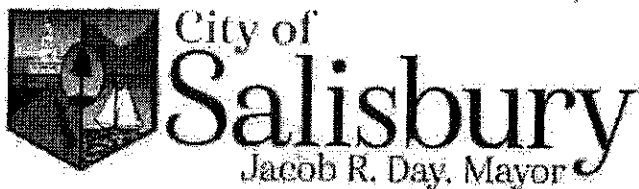
The information below summarizes the legal status of the plans currently in effect for Wicomico County and the City of Salisbury.

- a. The Salisbury Comprehensive Plan - The Salisbury City Council adopted the current Comprehensive Plan on July 12, 2010. That document includes land use policies for all lands within the Corporate Limits as well as a Municipal Growth Element addressing growth areas outside the Corporate Limits. The Land Use Map of the City Plan designates this area as a "Mixed Use".
- b. The Wicomico County Comprehensive Plan - The 2017 County Plan designates this area as "Mixed Use Non-Residential".

3. Maryland Law.

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

1. **The Five-Year Rule.** First, the rule is applied solely on zoning. In the past, the five-year rule could be applied whenever a proposed new zoning classification was substantially different from the use envisioned "in the current and duly adopted master plan." The reference to the master plan is now gone and the issue becomes the degree of change from the current county zoning classification to the proposed municipal classification following the annexation. When the zoning change is from one residential zone to another, "substantially different" is now defined as a density change. The five-year rule will not kick in for a density change unless the proposed zoning is more dense by 50 percent. For example, if the current zoning permits 1 unit per acre, the new zoning can be subject to the five-year rule if it permits anything more than 1.5 units per acre. As before, a municipality may obtain a



waiver from the county to avoid the five-year wait until the new zoning classification applies.

2. **Annexation Plans Required.** An annexation plan is required that replaces the "outline" for the extension of services and public facilities prior to the public hearing for an annexation proposal. This section contains no additional language for the content of the annexation plan to be adopted, but does require it to be consistent with the municipal growth element for any annexations that begin after October 1, 2009 (unless extended for up to two six-month periods). The Plan must be provided to the county and the State (the Maryland Department of Planning) at least 30 days prior to the hearing.

III. DEVELOPMENT SCENARIO.

A. Proposed Use.

The applicant is proposing an approximately 5,600 SF convenience store with gas pumps. (See Attachment #5)

IV. RECOMMENDATION

Staff recommends that the property be zoned Mixed Use Non-Residential, which is consistent with both the City and the County's Comprehensive Plans.

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RESOLUTION NO. 2875

A RESOLUTION of the City of Salisbury proposing the annexation to the City of Salisbury of certain area of land contiguous to and binding upon the southerly Corporate Limit of the City of Salisbury to be known as the "John Deere Drive - Milford St. Assoc. Property Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the southerly right-of-way line of John Deere Drive, thence by and with the said John Deere Drive around the perimeter of Lot 11 and Lot 12, Block A.

WHEREAS the City of Salisbury has received a petition to annex dated March 15, 2018, attached hereto **(Exhibit 1)**, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed binding upon the southerly Corporate Limit of the City of Salisbury to be known as " John Deere Drive - Milford St. Assoc. Property Annexation" beginning for the same point on the Corporate Limit, said point lying on the southerly right-of-way line of John Deere Dr. being all of Lot 11 and Lot 12, Block A; and

WHEREAS the City of Salisbury has caused to be made a certification of the signatures on said petition for annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of August 23, 2018, and, as will more particularly appear by the certification of Leslie C. Sherrill, Surveyor, of the City of Salisbury, attached hereto **(Exhibit 2)**; and

WHEREAS it appears that the petition dated March 15, 2018, meets all the requirements of the law; and

WHEREAS the public hearing is scheduled for _____, 2020 at 6:00 p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT it is hereby proposed and recommended that the boundaries of the City of Salisbury be changed so as to annex to and include within said City all that parcel of land together with the persons residing therein and their property, contiguous to and binding upon the Northerly Corporate Limit of the

City of Salisbury beginning for the same point on the Corporate Limit, said point lying on the southerly right-of-way line of John Deere Drive, thence by and with the said John Deere Drive around the perimeter of Lot 11 and Lot 12, Block A, and being more particularly described on **Exhibit A** attached hereto and made a part hereof.

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

AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, that the Zoning Map of the City of Salisbury shall be amended to include this newly annexed property in the Mixed-Use Non-Residential District. Said property is presently classified as Light Business and Institutional District under the zoning laws of Wicomico County.

AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, that the Council hold a public hearing on the annexation hereby proposed on _____, 2020, at 6:00 p.m. in the Council Chambers at the City-County Office Building and the City Administrator shall cause a public notice of time and place of said hearing to be published not fewer than two (2) times at not less than weekly intervals, in at least one newspaper of general circulation in the City of Salisbury, which said notice shall specify a time and place at which the Council of the City of Salisbury will hold a public hearing on the Resolution, which date shall be no sooner than 15 days after the final required date of publication specified above.

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

The above Resolution was introduced, read and passed at the regular meeting of the Council of the City of Salisbury held on the _____, 2020, having been duly published as required

57 by law in the meantime a public hearing was held on the ____ day of _____, 2020, and was finally
58 passed by the Council at its regular meeting held on the ____ day of _____, 2020.

59 _____
60 Kimberly R. Nichols, John R. Heath,
61 City Clerk Council President
62

63 APPROVED BY ME this ____ day of _____, 2020.
64

65 _____
66 Jacob R. Day,
67 Mayor

Exhibit A

Metes And Bounds Description

JOHN DEERE DRIVE – MILFORD ST. ASSOC. ANNEXATION

A CERTAIN AREA OF LAND contiguous to and binding upon the southerly Corporate Limit of the City of Salisbury to be known as "John Deere Drive – Milford St. Assoc. Property Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the southerly right-of-way line of John Deere Drive, X 1,222,176.61, Y 199,280.90; thence by and with the line of the said John Deere Drive North seventy-eight degrees twenty-seven minutes ten seconds East (N 78° 27' 10" E) eighty decimal zero, zero (80.00) feet to a point X 1,222,255.08, Y 199,296.93; thence by and with the westerly line of Lot 10, Block 'A', of "Tim-Mar Acres Business Park" South eleven degrees thirty-two minutes fifty seconds East (S 11° 32' 50" E) four hundred twenty-seven decimal one, eight (427.18) feet to a point at the southwesterly corner of the said Lot 10 X 1,222,340.50 Y 198,878.39; thence by and with the southerly line of Lot 11 and Lot 12 of the said "Tim-Mar Acres Business Park" North eighty-three degrees fifty-five minutes forty-one seconds West (N 83° 55' 41" W) four hundred twenty-seven decimal seven, four (427.74) feet to a point on the aforesaid line of John Deere Drive X 1,221,915.16, Y 198,923.63; thence by and with the said line of John Deere Drive the following two courses: (1) North twenty-two degrees fifty-two minutes eleven seconds East (N 22° 52' 11" E) two hundred thirty-seven decimal two, six (237.26) feet to a point X 1,222,007.37, Y 199,142.23; (2) North fifty degrees forty minutes eighteen seconds East (N 50° 40' 18" E) two hundred eighteen decimal seven, nine (218.79) feet to the point of beginning and containing 2.550 acres, being Lot 11 and Lot 12, Block 'A', "Tim-Mar Acres Business Park". All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.

Exhibit B

REPORT OF ANNEXATION PLAN

for the

MILFORD STREET ASSOCIATES, INC. - JOHN DEERE DRIVE -- ANNEXATION TO THE CITY OF SALISBURY

October 31, 2018

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

- At a work session on July 2, 2018, the Salisbury City Council reviewed the proposed annexation request.
- On July 19, 2018 the City of Salisbury / Wicomico County Planning Commission reviewed the proposed annexation and approved a favorable recommendation to the Salisbury City Council for the proposed zoning of the Property.
- At a Salisbury City Council work session on July 2, 2018, the City Council *reviewed the draft annexation agreement and the draft version of this Annexation Plan and directed that an Annexation Resolution be drafted for review – (text in italics is written prospectively).*
- A City Council meeting held on _____ the Council formally reviewed this Annexation Plan and the Annexation Resolution and directed that a date for a public hearing be established. The Council further directed that the Annexation Plan be forwarded to the Maryland Department of Planning and the Wicomico County Council for comment within 30 days of the public hearing as provided for by State law.

1.0

GENERAL INFORMATION AND DESCRIPTION

1.1 Petitioners

The petitioner is Milford Street Associates, Inc. a Maryland corporation whose principal address is 212 Downtown Plaza, Suite 305 in Salisbury, Maryland 21801.

1.2 Location

The Property's fronts John Deere Drive at its intersection with Hobbs Road; Tax Map 0039, Parcel 038, Lots 11 & 12.

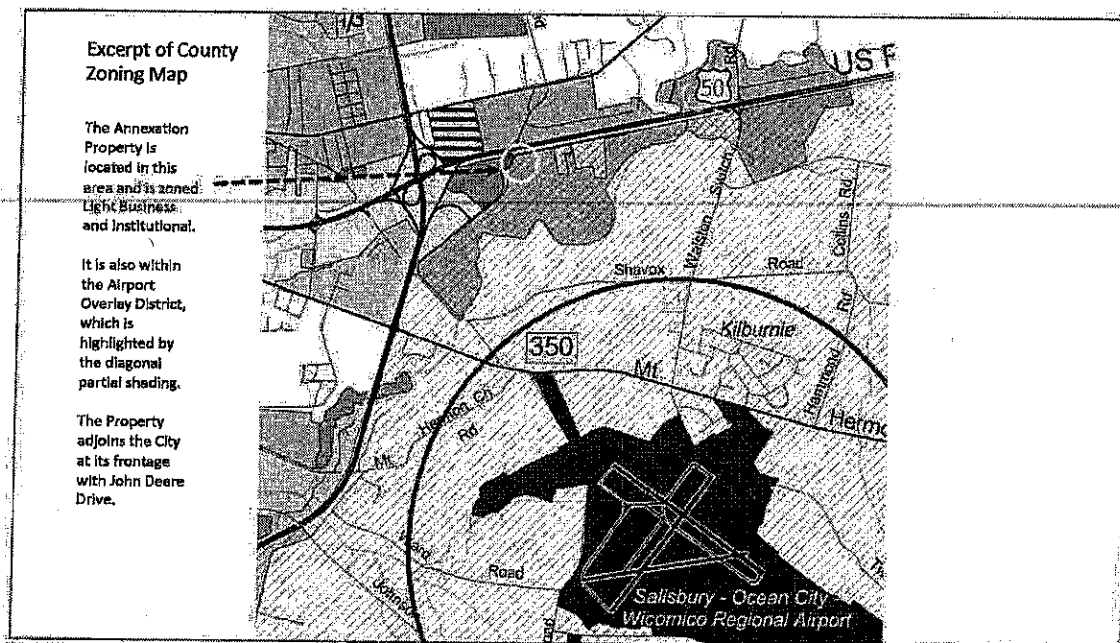
1.3 Property Description

The Property is comprised of two lots totaling 2.55 acres. It is undeveloped and vacant.

1.4 Existing Zoning

The Property is now zoned LB-1, Light Business and Institutional under the Wicomico County Code as shown on Exhibit 1, which is an excerpt from the Wicomico County Zoning Map. It is also within the Airport Overlay District. The Property's northern lot line adjoins the municipal limit at John Deere Drive.

Exhibit 1



2.0

LAND USE PATTERN PROPOSED FOR THE AREA TO BE ANNEXED

2.1 Comprehensive Plan

The City of Salisbury adopted the current Comprehensive Plan in 2010. The Property is located within the City's Municipal Growth Area with a planned land use designation of "Mixed-Use Non-Residential".

The Comprehensive Plan's goal as it pertains to annexations is as follows: "To encourage the orderly growth and expansion of the City of Salisbury by annexing selected areas and by providing public services to newly developing areas without overburdening these facilities while continuing to maintain a high level of services to existing developments and residents of the City".

The annexation of the subject Property is consistent with the pattern of annexation along U.S. Route 50, most notably the U.S. Route 50 East / Moore Annexation which incorporated multiple properties between Hobbs Road and Walston Switch Road.

2.2 Proposed Zoning

Upon annexation, the Property is proposed to be zoned Mixed Use Non-Residential under the City Zoning Ordinance. Per Section 17.46.010 of the City Zoning Ordinance, the purpose of the District is "to provide areas for well-designed, functional, and attractive development with indoor retail, office, services, and institutional uses."

The City of Salisbury – Wicomico County Department of Planning, Zoning and Community Development found that the proposed zoning is acceptable.

2.3 Proposed Land Use

The petitioners are proposing that the Property be developed into a convenience store and with fuel pumps per the attached Concept Development Plan. Development would be governed by City zoning regulations pertaining to the proposed Mixed-Use Non-Residential District, as may be amended from time to time, or any successor zoning district which may be approved by the City in the future.

3.0

THE PUBLIC FACILITIES AND SERVICES NEEDED BY THE DEVELOPMENT AND THE METHODS TO PROVIDE SUCH FACILITIES AND SERVICES TO THE ANNEXED PARCEL

3.1 Roads

Access to the Property is provided via John Deere Drive, which is a service road running parallel to U.S. Route 50. The concept development plan proposes two access drives off of John Deere Drive.

3.2 Water and Wastewater

The Annexation Property is presently not connected to public water and sewer services. However, public water and sewer lines run along the property's frontage with John Deere Drive. The proposed use would create an anticipated usage of 1,008 gallons per day. Capacity exists to serve the proposed use and allocation decisions are made at time of development.

3.3 Schools

As a non-residential use, the Property would not generate pupil enrollment and have no impact of school capacity.

3.4 Parks and Rec.

As a non-residential use in this case, the Property would have no impact on park and recreational facilities or generate a demand for them.

3.5 Fire, E.M., and Rescue Services

The Salisbury Fire Department would provide fire suppression, technical rescue, special operations, and advanced life support (ALS-EMS) emergency medical treatment and transport services to the Property.

3.6 Police

The City of Salisbury Police Department would provide services to the Property.

3.7 Stormwater Management:

Stormwater management is governed by the Maryland Stormwater Management regulations administered locally.

3.8 Waste Collection

Commercial development in the City is served by independent waste haulers.

4.0

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

The Property is located within the City's Municipal Growth Area and within the area designated "Urban Corridor" by Wicomico

County. A pattern of mixed commercial use has developed along John Deere Drive east of the Property. The commercial use immediately adjoining the Property's east side, at 31375 John Deere Drive, include a distribution facility of Holt Paper and Chemical Company. The commercial use adjoining the Property's south side, at 6465 Hobbs Road, is the Comcast Service Center. Perdue Stadium is located on the opposite side of Hobbs Road, and the petitioner proposes to install a crosswalk at the intersection John Deere Drive and Hobbs Road and a sidewalk which will connect this portion of the stadium site to the front door of the proposed convenience store. The site is vacant and cleared with no significant natural features or environmental constraints evident.

Exhibit A: Annexation Plat and Metes and Bounds

ANNEXATION AGREEMENT

John Deere Drive – Milford Street Assoc. Annexation

THIS AGREEMENT is made this ____ day of _____, 2020, by and between the City of Salisbury, a municipal corporation of the State of Maryland (hereinafter, “the City”), and Milford Street Association (hereinafter, “the Owner”) with the principal address at _____.

RECITALS

WHEREAS, the Owner is the record owner of certain real property located in Wicomico County, Maryland, (hereinafter, “the Property”), and more particularly described in Attachment “A-1” attached hereto and made a part hereof; and

WHEREAS, the Owner desires to construct upon the Property a commercial development; and

WHEREAS, the Property is not presently within the corporate boundaries of the City and is therefore ineligible to receive certain municipal services, including municipal water and wastewater services, that the Owner desires to obtain for the Property; and

WHEREAS, the Owner desires that the City annex the Property and the City desires to annex the Property, provided that certain conditions are satisfied; and

WHEREAS, pursuant to the authority contained in the Local Government Article of the Annotated Code of Maryland, Sections 4-401 et seq., the Owner and the City have agreed that the following conditions and circumstances will apply to the annexation proceedings and to the Property.

WITNESSETH:

1. WARRANTIES AND REPRESENTATIONS OF CITY:

- A. The City of Salisbury, the Salisbury-Wicomico County Planning Commission and staff will be guided by this Agreement throughout the review of any development plans submitted for the Property to ensure that the provisions of this Agreement are specifically implemented, and the Property is developed in substantial conformance with the concept development plan which is part of this Agreement. Any approval granted to a development plan by any commission, board, body, or agent of the City shall be in substantial compliance with the terms and conditions of this Agreement and the appurtenant concept development plan.
- B. The parties understand and agree that the City's herein provided covenant of support is not intended, nor could it be construed, to legally prohibit the City from enacting such future ordinances or charter provisions or engineering standards or amendments deemed necessary to protect the public health, safety and welfare of the residents of the City, nor from applying such ordinances or charter provisions to the development of the Property, provided such application does not operate to divest prior approvals, nor interfere with the Owner's vested rights to any greater extent than the impact of such ordinances and charter resolutions upon other similarly-situated properties within the City's boundaries.

2. WARRANTIES AND REPRESENTATIONS OF THE OWNER:

A. This Agreement constitutes the formal written consent to annexation by the Owner as required by the Local Government Article of the Annotated Code of Maryland, Sections 4-401 et seq. The Owner acknowledges that it will receive a benefit from annexation and agrees, as a bargained-for condition and circumstances applicable to the annexation, that it waives and completely relinquishes any right to withdraw its consent to annexation from the date of execution of this Agreement by all parties. The Owner further agrees that it will not petition the Annexation Resolution to referendum and that, in the event of a referendum in which it is permitted to vote, that it shall vote in favor of the Annexation Resolution.

B. The Owner warrants and represents that it has the full authority to sign this Agreement and is in fact the sole owner of the real property encompassed in the annexation area and more particularly described in Attachment "A-1", and that there is no action pending against it or involving it that would in any way affect its right and authority to execute this Agreement.

C. The Owner warrants and represents that it has the full power and authority to sign this Agreement and Consent and is, in fact, collectively the sole owner of not less than Twenty-five Percent (25%) of the assessed valuation of the real property within the annexation area.

3. APPLICATION OF CITY CODE AND CHARTER

From and after the effective date of the Annexation Resolution implementing this Agreement, all provisions of the Charter and Code of the City shall have full force and effect within the Property except as otherwise specifically provided herein.

4. MUNICIPAL ZONING

Upon the effective date of the Annexation Resolution implementing this Agreement the Property will be zoned Mixed Use Non-Residential as stated in the Annexation Resolution and described in the City Zoning Ordinance. The parties understand that the Owner's proposed use of the Property, as a convenience store.

5. MUNICIPAL SERVICES

Upon the effective date of the Annexation Resolution implementing this Agreement, the City will make the Property eligible to receive all applicable municipal services to the extent that the necessary public facilities exist to provide such services. Any allocation of capacity and/or services will be made by the City according to adopted allocation plans which may be in effect at the time the Owner makes request for such capacity and/or services.

6. STANDARDS AND CRITERIA

Should any environmental, engineering, or other similar standard or criteria specifically noted in this Agreement be exceeded by any local, State, or Federal standard, criteria or regulation, which may be adopted subsequent to the execution of this Agreement, the newer stricter standard, criteria or regulation shall apply.

7. CITY BOUNDARY MARKERS

The Owner will fund and install City Boundary Markers at the boundary lines to the newly enlarged City boundaries and will provide receipt of such work completed to the City within 90 days of expiration of the 45-day referendum period. The Owner agrees that failure to comply with this provision will subject the Owner to payment of a fee to the City of Salisbury made payable prior to development plan approval of \$10,000.00 plus the cost for the City's surveyor to complete the work.

8. DEVELOPMENT CONSIDERATIONS

A. **Costs and Fees:** The Owner agrees that it will pay the costs of annexation to the City, including but not limited to the City's costs for legal fees, planning, and other consulting fees in connection with the preparation of this Agreement and/or the necessary annexation resolution and related documents, for publication of any required notices, and for any other cost or expense reasonably related, in the City's sole judgment, to the annexation.

B. The Owner and City agree that the Property will be developed consistent with the regulations of the zoning district classification referenced in the Annexation Resolution and in substantial conformance with the concept development plan shown as Attachment B-1.

C. **Contribution to Area Improvement:** The Owner agrees that any site plan for the Property shall include the installation of a crosswalk over Hobbs Road and an asphalt or concrete walkway of at least 5 feet in width, from the crosswalk through the Hobbs Road right-of-way to the proposed commercial building on the Property as shown on Attachment B-1. The Owner shall also install at time of site development lighting to adequately support the crosswalk and the walkway.

D. **Re-investment in Existing Neighborhoods:** The Owner agrees to pay a development assessment in the amount of \$18,500.00 to the City prior to the issuance of a building permit. This assessment is understood by the parties to be intended for use by the City in its sole discretion for beautification, restoration, and revitalization improvements to existing neighborhoods in the City and is to be in addition to and independent of the City's water and sewer comprehensive connection charges, any impact fees imposed by Wicomico County or the City, and any assessments that may be required to be paid elsewhere in this Agreement.

E. The Owner will allow the easternmost driveway onto John Deere Drive to be shared with the owner of the adjacent lot (Parcel 38, Lot 10) if in the future it is determined by the State Highway Administration, through its regulation of highway access to Parcel 38, Lot 10, that a connection to this driveway is needed. The Owner will not be required to bear any of the construction costs to provide the connection including those associated with driveway or site reconstruction.

F. **Escalation of Development Assessments:** The assessments set forth in paragraph D above is subject to adjustment to reflect inflation. Beginning January 1, 2020, the assessment shall be adjusted for inflation and this adjustment shall take place annually thereafter on the first day of January, for any assessment that remains unpaid. The assessment shall be adjusted by the percent change in the CPI during the previous 12-month period. The CPI to be used is the Consumer Price Index-U, All City Average, Unadjusted, published by the Bureau of Labor Statistics.

G. The Owner agrees to use its best efforts, in coordination with the City of Salisbury Department Infrastructure and Development and the Salisbury/Wicomico County Planning Commission to achieve as many LEED points as possible through the United States Green Building Council's LEED Standards for Building Design, New Construction as may be updated from time to time and specifically agrees to meet the following energy and environmental performance standards, where possible:

- Site lighting fixtures shall be energy efficient and, where possible, shall utilize LED lamps for energy efficiency and long lamp life. Streetlights if used shall also be selected for highest efficiency but recognizing that streetlights may ultimately be owned and maintained by the City of Salisbury, the selection of streetlights shall be made in conjunction with the City.
- Roadway and parking lot construction shall be accomplished mainly using recycled aggregates and base materials in addition to conventional aggregates and paving materials when acceptable recycled materials meeting the required physical properties of the design engineer are locally available.
- The HVAC systems in all building(s) on the Property shall be high-efficiency units. Air conditioning compressors will be 17 SEER, minimum unless and until higher federal, state, or local standards are required.
- Water-saving plumbing fixtures shall be used in all buildings on the Property.
- Building roofing materials on the Property shall be selected for energy efficiency and to minimize the heat island effect of dark roof coverings.
- Building finish materials that have high-recycled content shall be selected where possible. Low VOC (Volatile Organic Compound) paints and finishes shall be used.

H. The Owner shall pay fees to the City of Salisbury for the costs associated with providing water and sewer service to the Property, when water and sewer service is requested by the Owner.

I. The parties acknowledge and agree that the obligations set forth herein on the part of both parties pertain to the Property, unless otherwise expressly stated herein.

9. **RECORD PLAT:**

The Owner will provide the City with a copy of the final record plat for the development of the Property.

10. **MISCELLANEOUS**

A. The obligations of the parties hereto set forth herein are contingent upon the adoption of an Annexation Resolution effecting the annexation of the Property by the Mayor and City Council of the City of Salisbury and shall be void in the event the City fails to effect such annexation or such annexation is invalidated by referendum or otherwise.

B. The use of singular verb, noun and pronoun forms in this Agreement shall also include the plural forms where such usage is appropriate; the use of the pronoun "it" shall also include, where appropriate "he" or "she" and the possessive pronoun "its" shall also include, where appropriate, "his" "hers" and "theirs."

C. From time to time after the date of this Annexation Agreement, the parties, without charge to each other, will perform such other acts, and will execute, acknowledge and will furnish to the other such instruments, documents, materials and information which either party reasonably may request, in order to effect the consummation of the transactions provided for in this Agreement.

D. This Agreement, which includes all exhibits, schedules and addenda hereto, each of which is incorporated in this Agreement by this reference, shall be recorded among the Land Records of Wicomico County and shall run with the land and be binding upon and inure to the benefit of the parties, their heirs, successors and assigns, and embodies and constitutes the entire understanding, representations, and statements, whether oral or written, are merged in this Annexation Agreement. The parties may renegotiate the terms hereof by mutual agreement, subsequent to the effective date of any Annexation Resolution adopted by the City pursuant hereto, provided that neither this Agreement nor any provisions hereof may be waived, modified or amended unless such modification is in writing and is signed by the party against whom the enforcement of such waiver, modification or amendment is sought, and then only to the extent set forth in such instrument.

E. The parties hereto acknowledge that, in entering into this Agreement, neither party has been induced by, nor has relied upon, nor included as part of the basis of the bargain herein, any representations or statement, whether express or implied, made by any agent, representative or employee, which representation or statement is not expressly set forth in this Agreement.

F. This Agreement shall be construed according to its plain meaning without giving regard to any inference or implication arising from the fact that it may have been drafted in whole or in part by or for any one of the parties hereto.

G. This Agreement, its benefit and burden, shall be assignable, in whole or in part, by the Owner without the consent of the City or of its elected officials, employees or agents, to any purchasers or contract purchasers of the property or any party thereof. However, the Owner will not transfer or pledge as security for any debt or obligation, any interest in all or part of the Annexation Area, without first obtaining the written consent and acknowledgement of the transferee or pledgee to the Annexation Agreement and to the complete observance hereof. The Owner shall

provide the City with copies of all documents of transfer or assignment, including exhibits when the documents are fully executed, regardless of recordation.

H. The captions in any Agreement are inserted for convenience only, and in no way define, describe or limit the scope of intent of this Agreement or any of the provisions hereof.

I. The laws of the State of Maryland shall govern the interpretation, validity, and construction of the terms and provisions of this Agreement. If any term or provision of this Agreement is declared illegal or invalid for any reason by a court of competent jurisdiction, the remaining terms and provisions of this Agreement shall, nevertheless, remain in full force and effect. Any suit to enforce the terms hereof or for damages or other remedy for the breach or alleged breach hereof shall be brought exclusively in the Courts of the State of Maryland in Wicomico County and the parties expressly consent to the jurisdiction thereof and waive any right that they might otherwise have to bring such action in or transfer or remove such action to the courts of any other jurisdiction.

J. All notices and other communications under this Agreement shall be in writing and shall be sent either by first class mail, postage prepaid, or by personal delivery, addressed to the parties as provided below. Notice shall be deemed given on the date delivered or attempted to be delivered during normal working hours on business days.

IF TO THE CITY:

Julia Glanz, City Administrator
125 North Division Street
Salisbury, Maryland 21801

WITH A COPY TO:

Mark Tilghman, City Attorney
110 N. Division Street
Salisbury, Maryland 21801

IF TO THE OWNER:

Milford Street Associates, Inc.
150 West Market Street, Suite 200
Salisbury, Maryland 21081
Attention: O. Palmer Gillis

WITH A COPY TO:

IF TO THE CONTRACT PURCHASER:

RED SALISBURY LLC
100 East Pennsylvania Ave, Suite 210
Towson, Maryland 21286
Attention: David M. Schlachman

WITH A COPY TO:

Polakoff Sefret LLC
1777 Reisterstown Road, Suite 375
Baltimore, Maryland 21208
Attention: Shawn J. Sefret, Esquire

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

WITNESS/ATTEST:

THE CITY OF SALISBURY, MARYLAND

By: _____

WITNESS/ATTEST:

OWNER:

MILFORD STREET ASSOC.

By: _____

WITNESS/ATTEST:

CONTRACT PURCHASER:

RED SALISBURY LLC

By: _____

APPROVED AS TO FORM:

_____, City Attorney

STATE OF MARYLAND
COUNTY OF _____, to wit:

I HEREBY CERTIFY, that on this _____ day of _____, 2019, before me, a Notary Public in and for the State aforesaid, personally appeared _____, who has been satisfactorily proven to be the person whose name is subscribed to the within instrument, who acknowledged himself to be a duly elected official of the City of Salisbury, a municipal corporation of the State of Maryland, and that said official, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation as such official.

WITNESS my hand and notarial seal.

_____(SEAL)
Notary Public

My Commission Expires: _____

I HEREBY CERTIFY, that on this _____ day of _____, 2019, before me, a Notary Public in and for the State aforesaid, personally appeared O. Palmer Gillis, who has been satisfactorily proven to be the person whose name is subscribed to the within instrument, who acknowledged himself to be the _____ of Milford Street Associates, Inc., a corporation of the State of Maryland, and that, being duly authorized so to do, he executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation as a Member.

WITNESS my hand and notarial seal.

_____(SEAL)
Notary Public

My Commission Expires: _____

I HEREBY CERTIFY, that on this _____ day of _____, 2019, before me, a Notary Public in and for the State aforesaid, personally appeared David M. Schlachman, who has been satisfactorily proven to be the person whose name is subscribed to the within instrument, who acknowledged himself to be the Managing Member of RED SALISBURY LLC, a corporation of the State of Maryland, and that, being duly authorized so to do, he executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation as a Member.

WITNESS my hand and notarial seal.

_____(SEAL)
Notary Public

My Commission Expires: _____

I HEREBY CERTIFY that the foregoing instrument was prepared by or under the supervision of an attorney duly admitted to practice before the Court of Appeals of Maryland.

City Attorney

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RESOLUTION NO. 2876

A RESOLUTION of the City of Salisbury to adopt an annexation plan for a certain area of land contiguous to and binding upon the southerly Corporate Limit of the City of Salisbury, to be known as the "John Deere – Milford St. Assoc. Property Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the southerly right-of-way line of John Deere Drive, thence by and with the said John Deere Drive around the perimeter of all of Lot 11 and Lot 12, Block A.

WHEREAS the City of Salisbury is considering the annexation of a parcel of land contiguous to and binding upon the southerly Corporate Limit of the City of Salisbury beginning for the same at a point on the Corporate Limit, said point lying on the southerly right-of-way line of John Deere Drive, being all of Lot 11 and Lot 12, Block A, and being more particularly described on **Exhibit "A"** attached hereto and made a part hereof; and

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

WHEREAS the public hearing is scheduled for _____ 2020, at 6:00p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT an annexation plan for the "John Deere Drive – Milford St. Assoc. Property Annexation," as set forth in **Exhibit "B"** attached hereto and made a part hereof, is adopted for that area of land located and binding upon the southerly Corporate Limit of the City of Salisbury beginning for the same at a point on the Corporate Limit, said point lying on the southerly right-of-way line of John Deere Drive; said parcel being contiguous to and binding upon the corporate limit of the City of Salisbury.

AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, THAT the Council shall hold a public hearing on the annexation plan hereby proposed on _____, 2020 at 6:00 p.m. in the Council Chambers at the City-County Office Building and the City Administrator shall cause a public notice of time and place of said hearing to be published not fewer than two (2) times at not less than weekly intervals, in a newspaper of general circulation in the City of Salisbury, which said

30 notice shall specify a time and place at which the Council of the City of Salisbury will hold a public
31 hearing on the Resolution.

32 The above Resolution was introduced and read and passed at the regular meeting of the
33 Council of the City of Salisbury held on the ____ day of _____, 2020, having been duly
34 published as required by law in the meantime a public hearing was held on _____
35 2020, and was finally passed by the Council at its regular meeting held on the ____ day of
36 _____, 2020.

| | |
|-------------------------|-------------------|
| 37 _____ | _____ |
| 38 Kimberly R. Nichols, | John R. Heath, |
| 39 City Clerk | Council President |
| 40 | |

41 APPROVED BY ME this ____ day of _____, 2020.

42 _____
43 Jacob R. Day,
44 Mayor

REPORT OF ANNEXATION PLAN

for the

MILFORD STREET ASSOCIATES, INC. - JOHN DEERE DRIVE – ANNEXATION TO THE CITY OF SALISBURY

October 31, 2018

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

- At a work session on July 2, 2018, the Salisbury City Council reviewed the proposed annexation request.
- On July 19, 2018 the City of Salisbury / Wicomico County Planning Commission reviewed the proposed annexation and approved a favorable recommendation to the Salisbury City Council for the proposed zoning of the Property.
- At a Salisbury City Council work session on July 2, 2018, the City Council *reviewed the draft annexation agreement and the draft version of this Annexation Plan and directed that an Annexation Resolution be drafted for review – (text in italics is written prospectively).*
- A City Council meeting held on _____ the Council formally reviewed this Annexation Plan and the Annexation Resolution and directed that a date for a public hearing be established. The Council further directed that the Annexation Plan be forwarded to the Maryland Department of Planning and the Wicomico County Council for comment within 30 days of the public hearing as provided for by State law.

1.0

GENERAL INFORMATION AND DESCRIPTION

1.1 Petitioners

The petitioner is Milford Street Associates, Inc. a Maryland corporation whose principal address is 212 Downtown Plaza, Suite 305 in Salisbury, Maryland 21801.

1.2 Location

The Property's fronts John Deere Drive at its intersection with Hobbs Road; Tax Map 0039, Parcel 038, Lots 11 & 12.

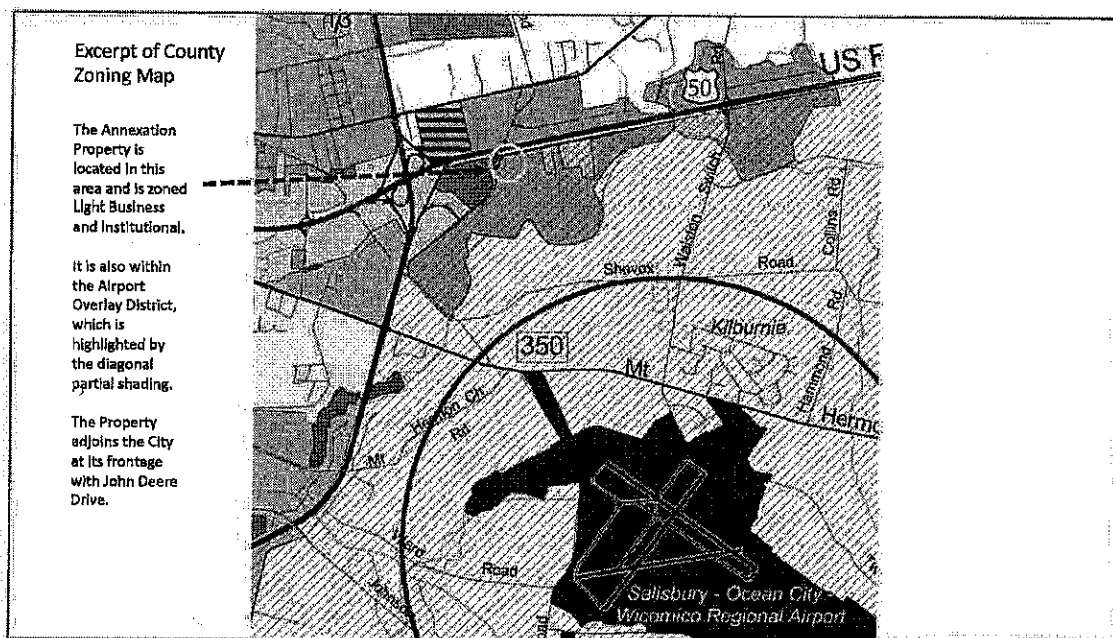
1.3 Property Description

The Property is comprised of two lots totaling 2.55 acres. It is undeveloped and vacant.

1.4 Existing Zoning

The Property is now zoned LB-1, Light Business and Institutional under the Wicomico County Code as shown on Exhibit 1, which is an excerpt from the Wicomico County Zoning Map. It is also within the Airport Overlay District. The Property's northern lot line adjoins the municipal limit at John Deere Drive.

Exhibit 1



2.0

LAND USE PATTERN PROPOSED FOR THE AREA TO BE ANNEXED

2.1 Comprehensive Plan

The City of Salisbury adopted the current Comprehensive Plan in 2010. The Property is located within the City's Municipal Growth Area with a planned land use designation of "Mixed-Use Non-Residential".

The Comprehensive Plan's goal as it pertains to annexations is as follows: "To encourage the orderly growth and expansion of the City of Salisbury by annexing selected areas and by providing public services to newly developing areas without overburdening these facilities while continuing to maintain a high level of services to existing developments and residents of the City".

The annexation of the subject Property is consistent with the pattern of annexation along U.S. Route 50, most notably the U.S. Route 50 East / Moore Annexation which incorporated multiple properties between Hobbs Road and Walston Switch Road.

2.2 Proposed Zoning

Upon annexation, the Property is proposed to be zoned Mixed Use Non-Residential under the City Zoning Ordinance. Per Section 17.46.010 of the City Zoning Ordinance, the purpose of the District is "to provide areas for well-designed, functional, and attractive development with indoor retail, office, services, and institutional uses."

The City of Salisbury – Wicomico County Department of Planning, Zoning and Community Development found that the proposed zoning is acceptable.

2.3 Proposed Land Use

The petitioners are proposing that the Property be developed into a convenience store and with fuel pumps per the attached Concept Development Plan. Development would be governed by City zoning regulations pertaining to the proposed Mixed-Use Non-Residential District, as may be amended from time to time, or any successor zoning district which may be approved by the City in the future.

3.0

THE PUBLIC FACILITIES AND SERVICES NEEDED BY THE DEVELOPMENT AND THE METHODS TO PROVIDE SUCH FACILITIES AND SERVICES TO THE ANNEXED PARCEL

3.1 Roads

Access to the Property is provided via John Deere Drive, which is a service road running parallel to U.S. Route 50. The concept development plan proposes two access drives off of John Deere Drive.

3.2 Water and Wastewater

The Annexation Property is presently not connected to public water and sewer services. However, public water and sewer lines run along the property's frontage with John Deere Drive. The proposed use would create an anticipated usage of 1,008 gallons per day. Capacity exists to serve the proposed use and allocation decisions are made at time of development.

3.3 Schools

As a non-residential use, the Property would not generate pupil enrollment and have no impact of school capacity.

3.4 Parks and Rec.

As a non-residential use in this case, the Property would have no impact on park and recreational facilities or generate a demand for them.

3.5 Fire, E.M., and Rescue Services

The Salisbury Fire Department would provide fire suppression, technical rescue, special operations, and advanced life support (ALS-EMS) emergency medical treatment and transport services to the Property.

3.6 Police

The City of Salisbury Police Department would provide services to the Property.

3.7 Stormwater Management:

Stormwater management is governed by the Maryland Stormwater Management regulations administered locally.

3.8 Waste Collection

Commercial development in the City is served by independent waste haulers.

4.0

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

The Property is located within the City's Municipal Growth Area and within the area designated "Urban Corridor" by Wicomico

County. A pattern of mixed commercial use has developed along John Deere Drive east of the Property. The commercial use immediately adjoining the Property's east side, at 31375 John Deere Drive, include a distribution facility of Holt Paper and Chemical Company. The commercial use adjoining the Property's south side, at 6465 Hobbs Road, is the Comcast Service Center. Perdue Stadium is located on the opposite side of Hobbs Road, and the petitioner proposes to install a crosswalk at the intersection John Deere Drive and Hobbs Road and a sidewalk which will connect this portion of the stadium site to the front door of the proposed convenience store. The site is vacant and cleared with no significant natural features or environmental constraints evident.

Exhibit A: Annexation Plat and Metes and Bounds

Exhibit A

Metes And Bounds Description

JOHN DEERE DRIVE – MILFORD ST. ASSOC. ANNEXATION

A CERTAIN AREA OF LAND contiguous to and binding upon the southerly Corporate Limit of the City of Salisbury to be known as "John Deere Drive – Milford St. Assoc. Property Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the southerly right-of-way line of John Deere Drive, X 1,222,176.61, Y 199,280.90; thence by and with the line of the said John Deere Drive North seventy-eight degrees twenty-seven minutes ten seconds East (N 78° 27' 10" E) eighty decimal zero, zero (80.00) feet to a point X 1,222,255.08, Y 199,296.93; thence by and with the westerly line of Lot 10, Block 'A', of "Tim-Mar Acres Business Park" South eleven degrees thirty-two minutes fifty seconds East (S 11° 32' 50" E) four hundred twenty-seven decimal one, eight (427.18) feet to a point at the southwesterly corner of the said Lot 10 X 1,222,340.50 Y 198,878.39; thence by and with the southerly line of Lot 11 and Lot 12 of the said "Tim-Mar Acres Business Park" North eighty-three degrees fifty-five minutes forty-one seconds West (N 83° 55' 41" W) four hundred twenty-seven decimal seven, four (427.74) feet to a point on the aforesaid line of John Deere Drive X 1,221,915.16, Y 198,923.63; thence by and with the said line of John Deere Drive the following two courses: (1) North twenty-two degrees fifty-two minutes eleven seconds East (N 22° 52' 11" E) two hundred thirty-seven decimal two, six (237.26) feet to a point X 1,222,007.37, Y 199,142.23; (2) North fifty degrees forty minutes eighteen seconds East (N 50° 40' 18" E) two hundred eighteen decimal seven, nine (218.79) feet to the point of beginning and containing 2.550 acres, being Lot 11 and Lot 12, Block 'A', "Tim-Mar Acres Business Park". All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.



Exhibit A Annexation Survey

Memo

To: City Council

From: Laura Soper

Subject: Deferral of Revolving Loan Repayment – Shamrock Hospitality Group, LLC

Date: 3/30/20

At my department's request, we would like to defer the Revolving loan repayment terms and accrual of interest for Shamrock Hospitality Group, LLC until a time that the COVID-19 pandemic has reached its conclusion and restaurants are allowed to offer dine-in service. In discussion with the borrower, he offered the ability to officially begin repayment of the loan 12 months after the announcement of the end of the mandated restaurant dine-in closures. This term is based partly on the deferrals that many banks are offering to their clients in relation to the COVID-19 outbreak. Included with this submission is their current amortization schedule. Loan repayments are currently due on the 1st day of each month. The borrower feels comfortable with re-starting repayment 12 full months after Governor Hogan makes the announcement that dine-in service may resume. This would allow for them time to build up their reserves.



City of
Salisbury
Jacob R. Day, Mayor

Loan Calculator with Extra Payments

| | Enter values |
|-------------------------|--------------|
| Loan amount | \$ 99,953.59 |
| Annual interest rate | 3.400% |
| Loan period in years | 7 |
| Start date of loan | 8/15/2019 |
| Optional extra payments | |

Instructions

Must be between 1 and 30 years.
If your extra payments vary, enter them in the table below.

| | |
|------------------------------|--------------|
| Scheduled monthly payment | \$ 1,338.81 |
| Scheduled number of payments | 84 |
| Actual number of payments | 84 |
| Total of early payments | \$ - |
| Total interest | \$ 12,506.72 |

| No. | Payment Date | Beginning Balance | Scheduled Payment | Extra Payment | Total Payment | Principal | Interest | Ending Balance |
|-----|--------------|-------------------|-------------------|---------------|---------------|-------------|-----------|----------------|
| 1 | 8/15/2019 | \$ 99,953.59 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,055.61 | \$ 283.20 | \$ 98,897.98 |
| 2 | 9/15/2019 | \$ 98,897.98 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,058.60 | \$ 280.21 | \$ 97,839.38 |
| 3 | 10/15/2019 | \$ 97,839.38 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,061.60 | \$ 277.21 | \$ 96,777.77 |
| 4 | 11/15/2019 | \$ 96,777.77 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,064.61 | \$ 274.20 | \$ 95,713.17 |
| 5 | 12/15/2019 | \$ 95,713.17 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,067.63 | \$ 271.19 | \$ 94,645.54 |
| 6 | 1/15/2020 | \$ 94,645.54 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,070.65 | \$ 268.16 | \$ 93,574.89 |
| 7 | 2/15/2020 | \$ 93,574.89 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,073.68 | \$ 265.13 | \$ 92,501.20 |
| 8 | 3/15/2020 | \$ 92,501.20 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,076.73 | \$ 262.09 | \$ 91,424.48 |
| 9 | 4/15/2020 | \$ 91,424.48 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,079.78 | \$ 259.04 | \$ 90,344.70 |
| 10 | 5/15/2020 | \$ 90,344.70 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,082.84 | \$ 255.98 | \$ 89,261.86 |
| 11 | 6/15/2020 | \$ 89,261.86 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,085.90 | \$ 252.91 | \$ 88,175.96 |
| 12 | 7/15/2020 | \$ 88,175.96 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,088.98 | \$ 249.83 | \$ 87,086.98 |
| 13 | 8/15/2020 | \$ 87,086.98 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,092.07 | \$ 246.75 | \$ 85,994.91 |
| 14 | 9/15/2020 | \$ 85,994.91 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,095.16 | \$ 243.65 | \$ 84,899.75 |
| 15 | 10/15/2020 | \$ 84,899.75 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,098.26 | \$ 240.55 | \$ 83,801.49 |
| 16 | 11/15/2020 | \$ 83,801.49 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,101.38 | \$ 237.44 | \$ 82,700.11 |
| 17 | 12/15/2020 | \$ 82,700.11 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,104.50 | \$ 234.32 | \$ 81,595.62 |
| 18 | 1/15/2021 | \$ 81,595.62 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,107.63 | \$ 231.19 | \$ 80,487.99 |
| 19 | 2/15/2021 | \$ 80,487.99 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,110.76 | \$ 228.05 | \$ 79,377.23 |
| 20 | 3/15/2021 | \$ 79,377.23 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,113.91 | \$ 224.90 | \$ 78,263.31 |
| 21 | 4/15/2021 | \$ 78,263.31 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,117.07 | \$ 221.75 | \$ 77,146.25 |
| 22 | 5/15/2021 | \$ 77,146.25 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,120.23 | \$ 218.58 | \$ 76,026.02 |
| 23 | 6/15/2021 | \$ 76,026.02 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,123.41 | \$ 215.41 | \$ 74,902.61 |
| 24 | 7/15/2021 | \$ 74,902.61 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,126.59 | \$ 212.22 | \$ 73,776.02 |
| 25 | 8/15/2021 | \$ 73,776.02 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,129.78 | \$ 209.03 | \$ 72,646.24 |
| 26 | 9/15/2021 | \$ 72,646.24 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,132.98 | \$ 205.83 | \$ 71,513.26 |
| 27 | 10/15/2021 | \$ 71,513.26 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,136.19 | \$ 202.62 | \$ 70,377.06 |
| 28 | 11/15/2021 | \$ 70,377.06 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,139.41 | \$ 199.40 | \$ 69,237.65 |
| 29 | 12/15/2021 | \$ 69,237.65 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,142.64 | \$ 196.17 | \$ 68,095.01 |
| 30 | 1/15/2022 | \$ 68,095.01 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,145.88 | \$ 192.94 | \$ 66,949.14 |
| 31 | 2/15/2022 | \$ 66,949.14 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,149.12 | \$ 189.69 | \$ 65,800.01 |
| 32 | 3/15/2022 | \$ 65,800.01 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,152.38 | \$ 186.43 | \$ 64,647.63 |
| 33 | 4/15/2022 | \$ 64,647.63 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,155.64 | \$ 183.17 | \$ 63,491.99 |
| 34 | 5/15/2022 | \$ 63,491.99 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,158.92 | \$ 179.89 | \$ 62,333.07 |
| 35 | 6/15/2022 | \$ 62,333.07 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,162.20 | \$ 176.61 | \$ 61,170.87 |
| 36 | 7/15/2022 | \$ 61,170.87 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,165.50 | \$ 173.32 | \$ 60,005.37 |
| 37 | 8/15/2022 | \$ 60,005.37 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,168.80 | \$ 170.02 | \$ 58,836.57 |
| 38 | 9/15/2022 | \$ 58,836.57 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,172.11 | \$ 166.70 | \$ 57,664.46 |
| 39 | 10/15/2022 | \$ 57,664.46 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,175.43 | \$ 163.38 | \$ 56,489.03 |
| 40 | 11/15/2022 | \$ 56,489.03 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,178.76 | \$ 160.05 | \$ 55,310.27 |
| 41 | 12/15/2022 | \$ 55,310.27 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,182.10 | \$ 156.71 | \$ 54,128.17 |
| 42 | 1/15/2023 | \$ 54,128.17 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,185.45 | \$ 153.36 | \$ 52,942.72 |
| 43 | 2/15/2023 | \$ 52,942.72 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,188.81 | \$ 150.00 | \$ 51,753.91 |
| 44 | 3/15/2023 | \$ 51,753.91 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,192.18 | \$ 146.64 | \$ 50,561.73 |
| 45 | 4/15/2023 | \$ 50,561.73 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,195.55 | \$ 143.26 | \$ 49,366.18 |
| 46 | 5/15/2023 | \$ 49,366.18 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,198.94 | \$ 139.87 | \$ 48,167.24 |

| No. | Payment Date | Beginning Balance | Scheduled Payment | Extra Payment | Total Payment | Principal | Interest | Ending Balance |
|-----|--------------|-------------------|-------------------|---------------|---------------|-------------|-----------|----------------|
| 47 | 6/15/2023 | \$ 48,167.24 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,202.34 | \$ 136.47 | \$ 46,964.90 |
| 48 | 7/15/2023 | \$ 46,964.90 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,205.75 | \$ 133.07 | \$ 45,759.15 |
| 49 | 8/15/2023 | \$ 45,759.15 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,209.16 | \$ 129.65 | \$ 44,549.99 |
| 50 | 9/15/2023 | \$ 44,549.99 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,212.59 | \$ 126.22 | \$ 43,337.40 |
| 51 | 10/15/2023 | \$ 43,337.40 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,216.02 | \$ 122.79 | \$ 42,121.38 |
| 52 | 11/15/2023 | \$ 42,121.38 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,219.47 | \$ 119.34 | \$ 40,901.91 |
| 53 | 12/15/2023 | \$ 40,901.91 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,222.92 | \$ 115.89 | \$ 39,678.98 |
| 54 | 1/15/2024 | \$ 39,678.98 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,226.39 | \$ 112.42 | \$ 38,452.59 |
| 55 | 2/15/2024 | \$ 38,452.59 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,229.86 | \$ 108.95 | \$ 37,222.73 |
| 56 | 3/15/2024 | \$ 37,222.73 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,233.35 | \$ 105.46 | \$ 35,989.38 |
| 57 | 4/15/2024 | \$ 35,989.38 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,236.84 | \$ 101.97 | \$ 34,752.54 |
| 58 | 5/15/2024 | \$ 34,752.54 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,240.35 | \$ 98.47 | \$ 33,512.19 |
| 59 | 6/15/2024 | \$ 33,512.19 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,243.86 | \$ 94.95 | \$ 32,268.33 |
| 60 | 7/15/2024 | \$ 32,268.33 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,247.39 | \$ 91.43 | \$ 31,020.94 |
| 61 | 8/15/2024 | \$ 31,020.94 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,250.92 | \$ 87.89 | \$ 29,770.02 |
| 62 | 9/15/2024 | \$ 29,770.02 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,254.46 | \$ 84.35 | \$ 28,515.56 |
| 63 | 10/15/2024 | \$ 28,515.56 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,258.02 | \$ 80.79 | \$ 27,257.54 |
| 64 | 11/15/2024 | \$ 27,257.54 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,261.58 | \$ 77.23 | \$ 25,995.95 |
| 65 | 12/15/2024 | \$ 25,995.95 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,265.16 | \$ 73.66 | \$ 24,730.80 |
| 66 | 1/15/2025 | \$ 24,730.80 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,268.74 | \$ 70.07 | \$ 23,462.05 |
| 67 | 2/15/2025 | \$ 23,462.05 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,272.34 | \$ 66.48 | \$ 22,189.72 |
| 68 | 3/15/2025 | \$ 22,189.72 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,275.94 | \$ 62.87 | \$ 20,913.77 |
| 69 | 4/15/2025 | \$ 20,913.77 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,279.56 | \$ 59.26 | \$ 19,634.22 |
| 70 | 5/15/2025 | \$ 19,634.22 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,283.18 | \$ 55.63 | \$ 18,351.03 |
| 71 | 6/15/2025 | \$ 18,351.03 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,286.82 | \$ 51.99 | \$ 17,064.22 |
| 72 | 7/15/2025 | \$ 17,064.22 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,290.46 | \$ 48.35 | \$ 15,773.75 |
| 73 | 8/15/2025 | \$ 15,773.75 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,294.12 | \$ 44.69 | \$ 14,479.63 |
| 74 | 9/15/2025 | \$ 14,479.63 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,297.79 | \$ 41.03 | \$ 13,181.84 |
| 75 | 10/15/2025 | \$ 13,181.84 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,301.46 | \$ 37.35 | \$ 11,880.38 |
| 76 | 11/15/2025 | \$ 11,880.38 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,305.15 | \$ 33.66 | \$ 10,575.23 |
| 77 | 12/15/2025 | \$ 10,575.23 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,308.85 | \$ 29.96 | \$ 9,266.38 |
| 78 | 1/15/2026 | \$ 9,266.38 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,312.56 | \$ 26.25 | \$ 7,953.82 |
| 79 | 2/15/2026 | \$ 7,953.82 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,316.28 | \$ 22.54 | \$ 6,637.54 |
| 80 | 3/15/2026 | \$ 6,637.54 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,320.01 | \$ 18.81 | \$ 5,317.53 |
| 81 | 4/15/2026 | \$ 5,317.53 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,323.75 | \$ 15.07 | \$ 3,993.79 |
| 82 | 5/15/2026 | \$ 3,993.79 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,327.50 | \$ 11.32 | \$ 2,666.29 |
| 83 | 6/15/2026 | \$ 2,666.29 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,331.26 | \$ 7.55 | \$ 1,335.03 |
| 84 | 7/15/2026 | \$ 1,335.03 | \$ 1,338.81 | \$ - | \$ 1,338.81 | \$ 1,335.03 | \$ 3.78 | \$ (0.00) |

RESOLUTION NO. 3029

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND TO DEFER THE
REVOLVING LOAN REPAYMENTS FOR SHAMROCK HOSPITALITY GROUP, LLC

WHEREAS the City has a revolving loan fund for the purpose of aiding revitalization in the
downtown area; and

WHEREAS SHAMROCK HOSPITALITY GROUP, LLC requested a loan from these funds in
the amount of \$99,953.59; and

WHEREAS the City Council approved this request and determined that it meets all of the
guidelines for the revolving loan fund at their May 13, 2019 meeting via Resolution 2943; and

WHEREAS Shamrock Hospitality Group, LLC used said funds to purchase restaurant equipment
and has dutifully repaid on a monthly basis; and

WHEREAS the State of Maryland prohibited serving the public in restaurants and bars in the
wake of the COVID-19 outbreak; and

WHEREAS Shamrock Hospitality Group, LLC has been negatively impacted by the shut down of
full service restaurant and bar operations and has requested to defer their loan repayment; and

WHEREAS Shamrock Hospitality Group, LLC has agreed that it could resume repayment 3
months from the date that the Governor of the State of Maryland announces the full reopening of
restaurant and bar operations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Salisbury, Maryland
that Shamrock Hospitality Group, LLC 's payments of the City's Revolving Loan shall be suspended
until 3 months after the date that the Governor of the State of Maryland announces the full reopening of
restaurants and bars.

The above Resolution was introduced, read and passed at the regular meeting of the Salisbury
City Council on the _____ day of _____, 2020.

Kimberly R. Nichols
CITY CLERK

John R. Heath
PRESIDENT, City Council

APPROVED by me this
_____ day of _____ 2020.

Jacob R. Day
MAYOR, City of Salisbury

INTER

MEMO**OFFICE**

Office of the Business Development

To: City Council
From: Laura Soper
Subject: Mobile Vendor Legislation Changes
Date: March 11, 2020

Included in the packet are some proposed changes to our Mobile Vendor & Transient Merchant legislation. Back in January, our Department met with City Administration about the Mobile Vendor licensing process and ways that we could streamline it and make it easier for the applicants. Edits were made to clarify certain parts of the legislation were there had been numerous questions and the process is being simplified for new or returning applicants.

Some of the proposed changes/modifications include:

- Clarifying that Mobile Vendors & Transient Merchants do not need a license to operate during local festivals or City-endorsed events
- Having the Surety Bond requirement run concurrently with the license period. The Surety Bond was previously required to run a year beyond the expiration of the license, which was difficult for many of our applicants to obtain from their insurance companies.
- Changing the new application fee to a flat \$100, instead of \$50 plus \$40 for each person working on behalf of the business. We will still run background checks on the owners of the business, but we will no longer be performing background checks on the employees of the business. We will shift the duty of performing background checks on to the business owners and will add a disclaimer to the Application stating that they are responsible for ensuring all their hires are compliant with all City legislation
- Renewal applications will be \$50 and will be considered as such if there are no substantial changes in ownership or a lapse of active licensure for over a year.

cc: Mayor Day
Julia Glanz
Kim Nichols

Attachments

ORDINANCE NO. 2587

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING CHAPTER 5.32, TRANSIENT MERCHANTS AND MOBILE VENDORS, TO REMOVE THE TERMS HAWKERS AND PEDDLERS, AND TO UPDATE THE LICENSING PROCESS.

WHEREAS, Chapter 5.32 - Transient Merchants and Mobile Vendors contains procedures for obtaining and renewing licenses to engage in the activities of a mobile vendor or transient merchant within the City; and

WHEREAS, the City desires to update and streamline the licensing procedures; and

WHEREAS, the Office of the Business Development recommends approval of the proposed code changes.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, Maryland, that Chapter 5.32 Transient Merchants and Mobile Vendors of the Salisbury Municipal Code is hereby amended as follows:

Chapter 5.32 TRANSIENT MERCHANTS AND MOBILE VENDORS

5.32.010 - Definitions.

For the purposes of this chapter, unless the context requires otherwise, the following words and phrases have the meanings given by this section:

"Business Development Director" means the Director of Business Development, or his or her designee.

"Mobile Vendor" means any person, whether or not a city resident, who engages in the activities of hawking or peddling of food, services or merchandise from a mobile vehicle, van, wagon, cart, boat, tent or other movable structure.

"Mobile Vending" means the act of offering for sale and delivery of goods, wares or merchandise, including, but not limited to, magazines, books, periodicals, food and personal property of every nature on the public streets or in any other public place; including offering any of the abovementioned items for sale and delivery from any type of wagon, vehicle, boat, tent or other movable structure.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

~~—"Temporary business" means any commercial activity that is not intended to be permanent or ongoing for a minimum of one year.~~

"Transient merchant" means any person who, whether or not a resident of the city, engages in a temporary business of selling or offering for sale goods, wares or merchandise, or who displays samples, models, goods, wares or merchandise for the purpose of taking orders for future delivery, within the city from any hotel or motel room, inn, rooming or boarding house, club, storehouse, house or other building,

either residential or commercial in nature, that is not owned or leased for a period to exceed ninety (90) days, by the person who engages in such activities.

5.32.040 - Exemptions from licensing requirements.

Any person engaged in the following is exempt from the licensing requirements upon compliance with all other provisions of this chapter and submission of applicable identification and documentation to support the claim to exemption:

- H. Selling or offering for sale any goods, wares or merchandise from any booth in a bona fide fair, festival, exposition, antique, collectible or trade show, or City-endorsed event.

5.32.050 - License application.

Any person wishing to be a mobile vendor or transient merchant shall file an application for a license with the Business Development Director, giving the following information:

- G. A description of the vehicle(s), if any, that ~~is to~~ will be used in connection with licensed activities, including the state license tag and number and the vehicle identification number for each vehicle;

5.32.060 - Surety bond required.

Every mobile vendor or transient merchant shall file with the Business Development Director a surety bond, running to the city, in the amount of one thousand dollars (\$1,000.00), with a surety qualified to do business in the state and acceptable to and approved by the city and with conditions that the ~~hawkers, peddlers~~ mobile vendor or transient merchant comply fully with all of the provisions of the laws and ordinances of the city and such statutes of the state regulating and concerning the business of mobile vendors and transient merchants. Such bond shall continue in effect for one year, running concurrently with the license ~~after the license expiration date~~.

5.32.070 - License fee.

A nonrefundable fee of ~~one hundred fifty~~ one hundred dollars (~~\$100~~ \$100.00) shall be paid to the Business Development Director when ~~a new~~ the application is filed.

5.32.075 - ~~Investigation fee~~ Renewal Fee.

A non-refundable fee of ~~forty~~ forty dollars (~~\$40~~ \$40.00) ~~per individual for each background check shall be paid to the Director of Business Development when the application is filed. This fee shall apply to the applicant and any individuals listed in the application. This section shall apply when an initial application or an application for renewal is filed, for any background check investigation required in conjunction with an application.~~ shall be paid to the Business Development Director when a renewal application is filed.

5.32.090 - Duration, exhibition and surrender of license.

- A. A license issued under this chapter shall be good for one year from the date of issuance, unless earlier suspended or revoked as provided in this chapter.
- B. In the case of a transient merchant, a license issued under this chapter shall be of a duration as set by the ~~clerk~~ Business Development Director after reviewing the

application and intended business of the transient merchant; however, no license issued to a transient merchant shall be for a duration of more than ninety (90) days.

C. Every mobile vendor or transient merchant shall carry his or her license at any time he or she is engaged as a ~~hawker, peddler,~~ mobile vendor or transient merchant. Additionally, he or she shall show his or her license to anyone who shall demand to see the same while he or she is so engaged. If a license is issued to a firm, partnership, association, corporation, company or organization, the original license shall be carried by the owner or supervisor and a copy of the license shall be carried by each agent engaged as a mobile vendor or transient merchant under such license.

D. Any license issued under the provisions of this chapter shall be surrendered to the Business Development Director upon expiration, suspension or revocation.

5.32.100 - Renewal of license.

The holder of any license issued under this chapter who desires a new license to be effective on the expiration of the existing license shall, not less than thirty (30) nor more than sixty (60) days before the expiration of the existing license, file either an application for renewal with the ~~clerk~~ Business Development Director, or confirm in writing that the information on the expiring application remains the same information set forth in Section 5.32.050. The fee shall be as set in Section 5.32.070 ~~075~~. The provisions for approving or disapproving of an application, or written request for renewal, as set forth in Section 5.32.080 shall apply. Any substantial changes in ownership or the lapse of an active license shall require a New Application License Fee as set forth in Section 5.32.070.

5.32.130 - Prohibited areas.

No mobile vending (regardless of whether such transient merchant or mobile vendor is exempt from the licensing requirements of this chapter) shall engage in the activities of mobile vending in the city park or any roads or walkways adjacent to or through the city park, or any other place as determined by the mayor and council by resolution of the council from time to time for the protection of the health, safety and welfare of the citizens of the city, except the mayor may grant exemptions as part of a festival, firemen's muster, City-endorsed event, or other bona fide activity within the city park, or by special permission.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY that the changes set forth in this Ordinance shall take effect from and after the day of its final passage.

THE ABOVE ORDINANCE was introduced at a meeting of the Council of the City of Salisbury on the _____ day of _____, 2020, and having been published as required by law in the meantime, was finally passed at its meeting on the _____ day of _____, 2020.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

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APPROVED BY ME THIS ____ day of _____, 2020.

Jacob R. Day, Mayor

INTER

OFFICE

MEMO

Department of Finance

To: Julia Glanz, City Administrator
From: Keith Cordrey, Director of Finance
Subject: 2012 Bond Reallocation
Date: March 31, 2020

Ordinance 2539 FY20 Budget Ordinance Schedule B included the following projects to be funded by reallocation of bond proceeds.

| Project Description | Amount |
|---------------------------|----------------|
| Chemical Building HVAC | 48,000 |
| Paleo Well | 60,000 |
| WWTP Outfall | 78,030 |
| Park Aerator Building | 81,600 |
| Park Treatment Plant Roof | 181,560 |
| Total | 449,190 |

The City's bond counsel has prepared the attached ordinance to reallocate 2012 bond proceeds, assigned to the projects below and no longer needed, to fund the above projects.

| Project Description | Project No. | Amount |
|----------------------------|-------------|----------------|
| E Main Street Water Valves | 50007 | 24,706 |
| Isabella St Water Main | 50008 | 290,831 |
| WWTP Revisions | 55511 | 13,174 |
| Interest | | 120,479 |
| Total | | 449,190 |

Ordinance No. 2588

AN ORDINANCE OF THE COUNCIL (THE "COUNCIL") OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING ORDINANCE NO. 2140, PASSED BY THE COUNCIL ON MARCH 14, 2011, APPROVED BY THE MAYOR OF CITY OF SALISBURY (THE "CITY") ON MARCH 18, 2011 AND EFFECTIVE ON MARCH 18, 2011 ("ORDINANCE NO. 2140"), IN ORDER TO (1) AUTHORIZE AND EMPOWER THE CITY TO USE AND APPLY A PORTION OF THE PRINCIPAL AMOUNT OF THE \$7,693,000 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2012 ISSUED ON DECEMBER 5, 2012 (THE "2012 BOND"), PLUS CERTAIN INVESTMENT EARNINGS THEREON, TO PROJECTS IDENTIFIED HEREIN AS "CHEMICAL BUILDING HVAC", "PALEO FLUORIDE ROOM DOOR AND TANK REPLACEMENT", "WWTP OUTFALL INSPECTION AND REPAIRS", "PARK AERATOR BUILDING IMPROVEMENTS", AND "PARK WATER TREATMENT PLANT ROOF IMPROVEMENTS" IN ADDITION TO THE PROJECTS ORIGINALLY IDENTIFIED IN ORDINANCE NO. 2140, AND (2) IDENTIFY THE SOURCES FROM WHICH DEBT SERVICE ON THE OBLIGATIONS (AS DEFINED IN ORDINANCE NO. 2140) ALLOCABLE TO SUCH ADDITIONAL PROJECTS WILL BE PAYABLE IN THE FIRST INSTANCE; 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 2012 BOND.

RECITALS

WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the "City"), was authorized and empowered by Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (now codified as 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. 2140, passed by the Council of the City (the "Council") on March 14, 2011, approved by the Mayor of the City (the "Mayor") on March 18, 2011 and effective on March 18, 2011 ("Ordinance No. 2140"), 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 Seven Million Seven Hundred Thousand Dollars (\$7,700,000.00) (the "Authorized Bonds") in order to finance, reimburse or refinance "costs" (as defined in Section 3(b) of Ordinance No. 2140) of the projects and costs of issuance identified in Section 3(b) of Ordinance No. 2140 as (i) "Riverwalk Repairs", (ii) "East Main Street Water Valve", (iii) "Isabella Street Water", (iv) "East Main Street Sewer", (v) "Isabella Street Sewer", (vi) "Lift Station Pump Replacement", (vii) "N. Division Street Sewer", (viii) "Wastewater

Underlining : Indicates material added by amendment after introduction

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

Treatment Plant Upgrade”, and (ix) “Costs of Issuance” (herein referred to as the “Authorized Projects” and referred to as the “Projects” in Ordinance No. 2140) 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. 2140 and Resolution No. 2160, adopted by the Council on April 23, 2012, approved by the Mayor on April 24, 2012 and effective on April 24, 2012 (“Resolution No. 2160”), the City determined to borrow money for the public purpose of financing or reimbursing “costs” (as defined in Section 2(b) of Resolution No. 2160, which definition mirrors the definition of costs set forth in Section 3(b) of Ordinance No. 2140) of the projects specified in Section 2(a) of Resolution No. 2160 (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 Seven Million Seven Hundred Thousand Dollars (\$7,700,000.00); and

WHEREAS, pursuant to Resolution No. 2160, the Mayor, with the assistance of the financial advisor to the City, the City Administrator of the City (the “City Administrator”) and the Director of Internal Services of the City (the Director of Internal Services”), was authorized to reduce the maximum principal amount of such Authorized Bond prior to issuance if it was determined that the entire authorized principal amount of \$7,700,000.00 was not needed due to any reduction in the amount needed for costs of issuance; and

WHEREAS, in accordance with the provisions of Resolution No. 2160, the Mayor, with the assistance of the City Administrator and the Director of Internal Services, determined to reduce the final original principal amount of such Authorized Bond to Seven Million Six Hundred Ninety-three Thousand Dollars (\$7,693,000.00) due to a reduction in the amount needed for costs of issuance, and such Authorized Bond as issued was designated as the City of Salisbury Public Improvements Bond of 2012 (the “2012 Bond”); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2140 and Resolution No. 2160, the City issued and delivered the 2012 Bond to SunTrust Bank on May 3, 2012; and

WHEREAS, Section 2 of Resolution No. 2160 provides that proceeds of the 2012 Bond (which is referred to as the “Bond” in Resolution No. 2160) shall be appropriated and allocated to the specified Authorized Projects identified therein, subject to the further provisions of such Section 2 (which Authorized Projects are referred to as the “Projects” in Resolution No. 2160); and

WHEREAS, after giving effect to issuance of the 2012 Bond, only \$7,000.00 of bonding authority remains unused under Ordinance No. 2140; accordingly, for all practical purposes the 2012 Bond constitutes the only “Bonds” that will be issued pursuant to authority of Ordinance No. 2140 and the only “Authorized Bonds” as referred to in this Ordinance, and no BANs (as defined in Ordinance No. 2140) will be issued pursuant to the authority set forth in Ordinance No. 2140; and

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WHEREAS, pursuant to Ordinance No. 2381, passed by the Council on April 11, 2016 and approved by the Mayor on April 12, 2016 (“Ordinance No. 2381”), the City reallocated \$1,996,355.00 of the principal amount of the Authorized Bonds originally allocated to the Authorized Project identified as “N. Division Street Sewer” to the Authorized Project identified as “Lift Station Pump Replacement”, such that the maximum principal amount of the Authorized Bonds was reallocated as follows:

| | <u>Project Name</u> | <u>Maximum Principal Amount</u> |
|-------|------------------------------------|---------------------------------|
| 1. | Riverwalk Repairs | \$ 500,000.00 |
| 2. | East Main Street Water Valve | 100,000.00 |
| 3. | Isabella Street Water | 435,000.00 |
| 4. | East Main Street Sewer | 100,000.00 |
| 5. | Isabella Street Sewer | 66,000.00 |
| 6. | Lift Station Pump Replacement | 2,346,355.00 |
| 7. | N. Division Street Sewer | 103,645.00 |
| 8. | Wastewater Treatment Plant Upgrade | 4,000,000.00 |
| 9. | Costs of Issuance | <u>49,000.00</u> |
| TOTAL | | <u>\$7,700,000.00</u> |

; and

WHEREAS, pursuant to Ordinance No. 2391, passed by the Council on June 20, 2016 and approved by the Mayor on June 22, 2016 (“Ordinance No. 2391”), the City reallocated \$118,906.00 of the principal amount of the Authorized Bonds originally allocated to the Authorized Project identified as “Wastewater Treatment Plant Upgrade” to the Authorized Project identified as “East Main Street Sewer”, 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. | Riverwalk Repairs | \$ 500,000.00 |
| 2. | East Main Street Water Valve | 100,000.00 |
| 3. | Isabella Street Water | 435,000.00 |
| 4. | East Main Street Sewer | 218,906.00 |
| 5. | Isabella Street Sewer | 66,000.00 |
| 6. | Lift Station Pump Replacement | 2,346,355.00 |
| 7. | N. Division Street Sewer | 103,645.00 |
| 8. | Wastewater Treatment Plant Upgrade | 3,881,094.00 |
| 9. | Costs of Issuance | <u>49,000.00</u> |
| TOTAL | | <u>\$7,700,000.00</u> |

; and

WHEREAS, on July 28, 2016, the City issued its \$20,030,000 Public Improvement and Refunding Bonds of 2016 (the “2016 Bonds”), a portion of the proceeds of which were applied to currently refund the then-outstanding principal amount of the 2012 Bond; and

WHEREAS, at the time of issuance of the 2016 Bonds, a portion of the proceeds of the 2012 Bond remained unexpended, and such unexpended proceeds of the 2012 Bond were considered “transferred proceeds” of the 2016 Bonds for purposes of the Internal Revenue Code of 1986, as amended, and the U.S. Treasury Regulations promulgated thereunder (collectively, the “Code”); and

WHEREAS, the outstanding 2012 Bond was prepaid in whole on July 28, 2016; and

WHEREAS, at the time of issuance of the 2016 Bonds, the City expected to promptly expend the then-unexpended proceeds of the 2012 Bonds, but due to unforeseen circumstances, certain proceeds of the 2012 Bond (including investment earnings thereon) remain unexpended as of the date of introduction of this Ordinance; and

WHEREAS, while the remaining unexpended proceeds of the 2012 Bond (including investment earnings thereon) are treated as “transferred proceeds” of the 2016 Bonds for purposes of the Code, they are referred to as proceeds of the 2012 Bond for purposes of this Ordinance; and

WHEREAS, an aggregate \$328,711.00 of the principal amount of the 2012 Bond originally allocated among the Authorized Projects identified as “East Main Street Water Valve”, “Isabella Street Water”, and Wastewater Treatment Plant Upgrade” in Ordinance No. 2140 and Resolution No. 2160 remains unspent, and the Council wishes to reallocate such unexpended principal amount, together with certain investment earnings on proceeds of the 2012 Bond, to certain projects referred to in the City’s fiscal year 2020 budget as “Chemical Building HVAC”, “Paleo Fluoride Room Door and Tank Replacement”, “WWTP Outfall Inspection and Repairs”, “Park Aerator Building

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Improvements”, and “Park Water Treatment Plant Roof Improvements” (collectively, the “2020 Additional Projects”); and

WHEREAS, accordingly, the City desires to expand the list of the Authorized Projects as set forth in Ordinance No. 2140 in order to allow a portion of the principal amount of the 2012 Bond, together with certain investment earnings thereon, to be applied to costs of the 2020 Additional Projects.

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.

(c) References in Ordinance No. 2140 to the Director of Internal Services shall be construed to refer to the official of the City now known as the Director of Finance (the “Director of Finance”).

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

(e) References in the Sections of this Ordinance to Ordinance No. 2140 shall be construed to mean Ordinance No. 2140 as the allocation of the principal amount of the Authorized Bonds provided for therein has been reallocated pursuant to Ordinance Nos. 2381 and 2391 prior to the introduction of this Ordinance; and

(f) References in this Ordinance to the application or use of proceeds of the 2012 Bond to fund costs of the 2020 Revised Projects (as defined in Section 2(e) hereof) shall be construed to mean (i) for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2140 and Resolution No. 2160, as the same may be amended, modified or supplemented

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(including as provided for herein), use of such proceeds (including investment earnings) to finance or reimburse costs of the 2020 Revised Projects, and (ii) to the extent applicable for purposes of the Code, expenditure or application of such proceeds as “transferred proceeds” of the 2016 Bonds.

SECTION 2. BE IT FURTHER ORDAINED that:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and Ordinance No. 2140, from and after the effective date of this Ordinance, and subject to Sections 2(f) and 7 hereof, Section 3(b) of Ordinance No. 2140 is hereby deleted in its entirety and inserted in place thereof shall be the following:

“(b) With respect to the projects listed below, the word “costs” as used in Section 2 hereof 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; planning, design, engineering, architectural, feasibility, inspection, surveying, 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); capitalized interest (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. The total Bond (or BAN, as identified in Section 6 hereof) funds to be appropriated or applied to the costs of such projects (exclusive of any investment earnings that may be applied for such purposes) shall be allocated among the following public purpose projects in the maximum principal amount set forth opposite each, except as otherwise herein provided:

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| | <u>Project Name</u> | <u>Maximum Principal Amount</u> |
|-------|---|---------------------------------|
| 1. | Riverwalk Repairs | \$ 500,000.00 |
| 2. | East Main Street Water Valve | 75,294.00 |
| 3. | Isabella Street Water | 144,169.00 |
| 4. | East Main Street Sewer | 218,906.00 |
| 5. | Isabella Street Sewer | 66,000.00 |
| 6. | Lift Station Pump Replacement | 2,346,355.00 |
| 7. | N. Division Street Sewer | 103,645.00 |
| 8. | Wastewater Treatment Plant Upgrade | 3,867,920.00 |
| 9. | Chemical Building HVAC | 48,000.00 |
| 10. | Paleo Fluoride Room Door and Tank Replacement | 60,000.00 |
| 11. | WWTP Outfall Inspection and Repairs | 78,030.00 |
| 12. | Park Aerator Building Improvements | 81,600.00 |
| 13. | Park Water Treatment Plant Roof Improvements | 61,081.00 |
| 14. | Costs of Issuance | <u>49,000.00</u> |
| TOTAL | | <u>\$7,700,000.00</u> |

The projects and costs of issuance identified in items 1-14 above are collectively referred to herein as the “Projects”. The Projects described in items 1-14 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 identified herein 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 identified in items 1-14 above, notwithstanding the descriptive names used for such Projects in the table above, including, without limitation, costs related to changes in the scopes of activities relating to the Projects and/or the names of the Projects, as such scopes of activities or names may have already been, or may in the future be, amended or modified in accordance with applicable budgetary procedures or applicable law.”

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(b) The Council hereby appropriates and allocates \$120,478.91 of investment earnings on the 2012 Bond to be applied to costs of the 2020 Additional Project identified in the table in subsection (a) above as “Park Water Treatment Plant Roof Improvements”.

(c) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and Ordinance No. 2140, from and after the effective date of this Ordinance, and subject to Sections 2(f) and 7 hereof, Section 9(a) of Ordinance No. 2140 is hereby deleted in its entirety and inserted in place thereof shall be the following:

“SECTION 9. BE IT FURTHER ORDAINED that (a) unless otherwise provided in a resolution of the Council, that portion of the principal of and interest on any series of the Bonds, the BANs or the Refunding Bonds, as applicable (each, a series of the “Obligations”), allocated to the costs of the Projects identified as (i) “East Main Street Water Valve”, “Isabella Street Water”, “Chemical Building HVAC”, “Paleo Fluoride Room Door and Tank Replacement”, “Park Aerator Building Improvements”, and “Park Water Treatment Plant Roof Improvements” in Section 3(b) of this Ordinance will be payable in the first instance from water system revenues (including moneys received for use of or connection to such system) to the extent such revenues are available for such purpose, and (ii) “East Main Street Sewer”, “Isabella Street Sewer”, “Lift Station Pump Replacement”, “N. Division Street Sewer”, “Wastewater Treatment Plant Upgrade” and “WWTP Outfall Inspection and Repairs” in Section 3(b) of this Ordinance will be payable in the first instance from sewer system revenues (including moneys received for use of or connection to such system) to the extent such revenues are available for such purpose. Notwithstanding the foregoing sentence, for the purpose of paying the principal of and interest on the Obligations when due, the City shall levy or cause to be levied, for each and every fiscal year during which any series of the Obligations may be outstanding, ad valorem taxes upon all real and tangible personal property within its corporate limits subject to assessment for unlimited municipal taxation in rate and amount sufficient to provide for the prompt payment, when due, of the principal of and interest on such series of the Obligations in each such fiscal year, provided that, to the extent of any funds received or receivable as described in the first sentence of this Section 9(a) in any fiscal year, the taxes hereby required to be levied may be reduced proportionately. If the proceeds from the taxes so levied in any such fiscal year are inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up such deficiency.”

(d) By undertaking the amendments to Section 3(b) of Ordinance No. 2140 provided for in subsection (a) of this Section 2, the City is in effect (i) reducing the principal amount of the 2012 Bond to be applied to costs of the Authorized Projects identified as (A) “East Main Street Water Valve” from \$100,000.00 to \$75,294.00, (B) “Isabella Street Water” from \$435,000.00 to \$144,169.00, and (C) “Wastewater Treatment Plant Upgrade” from \$3,881,094.00 to \$3,867,920.00; (ii) adding the 2020 Additional Projects identified as items 9-13 in the table set forth in subsection (a)

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above to the list of projects the costs of which may be financed or reimbursed from the principal amount of the 2012 Bond; (iii) reallocating portions of the principal amount of the 2012 Bond previously allocated to the projects identified as “East Main Street Water Valve”, “Isabella Street Water” and “Wastewater Treatment Plant Upgrade” to the 2020 Additional Projects; and (iv) allocating \$120,478.91 of investment earnings on the 2012 Bond to the 2020 Additional Project identified as “Park Water Treatment Plant Roof Improvements”.

(e) The projects identified in the table set forth in subsection (a) above (which amends Section 3(b) of Ordinance No. 2140) are collectively referred to herein as the “2020 Revised Projects”. Subject to the provisions of subsection (f) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, all references to the Projects in Ordinance No. 2140 shall be deemed to be references to the 2020 Revised Projects, as identified in this Ordinance. Subject to the provisions of subsection (f) 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. 2140 with respect to the application of the principal amount of the Authorized Bonds (which, for all practical purposes, is the 2012 Bond).

(f) Notwithstanding the foregoing provisions of this Section 2, 2012 Bond proceeds (including investment earnings thereon) may not be applied to costs of the 2020 Additional Projects unless and until the City adopts a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2160 to allow a portion of the principal amount of the 2012 Bond, together with investment earnings on the 2012 Bond, to be applied to costs of the 2020 Additional Projects.

(g) Subject to the provisions of subsection (f) 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 2012 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. 2140, Resolution No. 2160 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 2020 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(f) 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 2012 Bond to finance or reimburse costs of the 2020 Additional 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 2012 Bond or the 2016 Bonds.

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SECTION 4. BE IT FURTHER ORDAINED that from and after the effective date of this Ordinance, Ordinance No. 2140 shall be deemed amended and supplemented as provided herein and all other terms and provisions of Ordinance No. 2140 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. 2160 to allow 2012 Bond proceeds to be applied to costs of the 2020 Additional Projects, the City may not apply 2012 Bond proceeds 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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THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 2020, 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 _____, 2020.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS _____ DAY OF _____, 2020:

Jacob R. Day, Mayor

#215456;58111.001

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To: Julia Glanz, City Administrator
From: Amanda H. Pollack, P.E., Director of Infrastructure & Development
Date: March 18, 2020
Re: Ordinance to grant a right of way to Delmarva Power for the installation of Electric Vehicle Charging Stations

The Department of Infrastructure & Development has received a request from Delmarva Power to install two (2) electric vehicle charging stations in City owned Parking Lot No. 15. Lot No. 15 is located at the corner of Market Street and Camden Street. The two EV charging stations will serve four (4) parking spaces. The project is fully funded by Delmarva Power. In order to proceed with the project, Delmarva Power has asked for the City to execute the attached Right of Way Agreement.

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

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**AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND
GRANTING A RIGHT-OF-WAY TO DELMARVA POWER & LIGHT
COMPANY ACROSS CITY OWNED PROPERTY (SALISBURY
PARKING LOT NO. 15) FOR INSTALLATION OF ELECTRIC VEHICLE
STATIONS.**

WHEREAS, the City of Salisbury owns Parking Lot No. 15 (Map 107, Parcel 1066) located near the intersection of W. Market Street and Camden Street; and

WHEREAS, the City of Salisbury is desirous of having facilities installed for the purpose of setting up electric vehicle charging stations on its lot; and

WHEREAS, Delmarva Power & Light Company (“Delmarva”) has requested that the City enter into a Right of Way Agreement to allow it to install and service the electric vehicle charging stations, and

WHEREAS, a copy of said agreement is attached hereto, which allows Delmarva the right to construct, operate and maintain the infrastructure in association with the new electric vehicle charging stations at the City's parking lot location.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the City of Salisbury authorizes Delmarva to construct, operate and maintain electric vehicle charging stations at the Parking Lot No. 15 location near W. Market Street and Camden Street; that the Mayor is authorized to execute the Right of Way Agreement attached hereto; and that the location of the facilities shall be as shown on **Exhibit 1** attached to said agreement.

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 _____ day of _____ 2020, and thereafter, a statement of the substance of this Ordinance having been published as required by law, was finally passed by the Council on the _____ day of _____ 2020.

ATTEST:

Kimberly R. Nichols
City Clerk

John R. Heath, President
Salisbury City Council

Approved by me this _____ day of _____, 2020.

Jacob R. Day
Mayor of the City of Salisbury

**RIGHT OF WAY AGREEMENT
(EV Charging Station Facilities)**

The undersigned, herein called the "Grantor," hereby grant(s) to DELMARVA POWER & LIGHT COMPANY ("DELMARVA"), its successors, licensees and assigns, for value received, the right to construct, install, reconstruct, operate and maintain electric vehicle charging station facilities, including, but not limited to, pads, charging facilities, electric and communication lines, poles, crossarms, wires, anchors, guys, conduits, cables, transformers, meters, appurtenant equipment and enclosures (collectively, "charging station facilities") upon, over, under and across the land of the Grantor situated at the intersection of Market and Camden Streets, in the City of Salisbury, Wicomico County, Maryland, and acquired from Robert P. Cannon and Ruth L. Powell, by Deed dated June 29, 1973, and recorded among the Land Records of Wicomico County in Liber 878, Folio 632, and Feldman Investment Corporation, by Deed dated December 3, 1976, and recorded among the Land Records of Wicomico County in Liber 866, Folio 321 ("Grantor's Property").

The charging station facilities are or are to be located at Grantor's Property situated at the intersection of Market Street and Camden Street and further identified as City of Salisbury Parking Lot #15 in the location generally shown on the job print attached hereto as **Exhibit 1**.

Together with the right of access at all times to the charging station facilities, the right to extend electric and communication lines by the most direct practical route from the main lines to any charging station facilities on Grantor's Property, the right to trim, top, cut down and remove trees and/or shrubs adjacent to charging station facilities to provide proper operating clearance, the right to make necessary openings and excavations for the purpose of examining, repairing, replacing, altering or expanding charging station facilities provided that all openings or excavations shall be properly refilled and the property left in good and safe condition, and the right to place signs at Grantor's Property, near the charging station facilities restricting use of parking spaces adjacent to the charging station facilities to electric vehicles using or in line to use the charging facilities. No buildings or structures are to be erected under or over charging station facilities, and adequate horizontal clearances, with a five (5) foot minimum, must be maintained. Shrubbery, trees, fences, or other obstructions shall not be placed so close to any charging station facilities that they would, in the sole judgement of the Company, hinder or obstruct operation or maintenance of said equipment.

DELMARVA will return Grantor's Property to as near as its original condition as reasonably possible upon completion of construction and maintenance related activities and also upon termination of use of Grantor's Property as an electric vehicle charging station facility.

IN WITNESS WHEREOF, the Grantor(s) has/have caused this agreement to be properly executed this _____ day of _____, 20____.

WITNESS:

THE CITY OF SALISBURY, a municipal
corporation of the State of Maryland

By: _____
Name: _____
Title: _____

STATE OF _____:

SS:

COUNTY OF _____:

I hereby certify that on this _____ day of _____, 20____, before me, a Notary Public in and for the State and County aforesaid personally appeared _____, who acknowledged himself/herself to be the _____ of The City of Salisbury, a municipal corporation of the State of Maryland, and that (s)he, in such capacity and being authorized so to do, did execute the foregoing Agreement as the act and deed of The City of Salisbury for the purposes therein contained, and said act and deed was made without monetary consideration.

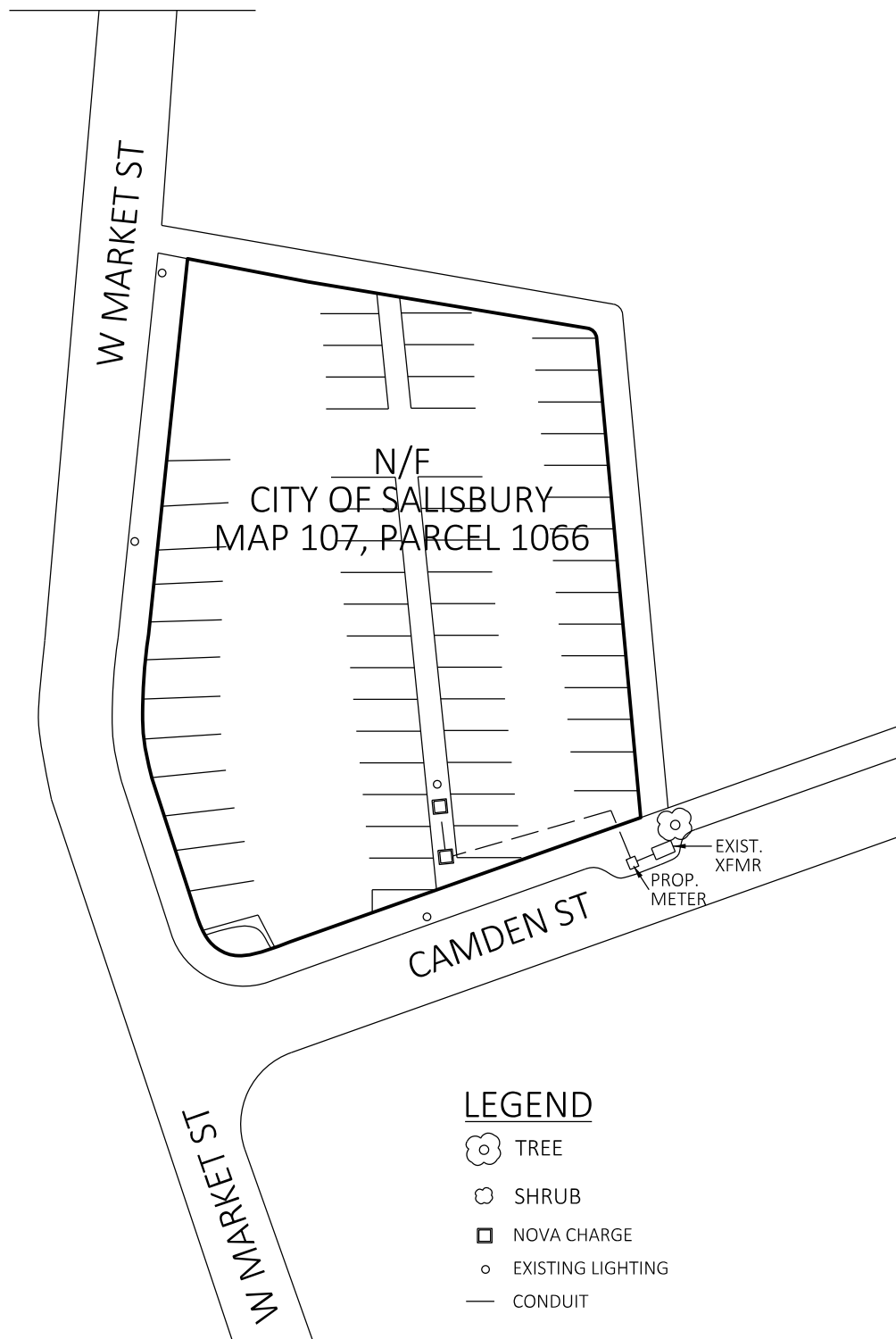
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

Exhibit 1

Job Print
(see attached)



PLAN VIEW
NOT TO SCALE

EXHIBIT 1

SALISBURY, MD 21801
DPL PUBLIC CHARGING EQUIPMENT PLAN
NOVA CHARGE LEVEL 2 EVSE



**delmarva
power**

Newark, DE - An Exelon Company

SCALE : NONE

SALISBURY LOT #15



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda H. Pollack, P.E., Director of Infrastructure & Development
Date: March 26, 2020
Re: Budget Amendment – Maryland WQFA Mt. Hermon Road Sewer Extension

AP

The Department of Infrastructure & Development is requesting consideration for a budget amendment to accept financing from the Maryland Water Quality Financing Administration (MWQFA) for the Mt. Hermon Road Sewer Extension project. The project includes extending sewer to two residential properties in the City that are currently served with septic systems.

Per Ordinance No. 2497 which was passed on August 13, 2018, the City is authorized to finance up to \$120,000 for this project through the MWQFA. Since that authorization, the project has been designed and bid. At the February 24, 2020 City Council meeting, the construction contract was awarded to Chesapeake Turf in the amount of \$186,106.00. A portion of the contract was funded directly by the City.

The Maryland Department of the Environment approved the Procurement package on February 26, 2020. The final approval needed from the State is from the Board of Public Works. The meeting date where this item will be reviewed is scheduled for May 6, 2020.

The budget amendment is requested to allocated funds to the appropriate project account (55021). The budget amendment is needed prior to granting authorization for construction to proceed. Once the construction is underway, the Department of Infrastructure and Development will file for reimbursements from the MWQFA after the contractor is paid for work completed. This is typical for funding through MWQFA.

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

Ordinance No. 2497

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SALISBURY (THE "COUNCIL") TO AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE "CITY"), FOR THE PUBLIC PURPOSE OF FINANCING, REIMBURSING OR REFINANCING COSTS OF A PROJECT THAT THE CITY GENERALLY REFERS TO AS "SEWER EXTENSION – MT. HERMON ROAD" AS PROVIDED HEREIN, TO ISSUE AND SELL FROM TIME TO TIME, UPON ITS FULL FAITH AND CREDIT, ONE OR MORE SERIES OF (1)(A) GENERAL OBLIGATION BONDS AND (B) GENERAL OBLIGATION BOND ANTICIPATION NOTES, EACH IN AN ORIGINAL AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000.00), AND (2) GENERAL OBLIGATION REFUNDING BONDS, PROVIDED THAT THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF ANY SERIES OF REFUNDING BONDS SHALL NOT EXCEED ONE HUNDRED THIRTY PERCENT (130%) OF THE AGGREGATE PRINCIPAL AMOUNT OF THE BONDS REFUNDED THEREFROM; DETERMINING THAT ANY SUCH SERIES OF BONDS BE SOLD TO THE MARYLAND WATER QUALITY FINANCING ADMINISTRATION (THE "ADMINISTRATION") BY PRIVATE SALE, WITHOUT PUBLIC BIDDING; AUTHORIZING THE APPROVAL BY RESOLUTION OF ONE OR MORE LOAN AGREEMENTS WITH THE ADMINISTRATION AND, WITH RESPECT TO ANY SUCH LOAN AGREEMENT, ACKNOWLEDGING THE ADMINISTRATION'S RIGHTS THEREUNDER, MAKING A PLEDGE OF CERTAIN REVENUES RECEIVABLE FROM THE STATE OF MARYLAND, AND ACKNOWLEDGING CERTAIN PAYMENT RESPONSIBILITIES OF THE CITY; PROVIDING THAT THE COUNCIL BY RESOLUTION SHALL DETERMINE OR PROVIDE FOR CERTAIN DETAILS OF ANY SUCH SERIES OF GENERAL OBLIGATION BONDS, BOND ANTICIPATION NOTES OR REFUNDING BONDS (EACH, A "SERIES OF OBLIGATIONS" OR "OBLIGATIONS"), INCLUDING WITH RESPECT TO ANY DEBT SERVICE RESERVE ACCOUNT REQUIRED BY THE ADMINISTRATION; PLEDGING THE CITY'S FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER TO PAYMENT OF ANY SUCH OBLIGATIONS AND PROVIDING FOR THE IMPOSITION OF AD VALOREM TAXES UPON ALL REAL AND PERSONAL PROPERTY WITHIN THE CITY SUBJECT TO ASSESSMENT FOR UNLIMITED MUNICIPAL TAXATION TO PAY ANY SUCH OBLIGATIONS; IDENTIFYING OR PROVIDING FOR THE DETERMINATION OF THE SOURCES FROM WHICH DEBT SERVICE ON ANY SUCH SERIES OF OBLIGATIONS WILL BE PAYABLE IN THE FIRST INSTANCE; AUTHORIZING THE COUNCIL BY RESOLUTION TO PROVIDE FOR POST-CLOSING MODIFICATIONS AFFECTING ANY SERIES OF BONDS OR REFUNDING BONDS ISSUED TO THE ADMINISTRATION; PROVIDING THAT ANY OF THE OBLIGATIONS MAY BE CONSOLIDATED WITH ANY OTHER OBLIGATIONS AUTHORIZED BY THE COUNCIL, AND ISSUED AS A SINGLE SERIES OF OBLIGATIONS; AUTHORIZING AND DIRECTING OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ANY AND ALL ACTION NECESSARY TO COMPLETE AND CLOSE THE ISSUANCE, SALE AND DELIVERY OF ANY SUCH SERIES OF OBLIGATIONS AND TO CONSUMMATE THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE; PROVIDING THAT THIS TITLE SHALL BE DEEMED A STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE FOR ALL

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PURPOSES; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE ISSUANCE, SALE, DELIVERY AND PAYMENT OF AND FOR ANY SUCH SERIES OF OBLIGATIONS.

RECITALS

WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland and a municipality within the meaning of the MWQFA Act identified below (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, the City has determined to undertake a project it refers to generally as "Sewer Extension – Mt. Hermon Road" that involves extending municipal sewer service to certain properties that are currently on septic systems, including providing grinder pump stations, acquiring and installing force mains and undertaking related activities (collectively, the "Project") and, in connection with such undertaking, to acquire or pay for, as applicable, land or necessary property rights; related site improvements and utilities; related architectural, planning, design, engineering, surveying, bidding, document development, bidding, permitting, acquisition, construction, improvement, installation, modification, demolition, removal, renovation, reconstruction, rehabilitation, expansion, extension, equipping, inspection, construction administration, construction management and related costs; related financial, administrative and legal expenses; and costs of activities related to any of the foregoing; and has determined to borrow money for the public purpose of financing, reimbursing or refinancing all or a portion of the costs of any components of such activities, together with, to the extent determined by the Council of the City (the "Council") by resolution, costs of issuance relating to any such borrowing (collectively, "Costs of the Project"), by issuing one or more series of its general obligation bonds; and

WHEREAS, Title VI of the Federal Water Pollution Control Act (commonly known as the "Clean Water Act"), as amended by the Water Quality Act of 1987 ("Title VI"), authorizes the U.S. Environmental Protection Agency (the "EPA") to award grants to qualifying states to establish and capitalize state water pollution control revolving funds ("SRFs") for the purpose of providing loans and other forms of financial assistance to finance, among other things, the construction of publicly-owned wastewater treatment facilities, and the implementation of estuary conservation management plans and nonpoint source management programs; and

WHEREAS, as contemplated by Title VI, the General Assembly of Maryland at its 1988 session enacted the Maryland Water Quality Financing Administration Act, codified at Sections 9-1601 through 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the "MWQFA Act"), establishing the Maryland Water Quality Financing Administration (the "Administration") and establishing an SRF designated the

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Maryland Water Quality Revolving Loan Fund (the “SRF Fund”) to be maintained and administered by the Administration; and

WHEREAS, the MWQFA Act authorizes the Administration, among other things, to make a loan from the SRF Fund to a “local government” (as defined in the MWQFA Act) for the purpose of financing or refinancing all or a portion of the cost of a “wastewater facility” project (as defined in the MWQFA Act); and

WHEREAS, the City is a “local government” within the meaning of the MWQFA Act, and the Project is a “wastewater facility” project within the meaning of the MWQFA Act; and

WHEREAS, the MWQFA Act authorizes a local government to issue one or more bonds, notes or other evidences of obligation (each, a “loan obligation” as defined in the MWQFA Act) to evidence its indebtedness under a loan agreement with respect to a loan from the Administration, to sell any such bond, note or other evidence of obligation to the Administration at private sale, without public bidding, and to establish a dedicated source of revenues for repayment of such loan; and

WHEREAS, pursuant to the authority of the Enabling Act, the MWQFA Act and the Charter, the City has determined to borrow money from the Administration for the public purpose of financing, reimbursing or refinancing Costs of the Project or such components of the Project as the Administration shall permit; and

WHEREAS, as of the date of introduction of this Ordinance, the Administration has advised that it currently anticipates making the City two loans for Project purposes: (i) one loan in the approximate original principal amount of \$81,975.00, such loan to be evidenced by the issuance by the City to the Administration of a single taxable general obligation installment bond, and (ii) one loan in the approximate original principal amount of \$27,325.00, such loan to be evidenced by the issuance by the City to the Administration of a taxable general obligation bond that is subject to forgiveness by the Administration; provided that, the final structure of any such financing (including the final original principal amount of any bond) and the tax status of the interest payable on any such general obligation bond issued by the City to the Administration shall be determined by resolution; and

WHEREAS, in connection with the issuance and sale of any series of the general obligation bonds contemplated hereby, and pursuant to the authority of the MWQFA Act, the City will enter into one or more loan agreements with the Administration; and

WHEREAS, the City, as authorized by the MWQFA Act, and to the extent required by the Administration, may determine by resolution to pledge any moneys that the City is entitled to receive from the State of Maryland, including the City’s share of the State income tax, to secure its obligations under any loan agreement with the Administration; and

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WHEREAS, prior to issuing any such series of bonds to the Administration, the City may need to obtain interim financing in order to finance or reimburse Costs of the Project on a timely basis through the issuance of one or more series of its general obligation bond anticipation notes pursuant to the authority of Sections 19-211 to 19-223, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Bond Anticipation Note Act”), and the Charter; and

WHEREAS, subsequent to the issuance to the Administration of any series of bonds provided for herein, the City may desire to currently refund or advance refund all or a portion of such series of bonds pursuant to the authority of Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Refunding Act”); and

WHEREAS, the City has determined to pledge its full faith and credit and unlimited taxing power to the prompt payment of debt service on any such series of bonds, bond anticipation notes or refunding bonds contemplated hereby; and

WHEREAS, the City expects to pay the principal of, and interest on, as applicable, any such bonds, bond anticipation notes or refunding bonds in the first instance from revenues received by the City in connection with the operation of wastewater system serving the City, including fees for use of or connection to such system and, to the extent required by the purchaser of any such series of obligations, from revenues received by the City in connection with the operation of the water system serving the City (referred to herein as the “water supply system”), including fees for use of or connection to such system, all to the extent lawfully available for such purpose, and any other dedicated source of revenues agreed to by the City and the applicable purchaser of such series of obligations; and

WHEREAS, in connection with the issuance of any series of bonds contemplated by this Ordinance (and any series of refunding bonds contemplated hereby that are issued to the Administration), the Administration may require the City to establish, fund and maintain for a period of time acceptable to the Administration a debt service reserve account in a manner that satisfies the Administration’s debt service coverage requirements; and

WHEREAS, the City has determined to issue any series of bonds, bond anticipation notes or refunding bonds authorized hereby in accordance with the terms and conditions provided for in a resolution or resolutions to be adopted by the Council pursuant to the authority of the Charter and this Ordinance.

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

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(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.

(c) References in this Ordinance to the "principal amount" of any of the Bonds, the BANs, the Refunding Bonds or the Obligations (each as defined herein) shall be construed to mean the par amount of such Bonds, BANs, Refunding Bonds or Obligations, as applicable.

(d) References in this Ordinance to the Project are intended to include any modifications or amendments to components of the Project as provided for in City budgetary materials or made by other appropriate actions and that are acceptable to the Administration to the extent such modifications or amendments impact Obligations issued to the Administration.

(e) References in this Ordinance to the Enabling Act, the MWQFA Act, the Bond Anticipation Note Act, the Refunding Act and the Charter shall also be construed to refer to any other applicable law not specifically identified herein, if applicable.

(f) The Administration generally refers to the Project by the following name: "Salisbury Sewer Extension – Mt. Hermon Road."

SECTION 2. BE IT FURTHER ORDAINED that pursuant to the authority of the Enabling Act, the MWQFA Act and the Charter, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing, reimbursing or refinancing any one or more components of Costs of the Project, all to the extent permitted by the Administration. The total Costs of the Project not otherwise payable from other sources is not expected to exceed One Hundred Twenty Thousand Dollars (\$120,000.00). In the event the City issues any BANs (as defined in Section 11 hereof), proceeds of any Bonds (as defined in Section 3 hereof) may also be applied to prepay or pay principal of, premium and/or interest on such BANs, and any such expenditure shall be considered an expenditure for Costs of the Projects.

SECTION 3. BE IT FURTHER ORDAINED that to evidence the borrowing and indebtedness authorized in Section 2 of this Ordinance, the City, acting pursuant to the authority of the Enabling Act, the MWQFA Act and the Charter, hereby determines to issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bonds in an original aggregate principal amount not to exceed One Hundred Twenty Thousand Dollars (\$120,000.00) (each, a "series of the Bonds", individually, a "Bond", and, collectively, the "Bonds"). Each Bond

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shall be designated "City of Salisbury Water Quality Bond" and by series or by such other designation or designations as the Administration may require and as the Council shall determine by resolution. Each such series may consist of one or more bonds and any bond may be issued in installment form and/or draw-down form.

SECTION 4. BE IT FURTHER ORDAINED that pursuant to the authority of the Enabling Act, the MWQFA Act and the Charter, the City will sell each series of the Bonds to the Administration by private sale, without public bidding, due, in part, to the ability to issue any series of the Bonds as draw-down obligations, the ability to negotiate certain terms with the Administration, the beneficial formulas by which the Administration establishes interest rates payable on obligations purchased by the Administration, the lower costs of interest typically incurred with a private sale to the Administration as compared to a public sale at competitive bid or a negotiated underwriting and, to the extent any series of the Bonds is subject to forgiveness by the Administration, such forgiveness feature.

SECTION 5. BE IT FURTHER ORDAINED that the proceeds of each series of the Bonds shall be used and applied by the City exclusively and solely for the public purposes described in Section 2 of this Ordinance, unless, with the approval of the Administration, a supplemental ordinance is enacted by the Council to provide for the use and application of such proceeds for some other proper public purpose authorized by the MWQFA Act.

SECTION 6. BE IT FURTHER ORDAINED that:

(a) As required by the MWQFA Act, the City is hereby authorized to enter into one or more loan agreements with the Administration (each, a "Loan Agreement" and collectively, the "Loan Agreements") in connection with any series of the Bonds. The final or substantially final form of each Loan Agreement shall be approved by the Council by resolution and the execution and delivery of each Loan Agreement shall be authorized by the Council by resolution.

(b) The City hereby acknowledges that the provisions of Article IV of each Loan Agreement (Events of Default and Remedies) allow for, among other remedies, all payments on the applicable series of the Bonds to be declared immediately due and payable upon the occurrence of an event of default as provided for in such Loan Agreement.

SECTION 7. BE IT FURTHER ORDAINED that as authorized by Section 9-1606(d) of the MWQFA Act, the City may pledge any moneys that the City is entitled to receive from the State of Maryland, including the City's share of the State income tax, to secure its obligations under any Loan Agreement. Any such pledge shall be provided for by resolution and evidenced and detailed in the applicable Loan Agreement.

SECTION 8. BE IT FURTHER ORDAINED that:

(a) Pursuant to the authority of the Enabling Act, the Charter and this Ordinance, the Council, prior to the issuance, sale and delivery of any series of the Bonds, shall adopt a resolution or resolutions specifying, prescribing, determining or providing for the determination of, or approving

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or providing for the approval of, such matters, details, forms (including, without limitation, the form of the Bonds of such series), documents or procedures as may be required by the Enabling Act, the MWQFA Act, the Charter or this Ordinance or as the Council may deem appropriate for the authorization, sale, security, issuance, delivery, payment or prepayment of or for such series of the Bonds. A resolution shall or may set forth, determine or provide for the determination of, or approve or provide for the approval of, among other matters, the designation of such series of the Bonds; the date of issuance of such series of the Bonds; the original aggregate principal amount of such series of the Bonds; the principal installment or installments of, or the method of determining the principal installment or installments payable on, such series of the Bonds; the rate or rates of interest, or the method of determining the rate or rates of interest, which may be fixed or variable, payable on such series of the Bonds (and which may include a rate of zero percent (0.0%)); provisions relating to the payment of any late fees or penalties with respect to such series of the Bonds; the components of the Costs of the Project on which such series of the Bonds will be expended, if limited in any way; provisions for the appropriation and disposal of such proceeds; provisions relating to the prepayment of such series of the Bonds; the procedures for the sale of such series of the Bonds to the Administration by private sale, without public bidding; provisions relating to the principal forgiveness of such series of the Bonds, if applicable; the identification of any dedicated sources of revenue required by the Administration pursuant to the MWQFA Act; and all other terms and conditions pursuant to which such series of the Bonds will be issued, sold and delivered. By resolution the Council may delegate to one or more City officials the authority to make any final determinations, approvals or decisions with respect to a series of the Bonds. Any resolution may specify, prescribe, determine or provide for the determination of, or approve or provide for the approval of, the details required by this Section 8 for more than one series of the Bonds.

(b) In the event the Administration requires that the City establish a debt service reserve account to be funded from non-Bonds proceeds in order to provide security for any series of the Bonds as a condition to the issuance of such series of the Bonds, provisions relating to the establishment, funding and maintenance of such debt service reserve account and the investment and application of moneys held in such debt service reserve account shall be determined, approved or provided for by resolution, and any such debt service reserve account may be identified in the applicable Loan Agreement as a dedicated source of revenues contemplated by the MWQFA Act.

SECTION 9. BE IT FURTHER ORDAINED that the City is hereby authorized and directed to pay any fees or costs provided for in any Loan Agreement which are not payable from proceeds of the Bonds, including, without limitation, any administrative fees and any ongoing fees or costs. The obligation of the City to pay any such amounts shall be absolute and unconditional as further provided in the applicable Loan Agreement or Loan Agreements.

SECTION 10. BE IT FURTHER ORDAINED that notwithstanding anything to the contrary contained in this Ordinance, the City shall use and apply proceeds of each series of the Bonds only as permitted by the related Loan Agreement, the Clean Water Act and the MWQFA Act (which may be referred to in each Loan Agreement as the "Act").

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SECTION 11. BE IT FURTHER ORDAINED that:

(a) Pursuant to the authority of the Bond Anticipation Note Act and the Charter, the City may issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bond anticipation notes in an original aggregate principal amount not to exceed One Hundred Twenty Thousand Dollars (\$120,000.00) (each, a “series of the BANs” and, collectively, the “BANs”) prior to and in anticipation of the sale of any series of the Bonds in order to finance or reimburse Costs of the Project on an interim basis, including paying costs of issuance and capitalized interest on such series of the BANs within the limitations of the Bond Anticipation Note Act. Any such series of the BANs may consist of one or more notes and any note may be issued in installment form and/or draw-down form. Prior to the issuance, sale and delivery of any series of the BANs, the Council shall adopt a resolution or resolutions pursuant to the authority of the Bond Anticipation Note Act, the Charter and this Ordinance authorizing such series of the BANs and specifying, prescribing, determining or providing for the determination of, or approving or providing for the approval of, the same types of matters, details, forms, documents, procedures or determinations detailed in Section 8 hereof that may be made or addressed with respect to any series of the Bonds, to the extent applicable with respect to such series of the BANs, and as otherwise may be authorized or required by applicable law. By resolution the Council may delegate to one or more City officials the authority to make any final determinations, approvals or decisions with respect to a series of the BANs. Any resolution may specify, prescribe, determine or provide for the determination of, or approve or provide for the approval of, the details required or authorized by this Section 11 for more than one series of the BANs.

(b) The City hereby covenants (i) to pay from the proceeds of one or more series of the Bonds the principal of any series of the BANs actually issued, (ii) to the extent that interest on any series of the BANs is not paid from proceeds of the BANs, to pay the interest on such series of the BANs, and (iii) to issue the applicable series of the Bonds as soon as there is no longer a reason for deferring its issuance. This covenant shall not be construed to prevent the City from paying principal of and/or interest on any series of the BANs from sources of funds other than proceeds of the Bonds, to the extent such other proceeds are available for such purpose.

(c) As authorized by the Bond Anticipation Note Act, by resolution the Council may provide for the renewal of any series of the BANs at maturity with or without resale, as well as any amendments of or modifications to such series of the BANs and any related documentation.

SECTION 12. BE IT FURTHER ORDAINED that:

(a) Pursuant to the authority of the Refunding Act and the Charter, the City is hereby authorized and empowered to issue and sell from time to time, upon its full faith and credit, one or more series of general obligation bonds (each, a “series of the Refunding Bonds” and, collectively, the “Refunding Bonds”) for the purpose of currently refunding or advance refunding any of the Bonds issued pursuant to the authority of this Ordinance then outstanding, including paying all or any portion of outstanding principal, prepayment premium and/or interest accrued or to accrue to the date of prepayment, purchase or maturity of the Bonds to be refunded, and paying costs and expenses in connection with the issuance, sale and delivery of such series of the

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Refunding Bonds, and, to the extent determined by the Council by resolution, interest on such series of the Refunding Bonds, for the public purpose of (A) reducing the total cost of debt service on a direct comparison or present value basis or (B) debt restructuring that is permitted by applicable law; provided that, the original aggregate principal amount of any such series of the Refunding Bonds may not exceed one hundred thirty percent (130%) of the aggregate principal amount of the Bonds refunded therefrom. Any such series of the Refunding Bonds may consist of one or more bonds and any bond may be issued in installment form and/or draw-down form. Prior to the issuance, sale and delivery of any series of the Refunding Bonds, the Council shall adopt a resolution or resolutions authorizing such series of the Refunding Bonds and specifying, prescribing, determining or providing for the determination of, or approving or providing for the approval of, such matters, details, forms, documents, procedures or determinations detailed in Section 8 hereof that may be made or addressed with respect to any series of the Bonds, to the extent applicable with respect to such series of the Refunding Bonds, and as otherwise may be authorized or required by applicable law. By resolution the Council may delegate to one or more City officials the authority to make any final determinations, approvals or decisions with respect to a series of the Refunding Bonds. Any resolution may specify, prescribe, determine or provide for the determination of, or approve or provide for the approval of, the details required or authorized by this Section 12 for more than one series of the Refunding Bonds.

(b) To the extent any series of the Refunding Bonds is sold to the Administration, the Council by resolution may specify, prescribe, determine or provide for the determination of, or approve or provide for the approval of, any determinations contemplated by this Ordinance that may be made with respect to any series of the Bonds, including, without limitation, entry into a new Loan Agreement or any modification to an existing Loan Agreement, as applicable, provisions for the potential forgiveness of any such series of the Refunding Bonds, a pledge of the City's right to receive revenues from the State in the nature referred to in Section 7 above, the obligation of the City to pay any administrative fees or ongoing fees and expenses in the nature of those referred to in Section 9 above, the identification of any source of dedicated revenues, and provisions for any debt service reserve account with respect to such series of the Refunding Bonds required by the Administration.

SECTION 13. BE IT FURTHER ORDAINED that the Council is hereby authorized, by resolution, to make any further determinations or approvals or provide for any matters or actions deemed necessary or desirable in connection with the issuance of any series of the BANs or the Refunding Bonds, including, without limitation, (i) any determination authorized by the Bond Anticipation Note Act or the Refunding Act, as applicable, (ii) to commit or provide for the commitment of the City to pay to the purchaser or purchasers of any series of the BANs or the Refunding Bonds (A) any commitment fee or similar fee and any legal costs in connection with such purchaser's or purchasers' agreement to purchase such series of the BANs or the Refunding Bonds and/or (B) any breakage compensation or other amount that may be determined to be due to such purchaser or purchasers in the event the City fails to deliver such series of the BANs or the Refunding Bonds and, in connection therewith, to approve or provide for the approval of, and the execution and delivery of, any agreement relating to such payment or payments (which such agreement may, but shall not be required to be, contained within any purchase or similar agreement for such series of the

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BANs or the Refunding Bonds), and (iii) to approve or provide for any offering documents, credit enhancement, liquidity enhancement, ratings, or continuing disclosure undertakings relating to such series of the BANs or the Refunding Bonds.

SECTION 14. BE IT FURTHER ORDAINED that:

(a) The full faith and credit and unlimited taxing power of the City are hereby pledged to the prompt payment of the principal of and interest on each series of the Bonds, the BANs and the Refunding Bonds (each, a series of the “Obligations” and, collectively, the “Obligations”) as and when the same are payable and to the imposition of the taxes hereinbelow described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of each series of the Obligations. Subject to the further provisions of this Section 14, the City hereby covenants with the registered owners of each series of the Obligations to impose ad valorem taxes on all real and tangible personal property in the City that is subject to assessment for unlimited municipal taxation at a rate and in an amount sufficient to pay the principal of and the interest on the Obligations in each fiscal year in which any of the Obligations are outstanding and to take any further action that may be lawfully appropriate from time to time during the period that the Obligations of such series remain outstanding and unpaid to provide the funds necessary to pay promptly the principal thereof and the interest due thereon. If the proceeds from the taxes so levied in any such fiscal year are inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up such deficiency.

(b) Notwithstanding the provisions of subsection (a) of this Section 14, the principal of and interest on each series of the Obligations will be payable in the first instance from revenues received by the City in connection with the operation of the wastewater system serving the City, including charges for the use of or connection to such wastewater system and, to the extent required by the purchaser of such series of the Obligations, from revenues received by the City from the operation of the water supply system serving the City, including charges for the use of or connection to such water supply system, all to the extent such revenues are lawfully available for such purpose. (Any such identification of water supply system revenues as a source of payment for the applicable series of the Obligations shall be provided for in any resolution relating to a series of the Bonds, the BANs or the Refunding Bonds or a Loan Agreement, as applicable.) To the extent of any funds received or receivable as described in this subsection (b) in any fiscal year, the taxes required to be imposed in accordance with subsection (a) of this Section 14 may be reduced proportionately.

(c) The foregoing provisions shall not be construed so as to prohibit the City from paying the principal of and interest on any series of the Obligations from the proceeds of the sale of any other obligations of the City (including, without limitation, (i) with respect to any series of the BANs, from the proceeds of any series of the Bonds, and (ii) with respect to any series of the Bonds, from the proceeds of any series of the Refunding Bonds) or from any other funds legally available for that purpose. Within any applicable limitations of Maryland or federal law, the City may apply to the payment of the principal of or interest on any series of the Obligations any funds received by it from the State of Maryland or the United States of America, or any governmental agency or instrumentality, or from any other source, if the funds are granted or paid to the City for the purpose of assisting the

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City in accomplishing the type of project or projects for which such series of the Obligations are issued or are otherwise available for such purpose, and to the extent of any such funds received or receivable in any fiscal year, the taxes hereby required to be imposed may be reduced proportionately.

(d) Any source of revenues referred to in this Section 14, and any additional source of revenues agreed to by the City and the Administration and provided for by resolution, if applicable, may be identified as a dedicated source of revenue contemplated by the MWQFA Act in any Loan Agreement entered into by the City with the Administration in connection with a series of the Obligations. Any such source of dedicated revenues may be identified as being subject to annual appropriation. Any applicable Loan Agreement exhibits may describe such dedicated revenues by references that are similar but not identical to any references contained in this Ordinance or in any resolution relating to such series of the Obligations. To the extent any additional sources of dedicated of revenue may be identified by resolution, to the extent of any such funds received or receivable in any fiscal year, the taxes hereby required to be imposed may be reduced proportionately.

SECTION 15. BE IT FURTHER ORDAINED that in addition to the refunding authority provided for in Section 12 of this Ordinance, subsequent to the sale, issuance and delivery of any series of the Bonds or the Refunding Bonds to the Administration, the Council by resolution may specify, prescribe, determine or provide for the determination of, or approve or provide for the approval of any amendments or modifications to such series of the Bonds or the Refunding Bonds and/or the related Loan Agreement or Loan Agreements and any other documents, agreements, certificates or instruments executed and delivered in connection with the sale, issuance and delivery of such series of the Bonds, and/or provide for the execution and delivery of additional documents, agreements or instruments relating to such amendments or modifications (including, without limitation, any bond or bonds to be issued and exchanged for one or more of such series of the Bonds or the Refunding Bonds originally issued and delivered and any new or restated Loan Agreement).

SECTION 16. BE IT FURTHER ORDAINED that by resolution, the Council may determine that any series of the Bonds, the BANs or the Refunding Bonds may be consolidated with any bonds, bond anticipation notes and/or refunding bonds authorized by the Council, as applicable, and issued as a single series of obligations.

SECTION 17. BE IT FURTHER ORDAINED that the following officials of the City: the Mayor, the President of the Council, the Vice President of the Council, the City Administrator, the Director of Finance, the Assistant Director of Finance Operations, the City Clerk, and all other appropriate officials and employees of the City, are hereby authorized and directed to (i) take any and all action necessary to complete and close the sale, issuance and delivery of any of the Bonds, the BANs and the Refunding Bonds, (ii) negotiate, approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection with any such sale, issuance and delivery, and (iii) carry out the transactions contemplated by this Ordinance, any resolution adopted in furtherance of this Ordinance and any such documents, certificates or instruments executed and delivered in connection with a series of the Obligations.

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

SECTION 18. BE IT FURTHER ORDAINED that the title of this Ordinance shall be deemed to be, and is, a statement of the substance of this Ordinance for publication and all other purposes.

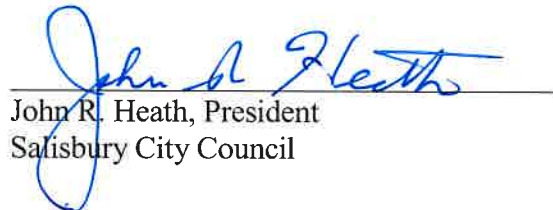
SECTION 19. BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be liberally construed in order to effectuate the transactions authorized or contemplated by this Ordinance.

SECTION 20. BE IT FURTHER ORDAINED that this Ordinance shall become effective following approval by the Mayor or subsequent passage by the Council in accordance with the provisions of Section SC2-12 of the Charter. Pursuant to Charter Section SC2-16, this Ordinance shall not be subject to petition to referendum.

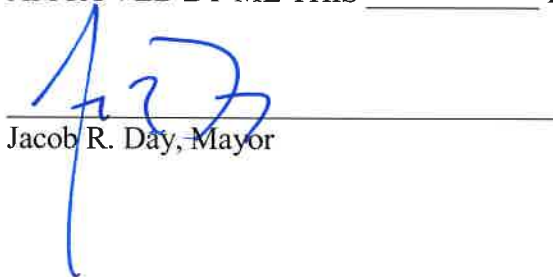
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 23rd day of July, 2018, and thereafter, a statement of the substance of this Ordinance having been posted or published as required by law, was finally passed by the Council ✓ [as introduced] _____ [as amended] [CHECK APPLICABLE LINE] on the 13th day of August, 2018.

ATTEST:


Kimberly R. Nichols, City Clerk


John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS 16th DAY OF AUGUST, 2018:



Jacob R. Day, Mayor

#204848;58111.038

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



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda Pollack, P.E., Director of Infrastructure and Development 
Date: July 10, 2018
Re: Ordinances – MWQFA loans for Mt. Hermon Road Sewer Extension and City Service Center ESD

The City of Salisbury has been awarded two (2) Maryland Department of the Environment (MDE) Maryland Water Quality Financing Administration (MWQFA) loans. The two projects are the Sewer Extension on Mt. Hermon Road and the City Service Center Comprehensive Environmental Site Design. The Sewer Extension on Mt. Hermon Road will extend sewer to two parcels in the City Limits that are currently on septic systems. The City Service Center ESD project will provide construction funding for stormwater improvements and Best Management Practices that were designed with a grant from the Chesapeake Bay Regulatory and Accountability Program.

Two separate ordinances are attached, one for each project. The details of the MWQFA loans and the City's bonds will be determined by resolution of the Council; the ordinance is a "parameters" ordinance in that it authorizes a "not-to-exceed" amount to be borrowed and provides general authority for the borrowing, with all the details to be fixed by resolution.

The Ordinances authorize the issuance of general obligation bonds in an original aggregate principal amount not to exceed \$120,000 for the Sewer Extension – Mt. Hermon Road project and \$500,000 for the City Service Center Comprehensive Environmental Site Design project.

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

ORDINANCE NO. 2590

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE WATER SEWER CAPITAL PROJECTS BUDGET TO APPROPRIATE FUNDS FOR THE MT. HERMON ROAD SEWER EXTENSION PROJECT.

WHEREAS, Ordinance No. 2497 authorized the City to borrow funds from the Maryland Water Quality Financing Administration (MWQFA) in an amount not to exceed \$120,000 for the purpose of the Mt. Hermon Road Sewer Extension project; and

WHEREAS, the City of Salisbury Department of Infrastructure and Development has completed the design and public bidding of the Mt. Hermon Road Sewer Extension project; and

WHEREAS, the City of Salisbury has received approval of the Procurement of the Construction Contract from the Maryland Department of the Environment; and

WHEREAS, the Department of Infrastructure and Development seeks to allocate funding from the MWQFA to the construction account.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that the City's Water Sewer Capital Project Budget is hereby amended as follows:

1. Increase the MWQFA Funding (97005-469320-55021) budget by \$120,000.00
2. Increase the Mt. Hermon Road Sewer Extension Construction (97005-513026-55021) budget by \$120,000.00

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

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

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS:

____ day of _____, 2020

Jacob R. Day, Mayor