



CITY OF SALISBURY

CITY COUNCIL AGENDA

NOVEMBER 14, 2022

6:00 p.m.

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

Times shown for agenda items are estimates only.

- 6:00 p.m. CALL TO ORDER
- 6:01 p.m. WELCOME/ANNOUNCEMENTS/PLEDGE
- 6:02 p.m. CITY INVOCATION- Rev. Dr. Maggie Gillespie, Wicomico Presbyterian Church
- 6:04 p.m. PROCLAMATIONS- Mayor Jacob R. Day
- National Runaway Prevention Month
 - National Epilepsy Month
- 6:14 p.m. PRESENTATION- Edward S. Lee, Realtor
- Financial Literacy
- 6:29 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:30 p.m. CONSENT AGENDA- City Clerk Kimberly Nichols
- **October 3, 2022** Work Session Minutes
 - **October 3, 2022** Closed Session Minutes (emailed separately)
 - **October 10, 2022** Council Meeting Minutes
 - **October 17, 2022** Work Session Minutes
 - **October 24, 2022** Council Meeting Minutes
 - **November 7, 2022** Work Session Minutes
 - **Resolution No. 3197**- to approve the appointment of Jon Wilson to the Parks & Recreation Committee for term ending November 2025
- 6:34 p.m. AWARD OF BIDS- Procurement Director Jennifer Miller
- ITB A-23-106 Multi-function Copier Lease Agreement \$213,960.00 (5 yr. term)
- 6:34 p.m. ORDINANCES- City Attorney Ashley Bosche

- **Ordinance No. 2746-** 2nd reading- approving a budget amendment of the FY2023 General Fund Budget and Water and Sewer Fund Budget to appropriate funds to the Operating Budget of the Department of Field Operations and the Operating Budget of the Department of Water Works
- **Ordinance No. 2751-** 2nd reading- approving a budget amendment of the FY2023 General Fund Budget to appropriate funds to customize Salisbury Police Department vehicles with proper police equipment
- **Ordinance No. 2752-** 2nd reading- approving an amendment to the General Fund Budget reflecting the acceptance of grant funds from the State of Maryland, Governor's Office of Crime Control and Prevention and further appropriating such funds to purchase "EZ Child ID - Complete EZ Turnkey System."
- **Ordinance No. 2753-** 2nd reading- authorizing the Mayor to appropriate additional funds for the Paleo Well # 3 project
- **Ordinance No. 2754-** 2nd reading- approving an amendment to the General Capital Project Fund Budget to appropriate additional funds required for construction of the Zoo Administration Building
- **Ordinance No. 2755-** 2nd reading- approving an amendment of the FY2023 General Fund Budget to appropriate additional funds required for Field Operations
- **Ordinance No. 2756-** 1st reading- amending Title 5 of the Salisbury City Code, Business Licenses and Regulations, to prohibit retail establishments from providing plastic carryout bags to customers
- **Ordinance No. 2757-** 1st reading- approving a budget amendment of the FY2023 General Fund Budget to appropriate funds to the Salisbury Fire Department's Operating Account

7:05 p.m. PUBLIC COMMENTS

7:10 p.m. ADMINISTRATION and COUNCIL COMMENTS

7:15 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 – NOVEMBER 28, 2022

- **Ordinance No. 2756-** 2nd reading- amending Title 5 of the Salisbury City Code, Business Licenses and Regulations, to prohibit retail establishments from providing plastic carryout bags to customers
- **Ordinance No. 2757-** 2nd reading- approving a budget amendment of the FY2023 General Fund Budget to appropriate funds to the Salisbury Fire Department's Operating Account
- Ordinance No. _ - 1st reading- budget amendment for MDFF
- Ordinance No. _ - 1st reading- budget amendment accepting funds for the Zoo Bear Exhibit

Join Zoom Meeting

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

Meeting ID: 881 8617 2560

Phone: 1.301.715.8592

CITY OF SALISBURY
WORK SESSION
OCTOBER 3, 2022

Public Officials Present

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

Mayor Jacob R. Day
Councilwoman Angela M. Blake
Councilwoman Michele Gregory

In Attendance

Deputy City Administrator Andy Kitzrow, Fire Chief John Tull, Deputy Chief Chris O’Barsky, Field Operations Director Jana Potvin, Police Chief Barbara Duncan, City Clerk Kimberly Nichols, Attorney Ashley Bosche, and members of the public.

On October 3, 2022 the Salisbury City Council convened at 4:30 p.m. in a hybrid Work Session in Council Chambers and on Zoom Conferencing Video.

Amendment to the FY2023 General Fund Budget to provide funds for the red-light camera administration

Police Chief Barbara Duncan presented the budget amendment for the administration of the red-light cameras, which would be \$239,000 for the fiscal year and covered by the revenue from the program. Each citation under the program would be approximately \$75. Out of that \$48.50 would go to the City and \$26.50 for administration of the program.

When requested clarification of the costs by Mr. Boda, Chief Duncan reported the \$239,000 was what the costs would be for the fiscal year. The revenues generated during the fiscal year would cover that cost. Ms. Blake inquired about the timeline, and Chief Duncan said the company would first assess the intersections, and then install the equipment. She would get a better idea once the company completed the assessment.

President Heath inquired about the intersections. Chief Duncan said the company would evaluate each of the ten intersections to determine the number of violations that occurred and whether or not the intersections were sustainable based on the number of violations.

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

Budget Amendment to accept grant funds from Wicomico County Circuit Court and associated funds for overtime pay of SPD officers

Chief Duncan reported the ordinance was in conjunction with the Drug Court Program in Wicomico County. The program was awarded \$5,000 and the City would pay a partial

match of \$4,400. It The Police Department fully supported the program, and the grant covered police officer overtime and fringe.

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

Budget Amendment of the FY2023 General Fund Budget and Water and Sewer Enterprise Fund Budget to appropriate funds to the Department of Field Operations (FOps) and Department of Water Works Operating Budgets

Field Operations (FOps) Director Jana Potvin explained the difficulties the City was experiencing recruiting and retaining employees with CDLs in both Field Operations and Water Works. In one month alone FOps lost four CDL drivers from one division. In order to recruit and retain individuals with CDLs, the suggestion was to fund an incentive program. The amount of \$96,400 would move from Field Operations -Surplus into a Bonus Salary line item and \$71,800 for Water Works for the bonus. \$2000 bonus would be paid for individuals with a Class B and \$2,500 for those with a Class A

Ms. Jackson asked why the four drivers left and Ms. Potvin said it was to earn more-about \$10 more per hour. Mr. Boda thought if the City was giving bonuses and paying for them to get their CDL, they would likely just leave after getting certification for more pay and asked if the bonus was enough. Ms. Potvin was not certain of the answer.

Ms. Blake asked if the transfer was allocated for the bonuses and training for each individual needing a CDL for the job, and Ms. Potvin answered in the affirmative. FOps needed about 40 individuals with their CDL, and Water Works needed 35.

Mayor Day reported that in FY22 \$426,000 was drawn from the Unassigned Fund Balance, which was a fairly small amount compared to most years. As far as how FY23 currently stood, it looked like less than that would be the total use of surplus. Although they anticipated using \$2.2 million, it looked like it would be \$300,000 which would be a \$1.9 million savings in the Unassigned Fund Balance. The Unassigned Fund Balance position was currently \$16.7 million, which was higher than recent years. This was close to four months of operating cash. The City's policy was to have at least three months. The target range was four months and the GFOA was two months. Current previous fiscal year Unassigned Fund Balance would have been \$12.6 million, so we were better than last year. A lot of the budget amendments were ARP money.

President Heath remarked this would impact FOps and Water Works in the short term and if was successful, would attract and retain CDL drivers. If unsuccessful, the City would have to re-group.

After discussion on compensation pay, Council reached consensus to advance the budget amendment to legislative agenda. Ms. Blake was not supported in her motion to table the discussion so further questions could be asked to get a broader respective of salaries.

Amendment to Chapter 1.16 of the Salisbury City Code, entitled “Infractions and Civil Zoning Violations”, to grant authority to issue citations for municipal infractions or civil zoning violations to the City’s Deputy Fire Marshall and Fire Inspector

Deputy Chief Chris O’Barsky reported the Fire Department recently filled a Deputy Fire Marshall position and realized they needed to add the position and the Fire Inspector position to the ordinance to grant them the authority to issue citations for municipal infractions or civil zoning violations.

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

Ordinance authorizing the Mayor to enter into a contract with the Community Foundation for the purpose of accepting grant funds in the amount of \$2,500 and to approve a budget amendment to appropriate those funds for the Salisbury-Wicomico Integrated Firstcare Team (SWIFT)

Deputy Chief O’Barsky reported the Fire Department was requesting the approval of grant funds in the amount of \$2,500 from the Community Foundation of the Eastern Shore to continue supporting SWIFT in their mission to provide medical transport for patients who were otherwise unable to attend necessary medical appointments.

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

Budget Amendment of the FY2023 General Fund Budget to appropriate funds to the Salisbury Fire Department’s Operating Budget

Deputy Chief O’Barsky explained the Fire Department was requesting the approval of a budget amendment in the amount of \$17,205 for proceeds received from the auction sale of an International Telestar Horton ambulance.

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

Administration and Council Comments

Mayor Day reported on another community build on October 15th at Anne Street Village. This would be a painting day. Come and bring your friends and be prepared to paint!

Ms. Blake asked for anyone healthy enough to please donate blood. Since Hurricane Ian, there has only been a one-day supply of blood.

Ms. Gregory reminded everyone to get their Covid booster.

President Heath concurred with Ms. Blake to donate blood if healthy enough. There would be a lot of rain and wind tonight, so please tie things down.

Motion to convene in Closed Session

At 5:16 p.m. President Heath called for a motion to convene in Closed Session to discuss a matter directly related to a negotiating strategy, or the contents of a bid or proposal, in accordance with the Annotated Code of Maryland §3-305(b)(14).

Ms. Jackson moved, Mr. Boda seconded and the vote was unanimous to convene in Closed Session.

Convene in Open Session/Adjournment

At 5:22 p.m. Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to adjourn the Closed Session and convene in Open Session.

Council convened in Open Session and President Heath reported that Council had just come out of Closed Session. The topic of discussion was a contract sale.

With no further business to discuss, President Heath adjourned the Work Session at 5:23 p.m.

City Clerk

Council President

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

OCTOBER 10, 2022

PUBLIC OFFICIALS PRESENT

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

*Council Vice-President Muir Boda (Zoom)
Councilwoman Michele Gregory (Zoom)*

PUBLIC OFFICIALS ABSENT

*Mayor Jacob R. Day
Councilwoman April Jackson*

IN ATTENDANCE

Deputy City Administrator Andy Kitzrow, Field Operations Deputy Director Sam Ireland, Fire Chief John Tull, Deputy Chief Chris O’Barsky, Secretary of Kindness Grace Murdock, Police Chief Barbara Duncan, Executive Administrative Assistant Jessica Turner, Mayor’s Office Intern Ayotomiwa “Tommy” Fashola, City Attorney Ashley Bosche, City Clerk Kim Nichols, and members of the public

CITY INVOCATION – PLEDGE OF ALLEGIANCE

The City Council met in regular session at 6:00 p.m. via Zoom and in person. Council President John R. “Jack” Heath called the meeting to order. After the recital of the pledge to the flag, Pastor Greg Morris of the Parkway Church of God provided the invocation.

PRESENTATION- Kindness Update

Secretary of Kindness Grace Murdock reported on the yearlong activities that Kindness SBY participated in, which included the following: packed goody bags for MAC, helped pick up trash, spoke to people at the Ward Museum about the Kindness Rocks Project which impacted about 150 people, gave chicks and bunnies to the clients and staff at Dove Pointe, directed Kindness Rocks and Smiles banner for completion by Third Friday attendees, honored two years of teachers for Teacher of the Year, welcomed home Mayor Day, helped pack boxes for the troops, witnessed the Pride Flag being raised, donated art supplies to the Newton Street Project, supported the National Night Outs, welcomed students and teachers back to school, committed to Adopt A School, ensured all the high schools and Choice Academy received the Kindness Rocks and Smiles project, headed the Celebrate Diversity Book Campaign, supported Jay Copeland for the concert he gave, honored by Dr. Hanlin in her outgoing State of the Schools, received a Friend of Education Award for the Adopt A School Program, and so much more. The Dance for Kindness would be held on November 13, 2022 at the Amphitheatre from 1:00 pm to 4:00 pm.

ADOPTION OF LEGISLATIVE AGENDA

Ms. Blake moved, Mr. Boda seconded, and the vote was unanimous (4-0) to approve the legislative agenda as presented.

CONSENT AGENDA- presented by City Clerk Kimberly Nichols

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

- **Resolution No. 3190**- to approve the appointment of Don Brady to the Youth Development Advisory Committee for term ending October 2025
- **Resolution No. 3191**- to approve the appointment of Leonard Arvi to the Sustainability Advisory Committee (Green Team) for term ending September 2025

RESOLUTION- presented by Deputy City Administrator Andy Kitzrow

- **Resolution No. 3192**- to authorize the Mayor to enter into a land disposition agreement with Avery W Hall Insurance Agency, Inc. setting forth terms and conditions governing the sale of 322-328 East Main Street, Salisbury, MD

Mr. Boda moved, Ms. Blake seconded, and the vote was unanimous to approve Resolution No. 3192.

ORDINANCES- presented by City Attorney Ashley Bosche

- **Ordinance No. 2742**- 2nd reading- budget amendment to appropriate additional funds for fuel and emergency repairs at the Marina

Ms. Gregory moved, Ms. Blake seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2742 for second reading.

- **Ordinance No. 2743**- 2nd reading- accepting grant funds for the Homeless Services Case Specialist Position

Ms. Blake moved, Mr. Boda seconded, and the vote was unanimous to approve Ordinance No. 2743 for second reading.

- **Ordinance No. 2744**- 1st reading- approving an amendment of the City's FY2023 General Fund Budget to provide funds for red light camera administration

Mr. Boda moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2744 for first reading.

- **Ordinance No. 2745**- 1st reading- approving an amendment to the General Fund Budget reflecting the acceptance of grant funds from the Wicomico County Circuit Court and further appropriating funds for overtime pay of officers of the Salisbury Police Department

Mr. Boda moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2745 for first reading.

- **Ordinance No. 2746-** 1st reading- approving a budget amendment of the FY2023 General Fund Budget and Water and Sewer Fund Budget to appropriate funds to the Operating Budget of the Department of Field Operations and the Operating Budget of the Department of Water Works

Mr. Boda moved to table Ordinance No. 2746 per Administration's request, to the next meeting. Ms. Gregory seconded the motion, which was unanimously approved.

- **Ordinance No. 2747-** 1st reading- approving a budget amendment of the FY2023 General Fund Budget to appropriate funds to the Salisbury Fire Department's Operating Budget

Mr. Boda moved, Ms. Blake seconded, and Ordinance No. 2747 for first reading was approved by unanimous vote in favor.

- **Ordinance No. 2748-** 1st reading- to amend Chapter 1.16 of the Salisbury City Code, entitled "Infractions and Civil Zoning Violations", to grant authority to issue citations for municipal infractions or civil zoning violations to the City's Deputy Fire Marshal and Fire Inspector

Mr. Boda moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2748 for first reading.

- **Ordinance No. 2749-** 1st reading- authorizing the Mayor to enter into a contract with the Community Foundation of the Eastern Shore for the purpose of accepting grant funds in the amount of \$2,500, and to approve a budget amendment to appropriate those grant funds for the Salisbury-Wicomico Integrated Firstcare Team (SWIFT)

Ms. Blake moved, Mr. Boda seconded, and the vote was unanimous to approve Ordinance No. 2749 for first reading.

PUBLIC COMMENTS

There were no requests for public comments.

ADMINISTRATION AND COUNCIL COMMENTS

Mr. Kitzrow reported another community day would be held at Anne Street Village on Saturday, October 15th. The 150th Anniversary of the Salisbury Fire Department celebration was scheduled for October 22, 2022, including the parade at 10:00 am in Downtown Salisbury followed by the celebration at 11:00 am at Station 16. All were invited to attend. The next Neighborhood Walk was on Tuesday, October 25th at 5:00 p.m. Everyone would meet at the Boundless Playground.

136 *Mr. Boda reminded everyone about the Good Beer Festival in Wicomico County.*

137
138 *Ms. Blake said it was a perfect time of year to enjoy the parks and walk the trails in the City. Please*
139 *donate blood if healthy enough. The region was dangerously short.*

140
141 *President Heath echoed what Ms. Blake shared about the desperate need for blood.*

142
143 *Ms. Gregory said that MML was very well attended in Annapolis. She attended a session this*
144 *morning in which Mayor Day spoke about Here is Home, HORIZONS program, and the Tiny Home*
145 *Village. There were many questions from the audience, and it was nice to see the enthusiasm with*
146 *what Salisbury was doing. There seemed to be so many who wanted to replicate what we have done,*
147 *and Salisbury has been a leader on the issues that other municipalities have needed answers on.*
148 *Ron Strickler also spoke, and it was great to see Salisbury leading these sessions.*

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
SEPTEMBER 12, 2022

TIME & PLACE: 6:49 p.m., Council Chambers, Government Office Building & Zoom
PURPOSE: To consult with counsel to obtain legal advice on a legal matter; to consult with staff, consultants, or other individuals about pending or potential litigation;
VOTE TO CLOSE: Unanimous (5-0)
CITATION: Annotated Code of Maryland §3-305(b)(7)(8)
PRESENT: Council President John “Jack” R. Heath, Council Vice-President Muir Boda, Councilwoman Angela Blake, Councilwoman Michele Gregory, Councilwoman April Jackson, City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Water Works Director Cori Cameron, Water Plant Superintendent Ron Clapper, City Attorneys Ashley Bosche and Heather Konyar, City Clerk Kimberly Nichols
ABSENT: Mayor Jacob R. Day

The City Council convened in Legislative Session at 6:00 p.m. in Council Chambers in the Government Office Building and via Zoom Video Conferencing. Upon adjournment of the Legislative Session at 6:49 p.m., President Heath called for a motion to enter into Closed Session to consult with counsel and staff on a legal matter regarding pending or potential litigation in accordance with the Annotated Code of Maryland §3-305(b)(7)(8). Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous (5-0) to convene in Closed Session.

Ms. Konyar provided an update and advice regarding moving forward with possible litigation. Ms. Cameron provided technical information, and both fielded questions from Council.

At 7:13 p.m. Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous (5-0) to adjourn the Closed Session.

Council immediately convened in Open Session and President Heath reported that Council had met in Closed Session to consult with Council and to obtain legal advice on a legal matter.

The Open Session was then immediately adjourned.

City Clerk

Council President

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
OCTOBER 3, 2022

TIME & PLACE: 5:16 p.m., Council Chambers, Government Office Building & Zoom
PURPOSE: to discuss a matter directly related to a negotiating strategy, or the contents of a bid or proposal,
VOTE TO CLOSE: Unanimous (5-0)
CITATION: Annotated Code of Maryland §3-305(b)(14)
PRESENT: Council President John “Jack” R. Heath, Mayor Jacob R. Day, Council Vice-President Muir Boda, Councilwoman April Jackson, Councilwoman Michele Gregory, Councilwoman Angela M. Blake, Deputy City Administrator Andy Kitzrow, Procurement Director Jennifer Miller, City Attorney Ashley Bosche, City Clerk Kimberly Nichols

ABSENT:

The City Council convened in the Work Session at 4:30 p.m. in Council Chambers of the Government Office Building and via Zoom Video Conferencing. At 5:16 p.m. President Heath called for a motion to enter into Closed Session to discuss a matter directly related to a negotiating strategy, or the contents of a bid or proposal in accordance with the Annotated Code of Maryland §3-305(b)(14). Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous (5-0) to convene in Closed Session.

Ms. Miller updated Council on the details regarding a proposal and negotiations involved in the sale of property. Council reached unanimous consensus for Ms. Miller to include the resolution into the contract.

At 5:22 p.m. Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous (5-0) to adjourn the Closed Session.

Council immediately convened in Open Session and President Heath reported that Council had met in Closed Session and discussed a contract sale.

The Open Session was then immediately adjourned.

City Clerk

Council President

CITY OF SALISBURY
WORK SESSION
OCTOBER 17, 2022

Public Officials Present

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

Mayor Jacob R. Day
Councilwoman Angela M. Blake
Councilwoman Michele Gregory

In Attendance

City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Building Official Bill Holland, Department of Infrastructure & Development (DID) Director Rick Baldwin, DID Deputy Director Jenn Lind, Field Operations Director Jana Potvin, Police Chief Barbara Duncan (Zoom), City Clerk Kimberly Nichols, Attorney Ashley Bosche, and members of the public.

On October 17, 2022 the Salisbury City Council convened at 4:30 p.m. in a hybrid Work Session in Council Chambers and on Zoom Conferencing Video.

West Road/Diya Patel Properties XIV, LLC Annexation introduction

Building Official Bill Holland reported on the annexation of 900-904 West Road. The properties were contiguous to the City corporate line which ran parallel to them. The request included a concept development plan to develop a three-story apartment building with parking, landscaping and storm water management. He requested Council’s approval to proceed with the annexation, followed by going to the Planning Commission for rezoning to R8-A from General Commercial to allow for multi-family dwellings.

Council reached unanimous consensus to move forward with the annexation.

Budget Amendment to appropriate funds received from LGIT for Field Operations

Field Operations (FOPs) Director Jana Potvin reported FOPs had a vehicle involved in an accident last year which was surplussed and received \$14,150 from LGIT. She requested the funds be reallocated to FOPs Capital Account in which to purchase a new Ford F150.

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

Budget Amendment to appropriate funds to upfit 10 vehicles for the Salisbury Police Department

Police Chief Barbara Duncan informed Council the budget amendment was requested to transfer \$243,000 from the Forfeited Funds Account into the Vehicle Purchase Account to be used to outfit ten police vehicles for wiring, lighting, electronics, and cameras.

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

Budget Amendment to accept grant funds for mobile fingerprint scanner

Chief Duncan requested to accept grant funds for a mobile fingerprint scanner to replace one SPD purchased seven years ago of which software updates were no longer available. They received the grant from the Governor's Office of Crime Control and Protection (GOCCP) Youth and Victim Services to purchase a new one with the cost of \$5,728.00. The scanner would be used at community events to greatly benefit the community.

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

Budget Amendment to reallocate funds for Paleo 3 Project

Department of Infrastructure & Development Director Rick Baldwin introduced new Deputy Director Jenn Lind to Council. Construction was recently reinitiated for the Paleo 3 Project. Council had approved a contract for the work of \$2.2 million. In order to reinitiate the work in an expediate manner, a contract was awarded for \$1.8 million pending moving funds from other projects to completely fund the contract. The request was for \$404,000 to fill in the difference in the amount approved and the amount available for the award.

Mr. Boda asked if some of the funds were from cleaned up bonds. Mr. Baldwin replied they were mostly from completed projects that came in under budget and had money left in their accounts.

President Heath asked about the timing of the project and Mr. Baldwin said that the contractor, Parker & Sons, was diligent in the mobilization. Their submittals were near complete. They had three requests for information on engineering details and specs and had been responded to.

Ms. Jackson asked if the City had the \$404,000 to do the project and Mr. Baldwin answered yes because there were 13 projects completed under budget from which the funds were coming.

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

Budget Amendment to appropriate additional funds for Zoo Administration Building

Mr. Baldwin reported the new Zoo Administration Building was in place and raised up. It was in the flood plain and the process of taking it from near ground level up to the higher level was expensive. Council had previously awarded \$204,000 to complete the project to bring the building to the elevated position. The request was for \$54,000.

President Heath asked whether it was known initially that the property was in the flood plain. Mr. Baldwin said it was known when it was presented to the engineer that it needed to be elevated. They thought the foundation was strictly the responsibility of the bidder. The contract was explicit that they did not have the geotechnical work in there or the responsibility to do any more than dry stack masonry blocks that the unit would sit

90 on. The reason why it became so expensive was because of the initial geotechnical work,
91 de-watering the soils around the site so that footers and foundations could be put in, and
92 then then going up 54 inches with reinforced concrete.

93
94 President Heath said it was beautiful and the staff really appreciated it.

95
96 Council reached unanimous consensus to advance the legislation to legislative agenda.

97
98 **Administration and Council Comments**

99
100 Mayor Day said there were a number of projects underway, and ribbon cuttings would be
101 scheduled upon completion. The 150th Anniversary of the Salisbury Fire Department and
102 parade was scheduled for this coming Saturday.

103
104 Ms. Jackson said the Senior Christmas Dinner and Gift Giveaway was changed to
105 December 10th from December 17th. She asked that parents please be responsible for
106 their children when using the scooters. She did not want to see a tragedy.

107
108 Ms. Blake concurred with Ms. Jackson on the scooters. If healthy enough, please donate
109 blood as the supply was dangerously low.

110
111 President Heath congratulated the Fire Department on 150 years and was sorry he was
112 unable to attend. He agreed with Ms. Blake to donate blood if healthy enough.

113
114 Ms. Gregory reminded everyone to get their booster if they had not done so yet.

115
116 **Adjournment**

117
118 With no further business to discuss, President Heath adjourned the Work Session at 4:52 p.m.

119
120 _____
121 City Clerk

122
123 _____
124 Council President

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

OCTOBER 24, 2022

PUBLIC OFFICIALS PRESENT

*Council Vice-President Muir Boda
Councilwoman Michele Gregory*

*Councilwoman Angela M. Blake
Councilwoman April Jackson*

PUBLIC OFFICIALS ABSENT

*Mayor Jacob R. Day
Council President John “Jack” R. Heath*

IN ATTENDANCE

*Department of Infrastructure & Development Director Rick Baldwin, Information Services
Director Bill Garrett, Executive Administrative Assistant Jessica Turner, City Attorney Ashley
Bosche, City Clerk Kim Nichols, and members of the public*

CITY INVOCATION – PLEDGE OF ALLEGIANCE

*The City Council met in regular session at 6:00 p.m. via Zoom and in person. Council Vice
President Muir Boda called the meeting to order. After the recital of the pledge to the flag,
Executive Administrative Assistant Jessica Turner provided the invocation.*

PRESENTATION

Offshore Wind

*Dave Wilson, Maryland Developmental Manager of US Wind provided an informational brief on
offshore wind development. There were currently two projects awarded through the Offshore
renewable Energy Credits through the Public Service Commission- MarWin and Momentum
Wind. MarWin was about 21 miles off Ocean City, and would be built in 2025, and Momentum
Wind would be about 15-21 miles off Ocean City and operations were expected to begin in 2026.*

Handouts provided by Mr. Wilson are attached and included as part of the minutes.

ADOPTION OF LEGISLATIVE AGENDA

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

CONSENT AGENDA- presented by City Clerk Kimberly Nichols

*The Consent Agenda, consisting of the following items, was unanimously approved on a motion
and second by Ms. Jackson and Ms. Blake, respectively.*

47

- September 6, 2022 Work Session Minutes
- September 6, 2022 Special Meeting Minutes
- September 12, 2022 Council Meeting Minutes
- September 12, 2022 Closed Session Minutes (emailed separately)
- September 19, 2022 Work Session Minutes
- September 19, 2022 Special Meeting Minutes
- September 26, 2022 Council Meeting Minutes
- Resolution No. 3195- to approve the appointment of Thashana McKinney to the Youth Development Advisory Committee for term ending October 2025
- Resolution No. 3196- declaring Westwood Acquisition Partners eligible to receive enterprise zone benefits for property located at 1865 West Road, Salisbury, MD

48

49 **AWARD OF BIDS**- presented by Procurement Director Jennifer Miller

50

Award of Bids

1. ITB A-23-104 Dark Fiber Optic Cable Installation/Maintenance \$497,520.00 (20 yr term)
2. ITB A-23-105 Zinc Pyrophosphate for Corrosion Control \$198,300.00
3. ITB 23-103 Waterside Park \$167,136.72

Approval of Tier 6 Change Order

1. RFP 03-14 Skatepark Design/Build – Change Order #10 \$ 26,780.48

Declaration of Surplus

1. Salisbury Police Department \$0.00
 - a. Vehicles #1476 & #1487 \$0.00
 - b. Duty weapon \$0.00

51

52 **ORDINANCES**- presented by City Attorney Ashley Bosche

53

- Ordinance No. 2744- 2nd reading- approving an amendment of the City's FY2023 General Fund Budget to provide funds for red light camera administration

56

57 Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve
58 Ordinance No. 2744 for second reading.

59

- Ordinance No. 2745- 2nd reading- approving an amendment to the General Fund Budget reflecting the acceptance of grant funds from the Wicomico County Circuit Court and further appropriating funds for overtime pay of officers of the Salisbury Police Department

64

65 Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve
66 Ordinance No. 2745 for second reading.

67

- Ordinance No. 2747- 2nd reading- approving a budget amendment of the FY2023 General Fund Budget to appropriate funds to the Salisbury Fire Department's Operating Budget

70

71
72 *Ms. Jackson moved, Ms. Gregory seconded, and Ordinance No. 2747 for second reading*
73 *was approved by unanimous vote in favor.*
74

- 75 • **Ordinance No. 2748**- 2nd reading- to amend Chapter 1.16 of the Salisbury City Code,
76 *entitled “Infractions and Civil Zoning Violations”, to grant authority to issue citations*
77 *for municipal infractions or civil zoning violations to the City’s Deputy Fire Marshal and*
78 *Fire Inspector*
79

80 *Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve*
81 *Ordinance No. 2748 for second reading.*
82

- 83 • **Ordinance No. 2749**- 2nd reading- authorizing the Mayor to enter into a contract with the
84 *Community Foundation of the Eastern Shore for the purpose of accepting grant funds in the*
85 *amount of \$2,500, and to approve a budget amendment to appropriate those grant funds for*
86 *the Salisbury-Wicomico Integrated Firstcare Team (SWIFT)*
87

88 *Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance*
89 *No. 2749 for second reading.*
90

- 91 • **Ordinance No. 2746**- 1st reading- approving a budget amendment of the FY2023 General
92 *Fund Budget and Water and Sewer Fund Budget to appropriate funds to the Operating*
93 *Budget of the Department of Field Operations and the Operating Budget of the*
94 *Department of Water Works*
95

96 *Ms. Gregory moved, Ms. Blake seconded, and the vote was unanimous to approve*
97 *Ordinance No. 2746 for first reading.*
98

- 99 • **Ordinance No. 2751**- 1st reading- approving a budget amendment of the FY2023 General
100 *Fund Budget to appropriate funds to customize Salisbury Police Department vehicles with*
101 *proper police equipment*
102

103 *Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve*
104 *Ordinance No. 2751 for first reading.*
105

- 106 • **Ordinance No. 2752**- 1st reading- approving an amendment to the General Fund
107 *Budget reflecting the acceptance of grant funds from the State of Maryland,*
108 *Governor’s Office of Crime Control and Prevention and further appropriating such*
109 *funds to purchase “EZ Child ID - Complete EZ Turnkey System.”*
110

111 *Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve*
112 *Ordinance No. 2752 for first reading.*
113

- 114 • **Ordinance No. 2753**- 1st reading- authorizing the Mayor to appropriate additional funds
115 *for the Paleo Well # 3 project*

Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2753 for first reading.

- **Ordinance No. 2754**- 1st reading- approving an amendment to the General Capital Project Fund Budget to appropriate additional funds required for construction of the Zoo Administration Building

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2754 for first reading.

- **Ordinance No. 2755**- 1st reading- approving an amendment of the FY2023 General Fund Budget to appropriate additional funds required for Field Operations

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2755 for first reading.

PUBLIC COMMENTS

There were no requests for public comments.

ADMINISTRATION AND COUNCIL COMMENTS

Ms. Glanz thanked Council for their support of Field Operations and Water Works. The CDL bonus should be a moral booster and bring in some new hires. Two events coming up this week were the Waterside Ribbon Cutting tomorrow and the Painting Day at Anne Street Village on Saturday.

Ms. Gregory announced that early voting was October 27th through November 3rd. It was much easier to vote early than to wait for Election Day. There was Treat Street downtown next week.

Ms. Blake said she graduated from Salisbury University 30 years ago. It was homecoming this weekend and she would be there for every event. If you are healthy, please donate blood.

Ms. Jackson expressed continued concern for the children allowed to drive electric scooters around town. It was unlawful for children under the age of 18 to be on them, and she had seen some as young as nine years old. They are left everywhere and becoming an eyesore. Salisbury Advisory Council on Youth Activities was holding their 10th Trunk & Treat at Billy Gene Jackson park on Friday October 28th from 6:00 pm to 8:00 pm. Treat Street was 3 to 6 on Sunday.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 6:46 p.m.

City Clerk

Council President



Whales and Offshore Wind Development

US Wind's plans to protect marine mammals before, during, and after construction

Whales are highly intelligent and some of the most revered creatures on the planet. Protecting these marine mammals is of the highest priority for US Wind, and we are committed to going above and beyond existing federal regulations to protect whales and other cetaceans, including dolphins and porpoises.

What whales are in the Lease area?

Whales migrate along the length of the U.S. Atlantic coast and are known to pass through US Wind's Lease area in seasonal patterns. Humpback, minke and endangered fin, sei and North Atlantic right whales are known to occur at least occasionally in the Mid-Atlantic region and have been detected in US Wind's Lease area by trained observers and through several studies. One study completed by the University of Maryland Center for Environmental Science (UMCES)¹ sought to detect vocalizations of whales and dolphins within and around the Lease area over three years (2014–2017) using passive acoustic monitors (PAM). UMCES plans to conduct a similar follow-up study before, during, and after construction of US Wind's turbines. (See US Wind's Construction and Operations Plan Volume II, Section 9.1 for a complete list and description of studies).



North Atlantic Right Whale

The critically endangered North Atlantic right whale (NARW) is among the rarest of all marine mammal species. NARWs average approximately 50 feet in length and can weigh about 70 tons, according to the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries). Historically, this population has suffered from overharvesting and, more recently, has been threatened by commercial fishing gear entanglement and ship strikes. The NARW is a migratory species that undertakes well-defined seasonal movements from northeast feeding grounds in the spring, summer, and fall to the only known calving and wintering grounds in the waters off the southeastern U.S. coast.

To protect these endangered creatures, NOAA Fisheries has established vessel speed restrictions in particular areas to reduce ship strikes. The closest Seasonal Management Area is located at the mouth of Delaware Bay, approximately seven nautical miles from US Wind's Lease area, where all large vessels are limited to 10 knots between November 1 and April 30 each year. NOAA Fisheries may also establish Right Whale Slow Zones when the presence of a NARW has been detected.



*Photo Courtesy of RPS Protected Species Observer Team
Protected Species Observers (PSOs) monitoring whales*

Potential Impacts

US Wind is fully committed to avoiding, minimizing and mitigating any potential risks to whales in the Lease area. The following is a list of potential impacts that could be caused by the construction and operations of offshore wind projects, along with measures US Wind intends to employ to avoid and minimize these impacts.

¹ *Determining Habitat Use by Marine Mammals and Ambient Noise Levels Using Passive Acoustic Monitoring Offshore of Maryland (2018):*
https://espis.boem.gov/final%20reports/BOEM_2019-018.pdf

Further Studies/Monitoring

US Wind recently partnered with UMCES on two efforts to further understand whale presence in the Lease area and potential impacts. These include a real-time whale detection system to provide timely alerts on the presence of baleen whales (North Atlantic right whales, and humpback, fin and sei whales) using specialized quiet mooring technology, whale vocalization detection algorithms, and telecommunications to transmit frequent alerts on the presence of baleen whales. A Passive Acoustic Monitoring (PAM) Array will also utilize two types of listening devices to determine the presence and migration patterns of large whales, dolphins, and porpoises.

Additional information on whales can be found in the following section of US Wind's Construction & Operations Plan (COP): Construction and Operations Plan, Volume II, Section 9: Marine Mammals.

POTENTIAL IMPACT	MITIGATION MEASURES
<p>Noise - Marine mammals rely on sound for navigation, communication, reproduction, prey location, and predator avoidance. Marine mammal responses to sound exposure can range from indifference to behavioral changes or physical injury, depending upon the sound source and species. Increased vessel traffic or pile driving associated with installation activities could impact marine mammals, though US Wind has set forth a variety of proven mitigation measures to reduce any potential negative effects.</p>	<ul style="list-style-type: none"> • Prepare a pile driving monitoring plan, to include details about the measures listed below, prior to construction activities. • Implement double bubble curtains and nearfield reduction devices to reduce underwater pile driving noise by 10 decibels (dB), with a target of 20 dB, at the source. • Monitor a clearance zone prior to pile driving using a combination of visual and acoustic monitoring for large whales. Once pile driving begins, establish an exclusion zone where pile driving will be halted if species enters. • Additional restrictions on pile driving will include: <ul style="list-style-type: none"> - No simultaneous pile driving; - No more than one monopile driven per day; - Daylight pile driving only unless health and safety issues require completion of a pile at dusk; - And restricting initiation to outside 1.5 hours of sunset or times of low visibility.
<p>Vessel Strike - Vessel collisions with marine mammals can cause serious injury or death and are a leading cause of mortality for certain species. US Wind has developed several mitigation measures to reduce this risk.</p>	<ul style="list-style-type: none"> • Protected Species Observers (PSOs) or trained observers will be present on crew vessels and other project vessels when they are passing through the area. • Vessels will maintain a minimum separation distance of 1,640 feet or greater from any sighted NARW and 328 feet or greater from any sighted cetacean (whale, dolphin or porpoise). • For vessels operating between November 1 through April 30, vessel operators will monitor NOAA Fisheries NARW reporting systems for the presence of NARW.



Birds and Offshore Wind Development

US Wind's plans to protect birds before, during, and after construction

Background

The U.S. Department of the Interior (DOI) took extreme caution to minimize negative impacts to birds from offshore wind development in the Maryland Lease area when it identified the area more than a decade ago. US Wind has made strong commitments to avoid, minimize and mitigate any risk offshore wind development in the Maryland Lease area could have on birds, including a heavy focus on additional avian research.

Once constructed, wind turbines in US Wind's Lease area will be about 11 to 29 miles from shore, outside of the area where most birds are present. For example, passerines, such as songbirds and sparrows, generally migrate within 10 miles of shore at very high altitudes off the Mid-Atlantic coast, well outside of the Lease area. However, pelagic and coastal species may be present off Maryland's coast. Research shows gannets, loons and sea ducks are the highest density species in the Lease area.

Research

Between April 2012 and April 2014, the U.S. Department of Energy (DOE) and the state of Maryland funded 16 boat-based surveys and 15 aerial digital surveys to observe birds and marine species in the region, including the Lease area. These surveys, conducted in 2013, found nearly 30 species of marine birds in nine avian families in the Lease area.

Researchers evaluated collision risk, or how likely these birds would fly into operating wind turbines. The science concluded birds most likely to be in the wind farm—the pelagic bird species—generally do not fly within the rotor area, or “rotor swept area.” Therefore, collision risk is expected to be low. The highest density species in the Lease area — gannets, loons and sea ducks — tended to avoid the wind turbines. Moreover, the Lease area does not include critical habitat for these species.



More than a decade of research shows Surf Scoters and other sea ducks are adept at avoiding offshore wind turbines.

Potential Impacts

Potential impacts to birds from construction and operation of the offshore wind farm fall into two main categories: (1) collision with the turbines and other above-water structures; and (2) displacement from the area caused by avoiding the turbines and any associated construction and maintenance traffic.

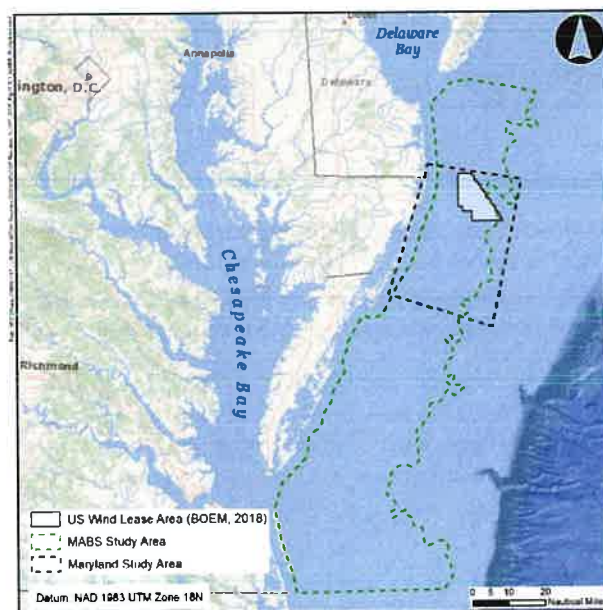
Strong Commitments to Mitigation

US Wind commits to the following mitigation measures to protect birds in the Lease area:

- Pre- and post-construction aerial and digital surveys to monitor any bird displacement.
- Deployment of a Metocean Buoy, which includes equipment, such as NanoTag antennas and acoustic sensors, to detect birds.
- Measures that minimize lighting impacts on birds, which will be implemented where feasible, as approved by regulatory agencies.

- Anti-perching measures will be installed on the deck and access platform of the turbines where appropriate to discourage birds from resting on the structures.
- Cable landfalls and onshore facilities will be sited and timed to avoid impacts to nesting birds. Burying cables and using underground horizontal directional drilling for cable installation at landfall locations will avoid impacts to beaches and wetlands.
- Compilation and maintenance of a comprehensive wildlife survey and observation information database.

"The science concluded birds most likely to be in the wind farm—the pelagic bird species—generally do not fly within the rotor area, or 'rotor swept area.' Therefore, collision risk is expected to be low."



US Wind's commitments are a strong starting point to avoid, minimize, and mitigate impacts to avian species. Additional measures may be implemented after continuing consultations with permitting agencies, environmental organizations, and the public.

Additional Monitoring and Studies

US Wind is conducting an additional avian monitoring program to confirm earlier conclusions about risks and potential impacts. The avian monitoring program is comprised of data collection from sensors on the Metocean Buoy deployed by US Wind in May 2021, as well as pre- and post-construction aerial surveys over the Lease area, including a 10-kilometer buffer.

The complementary data collection methods are designed to capture information about the variety of potential birds – marine birds, coastal birds and small migrating songbirds – using shorebird nanotag detection, acoustic monitoring to record bird flight calls, and digital aerial surveys. The work will help fill data gaps for spring and fall migrant passerines, including warblers, grosbeaks, buntings and thrushes.

US Wind will house avian data and reports in its comprehensive database. Results will be shared with the public as well as government and non-government researchers.

More information is available in US Wind's Construction and Operations Plan (COP):

- Volume II – Sections 6 (Coastal Habitat and Birds) and 12 (Marine Birds)
- Avian Risk Assessment – Appendix II-N1
- Avian Monitoring Plan – Appendix II-N2



Passerines, like this Pine Warbler, generally migrate within 10 miles of Maryland's coast, well west of the Lease area.



Wildlife and Offshore Wind Development

US Wind's plans to protect wildlife before, during, and after construction

US Wind conducts wildlife studies and surveys to supplement and complement existing research by agencies and academic institutions like the Bureau of Ocean Management (BOEM), University of Maryland Center for Environmental Science (UMCES) and Maryland Department of Natural Resources. These studies are essential for building a body of knowledge that help us care for our oceanic ecosystems — from sea ducks to humpback whales — for years to come. Read the examples below to learn more about US Wind's present and future plans for protecting our ocean and wildlife as we develop clean energy for the region.

Tracking Key Species with a State-of-the-Art Buoy System

US Wind deployed a Metocean Buoy, a Floating LiDAR buoy, in May 2021 to gather wind and other meteorological and ocean data in the Lease area. LiDAR, which stands for Light Detection and Ranging, uses a laser beam to get information about the surroundings. The buoy uses the following technology:

- NanoTag antennas to detect any tagged birds and bats that pass by. The tags provide species-specific information and can be added to databases to track where individual birds have been detected. Tagged birds are usually endangered species such as Red Knot, Piping Plover and Roseate Tern. This information will be shared with the U.S. Fish and Wildlife Service, among others.
- Bird acoustic sensors to record bird calls throughout the day and night, which are later analyzed to determine the specific species. The acoustic sensors help fill data gaps for spring and fall migrant passerines — including warblers, grosbeaks, buntings, pipits, thrushes and redstarts — that would probably not be detected by other bird survey methods.
- Bat acoustic sensors, which constantly record any bat activity in the area. Bats use echolocation, or echo sounds, to gather information about their surroundings, including insect prey movement. Scientists analyze these recordings to determine the specific species in the area.
- A measuring device that detects passing tagged fish, such as sturgeon, white sharks and other species, and provides details on what kinds of fish may be in the Lease area. These findings can then be shared with other organizations that also track tagged animals.



Metocean Buoy

Resourceful Data Collection

US Wind uses survey vessels that map the seafloor to gather more data on the environment in which we plan to develop offshore wind energy. These research vessels use the following methods to ensure greater protection of area wildlife:

- Protected Species Observers (PSOs) to monitor areas around low-frequency sound sources and watch for and protect marine mammals, sea turtles and other protected species. PSOs are always on duty during surveys or when vessels are passing through the area. This wealth of confirmed visual detection data will be compiled along with wildlife survey data as an important component of US Wind's wildlife information database, available to researchers and the public.

- Bat acoustic detectors have been deployed on the survey vessels to record bat calls, similar to the bat detectors on the Metocean Buoy. Detections are analyzed to determine the species and that information is added to US Wind's wildlife information database.

Field Surveys for Data Collection

- Samples and video from the ocean floor have been collected at more than 200 locations throughout the Lease area and relevant corridors. These surveys provide information about species on and in the seabed, as well as potential fish habitat.
- Digital aerial surveys will build on earlier boat- and aerial-surveys to detect birds such as loons, gannets and sea ducks in the Lease area before and after construction. The aerial surveys will be conducted for two years prior to construction and two years after construction to characterize changes in bird use of and densities in the Lease area. These surveys include significant buffer area to show birds that may have avoided the wind farm and gathered or used other nearby locations instead.
- US Wind plans to conduct a shellfish density survey in Indian River Bay the summer of 2022. Shellfish such as clams are present in Indian River Bay but the information regarding how many there are and where is not up to date. This shellfish information will inform cable routing through Indian River Bay.

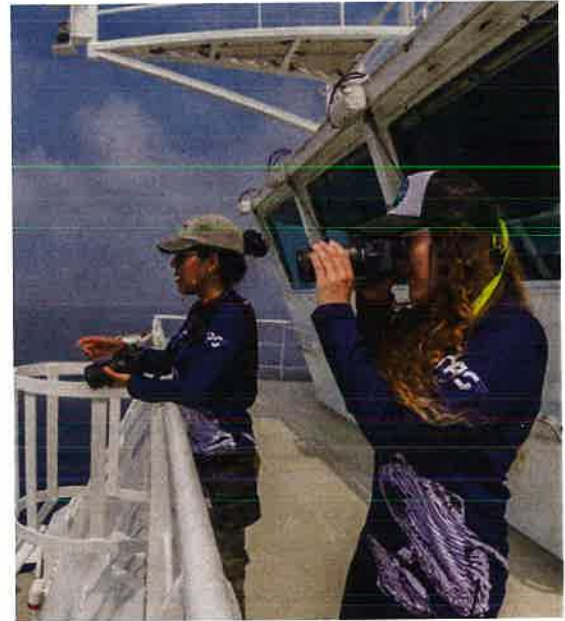


Photo Courtesy of RPS Protected Species Observer Team

Whale, Dolphin, and Fish Monitoring

In March 2022, US Wind announced a major partnership with UMCES to support several research efforts, including:

- Continued deployment of a near real-time whale buoy that provides timely alerts on the presence of baleen whales (North Atlantic right whales, and humpback, fin and sei whales) for a 12-month period from 2022 to 2023. This buoy detects calls from marine mammals, which are then analyzed by UMCES daily to determine when and what types of whales may be nearby. The information is posted to a website hosted by Woods Hole Oceanographic Institution: http://dcs.whoi.edu/mdoc0521/mdoc0521_mdoc.shtml.
- A passive acoustic monitoring (PAM) array will be deployed for about six years to listen for dolphins, porpoises and large baleen whales. The information is expected to build on a similar effort by UMCES researchers in the same area from 2014 to 2017 and will help inform construction timing and monitoring.
- Fisheries resource monitoring will be conducted over six years: before, during and after construction to characterize potential effects to black sea bass commercial and recreational fisheries. It is anticipated that the creation of new structures in the water—turbine foundations—will serve as aggregation spots for species such as black sea bass. Years of research at the Block Island Wind Farm found no negative impacts to fish, and, in fact, found positive effects from aggregation around the new underwater structures.

Fishing & Offshore Wind Development: Frequently Asked Questions (FAQs)

1. What will the offshore wind farm look like as mariners navigate through it?

A comparable picture of the only offshore wind so far developed in federal waters is represented by the [Coastal Virginia Offshore Wind pilot project](#). It is comprised of two (2) six-megawatt (6 MW) turbines. These are smaller than the turbines US Wind will likely end up selecting, though no decision has been made on that yet. The Block Island Wind Farm off the coast of Block Island, Rhode Island is comprised of five (5) 6 MW turbines. Some photos of these “jacketed” towers/turbines can be seen [here](#).

Organizations like the Maryland Institute of Technology and Graduate Studies have created simulations for maritime operations in the vicinity of offshore wind farms. An example simulation can be found [here](#).

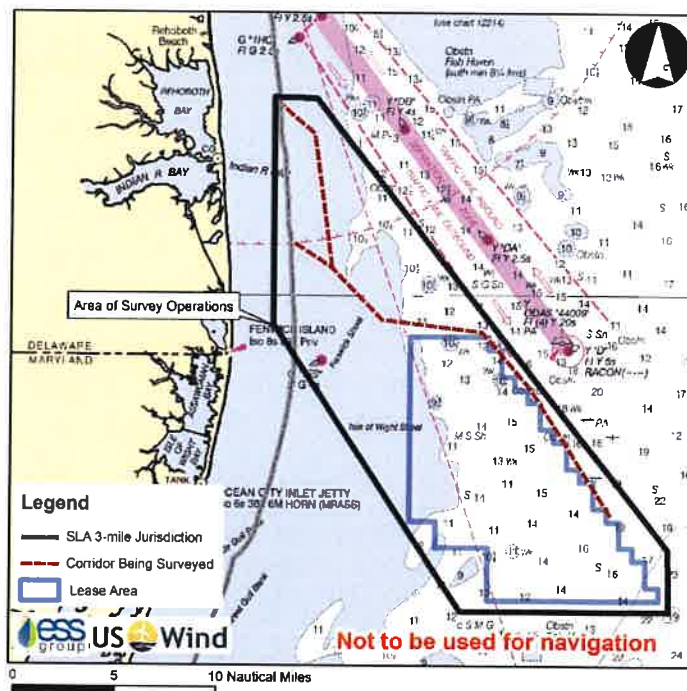
2. What is the diameter of the largest of the cables or cable bundles that connect the turbines and the turbines’ transmission to shore? Will open trenches or ditches be used? Will cables be buried?

Subsea cables would be 8 to 12 inches in diameter; smaller onshore cables would be installed in ducts underground. All offshore cables will be buried approximately 6 feet below the seafloor. Onshore cables will be buried underground in traditional duct banks used for onshore utilities. Offshore cables will be horizontally directionally drilled from nearshore to an underground transition vault. No open trenches or ditches will be used. Any landing areas affected by this disturbance will be restored to previous conditions and all infrastructure onshore will remain buried underground.

3. How and where will the cables run?

Inter-array cables link individual turbines to the offshore substation, while export cables transport electricity from the offshore substations to the onshore grid. The export cable routes for the US Wind project have not yet been established, as further analysis is required before such routes are determined and approved by state and federal agencies. Potential landings are focused on sites in Delaware, but the landing points are not yet determined.

--- Potential export cable routes up to state waters



4. How many offshore substations will be in the Lease area and where?

Up to four offshore substations will be sited throughout the Lease area to transfer electricity generated by individual turbines in US Wind's projects to the onshore grid. The exact location of each substation has not yet been determined as surveys and analyses are still occurring.

5. Have there been any studies done on the impacts of running cables across Indian River Bay?

Export cable routes in state waters are subject to approval by the Bureau of Ocean Energy Management (BOEM), the U.S. Army Corps of Engineers, and state environmental impact studies and permitting processes. Those permitting processes require significant study of any impacts to flora and fauna.

6. What about existing wrecks or reefs in the Lease area or cable route?

Existing wreck and reef locations are being identified in and around US Wind's Lease area. No turbines will be installed at these locations for both fishery and practical considerations.

7. How many square feet of bottom will be disturbed/changed by offshore wind development?

Each wind turbine generator will be installed on top of a steel monopile foundation. The monopile will have two layers of scour protection around its base: first, a layer of small filter stone will be placed on the seabed to limit turbidity; then, following the installation of the monopile and inter-array cable, a layer of larger armor stone will be placed around each monopile. US Wind estimates this scour protection will cover a maximum of approximately 1,200 square yards of seabed per monopile and it, as well as the monopile, will provide structure for marine life that supports the ["reef effect" documented on the CVOW](#) project, among others. The total amount of bottom disturbance will depend on the total number of turbines installed and the length of cables installed.

8. How many types of sea life live on or travel across the bottom of the Lease area?

Multiple environmental studies have been and will be conducted to assess all known benthic and pelagic species that live within or migrate through the Lease Area. These studies will be provided during the permitting process by US Wind as well as the primary regulatory agency, BOEM. BOEM conducted an Environmental Assessment in this area prior to auctioning the leases as well as numerous studies in the Lease area and elsewhere. BOEM's studies are available by topic and year [here](#).

9. Do North Atlantic right whales feed on a species that will be displaced by the Project?

North Atlantic right whales feed mainly on small crustaceans (zooplankton), such as krill and copepods. There is no indication that turbine towers in the water have any effect on plankton distribution. There is, however, significant data showing that krill distribution is negatively affected by warming oceans caused by greenhouse gas emissions in the atmosphere.

10. What is the impact of your survey operations on species in and around the Lease area?

All of US Wind's survey activities are conducted in accordance with federal and state regulations and health and safety policies and procedures. US Wind is currently conducting both geophysical and geotechnical survey work in and around our Lease area:

- Geophysical surveys assess the seafloor and near-surface sub-bottom using a variety of non-intrusive acoustic and magnetic technologies that use sound to map the seabed, sub-seabed, and magnetic anomalies. This information helps US Wind understand the seabed topography and any surface obstructions (boulders or manmade materials), differences in the material and texture of the seabed, and the location of potential historical or archaeological resources. US Wind employs offshore fisheries liaisons onboard the geophysical survey vessel to identify and avoid any visible fishing gear. Additionally, full-time Protected Species Observers use acoustic and visual monitoring aids 24/7 to ensure that no dolphins, whales, or marine turtles are near the vessel operations during these surveys.
 - There are no known mortalities of any marine life related to US Wind's geophysical survey operations.
- Geotechnical surveys analyze soil conditions by extracting small diameter seabed core samples. These are very precise operations and do not disrupt the seabed around them. The information collected from geotechnical surveys helps ensure responsible development of the wind farm.
 - There have been no measurable mortalities associated with US Wind's geotechnical survey operations.

11. How many species will be adversely affected by the Project?

There is no evidence to date that any of these species are adversely affected by either turbines or subsea power cables. Both turbine foundations and seabed scour protection are documented as providing significant, thriving artificial reef habitat that attracts and supports many species from invertebrates to large predators.

12. What about birds & the bats?

US Wind is not aware of any studies showing large-scale effects on species migration from the presence of offshore wind farms. Avoidance by seabirds, geese, and ducks have been documented in detailed studies in Europe and is similar to how birds avoid shipping lanes. These are questions US Wind will continue to study through pre- and post-construction studies of marine mammals and birds. Federal review of the project under the National Environmental Policy Act (NEPA) will require review of the best available science, along with data we are collecting, to minimize impacts to all wildlife to the greatest extent practicable. Work by the National Audubon Society shows little expected impact on bats and passerines, like warblers and vireos, off of Maryland's coast since they usually migrate within 10 miles of shore.

13. Will US Wind be routing its cable through the Indian River inlet? The dragging of the sonar sled across the bottom and the digging/trenching required to build islands for the offshore wind turbines and run cables will damage the area.

US Wind will not lay cable through the Indian River Inlet and will not impact the bridge. Sonar equipment is towed through the water and does not touch the seabed. US Wind's offshore wind turbines

will be pile-driven into the seabed. No “islands” are built in association with offshore wind turbines. A narrow trench would be plowed as the cable is laid into it, resulting in only very proximal and very short-term turbidity.

14. Have any boring samples been taken to see what chemicals are 12’ below where the cables will be?

Shallow soil samples (geotechnical) are collected along potential cable routes to support engineering and permitting efforts. Geotechnical samples collected are undergoing laboratory analysis and results will be public when available.

15. The radar and GPS issues are also of concern being close to the shipping channel and in the path of other boaters and fishermen.

There are no restrictions on transit through or fishing within US Wind’s offshore wind turbine arrays. The spacing grid between turbines is expected to be about 1 nautical mile from North to South and approx. 0.78 nautical miles from West to East. Transit waypoints for some destinations may slightly increase the total distance and running time. Several studies on radar impacts from offshore wind facilities have been done in both the U.S. and Europe, and all have concluded that reasonable mitigations already exist that, if properly implemented, will sufficiently reduce radar impacts to an acceptable level that will provide for safe navigation. The U.S. Coast Guard has consistently stated that “[t]he potential for interference with marine radar is site specific and depends on many factors including, but not limited to, turbine size, array layouts, number of turbines, construction material(s), and the types of vessels impacted.” The Coast Guard recognizes that while radar impacts may be predicted during the design phase of a project, it cannot accurately be determined until after an offshore wind facility is constructed.

16. Will access for fishermen to structures be permanent, guaranteed forever up to not just close to them? If they are 1 mile apart does that mean from island to island or from structure to structure? How many square feet will each island take up?

There are no islands associated with offshore wind turbines. Fishing vessels, dive boats and such may not tie up to nor board the tower landings, but there are no restrictions on fishing or transiting near the turbine towers.

17. How will US Wind run the cables and how many and how long are the cable trenches?

Inter-array cables link individual turbines to the offshore substations while export cables transport electricity from the offshore substations to the onshore grid. The export cable routes for the US Wind project have not yet been established, as further analysis is required before such routes are determined and approved by state and federal agencies. Potential landings are focused on sites in Delaware, but the landing points are not yet determined. US Wind plans up to four export cables to connect the wind farm to the electric grid. Subsea cables would be 8 to 12 inches in diameter; smaller onshore cables installed in ducts underground. All offshore cables will be buried approximately 6 feet below the seafloor. Onshore cables will be buried under ground in traditional duct banks used for onshore utilities. The proposed export cable corridor from the Lease area to US Wind’s onshore substations will span between 40-60 miles in length, dependent on the location of the offshore substations and the final routing to the point of interconnect.

18. How many square feet will it take per turbine to support the structure?

Each Wind Turbine Generator will sit atop a tower and steel monopile foundation that is up to 26-39 feet in diameter.

19. Will all the vessels used during the construction and maintenance be using biofuels?

There are no regulations restricting any vessels in state or federal waters from using biofuels; however, biofuels are not readily available at commercial ports.

20. What effect will the turbines have on wave height or currents around the site?

Due to the fetch between towers relative to their diameter, the effect of their presence on waves and currents is likely only very localized around each tower, and of no significant oceanic effect.

21. Will the offshore wind farms interfere with Vhf or FM or other frequencies of radio traffic?

US Wind does not anticipate its offshore wind projects to interfere with radio frequencies, but we have sent a request to the National Telecommunications Information Administration to confirm.

22. What about U.S. Coast Guard helicopters and rescue ships?

All offshore wind developers must develop an Emergency Response Plan that is approved by the U.S. Department of the Interior and the U.S. Coast Guard. Developers work with the Coast Guard to establish communication protocols, turbine shutdown procedures, and periodic exercises to support Search and Rescue response by helicopters and vessels.

23. Will you be reaching out to Delaware fishermen as well or just fishermen from Ocean City, Maryland?

Based on vessel Automatic Identification System (AIS) observations and local interviews, the great majority of local vessel transits through the US Wind Lease area are by vessels operating out of Ocean City, MD. There is, of course, significant seasonal recreational/tournament activity from local Delaware ports. US Wind personnel will meet with Delaware fishermen on March 2, 2022, at the Dewey Beach Lifesaving Station to provide further information and gather feedback.

CITY OF SALISBURY
WORK SESSION
NOVEMBER 7, 2022

Public Officials Present

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

Mayor Jacob R. Day
Councilwoman Angela M. Blake
Councilwoman Michele Gregory

In Attendance

City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Fire Chief John Tull, City Planner Brian Soper, Attorney Ashley Bosche, City Clerk Kimberly Nichols, and members of the public.

On November 7, 2022 the Salisbury City Council convened at 4:30 p.m. in a hybrid Work Session in Council Chambers and on Zoom Conferencing Video. The following is a synopsis of the items discussed.

Ordinance to approve a budget amendment to appropriate funds to the Fire Department

Fire Chief John Tull explained the ordinance would approve a budget amendment appropriating \$5,600 to the Salisbury Fire Department. The funds were a reimbursement as the Fire Department collaborated with the Ocean City Fire Department to provide their bike EMS teams to cover the Ocean City Bike Fest. The reimbursement has been received and the request was to place the funds back into the Overtime Account.

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

Comprehensive Plastic Bag Reduction Ordinance

City Administrator Julia Glanz and Elise Trelegan, Chair of the Sustainability Advisory Committee (Green Team) joined Council and presented the attached PowerPoint which has been attached as part of the minutes.

Mr. Boda was concerned about forcing businesses to charge 10 cents for bags. Ms. Trelegan thought the 10 cents was important so that all of the businesses were on level playing ground. Ms. Gregory noted some of the stores were already not providing bags and it was not a hardship.

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

Public Comments

The following comments were received from two members of the public:

- Speaker thanked Council for considering the plastic bag ban. Chestertown passed a plastic bag ordinance and Easton was considering one this month. There would be three major cities on the Eastern Shore on big rivers supporting the bag ban.
- Speaker strongly supported the ban and reminded everyone that if bags were forgotten when purchasing items from a grocery store, just wheel your cart out to your car and put the groceries in there.
- The local Sierra Club did a Shopper's Survey. Stores such as Sav-A-Lot and Aldi's did not allow giving out plastic bags but instead charged for bags. Prices at these stores were generally lower, so money was already being saved that way. Stores such as Acme and Food Lion where they say they give away free plastic bags, they are being paid for in the cost of the groceries.

Administration and Council Comments

Mayor Day announced painting was planned for Anne Street Village tomorrow from 12:00 pm until 4:00 p.m. They were getting closer, and the challenge was to find an 800 AMP switch for the site. If anyone had one, please let the City know.

Mr. Boda asked everyone to make sure they voted.

Ms. Jackson said the support for the plastic bag ban was great to see. Council rarely saw that kind of support for most of the legislation that was considered.

Ms. Blake asked for those healthy enough to please donate blood. Also, Friday, November 11th was Veterans Day. Please thank a veteran.

Ms. Gregory thanked Alyssa Hastings, the City's former Sustainability Coordinator, for all she did for the Green Team and said they missed her so much already.

President Heath said that tomorrow's election was very important, and please vote. He announced that Ms. Hastings was the new Eastern Shore Coordinator for Senator Van Hollen, and thanked her for all she did for the City. He said the Eastern Shore's blood supply was critically low, and donations were needed. He also reiterated the desperate need for an 800 AMP breaker.

Adjournment

With no further business to discuss, President Heath adjourned the Work Session at 5:01 p.m.

City Clerk

Council President



Shop Green SBY

Comprehensive Plastic Bag Reduction Ordinance

Julia Glanz

City Administrator

Elise Trelegan

Mayor's Sustainability Advisory
Committee (Green Team)



Why Shop Green SBY?

- Voluntary reduction programs are unsuccessful
- Plastic bag recycling rates are very low - around 5%



Plastic Bags are one of the biggest challenges that the County's Landfill has to deal with on a daily basis



From the Community...

- “Salisbury is increasing in the visible litter and trash along roadsides and in neighborhoods ”
- “Plastic bags and soda cans are the types of litter that stand out the most”
- “... what we really need is a ban on plastic bags , water bottles , and other single use items ”
- “Supermarkets should get rid of plastic bags .
Encourage reusable bags ”



Basics of the Ordinance

- Prohibits retailers from providing plastic carryout bags to customers at point of sale.
- Encourages customers to bring their own reusable bags
- Requires retailers to charge 10 cents per paper bag if a customer requires a bag

The goal of the ban is not to switch to paper bags, but instead to encourage regular use of reusable bags.



Building on Success

- Interviewed leaders from 7 jurisdictions in MD who have implemented bag bans.
- Created series of lessons learned on:
 - Communication w/ retailers
 - Communication w/ residents
 - Equity and accessibility
 - Community partnerships



“ A resounding finding of the interviews is that **every leader described that the ban had been received positively** , that the majority of their constituents were fine with or even supportive of the bag ban ... Leaders also shared that they have seen **no evidence of businesses moving outside of the city/county limits** or people changing the stores in which they were shopping. ”



Example Lessons

- Fewer “exceptions” in the ordinance = reduces confusion for both residents and businesses
- The 10 cent fee is key for incentivizing people to move from plastic to reusable (not to simply move to paper)
- Communication is of the utmost importance. A thoughtful comms strategy (rec. 6 months) will ensure a smooth implementation

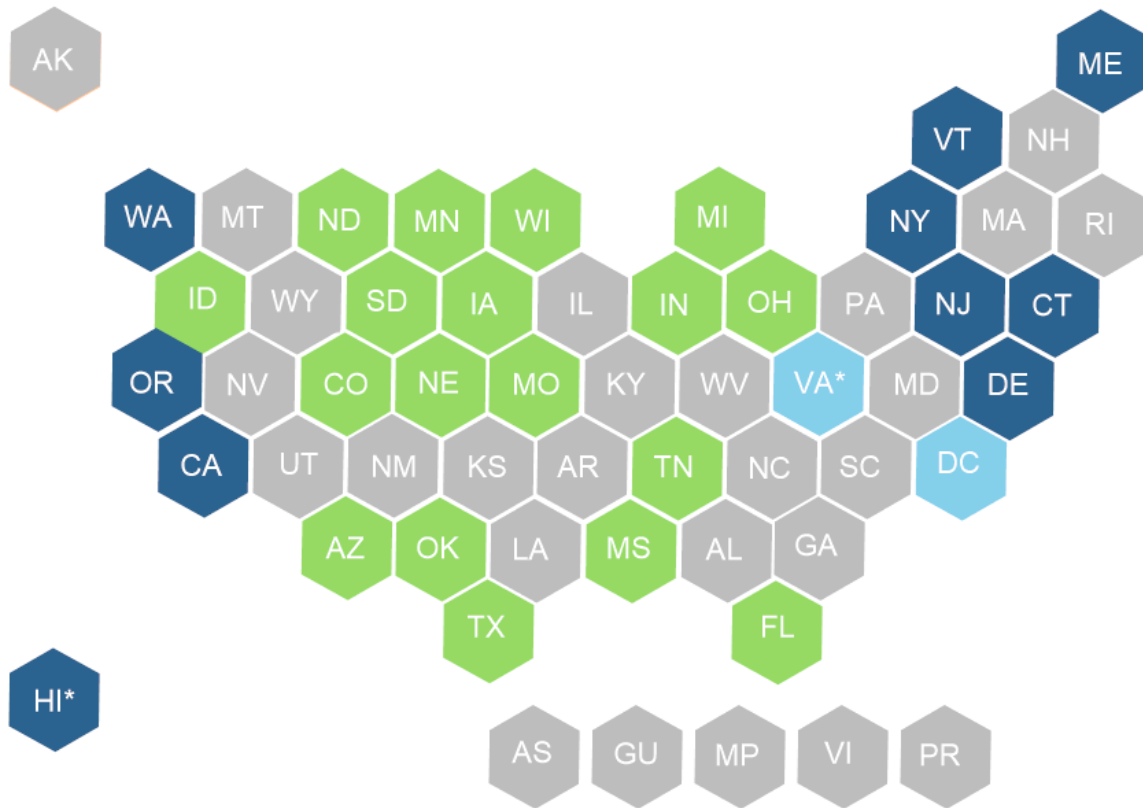


Ensuring an Equitable Roll Out

- Communication materials developed in multiple languages
- Partnering with trusted community organizations (library, food banks, community centers, etc) to get bags to those who need them most
- Leveraging outreach strategies and material budgets that partner organizations already have to maximize impact across the community



It's Possible



Source: National Conference of State Legislators



Business Buy In

- Hosted a number of conversations with businesses
- 9 out of 10 Chamber members support this
- 10 cent fee will offset the cost of bags for businesses
- Opportunity for advertising and incentives with reusable bags



Setting SBY Up for Success:

- ❑ Green Team developed Communications and Community Engagement Plan
- ❑ 6 month roll out to allow for stock drawdown and business and resident education



Questions?

SHOP GREEN SBY

SKIP THE BAG, SAVE THE RIVER.



The City of Salisbury's ban on single-use plastic bags will begin on **JUNE 30, 2023**.

WHY THE BAN?

To reduce litter and protect our environment. Single-use plastic bags are one of the top polluters of the Wicomico River and the Chesapeake Bay.

WHO IS AFFECTED?

ALL supermarkets, corner stores, shops, convenience stores, restaurants, gas stations, and other sales outlets are prohibited from providing customers with single-use plastic bags at point of purchase.

Banned

Single-use plastic bags



Allowed

Reusable bags and paper bags (+10¢)



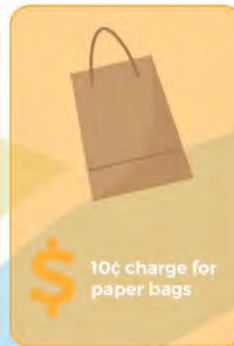
For more information on Shop Green SBY, please visit salisbury.md/shopgreensby.

SHOP GREEN SBY

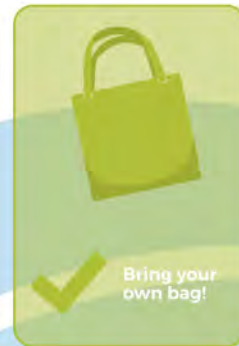
SKIP THE BAG, SAVE THE RIVER.



No single-use plastic bags



10¢ charge for paper bags



Bring your own bag!

salisbury.md/shopgreensby



SKIP THE BAG, SAVE THE RIVER.



MEMORANDUM

To: Jacob R. Day, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to Salisbury Parks & Recreation Committee
Date: September 26, 2022

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

<u>Name</u>	<u>Term Ending</u>
Jon Wilson	October 2025

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

Attachments

His revised letter is attached

OK
JRS

① COVER LETTER
NEEDS TO BE
ADDRESSED TO MAYOR

② DO WE HAVE A VACANCY?
3 vacancies

③ HAS DAVID PLOTTS
MET WITH HIM?

*I emailed David & Sam his
letter + resume to review on
9/26. David's response was
that he would like to continue
the appointment
for Mr.
Wilson*

RESOLUTION NO. 3197

BE IT RESOLVED, by the City of Salisbury, Maryland that the following individual is appointed to the Salisbury Parks & Recreation Committee for the term ending as indicated.

Name
Jon Wilson

Term Ending
October 2025

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on November 14, 2022.

ATTEST:

Kimberly R. Nichols
CITY CLERK

John R. Heath
PRESIDENT, City Council

APPROVED BY ME THIS

_____ day of _____, 2022

Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

COUNCIL AGENDA – Department of Procurement

November 14, 2022

Award of Bid(s)

1. ITB A-23-106 Multi-Function Copier Lease Agreement \$ 213,960.00 (5 yr term)



City of Salisbury

Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: November 14, 2022
Subject: Award of Bid

The Department of Procurement seeks Award of Bid approval from City Council for the solicitation(s) as defined herein.

ITB A-23-106 Multi-Function Copier Lease Agreement

- Department: Information Services
- Scope of Work: Provide a 5-year equipment and service agreement for multi-function devices (print, scan, copy, fax) for all City facilities.
- Contract information:
 - OMNIA #FI-R0251-18
 - Lead Agency: County of DuPage, IL
 - Effective: October 1, 2018 through September 30, 2023
- Purchasing authority per Salisbury Charter § SC16-3.A.(9) "General Policy of Competitive Bidding; Exceptions", which states that competitive bidding is not necessary or appropriate in the following circumstance:
 - Contracts in which the City receives a contract price negotiated by the State, County, or other governmental entity pursuant to a valid contract.
 - All cooperative purchasing agreements offered through OMNIA Partners have been awarded via a thorough Request for Proposal (RFP) competitive solicitation by a public agency/governmental entity (e.g., state, city, county, public university or school district) which is referred to as the "lead agency".
- Vendor: Canon Solutions America
- Term Effective Date (for City): 03/01/23
- Cost: \$3,566 per month (\$213,960 over 5 yr. term)
- GL Account(s) specified on a per-department basis



City of
Salisbury
Jacob R. Day, Mayor

Memo

To: Jennifer Miller, Director of Procurement

From: Bill Garrett, Director of I.S.

Date: 11/3/22

Re: Award of Bid – Canon

Due to the city's organizational printer fleet lease agreement expiring, we entertained quotes from vendors on existing cooperative contracts and different models of printers.

Based on the received proposals, we recommend proceeding with the proposal by Canon, as it will be the lowest cost, both providing an overall savings from the current contract, as well as requiring less administrative overhead from my department for reconfiguring of print services across the city.

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ORDINANCE NO. 2746

**AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A
BUDGET AMENDMENT OF THE FY2023 GENERAL FUND BUDGET
AND WATER AND SEWER FUND BUDGET TO APPROPRIATE FUNDS
TO THE OPERATING BUDGET OF THE DEPARTMENT OF FIELD
OPERATIONS AND THE OPERATING BUDGET OF THE DEPARTMENT
OF WATER WORKS.**

WHEREAS, the Department of Field Operations and Department of Water Works (the “Departments”) provide a number of services to the community that involve the use of vehicles which require operators with Commercial Driver’s Licenses (“CDLs”); and

WHEREAS, the Departments are presently experiencing staffing shortages, particularly in the area of staff who have CDLs; and

WHEREAS, the Departments wish to provide incentive bonuses to recruit and retain employees with CDLs; and

WHEREAS, there are insufficient funds available in the FY23 Field Operations Budget and Water and Sewer Fund Budget to cover the incentive and training costs, and accordingly, a budget amendment is required; and

WHEREAS, the budget amendment as provided herein 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. The City of Salisbury’s Fiscal Year 2023 General Fund Budget and Water Sewer Fund Budget be and is hereby amended as follows:

- (a) Increase the General Fund Current Year Surplus Account (01000-469810) by \$96,400.00;
- (b) Increase the Water Sewer Fund Current Year Surplus Account (60100-469810) by \$71,800.00;
- (c) Increase the Department of Field Operations Salaries-Bonus Account (30000-501014) by \$96,400.00; and
- (d) Increase the Department of Water Works Salaries-Bonus (83000-501014) by \$71,800.00.

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.

55 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
56 Salisbury held on the 24th day of October, 2022 and thereafter, a statement of the substance of the Ordinance
57 having been published as required by law, in the meantime, was finally passed by the Council of the City
58 of Salisbury on the 14th day of November, 2022.

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61 **ATTEST:**

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65 _____
66 **Kimberly R. Nichols, City Clerk**

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

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68 Approved by me, this _____ day of _____, 2022.

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72 **Jacob R. Day, Mayor**

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ORDINANCE NO. 2751

**AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET
AMENDMENT OF THE FY2023 GENERAL FUND BUDGET TO APPROPRIATE
FUNDS TO CUSTOMIZE SALISBURY POLICE DEPARTMENT VEHICLES WITH
PROPER POLICE EQUIPMENT.**

WHEREAS, the City of Salisbury (the “City”) maintains an account in its General Fund in which it deposits monies seized by the Salisbury Police Department (“SPD”) and later forfeited to the City in related court proceedings (the “Forfeited Funds”); and

WHEREAS, the SPD desires to utilize the Forfeited Funds to customize, or “upfit”, ten (10) police vehicles with proper police equipment; and

WHEREAS, enhancement of SPD vehicles will improve response time, communications by and between officers, overall efficiency of the SPD and can also be utilized in SPD recruitment and retention efforts; and

WHEREAS, SPD requests the transfer of Two Hundred Forty-Three Thousand Dollars (\$243,000.00) from the Forfeited Funds account into its Vehicle Purchase account.

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

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

(a) Increase the Current Year Surplus Account (10200-469810) by \$243,000.00; and

(b) Increase the Vehicle Purchase Account (21022-577025) by \$243,000.00.

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 24th day of October, 2022 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 14th day of November, 2022.

50 ATTEST:

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55 **Kimberly R. Nichols, City Clerk**

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59 Approved by me, this _____ day of _____, 2022.

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64 **Jacob R. Day, Mayor**

ORDINANCE NO. 2752

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT TO THE GENERAL FUND BUDGET REFLECTING THE ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF MARYLAND, GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION AND FURTHER APPROPRIATING SUCH FUNDS TO PURCHASE “EZ CHILD ID - COMPLETE EZ TURNKEY SYSTEM.”

WHEREAS, the Governor's Office of Crime Control and Prevention has awarded the Salisbury Police Department ("SPD") grant funds in the amount of Five Thousand Seven Hundred Twenty-Eight Dollars (\$5,728) to purchase an EZ Child ID - Complete EZ Turnkey System, to assist the SPD with the creation of child identification kits; and

WHEREAS, this technology gives the SPD the ability to create identification kits containing a child's digital fingerprints, photograph, and personal information to be utilized by family members in efforts to quickly identify children involved in missing or abducted child investigations or other emergencies;

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

- (a) Increase Governor's Office of Crime Control and Prevention Revenue Account No. 10500-425100-xxxx by \$5,728.
- (b) Increase Operating Expense Account No. 10500-546006-xxxxx by \$5,728.

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 24th day of October, 2022 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 14th day of November, 2022.

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ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this _____ day of _____, 2022.

Jacob R. Day, Mayor

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ORDINANCE NO. 2753

**AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE
MAYOR TO APPROPRIATE ADDITIONAL FUNDS FOR THE PALEO
WELL # 3 PROJECT.**

WHEREAS, the City of Salisbury identified the construction of Paleo Well #3 as vital infrastructure necessary to a reliable water supply; and

WHEREAS, construction of Paleo Well #3 was previously awarded to Harper & Sons, Inc. on August 8, 2022; and

WHEREAS, additional funds are needed to complete the original scope of the Paleo Well #3 project; and

WHEREAS, as shown on the attached Schedule A, funds remain available in the Water Sewer Capital Project Fund Budget after completion of the following projects: completion of the 24" water main in W. Gordy Road, replacement of the Park Water Treatment Plant Aeration Units, completion of the Fitzwater Street Lift Station Replacement, completion of the Hampshire Road Lift Station Replacement, completion of the Parkside High School Lift Station Replacement and replacement of the HV507 Dump Truck; and

WHEREAS, the amendments to the Water Sewer Capital Project Fund Budget identified in the attached Schedule A are needed to provide for \$404,027.33 in expenses associated with construction of Paleo Well #3; and

WHEREAS, the budget amendment as provided herein 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:

Section 1. Mayor Jacob R. Day is hereby authorized to appropriate additional funds for the Paleo Well 3 Project in the amount of \$404,027.33.

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

Section 2. The City of Salisbury's Water Sewer Capital Project Fund Budget be and hereby is amended as presented in Schedule A Schedule of Budget Changes by Account.

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.

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

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57 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.
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59 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
60 Salisbury held on the 24th day of October, 2022 and thereafter, a statement of the substance of the Ordinance
61 having been published as required by law, in the meantime, was finally passed by the Council of the City
62 of Salisbury on the 14th day of November, 2022.
63

64 **ATTEST:**
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68 _____
69 **Kimberly R. Nichols, City Clerk**

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

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71 Approved by me, this _____ day of _____, 2022.
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75 **Jacob R. Day, Mayor**

Exhibit A
Schedule of Budget Changes by Account

Org.	Account		Project		Account Type	Increase Decrease	Amount	Project \$
	No	Description	No	Description				
97010	456110	Investment Interest		Unassigned	Revenue	Decrease	(60,150.56)	
97010	456110	Investment Interest	49040	Paleo Well 3	Revenue	Increase	60,150.56	
97010	513026	Construction	49040	Paleo Well 3	Expense	Increase	(60,150.56)	60,150.56
97010	456939	Lawsuit Settlement Proceeds	48021	24" W in Gordy Road	Revenue	Decrease	(9,208.20)	
97010	456939	Lawsuit Settlement Proceeds	49040	Paleo Well 3	Revenue	Increase	9,208.20	
97010	513020	Engineering/Architectural	48021	24" W in Gordy Road	Expense	Decrease	(7,971.00)	
97010	513026	Construction	48021	24" W in Gordy Road	Expense	Decrease	(1,237.20)	
97010	513026	Construction	49040	Paleo Well 3	Expense	Increase	9,208.20	9,208.20
97010	469161	Transfers from Water Sewer	50014	Park WTP Aeration Unit	Revenue	Decrease	(5,500.00)	
97010	469161	Transfers from Water Sewer	49040	Paleo Well 3	Revenue	Increase	5,500.00	
97010	513026	Construction	50014	Park WTP Aeration Unit	Expense	Decrease	(5,500.00)	
97010	513026	Construction	49040	Paleo Well 3	Expense	Increase	5,500.00	5,500.00
97010	456110	Investment Interest	50015	Replace Distribution Pipe	Revenue	Decrease	(23,145.00)	
97010	456110	Investment Interest	49040	Paleo Well 3	Revenue	Increase	23,145.00	
97010	513020	Engineering/Architectural	50015	Replace Distribution Pipe	Expense	Decrease	(23,145.00)	
97010	513026	Construction	49040	Paleo Well 3	Expense	Increase	23,145.00	23,145.00
97010	456939	Lawsuit Settlement Proceeds	55011	Fitzwater Lift Station	Revenue	Decrease	(14,080.11)	
97010	456939	Lawsuit Settlement Proceeds	49040	Paleo Well 3	Revenue	Increase	14,080.11	
97010	513026	Construction	55011	Fitzwater Lift Station	Expense	Decrease	(14,080.11)	
97010	513026	Construction	49040	Paleo Well 3	Expense	Increase	14,080.11	14,080.11
97010	456939	Lawsuit Settlement Proceeds	55013	Hampshire Rd Lift Station	Revenue	Decrease	(44,745.15)	
97010	456939	Lawsuit Settlement Proceeds	49040	Paleo Well 3	Revenue	Increase	44,745.15	
97010	513026	Construction	55013	Hampshire Rd Lift Station	Expense	Decrease	(44,745.15)	
97010	513026	Construction	49040	Paleo Well 3	Expense	Increase	44,745.15	44,745.15
97010	456939	Lawsuit Settlement Proceeds	55015	Parkside HS Lift Station	Revenue	Decrease	(11,308.77)	
97010	456939	Lawsuit Settlement Proceeds	49040	Paleo Well 3	Revenue	Increase	11,308.77	
97010	513026	Construction	55015	Parkside HS Lift Station	Expense	Decrease	(11,308.77)	
97010	513026	Construction	49040	Paleo Well 3	Expense	Increase	11,308.77	11,308.77
97010	456939	Lawsuit Settlement Proceeds	55023	Sewer Trunk Line Rehab.	Revenue	Decrease	(17,632.50)	
97010	456939	Lawsuit Settlement Proceeds	49040	Paleo Well 3	Revenue	Increase	17,632.50	
97010	513026	Construction	55023	Sewer Trunk Line Rehab.	Expense	Decrease	(17,632.50)	
97010	513026	Construction	49040	Paleo Well 3	Expense	Increase	17,632.50	17,632.50
97030	469314	PayGO - Previous Years	48014	Scenic Drive Water Main	Revenue	Decrease	(184,000.00)	
97030	469314	PayGO - Previous Years	49040	Paleo Well 3	Revenue	Increase	184,000.00	
97030	513020	Engineering/Architectural	48014	Scenic Drive Water Main	Expense	Decrease	(34,000.00)	
97030	513026	Construction	48014	Scenic Drive Water Main	Expense	Decrease	(150,000.00)	
97030	513026	Construction	49040	Paleo Well 3		Increase	184,000.00	184,000.00
97030	469161	Transfers from Water Sewer	48054	HV507 Dump Truck	Revenue	Decrease	(2,892.00)	
97030	469161	Transfers from Water Sewer	49040	Paleo Well 3	Revenue	Increase	2,892.00	
97030	577025	Vehicles	48054	HV507 Dump Truck	Expense	Decrease	(2,892.00)	
97030	513026	Construction	49040	Paleo Well 3	Expense	Increase	2,892.00	2,892.00
97030	469314	PayGO - Previous Years	49020	Park Well Upgrade	Revenue	Decrease	(2,905.04)	

Exhibit A
Schedule of Budget Changes by Account

Org.	Account		Project		Account Type	Increase Decrease	Amount	Project \$
	No	Description	No	Description				
97030	469314	PayGO - Previous Years	49040	Paleo Well 3	Revenue	Increase	2,905.04	
97030	513020	Engineering/Architectural	49020	Park Well Upgrade	Expense	Decrease	(2,905.04)	
97030	513026	Construction	49040	Paleo Well 3	Expense	Increase	2,905.04	2,905.04
97030	469162	Transfers from WS Revolving	50016	Elevated Water Tank Mai	Revenue	Decrease	(19,200.00)	
97030	469163	Transfers from WS Revolving	49040	Paleo Well 3	Revenue	Increase	19,200.00	
97030	513026	Construction	50016	Elevated Water Tank Mai	Expense	Decrease	(19,200.00)	
97030	513026	Construction	49040	Paleo Well 3	Expense	Increase	19,200.00	19,200.00
97030	469161	Transfers from Water Sewer	55519	WWTP Main Building HVAC	Revenue	Decrease	(9,260.00)	
97030	469161	Transfers from Water Sewer	49040	Paleo Well 3	Revenue	Increase	9,260.00	
97030	513026	Construction	55519	WWTP Main Building HVAC	Revenue	Decrease	(9,260.00)	
97030	513026	Construction	49040	Paleo Well 3	Expense	Increase	9,260.00	9,260.00
							Total >>	404,027.33

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ORDINANCE NO. 2754

**AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN
AMENDMENT TO THE GENERAL CAPITAL PROJECT FUND
BUDGET TO APPROPRIATE ADDITIONAL FUNDS REQUIRED
FOR CONSTRUCTION OF THE ZOO ADMINISTRATION
BUILDING.**

WHEREAS, the City previously approved funding of \$204,000.00 for construction of the Zoo Administration Building; and

WHEREAS, American with Disability Act (ADA) access to the building is required; and

WHEREAS, the specific goals of the City Park Master Plan include rehabilitation of existing facilities to meet ADA requirements; and

WHEREAS, to meet floodplain requirements the building evaluation must be raised, requiring foundation and site work not in the scope of the original contract; and

WHEREAS, meeting ADA and floodplain construction requirements has increased the cost of construction for this project by \$54,000; and

WHEREAS, the Capital Projects Fund Budget must be amended to provide for these unexpected expenses; and

WHEREAS, the budget amendment as provided herein must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury; and

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

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

Increase Decrease	Account Type	Account Description	Project Description	Account	Amount
Decrease	Revenue	PayGo	City Park Phase	98119-469313- 48041	54,000
Decrease	Expense	Construction	City Park Phase	98119-513026- 48041	54,000
Increase	Revenue	PayGo	Zoo Admin Office Space	98119-469313- 43022	54,000
Increase	Expense	Construction	Zoo Admin Office Space	98119-513026- 43022	54,000

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**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.

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

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

37 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
38 Salisbury held on the 24th day of October, 2022 and thereafter, a statement of the substance of the Ordinance
39 having been published as required by law, in the meantime, was finally passed by the Council of the City
40 of Salisbury on the 14th day of November, 2022.

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42 **ATTEST:**

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47 _____
48 **Kimberly R. Nichols, City Clerk**

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

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50 Approved by me, this _____ day of _____, 2022.

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54 _____
55 **Jacob R. Day, Mayor**
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ORDINANCE NO. 2755

**AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT
OF THE FY2023 GENERAL FUND BUDGET TO APPROPRIATE ADDITIONAL
FUNDS REQUIRED FOR FIELD OPERATIONS.**

WHEREAS, in August of 2022, a Ford -250 Super Duty Pickup Truck owned by City's Streets Division was damaged in an accident and later salvaged: and

WHEREAS, the City's insurer LGIT made a total loss payment of \$14,150 for the vehicle (the "insurance proceeds"); and

WHEREAS, the City's Streets Division would like to use the insurance proceeds to establish an appropriation to assist in purchasing vehicles and performing related upfitting; and

WHEREAS, the funds set for vehicles and upfitting in FY23 are no longer adequate due to rising costs;

WHEREAS, the budget amendment as provided herein 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. The City of Salisbury's Fiscal Year 2023 General Fund budget is hereby amended as follows:

(a) Increase the Insurance Proceeds Revenue Account (01000-456935) by \$14,150

(b) Increase the Vehicles Expense Account (31150-577025) by \$14,150

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 24th day of October, 2022 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 14th day of November, 2022.

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ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this _____ day of _____, 2022.

Jacob R. Day, Mayor



City of Salisbury

Jacob R. Day, Mayor

To: City Council

From: Julia Glanz, City Administrator

Subject: Comprehensive Plastic Bag Ban Ordinance

Date: October 26, 2022

In the City's continued efforts to prioritize environmental stewardship, reduce litter in our City, and be a leader among local governments, please find the attached Comprehensive Plastic Bag Ban Ordinance with an implementation date of June 30, 2023.

In the 2022 City of Salisbury's Sustainability Survey and associated local engagement sessions, community members recognized litter as one of the most prevalent environmental issues in our city. Plastic bags are a large portion of plastic pollution that end up in our trees, streets, parks, rivers and in local wildlife. Banning the use and spread of plastic bags will decrease litter, prevent storm drain blockages, and contribute to a healthier and more beautiful Salisbury.

Only about 5% of plastic bags actually get recycled and they are not accepted in our curb-side recycling program. Plastic bags are regularly "wish-cycled" and contaminate the recycling loads in our community, which also results in lower overall recycling productivity. Because recycling is a commodities market, they are simply less valuable than other materials and there is no viable market for them. The best solution for reducing single-use plastic bags is to ban them and to incentivize reusable bags.

Effective June 30, 2023, this Ordinance prohibits retailers from supplying customers with plastic bags for use as carryout bags. "Carryout bag" is defined as a plastic bag that is provided by a retail establishment to a customer at the point of sale and is not a reusable carryout bag. Salisbury businesses must charge a minimum of \$0.10 for each alternative bag (a paper bag, for example) distributed at check out. The business retains the entirety of the fee.

The City is committed to a smooth and highly-communicative roll out of this initiative. A six-month window between the passage of the ordinance and the effective date will provide substantial time for businesses to use their existing stock of single-use plastic bags and transition their systems to comply with this ordinance. In the coming months City officials will create a number of opportunities to interface with consumers and businesses to ask questions and collaboratively overcome stumbling blocks, share marketing materials with businesses and consumers, and publish a comprehensive web presence with additional information.

This initiative will have a measurable impact on the cleanliness, health, and beauty of our city which will in turn benefit all aspects of our community. Change like this always seems challenging at first



City of Salisbury

Jacob R. Day, Mayor

but it quickly becomes second nature as it has in countless other states and cities across the nation. We're confident that both retailers and consumers will rise to this opportunity.

Also attached is a short presentation with the legislations highlights. Please let me know if you have any questions.

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ORDINANCE NO. 2756

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING TITLE 5 OF THE SALISBURY CITY CODE, BUSINESS LICENSES AND REGULATIONS, TO PROHIBIT RETAIL ESTABLISHMENTS FROM PROVIDING PLASTIC CARRYOUT BAGS TO CUSTOMERS.

WHEREAS, the ongoing application, administration and enforcement of Title 5 (Business Licenses and Regulations) of the City Code of the City of Salisbury (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to keep the provisions of Title 5 current, comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the “**City**”);

WHEREAS, the Mayor and Council of the City of Salisbury (the “**Mayor and Council**”) are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City;

WHEREAS, single-use plastic carryout bags generate significant public costs in disposal, contamination and litter control, as well as contribute to negative environmental impacts including but not limited to:

1. Contribute to overburdened publicly financed landfills, with significant costs to the public for cleanup, maintenance, and disposal;
2. Constitute a nuisance and an eyesore, detracting from the natural beauty of the City and the Wicomico River;
3. Cause sorting machines to break down, along with associated delays and added repair costs;
4. Production of single-use plastic carryout bags uses fossil fuels that generate excess greenhouse gas emissions which contribute to climate change;
5. Represent a significant hazard to animals like birds, sea turtles, and marine mammals, with hundreds of thousands of animal deaths attributed to marine debris every year; and
6. Break down into microplastics, contaminating the soil and water that pose threats to marine life and human health.

WHEREAS, the City of Salisbury has determined that the adoption of restrictions prohibiting retailers in the City of Salisbury from providing customers with single use plastic bags is a necessary and appropriate measure to protect people and the environment;

WHEREAS, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by adding new chapter 5.69 of the Salisbury City Code to prohibit retail establishments from providing plastic carryout bags to customers; and

WHEREAS, the Mayor and Council have determined that the addition of chapter 5.69 of the Salisbury City Code set forth shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Title 5 of the Salisbury City Code is hereby amended by adding the bolded and underlined language as follows:

Section 1. By adding new Chapter 5.69 to the Salisbury City Code, entitled “Plastic Bags” as follows:

Chapter 5.69 - Plastic Bags

5.69.010 - Definitions:

For the purpose of this title, the following words and terms shall have the following meanings, unless another meaning is plainly intended:

“Excluded organization” means:

- 47 A. A bona fide nonprofit fraternal, civic, war veterans', religious, or charitable organization
48 or corporation that does not serve food to the public more often than 4 days per week except
49 that once a year an organization may serve food to the public for up to 30 consecutive days;
50 and
- 51 B. A volunteer fire company that does not serve food to the public more often than 4 days per
52 week except that once a year a volunteer fire company may serve food to the public for up
53 to 30 consecutive days.

54 “Food Service Facility” means:

- 55 A. A place where food or drink is prepared for sale or service on the premises or elsewhere;
56 or
57 B. Any operation where food is served to or provided for the public, with or without charge.

58 “Food Service Facility” does not include:

- 59 A. A kitchen in a private home where food is prepared at no charge for guests in the home,
60 for guests at a social gathering, or for service to unemployed, homeless, or other
61 disadvantaged populations;
62 B. A food preparation or serving area where food is prepared or served only by an excluded
63 organization;
64 C. A location in a farmer's market or at a public festival or event where raw agricultural
65 products are sold; or
66 D. A cottage food business.

67 “Plastic carryout bag” means a plastic bag that is provided by a retail establishment to a customer at
68 the point of sale and is not a reusable carryout bag.

- 69 A. “Plastic carryout bag” includes a compostable plastic bag that meets the specifications of
70 the American Society of Testing and Material International Standard Specification for
71 Compostable Plastics D6400.
- 72 B. “Plastic carryout bag” does not include:
- 73 1. A plastic bag used to:
- 74 i. Package bulk items, including fruit, vegetables, nuts, grains, candy, or small
75 hardware items;
- 76 ii. Contain or wrap frozen foods, meat, or fish, whether prepackaged or not;
- 77 iii. Contain or wrap flowers, potted plants, or other damp items;
- 78 iv. Contain unwrapped prepared foods or bakery goods;
- 79 v. Contain a newspaper;
- 80 vi. Contain garments or dry-cleaned clothes, including suits, jackets, and dresses;
81 or
- 82 vii. Contain ice.
- 83 2. Plastic bags sold in packages containing multiple plastic bags; or
- 84 3. A plastic bag provided by a retail establishment to take live fish, insects, mollusks, or
85 crustaceans away from the retail establishment.

86 “Reusable carryout bag” means a bag with stitched handles that is specifically designed and
87 manufactured for multiple reuse and is made of:

- 88 A. Cloth or other washable fabric; or
- 89 B. A durable material suitable for multiple re-use that is not made of plastic film.

“Retail establishment” means a store, a food service facility, or any other establishment that provides bags to its customers as a result of the sale of a product.

5.69.020 – Prohibition on providing plastic carryout bags

A. On or after June 30, 2023, a retail establishment may not provide a plastic carryout bag to a customer.

B. On or after June 30, 2023, a retail establishment shall charge, collect, and retain at least 10 cents for each paper carryout bag and reusable carryout bag that it provides to a customer.

C. A retail establishment may not advertise, hold out, or state to the public or to a customer, directly or indirectly, that reimbursement of any part of the money collected under this section will be assumed or absorbed by the retail establishment or refunded to the customer.

D. A retail establishment shall indicate on the consumer transaction receipt the number of paper and reusable carryout bags provided by the retail establishment and the total amount of money charged.

5.69.030 – Penalties

A. Subject to the provisions of 5.69.030(D), a retail establishment found in violation of this section shall be guilty of a municipal infraction and shall be subject to a fine not to exceed \$500.00.

B. The provision of one or more plastic carryout bags at a single point of sale is a single violation.

C. The failure to charge the fees required under 5.69.020(B) for the provision of one or more paper or reusable carryout bags at a single point of sale is a single violation.

D. A penalty may not be imposed under this section unless a retail establishment is first issued a written notice of violation.

E. Each instance that the retail establishment commits a violation constitutes a separate offense.

5.69.040 – Enforcement

A. This Chapter shall be enforced by City of Salisbury Code Enforcement Officials.

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 14th day of November, 2022 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 _____, 2022

134 ATTEST:

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139 **Kimberly R. Nichols, City Clerk**

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

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Approved by me, this _____ day of _____, 2022.

Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Julia Glanz,
From: Chris O'Barsky, Deputy Chief
Subject: Budget Amendment Request
Date: October 19, 2022

The Fire Department is requesting the approval of a budget amendment in the amount of \$5,600.00 for re-imbursement received after providing three (3) Bike Medic Teams to this year's Ocean City Bike Fest on September 15th, 16th, and 17th.

Thank you in advance for your time and consideration on this request. If you should have any questions or need any additional information, please do not hesitate to contact me.

Attachment: Budget Amendment Ordinance

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AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY2023 GENERAL FUND BUDGET TO APPROPRIATE FUNDS TO THE SALISBURY FIRE DEPARTMENT'S OPERATING ACCOUNT.

WHEREAS, the Fire Department, in collaboration with the Ocean City Fire Department and OC Jams LLC, provided three (3) Bike Medic Teams for the Ocean City Bike Fest; and

WHEREAS, the City has received a reimbursement check from OC Jams LLC in the amount of \$5,600.00 and placed the funds back to the City's General Fund; and

WHEREAS, the Fire Department has use for these funds received and request that the funds of \$5,600.00 be reallocated to the Fire Department Operating Budget for FY2023.

WHEREAS, the budget amendment as provided herein 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. The City of Salisbury's Fiscal Year 2023 General Fund Budget be and is hereby amended as follows

- (a) Increase the Current Year Other Donations Account (01000-456415) by \$5,600.00.
- (b) Increase the Salisbury Fire Department's Over-time/Non-Clerical Account (24035-501021) by \$5,600.00.

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 14th day of November, 2022 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 _____, 2022.

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Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this _____ day of _____, 2022.

Jacob R. Day, Mayor