



CITY OF SALISBURY CITY COUNCIL AGENDA

July 26, 2021

6:00 p.m.

Government Office Building, Room 301, Salisbury, Maryland and Zoom Video Conferencing

Times shown for agenda items are estimates only.

- 6:00 p.m. CALL TO ORDER
- 6:01 p.m. WELCOME/ANNOUNCEMENTS/PLEDGE
- 6:02 p.m. CITY INVOCATION- Pastor Greg Carlson, Park Seventh Day Adventist Church
- 6:04 p.m. PRESENTATIONS- City Administrator Julia Glanz
- COVID-19 Vaccine Art Contest Winners- Leianna Jones, Nolan Sweitzer, Madison Synowiec
 - Proclamation- Disability Pride Month
- 6:11 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:12 p.m. CONSENT AGENDA – Assistant City Clerk Julie English
- April 21, 2021 Budget Work Session Minutes
 - May 11, 2021 Budget Work Session Minutes
 - May 18, 2021 Budget Work Session Minutes
 - June 7, 2021 Work Session Minutes
 - June 14, 2021 Council Meeting Minutes
 - June 21, 2021 Special Meeting Minutes
 - Resolution No. 3116- to appoint Mary Kiley to the Parks & Recreation Committee for term ending July 2024
- 6:14 p.m. AWARD OF BIDS- Procurement Director Jennifer Miller
- ITB 22-101, SFD Aerial Ladder Truck
 - ITB A-21-109, Citywide Concrete Repair and Replacement
 - RFP 21-107, Paleo WTP Filter Replacement Design
- 6:18 p.m. ORDINANCES- City Attorney Michael Sullivan
- Ordinance No. 2675- 2nd reading- to approve 2021 GO Bonds for GOB air handler replacement, apparatus replacement- aerial ladder, Field Operations Facility Plan- Phase 3 Garage, Downtown street scaping, Market Street Shoreline Improvements, Northwood and Brewington Branch Culvert, ADA ramp and bathroom conversion, Field Operations Facility Plan- Phase 2, Port Exchange Riverwalk Replacement
- 6:21 p.m. PUBLIC COMMENTS

6:26 p.m. ADMINISTRATION and COUNCIL COMMENTS

6:30 p.m. ADJOURNMENT

Copies of the agenda items are available for review in the City Clerk's Office, Room 305 – City/County Government Office Building, 410-548-3140 or on the City's website www.salisbury.md. 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 – AUGUST 9, 2021

Join Zoom Meeting
<https://us02web.zoom.us/j/5362772908>
Meeting ID: 536 277 2908
Phone: 1.301.715.8592

Posted 7/22/21

CITY OF SALISBURY
BUDGET WORK SESSION
APRIL 21, 2021

Public Officials Present

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

Council Vice-President Muir Boda
Councilwoman Michele Gregory

Public Officials Absent

Mayor Jacob R. Day

In Attendance

City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Finance Director Keith Cordrey, City Clerk Kimberly Nichols, City Staff and Department Heads, and members from the public and press

The City Council convened in a Budget Session at 8:30 a.m. via Zoom Video Conferencing. President Heath invited Department of Infrastructure & Development (DID) Director Amanda Pollack to begin with discussion of critical items.

DID

- **19000- Planning.** This Org consisted of one employee. The Org represented a significant reduction due to the FY21 funding of the Zoning Code re-write. It was not funded in FY22.
- **25100- Building Permits & Inspections.** This Org had four employees and had level funding.
- **31000- General Engineering.** Contains the rest of the staff (23 employees). The City was still funding the annual requests received by the Wicomico Environmental Trust for the Creekwatchers Program. Last year, it was increased to \$10,000 and funded for the same amount in FY22. Two CIP items funded from this account were Street Maintenance & Paving and Concrete Curb and Gutter. Mr. Boda asked if updates could be sent to Council members so that citizens could be informed when asking about potholes, etc.
 - **60850- Stormwater Utility.** This account funded the Chesapeake Bay Trust Grant Program. Last year it was increased to \$75,000 and was level funded in FY22. They addressed a \$5,000 request from the Maryland State Grant Extension Office for the Watersheds Stewards Academy which was bring brought to the Eastern Shore. The intensive course would teach about the watersheds and being a steward of the environment. This was statewide, and Salisbury and Wicomico County were each asked to fund \$5,000 this year. They were also again covering the cost of the Bio Retention Area Maintenance Contract to provide maintenance to the bio retention areas on Main Street and other City-owned facilities. Ms. Blake asked about HCDD's request last year for Stormwater Management Mapping (Hydro cad) software. Ms. Pollack said the Personnel Committee requested it last year. The Engineering Supervisor and Ms. Pollack reviewed it and decided it was unnecessary. President Heath asked about the Plotter and Ms. Pollack said the one currently being used was functional and did not need to include a replacement in the budget.
- **81080- Water Engineering.** The Org was level funded.
- **84080- Sewer Engineering.** The Org was level funded.

Ms. Pollack explained there was a Career Ladder advancement for FY22 for the Building Inspector. The Sustainability Coordinator became the Sustainability Specialist and Planning Tech became a Planner 1. This was accomplished through the existing salary structure. There was one tuition request.

Essential items included Career Ladders for CAD Operators, Inspections team, Building team and Transportation team. Also, there was a \$20,000 request for Sustainability Plan assistance for Public Engagement Assistance. Fee Increases were to Brake Permits and Obstructing Permits (became tiered permits), License to Encumber (fee schedule created), Plan Review, Subdivision Review, Historic District Commission Review, and Stormwater Utility.

Ms. Jackson asked if security cameras had been installed in the City Park. They had not and Ms. Glanz said that the SPD had cameras and was working with IS to determine the best locations Downtown and along the Riverwalk. There was not a strong need for them in the City Park. President Heath asked for the status on the ADA compliance on street corners, and Ms. Pollack said as they paved streets the sidewalks were brought into compliance. In addition to what was done with Streetscaping they had \$50,000 for ADA upgrades.

Water Works - Director Cori Cameron reported the Water Works employees rose to the challenge of working during the pandemic. People had to be moved apart, stagger their break and lunch times, etc. Essential items included a new Maintenance Operator at the Water Plant. The one operator was currently not enough. Several people were moving with the Career Ladder. One WWTP Lab employee stood out as she stepped up to do COVID testing, take samples and run tests before sending to the MDE lab. Ms. Cameron recommended her for a 4% merit increase. Mr. Boda recused any discussion on the merit increase as the employee and her spouse were friends with him.

- **82075- Water.** Funding requests were lower for FY22 due to moving some money around in Operating. Chemicals were decreased by \$21,000 from last year.
- **83000- Water Administration.** Level funded from last year's budget except the Office account was increased and the Lands and Grounds was decreased to fund the Park Plant Office renovation. President Heath asked about the \$21,000 (11%) increase in Administrative. Mr. Cordrey would report back on the question.
- **86083- Wastewater Treatment.** Chemical account was held at the same amount as last year. Travel was decreased due to COVID. Electricity decreased another \$30,000 based on the Consultant. The Sludge Generation fee was increased in anticipation of next year. Mr. Boda asked Ms. Cameron to thank her team as the year was very challenging.
- **86086- Pretreatment.** No changes.
- **87000- Sewer Admin.** The Office Account was increased and Land and Grounds was decreased. President Heath asked for the reason for the significant increase in Administrative. Mr. Cordrey would report back in the increase.

Ms. Cameron requested a 2% increase to the senior employees as incentive to stay with the City.

(Council recessed at 9:21 a.m. and reconvened at 9:35 a.m.)

Field Operations (FOps)

Director Jana Potvin discussed the FOps budget.

- **19600- Poplar Hill.** There were few operational changes. There was an approved CIP item which was to replace the exterior siding at \$50,000. Mr. Boda was happy the siding was being repaired. Ms. Gregory asked where funding was coming from for the lift. Ms. Potvin would follow up with an answer.

- 97 • **22000- Traffic Control/Highway Lighting.** Operational funds would increase to pay for Video
98 Detection at two intersections at \$39,908. Mr. Boda asked if the City was working on a plan to
99 identify intersections that had signals and did not need them.
- 100 • **30000- Resource Management.** Ms. Potvin discussed internal changes including a cross-training
101 program between Streets, Parks, Sanitation, and Signing and Striping Techs from Traffic. Moving
102 forward, the positions of Signing & Striping Techs, Motor Equipment Operators, and Park
103 Maintenance Workers would function as Field Ops Techs with a singular career ladder which
104 would allow them to be eligible for higher salaries through step increases as they become more
105 skilled and diversified. An Essential Item was to place all Supervisors at Grade 8. This would be
106 reflected in an increase to the General Fund. There was also an Administrative Assistant position
107 reformatted into a new position listed as a Facilities Supervisor. This new position would work
108 with the Safety Manager to provide high level oversight and management to City owned and
109 leased properties such as the Parks, Marina, Poplar Hill, Amphitheatre, and would also assist
110 with Asset Management to track the life span of utilities and facilities, the signing and striping of
111 vehicles to determine the City's future needs and to remain compliant with State and Federal
112 laws. The salary changes were reflected across a couple of Orgs. The Materials Manager position
113 would be renamed to a Logistics Coordinator. This position would continue to be responsible for
114 inventory but would support the Logistics Manager with facility inspections and LGIT claims.
115 With the increases in job duties the job would move from a Grade 3 to a Grade 5. Ms. Potvin
116 explained there were several individuals at Step 30 in their pay grade. By extending the pay scale
117 an additional 5 steps, they would be eligible for performance pay increases at a cost of \$1,500 in
118 General Fund and \$12,000 out of the Water & Sewer Fund. Additional operation expenses
119 included the purchase of 4 radios at \$11,350.00. This would allow the department to
120 communicate with City Police, Fire, Maryland State Police, EOC, SHA, and Wicomico Roads, and
121 had a secure channel. The new Facilities Supervisor would have a vehicle at the additional cost
122 of \$35,000. It would be a ¾ ton 4X4 and deemed the most versatile for hauling equipment and
123 used during emergency operations.

124
125 Ms. Jackson asked how many Techs there were. Ms. Potvin said there were 9 MEO's in Streets,
126 10 in Sanitation, 7 in Parks, 2 in Traffic, and 3 in Street Sweeping. Mr. Boda asked if the rear
127 loader sanitation truck to access smaller streets was under consideration and at what cost. Ms.
128 Glanz said a side loader was in there and was appropriate for what the budget could handle.

- 129
- 130 • **31150- Streets.** There were no major changes in Streets.
- 131 • **32061- Collection and Disposal.** President Heath commented on the \$46,000 land tipping fees.
132 Ms. Potvin said there several increases. There would be proposed increase in the Trash Service
133 Fee from \$59 to \$63 per quarter to allow the City to recoup increased disposal costs. In July
134 2020, tipping fees for Wicomico County increased from \$60 to \$62 per ton. In September 2020,
135 Yard Waste Disposal increased from FREE to \$32.50 per ton. There was an increase in City
136 expenditures, and the proposed fee increases would help offset the additional costs. With Street
137 Sweeping, a Sweeper Pile was generated and it was proposed to have the Stormwater Utility pay
138 tipping fees for the Sweeper Pile. President Heath asked if they increased tipping fees to the
139 public for the rest of the County. He said regardless, City residents paid County taxes, but the
140 City provided the trash service to those City residents. If everyone in the City decided to get a
141 sticker and drive their waste, the City would not have this cost. This was an example of an offset
142 from City taxes. Ms. Glanz noted they just heard about the 50% rate the City had to pay for yard
143 waste, and homeowners could just dump it off for free. She added that the City's Sanitation and
144 Recycling had continually operated at a deficit, and COVID magnified that. Ms. Potvin said that a

side-loading trash truck was being purchased. Ms. Blake asked about the small trash truck as opposed to the side-loading trash truck. Ms. Glanz said the City already had small truck.

- **32062- Sanitation Recycling.** There were no major changes.
- **34064- Fleet Management.** There were no major changes. There would be increases in Uniform Cleaning and Maintenance across all orgs. They were trying to figure out how to make the current contract more cost efficient, but the prices to supply and clean uniforms went up.
- **35000- Carpenter Shop.** There were no major changes.
- **40000- Zoo.** There were additional personnel shown in the budget. The seasonal grounds keeper would transition to a part-time grounds keeper to better equip the Zoo to meet their monthly maintenance goals and allow keepers to focus on the animals rather than the facilities. There was a \$43,800 proposed increase to the Veterinarian Account to cover the cost of lab fees (\$15,000), vaccines and emergency care. The request for additional funding was in response to comments during an AZA re-accreditation process. A new Ford Transit was requested at the cost of \$40,000 to replace a van. The Transit would have rear climate control to allow the transport of large animals, carry food, etc. There was a \$7,000 increase to the Building Account to upgrade electrical in several exhibit buildings and was an integral part of the AZA re-accreditation. President Heath asked if the Zoo Commission donations were in the General Fund Revenue. Mr. Kitzrow said that the migration of the Zoo Commission money was a break even and therefore not listed in the accounts just yet. President Heath suggested discussing with Council during a Work Session to compare to how it was run before to now with Council during a Work Session.
- **45000- Parks.** There were three new items: (1) Kubota Tractor/Bush hog (\$30,000) to replace the current tractor which was purchased in 1980 to cut grass on City property and on City owned right-a-ways. (2) New 4-wheel drive truck (\$38,500) with snow plow to replace a 2000 model with 105,000 miles. (3) Wildlife Management Account increased by \$8,000 to pay for mosquito control, termite control of the Bandstand, goose repellant, and wildlife damage management. In the CIP there was an additional purchase of a Multi-purpose Mower (\$63,000) with attachments to use as a mower, snow removal, or salt spreader. Ms. Blake asked about the \$63,000 mower and if any of the other departments had either of the attachments. Ms. Potvin said it may be assigned to Parks but would be used as needed anywhere in the City by Streets, Sanitation, etc. Wherever it was needed, it would be available to be used.
- **31154 Parking Authority.** Overtime was increased by \$2816.00 due to the four events occurring downtown. There was need to work over the normal working hours to support events and for snow removal. All monthly parking lot fees will increase by \$5 per month, garage parking fees will increase by \$10 per month, and all meters will increase from \$1 to \$2 per hour. The hourly rate of \$1 per hour at the Parking Garage and 2 hours free in Lot 1 will remain. Mr. Boda asked when it would take effect, and Mr. Kitzrow said it would begin July 1, 2021. Mr. Boda asked if the County had been notified about the increases, and Ms. Glanz said that they had not been notified yet. Ms. Blake said they should be notified once they were approved. Mr. Boda reminded Council that they were also working on their budget. President Heath said they should be notified, and Mr. Kitzrow said they would notify everyone about the intended plan. The Parking rates were at year one of a three-year phase in. Mr. Kitzrow said that by year 3 they would be in the black again.
- **82076- Water Branch.** There were no major increases. There was a CIP approved item to replace distribution and piping valves for \$100,000. President Heath asked about the decrease in Health Insurance and Mr. Kitzrow said that someone may have left or decreased their coverage.
- **86085- Sewer Branch.** There will be the purchase of a Transit Cargo Van (\$45,000) to be used by the utilities Meter Technician to replace a Chevy Colorado. There was a CIP approved item to fund the rehabilitation of manholes and sewer mains as part of the sewer infiltration and inflow remediation (\$500,000). There was another CIP item- a mini excavator and trailer to replace an

aging backhoe (\$60,000). A pipeline inspection camera will be purchased to replace an unreliable camera. President Heath asked for the normal lifespan on the cameras, and Ms. Potvin would have to get back to Council. He recalled one was bought about 5 years ago.

- **47000- Marina.** There were no major changes.
- **60820- Storm Water.** There was an increase in tipping fees to pay for Street Sweeping and the purchase of a new sweeper at \$250,000.

President Heath thanked Ms. Potvin and though her transition to the City seemed to be a seamless one. Ms. Jackson said Ms. Potvin did a great job, especially with the budget. She appreciated her work and time and asked her to let the City employees in FOPs know they were appreciated.

Housing and Community Development Department (HCDD)

HCDD Director Ron Strickler, Homelessness Manager Christine Chestnutt, Community Relations Manager Rachel Manning, and Code Enforcement Manager Dan Hogg joined Council. Mr. Strickler discussed the sole CIP item, which was a vehicle to replace a Jeep Liberty.

- **501001- Salaries Clerical.** An additional part-time staff member was requested for the Community Relations team. Since a new Community Center would be opening in the near future, additional coverage for the facilities and programs was needed.
- **555503 and 555504- Travel and Training.** There was an increase in the Travel (\$3,000) and Training (\$2,500) accounts in support of the career ladder and having better trained employees.
- **546012- Rent.** Increase for HCDD office space of \$2,300. The increase last year was not included. \$150,000 for Human and Life Services Division as part of a possible expansion in Housing to better serve the community. Mr. Kitzrow said it would be split up into two positions, including a manager, supplies and material, and was created in response to what was seen in COVID where there were disparities and how the City responded to crisis on a local level. Ms. Glanz said that after knowing there was funding for issues that have come about because of COVID, this was an opportunity to do something that they discussed for quite some time knowing that Social Services was very overwhelmed. They would address mental health needs in the community. Moving into the future, this would enable to pull some items off of SPD's plate and take advantage of those dollars to support those that fell through the crack, and to look into the future as creating Human Services as its own department. It could entail grouping Ms. Chestnutt's work with the homeless and SWIFT and this new division. Ms. Blake asked if it was specifically for the Housing First Program, and Mr. Kitzrow said it would be structured similar to the Housing and Homelessness Division, and would not fall within that but would be separate division. There would still be much to do and they did not have all of the answers yet. President Heath asked for a presentation on this at a Work Session to include the structure, vision, goals, objectives and plan. For Council to approve \$150,000, they needed more information. Mr. Boda agreed, and in principal he supported it, but they wanted to do it correctly. Ms. Blake wondered if they could partner with Mobile Crisis to help fund the structure as possible partners. Mr. Strickler said HCDD lacked the funding and resources to help with these types of things.
- **555513- Events.** He wanted to provide the same level of funding for both community center. \$1,500 was added to the Santa's Workshop to prevent a budget amendment. President Heath asked about the reduction in the Homeless to Work program. Mr. Strickler said they could not find an agency willing to support it during COVID. Not knowing when restrictions would lift, they could not support the program this year.

- **Housing and Homelessness**

Ms. Chestnutt said one objective was to seek funding to help support the division. The City would receive grant funding in June 2021 to support an additional Homelessness Case Specialist,

which was reflected in the number of people they serve. The requested new vehicle would enable them all to have a vehicle. The funding to hire the next person would be through DHCD. They did not normally allow staff to be hired with that money but have given the City \$54,000 to fund a case manager with benefits to help Mr. Ruffo. They also gave an additional \$10,000 in Rapid Rehousing Funding to get people quickly in housing. There were additional funds for emergency shelter, cold weather shelter, and hotel stays for the homeless who had COVID to quarantine. With more grant money she would purchase temporary, non-congregant shelters. The accessibility to shelters was still very limited. Her funding remained at \$97,300 to fund everyone currently in housing and to allow one more person into the permanent supportive housing program. The Rapid Rehousing money from the State would get them into short-term housing. She asked for more dollars from Flexible Spending to help pay for emergency needs. Mr. Boda asked about the increase in Landlord Licensing. Mr. Strickler completed the analysis and would share that with Council as well as the draft letter to landlords explaining the increase.

Debt Service and Other Uses

Finance Director Keith Cordrey began with the approved and funded projects by GO FY22 Bond proceeds totaling \$4,470,076 (GOB air handler replacement, apparatus replacement- aerial ladder, Field Operations Facility Plan- Phase 3 Garage, Downtown Street Scaping, Market Street Shoreline Improvements, Northwood and Brewington Branch Culvert, ADA ramp and bathroom conversion, Field Operations Facility Plan- Phase 2, Port Exchange Riverwalk Replacement)

- **Water Sewer Capital Projects**
There was a request to transfer \$740,000 from the Capacity Fee Funds to Maintenance to fund two projects without debt. There was no debt coming out of the Water Sewer Fund.
- **General Fund Debt Service** was carefully watched to not exceed debt service beyond 10% of expenditures. President Heath said the warning light was on for 2025.
- **Miscellaneous**
Health insurance remained the same (insurance was flat). There was a \$4,000 decrease in the Miscellaneous category

Council Discussion

President Heath said the presentations were very well done. In the next session Council would review the "plus-minus list" kept by Mr. Cordrey. There were items picked up from the Personnel Committee that Council would also review. The Energov software would be placed back on the next Work Session before placing it on legislative agenda. Ms. Glanz asked to answer any questions to help understand the software. Mr. Kitzrow said there were additional pay scale and Career Ladder items up for discussion. Mr. Boda concurred the presentations were really great and kudos to Ms. Potvin and Mr. Strickler for successfully completing their first budget.

The Budget Work Session adjourned at 11:29 p.m.

City Clerk

Council President

CITY OF SALISBURY
BUDGET WORK SESSION
May 11, 2021

Public Officials Present

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

Council Vice-President Muir Boda
Councilwoman Michele Gregory

Public Officials Absent

Mayor Jacob R. Day

In Attendance

City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Finance Director Keith Cordrey, City Attorney Michael Sullivan (left at 8:36), HCDD Director Ron Strickler, City Clerk Kimberly Nichols, and members from the public and press

The City Council convened in a Budget Session at 8:30 a.m. via Zoom Video Conferencing on May 11, 2021. City Attorney Michael Sullivan explained the result of the votes on the legislation at the May 10, 2021 Legislative Session regarding the Public Hearings on the budget ordinances and no further steps needed to be taken. All three budget ordinances were set for second reading in two weeks. With respect to the Fees Ordinance and the vote, which was 2 ayes and 3 nays, that vote was to approve the ordinance as amended. The motion was to add two additional fees that were attributable to the sale of fireworks. The amendment was approved, but failed when the final vote was called. Hence, the fee ordinance for FY22 remained as it was approved for first reading. Mr. Heath thanked Mr. Sullivan for the explanation and Mr. Sullivan exited the Zoom meeting.

City Administrator Julia Glanz requested the Human Services Division proposal be pulled from the budget. Deputy City Administrator Andy Kitzrow said all of the Career Ladder information and market rate adjustments to salaries below \$15 per hour were included in the adjustments.

Mr. Cordrey discussed the “Plus and Minus Sheet”. He reviewed Finance adjustments made since the Mayor’s budget was presented. Three items the Council requested to revisit included the SFD Internet funded previously by Volunteers (\$6,000), the new Deputy Fire Inspector position (\$93,864) and the expected associated inspection revenue (\$2,500).

LEOPS

President Heath asked about LEOPS status after the \$100,000. Mr. Cordrey said since it was transferred, every year they issued the City a credit of \$200,000. Each year they issued what the contribution rate would be required due to retirement. It was used this year because it was needed to balance the line items.

Fees

Mr. Boda said fees should be tied to the specific process, not part of one’s salary as they were separate issues. Direct costs should be in the calculation; indirect costs should not. Mr. Kitzrow noted the recommendation for Landlord Licenses was increasing from \$60 to \$75. The document sent yesterday showed a new breakdown of \$75.70. A member of the public referenced an error in the calculations. Mr. Strickler said it was not an error and explained the Office Manager was the only one able to generate renewals, which explained the \$18.25. New landlord registrations and rental registration costs were a combination of work provided by the Office Manager and Administrative Assistant, thereby resulting in a

lower rate. Mr. Boda asked if anything would change with the Finance Department with the new system. Mr. Strickler said it would take work to implement the registration system. There would still be time involved, but hopefully would decrease with the new system. Ms. Jackson asked if the City would pay more for the system than for MUNIS, and Mr. Strickler said no. They were currently using COMCATE for code enforcement processing. MUNIS was only being used for registration. EnerGov would allow them to tie directly into the MUNIS software and replace COMCATE. COMCATE required a 5%-6% increase, and that increase would go away with the implementation of EnerGov. Mr. Kitzrow said the goal with EnerGov was to make it so that staff did not have as many touch points. Mr. Strickler said it would take some time.

Ms. Blake discussed the increases and the fact that the landlords would transition them to the tenants. Ms. Jackson said the fee increases would be paid by the tenant but knew they were necessary. Ms. Gregory concurred and thought it was unfair to expect the City or other City residents to subsidize the landlords. President Heath did not object to the increase because they had not been adjusted for a long time and asked for the return on investment for EnerGov. If the work was done to review the system, the City should have an idea of the results. He thought the process should be simpler and offset some of the increases. Ms. Glanz said if there was a budget amendment approved they would take the time to build out a work flow in the departments. She did not know whether a time decrease would occur this year but thought one in FY23 was potential. President Heath asked that the renewal fee be looked at and see if something different could be done- he had no issues with the New License Fee. The system should lower the price with renewals. Council reached unanimous consensus to have Administration re-access the fees and bring the discussion back to the next Work Session. Mr. Boda asked when the last time the City increased Foreclosed Property Registration Fees, Re-inspection Fees, Vacant Building Registration, and Late Fees. He suggested they all be reviewed since foreclosed properties and vacant buildings impacted communities and neighborhoods.

Deputy Fire Marshal

After discussion with Ms. Glanz, Council reached consensus to not fund the Deputy Fire Marshal position.

Poplar Hill Mansion Lift

Mr. Kitzrow would report back to Council for the last adjustment meeting with the amount needed. Mr. Boda thought they should seek donations from the community.

Tuition Assistance

Ms. Glanz reported that Joe Ruffo who worked in the Housing and Homelessness Division applied for his Master's degree in Social Work from Salisbury University. He was a great employee and unaware of the City's Tuition Assistance Program. He missed the deadline, and Council did not have to put it in the budget. She asked if Council would consider paying the \$12,000. President Heath asked Ms. Nichols to identify some accounts with any room, and asked other departments to do the same. Mr. Boda asked if anyone needed another device, and since nobody did possibly the \$1700 could go towards the tuition assistance.

Adjournment

The Budget Work Session adjourned at 9:39 a.m.

City Clerk

Council President

CITY OF SALISBURY
BUDGET WORK SESSION
May 18, 2021

Public Officials Present

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

Councilwoman Angela M. Blake
Councilwoman April Jackson

Public Officials Absent

Mayor Jacob R. Day
Council Vice-President Muir Boda

In Attendance

City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Finance Director Keith Cordrey, HCDD Director Ron Strickler, City Clerk Kimberly Nichols, and members from the public and press

The City Council convened in the final Budget Session at 8:30 a.m. via Zoom Video Conferencing on May 18, 2021. President Heath explained that Council found the chat portion of Zoom to be very distracting during the sessions. Moving forward until Council could meet again in person, the chat function would remain off during the meetings until the Public Comments period of the meeting began.

Software

President Heath explained he was interested in the use of the Water & Sewer Fund’s surplus to offset some of the costs of the software. To help defer using the money from the Water & Sewer Fund surplus, the Council would contribute \$3,000 towards lessening the money coming out of the Water & Sewer Fund.

Fees

Finance Director calculated the results of dropping the \$15 Landlord License fee increase, which would result in \$160,000. He explained how the fees were calculated and supported, and said that the revenue from the licensing did not exceed the City’s costs. Cost calculations from Finance, Procurement, Information Services, City Attorney, Human Resources, and MUNIS Maintenance resulted in \$882,174, where Revenues equaled \$846,750. Costs exceeded the revenues by \$35,000 for new licenses and renewals. Mr. Strickler said that 90% of the landlord licenses were renewals.

Council reached unanimous consensus to increase the fees, and if revenues increased after utilizing the new program, the fees could then be reduced.

Internet provided by Fire Volunteers

Council reached unanimous consensus to pay for the internet since the tuition cost was reduced by \$6,000.

Poplar Hill Mansion Lift

Mr. Cordrey reported they needed to consider the lift for Poplar Hill Mansion. President Heath asked if it was presently in violation of ADA, and Ms. Gregory said it was. Ms. Blake thought the lift was preferred and asked if there were grants available to fund the lift. Mr. Kitzrow said they were unable to secure a grant but currently had about \$20,000 in the account for the lift but needed \$25,000 more. President Heath would meet with a ramp designer to find out if one was possible and if it could be donated. It would save the City

money and be permanent. Council reached unanimous consensus to research having a ramp donated and if found to not be possible, would fund the installation of the ramp.

Tuition Assistance

Ms. Blake asked if employees had to work for the City for an amount of years before they qualified for tuition reimbursement and Ms. Glanz said the City limited the number of classes to four per year that they would reimburse 75% of. The new tuition assistance amount for Mr. Russo would be \$6,885.00. The City required at least a year of employment after providing the reimbursement.

Recovery Revenue Part Time Community

Mr. Cordrey said that Mr. Kitzrow proposed an additional part time person for a total of \$33,000 since it totally qualified for Recovery Revenue as revenue reimbursement because it was youth programming.

Council reached unanimous consensus to the two part time positions.

Deputy Fire Inspector position

Council had previously reached unanimous consensus to striking the new position

Career Ladder & Market Adjustments

Mr. Cordrey reported the following:

\$137,953 was the amount needed to bring those employees earning below the new minimum wage up to the appropriate amount and to fund career ladders.

The Traffic Department discovered a correction adjustment in the amount of \$17,646.00. There was a health care adjustment of \$4,000 where staff was changing their type of health care.

The Fire Department could not commit to a reimbursement of \$53,607 but the City hoped to recover some of the funds through the Recovery Act.

After the Mayor level budget was prepared it was discovered that Recovery Funds could be used for the Virtual Server because it gained access to broadband, so \$57,900 was added to revenues.

There was a LEOPS credit of \$100,000, and the credit would go until 2029 to help reduce retirement costs.

Surface Maintenance was cut by \$44,754.70

President Heath asked about the Zoo Commission reorganization where the City accepted some of the revenue and expenditures. President Heath said that when the City agreed to take the costs, they had paid for some, if not all. They were going to pay the City through the donations. There were other funds they gave to the City that were not personnel costs but reduced the City's Zoo costs. If that was the case, he thought the Zoo revenue might have been understated, but it could be the best way since it was not guaranteed money. Mr. Kitzrow said the revenues shifted from the Zoo Commission included Programming and Event Revenue, Concession Stand, Gift Shop, and Gate. They also received funds from Zoo memberships, endowments, and grants, and said the Revenues could be more than stated.

Council Comments

Ms. Blake said Council did the best they could with what they had to work with.

Ms. Glanz thanked Mr. Cordrey and his team, Mr. Demone and Ms. Brown for their work on the budget.

101 President Heath thanked everyone for their hard work.

102

103 **Public Comments**

104 One member of the public provided the following comments:

- 105 • Appreciated Ms. Jackson recognizing the funds generated for new rental registrations were grossly
- 106 under the amount required to maintain the process.
- 107 • Was disappointed that the Landlord License costs could not be examined sooner rather than later.
- 108 • Asked about the program that compensated in City taxes for property moving into homeowner
- 109 occupied from rental.
- 110 • There were many unanswered questions on the new EnerGov software program.
- 111 • The City should have received a Business Case Report on the EnerGov software program.

112

113 **Adjournment**

114

115 The Budget Work Session adjourned at 9:24 a.m.

116

117

118 _____
City Clerk

119

120

121 _____
Council President

CITY OF SALISBURY
WORK SESSION (VIA ZOOM MEETING)
JUNE 7, 2021

Public Officials Present

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

Council Vice-President Muir Boda
Councilwoman Michele Gregory

Public Officials Absent

Mayor Jacob R. Day
Councilwoman April Jackson

In Attendance

Deputy City Administrator Andy Kitzrow, Department of Infrastructure & Development (DID)
Director Amanda Pollack, Building Official William Holland, City Attorney Michael Sullivan,
City Clerk Kimberly Nichols, and members of the Public and press.

On June 7, 2021 the Salisbury City Council convened in a Work Session at 4:30 p.m. via
Zoom.

LGBTQ Pride Month Proclamation

Deputy City Administrator Andy Kitzrow presented the LGBTQ Pride Month
proclamation. June 28, 2019 marked the 50th Anniversary of the beginning of the
Stonewall Uprising in New York City, which symbolizes the start of the LGBTQ
liberation struggle in America. While advancements have been made in the Nation
regarding the equitable treatment of lesbian, gay, bisexual, transgender, and questioning
persons, opposition against them continues to be a reality. PFLAG is committed to
celebrating diversity and is the first and largest organization for the LGBTQ Community,
with over 400 chapters and 200,000 members.

On June 12, 2021 PFLAG will remember the victims of the Pulse Nightclub Attack on
the occasion of the 5th Anniversary of the attack and will repaint the first rainbow
crosswalk in Maryland. Many of the residents, students, city employees, and business
owners of Salisbury are part of the LGBTQ Community, and the City raised the Pride
Flag on June 1st outside the Government Office Building to celebrate the LGBTQ
Community and to show support and equality for all people in the Community.

Presentation- PFLAG- presented by Mark Delancey, Executive Director, PFLAG

PFLAG Executive Director Mark Delancey thanked the City for presenting the
proclamation which reflected the dedication to change and respect by the City and its
residents for all marginalized residents. The mission of PFLAG was to move forward
with efforts to lift the forgotten and neglected, and to bring about awareness and growth.

Mr. Boda was glad that the City was celebrating equality and Pride Month and could be an example on the Eastern Shore.

Ms. Blake thought it was remarkable that Salisbury was a leader in diversity and inclusion for all people.

Ms. Gregory wished Mr. Delancey a happy Pride and was looking forward to repainting the crosswalk.

President Heath recalled raising the flag on the Plaza several years ago and explained his mantra was that what made Salisbury great was its people- not some of the people, but all of the people.

The following is a synopsis of the topics discussed in the Work Session:

Chesapeake Utilities Corporation- Somerset Natural Gas Project update

DID Director Amanda Pollack reported that Chesapeake Utilities had installed by mid May about 82% of the gas pipeline going into Salisbury. The City has submitted to Chesapeake the area the City would like to obtain that they own where the City wanted an easement for the Rail Trail.

Ms. Blake asked if Chesapeake could plant shrubbery near the pipeline as they did not want trees over it due to roots. Ms. Pollack thought it was a better possibility than putting large trees over the pipeline, and would ask Chesapeake. They were doing a tree planting at Lake Street Playground to help offset the trees that were removed. She would ask Chesapeake about planting shrubbery in the locations where the pipes were placed.

President Heath was concerned about the wording on the last two bullet points concerning them checking about safety in reference to the lines and the Rail Trail. He indicated it should have all been hammered out prior to Council finding out through DID that it was approved. He asked if there was concern that the Rail Trail might be impacted. Ms. Pollack did not think it should be a concern because there were gas mains throughout the City streets, and it should not impact the Rail Trail. She would invite Chesapeake Utilities to join Council for the July meeting.

The update was for Council information and did not require consensus or action taken by Council.

PennTex/Beaver Run Drive Annexation petition discussion

Building Official William Holland introduced William Owens, VP, PennTex Ventures and Jeffrey Harmon, PE, Becker Morgan Group. Mr. Holland reported the City received the petition to annex the 3.08-acre site located on the northeast corner of Rt. 50 and Walston Switch Road which was contiguous to the City corporate limits. Several years ago, the property started the annexation through another petitioner and now PennTex Ventures wished to follow through and

complete the annexation. The request contained a concept development plan for a 7-11 Convenience Store and there would be new stormwater management and landscaping. If Council approved the introduction, it would move to the Planning Commission to get rezoned. It had been rezoned, but Mr. Holland said the Legal Department recommended repeating the process since it was a different petitioner.

Council reached unanimous consensus to move forward with the annexation.

Ordinance to abandon the alley between Davis Street and East William Street

DID Director Amanda Pollack the alley was north of East Main Street between Davis Street and East William Street. DID had worked with Healing Hands Animal Hospital to look at a subdivision plat and realized there was an older alley that divided their property which was not being used by the public. The City Surveyor sent letters to all of the property owners adjacent to the alley and they all agreed to the alley being abandoned.

Council reached unanimous consensus to move forward with the ordinance to abandon the alley.

Resolution- agreement for land swap at 116 W. Chestnut

Ms. Pollack reported the land swap request was received from Roof Service of Delmarva, LLC for 116 W. Chestnut Street. They wanted to erect a fence to secure their property to store materials and park their vehicles. They could utilize their property better with the additional land that would be in the swap from the City. The area was not utilized by the City, and the area they were proposing to swap would give the City access through alleys and paper streets adjacent to the parcels. The swap would be a benefit for the City and Roof Service of Delmarva, LLC. If the resolution passed, the agreement would authorize Roof Service of Delmarva to begin the necessary survey work to be approved by the City Surveyor and City Attorney's office.

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

Faith Baptist Church Annexation agreement amendment

Ms. Pollack said that after the May 17, 2021 Work Session discussion regarding the annexation agreement amendment, DID further discussed the agreement with the petitioners, and they signed the agreement of the amended annexation agreement. The main concern that the property owners had was they might have to pay if the property did not sell in twelve months. But the agreement had provisions in it that it would accrue interest and they would have to pay any of the fees and accrued interest before they could obtain a certificate of occupancy.

Council reached unanimous consensus to move forward with the amendment.

Ordinance to adopt the HORIZON Program

Deputy City Administrator Andy Kitzrow announced the State passed the legislation, and the City was ready to move forward with the ordinance. There was one developer ready to make

application. The packet included the ordinance, HORIZON Program application and the HORIZON agreement. If approved, developers would enter into an agreement specific to their project. Ms. Pollack would review and approve the application initially, and then it would be approved by Council. She would then review the agreement, which would then go to Council for approval. These would be similar to when she had EDU waivers where the applications went to DID for review. Each individual request would come before Council.

Ms. Gregory asked how the applicants went through the approval process because Council had previously discussed putting in the question whether or they would use unionized labor. Mr. Kitzrow clarified there were two different pieces. The City had not decided to change what they build or how they build any project currently under development. As other properties that may open up, for instance Lot #10, the City could explore adding additional elements to give them points towards development.

President Heath informed Council that HORIZON unanimously passed at the State level.

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

Administration and Council Comments

Mr. Boda hoped everyone was careful, and if not vaccinated to please wear a mask. He looked to seeing everyone out and about during the Summer.

Ms. Blake asked those healthy enough to please donate blood.

Ms. Gregory wished everyone Happy Pride. There were some good events- the flag raising and the art installation downtown. There was also an event at The Brick Room on Wednesday

Mr. Kitzrow said that Ms. Glanz and Mayor Day sent their best. The City was back to work as of today, but the GOB Building was still only open from 9 a.m. to 3 p.m.

President Heath said the past week and weekend were great. He went out to dinner twice and also got encouraging news that the restaurants were nearly fully staffed again.

Adjournment

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

City Clerk

Council President

CITY OF SALISBURY, MARYLAND

REGULAR MEETING (COUNCIL CHAMBERS AND ZOOM)

JUNE 14, 2021

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

Deputy City Administrator Andy Kitzrow, Finance Director Keith Cordrey, Department of Infrastructure & Development Director Amanda Pollack, Fire Chief John Tull, Field Operations Director Jana Potvin, Assistant City Clerk Julie English, City Attorney Michael Sullivan, City Clerk Kimberly Nichols, members of the press and Public

CITY INVOCATION – PLEDGE OF ALLEGIANCE

The City Council met in regular session at 6:00 p.m. in a hybrid meeting (in person and on Zoom Conferencing Video). Council President John R. Heath called the meeting to order and called for a moment of silent meditation.

PROCLAMATIONS- *presented by Mayor Jacob R. Day*

• **Sanitation Workers Month**

Mayor Day presented the Sanitation Workers Month proclamation. Sanitation Workers selflessly and tirelessly work in all weather conditions and environments - most recently worked through the COVID-19 pandemic - to keep our streets clean, and households and businesses safe to prevent contamination from viruses and bacteria. In 2020 there were 58,477 Sanitation Workers at the average age of 48 years old.

The City’s dedicated Sanitation Workers contribute to the safety, health, and welfare of the Citizens by processing millions of tons of refuse and recycling each year, as well as street sweep, offer bulk pick-up, and distribute new trash cans and recycling containers.

Mayor Day proclaimed June 13-19, 2021 as Sanitation Workers Month and encouraged all citizens to thank the hardworking men and women of Salisbury for ensuring the cleanliness of our City.

• **Rotary 4-Way Test Week**

Mayor Day proclaimed the week of June 20, 2021 as Rotary 4-Way Test Week. The Rotary International and the Rotary Club of Salisbury always have sought to encourage improved human relations and understanding with the “Four-Way Test” message , a useful guide to better living for all people in the things we think, do and say. Since 1963, the Rotary Club of Salisbury has observed “Four-Way Test Week” during which a local

citizen is recognized for his or her personal or professional life according to the tenets of the “Four-Way Test”:

1. Is it the TRUTH?
2. Is it FAIR to all concerned?
3. Will it build GOODWILL and BETTER FRIENDSHIPS?
4. Will it be BENEFICIAL to all concerned?

Mayor Day presented the proclamation to Rotary Club of Salisbury President John Aukward and Four-Way Test Chair Ken Montville. The Wicomico Rotary was in its 101st year as a local Rotary Club of Salisbury.

ADOPTION OF LEGISLATIVE AGENDA

Ms. Blake 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 Mr. Boda and Ms. Jackson, respectively:

- May 17, 2021 Work Session Minutes
- May 24, 2021 Legislative Session Minutes
- **Resolution No. 3108**- to approve the appointment of Diallo Sessoms to the Sustainability Advisory Committee for the term ending June 2024

AWARD OF BIDS – presented by Procurement Director Jennifer Miller

The Award of Bids, consisting of the following, was unanimously approved on a motion and seconded by Ms. Jackson and Ms. Blake, respectively, and approved by unanimous vote in favor:

- | | |
|---|--------------|
| • Award of Bid- ITB A-21-107 W.Isabella/Church St/On-Call Pipe Lining | \$198,748.50 |
| • Declaration of Surplus, Salisbury Police Department- Duty Weapon | \$ 0.00 |

Mayor Day remarked on Officer Lisa Perdue’s long career with the City Police Department. In the time since he became an elected official with the City, one of the most challenging days was an officer-involved shooting at Woodcock Park. He recalled the responsible, responsive and calming influence that Officer Perdue had that day, and thanked her for her long service with the City.

RESOLUTIONS- presented by Deputy City Administrator Andy Kitrow

- **Resolution No. 3109**- to authorize the Mayor to enter into, on behalf of the City of Salisbury, an agreement with Roof Service of Delmarva, LLC for the purpose of the City of Salisbury conveying a portion of City-owned real property to Roof Service of Delmarva, LLC in exchange for Roof Service of Delmarva, LLC conveying a portion of real property, identified as 116 W. Chestnut Street, to the City of Salisbury

89 Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous to approve Resolution
90 No. 3109.
91

- 92 • **Resolution No. 3110**- to authorize the Mayor to enter into, on behalf of the City of
93 Salisbury, an amended and restated annexation agreement with the Faith Baptist Church of
94 Salisbury, Maryland and Jeffrey L. Clemens and Kelly B. Clemens, setting forth the terms
95 and conditions governing the annexation and development of all that certain real property
96 identified as: (i) Map 0021, Grid 0019, Parcel 0184; (ii) Map 0021, Grid 0019, Parcel
97 0040; and (iii) Map 0021, Grid 0019, Parcel 0182
98

99 Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Resolution
100 No. 3110.
101

102 **ORDINANCES**- presented by City Attorney Michael Sullivan
103

- 104 • **Ordinance No.2660** – 2nd reading- appropriating the necessary funds for the operation of
105 the Government and Administration of the City of Salisbury, Maryland for the period July 1,
106 2021 to June 30, 2022, establishing the levy for the General Fund for the same fiscal period
107 and establishing the appropriation for the Water and Sewer, Parking Authority, City
108 Marina, and Storm Water Funds
109

110 Ms. Blake moved and Ms. Jackson seconded to approve Ordinance No. 2660 for second
111 reading.
112

113 Mr. Boda moved and Ms. Gregory seconded to amend Ordinance No. 2660 as read and
114 presented by Mr. Sullivan. The amendment passed by unanimous vote in favor.
115

116 Ordinance No. 2660 for second reading, as amended, was unanimously approved.
117

- 118 • **Ordinance No. 2661**- 2nd reading- to amend water and sewer rates to increase rates by 6%
119 and making said changes effective for all bills dated October 1, 2021 and thereafter unless
120 and until subsequently revised or changed
121

122 Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve
123 Ordinance No. 2661 for second reading.
124

- 125 • **Ordinance No. 2662**- 2nd reading- to set fees for FY 2022 and thereafter unless and until
126 subsequently revised or changed
127

128 Mr. Boda moved and Ms. Gregory seconded to approve Ordinance No. 2662 for second
129 reading.
130

131 Ms. Blake moved and Ms. Jackson seconded to amend Ordinance No. 2662 as read and
132 presented by Mr. Sullivan. The amendment passed by unanimous vote in favor.
133

134 Ordinance No. 2662 for second reading, as amended, was unanimously approved.
135

- 136 • **Ordinance No. 2668**- 2nd reading- to authorize the Mayor to enter into a contract with the
137 Federal Emergency Management Agency for the purpose of accepting grant funds in the
138 amount of \$36,342.89, and to approve as budget amendment to the Grant Fund to
139 appropriate these funds for offsetting COVID-19 expenses
140

141 *Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous to approve Ordinance*
142 *No. 2668 for first reading.*
143

- 144 • **Ordinance No. 2669**- 1st reading- to establish a program to encourage hotel and large-scale
145 residential development and revitalization in the Downtown area of Salisbury, to be known
146 as the HORIZON program
147

148 *Mr. Boda moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance*
149 *No. 2669 for first reading.*
150

151 *Mayor Day stated the HORIZON program was developed by Mr. Kitzrow while he was*
152 *away on duty. He thanked Mr. Kitzrow and the City Council, and said the County Council*
153 *and County Executive John Psota would also be considering it. President Heath said that*
154 *the program was unanimously approved at the State level.*
155

- 156 • **Ordinance No. 2670**- 1st reading- for the abandonment of an alley located between East
157 William Street and Davis Street, near East Main Street
158

159 *Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve*
160 *Ordinance No. 2670 for first reading.*
161

162 **PUBLIC COMMENTS**

163

164 *There were no public comments.*
165

166 **ADMINISTRATION AND COUNCIL COMMENTS**

167

168 *Mayor Day said it was good to be back in Salisbury.*
169

170 *Mr. Boda and Ms. Jackson were happy to see everyone in person.*
171

172 *Ms. Blake was happy they were back together in person and reminded everyone to donate blood.*
173

174 *Ms. Gregory encouraged those not vaccinated to consider getting vaccinated.*
175

176 **ADJOURNMENT**

177

178 *With no further business to discuss, the Legislative Session was adjourned at 7:14 p.m.*
179

180 _____
181 *City Clerk*
182

183 _____
184 *Council President*

CITY OF SALISBURY, MARYLAND

SPECIAL MEETING

June 21, 2021

PUBLIC OFFICIALS PRESENT

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

*Council Vice-President Muir Boda
Councilwoman April Jackson*

PUBLIC OFFICIALS ABSENT

*Mayor Jacob R. Day
Councilwoman Michele Gregory*

IN ATTENDANCE

*Deputy City Administrator Andy Kitzrow, City Attorney Michael Sullivan and City Clerk
Kimberly Nichols*

*The City Council convened in a hybrid Work Session (in person and on Zoom Conferencing
Video) on June 21, 2021. Upon the adjournment of the Work Session at 4:43 p.m., Vice-
President Boda called the Special Meeting to order.*

ADOPTION OF LEGISLATIVE AGENDA

*Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous (4-0) to approve the
Special Meeting agenda as presented.*

AWARD OF BIDS- presented by Procurement Director Jennifer Miller

*The following Award of Bids was unanimously approved on a motion and seconded by Ms.
Jackson and Ms. Blake, respectively:*

- *ITB 21-123 EnerGov Software Module* *\$193,232.00*
- *Declaration of Surplus*
 - *Salisbury Fire Department- Turnout Gear* *\$ 0.00*
 - *Salisbury Police Department- Patrol Vehicles* *\$ 0.00*
 - *Department of Field Operations- Misc. Equipment* *\$ 0.00*

ORDINANCE – presented by City Attorney Michael Sullivan

- **Ordinance No. 2671**- 1st reading- approving a budget amendment of the FY2021
General Fund Budget to appropriate funds for Attorney’s fees

*Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous (4-0) to approve
Ordinance No. 2671 for first reading.*

COUNCIL COMMENTS

Ms. Blake reminded everyone to give blood, if healthy enough.

Ms. Jackson remarked on how awesome the Juneteenth National Holiday celebrations were.

President Heath reminded those who were unvaccinated to consider getting their vaccinations.

Mr. Boda reminded everyone about the upcoming grand opening of the Copeland House (Newton Street Community Center) and remarked on all the vendors at Third Friday.

ADJOURNMENT

With no further business to discuss, the Special Meeting adjourned at 4:53 p.m.

City Clerk

Council President



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

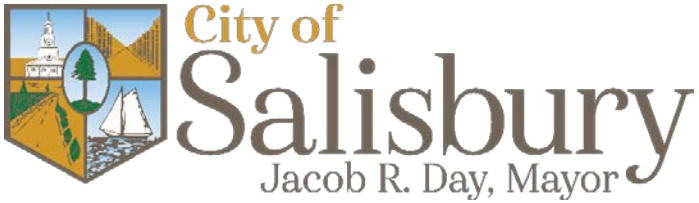
To: Jacob R. Day, Mayor
From: Julie English, Assistant City Clerk
Subject: Appointment to the Parks and Recreation Committee
Date: July 21, 2021

The following person has applied for appointment to the Parks and Recreation Committee for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Mary Kiley	July 2024

Attached you will find information from Ms. Kiley and the resolution necessary for her appointment. If you approve of this appointment, it will be placed on the next City Council agenda for review. Please let me know if you have any questions.

Attachments



COUNCIL AGENDA – Department of Procurement

July 26, 2021

Award of Bid(s)

- | | | |
|-----------------|--|------------------------------|
| 1. ITB 22-101 | SFD Aerial Ladder Truck | \$1,397,620 |
| 2. ITB A-21-109 | Citywide Concrete Repair and Replacement | \$300,000-\$400,000/yr. est. |
| 3. RFP 21-107 | Paleo WTP Filter Replacement Design | \$296,737 |



City of Salisbury

Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: July 26, 2021
Subject: Award of Bids

The Department of Procurement seeks approval from City Council to award the following procurements:

ITB 22-101 Aerial Ladder Truck

- Department: Fire
- Specifications: 2021 Aerial Ladder Truck
- Cooperative contract: HGACBuy #FS12-19
- Vendor: Atlantic Emergency Solutions
- Cost: \$1,397,620.00
- GL Account(s): 98122-577025-48101 Vehicles – Aerial Ladder
- Notes:
 - City of Salisbury Charter, Section SC 16-3 (9) General Policy of Competitive Bidding, Exceptions - Contracts in which the City receives a contract price negotiated by the State, County, or other governmental entity pursuant to a valid contract.”
 - The Houston-Galveston Area Council (H-GAC) is a unit of local government and a political subdivision of the State of Texas. All products offered through HGACBuy have been awarded by virtue of a public competitive process. The contracts awarded by the H-GAC Board are then made available to local governments nationwide through the HGACBuy Cooperative Purchasing Program.

For ITB 22-101, the City of Salisbury has an established Interlocal Contract with the HGACBuy Cooperative Purchasing Program, which sets out the conditions, requirements and processes of the procurement. The departmental memo and the HGACBuy worksheet provide further details.

ITB A-21-109 Concrete Repair and Replacement

- Department: Infrastructure and Development
- Scope of Work: Construction of curb, gutter and sidewalks throughout the City, including concrete removal, patching, installation of concrete bollards and pavers, and other concrete work as needed
- Bid date: 05/18/2021
- Bid opening: 06/23/2021
- Total bids received: 5
- Lowest responsive & responsible bidders (top 3):
 - Malone and Phillips Concrete, Inc. (Salisbury, MD)
 - ECM Corporation (Fort Washington, MD)
 - All Shore Concrete, LLC (Easton, MD)



City of Salisbury

Jacob R. Day, Mayor

ITB A-21-109 Concrete Repair and Replacement (cont'd)

- Cost: \$300,000-\$400,000 per year (estimated per base bid amounts)
- GL Account(s):
 - 31156-534307 Curb, Gutter & Sidewalks
 - 31000-534307 Curb, Gutter & Sidewalks - Engineering
 - 31000-534318 Street Maintenance
- Notes:
 - Multi-vendor award
 - Indefinite Delivery, Indefinite Quantity contract including a renewal clause (up to two additional 1-yr. terms); orders placed as needed


RFP 21-107 Paleo WTP Filter Replacement Design

- Department: Infrastructure and Development
- Scope of Work: Replacement of existing green sand pressure filters and designing a building addition to house the new fixtures.
- Proposal date: 04/30/2021
- Proposal opening: 06/01/2021
- Total proposals received: 4
- Highest ranked vendor: GHD, Inc. (Salisbury, MD)
- Est. cost: \$296,737.00
- GL Account(s): 97010-513020-50043 Filter Replacement Project
- Notes: N/A

For ITB A-21-109 and RFP 21-107, the City followed required bidding practices by publicly posting all solicitations on the City of Salisbury's Procurement Portal and the State of Maryland's procurement website, eMaryland Marketplace Advantage. The departmental memos provide further details.



MEMORANDUM

To: Jennifer Miller, Director of Procurement
From: John W. Tull, Fire Chief 
Subject: Recommendation for Award of Bid for Project #FD-23-01 (Aerial Ladder)
Date: July 1, 2021

During the FY2022 Capital Improvement Plan and Budget process, the Department was approved funding to purchase a new aerial ladder truck. Atlantic Emergency Solutions, Inc. submitted a bid proposal in accordance to HGACBuy Contract FS12-19.

Pursuant to a thorough review and pricing verification from the City Procurement Department and the Salisbury Fire Department, please allow this memorandum to serve as the formal Department recommendation to award the bid to Atlantic Emergency Solutions, Inc. in the amount of \$1,397,620.00 to purchase a new 2021, 107' Rear-Mounted Pierce Enforcer Aerial Ladder Truck for the Department.

Funding for this project can be found in account number 98122-577025-48101.

Attached you will find the following items:

- HGACBuy Contract Pricing Form
- HGACBuy Contract Pricing Verification Form
- Resolution #3122 – Declaration of Official Intent

The estimated delivery time for this new aerial ladder truck from Atlantic Emergency Solutions, Inc. is 12 months.

Please add this to the Award of Bids content for the earliest possible Council Legislative Agenda. If you should have any questions or comments, please do not hesitate to contact me.



**CONTRACT PRICING
WORKSHEET**
For MOTOR VEHICLES Only

Contract
No.:

FS12-19

Date
Prepared:

07/01/21

*This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents **MUST** be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.*

Buying Agency:	City of Salisbury	Contractor:	Atlantic Emergency Solutions
Contact Person:	Captain Chris Twilley	Prepared By:	Brian Bashista
Phone:	410-5483120	Phone:	302-242-7311
Fax:		Fax:	
Email:	ctwilley@salisbury.md	Email:	jjackson@atlanticemergency.com

Product Code:	FS19VA06	Description:	Custom Chassis Aerial 107
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A. Product Item Base Unit Price Per Contractor's H-GAC Contract:	\$1,043,437.00
--	----------------

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.

Description	Cost	Description	Cost
See attached Sheet			
		Subtotal From Additional Sheet(s):	\$337,887.00
		Subtotal B:	\$337,887.00

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary

Description	Cost	Description	Cost
See Attached Sheet			
		Subtotal From Additional Sheet(s):	\$14,296.00
		Subtotal C:	\$14,296.00

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).	For this transaction the percentage is:	1.03%
--	---	-------

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	1	X Subtotal of A + B + C:	1395620	=	Subtotal D:	\$1,395,620.00
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E. H-GAC Order Processing Charge (Amount Per Current Policy)	Subtotal E:	\$2,000.00
--	-------------	------------

F. Trade-Ins / Other Allowances / Special Discounts / Freight / Installation

Description	Cost	Description	Cost
		Subtotal F:	\$0.00

Delivery Date:	12 Months	G. Total Purchase Price (D+E+F):	\$1,397,620.00
----------------	-----------	----------------------------------	----------------

Pulse			Published	Unpublished
Number	Qty	Description	Options	Options
103	1	Aerial Frame liner	\$4,840.00	
127	1	Mud Flaps	\$635.00	
129	1	Disc Brakes Front	\$1,307.00	
131	1	Disc Brakes, Rear, Tandem (per)	\$1,689.00	
132	1	ABS upgrade to ESC/ABS/ATC	\$6,533.00	
134	1	Air inlet-outlet	\$759.00	
135	1	Additional Air Tanks	\$404.00	
137	1	Brake fittings compression type	\$1,507.00	
141	1	Cummins L9 450hp to Detroit DD13 470 hp	\$21,166.00	
142	1	Detroit DD13 470 to 525	\$5,020.00	
149	1	EVS 3000 TO 4000	\$10,130.00	
150	1	EVS 4000 TO 4500 PR	\$11,843.00	
151	1	Aggressive Down shift	\$150.00	
153	1	Exhaust Extension Plymo or Nederman	\$696.00	
156	1	Increase DEF Capacity	\$536.00	
159	1	Add Extended Bumper	\$2,448.00	
161	1	Bumper tray with cover	\$1,015.00	
165	4	Bumper warning light recess	\$3,828.00	
173	1	Stainless Door Jamb Scuffplates	\$756.00	
169	1	Mirrors - change to One-Eleven style	\$2,414.00	
179	1	Safety System	\$10,601.00	
180	1	Driver Safety Seat	\$968.00	
181	5	SCBA Safety Seat	\$4,800.00	
187	2	EMS Compartment w outside access (each)	\$5,936.00	
188	5	Upgrade SCBA Bracket to Hands Free	\$4,020.00	
192	1	Cab Windows Factory Tint	\$528.00	
196	1	Upgrade to extended cab	\$4,825.00	
200	1	Upgrade Enforcer to Arrow	\$44,981.00	
208	11	Spare 12 volt power (each)	\$1,606.00	
209	1	Radio with Weatherband	\$1,122.00	
133	1	Collision Mitigation	\$2,904.00	
215	7	install Customer radio	\$6,951.00	
221	1	Camera System Rear only	\$1,140.00	
240	1	Kussmaul Charger	\$1,915.00	
245	1	Auto-eject 20 amp	\$567.00	
249	1	Batteries 6 total	\$1,114.00	
253	1	LED cab lighting	\$1,020.00	
254	1	LED body perimeter additional	\$2,284.00	
255	1	LED Headlights	\$2,081.00	
260	1	12 volt LED Hi-Viz Brow Full single	\$5,467.00	
262	6	12 volt-Hi Viz LED (per light)	\$13,752.00	
266	1	Tail lighting LED Upgrade	\$1,548.00	
281	2	Aerial body full depth per side	\$12,790.00	
296	1	LED Compartment Lighting base upgrade lighting	\$1,974.00	
297	1	LED Compartment Lighting premium	\$3,375.00	
310	10	Adjustable Compartment shelves	\$2,100.00	
311	4	Slide-out tool board	\$5,208.00	

312	1	Swing-out tool board	\$1,932.00	
314	4	Slide-out floor tray	\$3,532.00	
325	1	SCBA Cylinder storage in fender panel single (each)	\$715.00	
327	2	SCBA Cylinder storage in fender panel triple (each)	\$2,012.00	
344	1	2.5" Discharge front bumper	\$3,274.00	
350	2	2.5" Discharge	\$3,792.00	
354	1	add electric valve deluge plumbing	\$5,510.00	
390	1	Airhorn at activation pump panel	\$193.00	
392	1	Tank Level LED Group	\$1,434.00	
403	1	LED Emergency Light Package	\$13,071.00	
419	1	Air Horns with 2 foot switches	\$170.00	
422	1	Q2B Siren	\$4,322.00	
424	1	GTT Emitter Roof/remote mounted	\$5,211.00	
425	1	Roto Ray Emergency Light	\$2,881.00	
426	1	Mini Lightbar over crew cab Doors	\$4,459.00	
429	1	Traffic Directing light bar "B"	\$2,544.00	
433	1	Diesel 10 KW Generator w/ Monitor Package	\$19,748.00	
459	1	Electric Cord Reel with 200' of 10/3	\$2,859.00	
475	1	Quick lock waterway	\$5,562.00	
482	1	Lyfe Brackets 3 in 1	\$1,820.00	
483	1	LED Emergency Light Package Upgrade	\$9,502.00	
489	1	Collision Avoidance	\$7,776.00	
492	1	LED Rung Lighting	\$4,671.00	
494	1	12 Volt LED Tracking/tip lights	\$3,391.00	
495	1	Two-tone Cab paint	\$2,341.00	
497	1	E-Coat Under body Chassis	\$1,912.00	
		#N/A	\$0.00	
		#N/A	\$0.00	
		#N/A	\$0.00	
		#N/A	\$0.00	
		#N/A	\$0.00	
UP1		Side Stacked Ladder Compliment		\$14,296.00
			\$0.00	
			\$0.00	
			\$0.00	
			\$0.00	
			\$0.00	
			\$0.00	
			\$0.00	

Base Bid	\$1,043,437.00	
Published Options	\$337,887.00	
Total Published Options	\$1,381,324.00	
Unpublished Options	\$14,296.00	1.03%
Total Options w/o HGAC Fee	\$1,395,620.00	



City of
Salisbury
Jacob R. Day, Mayor

To: Jennifer Miller, Director of Procurement
From: Amanda Pollack, Director, Department of Infrastructure & Development
William White, Transportation Project Specialist
Date: June 28, 2021
Subject: Award of Bid for Contract # A-21-109, Citywide Concrete Repair

AP

The Department of Infrastructure and Development worked with the Department of Procurement to bid the Annual Citywide Concrete Repair contract. Bids for Contract No. A-21-109 were opened on Wednesday, June 23, 2021 at 2:30 P.M. Bids were received from five (5) Concrete Contractors. Bidders provided unit pricing to construct concrete facilities including curb, gutter and sidewalk at various locations within the City Limits of Salisbury, Maryland. The bid quantities for this contract were for reference only and in place only to establish locked-in rates for the term of the contract (one year, renewable up to two times); therefore, no actual funds will be awarded at this time. Purchase Orders will be processed, as needed, per assignment to the Contractor. The bidders and base bids (for comparison purposes) are as follows:

Malone & Phillips Concrete, Inc.	\$308,560.00
ECM Corporation	\$327,351.00
All Shore Concrete, LLC.	\$402,522.40
INL Masonry Multiservices	\$516,740.00
Soil & Land Use Technology	\$2,497,441.00

This contract was designed to allow award to multiple vendors thereby giving the City flexibility and speeding up implementation. The three lowest bidders are recommended for award. All three low bidders have successfully completed work for the City in the recent past; Malone & Phillips Concrete, ECM Corporation and All Shore Concrete. The lowest cost vendor shall be given preference with the City issuing purchase orders to the other two vendors as needed due to schedule, etc. Department of Infrastructure & Development, upon review and evaluation of the responsive and responsible bids submitted, recommends contracts be awarded to; Malone & Phillips Concrete, ECM Corporation and All Shore Concrete.

Funding is provided from multiple accounts. The Annual Citywide Curb, Gutter and Sidewalk Program is utilized to replace curb, gutter, sidewalk and other miscellaneous concrete work throughout the City. The funding for this work is a line item in the Adopted FY22 budget: 31156-534307 Revolving Curb, Gutter and Sidewalk. The fund for general streets maintenance includes paving, sidewalk and curb & gutter repairs in addition to the replacement and/or addition of ADA compliant ramps, pass-throughs, pedestrian islands and other related structures. The funding for this work is in the Adopted FY22 budget: 31000-534307 Curb/Gutter and 31000-534318 Streets Maintenance

As this contract is intended to lock rates in for the specified time frame, no award of fund shall be made at this time; as work becomes available individual purchase orders will be issued to the contractor.

Amanda H Pollack

Amanda Pollack, P. E.
Director, Department of Infrastructure & Development



City of
Salisbury
Jacob R. Day, Mayor

To: Jennifer Miller, Director of Procurement
From: Amanda H. Pollack, Director Infrastructure & Development
Date: July, 1 2021
Re: RFP 21-107 Paleo Water Treatment Plant Filter Replacement

AP

Salisbury Department of Infrastructure and Development worked with the Department of Procurement to advertise a request for proposal for design of the Paleo Water Treatment Plant filter replacement. The scope of work includes a design phase to replace the existing green sand pressure filters and anion exchange columns for potential nitrate removal, a building addition to house the filters with provisions to expand the number of filters and potential addition of anion exchange with bidding services to be awarded at bidding.

Bids were opened on June 1, 2021 and four bids were received. The Selection Committee, which consisted of staff from the Departments of Water Works and Infrastructure and Development, reviewed and ranked each technical proposal. Three of the proposals were found to be technically sufficient. The Procurement Department opened and scored the price proposal for the three submittals ranked technically sufficient and developed the final ranking summarized below.

The evaluation criteria for RFP 21-107 Paleo Water Treatment Plant Filter Replacement and the results of the evaluation are below:

Criteria	Possible Points
Expertise, experience, and qualifications of the Consultant Team as related to the Scope of Services including team member experience	40
Lump Sum Price Proposal	30
Performance on all projects within the last five years including but not limited to: project success, relevance of projects to the Scope of Work contained in the proposal documents, ability to meet deadlines, experience working with municipal governments with emphasis on projects similar in scope to the project.	30

Vendor	Total Score
GHD Inc.	84.30
Whitman, Requardt & Associates	78.53
Davis, Bowen & Friedel	74.33
Herbert, Rowland & Gubric Inc.	Price Proposal Not Opened

The Department of Infrastructure and Development recommends awarding RFP 21-107 Paleo Water Treatment Plant Filter Replacement to GHD, Inc. Please award the contract in the amount of \$296,737.00 for the scope of work specified in the design phase of Request for Proposal 21-107. Funds are available in account 97010-513020-50043.

Ordinance No. 2675

AN ORDINANCE OF THE COUNCIL (THE "COUNCIL") OF THE CITY OF SALISBURY TO AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE "CITY") 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 SIX MILLION ONE HUNDRED TWENTY-FOUR THOUSAND SEVENTY-SIX DOLLARS (\$6,124,076), AND (2) GENERAL OBLIGATION REFUNDING BONDS, SUBJECT TO THE LIMITATIONS PROVIDED FOR HEREIN, THE PROCEEDS OF THE SALE THEREOF TO BE USED AND APPLIED FOR THE PUBLIC PURPOSE OF FINANCING, REIMBURSING OR REFINANCING COSTS OF THE PUBLIC PURPOSE PROJECTS IDENTIFIED HEREIN AS GOB AIR HANDLER REPLACEMENT; APPARATUS REPLACEMENT – AERIAL LADDER; FIELD OPERATIONS FACILITY PLAN – PHASE 3 GARAGE; DOWNTOWN STREET SCAPING; MARKET STREET SHORELINE IMPROVEMENTS; NORTHWOOD AND BREWINGTON BRANCH CULVERT; ADA: RAMP AND BATHROOM CONVERSION; FIELD OPERATIONS FACILITY PLAN - PHASE 2; AND PORT EXCHANGE RIVERWALK REPLACEMENT; SPECIFYING THE MAXIMUM ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF THE BONDS OR BOND ANTICIPATION NOTES PROVIDED FOR HEREIN TO BE ALLOCATED TO EACH SUCH PROJECT, SUBJECT TO REALLOCATION BY THE CITY IN ACCORDANCE WITH APPLICABLE BUDGETARY PROCEDURES OR LAW; PROVIDING THAT THE COUNCIL BY RESOLUTION SHALL DETERMINE, APPROVE OR PROVIDE FOR VARIOUS MATTERS RELATING TO THE AUTHORIZATION, SALE, SECURITY, ISSUANCE, DELIVERY, PAYMENT AND PREPAYMENT OR REDEMPTION OF AND FOR EACH SERIES OF THE BONDS, THE BOND ANTICIPATION NOTES AND THE REFUNDING BONDS (EACH A "SERIES OF THE OBLIGATIONS" OR THE "OBLIGATIONS"); PROVIDING FOR THE IMPOSITION OF AD VALOREM TAXES SUFFICIENT FOR, AND PLEDGING THE FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER OF THE CITY TO, THE PAYMENT OF DEBT SERVICE ON EACH SERIES OF THE OBLIGATIONS; PROVIDING THAT DEBT SERVICE ON EACH SERIES OF THE OBLIGATIONS ALSO MAY BE PAID FROM ANY OTHER SOURCES OF REVENUE LAWFULLY AVAILABLE TO THE CITY FOR SUCH PURPOSE; PROVIDING THAT CERTAIN ACTIONS MAY BE TAKEN OR PROVIDED FOR BY RESOLUTION IN CONNECTION WITH THE REISSUANCE OR MODIFICATION OF ANY OF THE OBLIGATIONS; PROVIDING THAT ANY OF THE OBLIGATIONS MAY BE CONSOLIDATED WITH OTHER OBLIGATIONS OF THE CITY AND ISSUED AS A SINGLE SERIES OF BONDS, BOND ANTICIPATION NOTES AND/OR REFUNDING BONDS; AUTHORIZING, DIRECTING AND EMPOWERING OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE OBLIGATIONS; AUTHORIZING MODIFICATIONS OF THE OBLIGATIONS TO BE MADE BY RESOLUTION UNLESS ANOTHER ACTION IS REQUIRED; PROVIDING THAT THIS

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TITLE SHALL BE DEEMED A STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE FOR ALL 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 THE OBLIGATIONS.

RECITALS

WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland and a municipality within the meaning of the Enabling Act, the Bond Anticipation Note Act and the Refunding Act identified below (the “City”), is authorized and empowered by Sections 19-301 through 19-309 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 the public purpose projects identified in Section 3 of this Ordinance; and

WHEREAS, the City has determined to authorize the issuance and sale from time to time of one or more series of its general obligation bonds in order to finance, reimburse or refinance all or a portion of the costs of any of the public purpose projects identified in Section 3 of this Ordinance; and

WHEREAS, prior to issuing one or more series of the general obligation bonds authorized hereby, the City may need to obtain interim financing in order to finance, reimburse or refinance applicable project costs on a timely basis through the issuance and sale from time to time of general obligation bond anticipation notes in one or more series pursuant to the authority of Sections 19-211 through 19-223 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Bond Anticipation Note Act”); and

WHEREAS, subsequent to the issuance of any general obligation bonds provided for herein, the City may desire to currently refund or advance refund all or a portion of such bonds through the issuance and sale from time to time of one or more series of its general obligation refunding 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 general obligation bonds, bond anticipation notes or refunding bonds authorized hereby; and

WHEREAS, the City shall issue any general obligation bonds, bond anticipation notes or refunding bonds authorized hereby in accordance with the terms and conditions provided for in a

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resolution or resolutions to be adopted by the Council of the City (the “Council”) pursuant to the authority of the Enabling Act, the Bond Anticipation Note Act, the Refunding Act, other applicable law, Sections SC7-45 and SC7-46 of the Charter and this Ordinance, as applicable.

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 the Sections of this Ordinance and not defined herein 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, the City Code or other applicable law or authority, 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” or the “proceeds” 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.

SECTION 2. BE IT FURTHER ORDAINED that pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and any other applicable law, the City hereby determines to borrow money and incur indebtedness from time to time for the public purpose of financing, reimbursing or refinancing costs (as defined in Section 3(b) hereof) of any of the Projects identified in Section 3(b) hereof.

SECTION 3. BE IT FURTHER ORDAINED that:

(a) To evidence the borrowing and indebtedness authorized in Section 2 of this Ordinance, the City, acting pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and any other applicable law, hereby determines to authorize the issuance and sale from time to time, in one or more series, upon its full faith and credit, of its general obligation bonds in an original aggregate principal amount not to exceed Six Million One Hundred Twenty-Four

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Thousand Seventy-Six Dollars (\$6,124,076) (each, a “series of the Bonds” and, collectively, the “Bonds”). Any series of the Bonds may be issued as one or more bonds and any such bond may be issued in installment form and/or draw-down form.

(b) With respect to the projects listed below, the word “costs” as used in Section 2 hereof shall include, as applicable, costs of the following activities and expenses: land and right-of-way acquisition and development; acquisition of other property rights; site and utility improvements, including, without limitation, grading, landscaping, paving and repaving, sidewalk, curb, gutter, storm water, water and sewer improvements, street lights, amenities, and related or similar activities and expenses; demolition, razing and removal; acquisition, construction, expansion, reconstruction, replacement, renovation, rehabilitation, upgrading, improvement, installation, furnishing and equipping activities and expenses, and related or similar activities and expenses; planning, design, engineering, testing, study, architectural, feasibility, surveying, document development, bidding, permitting, inspection, construction management, financial, administrative and legal expenses, and related or similar activities and expenses; contingencies; costs of issuance (which may include costs of bond insurance or other credit or liquidity enhancement); interest during construction and for a reasonable period thereafter (whether or not expressly so stated); and any such costs that may represent the City’s share or contribution to the financing, reimbursement or refinancing of any such project (collectively, “Costs of the Projects”). The maximum original aggregate principal amount of the Bonds (or the BANs, as identified in Section 6 hereof) to be appropriated or applied to the Costs of the Projects (exclusive of any net original issue premium realized upon sale or 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.	GOB Air Handler Replacement ⁽¹⁾	\$ 178,750
2.	Apparatus Replacement - Aerial Ladder ⁽¹⁾	1,400,000
3.	Field Operations Facility Plan – Phase 3 Garage ⁽¹⁾⁽²⁾	1,890,000
4.	Downtown Street Scaping ⁽¹⁾	381,326
5.	Market Street Shoreline Improvements ⁽¹⁾	330,000
6.	Northwood and Brewington Branch Culvert ⁽¹⁾	290,000
7.	ADA: Ramp and Bathroom Conversion ⁽³⁾	40,000
8.	Field Operations Facility Plan - Phase 2 ⁽³⁾⁽⁴⁾	1,500,000
9.	Port Exchange Riverwalk Replacement ⁽³⁾	<u>114,000</u>
TOTAL		<u>\$6,124,076</u>

¹ Project was approved for bond funding in the fiscal year 2022 budget ordinance (Ordinance No. 2660).

² Project is also referred to in certain City budgetary materials as “Field Operations Master Plan – Phase III New Vehicle Maintenance Facility.”

³ Project was approved for bond funding in fiscal year 2022 through the fiscal year 2021 budget ordinance (Ordinance No. 2593).

⁴ Project is also referred to in certain City budgetary materials as “Field Operations Master Plan – Phase II New Administrative Building.”

The projects identified in items 1-9 above are collectively referred to herein as the “Projects.” The Projects described in items 1-9 above are identified by approximately the same names as such Projects are identified in the City budget and related materials. The City, without notice to or the consent of any registered owners of any issued Bonds (or the registered owners of any issued BANs, as applicable), may allocate and reallocate the maximum principal amount of any issued Bonds (and of any issued BANs, as applicable) (exclusive of any net original issue premium realized upon sale or investment earnings that may be applied for such purposes) to be spent on Costs of the Projects among any of the Projects in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that the principal amount of any issued Bonds (or of any issued BANs, as applicable) may be spent on any applicable Costs of the Projects, notwithstanding the descriptive names used for the Projects in the table above, including, without limitation, costs related to changes in the scopes of and/or names of the Projects effected through applicable budgetary procedures or applicable law.

(c) In the event the City issues any series of the BANs pursuant to Section 6 of this Ordinance, proceeds of the Bonds of any series in anticipation of which such series of the BANs were

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issued may also be applied to prepay or pay principal, premium and/or interest on such series of the BANs in accordance with the provisions of the Bond Anticipation Note Act, and such application shall be deemed the payment of Costs of the Projects for purposes of this Ordinance.

(d) By resolution or as otherwise allowed by applicable law, and without notice to or the consent of any registered owners of any issued Bonds (or of any issued BANs, as applicable), the Council may determine or provide for the determination of, and reallocate, how any unexpended proceeds of any series of the Bonds (or any series of the BANs, as applicable), net original issue premium realized upon sale and/or any investment earnings shall be expended, which may include, without limitation, on Costs of the Projects, on costs of issuance, to reduce the par amount of the Bonds or of the BANs to be issued for the intended purpose of any particular series, to prepay or pay principal, premium and/or interest on a series of the BANs, and/or on debt service payable or prepayable on any such series of the Bonds or of the BANs, as applicable, to the extent permitted by applicable law.

SECTION 4. BE IT FURTHER ORDAINED that the proceeds of the Bonds shall be used and applied by the City exclusively and solely for the public purposes described in Section 3 of this Ordinance, unless 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 Enabling Act, the Charter or other applicable law; provided that, no such supplemental ordinance shall be required if changes in the scope of or name of any Project are otherwise made as contemplated in Section 3(b) of this Ordinance.

SECTION 5. BE IT FURTHER ORDAINED that pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, this Ordinance and any other applicable law, the Council, prior to the issuance, sale and delivery of each series of the Bonds, shall adopt a resolution or resolutions specifying, prescribing, determining, providing for or approving such matters, details, forms (including, without limitation, the form or substantially final form of the Bonds of such series), documents or procedures as may be required by the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, other applicable law or this Ordinance or as the Council may deem appropriate for the authorization, sale, security, issuance, delivery, payment, prepayment or redemption of or for such series of the Bonds, subject to the limitations of any applicable law. Any such resolution may, subject to the limitations of any applicable law, set forth, determine or provide for the determination of, provide for, or approve or provide for the approval of, among other matters, as applicable, the designation of such series of the Bonds; the date of issue of such series of the Bonds; the original aggregate principal amount of such series of the Bonds; the denomination or denominations of such series of the Bonds; the maturity or maturities of such series of the Bonds, or the method of determining such maturity or maturities; the principal installment or installments (including, without limitation, serial maturities and/or mandatory sinking fund installments) payable on such series of the Bonds or the method of determining such principal installments; the rate or rates of interest, or the method of determining the rate or rates of interest, payable on such series of the Bonds, which may be fixed or variable; provisions for the payment of late fees, additional interest and/or penalties

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payable with respect to such series of the Bonds and/or adjustments to interest rates; the purchase price for such series of the Bonds (which may be at, above or below par value) or the method of determining the purchase price; provisions relating to the prepayment or redemption of such series of the Bonds at the City's option or by mandatory sinking fund payments; provisions allowing the registered owners of such series of the Bonds to put or cause the prepayment or redemption of the same at their option; the manner of selling such series of the Bonds, which may be by private (negotiated) sale without advertisement or solicitation of competitive bids (including in a negotiated underwriting or by direct purchase) or at public sale after publication or dissemination of the notice of sale (in any manner permitted by applicable law), and all matters in connection therewith, including any forms or substantially final forms of documents, agreements, certificates, instruments or notices authorized or required by applicable law; provisions for the execution of such series of the Bonds; any limitations on the Costs of the Projects on which the proceeds of such series of the Bonds may be expended and provisions for the appropriation, disposal and investment of such proceeds; the selection of any bond registrar, paying agent, investment bidding agent or other appropriate service providers in connection with such series of the Bonds; certifications, representations, determinations, designations or elections relating to the tax-exempt or taxable status of interest payable on such series of the Bonds; and all other terms and conditions pursuant to which such series of the Bonds will be issued, sold and delivered, including, without limitation, any other determinations to be made or provided for by resolution as required by Charter Section SC7-46.A. Among other matters, the Council by resolution may authorize, approve or otherwise provide for (i) payment of any commitment fee, breakage fee or other fee and any other costs (including other parties' legal costs and expenses) payable in connection with any series of the Bonds, (ii) the obtaining of credit enhancement or liquidity enhancement for any series of the Bonds (and the negotiation, approval, execution and delivery of any agreements or documents relating thereto), and (iii) any other agreements, documents, instruments or determinations necessary or desirable to enhance the marketability of or as security for any series of the Bonds, including, without limitation, any ratings, any official statement or similar disclosure document or any continuing disclosure undertaking required to satisfy the requirements of Securities and Exchange Commission Rule 15c2-12. References in this Section 5 to providing for determinations by resolution shall be construed to permit the Council to delegate to one or more officials the authority to make or provide on behalf of the City any of the determinations, approvals or other decisions contemplated by this Section 5. Any resolution may specify, prescribe, determine or provide for the determination of, provide for, or approve or provide for the approval of, the matters identified in this Section 5 for more than one series of the Bonds.

SECTION 6. BE IT FURTHER ORDAINED that:

(a) Pursuant to the authority of the Bond Anticipation Note Act, Sections SC7-45 and SC7-46 of the Charter and any other applicable law, the City is hereby authorized and empowered to issue and sell, upon its full faith and credit, its general obligation bond anticipation notes in one or more series from time to time in an original aggregate principal amount not to exceed Six Million One Hundred Twenty-Four Thousand Seventy-Six Dollars (\$6,124,076) (each, a "series of the

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BANs” and, collectively, the “BANs”), prior to and in anticipation of the sale of any series of the Bonds, for the public purpose of financing, reimbursing or refinancing Costs of the Projects on an interim basis. 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 each series of the BANs, the Council shall adopt a resolution or resolutions pursuant to the authority of the Bond Anticipation Note Act, Sections SC7-45 and SC7-46 of the Charter, any other applicable law and this Ordinance authorizing such series of the BANs and specifying, prescribing, determining or providing for the determination of, providing for, or approving or providing for the approval of, with respect to such series of the BANs, the same types of matters, details, forms, documents, procedures or determinations detailed in Section 5 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 any series of the BANs. Any resolution may specify, prescribe, determine or provide for the determination of, provide for, or approve or provide for the approval of, the details required or authorized by this Section 6 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 such BANs, to pay the interest on such series of the BANs from the proceeds of one or more series of the Bonds, 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 funds 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, together with any amendments or modifications to or replacements of such series of the BANs and any related documentation.

SECTION 7. BE IT FURTHER ORDAINED that pursuant to the authority of the Enabling Act, the Refunding Act, Sections SC7-45 and SC7-46 of the Charter and any other applicable law, the City is hereby authorized and empowered to issue and sell, upon its full faith and credit, its general obligation refunding bonds in one or more series from time to time (each, a “series of the Refunding Bonds” and, collectively, the “Refunding Bonds”), for the purpose of currently refunding or advance refunding in whole or in part any of the Bonds then outstanding, including paying all or any portion of the following: outstanding principal, prepayment or redemption premium, and/or interest accrued or to accrue to the date or dates of prepayment, redemption, purchase or maturity of the Bonds to be refunded, paying costs and expenses in connection with the issuance, sale and delivery of such series of the Refunding Bonds (including, without limitation, legal and financial costs and costs of any credit enhancement or liquidity enhancement),

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and, to the extent determined by the Council by resolution, paying interest on such series of the Refunding Bonds, for the public purpose of (A) realizing savings to the City in the total cost of debt service on a direct comparison or present value basis, (B) debt restructuring that reduces the total cost of debt service, or (C) debt restructuring that is determined to be in the best interests of the City, to be consistent with the City's long-term financial plan, and to realize a financial objective of the City, including improving the relationship of debt service to any source of payment such as taxes, assessments or other charges, or for any other purpose then authorized by the Refunding Act or other applicable law, as determined or provided for by the Council by resolution; provided that, the original aggregate principal amount of any series of the Refunding Bonds shall 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 sale, issuance and delivery of each 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, providing for, or approving or providing for the approval of, with respect to such series of the Refunding Bonds, the same types of matters, details, forms, documents, procedures and determinations detailed in Section 5 hereof that may be made or addressed with respect to any series of the Bonds, to the extent applicable to such series of the Refunding Bonds, and as otherwise may be authorized or required by applicable law, including, without limitation, the purposes of the Refunding Act to be achieved by the issuance of such series of the Refunding Bonds, the selection of any escrow agent, verification consultant, escrow bidding agent or other service provider, the determination of the Bonds to be refunded in whole or in part from such series of the Refunding Bonds, and any agreements, documents or other instruments necessary or desirable in connection with the refunding. By resolution or as otherwise allowed by applicable law, and without notice to or the consent of the registered owners of any issued series of the Refunding Bonds, the Council may determine or provide for the determination of, and reallocate, how any unexpended proceeds of such series of the Refunding Bonds, net original issue premium realized upon sale and/or investment earnings shall be expended, which may include, without limitation, on refunding the applicable Bonds, on costs of issuance of such series of the Refunding Bonds or on debt service payable or prepayable on such series of the Refunding Bonds, to the extent permitted 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 any series of the Refunding Bonds. Any resolution may specify, prescribe, determine or provide for the determination of, provide for, or approve or provide for the approval of, the details required or authorized by this Section 7 for more than one series of the Refunding Bonds.

SECTION 8. BE IT FURTHER ORDAINED that:

(a) The full faith and credit and unlimited taxing power of the City are hereby pledged to the payment of the principal of and interest on each series of the Bonds, the BANs or the Refunding Bonds actually issued, as applicable (each, a "series of the Obligations" and, collectively, the "Obligations"), when due and to the imposition of the taxes hereinbelow described

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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 8, the City hereby covenants with the registered owners of the Obligations of each series 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 imposed in any such fiscal year are inadequate for such payment, additional taxes shall be imposed in the succeeding fiscal year to make up such deficiency.

(b) The foregoing provisions shall not be construed so as to prohibit the City from paying the principal of and interest on the Obligations of any series from the proceeds of the sale of any other obligations of the City or from any other funds legally available for that purpose (including, without limitation, with respect to any BANs, from the proceeds of any Bonds and, with respect to any Bonds, from the proceeds of any Refunding Bonds). Within the limitations of any applicable Maryland or federal law (including, without limitation, the Internal Revenue Code of 1986, as amended, and the regulations issued thereunder), the City may apply to the payment of the principal of or interest on the Obligations of any series 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 City in accomplishing the components of Costs of the Projects which the Obligations of such series are issued to finance, reimburse or refinance 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. Pursuant to the authority of Section SC7-46.A. of the Charter, by resolution the Council may provide that all or a portion of the debt service on the allocable portion of any series of the Obligations shall be payable in the first instance from specified revenues or other moneys identified in such resolution, to the extent available for such purpose.

SECTION 9. BE IT FURTHER ORDAINED that by resolution, the Council may make any appropriate arrangements (including, without limitation, by authorizing one or more appropriate officials to make any elections, designations, determinations or filings on the City's behalf) in the event any right of the registered owner of an Obligation to put or cause the prepayment or redemption of such Obligation at its option, or any change in the interest rate of an Obligation, or any other modification to an Obligation could lead to a reissuance of such Obligation for purposes of the Internal Revenue Code of 1986, as amended, and the U.S. Treasury Regulations promulgated thereunder.

SECTION 10. BE IT FURTHER ORDAINED that by resolution, the Council may determine that any of the Bonds, the BANs or the Refunding Bonds may be consolidated with any bonds, bond

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anticipation notes and/or refunding bonds authorized by the Council and issued as a single series of bonds, bond anticipation notes and/or refunding bonds, as applicable.

SECTION 11. BE IT FURTHER ORDAINED that by resolution the Council may make or authorize any modifications to (i) any series of the Obligations once issued, and (ii) any related documentation, agreements, certificates or instruments, unless under applicable law the proposed modifications require action by ordinance in addition to or in place of a resolution.

SECTION 12. BE IT FURTHER ORDAINED that with respect to any series of the Obligations, the Council by resolution may delegate to one or more specified officials or employees the authority to negotiate, approve, execute and deliver, as applicable, any documents, agreements, certificates or instruments relating to such Obligations or to take other actions with respect thereto. The following City officials: the Mayor, the City Administrator, the Director of Finance, the City Clerk and all other appropriate officials and employees of the City are hereby authorized, empowered and directed to (i) take any and all action necessary to complete and close the sale, issuance and delivery of the Bonds, the BANs and the Refunding Bonds, (ii) negotiate, approve, execute and deliver all documents, agreements, 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 ordinance amendatory of or supplemental to this Ordinance, any resolution adopted in furtherance of this Ordinance (including any amendatory or supplemental resolutions), and any documents, agreements, certificates or instruments executed and delivered in connection with any series of the Obligations, all to the extent any particular action is within the scope of such official's or employee's authority and such authorization has not otherwise been delegated to one or more specified City officials or employees by ordinance or resolution.

SECTION 13. 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 14. 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 15. 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 Section SC2-16 of the Charter, this Ordinance shall not be subject to petition for referendum.

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

ATTEST:

Kimberly R. Nichols, City Clerk

Muir Boda, Vice President
Salisbury City Council

APPROVED BY ME THIS _____ DAY OF _____, 2021:

Jacob R. Day, Mayor

#222543;58111.043

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INTER

OFFICE

MEMO

Finance Department

To: Julia Glanz, City Administrator
From: Keith Cordrey, Director of Finance *KAC*
Subject: 2021 SALISBURY GO BORROWING ORDINANCE FOR "NEW MONEY" PROJECTS
Date: July 1, 2021

Attached is a Bond Ordinance covering the issuance and sale of General Obligation Bonds planned to be issued as set forth in our FY22 Budget. In addition to the funding of projects per the FY22 Budget the City's financial advisor is planning on the refunding of bonds which they determine will be profitable to refinance. Below is an Overview and Bullet Points Summary from Bond Counsel, Lindsey Rader of Funk & Bolton.

- Ordinance Recitals trace borrowing powers and the City's intention to borrow money to finance, reimburse or refinance costs of the public purpose projects identified in Section 3 through the issuance of general obligation bonds and, to the extent applicable, general obligation bond anticipation notes and/or general obligation refunding bonds.
- Section 1 - Provides that Recitals are an integral part of the Ordinance and terms defined therein and not otherwise defined in the Ordinance Sections shall have the meanings given to such terms in the Recitals, and any official referred to by title in the Ordinance shall include any person serving in the absence or disability of a titled official or in an acting or interim capacity and any person generally referred to by another title (titles used in the Ordinance conform to titles used in the Charter or the City Code). Clarifies that references to principal amounts or proceeds of obligations mean the par amounts of such obligations.
- Sections 2 – The City determines to borrow money and incur indebtedness for the public purpose of financing, reimbursing or refinancing "costs" as defined in Section 3(b) of the Projects.
- Section 3 – The City is authorized to issue its general obligation bonds in one or more series from time to time in an original aggregate principal amount not to exceed \$6,124,076 (the "Bonds"). Section 3(b) defines "costs" (thereafter referred to as "Costs

of the Projects”) and the “Projects”. Provides that the City may reallocate principal amounts among the Projects without notice to or consent of the holders of the Bonds or any BANs (as identified in Section 6) and that proceeds may be spent on any applicable Costs of the Projects notwithstanding the descriptive names of the Projects including, without limitation, costs related to changes in the scopes of and/or names of any of the Projects effected through applicable budgetary procedures or applicable law, including to the extent applicable, by resolution. In the event the City issues any BANs, application of Bond proceeds to pay or prepay principal, premium and/or interest on the BANs will be deemed application for Costs of the Projects. Provides for the allocation and reallocation, without notice to or the consent of the holders of any Bonds or any BANs, of unexpended proceeds, net original issue premium realized upon sale and/or investment earnings.

- Section 4 – Proceeds of the Bonds will be used solely for the public purposes described in Section 3 of the Ordinance unless the Council enacts a supplemental ordinance, subject to Section 3(c); specifies circumstances in which a supplemental ordinance is not required.
- Section 5 - Prior to issuing any series of the Bonds, the Council shall adopt one or more resolutions fixing, determining, approving or providing for all details relating to such series. Section 5 sets forth the types of determinations to be made by resolution. Section 5 authorizes the Council to delegate to one or more officials authority to make any determinations with respect to a series of the Bonds.
- Section 6 - (a) The City is authorized to issue and sell from time to time one or more series of general obligation bond anticipation notes (“BANs”) in an original aggregate principal amount not to exceed \$6,124,076 in order to finance, reimburse or refinance Costs of the Projects on an interim basis. Details regarding each series of BANs will be determined or provided for by resolution of the Council, and any such resolution shall make or provide for the same types of determinations provided for in Section 5 with respect to the Bonds, to the extent applicable to the BANs. By resolution the Council may delegate to one or more officials the authority to make any determinations with respect to a series of the BANs. (b) The City covenants to pay from the Bonds the principal of any issued BANs, to issue Bonds to refinance any issued BANs as soon as the reason for deferring issuance of such Bonds abates, and to pay interest on any issued BANs. (c) The Ordinance provides that the Council may provide by resolution for renewal of any BANs at maturity with or without resale and for any modifications to the BANs and related documentation.
- Section 7 - The City is authorized to issue and sell from time to time one or more series of general obligation bonds in order to currently refund or advance refund any Bonds issued pursuant to the Ordinance, including by paying issuance costs and funded interest, provided that the original aggregate principal amount of any series of refunding bonds may not exceed 130% of the aggregate principal amount of the bonds refunded therefrom (the “Refunding Bonds”). Details regarding each series of Refunding Bonds will be determined or provided for by resolution of the Council, and any such resolution shall make or provide for the same types of determinations provided for in Section 5 with

respect to the Bonds, to the extent applicable to the Refunding Bonds, and other determinations required by applicable law. Provides for the allocation and reallocation, without notice to or the consent of the holders of the Refunding Bonds, of unexpended proceeds, net original issue premium realized upon sale and/or investment earnings. By resolution the Council may delegate to one or more officials the authority to make any determinations with respect to a series of the Refunding Bonds.

- Section 8 – The City pledges its full faith and credit and unlimited taxing power to the payment of any issued Bonds, BANs or Refunding Bonds (“Obligations”); to the extent other moneys are available for such purpose, the City may apply such other moneys to pay debt service on such Obligations as long as such application does not violate federal tax code limitations or other applicable law. In addition, the Council by resolution may provide that all or a portion of debt service on any series of the Obligations may be payable in the first instance from other sources(s).
- Section 9 – By resolution the Council may make appropriate arrangements in the event any put option, change in interest rate or modification of any issued Obligation could lead to a reissuance of the same for federal tax code purposes.
- Section 10 - By resolution the Council may determine that any series of the Obligations may be consolidated with any other bonds, bond anticipation notes or refunding bonds of the City, as applicable, and issued as a single series.
- Section 11 – By resolution the Council may authorize any modifications to a series of the Obligations once issued and related documentation unless under applicable law the proposed modifications require action by ordinance in addition to or in place of a resolution.
- Section 12 – Appropriate officials are authorized to take all action necessary to complete and close the sale and delivery of each series of the Obligations and to consummate the transactions contemplated by such issues.
- Section 13 – Title is a statement of the substance of the Ordinance for publication and all other purposes.
- Section 14 – Provisions of the Ordinance shall be liberally construed.
- Section 15 - Ordinance will be effective following approval by the Mayor or subsequent passage by the Council over the Mayor’s veto in accordance with Charter Section SC2-12.

Notes:

(1) Even though it is currently expected (without having gone through the tax due diligence

process) that the City will issue all the authorized Bonds at one time, as a single series, we always authorize bonds to be issued in one or more series from time to time at a stated not-to-exceed original aggregate principal amount in case the City decides to undertake the contemplated borrowing in stages or in case both tax-exempt and taxable series need to be issued. Any such series of the Bonds may be issued as a single series of new money and refunding bonds.

(2) Pursuant to the Charter, the Council may determine a method of sale by resolution. The contemplated Bonds, due to the current expectation that they will be issued at one time and their aggregate issue size, are expected to be sold by a public sale at competitive bid. Forms of sale other than a public sale at competitive bid include: (i) a negotiated underwriting with one or more underwriters chosen by the City, (ii) a direct purchase transaction with a single bank where the City just approaches/negotiates with one bank to provide the financing or (iii) a direct purchase transaction where an RFP process is used to identify the bank that will purchase the applicable series of the obligations.

(3) BAN issuance authority is contained in the Ordinance in case interest rates have moved up at the time the City is ready to pursue financing for the Projects and the City decides to incur a short-term borrowing in order to finance, reimburse or refinance Costs of the Projects on an interim basis. If BANs are issued, the expectation is that Bonds will be issued at a later date to pay/prepay the BANs at or prior to maturity.

(4) The reason the maximum principal amount of each series of Refunding Bonds is expressed as a percentage of the outstanding principal amount of the Bonds being refunded is because refunding bonds are usually sized to cover not only outstanding principal of the bonds being refunded but also accrued interest, any prepayment premium and costs of issuance of the refunding bonds. Also, refunding authority is included in this Ordinance because if the market moves in the right direction at a later date that makes it advantageous for the City to refund any of the Bonds, the City can move quickly because it can determine the details by resolution rather than having to first authorize the refunding bonds by ordinance at that time.