



CITY OF SALISBURY CITY COUNCIL AGENDA

APRIL 27, 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. ADOPTION OF LEGISLATIVE AGENDA
- 6:04 p.m. CONSENT AGENDA –City Clerk Kimberly Nichols
- **April 13, 2020** Legislative Session Minutes
 - **April 20, 2020** Work Session Minutes
- 6:06 p.m. RESOLUTIONS – City Administrator Julia Glanz
- **Resolution No. 3029**- to purchase improved real property, located at 319 Truitt Street, from DEVRECO, LLC for use as the Truitt Street Community Center
 - **Resolution No. 3030**- repealing Resolution No. 2741 and to approve an updated City policy to grant a partial credit to water account holders when they have experienced an unusually high water bill due to a leak or other non-beneficial use of water
 - **Resolution No. 3031**- to approve the City's Action Plan for Community Development Block Grant (CDBG) Funds For CDBG Program Year 2020.
- 6:12 p.m. ORDINANCES – City Attorney Mark Tilghman
- **Ordinance No. 2587**- 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. 2588**- 2nd reading- to reallocate 2012 bond proceeds
 - **Ordinance No. 2589**- 2nd reading- 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
 - **Ordinance No. 2590**- 2nd reading- approving an amendment of the Water Sewer Capital Projects budget to appropriate funds for the Mt. Hermon Road Sewer Extension Project
 - **Ordinance No. 2591**- 1st reading- authorizing the Mayor to enter into an agreement with the Maryland Department of General Services for the purpose of accepting grant funds in the amount of \$100,000, and approving a budget amendment to appropriate the grant funds for the City to purchase property located at 319 Truitt Street from DEVRECO, LLC

FY21 PROPOSED BUDGET ORDINANCES – City Attorney Mark Tilghman

- **Ordinance No. 2593** - 1st reading- appropriating the necessary funds for the operation of the government and administration of the City of Salisbury, Maryland for the period July 1, 2020 to June 30, 2021, establishing the levy for the General Fund for the same fiscal period and establishing the appropriation for the Water and Sewer, Parking Authority, City Marina, and Storm Water Funds
- **Ordinance No. 2594**- 1st reading- to establish that there is no rate change for water and sewer rates. It is effective for all bills dated October 1, 2020 and thereafter unless and until subsequently revised or changed.
- **Ordinance No. 2595**- 1st reading- to set fees for FY2021 and thereafter unless and until subsequently revised or changed

6:37 p.m. PUBLIC COMMENTS

6:47 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 – May 11, 2020

- Public Hearing on FY21 Proposed Budget, Proposed Water & Sewer Rates, Proposed Fees, and Constant Yield
- Public Hearing- Resolution No – 2875- WaWa -John Deere Drive Annexation & Resolution No. 2876- Annexation Plan

Join Zoom Meeting

<https://zoom.us/j/97062610937>

Meeting ID: 970 6261 0937

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CITY OF SALISBURY, MARYLAND

REGULAR MEETING (VIA ZOOM MEETING)

APRIL 13, 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 followed by a moment of silent meditation.*

PROCLAMATION – presented by Mayor Jacob R. Day

*Mayor Jacob R. Day presented the proclamation to declare April 24, 2020 as Salisbury Arbor
Day in the City of Salisbury. Sustainability Coordinator Alyssa Hastings accepted the
proclamation and reported on the Salisbury Tree City application and Arbor Day.*

ADOPTION OF LEGISLATIVE AGENDA

*Mr. Boda moved, Ms. Jackson 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 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 reappointment of Chris Roberts to the Parks & Recreation 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 5-0 vote on a
motion by Mr. Boda that was seconded by Ms. Gregory:*

- *Award of Bid, ITB 20-122, WWTP Internal Recycle Pump Replacement* \$184,880.00
- *Award of Bid, ITB A-20-109, Auditing Services* \$165,000.00 (3 yrs.)
- *Declaration of Surplus, SPD Vehicle* \$0.00
- *Declaration of Surplus, SPD Duty weapon* \$0.00

RESOLUTIONS – presented by City Administrator Julia Glanz

- **Resolution No. 2875**- approving the John Deere Drive - Milford Street Associates property annexation

Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve Resolution No. 2875.

- **Resolution No. 2876**- approving the John Deere Drive - Milford Street Associates property annexation plan

Mr. Boda moved, Ms. Blake seconded, and the vote was unanimous to approve Resolution No. 2876.

- **Resolution No. 3029**- approving the deferment of the revolving loan repayments for Shamrock Hospitality Group, LLC

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Resolution No. 3029.

After approval of the resolution, Mr. Boda moved to amend Resolution No. 3029 by striking “3” on Lines 25 and 31 and inserting “12” to indicate the repayments to resume 12 months after the date that the Governor of the State of Maryland announces the full reopening of restaurants and bars. Ms. Jackson seconded, and the motion was approved by unanimous vote in favor.

ORDINANCES – presented by City Attorney Mark Tilghman

- **Ordinance No. 2587**- 1st reading- to amend Chapter 5.32, Transient Merchants & Mobile Vendors, to remove the terms Hawkers & Peddlers, and to update the licensing process

Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2587 for first reading.

- **Ordinance No. 2588**- 1st reading- to reallocate 2012 bond proceeds

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2588 for first reading.

- **Ordinance No. 2589**- 1st reading- to approve the agreement with Delmarva Power for EV Charging Stations

88
89 *Mr. Boda moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance*
90 *No. 2589 for first reading.*
91

- 92 • **Ordinance No. 2590**- 1st reading- to approve a budget amendment for the Mt. Hermon Road
93 *Sewer Extension*
94

95 *Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance*
96 *No. 2590 for first reading.*
97

98 **PUBLIC COMMENTS**
99

100 *There were no requests for Public Comment.*
101

102 **COUNCIL COMMENTS**
103

104 *Closing comments from the Council included the following:*
105

- 106 • *Ms. Jackson appreciated the Mayor's leadership*
107 • *Ms. Blake spoke about the need for blood and urged everyone to give donate, if able*
108 • *Ms. Gregory applauded the first responders*
109 • *Mr. Heath thanked the thousands of people who placed their lives on the line each day*
110

111 **ADJOURNMENT**
112

113 *With no further business to discuss, the Legislative Session adjourned at 6:49 p.m.*
114

115 _____
116 *City Clerk*
117

118 _____
119 *Council President*

CITY OF SALISBURY
WORK SESSION (VIA ZOOM MEETING)
APRIL 20, 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

In Attendance

City Administrator Julia Glanz, Business Development Director Laura Soper, Field Operations (Fops) Director Tom Stevenson, Department of Housing and Community Development (DHCC) Director Everett Howard, Grants Manager Deborah Stam, City Clerk Kim Nichols, and City Attorney Mark Tilghman.

On April 20, 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 revise the Water & Sewer Utility Directive

Fops Director Tom Stevenson said it was necessary to periodically review and amend legislative and technical mandates. Fops frequently received requests from water and sewer customers to adjust both water and sewer fees that were associated with non-beneficial use of water. The current directive allowed a 60% reduction of associated fees which left some customers with bills of several hundred or thousands of dollars. Some customers have had substantial water usage without knowledge of the consumption. The revised policy would grant a credit to account holders who experienced a major usage of water due to a leak, broken pipes, plumbing malfunction or other non-beneficial use of water. The credit would be either 60% or 90% of the increased over the average consumption, or the consumption for the same period for the prior year, whichever was greater.

Mr. Stevenson discussed the following consumption thresholds:

For a 60% credit- the amount of the increased consumption would be at least three (3) times the average consumption, for accounts with an average of 500 thousand gallons or less per quarter, or two (2) times the average consumption for accounts with an average consumption of greater than 500 thousand gallons.

For a 90% credit- the amount of the increased consumption would be at least twenty (20) times the average consumption, for accounts with an average of 500 thousand gallons or less per quarter, or ten (10) times the average consumption for accounts with an average consumption of greater than 500 thousand gallons.

Mr. Stevenson also discussed the conditions that must apply before the credit may be granted.

President Heath asked if consideration had been given to the use of drone technology to read meters. Mr. Stevenson said that meter readers were currently still being used. Remote reader

technology was expensive but was being considered as homeowners could be notified immediately of excessive use. He did not know if drone technology was being used for reading meters.

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

Resolution to approve the purchase of 319 Truitt Street for use as the Truitt Street Community Center

DHCC Director Everett Howard and Grants Manager Deborah Stam joined Council. Ms. Stam reported the resolution authorized the City to purchase 319 Truitt Street from DEVRECO, LLC for the continued use of the property as the Truitt Street Community Center. Mr. Howard reported the Truitt Street Community Center was currently leased by the City of Salisbury and the purchase of the property would help the City to continue to provide the community programs and services. Owning the property would also allow the City to make the improvements it needed to better serve the community.

The purchase price of the property was \$200,000 and would be paid for by a Maryland Department of General Services (DGS) grant for \$100,000 with matching funds provided by the City.

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

Ordinance to amend the budget for the grant for the Truitt Street Community Center –

Ms. Stam reported on the ordinance to amend the budget for the grant to purchase the Truitt Street Community Center. She recently received the \$100,000 grant from DGS.

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

Ordinance No. 2587- to amend Chap. 5.32, Transient Merchants & Mobile Vendors, to remove terms Hawkers & Peddlers, and to update the licensing process. To discuss extending expiration of bonds one additional year.

City Attorney Mark Tilghman reported the ordinance was brought back to Work Session after the first reading to discuss the expiration of the surety bonds. Line 77 of the ordinance would be amended to convey the option which would extend the bond one additional year would be at the discretion of the Director of Business Development.

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

Budget Amendment to cover shortfall in November 2019 Elections budget

Ms. Nichols reported that Mr. Gutierrez had not received a definitive answer to the request to discount the final billing. He thought he would have an answer towards the end of the week.

Council reached unanimous consensus to advance the budget amendment to legislative agenda whether or not the relief from the County had been approved.

Council comments

Mr. Boda remarked that he was looking forward to seeing everyone in person.

Ms. Jackson announced that Camp Hope was moving forward very nicely and wanted everyone be safe and healthy.

Ms. Blake also thought Camp Hope was moving forward nicely and the community support was heartwarming. She asked for everyone to donate blood if they could.

Ms. Gregory hoped everyone stayed safe and stayed home. She requested that everyone tip their delivery drivers well.

President Heath echoed the call for blood. The blood bank was in desperate need of blood. He thanked PAC14 for making the City meetings live on PAC14 and Zoom.

Ms. Glanz reported Camp Hope needed toiletries. Drop offs could be made directly to Camp Hope or by contacting Christine Chestnutt.

Adjournment

With no further business to discuss, the Work Session adjourned at 4:55 p.m.

City Clerk

Council President



MEMORANDUM

To: Andy Kitzrow
From: Everett Howard, Director of HCDD
Date: April 015, 2020
Re: Truitt Street Community Center Acquisition

Attached please find a resolution to authorize the purchase of 319 Truitt St., from Devreco LLC for continued use by the City of Salisbury as the Truitt Street Community Center.

The Truitt Street Community Center which is currently leased by the City of Salisbury, is a key location for community activities and programs which promote youth development and community partnerships with municipal government and the surrounding neighborhoods.

The purchase price is \$200,000 which will be funded partially by a DGS grant for \$100,000 and a matching funds provided by the City.

Unless you have any questions please forward this for Council's consideration.

RESOLUTION NO. 3029

A RESOLUTION OF THE CITY OF SALISBURY TO PURCHASE IMPROVED REAL PROPERTY, LOCATED AT 319 TRUITT STREET, FROM DEVRECO, LLC FOR USE AS THE TRUITT STREET COMMUNITY CENTER.

WHEREAS, the seller, Devreco, LLC., owns improved property located at 319 Truitt Street, which was acquired by deed dated November 21, 2017 and recorded in the Wicomico County, Maryland Land Records in Liber M.S.B. No. 4254, folio 471; and

WHEREAS, the City of Salisbury currently leases the property and uses it for the Truitt Street Community Center; and

WHEREAS, the City of Salisbury desires to purchase the property located at 319 Truitt Street to continue to operate the Truitt Street Community Center; and

WHEREAS, the attached Contract of Sale for the purchase of the property located at 319 Truitt Street is required to be authorized by the City Council, prior to signing, which affords protection to the City if issues related to the title, property condition, etc. cannot be remedied to the City's satisfaction before the City is obligated to complete the purchase.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury, Maryland does hereby authorize the signing of the attached Contract of Sale, further authorizes the purchase of the property located at 319 Truitt Street from Devreco, LLC, for \$200,000 in accordance with the terms contained in the attached Contract of Sale and such other terms negotiated and approved by the City Solicitor. The purchase is contingent upon the City receiving clear title to the property and the City being satisfied with the findings of the feasibility studies within the period specified in the Contract of Sale.

THE ABOVE RESOLUTION was introduced, read and passed at the regular meeting of the Council of the City of Salisbury held on this ____ day of _____, 2020 and is to become effective immediately upon adoption.

ATTEST:

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

CONTRACT OF SALE

THIS CONTRACT OF SALE ("this Contract"), dated the ____ day of _____, 2020, between DEVRECO, LLC, ("Seller"), whose address is 118 North Division Street Suite 200, Salisbury, MD 21801 and City of Salisbury, Maryland ("Buyer"), whose address is 125 N. Division Street, Salisbury, MD 21801.

1. *The Property.* Seller sells to Buyer, and Buyer purchases from Seller, the real property located in City of Salisbury, Wicomico County, Maryland, and known as 319 Truitt Street, Salisbury, MD 21801, Map 0105, Grid 0021, Parcel 1466, together with all improvements and all the rights and appurtenances thereto. The property was acquired by the Seller by deed dated November 17, 2017 and is recorded in the Wicomico County land records, Liber J.W.T.S. No. 4254, folio 471 and is hereinafter called the "Property."

2. *Purchase Price.* The purchase price for the Property is Two Hundred Thousand Dollars (\$200,000.00), to be paid at Settlement.

3. *Time and Place of Settlement.* Settlement shall take place at a date and time to later be determined, but no later than 60 days after Notice of Settlement is given by Buyer to Seller and shall take place at the office of Seidel, Baker & Tilghman, P.A., 110 N Division Street, Salisbury, MD, or at another convenient time and place should Buyer need a reasonable extension of time to schedule settlement. Notice of Settlement shall be given by Buyer to Seller within 30 days of receipt of the grant funds from the _____ grant which has already been approved. The purchase is contingent upon receipt of those funds.

4. *Deed to Property.* At Settlement, upon payment of the unpaid purchase money, a deed for the Property shall be executed at Buyer's expense by Seller.

5. *Possession.* Buyer shall be given possession of the Property at Settlement. Seller warrants that there are no other persons that are in current possession of the Property and that no other persons shall have rights to possession of the Property at the time of settlement.

6. *Recordation and Transfer Taxes.* All recordation taxes and state and local transfer taxes relating to the conveyance of the Property shall be paid as follows:

a) Buyer, if required by law, shall pay any state or county recordation and transfer taxes or fees or other costs imposed upon the recordation of the Deed.

b) Seller shall pay all taxes and fees relating to the recordation of any release of a mortgage, deed of trust, or other lien or encumbrance affecting the Property which is to be released or discharged at Closing.

7. *Real Estate Taxes.* Real estate taxes and similar public charges against the Property that are payable on an annual basis (including district, sanitary commission, or other benefit charges,

assessments, liens, or encumbrances for sewer, water, drainage, or other public improvements completed or commenced on or prior to the date hereof or subsequent thereto) shall be adjusted between the parties as of the date of Settlement and assumed and paid thereafter by Buyer.

8. *Risk of Loss.* The Property shall be held at the risk of Seller until Settlement hereunder.

9. *Buyer's Default.* If Buyer defaults in Buyer's obligation to purchase the Property, Seller shall have the right, at Seller's election, to retain all deposits paid hereunder as liquidated damages and not as a penalty, and upon such election, the parties shall be released from all further liability hereunder at law and in equity, except with respect to the provisions of this Contract which survive its termination.

10. *Real Estate Commission.* Each party warrants to the other that it has not used the services of a real estate broker or agent in connection with this transaction. Each party agrees to defend, indemnify, and hold the other party harmless for any claim for real estate commissions arising by reason of the indemnifying party's breach of this warranty. The provisions of this paragraph shall survive Settlement and the delivery of the deed to the Property or the termination of this Contract.

11. *Representations of Seller.* The Seller makes the following representations and warranties to the Buyer, which shall survive the Settlement and the delivery of the deed and contract of sale for the Property to the Buyer.

A. The Property, including the location of any buildings thereon, is correctly described above.

B. At Settlement there will be no contracts affecting the Property or any part thereof. At Settlement there will be no contracts or agreements for the management of the Property, or any part thereof, and there will be no leasing commission due or owing in connection with any lease or on account of any tenancy or occupancy of any portion of the Property.

C. The Seller has no knowledge of any actions, suits or proceedings which have been instituted or threatened against or affecting the Property, at law or in equity, or before any federal, state or municipal governmental commission, board, bureau, agency or instrumentality which will materially adversely affect the value, occupancy, use or operation of the Property. The Seller will give the Buyer prompt written notice of any such action, suit, or proceeding arising subsequent to the date hereof and prior to Settlement to the extent Seller acquires knowledge thereof.

D. The Seller has duly and validly authorized, executed and delivered this Contract, and neither the execution and delivery of this Contract nor its performance are restricted by or violate any contractual or other obligation of the Seller.

E. There are no assessments for public improvements against the Property which remain unpaid, including, without limitation, those for construction of sewer or water lines or mains, streets, sidewalks and/or curbs.

F. To the best of the Seller's knowledge, all improvements on the Property lie within the boundaries on the Property above named and do not encroach on any other property or violate any setback requirements.

G. The Seller agrees that, from the date of this Agreement to the Settlement date, it will:

(i) Operate the Property only in the ordinary and usual manner and that it will not enter into any new lease or any renewal or amendment of any of the Leases without the prior written consent of the Buyer;

(ii) Not become a party to any service contract or similar agreement with respect to or affecting the Property without the prior written consent of the Buyer;

(iii) Not cancel, modify, or amend any of the Leases or accept the surrender thereof, without the prior written consent of the Buyer;

(iv) Maintain, at its expense, all existing fire and extended coverage policies covering the Property and promptly cause the Buyer to be named as an additional insured thereunder as its interest may appear. The herein described property is to be held at the risk of Seller until legal title has passed. Buyer may acquire additional insurance if it desires;

(v) Use reasonable efforts to require any tenants occupying the Property to comply with all material obligations on their respective parts to be performed pursuant to their respective leases;

(vi) Correct all building code or other violations relating to the Property; and

(vii) Keep the Property in good condition and repair.

The consent of the Buyer to those matters specified in this paragraph 9.G. shall not be unreasonably withheld by Buyer.

12. *Feasibility Studies.*

12.1. *General.* Subject to the rights of any existing tenants, for a sixty (60) day period after the date of this Contract (the "Feasibility Period"), Buyer and its agents shall have the right to enter upon the Property at its sole risk for the purpose of inspecting the same and conducting surveys and other tests of surface and subsurface conditions, investigations, and feasibility studies. During such period the Seller shall furnish to the Buyer all information concerning the Property which the Buyer may reasonably request. The Buyer may, at its sole expense, make such engineering and other studies of the Property prior to the Settlement Date as it may deem necessary. Within a reasonable time after such entries Buyer shall restore the Property to its prior condition. Buyer shall defend, indemnify, and hold Seller harmless to the extent allowed by Maryland

law for municipal corporations from and against any damage, liability, loss, deficiency, or expense (including attorneys' fees, court costs, and other expenses) resulting from, and will pay Seller upon demand the full amount of any sum Seller may be or become obligated to pay on account of, all obligations, liabilities, claims, accounts, demands, liens, or encumbrances, which result from acts, conduct, omissions, contracts, agreements, or commitments of Buyer or its agents, in any way related to or arising from the exercise by Buyer of the rights herein granted to enter the Property and conduct tests thereon. ~~If during the Feasibility Period Buyer shall determine that additional studies are needed, Buyer has the right to extend the Feasibility Period for an additional sixty (60) days or more if reasonably necessary to complete the required studies.~~

12.2. *Election to Proceed or Terminate.* If during the Feasibility Period Buyer shall determine, at its discretion, that the acquisition and development of the Property is not feasible, Buyer shall have the right, by written notice to Seller (the "Termination Notice"), to terminate this Contract prior to the expiration of the Feasibility Period. Upon receipt of the Termination Notice, this Contract shall terminate and thereupon the parties hereto shall be released from all further liability hereunder, at law and in equity, except as provided herein. If Buyer fails to give the Termination Notice on or before the expiration of the Feasibility Period, Buyer's right to terminate this Contract under this Section shall expire and Buyer shall thereafter be obligated to perform all of the terms, covenants, and provisions of this Contract to be performed by Buyer hereunder.

12.3. *Studies.* If Buyer terminates this Contract or defaults in its obligations hereunder, Buyer shall promptly deliver to Seller after the date of such termination or default, for no additional consideration, copies of all governmental permits and approvals, surveys, plats, soil tests, and engineering, environmental, architectural, and other reports, studies, and documents obtained by Buyer or its agents with respect to the Property.

13. *Delivery of Certain Materials to Buyer.* Promptly, but in no event later than five (5) days following the date hereof, the Seller shall deliver to the Buyer the following:

- A. All surveys, engineering, environmental, or similar reports in the Seller's possession, custody, or control relating to the Property;
- B. Copies of any Leases, together with a summary of each Lease specifying (i) the tenant's name, (ii) the premises leased, (iii) the lease term (including any renewal rights), (iv) the rent and the date through which rent has been paid, (v) the extent of tenant's responsibility for the payment of utility costs, taxes and expense escalations, (vi) a listing of all concessions, rebates, allowances or free rent given to the tenant, and (vii) the amount of any security deposit held by the Seller with respect to the lease;
- C. Copies of all original building plans and specifications for the Property which are in the Seller's possession; and
- D. A listing of the Personal Property, if any, together with a listing of all liens or security interests of others with respect thereto.

14. *Miscellaneous Adjustments and Prorations.* The following adjustments and prorations shall be made between the parties on the Settlement Date. The provisions of paragraph 12.A. shall survive Settlement and the delivery of the deed and contract of sale for the Property to the Buyer.

A. All utilities shall be adjusted and apportioned as of the Settlement Date.

15. *Title and Subdivision.*

15.1. *Title Report.* Buyer shall obtain, at its expense, a title report covering the Property from a licensed title company, or person qualified to conduct a title search selected by Buyer. Buyer shall provide the title report to Seller on or before Settlement. Buyer shall give written notice to Seller of any title exception that is not acceptable to Buyer (the "Title Defect"). Seller shall have thirty (30) days from the receipt of Buyer's notice within which to determine whether to cure or remove the Title Defect or to terminate this Contract. If Seller elects to cure or remove the Title Defect, Seller shall do so by giving Buyer written notice of the election within the thirty (30) day period, otherwise Seller may elect to terminate this Contract. This Sales Contract and purchase is contingent on the property having a clear title and appropriation of funds made for Buyer's use and formal approval of the purchase by the City Council ~~to be completed within the Feasibility Period.~~

If Seller elects to terminate this Contract, ~~the deposit shall be returned to Buyer, whereupon~~ this Contract shall become null and void and of no further force and effect at law or in equity. If Seller elects not to terminate this Contract, Seller shall be required to convey the Property to Buyer at Settlement, with clear title. Buyer shall receive clear title to the Property unless Buyer solely decides to proceed to Settlement without title issues being resolved to its satisfaction before Settlement.

15.2. *Ground Rent.* If the title report discloses that the Property is subject to payment of a ground rent pursuant to a perpetually renewable ground rent lease, Buyer may object to the fact that the Property is subject to a ground rent or, if Seller agrees to reduce the purchase price of the Property by an amount equal to the annual ground rent capitalized at the rate of ten percent (10%) proceed with the purchase. If the Property is subject to such a ground rent and Buyer proceeds with purchase of the Property, Buyer is hereby placed on notice in accordance with Md. Real Prop. Ann. Code § 14-117, as amended, (the "Code") that if the ground rent is not timely paid the effect may be (a) that the reversionary owner of the ground rent may bring an action of ejectment against the ground rent tenant under § 8-402(b), as amended, of the Code, and (b) as a result of the ejectment action, the reversionary owner of the ground rent may own the Property in fee, discharged from the lease.

15.3. *Subdivision.* If either Seller or Buyer prior to Settlement shall make a good faith determination that for Seller legally to convey the Property to Buyer, an approved subdivision plat of the Property must first be recorded among the Land Records of the County/City (the "Land Records"), then neither party shall be obligated to proceed to Settlement unless Buyer, at Buyer's expense, prior to Settlement, obtains all necessary governmental approvals and records the subdivision plat of the Property among the Land Records at or prior to Settlement. Seller and Buyer shall each cooperate with the other in filing any necessary applications, and in the processing of the

subdivision plat before the appropriate governmental agencies. If a subdivision plat is required, Buyer shall have the right to postpone Settlement if additional time is required for Buyer to obtain the necessary governmental approvals.

16. *Environmental Matters.* To the best of the knowledge of the Seller, as of the date of this Contract and as of the date of Settlement, the Property (including land, surface water, ground water, and improvements) is now and will then be free of all contamination, including (i) any "hazardous waste," "underground storage tanks" "petroleum," "regulated substance," or "used oil" as defined by the Solid Waste Disposal Act of 1976 (42 U.S.C. § 6901, *et seq.*) as amended, or by any regulations promulgated thereunder; (ii) any "hazardous substance" as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. § 9601, *et seq.*) as amended, or by any regulations promulgated thereunder (including, but not limited to, asbestos and radon); (iii) any "oil, petroleum products, and their byproducts" any "hazardous substance" as defined by the Maryland Environmental Code, Title 7, Subtitle 2, as amended, or by any regulations promulgated thereunder; (iv) any substance the presence of which on, in, or under the Property, is prohibited by any law similar to those set forth above; and (v) any other substance which by law, regulation, or ordinance requires special handling in its collection, storage, treatment, or disposal.

16.1. *Environmental Representations and Warranties.*

(a) Seller represents and warrants that (i) Seller has no knowledge of any Hazardous Material at, upon, under, or within the Property or, to the best of its knowledge, within any contiguous real estate; and (ii) Seller shall not cause or permit to exist any Hazardous Material at, upon, under, or within the Property until the Settlement date.

(b) Seller further represents and warrants that (i) neither Seller, nor any other party has been, is, or will be involved in operations at or near the Property, which operations could lead to (A) the imposition of liability under any Hazardous Material laws on Buyer, or any former owner of the Property; or (B) the creation of a lien on the Property under any Hazardous Material laws; and (ii) Seller has not permitted, and will not permit, any tenant or occupant of the Property to engage in any activity that could impose liability under any Hazardous Material laws on such tenant or occupant, on Seller or on any other owner of any of the Property.

16.2. *Environmental Covenants.*

(a) Seller shall comply strictly and in all respects with the requirements of any Hazardous Material laws and related regulations and shall notify Buyer immediately in the event of any discharge or discovery of any Hazardous Material at, upon, under, or within the Property before the Settlement date.

(b) Promptly upon the written request of Buyer, Seller shall provide Buyer with all past environmental site assessment or environmental audit reports to enable Buyer to assess the presence or absence of any Hazardous Material and the potential costs in connection

with abatement, cleanup, or removal of any Hazardous Material found on, under, at, or within the Property.

16.3. *Indemnity.*

(a) Seller does hereby absolutely, unconditionally, and irrevocably indemnify and hold harmless Buyer from any and all claims, suits, actions, debts, damages, costs, losses, obligations, judgments, charges, and expenses, of any nature whatsoever suffered or incurred by Buyer, with respect to Seller's past use, or its tenants' use, during Seller's ownership of the Property for:

(i) any past discharge of Hazardous Material, the threat of a discharge of any Hazardous Material, or the presence of any Hazardous Material affecting the Property whether or not the same originates or emanates from the Property, including any loss of value of the Property as a result of any of the foregoing;

(ii) any costs of removal or remedial action incurred by the United States Government or any state, county, or municipal governmental authority, any response costs incurred by any other person or damages from injury to, destruction of, or loss of natural resources, including reasonable costs of assessing such injury, destruction, or loss, incurred pursuant to any Hazardous Material laws;

(iii) liability for personal injury or property damage arising under any statutory or common law tort theory, including, without limitation, damages assessed for the maintenance of a public or private nuisance or for the carrying on of an abnormally dangerous activity at the Property; and

(iv) any other environmental matter affecting the Property within the jurisdiction of the Environmental Protection Agency, any other federal agency, or any state, county or municipal environmental agency.

(b) In the event of any discharge of Hazardous Material, the threat of a discharge of any Hazardous Material, or the presence of any Hazardous Material affecting the Property, whether or not the same originates or emanates from the Property, and/or if Seller shall fails to comply with any of the requirements of any Hazardous Material laws or related regulations or any other environmental law or regulation, Buyer may at its election, but without the obligation so to do, give such notices and/or cause such work to be performed at the Property and/or take any and all other actions as Buyer shall deem necessary or advisable in order to abate the discharge of any Hazardous Material, remove any Hazardous Material, or cure Seller's noncompliance.

(c) It is the intention of Seller that the provisions of this Agreement shall supersede any provisions herein, which in any way limit the personal liability of Seller and that Seller shall be personally liable for any obligations hereunder. All of the representations, warranties, covenants, and indemnities herein shall survive the transfer, if any, of any or all right, title, and interest in and to the Property by Seller.

(d) The term "Hazardous Material" means (i) any hazardous or toxic substance, material, or waste, including, but not limited to, those substances, materials, and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR 172.101) or by the Environmental Protection Agency as hazardous substances (40 CFR Part 302) and amendments thereto and replacements therefor; or (ii) such substances, materials, or wastes as are regulated by the Resource Conservation and Recovery Act of 1976 or the Comprehensive Environmental Response, Compensation and Liability Act of 1980, any amendments thereto or orders, regulations, directions, or requirements thereunder; or (iii) such hazardous or toxic substances, materials, or wastes that are or may become regulated under any other applicable county, municipal, state, or federal law, rule, ordinance, direction, or regulation.

17. Miscellaneous Provisions.

17.1. *Entire Agreement.* This Contract contains the final and entire agreement between the parties and neither they nor their agents shall be bound by any terms, conditions, or representations not herein written. However, the City of Salisbury Resolution approving the signing of this Contract may contain additional terms and conditions controlling the purchase of the Property.

17.2. *Joint and Several Liability.* If Buyer consists of more than one (1) person or entity, their liability under this Contract shall be both joint and several.

17.3. *Binding Agreement.* This Contract is binding on the parties and their personal representatives, successors, and assigns.

WITNESS the hands and seals of the parties.

WITNESS:

_____(SEAL)
Bradley Gillis, Managing Member
DEVRECO, LLC, Seller

WITNESS:

_____(SEAL)
Jacob R. Day, Mayor
City of Salisbury, Maryland, Buyer

MEMORANDUM

To: Julia Glanz
From: Tom Stevenson
Subject: Proposed Modifications to Existing Water Billing Adjustment Directive
Date: March 25, 2020

From time to time, it is necessary to review and amend legislative and technical mandates. The Department of Field Operations frequently receives requests from water and sewer customers to adjustment both their water and sewer fees that are associated with non-beneficial use of water. The current directive allows a 60% reduction of associated fees. While that may seem like a generous compromise, it may, and has in some cases leave consumers with a bill of several hundred or even thousands of dollars. I agree that there is an associated cost to collect, treat and convey potable water. However, in some situations customers may fall victim to situations that result in substantial water usage with no knowledge of the unintentional consumption. Cost aside, the important metric is to account for water loss, which we do.

Attached is the revised Water and Sewer Utility Directive along with the Resolution for consideration for modifications to the current Directive.

Unless you or the Mayor have further questions, please forward a copy of the Memo with the Water and Sewer Utility Directive and Resolution to the City Council.

1 RESOLUTION NO. 3030

2
3 A RESOLUTION OF THE CITY OF SALISBURY REPEALING RESOLUTION NO 2741
4 AND TO APPROVE AN UPDATED CITY POLICY TO GRANT A PARTIAL CREDIT TO
5 WATER ACCOUNT HOLDERS WHEN THEY HAVE EXPERIENCED AN UNUSALLY
6 HIGH WATER BILL DUE TO A LEAK OR OTHER NON-BENEFICIAL USE OF WATER
7

8 WHEREAS, the City of Salisbury maintains a water and sewer utility in the greater
9 Salisbury area; and

10
11 WHEREAS, the City only reads water meters on a quarterly basis; and

12
13 WHEREAS, from time to time between readings, homeowners and businesses,
14 experience abnormal usage of water due to leaks, burst pipes, plumbing malfunctions or other
15 non-beneficial use of water, and will most likely not be aware of unusual consumption until the
16 next meter reading cycle; and

17
18 WHEREAS, these circumstances frequently result in inconsistent water utility bills; and

19
20 WHEREAS, the City of Salisbury used enterprise funds to prepare the water for
21 consumption, however, the City of Salisbury wishes to be reasonable in its governance.

22
23 NOW, THEREFORE BE IT RESOLVED that the City of Salisbury approves the
24 attached revised policy regulating the extension of a partial credit to mitigate the extreme
25 hardship caused families and businesses by offsetting the full cost of the water consumed from
26 which they did not receive any benefit.

27
28 THIS RESOLUTION was introduced and duly passed at a meeting of the Council of the
29 City of Salisbury, Maryland held on this ____ day of _____ 2020 and is to become
30 effective immediately upon adoption.

31
32 ATTEST:

33
34 _____
35 Kimberly R. Nichols
36 CITY CLERK

37 _____
38 John R. Heath
39 PRESIDENT, City Council

40
41 APPROVED by me this ____ day of _____, 2020

42 _____
43 Jacob R. Day
MAYOR, City of Salisbury

Water and Sewer Utility Directive

Policy on Non-Beneficial Use of Water – Revised ~~September 1, 2016~~ April 27, 2020

Per Resolution No. ~~4205~~ 2741, it is the policy of the City of Salisbury to grant a credit to account holders who have experienced a major usage of water due to a leak, broken pipes, plumbing malfunction or other non-beneficial use of water.

The credit will amount to ~~60%~~ either 60% or 90% of the increased consumption over the average consumption, or the consumption for the same period for the prior year, whichever is greater based on the defined Consumption Threshold. The average may be determined differently if there is insufficient history or estimated readings. The credit will be applied to both the water and sewer portions of the bill.

Consumption Threshold

- 60% CREDIT - The amount of the increased consumption is at least three (3) times the average consumption, for accounts with an average of 500 thousand gallons or less per quarter, or two (2) times the average consumption for accounts with an average consumption of greater than 500 thousand gallons.
- 90% CREDIT - The amount of the increased consumption is at least twenty (20) times the average consumption, for accounts with an average of 500 thousand gallons or less per quarter, or ten (10) times the average consumption for accounts with an average consumption of greater than 500 thousand gallons.

All of the ~~The~~ following conditions must apply before the credit may be permitted ~~granted~~:

- The leak was such that it would not normally be detected by the account holder; for example, continuously running toilets, leaking faucets or other fixtures, lateral line leaks, and/or non-typical applications of delivery.
- A City employee has confirmed that the high bill was due to a non-beneficial use of water. Beneficial use of water includes, but is not limited to, using water for lawn irrigation, landscaping irrigation, washing vehicles, filling pools or in fountains. (Per City Code 13.08.060, outside underground irrigation systems shall not be connected to the City's water supply system, unless there is a variance. Beneficial use of water is not eligible for a credit under this policy.)
- The account holder has promptly determined the reason for the problem or has hired a licensed plumber to ascertain the reason for the high consumption of water and has promptly resolved the problem. The account holder submits evidence that the problem is fixed by submitting a paid receipt for repair and/or fixtures. The Department of ~~Public Works~~ Field Operations and/or the City's Plumbing Inspector confirms that the leak has been sufficiently repaired to prevent subsequent concerns.
- This credit may apply to no more than two quarterly bills if all of the requirements are met during that period of time.

- Account holders will be eligible for this credit for only one occurrence within a three (3) year period. This will reset with a change in property ownership but not with a change in tenant.
- A credit/refund towards the account will only be considered for the past two billing cycles (including current bill) with proper repair verification. In other words, leaks over six (6) months old will not be considered for refunds/credits.
- Any adjustment made other than to the current bill will be left on the account as a credit toward the next bill. Refunds will be issued to whomever paid the invoice. If a refund would be issued within two (2) weeks of a new invoice, then it will be handled as a credit on the account.
- Late fees will not be adjusted for non-payment.

This ~~policy~~ directive allows flexibility for the Director of Field Operations ~~Finance~~ to resolve disputes when it is believed to be in the best interest of the City. While there is no provision for hardship within this directive, appreciation of such circumstances may be considered. All credits to be granted under this policy must be recommended by the ~~Public Works Department~~ Department of Field Operations and approved by the Director of Field Operations ~~Finance~~.

The Director of the Department of Finance or their designee may negotiate payment agreements with the property owner.

Housing & Community Development Department

MEMO

To: Keith Cordrey

From: Deborah Stam

**Subject: Resolution Authorizing the Mayor to Submit the
2020 CDBG Action Plan to HUD**

Date: April 15, 2020

The Finance Department / HCDD has completed the 2020 Community Development Block Grant (CDBG) Action Plan. The total amount of CDBG funding that the City of Salisbury has been awarded for the 2020 program year is \$387,418. This figure represents an increase of 10.88% over the amount that was awarded to us for PY 2019.

For the 2020 Action Plan, the following projects have been approved by the Mayor:

Administration (18%)	\$70,000
City of Salisbury – Low-Mod Neighborhood Sidewalk Construction Program	\$167,418
City of Salisbury – Truitt Street Community Center – Rehabilitation	\$125,000
City of Salisbury – Truitt Street Community Center – Community Kitchen Program Manager (Part-Time Position)	<u>\$25,000</u>
Total	<u>\$387,418</u>

The draft of the 2020 CDBG Action Plan was made available for public review beginning on Friday, March 13, 2020. The Action Plan was posted on the City website under the Housing & Community Development Department – Community Development section. The 30-day public comment period ended on Monday, April 13, 2020. No comments were received.

The first public hearing for the 2020 CDBG funding round was conducted on Tuesday, March 31, 2020. Due to social distancing restrictions the hearing was held via the Zoom platform. That hearing provided information on the projects that are included in the 2020 Action Plan. Once the information on the projects had been provided any members of the public watching the hearing had the opportunity to ask questions or comment on the housing and community development needs of the City. No comments were received.

The second CDBG public hearing was held on Tuesday, April 14, 2020, also via Zoom. That hearing presented residents with a status report on all of the previously funded CDBG projects that are currently open and those that have closed within the past year. Following the status report members of the public watching the hearing were once again provided with the opportunity to ask questions or comment on the housing and community development needs of the City of Salisbury. No comments were received.

Attached is the Resolution to approve the 2020 CDBG Action Plan for the City of Salisbury, and to authorize the Mayor to submit said plan to HUD for their review and approval. Please forward this information to the City Council so that this item may be placed on their agenda for the April 27, 2020 legislative meeting. Thank you for your assistance.



Deborah J. Stam
Grants Manager
Finance Department / HCDD

Attachment

CC: Kim Nichols
Diane Carter
Julia Glanz
Andy Kitzrow
Mark Tilghman
Kristine Devine
Olga Butar

RESOLUTION NO. 3031

A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND TO APPROVE THE CITY'S ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR CDBG PROGRAM YEAR 2020.

WHEREAS, the Maryland State Office of the U.S. Department of Housing & Urban Development (HUD) has determined that the City of Salisbury qualifies as an “entitlement community;” and

WHEREAS, the City of Salisbury is, therefore, entitled to receive Community Development Block Grant (CDBG) funds directly from HUD upon HUD's approval of the City's annual Action Plan; and

WHEREAS, the Council of the City of Salisbury wishes the City to receive this annual allotment of CDBG funds from HUD so that various community development projects may be completed.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Salisbury, Maryland does hereby authorize the Mayor to submit the 2020 CDBG Action Plan to HUD for review and approval.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on April 27, 2020, and is to become effective immediately.

ATTEST:

Kimberly R. Nichols
CITY CLERK

John R. Heath
CITY COUNCIL PRESIDENT

APPROVED BY ME THIS

_____ day of April, 2020.

Jacob R. Day
MAYOR

AS AMENDED ON APRIL 13, 2020

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 ~~after the license expiration date~~. All licensees shall renew their bonds to ensure that such bonds remain in effect for no less than one year after the license expiration dates. Licensees shall provide such proof of the issuance and renewal of bonds as shall be required by the Business Development Director.

5.32.070 - License fee.

A nonrefundable fee of ~~one hundred fifty~~ forty dollars (~~\$100~~ \$40.00) 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~~ fifty dollars (~~\$40~~ \$50.00) ~~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.

- 95 A. A license issued under this chapter shall be good for one year from the date of issuance,
96 unless earlier suspended or revoked as provided in this chapter.
97
- 98 B. In the case of a transient merchant, a license issued under this chapter shall be of a
99 duration as set by the ~~clerk~~ Business Development Director after reviewing the
100 application and intended business of the transient merchant; however, no license issued to
101 a transient merchant shall be for a duration of more than ninety (90) days.
102
- 103 C. Every mobile vendor or transient merchant shall carry his or her license at any time he or
104 she is engaged as a ~~hawker, peddler,~~ mobile vendor or transient merchant. Additionally,
105 he or she shall show his or her license to anyone who shall demand to see the same while
106 he or she is so engaged. If a license is issued to a firm, partnership, association,
107 corporation, company or organization, the original license shall be carried by the owner
108 or supervisor and a copy of the license shall be carried by each agent engaged as a mobile
109 vendor or transient merchant under such license.
110
- 111 D. Any license issued under the provisions of this chapter shall be surrendered to the
112 Business Development Director upon expiration, suspension or revocation.
113

114 5.32.100 - Renewal of license.
115

116 The holder of any license issued under this chapter who desires a new license to be effective on
117 the expiration of the existing license shall, not less than thirty (30) nor more than sixty (60) days before
118 the expiration of the existing license, file either an application for renewal with the ~~clerk~~ Business
119 Development Director, or confirm in writing that the information on the expiring application remains the
120 same information set forth in Section 5.32.050. The fee shall be as set in Section 5.32.070075. The
121 provisions for approving or disapproving of an application, or written request for renewal, as set forth in
122 Section 5.32.080 shall apply. Any substantial changes in ownership or the lapse of an active license shall
123 require a New Application License Fee as set forth in Section 5.32.070.
124

125 5.32.130 - Prohibited areas.
126

127 No mobile vending (regardless of whether such transient merchant or mobile vendor is exempt
128 from the licensing requirements of this chapter) shall engage in the activities of mobile vending in the city
129 park or any roads or walkways adjacent to or through the city park, or any other place as determined by
130 the mayor and council by resolution of the council from time to time for the protection of the health,
131 safety and welfare of the citizens of the city, except the mayor may grant exemptions as part of a festival,
132 firemen's muster, City-endorsed event, or other bona fide activity within the city park, or by special
133 permission.
134

135
136 AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF
137 SALISBURY that the changes set forth in this Ordinance shall take effect from and after the day of its
138 final passage.

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

142 ATTEST:

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Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS ____ day of _____, 2020.

Jacob R. Day, Mayor

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

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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.

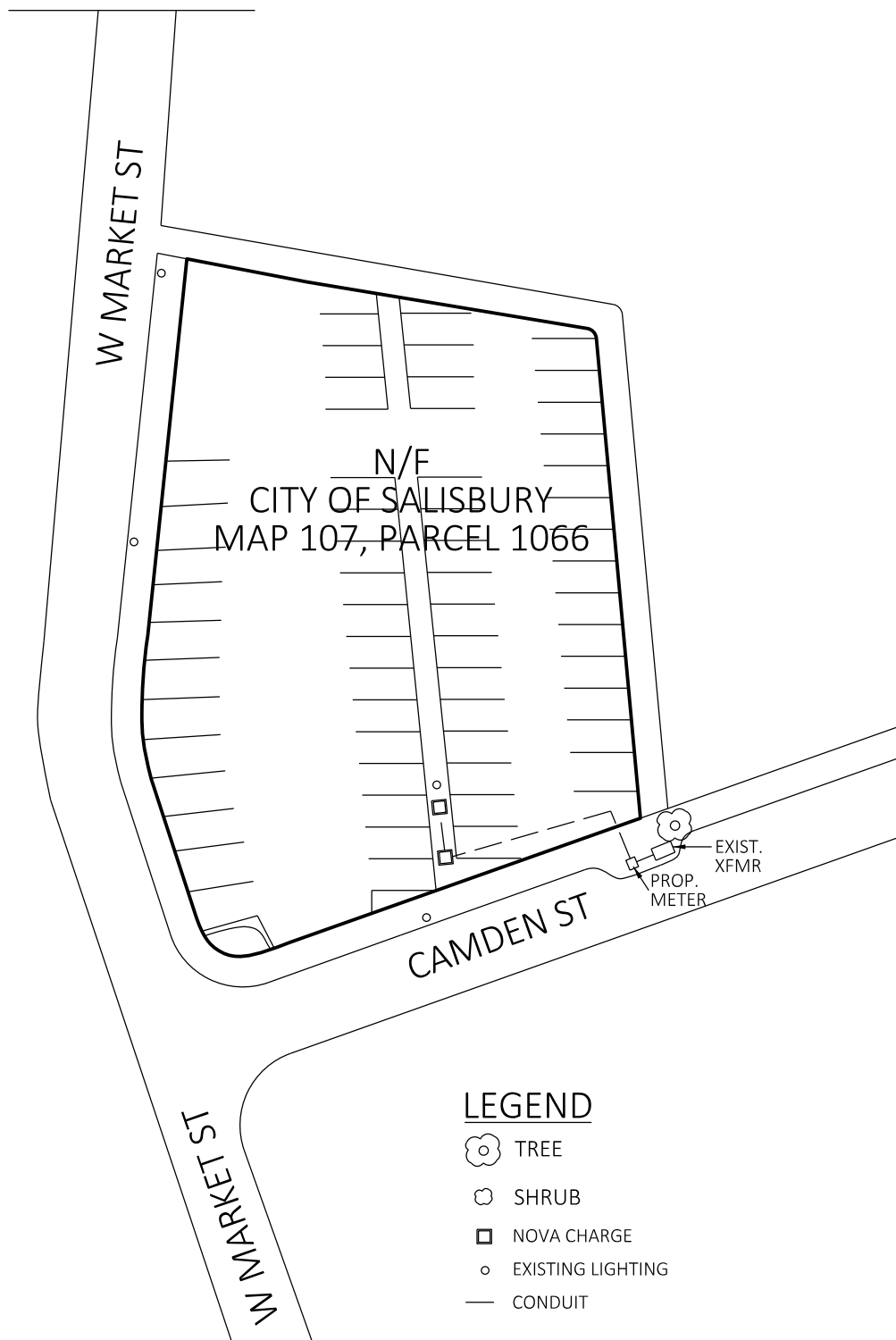
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

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

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

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.

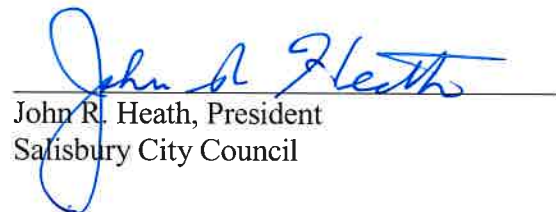
SECTION 19. BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be liberally construed in order to effectuate the transactions authorized or contemplated by this Ordinance.

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.

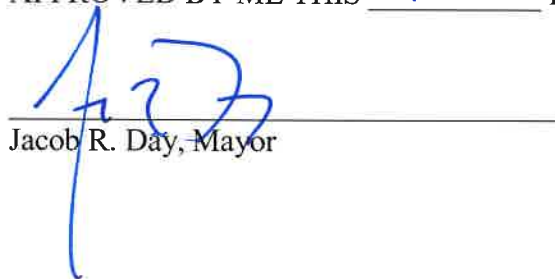
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 23rd day of July, 2018, and thereafter, a statement of the substance of this Ordinance having been posted or published as required by law, was finally passed by the Council ✓ [as introduced] _____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



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.



MEMORANDUM

To: Andy Kitzrow
From: Everett Howard, Director of HCDD
Date: April 02, 2020
Re: Truitt Street Community Center Acquisition

Attached please find an ordinance accepting a \$100,000 grant funding from the State of Maryland Department of General Services (DGS) for the purchase of the Truitt Street Community Center.

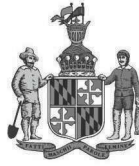
The ordinance also outlines the use of “match funding” provided by the City of Salisbury and CDBG to purchase the Truitt Street Community Center from DEVRECO LLC for \$200,000.

The Truitt Street Community Center which is currently leased by the City of Salisbury, is a key location for community activities and programs which promote youth development and community partnerships with municipal government and the surrounding neighborhoods.

Unless you have any questions please forward this for Council’s consideration.

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor



Ellington E. Churchill, Jr.
Secretary

MARYLAND DEPARTMENT OF GENERAL SERVICES

FACILITIES OPERATIONS & MAINTENANCE • FACILITIES PLANNING, DESIGN, CONSTRUCTION & ENERGY
PROCUREMENT & LOGISTICS • REAL ESTATE

May 20, 2019

The Honorable Mayor Jacob Day
Mayor
City of Salisbury 125 N Division
Street Room 103 Salisbury, MD
21801

Re: Truitt Street Community Center
Chapter 9, House Bill 101, Acts of 2019 – \$100,000.00
DGS Item G067

Dear Mr. Mayor:

Congratulations on receiving your State grant. Funds for your grant are authorized in a “bond bill” enacted by the General Assembly and signed by Governor Larry Hogan.

The Department of General Services will administer your grant on behalf of the State Board of Public Works (BPW). This application package contains the necessary forms for you to complete and return to manage your capital grant project.

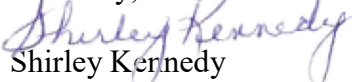
The legislation authorizing your grant requires certain deadlines are met by grant recipients as follows:

- (a) The deadline for completing and returning the application package is **December 31, 2019**.
- (b) The deadline for obtaining BPW certification of matching funds is two (2) years from the date the grant is authorized, or **June 1, 2021**.
- (c) The deadline for grant recipients to encumber (enter into project contracts) or expend the State funds is seven (7) years from the date of authorization, or **June 1, 2026**.

Please pay close attention to the important State policies that are outlined on the Capital Grants Program web page (<http://dgs.maryland.gov/pages/grants/index.aspx>).

If you have any questions, please contact Ms. Kimberly Langkam, Grant Administrator at 410-767-4478 or Ms. Michelle Moore, Grant Administrator at 410-767-6684.

Sincerely,


Shirley Kennedy
Program Manager
Capital Grants Program




Enclosures












Funding Plan				Status 4 1 20
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Bond Pool 2017 - Community C	98117-577010-48063	25,000.00	Ordinance w125k for newton total 150k from Paygo / Surplus	Ord Complete - see tab '98117 577010 48063'
CDBG - 2018 Reallocation	12800-577015-70065	36,893.86	application processed to reallocate 2018 CDBG	Complete - see tab 12800-577015-70065
State of MD Grant	10500-577015-xxxxxx	100,000.00	contingent of providing proof of match	Pending Grant Agreement
HCDD Org 25200 Transfers	25200-577015-90500	38,106.14	requires transfers from various accounts	Transfers Complete - see tab 25200 577015 -90500
		200,000.00		

Org	Object	Project	Description	2020 Revised Budget	2020 Actual
25200	523607	90500	Alarm Systems	1,200.00	272.00
25200	534301	90500	Buildings	9,499.42	8,805.02
25200	554400	90500	Rent	27,500.00	13,835.05
25200	555404	90500	Internet Service	1,200.00	827.03
25200	555513	90500	Events	20,500.00	0.00
25200	556201	90500	Electricity	20,400.00	4,227.09





Account

Fund	0010	...	General Fd	Acct	0010-200-252-00-00-577015-90500	
Org	25200	...	NSCC	Acct name	Buildings	
Object	577015	...	Bldgs	Type	Expense	Status
Project	90500	...	 Community Center - Tr Rollup			
				Sub-Rollup		
<input type="checkbox"/> MultiYr Fund						

4 Year Comparison	Current Year	History				
Yr/Per 2020/01	Fiscal Year 2020		Fiscal Year 2019		Fiscal Year 2018	
Original Budget	.00		.00			.
Transfers In	38,107.00		.00			.
Transfers Out	.00		.00			.
Revised Budget	38,107.00		.00			.
Actual (Memo)	.00		.00			.
Encumbrances	.00		.00			.
Requisitions	.00					.
Available	38,107.00		.00			.
Percent used	.00		.00			.





























n for current account.

Account

Fund	9817 ...	Pool17 Gen	Acct	9817-000-981-00-00-577010-48063	
Org	98117 ...	GCPPool 17	Acct name	Land	 Account Notes
Object	577010 ...	Land	Type	Expense ▾	Status Active ▾
Project	48063 ...	 Truitt Community Cent Rollup		<input type="text"/> ... 	
		Sub-Rollup	<input type="text"/> ...		
			<input type="checkbox"/> Annual Budgeting <input checked="" type="checkbox"/> MultiYr Fund		

4 Year Comparison

Current Year History

Yr/Per 2020/01	Fiscal Year 2020		Fiscal Year 2019		Fiscal Year 2018		Fiscal Year 2021		Life
Original Budget	25,000.00		.00		.00		.00		25,000.00 
Transfers In	.00		.00		.00		.00		.00 
Transfers Out	.00		.00		.00		.00		.00 
Revised Budget	25,000.00		.00		.00		.00		25,000.00
Actual (Memo)	.00		.00		.00		.00		.00 
Encumbrances	.00		.00		.00		.00		.00 
Requisitions	.00						.00		.00 
Available	25,000.00		.00		.00		.00		25,000.00
Percent used	.00		.00		.00		.00		.00

Fund	0113	...	CommDevelo	Acct	0113-100-128-00-00-577015-70065		
Org	12800	...	Comm Devel	Acct name	Buildings	Account Notes	
Object	577015	...	Bldgs	Type	Expense	Status	Active
Project	70065	...	FFY2018 Truitt St CC A Rollup				
				Sub-Rollup			
				<input type="checkbox"/> Annual Budgeting <input checked="" type="checkbox"/> MultiYr Fund			

4 Year Comparison	Current Year	History								
Yr/Per 2020/01	Fiscal Year 2020		Fiscal Year 2019		Fiscal Year 2018		Fiscal Year 2021		Life	
Original Budget	36,893.87		.00		.00		.00		36,893.87	
Transfers In	.00		.00		.00		.00		.00	
Transfers Out	.00		.00		.00		.00		.00	
Revised Budget	36,893.87		.00		.00		.00		36,893.87	
Actual (Memo)	.00		.00		.00		.00		.00	
Encumbrances	.00		.00		.00		.00		.00	
Requisitions	.00						.00		.00	
Available	36,893.87		.00		.00		.00		36,893.87	
Percent used	.00		.00		.00		.00		.00	

ORDINANCE NO. 2591

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
WITH THE MARYLAND DEPARTMENT OF GENERAL SERVICES
FOR THE PURPOSE OF ACCEPTING GRANT FUNDS IN THE
AMOUNT OF \$100,000, AND APPROVING A BUDGET
AMENDMENT TO APPROPRIATE THE GRANT FUNDS FOR THE
CITY TO PURCHASE PROPERTY LOCATED AT 319 TRUITT
STREET FROM DEVRECO, LLC.

WHEREAS, the City of Salisbury desires to purchase the property located at 319
Truitt Street to continue to operate the Truitt Street Community Center; and

WHEREAS, the Maryland Department of General Services (DGS) has awarded the
City grant funds in the amount of \$100,000 for the purchase of the Community Center at 319
Truitt Street; and

WHEREAS, the DGS grant requires the City to match the funds that have been
awarded; and

WHEREAS, the City has already appropriated the matching funds to be used for the
purchase of the property; and

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

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF SALISBURY, MARYLAND, THAT Mayor Jacob R. Day is hereby authorized to enter
into the attached grant agreement with the Maryland Department of General Services to
accept grant funds in the amount of \$100,000.00.

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

- 44
45 1) Increase the State of MD - DGS Grant Account
46 (10500 - 424000 - XXXXX) by \$100,000
47
48 2) Increase the Buildings Account
49 (10500 - 577015 -XXXXX) by \$100,000
50

51 BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after the
52 date of its final passage.
53

54 THIS ORDINANCE was introduced and read at a meeting of the Council of the City
55 of Salisbury held on the ____ day of _____, 2020, and thereafter, a statement of
56 the substance of the Ordinance having been published as required by law, was finally passed
57 by the Council on the ____ day of _____, 2020.
58

59 ATTEST:
60

61 _____
62 Kimberly R. Nichols
63 CITY CLERK
64

John R. Heath
COUNCIL PRESIDENT

65
66 APPROVED BY ME THIS
67 ____ day of _____, 2020.
68
69

70 _____
71 Jacob R. Day
72 MAYOR
73

State of Maryland
CAPITAL PROJECTS GRANT AGREEMENT

This Agreement (“**Agreement**”) is entered into this ___ day of _____, 20___, by and between the State of Maryland (“**State**”), acting through the Board of Public Works (**BPW**), and Mayor and City Council of the City of Salisbury, 125 N Division Street, Room 103 (“**Grantee**”), whose federal taxpayer identification number is 52-6000806.

Recitals

- A. Grantee has requested grant assistance from the State and has completed the Capital Projects Grant Application.
- B. The General Assembly has authorized this Grant titled **Truitt Street Community Center** provided that Grantee expends the money only for the purposes outlined below.

Therefore, the State and Grantee agree as follows:

- 1. **Purpose.** Grantee may use grant funds for the following purpose only (“**Project**”): For the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Truitt Street Community Center, located Wicomico County.
(See **Enabling Act**: DGS Item Go6Z, Chapter 14 of the Laws of Maryland 2019 which is incorporated herein by reference.)
- 2. **Grant.** After the BPW approves this Agreement, the State shall periodically provide grant funds (“**Grant**”) to, or on behalf of, Grantee not to exceed: \$ 100,000 (One Hundred Thousand Dollars) or the amount of Grantee's matching fund according to the matching fund requirement as stated in the Enabling Act.
- 3. **Termination or Reduction of Authorization.** The BPW, in its sole discretion, may reduce or terminate the authorization to provide the Grant in the event: (a) Grantee fails to provide evidence of the required matching fund by 6/1/2021; or (b) no part of the Project is under contract by 6/1/2026 or (c) the Project is abandoned. The Enabling Act's authorization automatically terminates for any grant funds that are unexpended or unencumbered by 6/1/2026.
- 4. **Matching Fund.** If the Enabling Act requires, Grantee must provide and expend a matching fund of \$100,000. Failure to prove any required matching fund may affect the authorization pursuant to Paragraph 3 of this Agreement.
- 5. **Disbursement of Grant.** Subject to the availability of funds, the BPW may periodically authorize payment to, or on behalf of, Grantee funds in an amount not to exceed the Grant amount.

6. Limitations on Use. The BPW or its designee may, in its sole discretion, disapprove requests for disbursement or expenditure of Grant funds that are not consistent with or are not specifically related to the Project purpose or this Agreement generally.
7. Term. This Agreement terminates if the BPW terminates the grant authorization under Paragraph 3 without issuing bonds. Otherwise, this Agreement is in effect so long as any State general obligation bonds issued, sold, and delivered to provide funds for this Grant, remain outstanding, or for such longer period as the parties may agree.
8. Payment Procedure. Payment procedures contained in the most recent edition of *Maryland Capital Grants Projects: Information for State of Maryland Capital Grant Recipients* [<http://dgs.maryland.gov/Pages/Grants/index.aspx>] are incorporated herein by reference. The State shall make payment to, or on behalf of, Grantee in accordance with those procedures and any other terms and conditions as the BPW, in its sole discretion, may impose.
9. Reports:
 - (a) Section 7-402 of the State Finance and Procurement Article, Annotated Code of Maryland, requires Grantee to submit a verified report that fully and accurately accounts for appropriate Grant expenditures. Requests for payment made in accordance with Paragraph 8 of this Agreement are deemed to comply with Section 7-402.
 - (b) Grantee shall submit other reports or information as the State may periodically require, including project status reports and certified audit reports.
10. Communications. Communications must be addressed as follows:

To the State:

Office of the Comptroller
Capital Grants Program Administrator
80 Calvert Street, Room 215
Annapolis, Maryland 21404-0466

Department of General Services
Capital Grants Program Manager
301 W. Preston Street, Room 703
Baltimore, Maryland 21201

To the Grantee:

City of Salisbury - Finance Dept./HCDD
207 W. Main Street, Suite 102
Salisbury, Maryland 21801
Attn: Deborah Stam, Grants Manager

11. Default. A default is Grantee's breach of any of the covenants, agreements, or certifications contained in this Agreement.

12. Remedies Upon Default.

- (a) Upon the occurrence of any default, the State, as the BPW in its sole discretion determines, may do one or more of the following:
 - (i) Require Grantee to repay the Grant, in whole or in part.
 - (ii) Recoup the amount of the Grant already paid from funds due the Grantee from any other current or future State grant or loan or any other funds, otherwise due and owing Grantee.
 - (iii) Withhold further payments under this Agreement.
 - (iv) Terminate this Agreement.
- (b) In addition to the rights and remedies contained in this agreement, the State may at any time proceed to protect and enforce all rights available to it. All rights and remedies survive the termination of this Agreement.

13. Disposition of Property. Grantee may not sell, lease, exchange, give away, or otherwise transfer or dispose of any interest in real or personal property acquired or improved with Grant funds ("**Grant-Funded Property**") unless the BPW gives prior written consent. This includes transfer or disposition to a successor or the merger, dissolution, or other termination of the existence of Grantee. Grantee shall give the BPW written notice at least 60 days before any proposed transfer or disposition. When consenting to a transfer or disposition, the Board of Public Works may in its sole discretion require the grantee to repay a percentage of the proceeds that are allocable to the grant.

14. Inspection and Retention of Records. Grantee shall permit any duly authorized representative of the State to inspect and audit all records and documents of Grantee relating to this Grant. Grantee shall retain such records for at least three years after this Agreement terminates.

15. Insurance.

- (a) For any item of Grant-Funded Property that has an original fair market value of \$5,000 or more, Grantee shall, at its own expense and for the reasonable useful life of that item, obtain and maintain all risk of fire and extended coverage insurance or such similar insurance coverage as may be appropriate for the full value of the item or in amounts as may be commercially reasonable under the circumstances. Grantee's insurer must be authorized to issue the policy in the State. Each such policy shall by its terms:
 - (i) Name the State as an additional loss payee thereunder.

Name: The State of Maryland
Address: Department of General Services
Capital Grants
301 W. Preston Street, Suite 703
Baltimore, MD 21201

- (ii) Be considered primary and non-contributory with respect to any other insurance, if any, provided by the State.
- (iii) Be cancelable only on at least 30 days written notice to Grantee and to the BPW.

- (b) On request, Grantee shall, provide the BPW or its designee with satisfactory evidence of insurance.
- (c) Proceeds of insurance required by this Paragraph may be applied as the BPW, in its sole discretion, shall determine toward replacement of Grant-Funded Property or toward repayment of the Grant to the State.
- (d) The BPW or its designee in its sole discretion may determine that Grantee may self-insure Grant-Funded Property if Grantee has adequate financial resources.

16. Indemnification. To the extent permitted by law and without waiving any defenses, immunities, or the provisions of the Maryland Local Tort Claims Act, Grantee is responsible for, and shall defend, indemnify, and hold harmless the State, its officers, agents, and employees, whether or not the State be deemed contributorily negligent, from all suits, actions, liability, or claims of liability (including reasonable attorneys' fees) arising out of:

- (a) The Project, including its construction.
- (b) Grantee's use, occupancy, conduct, operation, or management of the Project.
- (c) Any negligent, intentionally tortious, or other act or omission of Grantee or any of its agents, contractors, servants, employees, subtenants, licensees, or invitees in connection with the Project.
- (d) Any injury to or death of any person or damage to any property occurring in, on, or as a direct or indirect result of the Project or any of Grantee's activities in connection therewith.

17. Registration. Grantee is a (charitable ☐) (religious ☐) organization registered with the Maryland Secretary of State in accordance with the Annotated Code of Maryland [Business Regulation Article or Corporations and Association Article]; is in good standing; and has filed all of its required reports with the Maryland Secretary of State.

Check if YES ☐

Check if NOT APPLICABLE ☒ and explain:

Local Municipality

18. Commercial and Employment Nondiscrimination. Grantee shall:

- (a) Not discriminate in the selection, hiring, or treatment of any employee, employment applicant, vendor, supplier, subcontractor,

- or commercial customer on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or any other unlawful use of characteristics unrelated to performance.
- (b) Include a clause similar to sub-paragraph (a) in any contract under this Grant.
 - (c) Post, and cause contractors to post, in conspicuous places notices setting forth the nondiscrimination policy.
19. *Drug and Alcohol Policy.* Grantee certifies that it shall make a good faith effort to eliminate illegal drug use and alcohol and drug abuse from its workplace. Specifically, Grantee shall:
- (a) Prohibit the unlawful manufacture, distribution, dispensation, possession, or use of drugs in its workplace.
 - (b) Prohibit its employees from working under the influence of alcohol or drugs.
 - (c) Not hire or assign to work on an activity funded in whole or part with State funds, anyone whom it knows, or in the exercise of due diligence should know, currently abuses alcohol or drugs and is not actively engaged in a bona fide rehabilitation program.
 - (d) Promptly inform the appropriate law enforcement agency of every drug-related crime that occurs in its workplace if it or its employee has observed the violation or otherwise has reliable information that a violation has occurred.
 - (e) Notify employees that drugs and alcohol abuse are banned in the workplace, impose sanctions on employees who abuse drugs and alcohol in the workplace, and institute steps to maintain a drug-free and alcohol-free workplace.
20. *Compliance with Applicable Law.* Grantee hereby represents and warrants that it:
- (a) Is qualified to do business in the State of Maryland and that it will take such action as, from time to time hereafter, may be necessary to remain so qualified;
 - (b) Is not in arrears with respect to the payment of any monies due and owing the State of Maryland, or any department or unit thereof, including but not limited to the payment of taxes and employee benefits, and that it shall not become so in arrears during the Grant term;
 - (c) Shall comply with all federal, State, and local laws, regulations, and ordinances applicable to its activities and obligations under this Grant.
 - (d) Shall obtain, at its expense, all licenses, permits, insurance, and governmental approvals, if any, necessary to the performance of its obligations under this Grant.
21. *Non-Debarment.* Neither Grantee nor any of its officers, directors, or any of its employees directly involved in obtaining or performing grants or

contracts with public bodies has:

- (a) Been convicted of bribery, attempted bribery, or conspiracy to bribe in violation of any state or federal law.
- (b) Been convicted under any state or federal statute of any offense enumerated in Section 16-203 of the State Finance and Procurement Article, Annotated Code of Maryland.
- (c) Been found civilly liable under any state or federal antitrust statute as provided in Section 16-203 of the State Finance and Procurement Article, Annotated Code of Maryland.

22. *Non-Collusion.* Neither Grantee nor any of its officers, directors, or any of its employees directly involved in obtaining or performing grants or contracts with public bodies has:

- (a) Agreed, conspired, connived, or colluded to produce a deceptive show of competition in obtaining or performing this Grant.
- (b) In any manner, directly or indirectly, entered into any agreement of any kind to fix the bid price or price proposal of any bidder or offeror or of any competitor, or otherwise taken any action in restraint of free competitive bidding in connection with this Grant.

23. *Financial Disclosure.* Grantee is aware of, and will comply with, Section 13-221 of the State Finance and Procurement Article, Annotated Code of Maryland, which requires that every business that enters into contracts, leases, or other agreements with the State or its agencies during a calendar year under which the business is to receive in the aggregate \$200,000 or more shall, within 30 days of the time when the aggregate value of the contracts, leases or other agreements reaches \$200,000, file with the Maryland Secretary of State certain specified information to include disclosure of beneficial ownership of the business.

24. *Political Contributions.* Grantee is aware of, and will comply with, Election Law Article, Title 14, Annotated Code of Maryland, which requires that every person that enters into contracts, leases, or other agreements with the State, including its agencies or a political subdivision of the State, during a calendar year in which the person receives in the aggregate \$200,000 or more shall file with the State Board of Elections a statement disclosing contributions in excess of \$500 made during the reporting period to a candidate for elective office in any primary or general election.

25. *No Contingent Fees.* Grantee has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee or agent working for Grantee, to solicit or secure the Grant. Grantee has not paid or agreed to pay any person, partnership, corporation, or other entity, other than a bona fide employee or agent, any fee or any other consideration contingent on the making of the Grant.

26. *No Lobbying Fees.* In accordance with Section 7-221 of the State Finance and Procurement Article, Annotated Code of Maryland, Grantee certifies that no State money has been paid or promised to any legislative agent,

lawyer, or lobbyist for any service to obtain the legislation establishing or appropriating funds for the Grant.

27. Non-hiring of State Employees. No State employee whose duties as such employee include matters relating to or affecting the subject matter of this Grant, shall, while so employed, become or be an employee of Grantee.
28. Amendment. The Agreement may be amended only in a writing signed by the parties.
29. Assignment. Grantee may not assign this Agreement without the prior written approval of the BPW. If the BPW approves an assignment, this Agreement shall bind Grantee's successors and assigns.
30. Entire Agreement. This Agreement represents the complete and final understanding of the parties. No other understanding or representations, oral or written, regarding the subject matter of this Agreement, shall be deemed to exist or to bind the parties at the time the parties sign the Agreement.
31. Maryland Law. Maryland laws govern the interpretation and enforcement of this Agreement.

By their signatures, the parties so agree:

WITNESS:



GRANTEE:

By:  (SEAL)

Name: Jacob R. Day

Title: Mayor

STATE OF MARYLAND
BOARD OF PUBLIC WORKS

By: _____

John Gontrum
Executive Secretary

Approved as to form and legal
sufficiency this _____ day of
_____, 20____

Assistant Attorney General
Department of General Services

BPW APPROVAL: DGS Item ____ -CGL (____/____/20____)

CAPITAL PROJECTS GRANT AGREEMENT
Standard Form

INTER

OFFICE

MEMO

Department of Finance

To: Julia Glanz, City Administrator
From: Keith Cordrey, Director of Finance Department *KAC*
Subject: FY21 Budget Ordinances
Date: 04 13 2020

Please find attached the following Budget Ordinances:

FY21 Budget Ordinance

This ordinance establishes the appropriations necessary to operate the City during FY21.
It also authorizes project and grant funding.

FY21 Water Sewer Rate Ordinance

This ordinance sets the Water and Sewer Rates for FY21. Water and Sewer Rates were unchanged from the previous year.

FY21 Fee Ordinances

This ordinance sets various fees for FY21.

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

ORDINANCE NO. 2593

AN ORDINANCE APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE CITY OF SALISBURY, MARYLAND FOR THE PERIOD JULY 1, 2020 TO JUNE 30, 2021, ESTABLISHING THE LEVY FOR THE GENERAL FUND FOR THE SAME FISCAL PERIOD AND ESTABLISHING THE APPROPRIATION FOR THE WATER AND SEWER, PARKING AUTHORITY, CITY MARINA, AND STORM WATER FUNDS.

BE IT ORDAINED, by the City of Salisbury, Maryland that the amounts listed in Schedule A – Operating Budget Appropriations are hereby appropriated for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021 to fund operations of the City of Salisbury, Maryland.

BE IT FURTHER ORDAINED, by the City of Salisbury, Maryland that the amounts listed in Schedule B – Capital Project Appropriations are hereby appropriated for Capital Projects.

BE IT FURTHER ORDAINED, by the City of Salisbury, Maryland that the amounts listed in Schedule C – Anticipated Grant Expenditures are hereby appropriated for the grants listed, and the Mayor is authorized to enter into any necessary agreements or memoranda in order to receive and expend these funds.

BE IT FURTHER ORDAINED that:

- 1) The tax levy be, and the same be hereby set, at \$.9832 per \$100 of assessed valuation of all real property, at \$3.51 per \$100 of assessed valuation for all personal property categorized as utilities, and at \$2.40 per \$100 of assessed valuation for all other personal property subject to taxation by the City of Salisbury for General Fund purposes, including debt service purposes (exclusive of revenues derived from the Water and Sewer Fund for debt service purposes attributed to water and sewer activities); and
- 2) All taxes levied by this ordinance shall be liens from and after July 1, 2020 and shall be due and payable as specified in Title 14 of the Tax Property article of the Annotated Code of Maryland, as amended;

AND BE IT FURTHER ORDAINED by the Salisbury City Council that a public hearing on the proposed budget ordinance will be held at ____ PM on _____, 2020 in Room 301 of the City/County Government Office Building, 125 N. Division Street, Salisbury, Maryland.

AND BE IT FURTHER ORDAINED by the Salisbury City Council that this Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a special meeting of the Council of the City of Salisbury held on the _____, 2020, and having been published as required by law, in the meantime, 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

65 **Schedule A - Operating Budget Appropriations**

66

67	1)	General Fund – for the general municipal purposes of the City of Salisbury:	
		City Council / City Clerk	257,804
		Mayor's Office/ Development Services	1,907,478
		Finance	745,209
		Procurement / Municipal Buildings	563,723
		City Attorney	355,000
		Information Technology	611,061
		Police	14,168,624
		Fire	10,180,062
		Housing and Community Development	1,148,528
		Infrastructure and Development	1,587,840
		Field Operations	7,219,521
		Debt Service & Other Uses	6,264,591
		Total	45,009,441
68	2)	Parking Authority Fund – for the special assessment district known as the Parking Authority	
		Total	831,747
69	3)	Water Sewer Fund - for operations of the water and sewer departments	
		Total	18,126,081
70			
71	4)	Marina Fund – for the operations of the enterprise known as the City Marina	
		Total	111,542
72	5)	Storm Water Fund – for the operations of the enterprise known as the Storm Water Fund	
		Total	695,355
73			
		Grand Total	\$ 64,774,166

Schedule B – Capital Project Appropriations (1 of 2)

General Capital Projects

			Funding Source					
			PayGO Gen Fund	PayGO Storm Water	Grant	Contrib.	Prior Yr Bond	FY22 Bond
Dept	Project	Amount						
	General Government							
GOB	GOB Roof and Air Handler Replacement	175,000					175,000	
IT	Computer Aided Dispatch (CAD) Replacement	50,000					50,000	
	Field Operations	-						
Field Op	Church St Storm Water Pipe Rehabilitation Lining	130,550		130,550				
Field Op	Special Events Pavilions	90,000			90,000			
Field Op	ADA: Ramp and Bathroom Conversion	40,000						40,000
Field Op	Field Operations Facility Plan - Phase 2	2,000,000						2,000,000
Field Op	2 One Ton Dump Trucks (Sanitation & Parks)	140,000					140,000	
	Infrastructure & Development	-						
I & D	Port Exchange Riverwalk Replacement	114,000					-	114,000
I & D	Street Scaping (Town Square)	750,000					750,000	
I & D	Rail Trail Master Plan Implementation	250,000					250,000	
I & D-SW	Waste Shark	25,000		25,000				
	Total	3,764,550	-	155,550	90,000	-	1,365,000	2,154,000

Schedule B – Capital Project Appropriations (2 of2)

Project		Funding Source					
		Transfer PayGO	Lawsuit Proceeds	Grant	Impact Funds	Lawsuit Proceeds	Reallocate Bonds
<u>Water Sewer Capital Project Fund:</u>							
Structural Study	75,000						75,000
Restore Park Well Field	175,000					175,000	
Filter Replacement Project	306,000					306,000	
Replace Distribution Piping & Valves	100,000					100,000	
Park Plant Flow Meter Replacement	250,000					250,000	
Sewer Trunk Line Rehabilitation Lining	150,000					150,000	
Pump Stations Improvements	250,000					250,000	
Paleo Well 3	0				1,231,000	-1,231,000	
Park Water Treatment Plant Interior Improvements	100,000						100,000
Total >>	1,406,000	0		0	1,231,000	0	175,000

Notes:

- (1) The above schedule authorizes changing the source of funding of \$1,231,000 for Paleo Well 3 from lawsuit proceeds to Impact Funds since this project will enhance growth. The \$1,231,000 in lawsuit proceeds, made available by this change, will then be used to fund the projects with amounts in the Lawsuit Proceeds column.

Schedule C City Fiscal Year 2019 Appropriations for Grant-Funded Expenditures

Schedule C: City Fiscal Year 2021 Appropriations for Grant-Funded Expenditures										
Grant Name	Appropriation					Grant Dates		Funding		
	Funding by Grant			Funding by Grant Match		Start Date	End Date	Source	CFDA #	Dept/Agency
	Total	Prior Yrs	FY 2021	Amount	Account					
Comcast - Public, Educational & Governmental (PEG) Fees										
FY21 - PEG Fees from Comcast	80,000		80,000	N/A	N/A	7/1/2020	6/30/2021	Private	N/A	Comcast
Housing & Community Development Department										
FY21 - Homeless Solutions Program - Federal Funds (ESG)	25,000		25,000	N/A	N/A	7/1/2020	6/30/2021	Federal	14.231	DHCD
FY21 - Homeless Solutions Program - State Funds	30,000		30,000	N/A	N/A	7/1/2020	6/30/2021	State	N/A	DHCD
FY21 - Projects for Assistance Transition-Homelessness (PATH)	35,000		35,000	N/A	N/A	7/1/2020	6/30/2021	Federal	93.150	SAMHSA
FY21 - Community Legacy	200,000		200,000	N/A	N/A	7/1/2020	6/30/2022	State	N/A	DHCD
PY20 - Community Development Block Grant (CDBG)	387,418		387,418	N/A	N/A	7/1/2020	N/A	Federal	14.218	HUD
FY21 - Maryland Heritage Area Authority (MHAA)	50,000		50,000	15,000	91001-599120	7/1/2020	6/30/2022	State	N/A	MHAA / MDP
FY19 - POS - Zoo Special Events Pavilion, Phase 1 (DNR - Wic. Co.)	100,000		100,000	11,000	91001-599120					
Infrastructure & Development Department										
FY21 - MD - Governor's Capital Projects Grant (DGS) (Salisbury	1,000,000		1,000,000	N/A	N/A	7/1/2020	6/30/2027	State	N/A	MD / DGS
FY21 - ENR O&M Grant - MDE Bay Restoration Fund (BRF)	255,000		255,000	N/A	N/A	7/1/2020	6/30/2021	State	N/A	MDE / BRF
Salisbury Fire Department										
FY17 - Staffing -Adequate Fire & Emergency Response (SAFER)	1,527,738	1,527,738		536,772	91001-599124	9/11/2018	9/30/2022	Federal	97.083	DHS / FEMA
FY21 - Salisbury Wicomico Firstcare Team (SWIFT)	150,000		150,000	N/A	N/A	7/1/2020	6/30/2021	Private	N/A	WiCHD / CareFirst
FY19 - Assistance to Firefighters Grant (AFG)	113,000		113,000	11,300	91001-599124	11/12/2019	11/11/2020	Federal	97.044	DHS / FEMA
FY20 - Port Security Grant (PSG - 3 projects)	100,000		100,000	25,000	91001-599124	9/1/2020	8/31/2023	Federal	97.056	DHS / FEMA
Salisbury Police Department										
FY17, 18 & 19 - COPS Grant	250,000	250,000		N/A	N/A					
FY21 - Bulletproof Vest Partnership	25,000		25,000	N/A	N/A	10/1/2020	9/30/2022	Federal	16.607	Dept. of Justice
FY21 - MD Criminal Intelligence Network (MCIN)	369,924		369,924	30,000	91001-599121	7/1/2020	6/30/2021	State	N/A	GOCCP
FFY20 - Edward Byrne Memorial JAG	26,000		26,000	N/A	N/A	10/1/2020	9/30/2023	Federal	16.738	Dept. of Justice
FY21 - Gun Violence Reduction Initiative	30,000		30,000	3,500	91001-599121	7/1/2020	6/30/2021	State	N/A	GOCCP
FFY21 - MD Highway Safety Office - Impaired Driver (DUI)	6,000		6,000	5,084	91001-599121	10/1/2020	9/30/2021	Federal	20.616	US DOT / MHSO
FFY21 - MD Highway Safety Office - Aggressive Driver	4,000		4,000	3,398	91001-599121	10/1/2020	9/30/2021	Federal	20.600	US DOT / MHSO
FFY21 - MD Highway Safety Office - Distracted Driver	3,000		3,000	2,555	91001-599121	10/1/2020	9/30/2021	Federal	20.600	US DOT / MHSO
FY21 - Wicomico County Circuit Court - Drug Court	12,000		12,000	5,800	91001-599121	7/1/2020	6/30/2021	County	N/A	Circuit Court
FY18 - Wicomico County Adult Drug Treatment Court	443,469	443,469		N/A	N/A	1/1/2020	12/31/2022	Federal	16.585	Dept. of Justice
FFY21 - U.S. Marshals Program	20,000		20,000	12,013	91001-599121	10/1/2020	9/30/2021	Federal	16.111	US Marshals
Total	\$ 5,242,549	\$ 2,221,207	\$ 3,021,342	\$ 661,422						
Some of the Community Development grants will require an FY21 match totaling \$26,000, which will be transferred from account number 91001-599120										
Some of the Police Dept. grants will require an FY21 match, totaling \$62,350, which will be transferred from account number 91001-599121.										
Some of the Fire Dept. grants will require an FY21 match, totaling \$573,072 which will be transferred from account number 91001-599124.										
The Infrastructure & Development Dept. has applied for a FY21 Governor's Capital Projects grant. The match for this grant will be covered by Bond funds, Water & Sewer funds and other grant funds previously awarded.										

ORDINANCE NO. 2594

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO ESTABLISH THAT THERE IS NO RATE CHANGE FOR WATER AND SEWER RATES. IT IS EFFECTIVE FOR ALL BILLS DATED OCTOBER 1, 2020 AND THEREAFTER UNLESS AND UNTIL SUBSEQUENTLY REVISED OR CHANGED.

WHEREAS, the water and sewer rates must be revised in accordance with the proposed Fiscal Year 2021 Budget of the City of Salisbury and the appropriations thereby made and established for purposes of the Water and Sewer Departments.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF SALISBURY THAT the following water and sewer rate schedule shall be adopted by the City of Salisbury:

A. Water and Sewer Rate Schedules:

Schedule I Metered Water Charges – In City Rates

Residential and Small Commercial

Minimum Charge	\$22.45/ quarter
Commodity Charge	\$3.35/ thousand gallons

Commercial

Customer Charge	\$420.08/ quarter
Commodity Charge	\$1.95/ thousand gallons

Large Commercial/Industrial

Customer Charge	\$649.22/ quarter
Commodity Charge	\$1.55/ thousand gallons

Schedule II Metered Water Charges – Outside City Rates

Residential and Small Commercial

Minimum Charge	\$44.90/ quarter
Commodity Charge	\$6.70/ thousand gallons

Commercial

Customer Charge	\$840.17/ quarter
Commodity Charge	\$3.90 thousand gallons

Large Commercial/Industrial

Customer Charge	\$1,298.45/ quarter
Commodity Charge	\$3.14 thousand gallons

47 Schedule III Metered Water Charges – Wor-Wic Community College and Urban Service District
48 Rates
49

50 Residential and Small Commercial

51 Minimum Charge \$33.66/ quarter
52 Commodity Charge \$5.03/ thousand gallons
53

54 Commercial

55 Customer Charge \$630.13/ quarter
56 Commodity Charge \$2.92/ thousand gallons
57

58 Large Commercial/Industrial

59 Customer Charge \$973.84/ quarter
60 Commodity Charge \$2.35/ thousand gallons
61

62 Schedule IV Sewer Charges – In City Rates
63

64 Residential and Small Commercial

65 Minimum Charge \$55.45/ quarter
66 Commodity Charge \$8.31/ thousand gallons
67

68 Commercial

69 Customer Charge \$1,047.42/ quarter
70 Commodity Charge \$4.84/ thousand gallons
71

72 Large Commercial/Industrial

73 Customer Charge \$1,615.69/ quarter
74 Commodity Charge \$3.87/ thousand gallons
75

76 Schedule V Sewer Charges – Outside City Rates
77

78 Residential and Small Commercial

79 Minimum Charge \$110.91/ quarter
80 Commodity Charge \$16.64/ thousand gallons
81

82 Commercial

83 Customer Charge \$2,094.82/ quarter
84 Commodity Charge \$9.65/ thousand gallons
85

86 Large Commercial/Industrial

87 Customer Charge \$3,231.39/ quarter
88 Commodity Charge \$7.76/ thousand gallons
89

90 Schedule VI Sewer Charges – Wor-Wic Community College and Urban Service District Rates
91

92 Residential and Small Commercial

93 Minimum Charge \$83.18/ quarter
94 Commodity Charge \$12.48/ thousand gallons

Commercial	
Customer Charge	\$1,571.12/ quarter
Commodity Charge	\$7.23/ thousand gallons
Large Commercial/Industrial	
Customer Charge	\$2,423.53/ quarter
Commodity Charge	\$5.83/ thousand gallons

Schedule VII Sewer Charges – Sewer Only Customers

Rate	Number of fixtures	Quarterly In City Rate	Quarterly Outside City Rate	Quarterly Urban Service District Rate
1	One to two fixtures	\$70.92	\$141.84	\$106.38
2	Three to five fixtures	\$106.38	\$212.77	\$159.57
3	Six to twenty fixtures	\$152.90	\$305.79	\$229.34
	For every five fixtures over twenty	\$63.05	\$126.09	\$94.57

Schedule VIII Commercial and Industrial Activities

	Annual In City Rate	Annual Outside City Rate
1) For each fire service	\$373	\$746
2) For each standby operational service	\$373	\$746

B. Definitions:

Residential and Small Commercial Customers – These customers have average water utilization of less than 300,000 gallons in a quarter.

Commercial Customers – These customers have average water utilization of 300,000 gallons to 600,000 gallons per quarter.

Large Commercial/Industrial – These customers have average water utilization over 600,000 gallons per quarter.

Average Water Utilization Per Quarter – This will be based on annual consumption divided by 4 to get average quarterly water utilization.

141 C. Calculation of Bills:

142 For Residential and Small Commercial Customers – The minimum charge for both water and sewer will
143 apply if water service is turned on at the water meter and usage is 0-6,000 gallons per quarter. Only the
144 City can turn a meter on and off. For usage of 7,000 gallons and above, the commodity charge will be
145 applied for each 1,000 gallons used and the minimum charge will not be applied.

146
147 For Commercial and Large Commercial/Industrial Customers – Every quarterly bill will receive a
148 customer charge for both water and sewer. Then for each thousand gallons used the appropriate
149 commodity charge will be applied.

150
151 AND BE IT FURTHER ORDAINED AND ENACTED that this Ordinance was introduced at a
152 meeting of the City Council held on ____ the ____ day of _____, 2020 and duly passed at a
153 meeting of the Council of the City of Salisbury, Maryland held on the ____ day of _____, 2020 and
154 is to become effective with bills dated October 1, 2020 and after.

155
156
157 **ATTEST:**

158
159 _____
160 Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

161
162
163
164 APPROVED BY ME THIS ____ day of _____, 2020.

165
166
167 _____
168 Jacob R. Day, Mayor
169

ORDINANCE NO. 2595

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO SET FEES FOR FY 2021 AND THEREAFTER UNLESS AND UNTIL SUBSEQUENTLY REVISED OR CHANGED.

WHEREAS, the fees charged by the City are reviewed and then revised in accordance with the adoption of the Fiscal Year 2021 Budget of the City of Salisbury; and

WHEREAS, the fees listed in the attached FY 2021 Fee Schedule, Exhibit 1, are an attempt to identify and list all fees, some of which are revised in accordance with the adoption of the Fiscal Year 2021 Budget of the City of Salisbury; and

WHEREAS, some of the fees may have been inadvertently omitted from the schedule, any existing fees not listed in the attached FY 2021 Fee Schedule shall remain as currently set forth in the Salisbury Municipal Code.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF SALISBURY THAT the fee amounts included in the attached Exhibit 1 – FY 2021 Fee Schedule - shall be adopted by the City of Salisbury and the amounts set forth therein shall supersede the corresponding fee amounts prescribed in the Salisbury Municipal Code until one or more of the said fees are subsequently amended.

AND BE IT FURTHER ORDAINED AND ENACTED that this Ordinance was introduced at a meeting of the City Council held on ____ the ____ day of _____, 2020 and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on the ____ day of _____, 2020 and is to become effective as of July 1, 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

FY 2021 Fee Schedule

Licenses			
Alarm Company	75 80	Per year, Per Code 8.040.30	Police Dept
Amusement		Per Code 5.24.020	Finance
1-5 Machines	500	Per year	
6-10 machines	665	Per year	
11-15 machines	830	Per Year	
Greater than 15 machines	1,500	Per Year	
Billboard License	0.5 0.55	Per Year, per square foot	Finance
Transient Merchants and Mobile Vendors		Per Code 5.32.070	Bus Dev
New application	50 100		
Renewal	50	Per year	
Hotel License	50	Per Code 5.68.060	Bus Dev
Door to Door Solicitors	50	Plus \$40 background check performed, Per year, Per Code 5.34.070	City Clerk
Pool Table		Per Code 5.48.020	Finance
1	10	Each	
Additional tables over 1	5	Each	
Restaurant	75 80	Per year, Per Code 5.52.060	Finance
Theatre	75	Per year, Per Code 5.60.040	Police Dept
Towing Company			Police Dept
Application Fee	75 80		
License	75 80	Per Code 5.64.030	

Misc. Fees (by Business Development)			
Food Truck Pad Rental	50	Per month	
Trolley Rental Fee			
Hourly rate	150	Per hour, private event or for-profit business	
Hourly rate	125	Per hour, non-profit or government entity	

Misc. Fees (by Finance)			
Return Check Fee	40		

Misc. Fees (by City Clerk)			
Sale of Code Book		Each, Set by Resolution, Per Code 1.04.080	
Financial Disclosure Statement Late Fee	20	Per day for 5 days, then \$10 per day up to max of \$250; Per Code 1.12.060	
Circus or Horsemanship Event Fee	75	Per day, Per Code 5.44.010	
Other Exhibitions	5	Per day, Per Code 5.44.010	
Commercial Sound Truck Operation Fee	1	Per Code 8.20.080	
Filing Fee (Mayoral Candidates)	25	SC-8	
Filing Fee (City Council Candidates)	15	SC-8	
Bankrupt, Fire and Close-out sales	5	Per month, Renewal – \$50/month, Per code 5.16.010	

FY 2021 Fee Schedule

Landlord Licenses and Other Misc. fees (by the HCDD Department)		
Landlord License Fee 1st Year	120 135	Per Code 15.26.050
Landlord License Unit Registration 1st Year	120 135	Per Code 15.26.040
Landlord License Fee Renewal		Per Code 15.26.060
if paid by March 1st	60 75	
if paid 3/2 - 7/1	125 140	
if paid > 7/1	255 270	
Landlord License Unit Registration Renewal		Per Code 15.026.060
if paid by March 1st	60 75	per unit
if paid 3/2 - 7/1	125 140	For first unit plus \$88 for each additional unit
if paid > 7/1	255 270	For first unit plus \$96 for each additional unit
Administrative Fee for Fines	100	
Fore Closed Property Registration	25	One time fee, Per Code 15.21.040
Re-inspection Fee	100	On each citation, Per Code 15.27.030
Vacant Building Registration	200	Per year, Per Code 15.22.040
Vacant Building Registration 1st Year, prorated		
If registered/paid:		
7/1-9/30	200	
10/1-12/31	150	
1/1-3/31	100	
4/1-6/30	50	
Historic Application Fee	25	
Change in Occupancy Fee	50	
Change in Use Fee	200	
Community Center Rental Fee		
Truitt Community Center – Gymnasium	35	Per hour
Truitt Community Center – Multi-purpose Field	10	Per hour
Newton Community Center – Community Room	20	Per hour
Newton Community Center – Kitchen	20	Per hour
Newton Community Center – Resource Office	15	Per hour
Community Center – Supplies, per Item	Vary	Each
Community Center – Equipment, per Item	Vary	Each

Misc. Fees (by Field Operations)		
Outdoor Rental Space – Small Family Functions, up to 20 people		
Park Pavilion	25	Per day
Outdoor Rental Space – Large Private Function or Public Events		
Park Pavilion (with restrooms)	75	Per Day W/O RR
Rotary/Bandstand, Doverdale, Lake Street	100	Per Day W RR
Amphitheater	160	Per day
Park Pavilion (no restrooms): Jeanette P. Chipman Boundless, Kiwanis, Marina Riverwalk, Market Street,	50	Per day

FY 2021 Fee Schedule

Newton-Camden Tot Lot, Waterside		
Streets /Parking Lots	100 1 st St and 50 each add	Per day
5K Race	150	Per day
City park, designated park area or amenity not listed	50	Per day
Ball field/ Basketball Court / Tennis Court	10 and 40 w/lights	Per hour
Personnel		
Site Supervisor Suggest \$25.00/ Site Coordinator	15	Per hour
Maintenance Labor	15	Per hour
Security/Police/EMS/FIRE (per person)	55	Per hour. 3 hours minimum or \$165
Supplies & Equipment		
Maintenance Supplies (as required)	Vary	
Sports Equipment	Vary	
Additional Trash Cans - Events with over 200 people require additional trashcans, recycle or compost bin and a recycling plan.	5	Per Container
Barrier Fence (Snow Fence)	1	Per Linear Foot
Traffic Control Devices		
Hard Stop Dump truck/other	50	Per day
Digital Msg. Board	50	Per day
Street Barricades	10	Each per day
Cones	1	Each per day
Traffic Control Sign	10	Each per day
Jersey Barrier	600	Minimum 4, delivery, set-up and remove

Waste Disposal Fees (by Field Operations)

Trash Service	56 59	Per quarter, Per Code 8.16.090
Bulk Trash Pick up	25	For three items, additional amounts for specific items, Per Code 8.16.060
Trash Cans	74	Per can (plus \$4.44 tax), Per Code 8.16.060

Water/Sewer Misc. Fees (by Water Works)

Water & Sewer Admin Fee (Late Charge)	50	Per occurrence, Per Code 13.08.040
Water Turn On Fee	80	For after hours, Per Code 13.08.040
Water Meter Reading Fee	25	Per request, Per Code 13.08.030
Water Turn On Fee	20	Per request, Per Code 13.08.040
Fire Service	746	Annually per property, Per Code 13.08.050
Meter Test		
In City Limits	40	Per request, Per Code 13.08.030
Out of City Limits	50	Per request, Per Code 13.08.030
Water and Sewer Services		See Water Sewer Rate Ordinance, Quarterly, Per Code 13.08.130-13.12.090

WWTP Pretreatment Program Fees (by Water Works)

Significant Industrial Users: (Per Code 13.12.110)		
IA discharges flow \geq 5% of WWTP flow	8,700	30 units
IB discharges flow \geq 50,000 gpd	7,250	25 units

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IC categorical user which discharges	5,800	20 units
ID discharges flow \geq 25,000 gpd	4,350	15 units
IE categorical user which does not discharge	2,900	10 units
Minor Industrial Users: (Per Code 13.12.110)		
IIA-1 discharges flow \geq 5,000 gpd or hospitals, campus	2,030	7 units
IIA-2 discharges flow \geq 5,000 gpd or light industry, hotels	1,450	5 units
IIB discharges flow \geq 1,000 gpd or fast food, large restaurants, large garages	580	2 units
IIC discharges flow 500 - 1,000 gpd or small restaurants, small garages	435	1.5 units
IID discharges flow \geq 500 gpd or restaurants that are carry out only no fryer	290	1 unit
IIE photographic processor which discharges silver rich wastewater	290	1 unit
<i>Pretreatment fees are an annual fee, invoices are sent each January to cover the calendar year.</i>		

Towing Fees		
Maximum Towing and Storage Fees (vehicles up to 10,000 GVW)		
Accident Vehicle Tow	200	
Disabled Vehicle Tow	80	
Emergency Relocation Tow	80	Per Code 5.64.100
Impound Vehicle Tow	135	
Standby/Waiting Time - Billed in 15 minute increments only after 16 minute wait	65	Per hour
Winching (Does not include pulling vehicle onto rollback type truck) - Billed in 15 minute increments	110	Per hour
Storage – Beginning at 12:01 am following the tow	50	Per calendar day or portion thereof, Per Code 5.64.120
Administrative Fee – Accidents and Impounds Only	30	
Snow Emergency Plan in Effect (in addition to other applicable towing fees)	30	
Release Fee (After hours only, at tower's discretion) – Normal business hours defined as M-F, 9am-6pm	55	

Building Fees (by the Department of Infrastructure and Development)		
Building Plan Review Fees (Per Code 15.04.030)		
<i>Fees based on cost of construction:</i>		Residential, Commercial, Accessory
Up to \$ 3,000	45 50	
\$3,001 to \$100,000	80 90	
\$100,001 to \$500,000	200 210	
\$500,001 to \$1,000,000	250 260	
\$1,000,001 and Up	300 310	
Building Permit Fees (Per Code 15.04.030)		
<i>Fees based on cost of construction:</i>		Residential, Commercial, Accessory
Up to \$ 3000	40 50	
\$3001 and Up	50 60	Plus (.0165 * Cost of Construction)
\$100,001 to \$500,000	1,100 1,200	Plus (\$10 for each \$1,000 over \$100,000)
\$500,001 to \$1,000,000	4,400 4,500	Plus (\$9 for each \$1,000 over \$500,000)
\$1,000,001 and Up	8,000 8,100	Plus (\$6 for each \$1,000 over \$1,000,000)
Fence Permit Fees: (Per Code 15.04.030)		
<i>Fees based on cost of construction:</i>		
Up to \$ 3,000	40	
\$3,001 to \$100,000	50	Plus (.015 * Cost of Construction)

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Outdoor Advertising Structure Fee (Per Code 17.216.240)	.50	Per SF foot of sign surface per year
Other Building Fees:		
Board of Zoning Appeals	50	County Fee \$100, Per Code 17.12.110
Demo - Residential	125	Per Code 15.04.030
Demo - Commercial	175	Per Code 15.04.030
Gas	30	Plus \$10 per fixture, Per Code 15.04.030b
Grading	100	Per Code 15.20.050
Maryland Home Builders Fund	50	Per new SFD
Mechanical	50	Per Code 15.04.030
Occupancy Inspection	50	Per Code 15.04.030
Plumbing	30	\$10 per fixture (may vary), Per Code 15.04.030b
Sidewalk Sign		Set by resolution, Per Code 12.40.020
Sidewalk Café Fee		Set by ordinance, Per Code 12.36.020
Sign	50	Plus (\$1.50 per Sq Ft), Per Code 17.216.238
Temp Sign	25	Per month, Per Code 17.216.238
Temp Trailer	25	Per month, Per Code 15.36.030b
Tent	40	Per Code 15.04.030
Well	50	Per Code 13.20.020
Zoning Authorization Letter	50	Per Code 17.12.040
Re-inspection Fee	50	More than 2 insp of any required insp, Per Code 15.04.030
Adult Entertainment Permit Application Fee	100	Per Code 17.166.020
Outdoor Advertising Structure Fee	.50	Per sq ft of sign surface area, Per Code 17.216.240
Notice of Appeal Fee; Sidewalk Sign Standards Violation	100	Per Code 12.40.040
Reconnection Fee; Public Water Connection; Refusal of Inspection	25	Per Code 13.08.100
Administrative Fee – renew temporary certificate of occupancy	100	
Annexation Fees:		
Up to five (5) acres	2,000	
Five (5) acres or more but less than ten (10) acres	10,000	
Ten (10) acres or more but less than twenty five (25) acres	25,000	
Twenty five (25) acres or more but less than fifty (50) acres	35,000	
Fifty (50) acres or more	50,000	

Port of Salisbury Marina Fees (by Field Operations)		
Transient		
<i>Slip Fees based on size of vessel</i>	1.00	Per foot per day
Electric 30-amp service	5.00	Per day
Electric 50-amp service	10.00	Per day
Slip Rental – Monthly		
<i>Fees based on size of vessel</i>		
October through April	3.85	Per foot + electric
May through September	5.50	Per foot + electric
Slip Rental – Annual*		*Annual rates are to be paid in full up front, electric can be billed

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		monthly
Boats up to and including 30 feet long	1,150	+ electric
Boats 31 feet and longer	49	Per foot + electric
Fuel	.40	Per gallon more than the cost per gallon purchase price by the City
Electric Service	.40	Per gallon more than the cost per gallon purchase price by the City
<i>Fees per meter</i>		
Electric 30-amp service	30.00	Per month
Electric 50-amp service	50.00	Per month

EMS Services			
	Resident	Non Resident	
BLS Base Rate	600.00	690.00	
ALS1 Emergency Rate	700.00	900.00	
ALS2 Emergency Rate	800.00	1,050.00	
Mileage (per mile)	14.00	16.20	
Oxygen	65.00	65.00	
Spinal immobilization	140.00	140.00	
BLS On-scene Care	200.00	200.00	
ALS On –scene Care	450.00	550.00	

Department of Infrastructure and Development		
Critical Area Program		Ordinance No. 2578
Certificate of Compliance (Per Code 12.20.110)		
Building Permits	75	
Major Subdivision: Preliminary	100	
Major Subdivision: Final	100	Plus (\$25 per lot)
Minor Subdivisions	50	
Plan approval/special projects	50	
Site Plans	50	
Sketch Plat	50	
Resubdivision	50	
Buffer Management Plan	50	
Fee-In-Lieu (Per Code 12.20.540)	1.50	\$1.50 per square foot of mitigation area
License to Encumber Program		Ordinance No. 2580
Small Wireless Facilities		
Application	500	For up to five (5) small wireless facilities
Application – additional facilities	100	For each additional small wireless facility addressed in the application beyond five
Access to the Right of Way fee	1,000	Per each new small wireless facility pole
Annual fee for access to the Right of Way	270	Per year per small wireless facility after year 1
Storm Water Utility (2306)		
Fee to maintain City storm water facilities per Ordinance 2306	20.00	Per year per Equivalent Residential Unit per Ordinance 2315
Stormwater Utility Credit Application (2306)		
Fee to apply for credit to Stormwater Utility	150.00	Per application

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Street Break Permit (Per Code 12.12.020)		
Permit for breaking City public streets and way	25.00	Per break location
Obstruction Permit (Per Code 12.12.020)		
Permit for obstructing City public streets and ways.	10.00	Per location
Water and Sewer Capacity Fee (Per Code 13.02.070)		
Comprehensive Connection Charge of Capacity fee for the Developer's share in the cost of growth related infrastructure improvements.	3,533.00	Per Equivalent Dwelling Unit (water \$1,513, sewer \$2,020)
Water and Sewer Facility Fee (Per Code 13.02.070)		
Comprehensive Connection Charge for Facility Fees is based on actual costs of water and sewer infrastructure installed by a Developer.	*	* Fee amount is project dependent. Facility Fee is the prorated share of the cost of the water and sewer mains based on this project's percentage of the capacity of the proposed infrastructure project.
Reimbursement Administrative Fee (Per Code 13.02.090)		
Administrative fee assessed on Facility Fee for processing	*	0.1 percent of the Facility Fee
Water and Sewer Line Fee (Per Code 13.02.070)		
Comprehensive Connection Charge of Line fee is based on the actual costs of the public water and sewer.	*	* Fee amount is project dependent
Central System Line Fee (Per Code 13.02.070)		
Comprehensive Connection Charge of Central System Line Fee for water and sewer services connecting directly to the City's Central System.	64.50	Per linear foot based on the area of the property and is the square root of the lot area, in square feet
Development Plan Review Fee (1536)		
Fee for review of development plans and traffic control plans	450	Plus \$50 per disturbed acre, \$500 minimum. Subsequent submittals, which generate additional comments, may be charged an additional \$500.
Water and Sewer Inspection Fee (R 1341)		
Fee for inspection of public water and sewer improvements		7.5 % of the approved cost estimate for construction of proposed public water and sewer improvements
Public Works Agreement recording fee (Per County Court)		
Recording fee for Public Works Agreements		
For 9 pages or less	60.00	Per request
For 10 pages or more	115.00	Per request
Stormwater Management As-Built recording fee (Per County Court)		
Recording fee for Stormwater Management As-Built.	10.00	Per sheet
Subdivision review fee (1536)		
Fee for Subdivision review	25.00	Per subdivided acre, (\$25.00 minimum, \$200.00 maximum)
Subdivision recording fee (Per County Court)		
Recording fee for Subdivision plans	10.00	Per page

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Resubdivision review fee (1536)		
Fee for Resubdivision reviews	25.00	Per subdivided acre, (\$25.00 minimum, \$200.00 maximum)
Resubdivision recording fee (Per County Court)		
Recording fee for Resubdivision plans	10.00	Per page
Administrative Fee for Capacity Fee payment Plans (R 2029)		
Administrative Fee for Capacity Fee payment Plans	25.00	
Maps and Copying Fees		
City Street Map	5.00	Ea
Street Map Index	1.00	Ea
Property Maps	3.00	Ea
Sanitary Sewer Utility Maps (400 Scale)	3.00	Ea
Storm Water Utility Maps (400 Scale)	3.00	Ea
Water Main Utility Maps (400 Scale)	3.00	Ea
Sanitary Sewer Contract Drawings	1.00	Ea
Storm Water Contract Drawings	1.00	Ea
Water Main Contract Drawings	1	Ea
Black and White Photocopying (Small Format)	.25	Sq. ft
Black and White Photocopying (Large Format)	.50	Sq. ft
Color Photocopying (Small Format) \$1/sq.ft.	1	Sq. ft
Color Photocopying (Large Format) \$2/sq.ft.	2	Sq. ft

Water Works		
Temporary connection to fire hydrant (Per Code 13.08.120)		
Providing temporary meter on a fire hydrant for use of City water	64.50	Per linear foot based on the area of the property and is the square root of the lot area, in square feet
In City	40.00	Plus charge for water used per current In City rate, \$10 minimum
Out of City	50.00	Plus charge for water used per current Out of City rate, \$10 minimum
Hydrant flow test (Per Code 13.08.030)		
To perform hydrant flow tests		
In City	125.00	Per request
Out of City	160.00	Per request
Fire flush and Fire pump test (Per Code 13.08.030)		
To perform hydrant flow tests To perform meter tests on ¾" and 1" meters.		
In City	125.00	Per request
Out of City	160.00	Per request
Meter tests (Per Code 13.08.030)		
To perform meter tests on ¾" and 1" meters.		
In City	40.00	Per request
Out of City	50.00	Per request
Water Meter/Tap Fee and Sewer Connection Fee (Per Code 13.02.070)		

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Water Meter/Tap Fee and Sewer Connection Fee if water and sewer services are installed by City forces.	*	The tap and connection fee amount is the actual cost of SPW labor and materials or per this schedule.
Water Tapping Fees - In City:		
3/4 Water Meter	3,850	Per Connection
1" Water Meter	4,160	Per Connection
1 ½" Water Meter T-10 Meter	5,810	Per Connection
2" Water Meter - T-10 Meter	6,200	Per Connection
2" Water Meter - Tru Flo	7,320	Per Connection
Water Tapping Fees - Out of City		
3/4 Water Meter	4,810	Per Connection
1" Water Meter	5,200	Per Connection
1 ½" Water Meter T-10 Meter	7,265	Per Connection
2" Water Meter - T-10 Meter	7,750	Per Connection
2" Water Meter - Tru Flo	9,155	Per Connection
Sanitary Sewer Tapping Fees - In City:		
6" Sewer Tap	3,320	Per Connection
8" Sewer Tap	3,380	Per Connection
6" or 8" Location & Drawing Fee	45	Per Connection
Sanitary Sewer Tapping Fees – Out of City		
6" Sewer Tap	4,150	Per Connection
8" Sewer Tap	4,225	Per Connection
6" or 8" Location & Drawing Fee	60	Per Connection
Water Meter Setting Fee (Per Code 13.02.070)		
Water meter setting fee for installation of water meter when tap is done by a contractor.		
Meter Setting Fees - In City:		
3/4 Water Meter	400	Per Connection
1" Water Meter	525	Per Connection
1 ½" Water Meter T-10 Meter	785	Per Connection
2" Water Meter - T-10 Meter	905	Per Connection
2" Water Meter - Tru Flo	2030	Per Connection
Meter Setting Fees - Out of City		
3/4 Water Meter	495	Per Connection
1" Water Meter	655	Per Connection
1 ½" Water Meter T-10 Meter	980	Per Connection
2" Water Meter - T-10 Meter	1130	Per Connection
2" Water Meter - Tru Flo	2535	Per Connection

Parking Violations, False Alarms, Infractions, Scofflaw (by the Police & Fire Departments)			
Animal Control	50-100		Police Department
False Police Alarms (Per Code 8.040.050)			Police Department
<i>based on number of incidents in calendar year</i>			
First 2 incidents	0		
3 rd incident	50		
4 th incident	90		
Greater than 4 each incident	130		
False Fire Alarms (Per Code 8.040.050)			Fire Department
<i>based on number of incidents in calendar year</i>			

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First 2 incidents	0		
3 rd incident	45		
4 th incident	90		
Greater than 4 each incident	135		
Scofflaw			Police Department
Tow	135		
Storage	50		
Administrative Fee	35		
Business Administrative Fee	30		

Parking Permits and Fees			
	UOM	1-Jul-20 Rate	1-Jul-20 Non Profit Rate
Parking Permits (Per Code 10.04.010)			
Lot #1 - lower lot by library	Monthly	40.00	30.00
Top Lot #1 - upper lot by library	Monthly	40.00	30.00
Lot #4 - behind City Center	Monthly	40.00	30.00
Lot #5 - Market St. & Rt. 13	Monthly	35.00	26.25
Lot #7 & 13 - off Garrettson Pl.	Monthly	10.00	7.50
Lot #9 - behind GOB	Monthly	40.00	30.00
Lot #10 - near State bldg/SAO	Monthly	40.00	30.00
Lot #11 - behind library	Monthly	35.00	26.25
Lot #12 - beside Market St. Inn	Monthly	35.00	26.25
Lot #14 - by Holiday Inn	Monthly	25.00	18.75
Lot #15 - across from Feldman's	Monthly	40.00	30.00
Lot #16 - by Avery Hall	Monthly	40.00	30.00
Lot #30 - by drawbridge	Monthly	15.00	11.25
Lot #33 - east of Brew River	Monthly	15.00	11.25
Lot #35 - west of Brew River	Monthly	15.00	11.25
Lot SPS - St. Peters St.	Monthly	40.00	30.00
E. Church St.	Monthly	40.00	30.00
W. Church St.	Monthly	40.00	30.00
Parking Garage	Monthly	40.00	30.00
Transient Parking Options			
Parking Lot #1 (first 2-hrs of parking are FREE)	Hourly	1.00	
Parking Garage	Hourly	1.00	
Parking Meters	Hourly	1.00	
Pay Stations			
For hours 1-2	Hourly	1.00	
For hour 3 with a 3 hour Maximum Parking Limit	Hourly	3.00	
Miscellaneous Charges (Per Code 10.04.010)			
Replacement Parking Permit Hang Tags	Per Hang Tag	5.00	
Parking Permit Late Payment Fee (+15 days)	Per Occurrence	5.00	
New Parking Garage Access Card	Per Card	10.00	
Replacement Parking Garage Access Card	Per Card	10.00	

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Fire Prevention Fees (by the Fire Department)		
Plan review and Use & Occupancy Inspection		
<u>Basic Fee</u> – For all multi-family residential, commercial, industrial, and institutional occupancies. Including, but not limited to, new construction, tenant fit-out, remodeling, change in use and occupancy, and/or any other activity deemed appropriate by the City of Salisbury Department of Infrastructure and Development.		60% of the building permit fee; \$75 minimum (Not included – plan review and related inspection of specialized fire protection equipment as listed in the following sections)
<u>Expedited Fees</u> – If the requesting party wants the plan review and inspection to be expedited, to be done within three business days		20% of the basic fee; \$500 minimum (This is in addition to the basic fee)
<u>After</u> – Hours Inspection Fees. If the requesting party wants an after-city-business-hours inspection.	\$100	Per hour/per inspector; 2 hours minimum
Fire Protection Plan Review and Inspection Permit		
Fire Alarm & Detection Systems – Includes plan review and inspection of wiring, controls, alarm and detection equipment and related appurtenances needed to provide a complete system and the witnessing of one final acceptance test per system of the completed installation.		
• Fire Alarm System	\$100	Per system
• Fire Alarm Control Panel	\$75	Per panel
• Alarm Initiating Device	\$1.50	Per device
• Alarm Notification Device	\$1.50	Per device
• Fire Alarm Counter Permit	\$75	For additions and alterations to existing systems involving 4 or less notification/initiating devices.
Sprinkler, Water Spray and Combined Sprinkler & Standpipe Systems – Includes review of shop drawings, system inspection and witnessing of one hydrostatic test, and one final acceptance test per floor or system.		
• NFPA 13 & 13R	\$1.50	Per sprinkler head; \$125 minimum
• NFPA 13D	\$75	Per Dwelling
• Sprinkler Counter Permit	\$75	For additions and alterations to existing systems involving less than 20 heads.
Standpipe Systems – The fee applies to separate standpipe and hose systems installed in accordance with NFPA 14 standard for the installation of standpipe and hose systems as incorporated by reference in the State Fire Prevention Code (combined sprinkler systems and standpipe systems are included in the fee schedule prescribed for sprinkler systems) and applies to all piping associated with the standpipe system, including connection to a water supply, piping risers, laterals, Fire Department connection(s), dry or draft fire hydrants or suction connections, hose connections, piping joints and connections, and other related piping and appurtenances; includes plan review and inspection of all piping, control valves, connections and other related equipment and appurtenances needed to provide a complete system and the witnessing of one hydrostatic test, and one final acceptance test of the completed system.	\$50	Per 100 linear feet of piping or portion thereof; \$100 minimum
Fire Pumps & Water Storage Tanks – The fees include plan review and inspection of pump and all associated valves, piping, controllers, driver and other related equipment and appurtenances needed to provide a complete system and the witnessing of one pump acceptance test of the completed installation. Limited service pumps for residential sprinkler systems as permitted for NFPA 13D systems and water storage tanks for NFPA 13D systems are exempt.		
• Fire Pumps	\$50	Per gpm or rated pump capacity; \$125 minimum
• Fire Protection Water Tank	\$75	Per tank
• Witnessing Underground Water Main Hydro Tests	\$75	
• Witnessing Fire Main Flush	\$75	
Gaseous and Chemical Extinguishing Systems – Applies to halon, carbon dioxide, dry chemical, wet chemical and other types of fixed automatic fire	\$1.00	Per pound of extinguishing agent; \$100 minimum; or \$150 per wet chemical extinguishing system

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suppression systems which use a gas or chemical compound as the primary extinguishing agent. The fee includes plan review and inspection of all piping, controls, equipment and other appurtenances needed to provide a complete system in accordance with referenced NFPA standards and the witnessing of one performance or acceptance test per system of the completed installation.		
<ul style="list-style-type: none"> Gaseous and Chemical Extinguishing System Counter Permit 	\$75	To relocate system discharge heads
Foam Systems – The fee applies to fixed extinguishing systems which use a foaming agent to control or extinguish a fire in a flammable liquid installation, aircraft hangar and other recognized applications. The fee includes plan review and inspection of piping, controls, nozzles, equipment and other related appurtenances needed to provide a complete system and the witnessing of one hydrostatic test and one final acceptance test of the completed installation.	\$75	Per nozzle or local applicator; plus \$1.50/ sprinkler head for combined sprinkler/foam system; \$100 minimum
Smoke Control Systems – The fee applies to smoke exhaust systems, stair pressurization systems, smoke control systems and other recognized air-handling systems which are specifically designed to exhaust or control smoke or create pressure zones to minimize the hazard of smoke spread due to fire. The fee includes plan review and inspection of system components and the witnessing of one performance acceptance test of the complete installation.	\$100	Per 30,000 cubic feet of volume or portion thereof of protected or controlled space; \$200 minimum
Flammable and Combustible Liquid Storage Tanks – This includes review and one inspection of the tank and associated hardware, including dispensing equipment. Tanks used to provide fuel or heat or other utility services to a building are exempt.	\$.005	Per gallon of the maximum tank capacity; \$75 minimum
Emergency Generators – Emergency generators that are a part of the fire/life safety system of a building or structure. Includes the review of the proposed use of the generator, fuel supply and witnessing one performance evaluation test.	\$100	
Marinas and Piers	\$25	Per linear feet of marina or pier; plus \$1.00 per slip; \$100 minimum
Reinspection and Retest Fees		
<ul style="list-style-type: none"> 1st Reinspection and Retest Fees 	\$100	
<ul style="list-style-type: none"> 2nd Reinspection and Retest Fees 	\$250	
<ul style="list-style-type: none"> 3rd and Subsequent Reinspection and Retest Fees 	\$500	
Consultation Fees – Fees for consultation technical assistance.	\$75	Per hour
Fire-safety Inspections. The following fees are not intended to be applied to inspections conducted in response to a specific complaint of an alleged Fire Code violation by an individual or governmental agency		
Assembly Occupancies (including outdoor festivals):		
<ul style="list-style-type: none"> Class A (>1000 persons) 	\$300	
<ul style="list-style-type: none"> Class B (301 – 1000 persons) 	\$200	
<ul style="list-style-type: none"> Class C (51 – 300 persons) 	\$100	
<ul style="list-style-type: none"> Fairgrounds (<= 9 buildings) 	\$200	
<ul style="list-style-type: none"> Fairgrounds (>= 10 buildings) 	\$400	
<ul style="list-style-type: none"> Recalculation of Occupant Load 	\$75	
<ul style="list-style-type: none"> Replacement or duplicate Certificate 	\$25	
Education Occupancies:		
<ul style="list-style-type: none"> Elementary School (includes kindergarten 	\$100	

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and Pre-K)		
• Middle, Junior, and Senior High Schools	\$150	
• Family and Group Day-Care Homes	\$75	
• Nursery or Day-Care Centers	\$100	
Health Care Occupancies:		
• Ambulatory Health Care Centers	\$150	Per 3,000 sq.ft. or portion thereof
• Hospitals, Nursing Homes, Limited-Care Facilities, Domiciliary Care Homes	\$100	Per building; plus \$2.00/patient bed
• Detention and Correctional Occupancies	\$100	Per building; plus \$2.00/bed
Residential:		
• Hotels and Motels	\$75	Per building; plus \$2.00/guest room
• Dormitories	\$2	Per bed; \$75 minimum
• Apartments	\$2	Per apartment; \$75 minimum
• Lodging or Rooming House	\$75	Plus \$2.00/bed
• Board and Care Home	\$100	Per building; plus \$2.00/bed
Mercantile Occupancies:		
• Class A (> 30,000 sq.ft.)	\$200	
• Class B (3,000 sq.ft. – 30,000 sq.ft.)	\$100	
• Class C (< 3,000 sq.ft.)	\$75	
Business Occupancies	\$75	Per 3,000 sq.ft. or portion thereof
Industrial or Storage Occupancies:		
• Low or Ordinary Hazard	\$75	Per 5,000 square feet or portion thereof
• High-Hazard	\$100	Per 5,000 square feet or portion thereof
Common Areas of Multitenant Occupancies (i.e., shopping centers, high-rises, etc.)	\$45	Per 10,000 sq.ft. or portion thereof
Outside Storage of Combustible Materials (scrap tires, tree stumps, lumber, etc.)	\$100	Per acre or portion thereof
Outside Storage of Flammable or Combustible Liquids (drums, tanks, etc.)	\$100	Per 5,000 sq.ft. or portion thereof
Marinas and Piers	\$100	Per facility; plus \$1.00/slip
Mobile Vendor	\$35	
Unclassified Inspection	\$75	Per hour or portion thereof
Reinspection: If more than one reinspection is required to assure that a previously identified Fire Code violation is corrected		
• 2 nd Reinspection	\$100	
• 3 rd Reinspection	\$250	
• 4 th and Subsequent	\$500	
Water Supply		
Witnessing Fire Main Flush	\$75	
Fire Protection Flow Test (in-City)	\$125	
Fire Protection Flow Test (out-of-City)	\$160	