



CITY OF SALISBURY CITY COUNCIL AGENDA

September 13, 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 Maggie Gillespie, Wicomico Presbyterian Church
- 6:04 p.m. PRESENTATIONS-- Mayor Jacob R. Day
- Equal Justice Initiative (EJI) Student Essays- Ty'Jah Butler, Ian Hyland, Madjesca Loudine Limage, and Alaynah Martin
 - Proclamation- National Suicide Prevention Month
- 6:20 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:21 p.m. CONSENT AGENDA- Assistant City Clerk Julie English
- August 2, 2021 Work Session Minutes
 - August 9, 2021 Legislative Session Minutes
 - August 9, 2021 Closed Session Minutes (sent in separate email)
 - August 16, 2021 Work Session Minutes
 - August 23, 2021 Legislative Session Minutes
 - **Resolution No. 3120**- to approve the appointment of Cody Drinkwater to the Human Rights Advisory Committee for term ending September 2024
 - **Resolution No. 3121**- to approve the appointment of Kevin M. Utz to the Board of Zoning Appeals for term ending August 2024
 - **Resolution No. 3122**- to approve the appointment of Matthias F. Pieplak to the Sustainability Advisory Committee for term ending September 2024
 - **Resolution No. 3123**- to approve the appointment of Matthias F. Pieplak to the Salisbury Historic District Commission for term ending September 2024
- 6:26 p.m. AWARD OF BIDS- Procurement Director Jennifer Miller
- **Award of Contract**
 1. ITB A-22-102 City-Wide Street Resurfacing
 2. RFP A-22-102 Master Lease Agreement/Capital Leases
 3. ITB A-22-101 Pump Station Wet Well Cleaning
 - **Declaration of Surplus**
 1. Salisbury Police Department – Unit 1475

6:31 p.m. ORDINANCES- City Attorney Michael Sullivan

- **Ordinance No. 2676**- 2nd reading- to amend Chapter 5.28 of the Salisbury City Code, entitled "Fortune-Telling", by deleting Chapter 5.28 in its entirety and replacing it with a new Chapter 5.28
- **Ordinance No. 2677**- 2nd reading- to approve an amendment of the City's Capital Project Fund Budget to reallocate funding for projects in the FY2014 bond pool
- **Ordinance No. 2678**- 2nd reading- to authorize the Mayor to enter into a contract with the Community Foundation of the Eastern Shore for the purpose of accepting grant funds in the amount of \$2,000.00, and to approve a budget amendment to the FY2021 Grant Fund to appropriate funds for the Salisbury-Wicomico Integrated Firstcare Team
- **Ordinance No. 2679**- 2nd reading- to authorize the Mayor to enter into a contract with the Community Foundation of the Eastern Shore for the purpose of accepting grant funds in the amount of \$2,000.00, and to approve a budget amendment to the FY2021 Grant Fund to appropriate funds for the printing/publication of a book of poems written by local poets
- **Ordinance No. 2680**- 2nd reading- to eliminate parking meters on Broad Street
- **Ordinance No. 2681**- 1st reading- approving an amendment of the City's Grant Fund Budget to reallocate budgeted matching funds from other grant projects to the Zoo Special Events Pavilion, Phase 2 project
- **Ordinance No. 2682**- 1st reading- approving an amendment of the City's General Capital Project Fund budget to reallocate funding for the Zoo Administrative Office Space project

7:15 p.m. PUBLIC COMMENTS

7:20 p.m. ADMINISTRATION and COUNCIL COMMENTS

7:25 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 – SEPTEMBER 27, 2021

- Resolution No. _- to re-appoint Jane S.W. Messenger to the Historic District Commission
- Resolution No. _- to re-appoint Alexander McRae to the Bicycle & Pedestrian Committee
- Resolution No. _- approving the Connection Fee Waiver for 117-119 W. Main Street
- **PUBLIC HEARING**- East Lincoln Avenue -M&L Rentals, LLP Annexation and Annexation Plan
- Ordinance No. _- 1st reading- budget amendment for City Park Bandstand & Bridge improvements
- Ordinance No. _- 1st reading- Meadow Cultivation code amendments
- Ordinance No. _- 1st reading- to charge assessment to Transportation Network Service Companies
- **Ordinance No. 2681**- 2nd reading- approving an amendment of the City's Grant Fund Budget to reallocate budgeted matching funds from other grant projects to the Zoo Special Events Pavilion, Phase 2 project
- **Ordinance No. 2682**- 2nd reading- approving an amendment of the City's General Capital Project Fund budget to reallocate funding for the Zoo Administrative Office Space project

Join Zoom Meeting

<https://us02web.zoom.us/j/88186172560>

Meeting ID: 881 8617 2560

Phone: 1.301.715.8592

CITY OF SALISBURY
WORK SESSION
AUGUST 2, 2021

Public Officials Present

Council President John “Jack” R. Heath
Council Vice-President Muir Boda
Councilwoman April Jackson

Mayor Jacob R. Day
Councilwoman Michele Gregory

Public Officials Absent

Councilwoman Angela M. Blake

In Attendance

City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Department of Infrastructure & Development (DID) Director Amanda Pollack, City Attorney Michael Sullivan, Business Development Director Laura Soper, Mayor’s Office Intern Hannah Prugh, Assistant City Clerk Julie English, and members of the Public.

On August 2, 2021 the Salisbury City Council convened in a hybrid Work Session (in person and on Zoom Conferencing Video) at 4:30 p.m. in Council Chambers with Council Vice-President Muir Boda presiding. The following is a synopsis of the topics discussed.

Chesapeake Utilities Corporation- Somerset Natural Gas Project Update

Department of Infrastructure and Development (DID) Director Amanda Pollack provided the monthly update. As of July, about 98% of the pipeline was installed within the City limits.

Fortune Telling License Legislation

Communications Intern for the Mayor’s Office Hannah Prugh shared the concerns of a community member regarding Chapter 5.28 of the City Charter. The concerns stemmed from the extensive, outdated and expensive process the charter required to obtain a license for fortune telling. Ms. Prugh proposed updated language for Chapter 5.28 of the City Charter in addition to reducing fees and penalties. If approved, the fee to conduct a background check would be reduced from \$1,000 to \$100. Business Development Director Laura Soper added that the proposed fines would better align with the City’s current mobile business and hotel violation fees.

Mr. Boda questioned the relevance of requiring a license for fortune telling as it may be considered a religious liberty. Mayor Day responded by adding in general business regulation was designed so that a level of professionalism existed in each field to protect public health and safety.

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

Summersgate Amended and Restated Annexation Agreement

46 Department of Infrastructure and Development Director Amanda Pollack presented an
47 annexation amendment request from Summersgate. Co-Founder and President of
48 Vantage Point Retirement Living Greg Stevens requested the removal of the requirement
49 to realign Johnson Road with Robins Avenue prior to proceeding with Phase I of the
50 Summersgate project. Mrs. Pollack acknowledged that a traffic study may be required
51 by the Planning Commission or State Highway Administration moving forward.
52

53 Mr. Stevens reviewed the plans for Summersgate at the request of the Mayor. He also
54 spoke to the small percentage of residents that would be driving. In addition Mr. Stevens
55 shared that a recent marketing study produced a demand for additional senior living
56 facilities.
57

58 **First Street House Fire Update**

59 Fire Marshal Eric Cramer provided an update on the First Street fire earlier in the year
60 which caused two fatalities. The Housing and Community Development Department and
61 the Salisbury Fire Department did not receive the cooperation of the tenants to provide
62 further information as to what may have caused the fire. The Salisbury Fire Department
63 was denied a copy of the fire data. The State of Maryland was responsible for collecting
64 the information and conducting the investigation.
65

66 Mayor Day discussed the possibility of the Housing and Community Development
67 Department being granted Administrative Search Warrants by a judge when code
68 compliance is questioned.
69

70 President Heath recommended contacting the District representatives for assistance.
71 Mayor Day suggested contacting them directly by phone.
72

73 **Council Comments**

74
75 Mr. Boda reminded everyone about the upcoming National Night Out with the Salisbury Police
76 Department at Newton Community Center at 5:00pm. He also mentioned that Wicomico County
77 was in the “at risk” category.
78

79 Ms. Jackson encouraged residents to allow inspectors to come into your homes when they are
80 conducting investigations to benefit your well-being. She also announced the VFW Unity Day on
81 August 15th and pleaded for everyone to get vaccinated.
82

83 Ms. Gregory reiterated what Ms. Jackson said about the importance of getting vaccinated.
84

85 **Adjournment**

86
87 With no further business to discuss, the Work Session was adjourned at 4:36 p.m.
88

89 _____
90 City Clerk

91 _____
92 _____
93 Council President

1 **CITY OF SALISBURY, MARYLAND**

2
3 **REGULAR MEETING (COUNCIL CHAMBERS AND ZOOM)**

AUGUST 9, 2021

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 *President John “Jack” R. Heath*
8 *Council Vice-President Muir Boda*
9 *Councilwoman Michele Gregory*

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

10
11 **IN ATTENDANCE**

12
13 *City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Finance Director*
14 *Keith Cordrey, Department of Infrastructure & Development Director Amanda Pollack, Fire*
15 *Chief John Tull, Deputy Chief James Gladwell, Procurement Director Jennifer Miller, Assistant*
16 *City Clerk Julie English, City Attorney Michael Sullivan, Assistant City Clerk Julie English,*
17 *members of the press and Public*

18 *******

19 **CITY INVOCATION – PLEDGE OF ALLEGIANCE**

20
21 *The City Council met in regular session at 6:00 p.m. in a hybrid meeting (in person and on Zoom*
22 *Conferencing Video) following the 5:55 p.m. adjournment of the Closed Session. President John*
23 *“Jack” R. Heath called the meeting to order and reported that while in Closed Session Council*
24 *had discussed the appointment of an attorney to handle special projects or conflicts. Following*
25 *announcements, he invited Pastor Bruce Glisson to the podium to provide the invocation,*
26 *followed by the Pledge of Allegiance to the flag.*

27
28 **ADOPTION OF LEGISLATIVE AGENDA**

29
30 *Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous to approve the legislative*
31 *agenda as presented.*

32
33 **CONSENT AGENDA-** *presented by Assistant City Clerk Julie English*

34
35 *The consent agenda, consisting of the following items, was unanimously approved on a motion and*
36 *seconded by Ms. Blake and Ms. Gregory, respectively.*

- 37
38
 - *June 21, 2021 Work Session Minutes*
 - *June 28, 2021 Council Meeting Minutes*
 - *July 6, 2021 Work Session Minutes*
 - *July 12, 2021 Council Meeting Minutes*
 - *July 19, 2021 Work Session Minutes*
 - *July 26, 2021 Council Meeting Minutes*

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40
41
42
43
44
45 **RESOLUTIONS-** *presented by City Administrator Julia Glanz*

- 47 • **Resolution No. 3117**- to authorize the sale and issuance of general obligation bonds
48

49 *Mr. Boda moved, Ms. Blake seconded, and the vote was unanimous to approve Resolution*
50 *No. 3117.*

51
52 **ORDINANCES**- presented by City Attorney Michael Sullivan
53

- 54 • **Ordinance No. 2676**- 1st reading- to amend Chapter 5.28- Fortune-telling of the Salisbury
55 *Municipal Code to amend the requirements for fortune-telling*
56

57 *Ms. Jackson moved and Ms. Gregory seconded to approve Ordinance No. 2676 for first*
58 *reading.*

59
60 *Mr. Sullivan presented Ordinance No. 2676 for first reading, and noted that the underlined*
61 *items denoted new language being added to the code, and the items struck were being*
62 *deleted from the code. He requested that Council allow him to prepare an errata sheet to*
63 *identify the amendments required for second reading, as the modifications to the existing*
64 *section were not clear to the eye.*

65
66 *Ms. Gregory questioned the section stating it was unlawful to practice in City limits without*
67 *a license. and asked if it pertained to those practicing in their own homes with their families.*
68

69 *Mr. Boda thought the text read that if a fortune-teller was ordained, they were not required*
70 *to obtain a license. Some of the practices they were involved in, such as spiritualism, was not*
71 *different than what churches offered. Mr. Sullivan said it was intended to mean that it was*
72 *unlawful for any person to practice fortune-telling without being licensed. It was not*
73 *unlawful for the individual to practice fortune-telling if they held some type of position*
74 *recognized within religious bodies or served as an ordained minister.*
75

76 *Ms. Gregory noted that many people independently practiced spiritualism. Her concern was*
77 *that people would object because it was a restriction to religious liberty. The way she read*
78 *the text was that if someone practiced fortune-telling for their own benefit in their own*
79 *home, they needed a license. President Heath indicated that as long as people were*
80 *practicing inside their home with their immediate family, it should not be an issue.*
81

82 *Mayor Day cautioned Council against determining who was an ordained minister. It was up*
83 *to the churches, not City government. Ms. Gregory suggested adding the words “for profit”*
84 *or “as a business venture” to clarify it did not refer to those practicing in their own homes.*
85 *Mr. Boda asked why have the law at all because it was encroaching on religious liberties*
86 *territory. President Heath said that “for profit” was not the same as a church. Once it was*
87 *determined it was “for profit” and one was making a living from it, it becomes not a church.*
88 *Mr. Boda said that he had family members who were pastors and profited because it was*
89 *how they earned a living. President Heath said it was not the same thing, and Mr. Boda*
90 *thought they were encroaching on the First Amendment. President Heath was interested in*
91 *how individuals going to non-licensed fortune-tellers would be protected.*
92

93 President Heath asked Mr. Sullivan if adding “for profit” in the legislation would cover
94 their discussion points. Mr. Sullivan thought that it would with edits to the language. The
95 definition of fortune-telling was very clear and specific, and if addressed from the
96 standpoint of it being operated as a “for profit” business operation, whether out of the home
97 or in a commercial space, it should not matter because the operators should have to be
98 licensed. He recommended that Council table the ordinance for first reading and schedule
99 the discussion for another Work Session.

100
101 Ms. Glanz read 5.28.020 and thought that Mr. Sullivan’s recommendation and Council’s
102 request to include it in the last piece of the legislation would ensure consistency and
103 clarification. Mr. Boda thought they should remove everything referring to “ordained” and
104 Council agreed that “less was more.” President Heath suggested voting on the first reading
105 of the ordinance, and, if at second reading the verbiage was not satisfactory, it would be
106 dealt with at that time.

107
108 The vote was unanimous to approve Ordinance No. 2676 for first reading.

109 **PUBLIC COMMENTS**

110
111
112 The following comments were received from three members of the public:

- 113
- 114 • Thanked Council for the thoughtfulness and respect given to the fortune-telling discussions.
- 115 • Asked to confirm the requirement for the sign outside of the door of a fortune-telling
116 practice. Mr. Sullivan said that no licensed fortune-teller could erect or post any sign
117 advertising their business on the premises if such sign was in violation of the City’s Zoning
118 Code. This was a negative way of phrasing it was legal to display signage provided it
119 followed the City’s Zoning Code.
- 120 • Asked if the paperwork needed to be filled out in person, or if the application could be
121 completed ahead of time.
- 122 • Mayor Day said the license was not created yet but would be once the legislation passed.
- 123 • Asked, if the \$100 fee was paid at the time the license was applied for, and then the
124 paperwork was sent to the Police Department, how long would the Police investigation take.
125 If it was a three-month process, there would only be nine months left out of the year.
- 126 • Mayor Day said it depended on the outcome of the investigation.
- 127 • Ms. Glanz assured speaker that the license would be issued for a year.
- 128 • Another speaker thanked first speaker and Council member Gregory for the education on
129 the topic of fortune-telling and how it effected people.
- 130 • Speaker was happy that Council discussed the topic in a respectful manner.
- 131 • Another speaker said that real estate inventory was still bad and he heard rumors that the
132 Council was considering some great options to encourage infill development.
- 133 • President Heath responded that the Planning Commission was currently very busy with new
134 home projects.

135 136 **ADMINISTRATION AND COUNCIL COMMENTS**

138 *Mayor Day said Administration would propose policy changes for Council to consider to*
139 *address the housing shortage as quickly as possible. There were about 1,700 units in the*
140 *approval pipeline, which would equate to an average of three times more residents. He said that*
141 *not everything approved through the planning process would be built. The City was still behind*
142 *in getting projects initiated and starting things, and was contacted daily by developers, property*
143 *owners, planners, architects and people with clients who wanted to build and invest.*

144 *He informed Council that Stan Markowski, a local developer, was currently getting approval for*
145 *about 200 homes both on Pemberton Drive and the Johnson Road area. His partner and cousin*
146 *passed away today. The Mayor's office would share his contact information with Council.*

147
148 *Mayor Day thanked the Council members who volunteered to be considered for appointment to the*
149 *MML's standing committees. Selected for participation included Councilwoman Gregory*
150 *(Engagement Committee), Councilwoman Blake (Hometown Emergency Preparedness Committee),*
151 *and Councilwoman Jackson (Legislative Committee).*

152

153 *Mr. Boda encouraged volunteering for the National Folk Festival.*

154

155 *Ms. Blake encouraged everyone to yield to First Responders and to be respectful of City workers*
156 *who worked on the streets, picked up trash, etc. If healthy enough, she encouraged everyone to*
157 *donate blood.*

158

159 *Ms. Jackson reminded everyone of the VFW #10159's 3rd Annual Unity Day to be held on Saturday*
160 *from 11:00 a.m. to 5:00 p.m. The Wicomico County Health Department would be hosting a*
161 *vaccination clinic that day from 11:00 a.m. to 2:00 p.m. She congratulated Calvin J. Mitchell, Sr. of*
162 *the VFW #10159 for receiving the Purple Heart after 50 years on Saturday, presented by Charles*
163 *County, MD. She implored everyone to get vaccinated.*

164

165 *Ms. Gregory said the Wicomico County Health Department was hosting clinics through October for*
166 *school children to get all of their immunizations up to date.*

167

168 *Mayor Day announced the Criminal Justice Reform Task Force would be meeting at the Truitt*
169 *Street Community Center on Saturday from 2:00 p.m. to 4:00 p.m. for those wishing to express an*
170 *observation or experience with police or the criminal justice system.*

171

172 **ADJOURNMENT**

173

174 *With no further business to discuss, the Legislative Session was adjourned at 6:48 p.m.*

175

176

177 _____
City Clerk

178

179

180 _____
Council President

CITY OF SALISBURY
WORK SESSION
AUGUST 16, 2021

Public Officials Present

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

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

In Attendance

City Administrator Julia Glanz, Department of Infrastructure & Development (DID) Director Amanda Pollack, Sustainability Coordinator Alyssa Hastings, Building Official William Holland, Deputy Chief James Gladwell, Department of Procurement Director Jennifer Miller, Grants Manager Deborah Stam, Department of Field Operations Director Jana Potvin, Mayor’s Office Intern Mackenzie Nichol, City Attorney Michael Sullivan, Assistant City Clerk Julie English, City of Salisbury Poet Laureate Nancy Mitchell, and members of the Public.

On August 16, 2021 the Salisbury City Council convened in a hybrid Work Session (in person and on Zoom Conferencing Video) at 4:30 p.m. in Council Chambers with Council President John R. Heath presiding. The following is a synopsis of the topics discussed.

Community Foundation of the Eastern Shore Grant Funds for a Poetry Book

City Administrator Julia Glanz and City of Salisbury Poet Laureate Nancy Mitchell explained that the grant funds, totaling \$2,000, will be used to assemble a book of poems written by members of the community. Mr. Boda recommended the cover of the book include photos and artwork from around the City.

Community Foundation of the Eastern Shore Grant Funds for the Salisbury-Wicomico Integrated Firstcare Team (SWIFT)

Deputy Chief James Gladwell shared that the \$2,000 grant funds were slated for use to provide SWIFT clients transportation to and from doctor’s appointments and COVID related health needs. Mr. Heath asked Deputy Chief Gladwell to provide at a later time the current number of saved 911 calls due to the SWIFT program. Mrs. Glanz suggested it was time to add a SWIFT update to an upcoming agenda.

Parking Meter Removal on Broad Street

Department of Field Operations Director Jana Potvin and Mayor’s Office Intern Mackenzie Nichol requested the removal of the old style parking meters located on Broad Street. It was noted that these meters collected a total revenue of \$207.15 last year, several of the meters did work properly, and a total of two citations were written for non-payment last year

45 **535 East Lincoln Avenue- M & L Rentals, LLP Annexation**

46 Building Official William Holland discussed the annexation of 535 East Lincoln Avenue.
47 The petitioner signed a pre-annexation agreement due to a septic failure and was hooked
48 into City water and sewer. The property went to the Planning and Zoning Commission
49 and was rezoned to R-8, contained a little less than a quarter acre of land and improved
50 by a one-story single family dwelling. Once the annexation was effective the owner
51 would pay a contribution fee of \$1,712 to assist in the reinvestment of existing
52 neighborhoods.

53
54 **Park Amenity Donation and Tree Planting Donation Policy**

55 Department of Infrastructure & Development Director Amanda Pollack and
56 Sustainability Coordinator Alyssa Hastings presented a policy directed toward park
57 amenity and tree planting donations. The park amenity portion of the policy would
58 allow residents and businesses to donate more than just trees and benches to all City
59 parks rather than just to the Salisbury City Park. In addition, the policy included a
60 revolving account to house additional revenue for maintenance of the park facilities.

61
62 The tree planting portion of the policy laid out the process and responsibilities for
63 outside organizations wanting to donate trees to the City or hold a Tree Planting Day.
64 This policy would prevent these types of donations from being a burden on City staff
65 members.

66
67 It was clarified that this policy only pertained to donations valued at less than \$5,000.
68

69 **Surplus of Mitchell Landing Apartments**

70 Procurement Director Jennifer Miller and Grants Manager Deborah Stam requested the
71 surplus of Mitchell Landing Apartments. The apartments consist of 24, three to four
72 bedroom units. Ms. Stam verified that the loan stipulates that the project has to continue
73 operating under the same regulations associated with the Partnership Rental Housing
74 Program in order to not be required to pay the loan back.

75
76 **Communications Protocol**

77 Mr. Heath reminded members of the council that proper protocol should be followed
78 when requesting information from the various City departments. Requests should be
79 made to Mrs. Glanz or Mr. Kitzrow rather than going to the Department Heads directly.
80

81 **Administration and Council Comments**

82 Mayor Day expressed his appreciation for having such amazing City Council members and also
83 appreciated the acknowledgement by Mr. Heath of the stresses on Department Heads. Mayor
84 Day continued by providing an update on the death toll from the earthquake in Haiti (1,400) and
85 noted that 8% of the City of Salisbury's population is Haitian. He asked that everyone be
86 mindful of the hurt and needs of the Haitian community in the coming days.

87
88 Mr. Boda commented that he often used the Citizen Problem Reporter on the City's webpage to
89 communicate any problems that come to his attention.
90

91 Ms. Jackson thanked those who assisted and attended the VFW Unity Day event. She asked that
92 people continue to get vaccinated.

93
94 Ms. Blake requested clarification on what process was preferred in communicating information
95 or concerns. Mayor Day stated his preference was for Mrs. Glanz and Mr. Kitzrow to be copied
96 on emails sent to the Department Heads. Mr. Heath suggested making a phone call rather than
97 sending an email if the matter was critical.

98
99 Ms. Jackson addressed the matter of being kept up to date on City events. She would like to be
100 informed of events going on in her community in advance so she could plan to attend. Mrs.
101 Glanz responded and offered to speak offline about what steps could be taken to ensure she was
102 better informed.

103
104 Mrs. Gregory announced that Wicomico County had the second highest COVID-19 cases in the
105 state, second to Dorchester County. She encouraged all to get vaccinated.

106
107 Mr. Heath referenced the children in Florida dying from COVID-19 and encouraged all who
108 could get vaccinated.

109
110 **Adjournment**
111

112 With no further business to discuss, the Work Session was adjourned at 5:12 p.m.

113
114 _____
115 City Clerk

116
117 _____
118 Council President

1 **CITY OF SALISBURY, MARYLAND**

2
3 **REGULAR MEETING (COUNCIL CHAMBERS AND ZOOM)**

AUGUST 23, 2021

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 *President John “Jack” R. Heath*
8 *Councilwoman Angela M. Blake*
9 *Councilwoman April Jackson*

Council Vice-President Muir Boda
Councilwoman Michele Gregory

10
11 **PUBLIC OFFICIALS ABSENT**

12
13 *Mayor Jacob R. Day*

14
15 **IN ATTENDANCE**

16
17 *City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Finance Director*
18 *Keith Cordrey, Department of Infrastructure & Development Director Amanda Pollack, Fire*
19 *Chief John Tull, Deputy Chief James Gladwell, Procurement Director Jennifer Miller, Assistant*
20 *City Clerk Julie English, City Attorney Michael Sullivan, City Clerk Kimberly Nichols, members*
21 *of the press and Public*

22 *****

23 **CITY INVOCATION – PLEDGE OF ALLEGIANCE**

24
25 *The City Council met in regular session at 6:00 p.m. in a hybrid meeting (in person and on Zoom*
26 *Conferencing Video). Council President John R. “Jack” Heath called the meeting to order,*
27 *followed by a moment of silent meditation and reciting the Pledge of Allegiance to the flag.*

28
29 **ADOPTION OF LEGISLATIVE AGENDA**

30
31 *Ms. Blake moved, Mr. Boda seconded, and the vote was unanimous to approve the legislative*
32 *agenda as presented.*

33
34 **AWARD OF BIDS-** *presented by Procurement Director Jennifer Miller*

35
36 *The Award of Bids, consisting of the following item, was unanimously approved on a motion and*
37 *seconded by Ms. Jackson and Ms. Gregory, respectively.*

- 38
39
 - Declaration of Surplus, Mitchell Landing Apartments located at 135 Mitchell Road,*

40 *Salisbury, Maryland*

41
42 **RESOLUTIONS-** *presented by City Administrator Julia Glanz*

- 43
44
 - **Resolution No. 3105-** to approve the East Lincoln Avenue – M & L Rentals, LLP*

45 *annexation*

47 Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Resolution
48 No. 3105.

49
50 Ms. Glanz announced the annexation public hearing would be held on September 27, 2021.

- 51
52 • **Resolution No. 3106-** to approve the East Lincoln Avenue – M & L Rentals, LLP
53 annexation plan

54
55 Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Resolution
56 No. 3106.

57
58 Ms. Glanz announced the annexation public hearing would be held on September 27, 2021.

- 59
60 • **Resolution No. 3118-** to establish a Park Amenity Donation and Tree Planting Donation
61 policy

62
63 Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve
64 Resolution No. 3118.

- 65
66 • **Resolution No. 3119-** to appoint Reena Patel, Esquire, of the Law office of Marianna Batie
67 as Special Counsel for the City of Salisbury

68
69 Mr. Boda moved, Ms. Gregory seconded, and the vote was unanimous to approve Resolution
70 No. 3119.

71
72 **ORDINANCES-** presented by City Attorney Michael Sullivan

- 73
74 • **Ordinance No. 2677-** 1st reading- to approve an amendment of the City's Capital Project
75 Fund Budget to reallocate funding for projects in the FY2014 bond pool

76
77 Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance
78 No. 2677 for first reading.

- 79
80 • **Ordinance No. 2678-** 1st reading- to authorize the Mayor to enter into a contract with
81 the Community Foundation of the Eastern Shore for the purpose of accepting grant funds in
82 the amount of \$2,000.00, and to approve a budget amendment to the FY2021 Grant Fund to
83 appropriate funds for the Salisbury-Wicomico Integrated Firstcare Team (SWIFT)

84
85 Mr. Boda moved, Ms. Gregory seconded, and the vote was unanimous to approve
86 Ordinance No. 2678 for first reading.

- 87
88 • **Ordinance No. 2679-** 1st reading- to authorize the Mayor to enter into a contract with the
89 Community Foundation of the Eastern Shore for the purpose of accepting grant funds in the
90 amount of \$2,000.00, and to approve a budget amendment to the FY2021 Grant Fund to
91 appropriate funds for the printing/publication of a book of poems written by local poets
92

93 • *Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve*
94 *Ordinance No. 2679 for first reading.*

95
96 • **Ordinance No. 2680**- *1st reading- to eliminate parking meters on Broad Street*

97
98 *Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve*
99 *Ordinance No. 2680 for first reading.*

100
101 **PUBLIC COMMENTS**

102
103 *There were no requests from the public.*

104
105 **ADMINISTRATION AND COUNCIL COMMENTS**

106
107 *Ms. Glanz announced the National Folk Festival was fast approaching and invited the public to*
108 *consider volunteering at the event. The most needed volunteer areas were site set-up, site break-*
109 *down, and first aid. Sign-ups were through the United Way website and orientation would be held*
110 *on September 8, 2022.*

111
112 *Mr. Boda welcomed family members in the audience visiting from Spain, including his niece*
113 *Rosemary McKittrick who recently became a US citizen on May 14, 2021, and his wife, Briggiti.*

114
115 *Ms. Blake encouraged everyone to yield to First Responders and to be careful of school buses*
116 *which would soon be back and running on City streets. She implored everyone to donate blood, as*
117 *the Blood Bank of Delmarva was in a state of emergency due to having only 2 and a half days left of*
118 *o positive blood. Contact the Blood Bank on Mt. Hermon Road at 888-825-6638 to donate blood.*

119
120 *Ms. Jackson congratulated President and Mrs. Heath on their 52nd Wedding Anniversary. She*
121 *reminded everyone to get vaccinated, encouraged testing, being cautious and to wear their masks.*

122
123 *Ms. Gregory said that Tidal Health currently had 41 positive COVID cases, nine of which were in*
124 *ICU. The FDA approved the Pfizer vaccine today, and there were now no excuses to be vaccinated.*

125
126 *President Heath said there were no excuses to being vaccinated. He was tired of reading about*
127 *young children dying of COVID. He wished his wife a happy anniversary!*

128
129 **ADJOURNMENT**

130
131 *With no further business to discuss, the Legislative Session was adjourned at 6:38 p.m.*
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CITY OF SALISBURY, MARYLAND
CLOSED SESSION
AUGUST 9, 2021

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TIME & PLACE: 5:45 p.m., Council Chambers
PURPOSE: To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals
VOTE TO CLOSE: Unanimous (5-0)
CITATION: Annotated Code of Maryland §3-305(b)(1)
PRESENT: Council President John “Jack” R. Heath, Mayor Jacob R. Day, Council Vice-President Muir Boda, Councilwoman April Jackson, Councilwoman Angela M. Blake, Councilwoman Michele Gregory, City Administrator Julia Glanz, Assistant City Clerk Julie English, City Attorney Michael Sullivan, Attorney Reena Patel of the Law Office of Marianna Batie

The City Council convened in Open Session at 5:45 p.m. President Heath called for a motion to convene in Closed Session as permitted under the Annotated Code of Maryland §3-305(b)(1). Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to convene in Closed Session.

Council received information regarding an attorney to consider for special counsel when there were conflicts with using Cockey, Brennan and Maloney, P.C. Attorney Reena Patel of the Law Office of Marianna Batie was interviewed for the appointment.

After discussion, Council unanimously approved of the additional counsel.

At 5:55 p.m., Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous (5-0) to adjourn the Closed Session.

Council convened in the regularly scheduled Legislative Session at 6:00 p.m. and President Heath immediately called the meeting to order and reported that while in Closed Session Council had discussed the appointment of an attorney to handle projects or conflicts.

The Council meeting was then held as regularly scheduled.

City Clerk

Council President



MEMORANDUM

To: Jacob R. Day, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Human Rights Advisory Committee
Date: August 24, 2021

The following person has applied for appointment to the Human Rights Advisory Committee for the term ending as indicated:

| <u>Name</u> | <u>Term Ending</u> |
|-----------------|--------------------|
| Cody Drinkwater | September 2024 |

Attached is the information from Mr. Drinkwater and the resolution necessary for his appointment. If this appointment is approved, it will be placed on the next City Council agenda for review.

Attachments

OK

1 **RESOLUTION NO. 3120**

2
3 BE IT RESOLVED, by the City of Salisbury, Maryland that the following
4 individual is appointed to the Human Rights Advisory Committee for the term ending as
5 indicated.

6
7 Name Term Ending
8 Cody Drinkwater September 2024
9

10
11
12 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
13 Council of the City of Salisbury, Maryland held on September _____, 2021.

14 ATTEST:

15
16
17
18 _____
19 Kimberly R. Nichols
20 CITY CLERK

John R. Heath
PRESIDENT, City Council

21
22
23 APPROVED BY ME THIS

24
25 _____ day of _____, 2021
26
27

28 _____
29 Jacob R. Day, Mayor



MEMORANDUM

To: Jacob R. Day, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Board of Zoning Appeals
Date: August 17, 2021

The following person has applied for appointment to the Board of Zoning Appeals for the term ending as indicated:

| <u>Name</u> | <u>Term Ending</u> |
|--------------|--------------------|
| Kevin M. Utz | August 2024 |

Attached is the information from Mr. Utz and the resolution necessary for his appointment. If this appointment is approved, it will be placed on the next City Council agenda for review.

Attachments

1 **RESOLUTION NO. 3121**

2
3 BE IT RESOLVED, by the City of Salisbury, Maryland that the following
4 individual is appointed to the Board of Zoning Appeals for the term ending as indicated.

5
6

| <u>Name</u> | <u>Term Ending</u> |
|--------------|--------------------|
| Kevin M. Utz | August 2024 |

7
8
9
10
11 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
12 Council of the City of Salisbury, Maryland held on September _____, 2021.

13
14 ATTEST:

15
16
17 _____
18 Kimberly R. Nichols
19 CITY CLERK

John R. Heath
PRESIDENT, City Council

20
21
22 APPROVED BY ME THIS

23
24 _____ day of _____, 2021

25
26
27 _____
28 Jacob R. Day, Mayor



MEMORANDUM

To: Jacob R. Day, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Sustainability Advisory Committee (Green Team)
Date: August 18, 2021

The following person has applied for appointment to the Sustainability Advisory Committee (Green Team) for the term ending as indicated:

| <u>Name</u> | <u>Term Ending</u> |
|---------------------|--------------------|
| Matthias F. Pieplak | September 2024 |

Attached is the information from Mr. Pieplak and the resolution necessary for his appointment. If this appointment is approved, it will be placed on the next City Council agenda for review.

Attachments

1 **RESOLUTION NO. 3122**

2
3 BE IT RESOLVED, by the City of Salisbury, Maryland that the following
4 individual is appointed to the Sustainability Advisory Committee (Green Team) for the
5 term ending as indicated.

6
7

| <u>Name</u> | <u>Term Ending</u> |
|-----------------------|--------------------|
| 8 Matthias F. Pieplak | September 2024 |

9
10
11
12 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
13 Council of the City of Salisbury, Maryland held on September _____, 2021.

14 ATTEST:

15
16
17
18 _____
19 Kimberly R. Nichols
20 CITY CLERK

John R. Heath
PRESIDENT, City Council

21
22
23 APPROVED BY ME THIS

24
25 _____ day of _____, 2021

26
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28 _____
29 Jacob R. Day, Mayor



MEMORANDUM

To: Jacob R. Day, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Salisbury Historic District Commission
Date: August 31, 2021

The following person has applied for appointment to the Salisbury Historic District Commission for the term ending as indicated:

| <u>Name</u> | <u>Term Ending</u> |
|------------------|--------------------|
| Matthias Pieplak | September 2024 |

Attached is the information from Mr. Pieplak and the resolution necessary for his appointment. If this appointment is approved, it will be placed on the next City Council agenda for review.

Attachments

OK

1 **RESOLUTION NO. 3123**

2
3 BE IT RESOLVED, by the City of Salisbury, Maryland that the following
4 individual is appointed to the Salisbury Historic District Commission for the term ending
5 as indicated.

6
7

| <u>Name</u> | <u>Term Ending</u> |
|-----------------------|--------------------|
| 8 Matthias F. Pieplak | September 2024 |

9
10
11
12 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
13 Council of the City of Salisbury, Maryland held on September _____, 2021.

14 ATTEST:

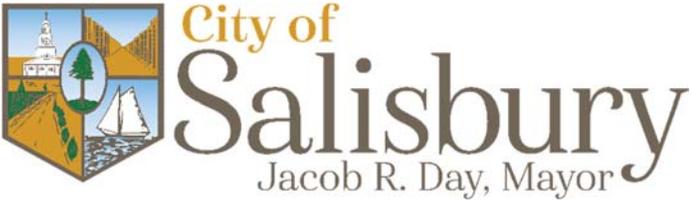
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16
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18 _____
19 Kimberly R. Nichols
20 CITY CLERK

John R. Heath
PRESIDENT, City Council

21
22
23 APPROVED BY ME THIS

24
25 _____ day of _____, 2021

26
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28 _____
29 Jacob R. Day, Mayor



COUNCIL AGENDA – Department of Procurement

September 13, 2021

Award of Contract

- | | |
|---|-----------------------------------|
| 1. ITB A-22-102 City-Wide Street Resurfacing | \$1,042,000.00 (base bid amount) |
| 2. RFP A-22-102 Master Lease Agreement/Capital Leases | \$ 909,000.00 (FY22 lease amount) |
| 3. ITB A-22-101 Pump Station Wet Well Cleaning | \$ 40,370.00 (FY22 award amount) |

Declaration of Surplus

- | | | |
|--|----|------|
| 1. Salisbury Police Department – Unit 1475 | \$ | 0.00 |
|--|----|------|



City of
Salisbury
Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: September 13, 2021
Subject: Award of Bids

The Department of Procurement received requests from the Department of Finance and the Department of Infrastructure and Development to solicit bids for various procurements. The City followed required bidding practices by publicly posting the 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.

ITB A-22-102 Citywide Street Resurfacing

- Scope of Work: Provide labor, equipment and materials necessary to perform roadway asphalt milling, paving, patching, striping and subgrade repair as required by the City of Salisbury.
- Bid date: 06/30/2021
- Bid opening: 08/04/2021 @ 2:30 p.m.
- Total bids received: 6
- Lowest responsive & responsible bidder recommended for award: Chesapeake Paving and Sealing (Salisbury, MD)
- Est. annual cost: \$1,042,000 (base bid amount)
- GL Account(s): 31000-534318 Street Maintenance
- Notes:
 - Indefinite Delivery, Indefinite Quantity contract (work orders placed as needed)
 - Initial 1 yr. term with 2 optional 1 yr. renewals

RFP A-22-102 Master Lease Agreement/Capital Leases

- Scope of Work: Establish a Master Lease Financing Program of flexible, tax-exempt lease purchase financing which will allow the City to contract for the acquisition of capital equipment items, furnishings or systems by financing the equipment acquisition through the lessor.
- Proposal date: 06/17/2021
- Proposal opening: 07/28/2021 at 2:30 p.m.
- Total proposals received: 2
 - 90.33 – Bank Funding, LLC
 - 69.52 – JP Morgan Chase Bank, N.A.
- Highest ranked proposer recommended for award: Bank Funding, LLC (Boys, MD)
- FY22 Capital Lease Amount: \$ 909,000
 - CID Vehicles and Upfitting \$ 24,000 5 yr. lease
 - SPD Patrol Vehicles and Upfitting \$ 230,000 5 yr. lease
 - Automated Side Load Trash Truck \$ 280,000 5 yr. lease
 - Street Sweeper \$ 250,000 5 yr. lease
 - Skid Steer Loader \$ 125,000 5 yr. lease

Department of Procurement
125 N Division St., #104 Salisbury, MD 21801
410-548-3190 (fax) 410-548-3192
www.salisbury.md



City of
Salisbury
Jacob R. Day, Mayor

RFP A-22-102 Master Lease Agreement/Capital Leases (cont'd)

- GL Account(s): Varies depending on type of capital item being leased and the using department
- Notes: Initial 2 yr. term with 3 optional 1 yr. renewals

ITB A-22-101 Pump Station Wet Well Cleaning

- Scope of Work: Quarterly, annual and as-needed cleaning of the Northside and Southside wastewater pump station wet wells.
- Bid date: 06/04/2021
- Bid opening: 07/07/2021 at 2:30 p.m.
- Total bids received: 2
- Lowest responsive & responsible bidder recommended for award: B&P Environmental One LLC (Crofton, MD)
- Est. annual cost: \$40,370 - \$45,265 (varies based on number of quarterly cleanings performed)
- GL Account(s): 86083-523600
- Notes: Initial 1 yr. term with 2 optional 1 yr. renewals

The Department of Procurement hereby requests Council's approval to award these contracts to the vendors as indicated.



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: August 12, 2021
Subject: Award of Bid for ITB A-22-102, Citywide Street Resurfacing

AP

ITB A-19-103 bids were opened Friday, August 4, 2021 at 2:30 P.M. Bids were received from six (6) Milling and Paving Contractors. Bidders responded to mill, resurface and patch streets and other paved facilities 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 are as follows:

| | |
|-------------------------------|----------------|
| Chesapeake Paving and Sealing | \$1,042,200.00 |
| Allan Myers MD, Inc. | \$1,140,935.00 |
| George & Lynch, Inc. | \$1,198,449.10 |
| ECM Corporation | \$1,277,800.00 |
| Team CAM | \$1,293,850.00 |
| Sam's Construction | \$1,676,550.00 |

The lowest bidder, Chesapeake Paving, submitted a bid in the amount of \$1,042,200.00. Chesapeake Paving has successfully completed milling & resurfacing work for the City of Salisbury in recent years and has completed many contracts with the City of Salisbury in which they were the responsible party. As Chesapeake Paving's rates are the most affordable across all schedules of the contract they will be the sole awardee.

Funding is provided from the City of Salisbury Annual Street Maintenance Account that is utilized to resurface and maintain streets throughout the City. The funding for this work is a line item in the Adopted FY22 budget: 31000-534318 Street 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: Keith Cordrey, Director of Finance
Subject: RFP A-22-102
Date: August 18, 2021

KAC

The Department of Finance recently developed an RFP for Master Lease Agreement Capital Leases. The RFP was released on June 4, 2021 and the responses were due back on July 20, 2021. The following two firms responded to the Request for Proposal:

Bank Funding LLC
JP Morgan Chase Bank, N.A.

Both vendors were evaluated. The categories of focus included:

- Overall cost benefit to the City. 70 points.
- Experience, references, financial stability of the proposer. 20 points.
- Added value(s) included in the proposal. 10 points.

Bank Funding LLC received the highest composite score of 90.33. Bank Funding LLC demonstrates that they have a clear understanding of the scope of services and they have sufficient experience and expertise working with municipal governments. They have worked with Wicomico County Public Schools, Lower Allen Township, and Manalapan-Englishtown Regional Schools. The interest rate was significantly lower and will save the City \$11,092.36 in interest expense over the term of the lease.



MEMORANDUM

To: Jennifer Miller – Director of Procurement
Cc: Cori Cameron – Director of Water Works
From: Connie Luffman – WWTP Superintendent
Date: September 1, 2021
Re: A-22-101 NSPS / SSPS Quarterly Cleaning

Salisbury WWTP recently advertised a bid for quarterly cleaning of North and South Side Pump Stations. This includes costs per quarterly skim cleanings of floatables for wet wells, a yearly total cleanout including power washing, and disposal costs.

Bids were opened on July 7, 2021 for Contract A-22-101 NSPS / SSPS Quarterly Cleaning. Only two responses to this contract were received, as summarized below:

| Company | Quarterly Cleanings | Yearly Cleanout | Disposal | Total Bid |
|-------------------|------------------------|-----------------|----------|-----------|
| B&P Environmental | 2 X \$4,895 = \$9,790 | \$18,980 | \$11,600 | \$40,370 |
| CES | 2 X \$8,048 = \$16,096 | \$26,654 | \$37,000 | \$79,750 |

Salisbury Water Works reviewed the bids in accordance with the contract documents. B&P Environmental is the lowest responsive and responsible bidder. The WWTP recommends awarding the contract to B&P Environmental in the amount of \$40,370. Funding is available in the WWTP Skilled Services Account 86083-523600.

[Handwritten signature]
9/1/21



City of
Salisbury
Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: September 13, 2021
Subject: Declaration of Surplus

The Department of Procurement received a request from the Salisbury Police Department to declare vehicle #1475 as surplus. This vehicle was involved in an accident and declared “totaled” by the City’s insurer, LGIT. Vehicle identification information is on the attached departmental memos.

Upon declaration of surplus, as approved by Council, the City will turn the vehicle over to LGIT.



City of
Salisbury
Salisbury Police Department

DATE: July 30, 2021
TO: Jennifer Miller
Director of Procurement
FROM: Patrick Guyer #1190
Quartermaster
SUBJECT: SURPLUS VEHICLE 1475

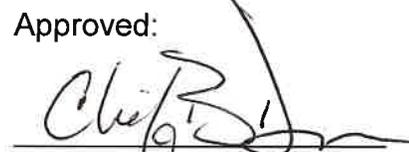
The Salisbury Police Department is requesting to surplus patrol vehicle #1475, a 2014, Chevrolet Caprice (VIN: 6G3NS5U34EL962733) with over 135,000 miles. The vehicle was involved in a single vehicle at fault departmental accident on 06/20/21, causing front-end and frame damage resulting in the vehicle being declared totaled.

This vehicle has been declared surplus and it is no longer useable as a patrol vehicle by the Salisbury Police Department. LGIT will be taking possession of this vehicle to then auction off as scrap

Respectfully Submitted,


Patrick Guyer #1756
Quartermaster

Approved:


Barbara Duncan
Chief of Police





Memo

To: City Council
From: Hannah Prugh, Mayor's Office Intern
Laura Soper, Director of Business Development
Date: 9/1/21
Subject Changes to Chapter 5.28 - Fortune Telling

Under Chapter 5.28 of the City Code, anyone who is looking to perform acts of Fortune Telling within City limits are required to get a Fortune-telling permit from the City. The multi-step process of getting this license is typically lengthy and expensive. It has been brought to our attention by a community member that this extensive process, along with the outdated language should be updated for the benefit of our citizens and community as a whole. In addition to abridging the multi-step process and using more inclusive verbiage, we propose reducing required fees, as well as charges and penalties for violations. These revisions will provide a better opportunity for members of our community who seek a career in fortune-telling practices to pursue their aspirations as well as express Chapter 5.28 of the City Code in a fair, inclusive, and professional manner.

Included is the amended legislation that reflects the edits requested by City Council at the meeting on August 9, 2021.

ORDINANCE No. 2676

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 5.28 ~~—FORTUNE-TELLING—~~ OF THE SALISBURY MUNICIPAL CITY CODE ~~TO AMEND THE REQUIREMENTS FOR FORTUNE-TELLING,~~ ENTITLED “FORTUNE-TELLING”, BY DELETING CHAPTER 5.28 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 5.28.

RECITALS

WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Municipal Code demonstrates the need for periodic review, evaluation and amendment; and

WHEREAS, the City of Salisbury desires to amend Chapter 5.28 to update the requirements and process by which fortune-telling is permitted.

NOW, ~~THEREFORE, be it enacted and ordained by the City of Salisbury, that~~ THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Chapter 5.28 of the ~~City of~~ Salisbury ~~Municipal~~ City Code ~~be amended,~~ entitled “Fortune-Telling”, be and is hereby repealed in its entirety and is replaced with the bolded and underlined language as follows:

Chapter 5.28 - FORTUNE-TELLING

5.28.010 - Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated: "Fortune-telling" means the telling of fortunes, forecasting of futures, or reading the past, by means of any occult, psychic power, faculty, force, clairvoyance, cartomancy, psychometry, phrenology, spirits, tea leaves, tarot cards, scrying, coins, sticks, dice, sand, coffee grounds, crystal gazing or other such reading, or through mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy or other craft, art, science, talisman, charm, potion, magnetism, magnetized article or substance, or by any such similar thing or act for pay or compensation.

5.28.020 - License required.

It is unlawful for any ~~Any~~ person desiring to engage in the business of ~~operate or conduct a fortune-telling business~~ within the corporate limits of the ~~city without~~ City shall be required to first ~~obtaining~~ obtain a license ~~therefor as provided in~~ under this chapter from the Department of Business Development. One license issued under this chapter will be required in the case of a corporation, firm, partnership or association, which shall hold the person who procures the license responsible for all of the corporation's, firm's, partnership's or association's agents engaging in the business of fortune-telling.

5.28.030 - Application for license—Contents—Filing.

A. ~~Each applicant~~ An application for a fortune-telling license ~~under~~ pursuant to this chapter shall ~~file, be made in duplicate, with~~ writing and signed on a form supplied by the

~~Director~~Department of Business Development a written, sworn application therefor, signed by the applicant, showing the following:

- ~~1. The name and a description of the applicant;~~
- ~~2. The applicant's legal and local address;~~ The application for a
- ~~3. The address of the place where the business of fortune-telling is to be carried on;~~
- ~~4. A photograph of the applicant taken within sixty (60) days immediately prior to the date of the filing of the application, which picture license shall be two by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;~~
- ~~5. The fingerprints of the applicant;~~
- ~~6. The names of at least two people, one known personally to the applicant, and one known professionally, who will certify as to the applicant's good character and business respectability; and~~
- ~~7. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.~~

~~B. The Director of~~ filed with the Business Development shall retain and file one copy of such ~~Director. The~~ application and shall forward the second copy thereof to the Salisbury Police Department. for a fortune telling license under this chapter shall require the following information be provided:

1. The name, local and permanent address, telephone number, age, weight, height, and color of hair and eyes of the person to be licensed under this chapter.
2. The address of the location at which the applicant will operate or conduct the fortune-telling business.
3. A statement that the applicant shall agree to:
 - (a) Conform to the provisions of this chapter and other ordinances of the City and other applicable rules and regulations adopted by the City, from time to time, governing fortune-telling;
 - (b) Permit such examinations and inspections as may be deemed necessary by the Business Development Director; and,
 - (c) The revocation of the fortune-telling license issued under this chapter, at any time, for failure to comply with the provisions of this chapter and other ordinances of the City and other applicable rules and regulations adopted by the City, from time to time, governing fortune-telling.

5.28.040 -- Investigation by Salisbury Police Department - Issuance of fortune-telling license - Determination of threat to health, safety and welfare.

A. Upon receipt of an application, as referred to in filed under Section 5.28.030, the Salisbury Police Department Business Development Director shall cause such investigation of contact the applicant's business city police and moral character fire departments and may contact any other agency of the facts stated in and the contents of such application to be made city government as if he or she deems necessary for the protection in connection with any investigation under this chapter.

B. Unless after investigation of the applicant under Section 5.28.040(A) the Business Development Director finds that the person making the application for a fortune-telling license has not complied with this chapter, or the Business Development Director, chief of police, or chief of the fire department determines that the person being licensed under this chapter may be a threat to the health, safety and welfare of the citizens of the city, the Business Development Director shall issue a fortune-telling license to the applicant. No fortune-telling license shall be issued to any holder of a license previously issued under this chapter within one year of the public good a revocation of such previous license.

C. In determining if the person making an application for a fortune-telling license under this chapter may be a threat to health, safety and welfare of the citizens of the city, the Business Development Director shall consider the reputation of the applicant, the applicant's criminal record, if any, and license history in this or other jurisdictions as reported to the Business Development Director by the police department, fire department, or any other department or agency of the city government. In reaching a decision on whether an applicant for a fortune-telling license under this chapter may be a threat to health, safety and welfare of the citizens of the city, emphasis shall be given to convictions of the applicant for crimes of violence, sex offenses, violations of the gaming, narcotic and alcoholic beverage laws and/or fraud.

D. An applicant for a fortune-telling license under this chapter shall submit proof of an inspection of the premises at which the applicant will conduct fortune-telling, and approval thereof by the City Fire Marshal showing compliance with the City's fire prevention code prior to the issuance of a license under this chapter.

5.28.050 - Fee for Application.

A. At the time of filing an application, as referred to in Section 5.28.030, a fee nonrefundable license fee of one hundred dollars (\$100.00) shall be paid to the Director of Business Development to cover the costs of processing the Director when an application and the requisite investigation.

B. The license fee required to be paid at the time of the issuance of any license under this chapter shall cover a period of one year from the date of issuance.

C. No rebate of the fees shall be made to the holder of any license once issued under this chapter.

5.28.060 - Disapproval of application - Nonissuance of license.

If, as the result of the investigation as referred to in Section 5.28.040, the background or business responsibility of the applicant for a fortune-telling license under this chapter is found to be unsatisfactory or the facts stated in or the contents of the application are found to be untrue, the Salisbury Police Department shall endorse its disapproval and its reasons therefor on the

application in question and return such application to the Director of Business Development, who shall notify the applicant that the application is disapproved and that no license will be issued new license or renewal of a license is filed under this chapter.

5.28.070—~~Appeal from disapproval of license—Hearing.~~

~~Any person aggrieved by the action of the Salisbury Police Department in the disapproval of a fortune-telling license under the provisions of this chapter shall have the right of appeal to the City Administrator. Such appeal shall be taken by filing with the City Administrator, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The City Administrator shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in Section 5.28.120(B).~~

5.28.080—~~Approval of application—Issuance of license.~~

~~If, as a result of the investigation as required in Section 5.28.040, the background and business responsibility of the applicant for a fortune-telling license under this chapter are found to be satisfactory and the facts stated in and the contents of the application are found to be true, the Salisbury Police Department shall endorse their approval on the application filed by the applicant in question and return such application to the Director of Business Development, who shall, upon payment of the license fee prescribed in Section 5.28.050, issue such fortune-telling license to the applicant.~~

5.28.090060 - Recording of licenses issued.

~~The Director of Business Development Director shall keep a permanent record of the issuance of all fortune-telling licenses issued under this chapter.~~

5.28.100070 - Information required on license.

~~Each fortune-telling license issued under this chapter shall contain the signature and seal of the issuing officer and be signed by the Business Development Director that issued the license, and each such license shall show the name, address and photograph of the licensee person issued the license, the purpose for which the license is issued, the amount of the license fee paid, and the date of issuance and the length of time for which such the license shall be operative.~~

valid.

~~5.28.110 – Duration~~ 080 – Expiration of license; Renewal.

~~No license shall be issued for a shorter period than one year and/or longer than one year. Renewals of licenses may be had for additional one-year periods upon compliance with the same terms and conditions and upon payment of new license fees, provided that the City Administrator reserves the right to refuse to grant any such new license.~~

~~5.28.120 – Revocation~~ of license.

~~A. — A fortune-telling license issued under this chapter may be revoked by the Mayor, after notice and hearing, for any of the following reasons:~~ shall expire one year from the date the license is issued.

- ~~1. — Fraud, misrepresentation or false statement contained in the application for such license;~~
- ~~2. — Any violation of this chapter;~~
- ~~3. — Conviction of any felony or misdemeanor involving moral turpitude, to include, but not limited to, child pornography, theft, first-degree sex offenses, fraud, cruelty to animals, robbery, kidnapping;~~
- ~~4. — Knowingly permitting any person other than the licensee to practice fortune-telling in the place of business of such licensee; and/or~~
- ~~5. — Two sustained complaints from the public within a calendar year.~~

~~B. — Notice of the hearing for revocation of a~~ B. A fortune-telling license issued under this chapter shall ~~shall~~ may be given in writing, setting forth specifically the grounds for revocation renewed for a period of one year subject to the same terms and conditions provided in Section 5.28.030 and the time ~~Section 5.28.040 and~~ place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at the address payment of the license fee set forth ~~as the place of business of such licensee at least five days prior to the date set for hearing~~ in 5.28.050.

~~5.28.130 – Exhibition~~ 090 - Revocation of license.

~~Each licensee under this chapter shall exhibit their fortune-telling~~ A. The Business Development Director may suspend, revoke or refuse to renew any license upon a finding that the person licensed under this chapter engaged in fraud or willful misrepresentation, violated any provision of this chapter or committed any unlawful act.

B. Upon revocation of a license issued under this chapter ~~in their place of business.~~

~~5.28.140 – Unauthorized practice of fortune-telling prohibited.~~

~~It is unlawful for any~~ , the person ~~other than~~ issued the person named in a ~~fortune-telling license~~ under this chapter to practice fortune-telling under such license.

~~5.28.150 – Reporting and recording of violations.~~

~~The Salisbury Police Department shall report to~~ immediately return the ~~Director of~~ license to the Business Development ~~all convictions for violation of this chapter~~ Director, and, upon failing to do so, the Director of Business Development shall record the reports of violation thereof. Director may request and direct the license to be confiscated.

5.28.160— Sign regulations.

~~No person holding C. Any revocation of a license issued under the terms and conditions of this chapter shall erect or post any sign advertising said business on the premises occupied be accompanied by written notice to the person identified in violation Section 5.28.030(A)(1) by certified mail. The notice shall contain the reason(s) for the revocation of the Salisbury zoning code.~~

license.

5.28.170-100 - Exhibition of license.

Each person issued a license under this chapter shall prominently exhibit the fortune-telling license within the premises at which the licensed person conducts fortune-telling.

5.28.110 - Unauthorized practice of fortune-telling prohibited; Violations — - Penalties.

~~On and after the date of the final passage of this chapter, it is unlawful for any A. A person or persons to practice who engages in fortune-telling, when not practiced by recognized religious bodies or ordained ministers, inside the corporate limits of the city of Salisbury, Maryland without a valid license. Any person or persons violating issued under this chapter or otherwise violates any provision or provisions of this chapter, shall be deemed guilty of a misdemeanor and, upon conviction thereof before any court of Wicomico County, Maryland, municipal infraction and shall be subject to a fine of not less than to exceed one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, for each such offense. Each day a violation continues shall be considered a separate offense.~~

B.

~~AND~~ Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation of the provisions of this chapter.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that ~~the~~ if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

Section 5. This Ordinance shall take effect ~~upon~~ from and after the date of its final passage.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

[SIGNATURES APPEAR ON THE PAGE THAT FOLLOWS]

36 **THIS ORDINANCE** was introduced and read at a ~~meeting~~Meeting of the Mayor and Council of the City of
37 Salisbury held on ~~this~~ the day of _____, 2021, and thereafter, a statement of
38 the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the
39 Council of the City of Salisbury on the _____ day of _____, 2021.

40
41 **ATTEST:**

42
43 _____
44 _____

45
46 **Kimberly R. Nichols** _____, City Clerk

47 ~~CITY CLERK~~

John R. Heath

~~PRESIDENT~~, City Council President

48
49 ~~APPROVED BY ME THIS~~ _____

50
51 Approved by me, this _____ day of _____, 2021.

52
53
54 _____
55 _____

56
57 **Jacob R. Day, Mayor**

58

59

ORDINANCE No. 2676

1 AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 5.28 OF
2 THE SALISBURY CITY CODE, ENTITLED "FORTUNE-TELLING", BY
3 DELETING CHAPTER 5.28 IN ITS ENTIRETY AND REPLACING IT WITH A NEW
4 CHAPTER 5.28.
5

6 RECITALS

7 WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Municipal Code
8 demonstrates the need for periodic review, evaluation and amendment; and

9 WHEREAS, the City of Salisbury desires to amend Chapter 5.28 to update the requirements and process by
10 which fortune-telling is permitted.

11 NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF
12 SALISBURY, MARYLAND, as follows:

13 Section 1. Chapter 5.28 of the Salisbury City Code, entitled "Fortune-Telling", be and is hereby repealed in its entirety
14 and is replaced with the bolded and underlined language as follows:

15 Chapter 5.28 - FORTUNE-TELLING

16 5.28.010 - Definitions.

17 For the purpose of this chapter, the following terms shall have the meanings indicated:
18 "Fortune-telling" means the telling of fortunes, forecasting of futures, or reading the past, by means of any occult,
19 psychic power, faculty, force, clairvoyance, cartomancy, psychometry, phrenology, spirits, tea leaves, tarot cards,
20 scrying, coins, sticks, dice, sand, coffee grounds, crystal gazing or other such reading, or through mediumship,
21 seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy or other craft, art, science,
22 talisman, charm, potion, magnetism, magnetized article or substance, or by any such similar thing or act for pay
23 or compensation.
24

25 5.28.020 - License required.

26 Any person desiring to operate or conduct a fortune-telling business within the corporate limits of the
27 City shall be required to first obtain a license under this chapter from the Department of Business Development.
28 One license issued under this chapter will be required in the case of a corporation, firm, partnership or
29 association, which shall hold the person who procures the license responsible for all of the corporation's, firm's,
30 partnership's or association's agents engaging in the business of fortune-telling.
31

32 5.28.030 - Application for license—Contents—Filing.

33 A. An application for a fortune-telling license pursuant to this chapter shall be made in writing and signed
34 on a form supplied by the Department of Business Development. The application for a fortune-telling license shall
35 be filed with the Business Development Director. The application for a fortune telling license under this chapter
36 shall require the following information be provided:
37

38 1. The name, local and permanent address, telephone number, age, weight, height, and color of
39 hair and eyes of the person to be licensed under this chapter.

40 2. The address of the location at which the applicant will operate or conduct the fortune-telling
41 business.
42
43

44 **3. A statement that the applicant shall agree to:**

45 **(a) Conform to the provisions of this chapter and other ordinances of the City and other**
46 **applicable rules and regulations adopted by the City, from time to time, governing**
47 **fortune-telling;**

48 **(b) Permit such examinations and inspections as may be deemed necessary by the Business**
49 **Development Director; and,**

50 **(c) The revocation of the fortune-telling license issued under this chapter, at any time, for**
51 **failure to comply with the provisions of this chapter and other ordinances of the City and**
52 **other applicable rules and regulations adopted by the City, from time to time, governing**
53 **fortune-telling.**

54
55 **5.28.040 – Investigation – Issuance of fortune-telling license – Determination of threat to health, safety and**
56 **welfare.**

57 **A. Upon receipt of an application filed under Section 5.28.030, the Business Development Director shall**
58 **contact the city police and fire departments and may contact any other agency of the city government as he or**
59 **she deems necessary in connection with any investigation under this chapter.**

60 **B. Unless after investigation of the applicant under Section 5.28.040(A) the Business Development**
61 **Director finds that the person making the application for a fortune-telling license has not complied with this**
62 **chapter, or the Business Development Director, chief of police, or chief of the fire department determines that the**
63 **person being licensed under this chapter may be a threat to the health, safety and welfare of the citizens of the**
64 **city, the Business Development Director shall issue a fortune-telling license to the applicant. No fortune-telling**
65 **license shall be issued to any holder of a license previously issued under this chapter within one year of a**
66 **revocation of such previous license.**

67 **C. In determining if the person making an application for a fortune-telling license under this chapter**
68 **may be a threat to health, safety and welfare of the citizens of the city, the Business Development Director shall**
69 **consider the reputation of the applicant, the applicant's criminal record, if any, and license history in this or other**
70 **jurisdictions as reported to the Business Development Director by the police department, fire department, or any**
71 **other department or agency of the city government. In reaching a decision on whether an applicant for a fortune-**
72 **telling license under this chapter may be a threat to health, safety and welfare of the citizens of the city, emphasis**
73 **shall be given to convictions of the applicant for crimes of violence, sex offenses, violations of the gaming, narcotic**
74 **and alcoholic beverage laws and/or fraud.**

75 **D. An applicant for a fortune-telling license under this chapter shall submit proof of an inspection of the**
76 **premises at which the applicant will conduct fortune-telling, and approval thereof by the City Fire Marshal**
77 **showing compliance with the City's fire prevention code prior to the issuance of a license under this chapter.**

78
79 **5.28.050 - Fee for Application.**

80 **A nonrefundable license fee of one hundred dollars (\$100.00) shall be paid to the Business Development**
81 **Director when an application for a new license or renewal of a license is filed under this chapter.**

82
83 **5.28.060 - Recording of licenses issued.**

84 **The Business Development Director shall keep a permanent record of all fortune-telling licenses issued**
85 **under this chapter.**

86
87 **5.28.070 - Information required on license.**

88 **Each fortune-telling license issued under this chapter shall be signed by the Business Development**
89 **Director that issued the license, and each such license shall show the name, address and photograph of the person**
90 **issued the license, the purpose for which the license is issued, the amount of the license fee paid, and the date of**
91 **issuance and the length of time for which the license shall be valid.**

92 **5.28.080 – Expiration of license; Renewal of license.**

93 **A. A fortune-telling license issued under this chapter shall expire one year from the date the license is**
94 **issued.**

95 **B. A fortune-telling license issued under this chapter may be renewed for a period of one year subject to**
96 **the same terms and conditions provided in Section 5.28.030 and Section 5.28.040 and payment of the license fee**
97 **set forth in 5.28.050.**

98
99 **5.28.090 - Revocation of license.**

100 **A. The Business Development Director may suspend, revoke or refuse to renew any license upon a finding**
101 **that the person licensed under this chapter engaged in fraud or willful misrepresentation, violated any provision**
102 **of this chapter or committed any unlawful act.**

103 **B. Upon revocation of a license issued under this chapter, the person issued the fortune-telling license**
104 **shall immediately return the license to the Business Development Director, and, upon failing to do so, the Business**
105 **Development Director may request and direct the license to be confiscated.**

106 **C. Any revocation of a license issued under this chapter shall be accompanied by written notice to the**
107 **person identified in Section 5.28.030(A)(1) by certified mail. The notice shall contain the reason(s) for the**
108 **revocation of the license.**

109
110 **5.28.100 - Exhibition of license.**

111 **Each person issued a license under this chapter shall prominently exhibit the fortune-telling license within**
112 **the premises at which the licensed person conducts fortune-telling.**

113
114 **5.28.110 - Unauthorized practice of fortune-telling prohibited; Violations - Penalties.**

115 **A. A person who engages in fortune-telling without a valid license issued under this chapter or otherwise**
116 **violates any provision of this chapter, shall be guilty of a municipal infraction and shall be subject to a fine not to**
117 **exceed one hundred dollars (\$100.00) for each offense. Each day a violation continues shall be considered a**
118 **separate offense.**

119 **B. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to**
120 **prevent or remedy any violation of the provisions of this chapter.**

121 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY,**
122 **MARYLAND, as follows:**

123 **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this
124 Ordinance shall be deemed independent of all other provisions herein.

125 **Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section,
126 paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise
127 unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph,
128 subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed
129 valid and enforceable.

130 **Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals
131 were specifically set forth at length in this Section 4.

132 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.
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135 ***[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]***

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THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 9 day of August, 2021 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the ____ day of _____, 2021.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this _____ day of _____, 2021.

Jacob R. Day, Mayor

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ORDINANCE NO. 2677

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE CITY OF SALISBURY’S CAPITAL PROJECT FUND BUDGET TO REALLOCATE FUNDING FOR PROJECTS IN THE FY2014 BOND POOL.

WHEREAS, Ordinance No. 2273 authorized the City of Salisbury (the “City”) to sell bonds in FY2014 which appropriated funds for various capital projects undertaken by the City; and

WHEREAS, the FY2014 bond pool includes funding for the Coty Cox Flood Relief project and funding for the Main Street Master Plan project; and

WHEREAS, the Department of Infrastructure and Development (“City DID”) has determined the remaining funds originally allocated for the Coty Cox Flood Relief project are no longer required for purposes of such project; and

WHEREAS, City DID has requested that (i) the remaining funds originally allocated for the Coty Cox Flood Relief project, and (ii), in addition thereto, the interest remaining in the FY2014 bond pool, (iii) be reallocated to the Main Street Master Plan project for the purpose of funding certain costs associated with the completion of such capital project.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. The City of Salisbury’s Capital Projects Fund Budget be and is hereby amended as follows:

| Project Description | Account Description | Account | Amount |
|----------------------------|----------------------------|--------------------|---------------|
| Coty Cox Flood Relief | Bond Proceeds | 98014-469312-70041 | (37,798.67) |
| Coty Cox Flood Relief | Construction | 98114-513026-70041 | (37,798.67) |
| MainStreet Master Plan | Bond Proceeds | 98014-469312-33170 | 37,798.67 |
| MainStreet Master Plan | Construction | 98114-513026-33170 | 37,798.67 |
| MainStreet Master Plan | Interest | 98014-456110-33170 | 24,095.47 |
| MainStreet Master Plan | Construction | 98114-513026-33170 | 24,095.47 |

23
24
BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

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26
Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

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Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

32
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Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

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Section 5. This Ordinance shall take effect from and after the date of its final passage.

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THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 23 day of August, 2021 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the ____ day of _____, 2021.

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ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this _____ day of _____, 2021.

Jacob R. Day, Mayor

46 otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the
47 section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall
48 remain and shall be deemed valid and enforceable.

49 **Section 5.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such
50 recitals were specifically set forth at length in this Section 5.

51 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.
52

53 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
54 Salisbury held on the 23 day of August, 2021 and thereafter, a statement of the substance of the Ordinance having
55 been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on
56 the _____ day of _____, 2021.

57
58 **ATTEST:**

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62 _____
63 **Kimberly R. Nichols, City Clerk**

John R. Heath, City Council President

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66 Approved by me, this _____ day of _____, 2021.

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71 **Jacob R. Day, Mayor**

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ORDINANCE NO. 2679

AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE COMMUNITY FOUNDATION OF THE EASTERN SHORE FOR THE PURPOSE OF ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$2,000, AND TO APPROVE A BUDGET AMENDMENT TO THE GRANT FUND TO APPROPRIATE THESE FUNDS FOR THE PRINTING / PUBLICATION OF A BOOK OF POEMS WRITTEN BY LOCAL POETS.

WHEREAS, the Community Foundation of the Eastern Shore (CFES) has the Albert J. Bailey Wicomico County Fund grant program; and

WHEREAS, the purpose of the grant program is to provide funding for projects that represent and serve the residents of Wicomico County, MD; and

WHEREAS, the City of Salisbury and the Poet Laureate of Salisbury submitted a grant application to CFES for funding to support the publication of "Written on the Wicomico", an anthology of poems written by Wicomico County poets; and

WHEREAS, the CFES has awarded the City funds in the amount of \$2,000; and

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

WHEREAS, all funds shall be used for the publication/printing of the "Written on the Wicomico" poetry book; and

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

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

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Mayor Jacob R. Day is hereby authorized to enter into a grant agreement with the Community Foundation of the Eastern Shore (CFES), on behalf of the City of Salisbury, for the City's acceptance of grant funds in the amount of \$2,000.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. The City of Salisbury's Grant Fund Budget be and hereby is amended as follows:

(a) Increase CFES Revenue Account No. 10500-426100-XXXXX by \$2,000.

(b) Increase Operating Expense Account No. 10500-546006-XXXXX by \$2,000.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 3. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

ORDINANCE NO. 2680

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO ELIMINATE PARKING METERS ON BROAD STREET.

WHEREAS, the City of Salisbury desires to remove unnecessary and outdated parking meters in low traffic areas; and

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

WHEREAS, removal of parking meters will not impact the normal revenue intake from parking payments; and

WHEREAS, parking on Broad Street is still encouraged in order to bring businesses revenue in the area; and

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

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

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury, MD held on the 23 day of August, 2021 and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the _____ day of _____, 2021.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS:

_____ day of _____ 2021

Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda H. Pollack, P.E., Director of Infrastructure & Development
Date: August 5, 2021
Re: Budget Amendments – Zoo Administrative Office Space and Zoo Pavilion Project

AP

On behalf of the Department of Field Operations, the Department of Infrastructure & Development is requesting consideration for two budget amendments associated with projects at the Zoo.

The first budget amendment is for the Zoo Pavilion Project Phase 2. FY22 Budget Ordinance No. 2660, Schedule C included a Program Open Space (POS) project titled 'Zoo Special Events Pavilion, Phase 2' in the amount of \$172,357 with a budgeted matching amount of \$0. Additionally, Schedule C included POS projects for Resurfacing of Existing Tennis Courts and New Tennis Complex. Neither of the tennis projects were approved for POS funding therefore the amounts budgeted for the grant match will be unused. The match for the resurfacing of existing tennis courts is \$11,000 and the match for the new tennis complex is \$60,000. Since the Zoo Special Events Pavilion is a multi-phase project and is funded with POS grants, the budget amendment will utilize the unused grant match for the Zoo Special Events Pavilion project.

The second budget amendment is for the Zoo Administrative Office Space project. The project includes providing a new trailer for the Administrative office. The Department of Infrastructure and Development is working with a vendor through a cooperative contract to furnish and install the trailer. The existing budget is not adequate to provide the necessary foundation to comply with the floodplain regulations. Additionally, the budget amendment will fund modifications to the existing fence, site preparation, utility connections and construction of the ADA ramp. The budget amendment will move unallocated interest revenue in the bond pool to the Zoo Administrative Office Space project.

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

ORDINANCE NO. 2681

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE CITY'S GRANT FUND BUDGET TO REALLOCATE BUDGETED MATCHING FUNDS FROM OTHER GRANT PROJECTS TO THE ZOO SPECIAL EVENTS PAVILION, PHASE 2 PROJECT.

WHEREAS, the FY22 Budget Ordinance No. 2660, Schedule C included a Program Open Space (POS) project titled 'Resurfacing of Existing Tennis Courts' in the amount of \$99,000 with a budgeted matching amount of \$11,000; and

WHEREAS, the 'Resurfacing of Existing Tennis Courts' project was deemed ineligible for POS funding in FY22 by the Maryland Department of Natural Resources (DNR), as those tennis courts will not be eligible to receive additional POS funding until FY23; and

WHEREAS, the Wicomico County Recreation, Parks & Tourism Department has agreed to allow the City to redirect the POS funds that were approved for the 'Resurfacing of Existing Tennis Courts' project to an alternate project – the 'Zoo Special Events Pavilion, Phase 2' project; and

WHEREAS, the FY22 Budget Ordinance No. 2660, Schedule C included a POS project titled 'New Tennis Complex' in the amount of \$540,000 with a budgeted matching amount of \$60,000; and

WHEREAS, the 'New Tennis Complex' project was not approved for POS funding by the Wicomico County Recreation, Parks & Tourism Department; and

WHEREAS, the FY22 Budget Ordinance No. 2660, Schedule C included a POS project titled 'Zoo Special Events Pavilion, Phase 2' in the amount of \$172,357 with a budgeted matching amount of \$0; and

WHEREAS, the Zoo Special Events Pavilion is a multi-phase project, and the Department of Field Operations is seeking to utilize those grant match funds that are no longer required for other POS projects for the Zoo Special Events Pavilion project.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

1. Decrease amount shown for 'Resurfacing of Existing Tennis Courts' project in Grant Match budget (91001-599120) by \$11,000
2. Decrease amount shown for 'New Tennis Complex' project in Grant Match budget (91001-599120) by \$60,000
3. Increase amount shown for 'Zoo Special Events Pavilion, Phase 2' project in Grant Match budget (91001-599120) by \$71,000

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this ____ day of _____ 2021, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the ____ day of _____, 2021.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

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Approved by me, this _____ day of _____, 2021.

Jacob R. Day, Mayor

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ORDINANCE NO. 2682

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE CITY'S GENERAL CAPITAL PROJECT FUND BUDGET TO REALLOCATE FUNDING FOR THE ZOO ADMINISTRATIVE OFFICE SPACE PROJECT.

WHEREAS, the FY2020 Budget Ordinance No. 2539 appropriated \$100,000 for the Zoo Administrative Project; and

WHEREAS, the Infrastructure and Development Department estimates an additional \$64,000 is required for the project; and

WHEREAS, Interest on bond proceeds in the same bond pool are available on to cover the additional funds required; and

WHEREAS, the Department of Field Operations is seeking to move unused interest to the Zoo Administrative Office Space project.

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

1. Increase the Interest Revenue (98019-456110-43022) budget by \$64,000.00
2. Increase the Zoo Admin Office Space (98119-513026-43022) budget by \$64,000.00

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this ____ day of _____ 2021, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the ____ day of _____, 2021.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS ____ day of _____, 2021.

Jacob R. Day, Mayor