



CITY OF SALISBURY CITY COUNCIL AGENDA

October 11, 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. SILENT MEDITATION
- 6:03 p.m. PROCLAMATION- Mayor Jacob R. Day
- Dysautonomia Awareness Month
- 6:08 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:09 p.m. CONSENT AGENDA- City Clerk Kimberly Nichols
- September 20, 2021 Work Session Minutes
 - September 27, 2021 Legislative Session Minutes
 - **Resolution No. 3129**- to approve the reappointment of Katherine Jones to the Disability Advisory Committee for term ending November 2024
- 6:12 p.m. ORDINANCES- City Attorney Michael Sullivan
- **Ordinance No. 2683**- 2nd reading- approving an amendment of the City of Salisbury's FY22 General Fund budget and the Grant Fund budget to allocate funding from the Community Foundation of the Eastern Shore and General Fund grant match for maintenance of the bandstand and bridge in the City Park
 - **Ordinance No. 2685**- 2nd reading- to amend Chapter 8.08 Brush, Weeds and Obnoxious Growth to include the definition & requirements of Meadow Cultivation and to allow for the cultivation of meadows in the City of Salisbury, Maryland
 - **Ordinance No. 2686**- 2nd reading- authorizing the Mayor to enter into a contract with the U.S. Department of Housing & Urban Development for the purpose of accepting additional Community Development Block Grant (CDBG) funds in the amount of \$17,796.00, and to approve a budget amendment to the grant fund to appropriate such CDBG funds for the projects outlined in the 2021 CDBG Action Plan
 - **Ordinance No. 2687**- 2nd reading- approving an amendment of the City's FY22 General Fund budget and the Capital Project Fund budget to allocate funding for the Poplar Hill ADA Ramp and Bathroom Conversion Project
 - **Ordinance No. 2688**- 2nd reading- approving an amendment of the city of Salisbury's FY22 General Fund budget for the addition of the position of Special Assistant for Intergovernmental Affairs

- **Ordinance No. 2689**- 1st reading- to grant a property tax credit against the City property tax imposed on certain real property owned by Habitat for Humanity of Wicomico County, Inc.
- **Ordinance No. 2690**- 1st reading- an ordinance of the City of Salisbury to amend Chapter 17.16 of the Salisbury City Code by adding Subsection 17.16.090 Nonconforming Use Zoning Exemption Program
- **Ordinance No. 2691**- 1st reading- authorizing the Mayor to enter into a memorandum of understanding with the Wicomico County Health Department and approving a budget amendment of the FY2022 General Fund Budget to appropriate funds received from the Wicomico County Health Department in the amount of \$10,000.00

6:30 p.m. PUBLIC COMMENTS

6:35 p.m. ADMINISTRATION and COUNCIL COMMENTS

6:40 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 – OCTOBER 25, 2021

- Proclamation – Family Court Awareness Month
- Resolution No. _ - to create fee waiver program
- Ordinance No. _ - 1st reading- to create PILOT program
- Ordinance No. 2689- 2nd reading- to grant a property tax credit against the City property tax imposed on certain real property owned by Habitat for Humanity of Wicomico County, Inc.
- Ordinance No. 2690- 2nd reading- an ordinance of the City of Salisbury to amend Chapter 17.16 of the Salisbury City Code by adding Subsection 17.16.090 Nonconforming Use Zoning Exemption Program
- Ordinance No. 2691- 2nd reading- authorizing the Mayor to enter into a memorandum of understanding with the Wicomico County Health Department and approving a budget amendment of the FY2022 General Fund Budget to appropriate funds received from the Wicomico County Health Department in the amount of \$10,000.00

Join Zoom Meeting

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

Meeting ID: 881 8617 2560

Phone: 1.301.715.8592

CITY OF SALISBURY
WORK SESSION
SEPTEMBER 20, 2021

Public Officials Present

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

Council Vice-President Muir Boda
Councilwoman Michele Gregory

Public Officials Absent

Council President John “Jack” R. Heath

In Attendance

City Administrator Julia Glanz, Department of Infrastructure & Development (DID) Director Amanda Pollack, Business Development Director Laura Soper, Field Operations (Fops) Director Jana Potvin, Housing & Community Development Department (HCDD) Director Ron Strickler, Transportation Specialist Will White, Assistant City Clerk Julie English, Wicomico County Planning and Zoning Director Lori Carter, City Attorney Michael Sullivan, City Clerk Kimberly Nichols, and members of the Public.

On September 20, 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.

2020 Census Update

Dr. Brante Dashiell and Sonya Whited, Census Count Committee Co-Chairs, joined Council. Ms. Whited explained the document she passed out for Council’s review later contained presentations, town halls, and the transitional report for the 2030 Census.

Dr. Dashiell thanked City Administrator Julia Glanz and Planning and Zoning Director Lori Carter for leading the collaboration between the City and County, and discussed the following recommendations:

- *They did not have a framework in the beginning of this process and documented everything to have something to begin with and to build upon in 2030.*
- *Funding was a challenge. The Eastern Shore was not part of the \$4.7 million grant to the State of Maryland as they were informed of the process late, but were allotted \$20,000, donations and got creative. Planning for 2030 should begin now.*
- *The funding sources should reflect this was a City – County collaboration.*
- *They received a lot of training, brainstorming, and identifying members who served 10 years ago to get recommendations and history of how things were done.*
- *They gained momentum from the Mayor and County Executive’s show of support.*
- *They were very engaged through social media using pictures and archives to show it was a great deal of work but also that they had a great team.*
- *They collaborated and tied in with other community events to gain exposure.*

Ms. Whited shared the following lessons learned:

- They had two active sub-committees- non-profit organizations and churches. She shared the motto they used- "10 minutes, 10 questions, for 10 years."*
- The events were successful despite the pandemic and being unaware of funding.*
- Committee involvement in events was very critical.*
- Discussed accountability and ensuring everyone knew what the expectations were.*
- Wicomico County was the lead county on the Eastern Shore.*

Mr. Boda asked about other municipalities, and Dr. Dashiell confirmed they had area champions and explained the importance of their work to redistricting.

Ms. Carter presented citations from the Maryland Department of Planning Census Maryland to Mayor Day, Ms. Glanz and Vice-President Boda for Council for their dedication to making Maryland communities better places to live and work.

Mayor Day said there were some anomalies in the census and asked about corrections. Ms. Carter said they could complete forms for blocks of concern. The process would allow for a thirty-day comment once the final numbers were out.

Agreement for construction & maintenance for an ADA ramp

Business Development Director Laura Soper discussed the ordinance and agreement which would allow the construction of an ADA ramp to the rear entrance of the office. The Masonic Lodge and St. Peter's Church collaborated their efforts to bring much needed ADA access to Business Development. The agreement provided five spaces behind the old City Hall building for dedicated handicapped parking spaces.

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

Ordinance to transfer funds for construction of ADA lift at Poplar Hill Mansion

FOPs Director Jana Potvin reported in FY21 \$40,000 was allocated for ADA improvements to the bathroom and ramp construction at Poplar Hill Mansion. The bathroom improvements were completed for \$19,000 but the Maryland Historical Trust denied the request to install a ramp due to the visual impact as it would be constructed in a U shape due to the rise and run and would extend past the mansion, and recommended installing a lift. Ms. Potvin said that the budget amendment would use \$35,000 from surplus and the remaining \$20,000 to complete the design and construction of the lift.

Ms. Jackson was concerned with the limited number of people who could utilize the lift at one time in an emergency. Ms. Potvin said lifts were a treatment allowed for historic properties. They could have relocated the ramp to go through the kitchen, but that was not allowed because of Health Department rules and structural issues with the kitchen door. A ramp was inconsistent with MHT standards due to its size and width.

Ms. Gregory said the ramp would take over the Courtyard, and would be physically impossible to construct on the property.

Ms. Glanz noted this would be the only way to provide ADA accessibility to the building. Mayor Day indicated the ramp could be done in an attractive way, albeit it would be large.

Mr. Boda, Ms. Blake and Ms. Gregory reached consensus to advance the legislation to legislative agenda. Ms. Jackson did not wish to move forward with the lift.

Meadow Cultivation Code Amendment

Sustainability Coordinator Alyssa Hasting and HCDD Director Ron Strickler joined Council to discuss the meadow cultivation code amendment. Mr. Strickler there were initial concerns from HCDD since they received complaints when grass reached 7 ¼ inches tall, but after consideration thought the benefits of meadows far outweighed any enforcement concerns. The legislation would allow City residents to cultivate meadows.

Ms. Hastings clarified that it was not just letting grass grow. The legislation was very specific on construction of meadows, and they had to be registered with the City.

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

Connection fee waiver for 117-119 W. Main Street

DID Director Amanda Pollack joined Council and explained the proposed use for the property was for a restaurant and distillery down on the older part of the Plaza. The request was for 28 EDUs, and at the current Comprehensive Connection Charge rate the waiver request was equivalent to \$103,880.00. She reminded Council that the criteria was modified last year for those types of waivers in Ordinance No. 2611, and now there needs to be some type of public benefit from the projects to be able to receive the waiver. She reported the public benefit for the project would include the funding of \$5,000 towards new street lights on St. Peters Street and funding a bike rack in the area. All of the other necessary criteria was met.

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

Ordinance- Assessment on Transportation Network Service Companies

Ms. Pollack, joined by Transportation Specialist Will White, reported that the Maryland General Assembly passed a law in 2015 allowing municipalities and counties to charge an assessment per ride to transportation network companies such as Ubers or Lyfts. The City could charge .25 per ride originating from within the City. Seven jurisdictions in the State have enacted the legislation. Wicomico County and the MD Comptroller would be notified that the City was interested in the assessment.

Ms. Blake asked if it applied to taxi rides and Mr. White said it did not. She asked if the companies or drivers had been informed. Mr. White said they had no idea who the drivers were, but Uber and Lyft would have to comply. They did not know what their ride data was because it was not provided to the City. Another advantage was that ride data would be provided since they had to provide number of rides with the cost data.

Mr. Boda asked if taxis paid the City anything and Mr. White did not think so.

Council reached consensus to advance the legislation to legislative agenda. Mr. Boda did not wish to advance the legislation.

Budget amendment for City Park bandstand and bridge improvements

Ms. Pollack explained the City had an endowment fund at the Community Foundation of the Eastern Shore (CFES) to fund improvements to the bridge and bandstand in the City Park, but it had to be treated like a grant with a budget amendment to get the funds. Field Operations has provided a scope of work and repairs necessary for both the bandstand and the bridge. Currently there was just over \$40,000 in the endowment fund. Based on the repairs needed, an additional \$5,000 was needed from surplus for contingency. The budget amendment was for \$45,000, of which \$40,000 was from the endowment fund. The amendment would be first, the money would have to be spent, and the reimbursement would then be received from the CFES.

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

Budget amendment for Special Assistant for Intergovernmental Affairs position

Ms. Glanz reported that a budget amendment was needed to add the new position. Since 2017, Administration has tried to build the structure to lead the City departments, and the proposed position would manage high level policy and project development, governmental affairs and lobbying efforts

Mayor Day said the opportunity to fill the role was due to a grants position vacancy. As no qualified candidates applied for the position, Administration felt it could be vacant for some time. The plan to fill the grant position temporarily with the incumbent for this position was shared with President Heath and Nate Sansom was hired. They decided that the Special Assistant for Intergovernmental Affairs position should work to bring money in for the City. Mr. Sansom had been working on Federal and State grants and would be a liaison for the City with State legislatures and agencies, which was a critical position.

Ms. Blake asked why the request was not presented during budget sessions, and Mayor Day said he was not present at that time. Despite the past, this was needed for the future. Mr. Boda said the position was discussed years ago, and the person has been found to fill it. He added that Mr. Sansom spent years volunteering for the City even while studying abroad, and wrote much of the legislation passed by the Council the past few years.

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

Administration Comments

Mayor Day said the City was constantly reaching new stress points in the community when it came to housing. He wanted to ensure that Council knew he, staff and the community were feeling the stress. Saturday evening at the Zoo at 5:00 p.m. was another project opportunity. Greater Salisbury, Chamber of Commerce, SU, Perdue, and Tidal Health were bringing new employees to the area to a welcoming event. Mayor Day would be in direct communication with each of Council on thoughts to move forward. He would also follow up on the early 2020 Police Trust Rebuilding Initiative that created the Criminal Justice Reform Task Force, among other things ready for implementation.

National Folk Festival statistics were very good with an estimated attendance of 91,000. Almost 600 volunteers donated 1,460 hours and the Bucket Brigade brought in \$26,618. Over \$65,000 in beer and merchandise was sold. 3.6 tons of trash was collected. One half ton of cardboard, plastic and aluminum were collected. 7,570 gallons of water was dispensed through the water stations, saving 60,560 water bottles from the landfill.

Council Comments

Ms. Gregory asked those not vaccinated to please get their vaccinations. The positivity rate was still over 11%, almost three times the State rate. Vaccinations will save lives.

Ms. Jackson asked everyone to get vaccinated.

Ms. Blake encouraged everyone to watch for school buses and cross walks. If healthy enough, she asked everyone to donate blood.

Mr. Boda asked everyone to please get vaccinated. It may not prevent COVID, but could prevent the severity.

Adjournment

With no further business to discuss, the Work Session was adjourned at 5:36 p.m.

City Clerk

Council President

CITY OF SALISBURY, MARYLAND

REGULAR MEETING (COUNCIL CHAMBERS AND ZOOM)

SEPTEMBER 27, 2021

PUBLIC OFFICIALS PRESENT

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

Council Vice-President Muir Boda
Councilwoman Michele Gregory

PUBLIC OFFICIALS ABSENT

Mayor Jacob R. Day

IN ATTENDANCE

City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Wicomico County Council President John Cannon, Field Operations Director Jana Potvin, Building Official William Holland, City Clerk Kimberly Nichols, City Attorney Michael Sullivan, members of the press and Public

CITY INVOCATION – PLEDGE OF ALLEGIANCE

The City Council met in regular session at 6:00 p.m. in a hybrid meeting (in person and on Zoom Conferencing Video). Council President John R. “Jack” Heath called the meeting. After reciting the pledge to the flag, he then called for a moment of silent meditation.

ADOPTION OF LEGISLATIVE AGENDA

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

Council President welcomed Wicomico County Council President John Cannon in the audience.

CONSENT AGENDA – presented by Assistant City Clerk Julie English

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

- September 7, 2021 Work Session Minutes
- September 13, 2021 Legislative Session Minutes
- Resolution No. 3124-** to approve the reappointment of Alexander McRae to the Bicycle & Pedestrian Advisory Committee for term ending October 2024
- Resolution No. 3125-** to approve the reappointment of Jane S.W. Messenger to the Historic District Commission for term ending October 2024
- Resolution No. 3126-** to approve the appointment of Leigh Yanus to the Zoo Commission for term ending September 2024

RESOLUTIONS- presented by City Administrator Julia Glanz

- **Resolution No. 3127-** authorizing the City of Salisbury's Comprehensive Connection Charges to be waived for the development of 117-119 West Main Street

Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous to approve Resolution No. 3127.

- **Resolution No. 3128-** authorizing the Mayor to enter into, on behalf of the City of Salisbury, an agreement with St. Peters Episcopal Church and Lodge Wicomico No. 91 AF & AM for the City of Salisbury's construction and installation of a handicap access ramp at the rear entrance of the Downtown Salisbury Visitor Center Building and other matters relating thereto

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Resolution No. 3128.

PUBLIC HEARING- East Lincoln Avenue- M&L Rentals, LLP Annexation

- **Resolution No. 3105-** proposing the annexation to the City of Salisbury of certain area of land contiguous to and binding upon the Corporate Limit of the City of Salisbury to be known as "East Lincoln Avenue – M & L Rentals, LLP Annexation" beginning for the same point at a corner of the existing Corporate Limits Line of the City of Salisbury, MD, being near the northerly right of way line of East Lincoln Avenue and also being near the southwesterly corner of the land of M & L Rentals, LLP, being known as Lot A containing 0.245 acres, more or less.

Ms. Blake moved and Ms. Jackson seconded to approve Resolution No. 3105.

Ms. Glanz presented Resolution No. 3105.

At 6:14 p.m. President Heath opened the Public Hearing, and since there were no requests to speak or testify, immediately closed the Public Hearing.

Resolution No. 3105 was approved by unanimous vote in favor.

- **Resolution No. 3106-** approving the annexation plan for the annexation known as "East Lincoln Avenue – M & L Rentals, LLP Annexation"

Ms. Blake moved and Ms. Gregory seconded to approve Resolution No. 3106.

Ms. Glanz presented Resolution No. 3106.

At 6:18 p.m. President Heath opened the Public Hearing, and since there were no requests to speak or testify, immediately closed the Public Hearing.

Resolution No. 3106 was approved by unanimous vote in favor.

ORDINANCES- presented by City Attorney Michael Sullivan

- **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

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2681 for second reading.

- **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

Mr. Boda moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2682 for second reading.

- **Ordinance No. 2683-** 1st reading- approving an amendment of the City of Salisbury's FY22 General Fund budget and the Grant Fund budget to allocate funding from the Community Foundation of the Eastern Shore and General Fund grant match for maintenance of the bandstand and bridge in the City Park

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2683 for first reading.

- **Ordinance No. 2685-** 1st reading- to amend Chapter 8.08 Brush, Weeds and Obnoxious Growth to include the definition & requirements of Meadow Cultivation and to allow for the cultivation of meadows in the City of Salisbury, Maryland

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2685 for first reading.

- **Ordinance No. 2686-** 1st reading- authorizing the Mayor to enter into a contract with the U.S. Department of Housing & Urban Development for the purpose of accepting additional Community Development Block Grant (CDBG) funds in the amount of \$17,796.00, and to approve a budget amendment to the grant fund to appropriate such CDBG funds for the projects outlined in the 2021 CDBG Action Plan

Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous to approve Ordinance No. 2686 for first reading.

- **Ordinance No. 2687-** 1st reading- approving an amendment of the City's FY22 General Fund budget and the Capital Project Fund budget to allocate funding for the Poplar Hill ADA Ramp and Bathroom Conversion Project

Mr. Boda moved, Ms. Gregory seconded and the vote was 4-1 to approve Ordinance No. 2687 for first reading.

Ms. Gregory said the project was long overdue and she was excited to see it. President Heath was concerned that only one person could be handled at a time in an emergency situation with a lift. He preferred having a ramp installed, but if there were handicapped people in the building and there was an emergency, they would be gotten out. The question was how they would be gotten out. He recommended at the time for it to return to the Historical Trust, and offered to testify as a former fireman and ask them to reconsider.

Field Operations Director Jana Potvin reported the ramp plans provided were denied because the footprint was excessive and encompassed the entire courtyard area. The Historical Trust suggested a lift as an alternate solution. There was no way to install a ramp with the required vertical elevation change without blocking the basement access. They would not allow the ramp to enter the kitchen since there were structural issues with it.

Ms. Gregory noted that as someone who regularly navigated ramps, it was slower going than one would think. With customized wheelchairs that extend longer than average ones, navigating turns took quite a lot of time. In the time it would take for a lift to go down with someone in it, she thought she wouldn't be at the end of a 60-foot ramp. Both options had their drawbacks, but the important thing was that the facility be made accessible.

Ms. Jackson said that more than one person could exit the ramp and be outside at once, as opposed to being trapped in a building and being removed from it one person at a time.

President Heath agreed that the building should have been made ADA compliant two years ago, but was going on his personal experience from Lower Shore Enterprises, his experience in the Fire Department, and his experience at building ramps. It was not uncommon in a fire to lose electricity, which would leave the lift inoperable. He thought Council should look at the entire picture, and if the lift was the only choice, he would support it because they needed the building to be compliant. The Fire Department should inspect it and understand in case there was ever an incident there. President Heath said he was disappointed that the alternative that was presented to a member of the Board and Ms. Meyers was not considered at all.

Ms. Blake asked when the Fire Department would be able to inspect the building and lift location. Ms. Glanz said they could do that if it was important to the vote for the next reading. At the point the lift was being installed it would probably be more important to look at locations, evacuation plans, etc. but they would make either option work.

Mr. Boda asked if the lift was not accessible in a fire, would there be an option to place a ramp at the front door or portable ramps during events. President Heath said they would carry the handicapped people out in such an event, and Ms. Potvin reported portables would bring the building into ADA compliance.

Ordinance No. 2687 was approved on a 4-1 vote, with Ms. Jackson voting "nay."

- 182
- 183 • **Ordinance No. 2688**- 1st reading- approving an amendment of the city of Salisbury's
- 184 FY22 General Fund budget for the addition of the position of Special Assistant for
- 185 Intergovernmental Affairs
- 186

187 *Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous to approve Ordinance*

188 *No. 2688 for first reading.*

189

190 **PUBLIC COMMENTS**

191

192 *There were no requests to speak from the public.*

193

194 **ADMINISTRATION AND COUNCIL COMMENTS**

195

196 *Mrs. Glanz reported Target and the US Conference of Mayors awarded the City of Salisbury*

197 *\$75,000 for a Mental Health Response grant. Salisbury was the small city awarded, and the other*

198 *two recipients were Albuquerque, New Mexico (mid-sized city) and Dallas, Texas (large city).*

199 *On Wednesday, the Mayor would hold the "Home is Here" press conference announcing the*

200 *comprehensive housing program that Administration was putting forth. The Pedestrian Bridge*

201 *ribbon cutting was this Friday. Today there were over 50 patients COVID positive patients in the*

202 *hospital. This was the highest number lately.*

203

204 *Mr. Boda was happy he participated in the Average Joe's run on Saturday.*

205

206 *Ms. Jackson asked everyone to be safe.*

207

208 *Ms. Blake asked everyone to watch the school buses and if healthy enough to please donate blood.*

209

210 *Ms. Gregory enjoyed Peace in the Park last weekend, and asked those not vaccinated to get*

211 *vaccinated.*

212

213 *President Heath said he was scheduled for his booster this week and encouraged everyone else to*

214 *do the same as they were able. Please donate blood if healthy enough.*

215

216 **ADJOURNMENT**

217

218 *With no further business to discuss, the Legislative Session was adjourned at 7:06 p.m.*

219

220 _____

221 *City Clerk*

222

223 _____

224 *Council President*

MEMORANDUM

To: Jacob R. Day, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Re-Appointment to the Disability Advisory Committee
Date: August 20, 2021

The following person has applied for re-appointment to the Disability Advisory Committee for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Dr. Katherine Jones	November 2024

Attached is the information from Dr. Jones and the resolution necessary for her re-appointment. If this appointment is approved, it will be placed on the next City Council agenda for review.

Attachments

OK

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29

<u>Name</u>	<u>Term Ending</u>
Dr. Katherine Jones	November 2024

ATTEST:

John R. Heath
PRESIDENT, City Council

_____ day of _____, 2021

Jacob R. Day, Mayor

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE CITY OF SALISBURY'S FY22 GENERAL FUND BUDGET AND THE GRANT FUND BUDGET TO ALLOCATE FUNDING FROM THE COMMUNITY FOUNDATION OF THE EASTERN SHORE AND GENERAL FUND GRANT MATCH FOR MAINTENANCE OF THE BANDSTAND AND BRIDGE IN THE CITY PARK.

WHEREAS, the City of Salisbury (the “**City**”) has the responsibility for maintenance of the Bandstand and the historic pedestrian Bridge in the City Park; and

WHEREAS, the Community Foundation of the Eastern Shore (“**CFES**”) administers a Salisbury Park Bandstand & Bridge Designated Endowment Fund; and

WHEREAS, routine maintenance is currently needed on both the Bandstand and the Bridge, consisting of washing, repairing and painting the structures; and

WHEREAS, the CFES Salisbury Park Bandstand & Bridge Designated Endowment Fund has income available for the City to utilize for this required maintenance; and

WHEREAS, the City wishes to utilize some of the CFES endowment funds to complete the required maintenance; 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 establish a grant account for the Community Foundation of the Eastern Shore (“CFES”), on behalf of the City of Salisbury, for the City’s acceptance of Salisbury Park Bandstand & Bridge Designated Endowment Fund monies in the amount of \$40,000.

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

Section 2.

a) The City of Salisbury's Grant Fund Budget be and hereby is amended as follows:

- 1) Increase CFES Revenue Account No. 10500-426100-XXXXX by \$40,000.
- 2) Increase Grant Match – General Fund Revenue Account No. 10500-499000-XXXXX by \$5,000.
- 3) Increase Park Bandstand & Bridge Maintenance – Construction Expense Account No. 10500-513026-XXXXX by \$45,000.

b) The City of Salisbury's FY22 General Fund Budget be and is hereby amended as follows:

- 1) Increase Current Year Surplus Account No. 01000-469810 by \$5,000.
- 2) Increase Grant Match – Parks Account No. 91001-599155 by \$5,000.

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

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

54 **Section 4.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section,
55 paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or
56 otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the
57 section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall
58 remain and shall be deemed valid and enforceable.

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

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

62
63 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury
64 held on the 27th day of September, 2021 and thereafter, a statement of the substance of the Ordinance having been
65 published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the
66 11th day of October, 2021.

67
68 **ATTEST:**

69
70
71
72 _____
73 **Kimberly R. Nichols, City Clerk**

72 _____
73 **John R. Heath, City Council President**

74
75
76 Approved by me, this _____ day of _____, 2021.

77
78
79
80 _____
81 **Jacob R. Day, Mayor**
82

AS AMENDED ON OCTOBER 11, 2021
ORDINANCE NO. 2685

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 8.08
BRUSH, WEEDS AND OBNOXIOUS GROWTH TO INCLUDE THE DEFINITION &
REQUIREMENTS OF MEADOW CULTIVATION AND TO ALLOW FOR THE
CULTIVATION OF MEADOWS IN THE CITY OF SALISBURY, MARYLAND

WHEREAS, the Mayor and Council of the City of Salisbury has determined there is a need for periodic review of the City of Salisbury Municipal Code; and

WHEREAS, the Mayor and Council of the City of Salisbury desire to amend Chapter 8.08.080 to permit the cultivation of meadows subject to the terms and conditions provided hereinbelow.

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

Section 1. Chapter 8.08 of the Salisbury City Code, entitled "Brush, Weeds and Obnoxious Growth", be and is hereby amended by adding the bolded and underlined language as follows:

8.08.080 Meadow Cultivation

Meadows are a planned, intentional, and maintained planting of grasses and wildflowers that are commonly found in meadow and prairie plant communities, so not to include noxious weeds. The cultivation of Meadows shall be exempt from the requirements of Section 8.08.010 (Cutting or removal of grass, weeds, brush and plant growth required) if the following conditions are met:

- A. The Meadow shall be managed in a manner so not to become infested with weeds or to create a stagnant, foul-smelling condition;**
- B. The Meadow shall be managed so as not to contain noxious weed growth and must include at minimum, a majority of plants native to Maryland. For purposes of this Section, the term "noxious weed" is defined as any annual, biennial, or perennial weed or plant that adversely effects and/or threatens agricultural production, including but not limited to any noxious weed as defined by the Maryland Department of Agriculture;**
- C. The Meadow shall be set back not less than ten (10) feet from front property line;**
- D. The Meadow shall be set back not less than five (5) feet from side and/or rear property line;**
- E. No Meadow set back is required for side and/or rear property line if a fully opaque fence, at least five (5) feet in height, is installed between the Meadow and neighboring side and/or rear property;**
- F. The Meadow shall be cut to a height no greater than eight (8) inches a minimum of one (1) time annually between September 15 and March 15; and**
- G. All property owners who desire to participate in cultivating a Meadow must first register with the Housing and Community Development Department.**

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 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 from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 27th day of September, 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 11th day of October, 2021.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

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

Jacob R. Day, Mayor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

ORDINANCE NO. 2686

AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT FOR THE PURPOSE OF ACCEPTING ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$17,796.00, AND TO APPROVE A BUDGET AMENDMENT TO THE GRANT FUND TO APPROPRIATE SUCH CDBG FUNDS FOR THE PROJECTS OUTLINED IN THE 2021 CDBG ACTION PLAN.

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

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

WHEREAS, the amount of CDBG funding awarded by HUD to the City for PY2021 was higher than the amount anticipated by the City, as set forth in the FY2022 Schedule C Form (the “**FY2022 Schedule C**”) that was accepted through the City’s FY2022 budget process; and

WHEREAS, the FY2022 Schedule C identifies anticipated PY2021 CDBG funding in the amount of \$388,000.00, however, for PY2021, HUD awarded the City CDBG funding in the amount of \$405,796.00, resulting in an award that is \$17,796.00 more than the anticipated amount of CDBG funding set forth in the FY2022 Schedule C; 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, the appropriations necessary to execute the purpose of the additional \$17,796.00 of CDBG funds awarded to the City by HUD for PY2021, as provided hereinabove, 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 U.S. Department of Housing & Urban Development (“**HUD**”), on behalf of the City of Salisbury (the “**City**”), for the City’s acceptance of Community Development Block Grant (“**CDBG**”) funds in the amount of \$17,796.00.

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 CDBG Revenue Account No. 12800–423300–XXXXX by \$17,796.00; and

(b) Increase CDBG Operating Expense Account No. 12800–546006–XXXXX by \$17,796.00.

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.

Section 4.

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.

Section 5.

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 5.

Section 6.

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

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 27th day of September, 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 11th day of October, 2021.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

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

Jacob R. Day, Mayor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

ORDINANCE NO. 2687

**AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN
AMENDMENT OF THE CITY'S FY22 GENERAL FUND BUDGET
AND THE CAPITAL PROJECT FUND BUDGET TO ALLOCATE
FUNDING FOR THE POPLAR HILL ADA RAMP AND BATHROOM
CONVERSION PROJECT.**

WHEREAS, the Poplar Hill Mansion is listed on the National Register of Historic Places; and

WHEREAS, the Maryland Historic Trust, an office of the Maryland Department of Planning, must review and approve projects involving rehabilitation or improvements to such historic properties, which includes, but is not limited to, the Poplar Hill Mansion; and

WHEREAS, in FY2021, the City undertook a project to make the Poplar Hill Mansion handicap accessible, to include the conversion of a bathroom and the installation of a wheelchair ramp, both of which were to be compliant with guidelines set forth by the Americans with Disabilities Act ("ADA");

WHEREAS, the FY2021 Budget appropriated \$40,000 for the ADA bathroom conversion and installation of the wheelchair ramp; and

WHEREAS, the City submitted a request for project approval to the Maryland Historic Trust, which denied the City of Salisbury's request to install a wheelchair ramp; and

WHEREAS, the Maryland Historic Trust instead requested the City explore alternatives to the proposed wheelchair ramp such as a wheelchair lift; and

WHEREAS, the ADA bathroom conversion has been completed and the cost of a wheelchair lift exceeds the available funds remaining in the project account; and

WHEREAS, the Department of Field Operations estimates an additional \$35,000 is required for the project, and has determined that there are insufficient funds available in other accounts to transfer to cover the amount required, and

WHEREAS, the Department of Finance has confirmed that an additional \$35,000 is available in the current year surplus; and

WHEREAS, providing ADA compliant access to the Poplar Hill Mansion is critical to future eligibility for grants and other Federal benefits.

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

Section 1.

a) The City of Salisbury's Capital Projects Fund Budget be and is hereby amended as follows:

Project Description	Account Description	Account	Amount
Poplar Hill ADA Ramp & Bathroom Conversion	Transfer-In General Fund	98022-469313-43028	35,000
Poplar Hill ADA Ramp & Bathroom Conversion	Construction	98122-513026-43028	35,000

b) The City of Salisbury's FY22 General Fund Budget be and is hereby amended as follows:

Project Description	Account Description	Account	Amount
	Current Year Surplus	01000-469810	35,000
	Transfer-Out General Capital Project Fund	91001-599109	35,000

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

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

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

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

12 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.
13

14 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City
15 of Salisbury held on the 27th day of September, 2021 and thereafter, a statement of the substance of the
16 Ordinance having been published as required by law, in the meantime, was finally passed by the Council
17 of the City of Salisbury on the 11th day of October, 2021.
18

19
20 **ATTEST:**
21

22
23
24 _____
25 **Kimberly R. Nichols, City Clerk**

_____ **John R. Heath, City Council President**

26
27
28 Approved by me, this _____ day of _____, 2021.
29

30
31
32 _____
33 **Jacob R. Day, Mayor**

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE CITY OF SALISBURY'S FY22 GENERAL FUND BUDGET FOR THE ADDITION OF THE POSITION OF SPECIAL ASSISTANT FOR INTERGOVERNMENTAL AFFAIRS.

WHEREAS, the Mayor’s office has determined a need for a new position to be titled “Special Assistant for Intergovernmental Affairs”; and

WHEREAS, this position will enable the City to become more effective and efficient in developing new and improved legislation, internal policy for employees, lobbying in Annapolis, securing federal financial earmarks

WHEREAS, to fund the salary and benefits for the remainder of the year the Department of Finance has estimated \$39,600 is required, and.

WHEREAS, the Mayor's office budget does not currently have sufficient funds to cover the additional cost of the new position.

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

Section 1.

- a) The City of Salisbury's Authorized Positions be amended to include an additional position titled "Special Assistant for Intergovernmental Affairs" and be assigned Grade 8
- b) The City of Salisbury's FY22 General Fund Budget be and is hereby amended as follows:

Department	Account Description	Account	Amount
	Current Year Surplus	01000-469810	39,600
Mayor's Office	Salaries	12000-501001	39,600

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 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 from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 27th day of September, 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 11th day of October, 2021.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

[SIGNATURES APPEAR ON THE PAGE THAT FOLLOWS]

1 **ATTEST:**

2
3
4
5
6
7
8
9
10
11
12
13
14

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

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

Jacob R. Day, Mayor



To: All Council Members
From: Nathaniel Sansom, Special Assistant to the Mayor
Subject: Habitat for Humanity of Wicomico County – Tax Credit
Date: October 6, 2021

The Administration's request for an Ordinance establishing a Habitat for Humanity tax credit is outlined below.

Current Situation & Request

Habitat for Humanity of Wicomico County requested a real property tax credit for all future properties they acquire, as long as the properties are being developed. They requested a tax credit that would last for up to five years, from the time of property acquisition to sale. In return, they are willing to include a provision in the deed requiring that the property remains owner-occupied.

Habitat claims that they have “experienced a 4-fold increase in the cost of many construction materials”; furthermore, they “experienced a fire that created a total loss at 321 Martin and damaged 319 Martin to the point that it was not worth rehabbing”

Habitat of Wicomico has acquired three lots over the past twelve months and they intend to continue building houses in Salisbury.¹

Background – Wicomico County

Since 2008, Habitat has acquired 16 properties in Wicomico County. According to data provided by Habitat, the sum total of all property values at the time of acquisition was \$493,259 and the combined value of these properties at the time of sale was \$1,894,700, resulting in a total of \$1,401,441 in property improvements². The average length of time properties were under development by Habitat was approximately 2.88 years.

Background – City of Salisbury

Of these 16 properties, 13 were within the Corporate Limits of Salisbury. Of the 13 within Salisbury limits, 10 were purchased for a sum total of \$316,633.

When sold, these 10 properties had a valuation of \$1,157,700. The sum value of these 10 properties increased by \$841,067. These 10 properties spent an average of 3.1 years under development.

¹ Refer to July 13, 2021 email from Molly Hilligoss

² Data provided by Habitat likely referring to Market value



Fiscal Note

Based on the current City property tax rate of \$0.98 per \$100 of assessed value, according to data from the City Finance Department, the eleven (11) properties the Department found that are currently owned by Habitat currently generate \$1,596.72 annually in real property tax revenue.³

While the current annual realized cost of this program would be \$1,596.72, this would be subject to change based upon fluctuations in assessed property values and the number of properties Habitat owns that are eligible for the credit.

Legal Authority

Tax-Property Article § 9-252, of the Annotated Code of Maryland enables Counties, Baltimore City, and Municipalities to provide a tax credit for Habitat for Humanity. Currently there isn't legal authority to provide a tax credit to Salisbury Neighborhood Housing Services, but we are developing solutions that would enable SNHS to receive the same benefit.

Examples from other jurisdictions

Caroline County has established a Tax Credit for Habitat Properties that mirrors state enabling legislation.⁴ Interesting components are underlined; do we want to mirror this?

- They require Habitat to provide information including “The date the property [was] transferred to Caroline County Habitat for Humanity, Incorporated; the amount of consideration paid to or received by Caroline County Habitat for Humanity, Incorporated; the names of all parties to the transaction; the purpose of the acquisition by Caroline County Habitat for Humanity, Incorporated; and the property's current use; and any other transactions involving these holdings.”
- Caroline also has a section adding that,
“This real property tax credit shall take effect when an eligible property is transferred to Caroline County Habitat for Humanity, Incorporated. However, if Caroline County Habitat for Humanity, Incorporated, purchases the property rather than receiving it as a donation, the County shall reimburse Caroline County Habitat for Humanity, Incorporated, for county real property taxes paid at time of settlement. The tax credit shall cease as of the date of transfer from Caroline County Habitat for Humanity, Incorporated, to another owner. When the credit ceases, the property and its assessment shall be reinstated on the Caroline County real property tax roll, and taxes due shall be paid.”
- Saint Mary's County, MD has a very simple provision included in Chapter 267 (Taxation) of their code, (this also mirrors state enabling legislation).⁵
One line I liked from their code was a clearly defined effective date,
“The credit shall be allowed on and after July 1, 2011.”
- Cecil County also has legislation mirroring the state enabling legislation

³ August 24, 2021 email from Olga Butar

⁴ <https://ecode360.com/8726678>

⁵ https://library.municode.com/md/st._mary's_county/codes/code_of_ordinances?nodeId=PTIIGELE_CH267TAGE_ARTXXVIIIIPRTACRHAHUPR



MEMORANDUM

Their code stated that – “The tax credit for each property shall continue until such time as the property is transferred from Habitat for Humanity to another entity, but in no event for more than five years.”⁶

- Charles County also has similar legislation⁷
- Harford County has legislation similar to that of Cecil County⁸
- Anne Arundel County offered an abatement through legislation enacted in 2010 (SB 658)⁹. As their abatement was brought about through another legal mechanism it looks different, although it still provides a tax credit¹⁰

Recommendation

The Administration requests that the Council adopt the attached ordinance to amend Title Three of the City Code of Ordinances to create this tax credit for Habitat for Humanity of Wicomico County, Inc.

⁶ <https://ecode360.com/15794136?noresponsive=true>

⁷ <https://ecode360.com/27242105>

⁸ <https://ecode360.com/15625757>

⁹ <https://mgaleg.maryland.gov/mgaweb/Website/Search/Legislation?target=/2010rs/billfile/sb0658.htm>

¹⁰ <https://casetext.com/statute/code-of-maryland/article-tax-property/title-9-property-tax-credits-and-property-tax-relief/subtitle-3-counties-to-which-general-provisions-are-applicable/section-9-303-anne-arundel-county>

AN ORDINANCE OF THE CITY OF SALISBURY TO GRANT A PROPERTY TAX CREDIT AGAINST THE CITY PROPERTY TAX IMPOSED ON CERTAIN REAL PROPERTY OWNED BY HABITAT FOR HUMANITY OF WICOMICO COUNTY, INC.

WHEREAS, in furtherance of its goal, Habitat regularly acquires residential properties within the corporate limits of the City of Salisbury (the “City”), on which it performs rehabilitation and/or new construction, significantly increasing the value of such properties, and ultimately transferring such properties to families in need; and

WHEREAS, granting Habitat a tax credit against the City property tax imposed on eligible properties (the “Habitat Tax Credit”) will encourage Habitat to acquire properties within City limits, which will further result in positive economic and social effects, including, but not limited to, reducing blight and increasing the inventory of residential housing in the City; and

WHEREAS, the Mayor joins with the City Council in recommending the implementation of the Habitat Tax Credit; and

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

Chapter 3.19 Habitat for Humanity Tax Credit

A. In accordance with the provisions of the Tax-Property Article § 9-252 of the Annotated Code of Maryland, there is hereby established a City property tax credit of 100% for real property, provided that:

1. The property is owned by Habitat for Humanity of Wicomico County, Inc. with the intention of relinquishing ownership within five (5) years from the date of acquisition;

- 50 2. The property is used exclusively for the purposes of development, rehabilitation,
51 and transfer to a private owner; and
52 3. The property is not occupied by administrative or warehouse buildings owned
53 by Habitat for Humanity of Wicomico County, Inc.
54 B. Habitat for Humanity of Wicomico County, Inc. shall submit an annual report each
55 year to the Mayor and Council of the City of Salisbury documenting:
56 1. All of the real property holdings of Habitat for Humanity of Wicomico County,
57 Inc.in the City of Salisbury;
58 2. All transactions involving the real property holdings referenced in the above
59 subparagraph B(1); and
60 3. The annual report shall be delivered to the City of Salisbury on or before July
61 15 and shall include all real property holdings as of the preceding June 30 and
62 shall include the date of acquisition of each parcel of real property for which a
63 credit is applicable on the preceding June 30.
64 C. The tax credit for each property shall continue until such time as the property is
65 transferred from Habitat for Humanity of Wicomico County, Inc. to a private owner,
66 but in no event for more than five (5) years. When the tax credit ceases, the property
67 and its assessment shall be reinstated on the City of Salisbury real property tax roll at
68 the beginning of the next fiscal year.
69 D. The allowance of the tax credit shall be administered by the City of Salisbury Finance
70 Department.
71 1. In order to obtain the tax credit, Habitat for Humanity of Wicomico County,
72 Inc. shall submit such documentation as the City of Salisbury Finance
73 Department requires to determine the eligibility of a parcel of real property.
74 The required documentation shall be provided upon acquisition of a property
75 and shall include, but not be limited to, a copy of the property settlement
76 agreement.
77 2. If the Finance Department makes a finding of the ineligibility of a parcel for the
78 tax credit, the Finance Department may disallow or revoke a tax credit, effective
79 as of the date of ineligibility.
80 3. The credit shall be allowed on and after September 1, 2021, and shall be pro-
81 rated as of Habitat's date of acquisition.

82
83 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
84 **SALISBURY, MARYLAND, as follows:**

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

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

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

94 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.
95

96 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
97 Salisbury held on the 11th day of October, 2021 and thereafter, a statement of the substance of the Ordinance
98 having been published as required by law, in the meantime, was finally passed by the Council of the City
99 of Salisbury on the _____ day of _____, 2021.

100
101
102
103 ***[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]***

104 ***[SIGNATURES APPEAR ON THE PAGE THAT FOLLOWS]***
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145

146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

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

Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor
MEMORANDUM

To: Andy Kitzrow, Julia Glanz
From: Ronald L. Strickler, Jr, Director of HCDD
Date: 9/27/2021
Re: Non-Conforming Use Zoning Exemption Program

The Director of Housing and Community Development requests the opportunity to introduce an Ordinance for a Zoning Exemption Program relating to Salisbury properties which have lost their Non-Conforming use per Municipal Zoning Code 17.16.140, Section D. during the scheduled City Council Work Session on October 4, 2021. The proposed Non-Conforming Use Zoning Exemption Program Ordinance was presented to the Planning and Zoning Commission on September 16, 2021, resulting in a favorable recommendation to the City of Salisbury Mayor and City Council.

Since the current edition of the Salisbury Zoning Code was written in 1983, the City of Salisbury has witnessed their population double. Based on US Census data, our city consisted of 16,280 residents in 1980 compared to the most recent data in 2020 which recorded 33,050 residents. The City of Salisbury Metro Area realized an increase of an estimated 13.3% from 2010 to 2020 compared to the State of Maryland which increased by 4.9% and the United States by 6.7%. The City of Salisbury is the fastest growing city in Maryland and is experiencing an influx of people looking to live, work and play here.

Additionally, there is a great deal of evidence linking vacant and/or abandoned houses to threatened neighborhood stability, increased crime/vandalism rates, and decreased property value. In addition to the direct citizen impacts relating to vacant properties, the financial burden absorbed by Salisbury will continue to rise as a result of calls for service, decreased tax revenue and increased municipal maintenance cost. HCDD is confident the program will have an immediate impact on the vacant and recently purchased properties affected by the current zoning code impact on these former non-conforming use properties.

As leaders of our community, we are task with identifying and implementing strategic solutions to combat the housing shortage experienced by our citizens. With prudent guidance from the Department of Infrastructure and Development, Housing and Community Development leadership identified a practical solution to decrease a significant number of vacant properties while creating prospective housing opportunities for both current and future Salisbury residents. The time for action is now and confidence is high in the success of the Non-Conforming Use Zoning Exemption Program. Thank you for your consideration.



**Infrastructure and Development
Planning and Zoning
Commission
Staff Report
September 16, 2021**

I. BACKGROUND INFORMATION:

Applicant: City of Salisbury, Housing and Community Development Department

Nature of Request: Public Hearing - Text Amendment - To amend Title 17, Zoning Section 17.16

II. REQUEST:

Ron Strickler, Director of Housing and Community Development with the City of Salisbury, has submitted a request to amend the text of Title 17, Zoning to include the following language (**Attachment 1**):

In Chapter 17.16, Nonconforming Lots, Structures and Uses;

17.16.090 - Nonconforming Use Zoning Exemption Program

A. Purpose.

To assist in the reduction of vacant properties and provide for increased available housing within the City of Salisbury.

B. Definitions.

1. "Applicant" means the owner of a property who submits an application to participate in the Nonconforming Use Zoning Exemption Program.
2. "Program" means the Nonconforming Use Zoning Exemption Program identified in this chapter.
3. "Property" means a residential property subject to the Nonconforming Use Zoning Exemption Program.



City of Salisbury

Jacob R. Day, Mayor

C. Criteria for approval—Conditions.

1. The Property must have lost its nonconforming use within 60 months prior to submitting an application under the Program; or
2. The Property must be vacant and the Property's nonconforming use must have substantially ceased for a continuous period of one year.

D. Application Requirements.

1. All applications to participate in the Program must be submitted on or before _____.
2. Applicant shall be in good standing with the City of Salisbury. "Good standing" shall be defined as:
 - i. Applicant shall not owe delinquent taxes to the City of Salisbury.
 - ii. Applicant shall not have outstanding code violations on any property owned by Applicant within the City of Salisbury.
 - iii. Applicant shall not own a condemned property within the City of Salisbury, unless Applicant has an approved rehabilitation plan for the condemned property.
3. Applicant shall submit an application and rehabilitation plan for approval by the Housing and Community Development and Infrastructure and Development Departments. The rehabilitation plan shall include architectural renderings of the exterior and interior of the Property, and shall certify that the Property contains off-street and/or on-street parking of at least one space per unit.
4. Applicant shall agree to adhere to Federal/State/Local Fair Housing Guidelines/Practices.
5. Applicant shall obtain all permits required to execute the rehabilitation plan and shall comply with all applicable building codes.

E. Program Requirements.

1. Within 12 months from application approval by the Housing and Community Development and Infrastructure and Development Departments, the Applicant shall:
 - i. Compete all terms and conditions of Applicant's rehabilitation plan;
 - ii. Obtain a Certificate of Occupancy; and
 - iii. The Property must be inspected by the Housing and Community Development Department.



City of Salisbury

Jacob R. Day, Mayor

2. The Property must be made available for rent within 12 months following application approval by the Housing and Community Development and Infrastructure and Development Departments.
3. The Property shall be subject to a three (3) year probationary period. During the probationary period, the following additional conditions and requirements apply:
 - i. All units within the Property shall be subject to yearly inspection by the Housing and Community Development Department;
 - ii. The Property owner shall maintain Code and Standards of Livability requirements;
 - iii. There shall be no more than 3 code violations per Property, per year; and
 - iv. There shall be no more than 3 calls for service per Property, per year.
4. No Property shall be vacant for more than a 12-month period following the completion of rehabilitation plan.

F. Costs.

1. There shall be a \$500.00 non-refundable application fee per Property.
2. During the three-year probationary period, Applicant shall pay the following licensing costs:
 - i. \$240.00 per landlord license, per year.
 - ii. \$240.00 per rental unit, per year.
3. At the end of the three-year probationary period, all costs shall return to those then in effect.

G. Violations.

1. Failure to complete the probationary period shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.
2. Violation of any Program Requirement shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.

H. Appeals.

The denial of any application under this chapter may be appealed to the Board of Zoning Appeals. The appeal shall be filed in writing within thirty (30) days of the date of the final decision or denial to the Applicant, state clearly the grounds on which the appeal is based, and be processed in the manner prescribed for hearing administrative appeals under Board of Zoning Appeals rules of procedure.



In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission must hold a Public Hearing on proposed Text Amendments to the Code. The Commission must forward a recommendation (within six (6) months) to the City Council. The City Council must also hold a public hearing before granting final approval to Code Text Amendments (by Ordinance).

III. DISCUSSION:

The proposed zoning amendment will support the mission of the Housing and Community Development Department and City of Salisbury by decreasing the current number of vacant properties and blight in the City of Salisbury. When current vacant properties are converted through the proposed Nonconforming Use Zoning Exemption Program, the surrounding properties and neighborhoods will see an increase in their property value. Additionally, in support of combating the current housing availability crisis experienced across the country and within the City of Salisbury, approval and execution of the proposed program will provide expedient relief for those seeking housing opportunities in Salisbury

IV. PLANNING AND ZONING:

Since the current edition of the Salisbury Zoning Code was written in 1983, the City of Salisbury has seen our population double. Based on US census data, in 1980 our city consisted of 16,280 residents compared to our most recent data in 2020 of 33,050 residents. The City of Salisbury Metro Area realized an increase of an estimated 13.3% from 2010 to 2020 compared to the State of Maryland which increased by 4.9% and the United States by 6.7%. The City of Salisbury is the fastest growing city in Maryland and is experiencing an influx of people looking to live, work and play here. The leadership of the Housing and Community Development Department finds it pertinent that the Planning and Zoning Commission seriously consider approving this amendment to the Zoning code to provide housing opportunities within the City of Salisbury.

V. STAFF RECOMMENDATION:

The Department of Infrastructure and Development recommends that the Planning Commission forward a **FAVORABLE** recommendation to the Mayor and City Council for



the proposed amendment that would inherently permit the **Nonconforming Use Zoning Exemption Program**, as follows:

AMEND SECTION 17.16 Nonconforming Lots, Structures and Uses, by adding the following:

17.16.090 - Nonconforming Use Zoning Exemption Program

A. Purpose.

To assist in the reduction of vacant properties and provide for increased available housing within the City of Salisbury.

B. Definitions.

1. "Applicant" means the owner of a property who submits an application to participate in the Nonconforming Use Zoning Exemption Program.
2. "Program" means the Nonconforming Use Zoning Exemption Program identified in this chapter.
3. "Property" means a residential property subject to the Nonconforming Use Zoning Exemption Program.

C. Criteria for approval—Conditions.

4. The Property must have lost its nonconforming use within 60 months prior to submitting an application under the Program; or
5. The Property must be vacant and the Property's nonconforming use must have substantially ceased for a continuous period of one year.

D. Application Requirements.

6. All applications to participate in the Program must be submitted on or before _____.
7. Applicant shall be in good standing with the City of Salisbury. "Good standing" shall be defined as:



- i. Applicant shall not owe delinquent taxes to the City of Salisbury.
 - ii. Applicant shall not have outstanding code violations on any property owned by Applicant within the City of Salisbury.
 - iii. Applicant shall not own a condemned property within the City of Salisbury, unless Applicant has an approved rehabilitation plan for the condemned property.
8. Applicant shall submit an application and rehabilitation plan for approval by the Housing and Community Development and Infrastructure and Development Departments. The rehabilitation plan shall include architectural renderings of the exterior and interior of the Property, and shall certify that the Property contains off-street and/or on-street parking of at least one space per unit.
9. Applicant shall agree to adhere to Federal/State/Local Fair Housing Guidelines/Practices.
10. Applicant shall obtain all permits required to execute the rehabilitation plan and shall comply with all applicable building codes.

E. Program Requirements.

11. Within 12 months from application approval by the Housing and Community Development and Infrastructure and Development Departments, the Applicant shall:
 - i. Compete all terms and conditions of Applicant's rehabilitation plan;
 - ii. Obtain a Certificate of Occupancy; and
 - iii. The Property must be inspected by the Housing and Community Development Department.
12. The Property must be made available for rent within 12 months following application approval by the Housing and Community Development and Infrastructure and Development Departments.
13. The Property shall be subject to a three (3) year probationary period. During the probationary period, the following additional conditions and requirements apply:
 - i. All units within the Property shall be subject to yearly inspection by the Housing and Community Development Department;
 - ii. The Property owner shall maintain Code and Standards of ASLivability requirements;



City of Salisbury

Jacob R. Day, Mayor

- iii. There shall be no more than 3 code violations per Property, per year; and
 - iv. There shall be no more than 3 calls for service per Property, per year.
14. No Property shall be vacant for more than a 12-month period following the completion of rehabilitation plan.

F. Costs.

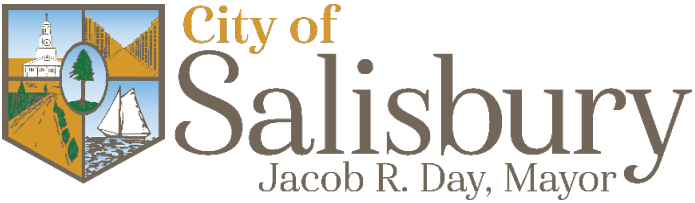
15. There shall be a \$500.00 non-refundable application fee per Property.
16. During the three-year probationary period, Applicant shall pay the following licensing costs:
- i. \$240.00 per landlord license, per year.
 - ii. \$240.00 per rental unit, per year.
17. At the end of the three-year probationary period, all costs shall return to those then in effect.

G. Violations.

18. Failure to complete the probationary period shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.
19. Violation of any Program Requirement shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.

H. Appeals.

The denial of any application under this chapter may be appealed to the Board of Zoning Appeals. The appeal shall be filed in writing within thirty (30) days of the date of the final decision or denial to the Applicant, state clearly the grounds on which the appeal is based, and be processed in the manner prescribed for hearing administrative appeals under Board of Zoning Appeals rules of procedure.



Attachment #1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 17.16 OF THE SALISBURY CITY CODE BY ADDING SUBSECTION 17.16.090 NONCONFORMING USE ZONING EXEMPTION PROGRAM

WHEREAS, housing studies show vacant properties create a large financial burden to the jurisdictions they are located in through an increased number of calls for emergency services, city/town absorbed maintenance costs and lost tax revenue as a result of decreased property values; and

WHEREAS, the Mayor and Council of the City of Salisbury desire to update the Salisbury Municipal Code to adopt a nonconforming use zoning exemption program to reduce vacant properties within the City and create additional housing opportunities; and

WHEREAS, subsection 17.16.040.D of the Salisbury City Code provides “No building, structure or lot where a nonconforming use has substantially ceased for a continuous period of one year, whether or not fixtures or equipment are removed, shall again be put to a nonconforming use”; and

WHEREAS, the City of Salisbury Housing and Community Development Department has identified a number of properties that are vacant because each individual property’s nonconforming use has ceased for more than one year pursuant to subsection 17.16.040.D of the Salisbury City Code; and

WHEREAS, many such property owners have expressed it is not economically feasible to return their properties to single-family homes and, as a result, the properties remain vacant; and

WHEREAS, implementing the Nonconforming Use Zoning Exemption Program will allow such properties to continue as legal nonconforming uses, which may result in positive economic and social effects, including but not limited to eliminating vacant properties and creating additional housing options in the City; and

WHEREAS, the City Housing and Community Development Department therefore proposes the creation of a zoning exemption program to allow properties to regain legal nonconforming use status within strict parameters; and

WHEREAS, the City through the Housing and Community Development Department and the Department of Infrastructure and Development shall develop an Application for participation in the Nonconforming Use Zoning Exemption Program; and



City of Salisbury

Jacob R. Day, Mayor

WHEREAS, the Housing and Community Development Department and the Department of Infrastructure and Development shall review all completed Applications and approve or deny participation in the Nonconforming Use Exemption Program; and

WHEREAS, the procedures and criteria necessary to qualify a property owner for participation in the Nonconforming Use Exemption Program shall be codified in an amendment to Chapter 17.16 of the City of Salisbury Municipal Code

WHEREAS, a Public Hearing on the proposed amendment was held by the Salisbury Planning and Zoning Commission in accordance with the provisions of Chapter 17.16, of Title 17, Zoning, of the Salisbury Municipal Code on [REDACTED]; and

WHEREAS, the Salisbury Planning and Zoning Commission did recommend approval of the proposed text amendment to Section 17.16.090; and

WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the City to allow property owners to regain legal nonconforming use status when specified criteria are met; and

WHEREAS, the Mayor joins with the City Council in recommending the implementation of the Non-conforming Use Exemption Program and application process.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, Maryland, as follows:

Section 1. Chapter 17.16 of the City of Salisbury Municipal Code, entitled “Nonconforming Lots, Structures and Uses” be and hereby is amended by adding a new subsection to Chapter 17.16, titled “Nonconforming Use Zoning Exemption Program”, as follows:

CHAPTER 17.16.090 - NONCONFORMING USE ZONING EXEMPTION PROGRAM

A. Purpose.

To assist in the reduction of vacant properties and provide for increased available housing within the City of Salisbury.

B. Definitions.

1. "Applicant" means the owner of a property who submits an application to participate in the Nonconforming Use Zoning Exemption Program.
2. "Program" means the Nonconforming Use Zoning Exemption Program identified in this chapter.
3. "Property" means a residential property subject to the Nonconforming Use Zoning Exemption Program.



City of Salisbury

Jacob R. Day, Mayor

C. Criteria for approval—Conditions.

1. The Property must have lost its nonconforming use within 60 months prior to submitting an application under the Program; or
2. The Property must be vacant and the Property's nonconforming use must have substantially ceased for a continuous period of one year.

D. Application Requirements.

1. All applications to participate in the Program must be submitted on or before [REDACTED].
2. Applicant shall be in good standing with the City of Salisbury. "Good standing" shall be defined as:
 - i. Applicant shall not owe delinquent taxes to the City of Salisbury.
 - ii. Applicant shall not have outstanding code violations on any property owned by Applicant within the City of Salisbury.
 - iii. Applicant shall not own a condemned property within the City of Salisbury, unless Applicant has an approved rehabilitation plan for the condemned property.
3. Applicant shall submit an application and rehabilitation plan for approval by the Housing and Community Development and Infrastructure and Development Departments. The rehabilitation plan shall include architectural renderings of the exterior and interior of the Property, and shall certify that the Property contains off-street and/or on-street parking of at least one space per unit.
4. Applicant shall agree to adhere to Federal/State/Local Fair Housing Guidelines/Practices.
5. Applicant shall obtain all permits required to execute the rehabilitation plan and shall comply with all applicable building codes.

E. Program Requirements.

1. Within 12 months from application approval by the Housing and Community Development and Infrastructure and Development Departments, the Applicant shall:
 - i. Compete all terms and conditions of Applicant's rehabilitation plan;
 - ii. Obtain a Certificate of Occupancy; and
 - iii. The Property must be inspected by the Housing and Community Development Department.
2. The Property must be made available for rent within 12 months following application approval by the Housing and Community Development and Infrastructure and Development Departments.
3. The Property shall be subject to a three (3) year probationary period. During the probationary period, the following additional conditions and requirements apply:
 - i. All units within the Property shall be subject to yearly inspection by the Housing and Community Development Department;



City of Salisbury

Jacob R. Day, Mayor

- ii. The Property owner shall maintain Code and Standards of Livability requirements;
 - iii. There shall be no more than 3 code violations per Property, per year; and
 - iv. There shall be no more than 3 calls for service per unit located on the Property, per year.
4. No Property shall be vacant for more than a 12-month period following the completion of rehabilitation plan.

F. Costs.

1. There shall be a \$500.00 non-refundable application fee per Property.
2. During the three-year probationary period, Applicant shall pay the following licensing costs:
 - i. \$240.00 per landlord license, per year.
 - ii. \$240.00 per rental unit, per year.
3. At the end of the three-year probationary period, all costs shall return to those then in effect.

G. Violations.

1. Failure to complete the probationary period shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.
2. Violation of any Program Requirement shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.

H. Appeals.

The denial of any application under this chapter may be appealed to the Board of Zoning Appeals. The appeal shall be filed in writing within thirty (30) days of the date of the final decision or denial to the Applicant, state clearly the grounds on which the appeal is based, and be processed in the manner prescribed for hearing administrative appeals under Board of Zoning Appeals rules of procedure.

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 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.



City of
Salisbury
Jacob R. Day, Mayor

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 from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 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 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

Attachment #2

I. Purpose of Program

- a. The City of Salisbury Housing and Community Development department has identified a number of properties currently sitting vacant due to the properties losing their non-conforming use exemption. Property owners who learned about the loss of the non-conforming exemption after purchasing the property have found that they are not worth the return on investment to rehabilitate as a single-family home. As a solution to eliminate these vacant properties and have the home rehabilitated to create additional housing options in the city HCDD is proposing a Special Zoning Exemption Program that would allow for the properties to regain their Non-Conforming Use with a strict set of Parameters. All housing studies show vacant properties create a large financial burden to the jurisdictions they are located in through an increased number of calls for emergency services, city/town absorbed maintenance cost and lost tax revenue as a result of decreased property values. By instituting the Special Zoning Exemption Program, the City of Salisbury believes we will see private investment in vacant properties, increased property values, increased tax revenue, and an increase in neighborhood stability.

II. Residential Property Qualifications

- a. Vacant residential properties (1 year or more) that have lost their non-conforming use exemption; or
- b. Any residential property that has lost its non-conforming use exemption within the last 5 years or 60 Months

III. Application Requirements

- a. Application must be submitted within 12 months following program approval from City Council
- b. Property owners must be in good standing with the City of Salisbury. Good standing shall be defined as;
 - i. No outstanding delinquent taxes
 - ii. No outstanding code violations
 - iii. No condemned properties w/o approved rehab plans



City of Salisbury

Jacob R. Day, Mayor

- c. Complete rehabilitation plan for review by Housing and Community Development and Infrastructure and Development Departments
 - i. *Architectural renderings of exterior and interior*
- d. Off-street parking plan
 - i. *Minimum of one parking space per unit*
 - 1. *On-Site*
 - 2. *Off-Site (Parking lot or garage pass)*
- e. Agreement to adhere to Federal/State/Local Fair Housing Guidelines/Practices

V. Program Property Operational Requirements

- a. Rehabilitation plan must be completed and rental units available within 12 months from HCDD approval
 - i. *Applicable Permits required for rehabilitation (DID)*

VI. Program Property Operational Requirements continued

- a. Probational period of three (3) years
 - i. Property units subject to yearly inspection
 - ii. Must maintain Code and Standards of Livability requirements
 - iii. Must maintain minimal Code Violations
 - 1. Maximum of three (3) per year
 - iv. Must maintain minimal calls for service (PD)
 - 1. Maximum of three (3) per year, per unit

VII. Program Cost

- a. Application Fee
 - i. \$500.00 non-refundable application fee
- b. Probational period landlord license and rental unit cost
 - i. 240.00 per landlord license, per year
 - 1. Zoning exemption landlord license require
 - ii. \$240.00 per rental unit, per year
 - iii. License fees after completion of probational period
 - 1. Landlord license cost
 - a. Fee approved by Council at completion of probation
(Current \$75.00)
 - 2. Rental unit license cost
 - a. Fee approved by Council at completion of probation
(Current \$75.00)



City of
Salisbury
Jacob R. Day, Mayor

VIII. Program Violations

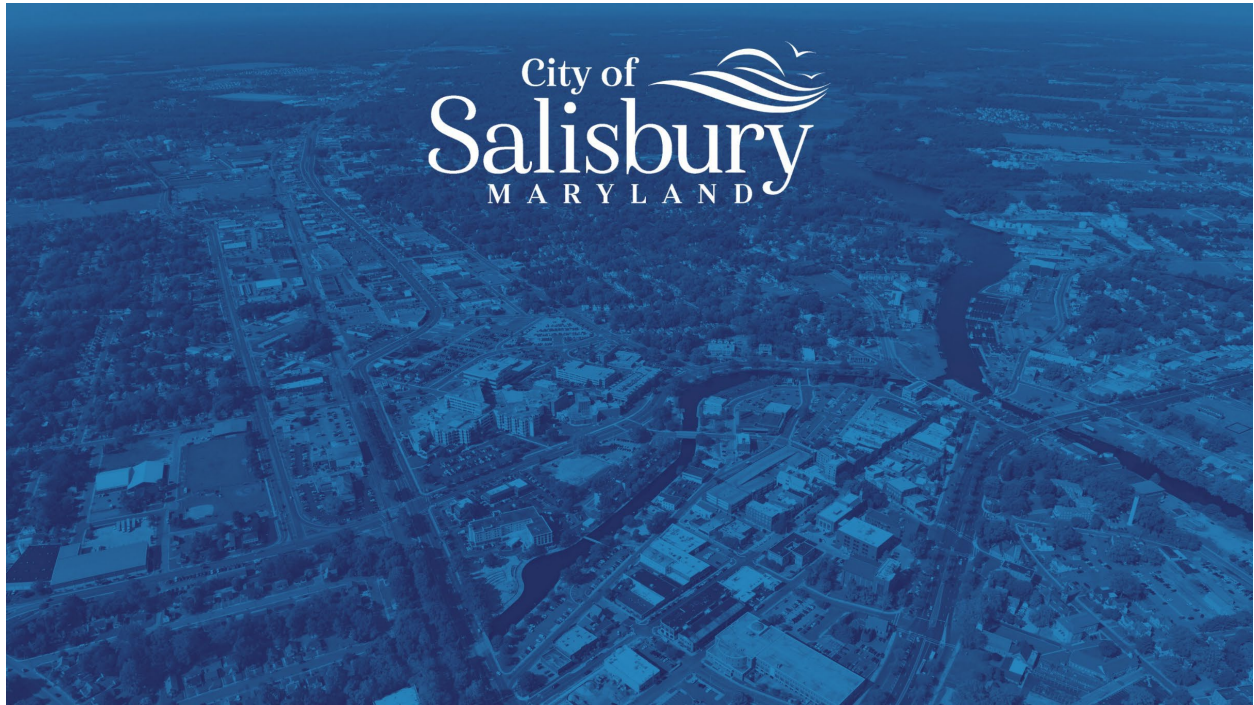
- a. Participating properties cannot be vacant for more than a 12-month period following the completion of rehabilitation plan
 - i. Should any property violate this stipulation, it will result in the loss of non-conforming use status pursuant to the City of Salisbury zoning code
- b. Rehabilitation of property taking longer than 12 months from approval will have licenses revoked
- c. The Housing and Community Development department reserves the right to revoke the licenses of any property participating in the Non-conforming Use Zoning Exemption Program for violating any of the probation period requirements



City of Salisbury

Jacob R. Day, Mayor

Attachment # 3





Zoning Code - 17.16.040 - Nonconforming Uses

- A. A "nonconforming use" is a use which legally exists at the effective date of adoption or amendment of this title but that does not comply with the use regulations of the district in which it is located. Such nonconforming use may consist of a nonconforming use of land, a nonconforming use of a structure or a nonconforming use of land and a structure.
- B. A nonconforming use may continue so long as it otherwise remains lawful.
- C. A nonconforming use may not be changed to another nonconforming use, extended or enlarged without approval of the board of zoning appeals in accordance with Article II of this chapter.
- D. *No building, structure or lot where a nonconforming use has substantially ceased for a continuous period of one year, whether or not fixtures or equipment are removed, shall again be put to a nonconforming use.*

Special Exemption Program Objectives

Increase in the following :

- *Property Value*
- *Tax Revenue*
- *Neighborhood Stability*
- *Housing*
- *Program Revenue*

Decrease in the following:

- *Calls for Service (Crime and Vandalism)*
- *Blight*
- *Vacant Properties*
- *City absorbed maintenance expense*





City of Salisbury

Jacob R. Day, Mayor

Special Exemption Program Eligibility Requirements

- Vacant Property (1 year or more) that has lost its non-conforming use or;
- Any Property that has lost its non-conforming use within the last 5 years (60 Months)
- Application must be submitted within 12 months following program approval from City Council
 - Program is renewable by City Council after initial 12 month period
- Property owners must be in good standing with the City of Salisbury. Good standing shall be defined as:
 - No Delinquent Taxes
 - No Outstanding Code Violations
 - No Condemned Properties w/o approved rehab plans



Special Exemption Program Application Process

- Property owner Application Includes:
 - Rehabilitation plan for review by Housing and Community Development and Infrastructure and Development Departments
 - Architectural renderings
 - Historical and current proof of property reinvestment
 - Plans for adequate off-street parking
 - One parking space per unit
 - On-Site
 - Off-Site (Parking lot or garage pass)
 - Agreement to adhere to Federal/State/Local Fair Housing Guidelines/Practices





City of
Salisbury
Jacob R. Day, Mayor

Special Exemption Program Terms

- Rehabilitation plan must be completed and rental units available within 12 months from HCDD approval
 - Applicable Permits required for rehabilitation (DID)
- Probational period of three (3) years
 - Property units subject to yearly inspection
 - Must maintain Code and Standards of Livability requirements
 - Must maintain minimal Code Violations, Three (3) per year
 - Must maintain minimal Calls for Service (PD), Three (3) per year
- Probational period landlord license and rental unit cost
 - \$240.00 per landlord license per year
 - \$240.00 per rental unit per year
 - After probation period is successfully completed, the rental licensing renewal fees return to the approved by City Council
- Property cannot be vacant for more than a 12 month period following the completion of rehabilitation plan. Should said property violate this stipulation, it will result in the loss of non-conforming use status per Salisbury Zoning Code



299 Locust Ter.



ORDINANCE NO. 2690

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 17.16 OF THE SALISBURY CITY CODE BY ADDING SUBSECTION 17.16.090 NONCONFORMING USE ZONING EXEMPTION PROGRAM

WHEREAS, housing studies show vacant properties create a large financial burden to the jurisdictions they are located in through an increased number of calls for emergency services, city/town absorbed maintenance costs and lost tax revenue as a result of decreased property values; and

WHEREAS, the Mayor and Council of the City of Salisbury desire to update the Salisbury Municipal Code to adopt a nonconforming use zoning exemption program to reduce vacant properties within the City and create additional housing opportunities; and

WHEREAS, subsection 17.16.040.D of the Salisbury City Code provides “No building, structure or lot where a nonconforming use has substantially ceased for a continuous period of one year, whether or not fixtures or equipment are removed, shall again be put to a nonconforming use”; and

WHEREAS, the City of Salisbury Housing and Community Development Department has identified a number of properties that are vacant because each individual property's nonconforming use has ceased for more than one year pursuant to subsection 17.16.040.D of the Salisbury City Code; and

WHEREAS, many such property owners have expressed it is not economically feasible to return their properties to single-family homes and, as a result, the properties remain vacant; and

WHEREAS, implementing the Nonconforming Use Zoning Exemption Program will allow such properties to continue as legal nonconforming uses, which may result in positive economic and social effects, including but not limited to eliminating vacant properties and creating additional housing options in the City; and

WHEREAS, the City Housing and Community Development Department therefore proposes the creation of a zoning exemption program to allow properties to regain legal nonconforming use status within strict parameters; and

WHEREAS, the City through the Housing and Community Development Department and the Department of Infrastructure and Development shall develop an Application for participation in the Nonconforming Use Zoning Exemption Program; and

WHEREAS, the Housing and Community Development Department and the Department of Infrastructure and Development shall review all completed Applications and approve or deny participation in the Nonconforming Use Exemption Program; and

1 WHEREAS, the procedures and criteria necessary to qualify a property owner for
2 participation in the Nonconforming Use Exemption Program shall be codified in an amendment to
3 Chapter 17.16 of the City of Salisbury Municipal Code

4 WHEREAS, a Public Hearing on the proposed amendment was held by the Salisbury
5 Planning and Zoning Commission in accordance with the provisions of Chapter 17.16, of Title 17,
6 Zoning, of the Salisbury Municipal Code on September 16, 2021; and

7 WHEREAS, the Salisbury Planning and Zoning Commission did recommend approval of
8 the proposed text amendment to Section 17.16.090; and
9

10 WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the
11 City to allow property owners to regain legal nonconforming use status when specified criteria are
12 met; and

13 WHEREAS, the Mayor joins with the City Council in recommending the implementation
14 of the Non-conforming Use Exemption Program and application process.

15 NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury,
16 Maryland, as follows:

17 Section 1. Chapter 17.16 of the City of Salisbury Municipal Code, entitled
18 “Nonconforming Lots, Structures and Uses” be and hereby is amended by adding a new subsection
19 to Chapter 17.16, titled “Nonconforming Use Zoning Exemption Program”, as follows:

20 **CHAPTER 17.16.090 - NONCONFORMING USE ZONING EXEMPTION PROGRAM**

21 **A. Purpose.**

22 To assist in the reduction of vacant properties and provide for increased available housing
23 within the City of Salisbury.

24 **B. Definitions.**

- 25 1. "Applicant" means the owner of a property who submits an application to
26 participate in the Nonconforming Use Zoning Exemption Program.
27 2. “Program” means the Nonconforming Use Zoning Exemption Program identified
28 in this chapter.
29 3. “Property” means a residential property subject to the Nonconforming Use Zoning
30 Exemption Program.

31 **C. Criteria for approval—Conditions.**

- 32 1. The Property must have lost its nonconforming use within 60 months prior to
33 submitting an application under the Program; or
34 2. The Property must be vacant and the Property’s nonconforming use must have
35 substantially ceased for a continuous period of one year.

1 **D. Application Requirements.**

- 2 1. All applications to participate in the Program must be submitted on or before
- 3 [REDACTED].
- 4 2. Applicant shall be in good standing with the City of Salisbury. “Good standing”
- 5 shall be defined as:
- 6 i. Applicant shall not owe delinquent taxes to the City of Salisbury.
- 7 ii. Applicant shall not have outstanding code violations on any property owned
- 8 by Applicant within the City of Salisbury.
- 9 iii. Applicant shall not own a condemned property within the City of Salisbury,
- 10 unless Applicant has an approved rehabilitation plan for the condemned
- 11 property.
- 12 3. Applicant shall submit an application and rehabilitation plan for approval by the
- 13 Housing and Community Development and Infrastructure and Development
- 14 Departments. The rehabilitation plan shall include architectural renderings of the
- 15 exterior and interior of the Property, and shall certify that the Property contains off-
- 16 street and/or on-street parking of at least one space per unit.
- 17 4. Applicant shall agree to adhere to Federal/State/Local Fair Housing
- 18 Guidelines/Practices.
- 19 5. Applicant shall obtain all permits required to execute the rehabilitation plan and
- 20 shall comply with all applicable building codes.

21

22 **E. Program Requirements.**

- 23 1. Within 12 months from application approval by the Housing and Community
- 24 Development and Infrastructure and Development Departments, the Applicant
- 25 shall:
- 26 i. Compete all terms and conditions of Applicant’s rehabilitation plan;
- 27 ii. Obtain a Certificate of Occupancy; and
- 28 iii. The Property must be inspected by the Housing and Community
- 29 Development Department.
- 30 2. The Property must be made available for rent within 12 months following
- 31 application approval by the Housing and Community Development and
- 32 Infrastructure and Development Departments.
- 33 3. The Property shall be subject to a three (3) year probationary period. During the
- 34 probationary period, the following additional conditions and requirements apply:
- 35 i. All units within the Property shall be subject to yearly inspection by the
- 36 Housing and Community Development Department;
- 37 ii. The Property owner shall maintain Code and Standards of Livability
- 38 requirements;
- 39 iii. There shall be no more than 3 code violations per Property, per year; and
- 40 iv. There shall be no more than 3 calls for service per unit located on the
- 41 Property, per year.
- 42 4. No Property shall be vacant for more than a 12-month period following the
- 43 completion of rehabilitation plan.

44 **F. Costs.**

- 45 1. There shall be a \$500.00 non-refundable application fee per Property.

- 1 2. During the three-year probationary period, Applicant shall pay the following
2 licensing costs:
3 i. \$240.00 per landlord license, per year.
4 ii. \$240.00 per rental unit, per year.
5 3. At the end of the three-year probationary period, all costs shall return to those then
6 in effect.

7 **G. Violations.**

- 8 1. Failure to complete the probationary period shall result in the Property's loss of its
9 legal nonconforming use status pursuant to the Program.
10 2. Violation of any Program Requirement shall result in the Property's loss of its legal
11 nonconforming use status pursuant to the Program.

12 **H. Appeals.**

13 The denial of any application under this chapter may be appealed to the Board of Zoning
14 Appeals. The appeal shall be filed in writing within thirty (30) days of the date of the
15 final decision or denial to the Applicant, state clearly the grounds on which the appeal is
16 based, and be processed in the manner prescribed for hearing administrative appeals
17 under Board of Zoning Appeals rules of procedure.

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

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

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

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

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

31
32
33 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of
34 Salisbury held on the 11th day of October, 2021 and thereafter, a statement of the substance of the
35 ordinance having been published as required by law, in the meantime, was finally passed by the
36 Council on the ____ day of _____, 2021.

37
38 ATTEST:
39

1
2
3
4
5
6
7
8
9
10
11

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

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

Jacob R. Day, Mayor



MEMORANDUM

To: Julia Glanz, City Administrator
From: John W. Tull, Fire Chief
Subject: FY22 Budget Amendment – Safe Station
Date: September 20, 2021

Attached you will find a FY22 Budget Amendment Ordinance and a Memorandum of Understanding (MOU) between the Wicomico County Health Department and the City of Salisbury Fire Department. The Wicomico County Health Department has received funding from Mid-Shore Behavioral Health for a Safe Station Program that provides 24 hour services to those seeking treatment and recovery resources. Safe Stations is an innovative program that helps remove barriers to treatment for members of our community who are eager to recover from a substance use disorder. Persons seeking treatment for addiction can visit the Recovery Resource Center, day or night, to find assistance gaining access to care. Once they arrive at the Safe Station a peer from the COAT team will be contacted, as well as an EMS response. The goal of the Safe Station is to help people with linkage to treatment and recovery services by allowing them to practice self-determination.

The Fire Department has partnered with the Health Department and agreed to provide non-emergent medical checks to all individuals that enter the Safe Station and in return, the Department will invoice the Health Department quarterly for \$2500.00. The funds from this program will be used to purchase additional medical supplies and equipment.

If you should have any questions or comments, please do not hesitate to contact me.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

ORDINANCE NO. 2691

AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE WICOMICO COUNTY HEALTH DEPARTMENT AND APPROVING A BUDGET AMENDMENT OF THE FY2022 GENERAL FUND BUDGET TO APPROPRIATE FUNDS RECEIVED FROM THE WICOMICO COUNTY HEALTH DEPARTMENT IN THE AMOUNT OF \$10,000.00.

WHEREAS, the funds have been provided by the Wicomico County Health Department (“**WiCHD**”), in conjunction with Mid-Shore Behavioral Health, Inc., for a Safe Station Program (“**Safe Station**”); and

WHEREAS, Safe Station is an innovative program that helps remove barriers to treatment for members of our community who are eager to recover from a substance use disorder; and

WHEREAS, the goal of Safe Station is to help people with linkage to treatment and recovery services by allowing them to practice self-determination; and

WHEREAS, the City of Salisbury Fire Department will provide non-emergent medical checks to all individuals that enter the Safe Station; and

WHEREAS, the City of Salisbury must enter into a Memorandum of Understanding with the Wicomico County Health Department defining how these funds must be expended; and

WHEREAS, the accepted funds shall be used to purchase additional emergency medical supplies and equipment; and

WHEREAS, both the Fire Chief and the Mayor have recommended that the City accept the monetary donation and allocate the funds to the Fire Department’s FY2022 Operating Budget; 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 Memorandum of Understanding with the Community Foundation of the Eastern Shore to accept funds in the amount of \$10,000.00.

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 General Fund WiCHD Reimbursements account (01000-427301) by \$10,000.00.

(b) Increase Fire Department Expenditure Medical account (24035-546016) by \$10,000.00.

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.

Section 4.

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.

Section 5.

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 5.

Section 6.

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

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 11th day of October, 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