



CITY OF SALISBURY CITY COUNCIL AGENDA

MARCH 27, 2023

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. INVOCATION- Pastor David L. McLendon, St. James A.M.E. Zion Church of Salisbury
- 6:04 p.m. PRESENTATIONS - Mayor John R. Heath
- Mayor Awards
 - Proclamation
- 6:19 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:20 p.m. CONSENT AGENDA- City Clerk Kimberly Nichols
- February 13, 2023 Closed Session Minutes (B) (separate email)
 - February 21, 2023 Special Meeting Minutes #1
 - February 21, 2023 Work Session Minutes
 - February 21, 2023 Special Meeting Minutes #2
 - **Resolution No. 3240-** to approve the appointment of D'Shawn Doughty to the Board of Appeals for term ending March 2026
 - **Resolution No. 3241-** to approve the appointment of Charvaye Hutchins-Carter to the Youth Development Advisory Committee for term ending March 2026
 - **Resolution No. 3242-** to approve the appointment of Delores Neal to the Friends of Poplar Hill Board of Directors for term ending March 2026
 - **Resolution No. 3243-** to approve the re-appointment of Brad Phillips to the Historic District Commission for term ending March 2026
 - **Resolution No. 3244-** to approve the to re-appointment of Linda Wainer to the Zoo Commission appointment for term ending March 2026
 - **Resolution No. 3245-** to approve the appointment of James Yamakawa to the TRUTH Committee for term ending March 2026
- 6:25 p.m. RESOLUTIONS- presented by City Administrator Andy Kitrow
- **Resolution No. 3246-** authorizing the Mayor to sign an agreement to establish a Housing and Homelessness Non-endowed Fund
- 6:30 p.m. ORDINANCES- City Attorney Ashley Bosché

- **Ordinance No. 2783**- 2nd reading- to set Billboard License fee for FY 2023 and thereafter unless and until subsequently revised or changed
- **Ordinance No. 2784**- 2nd reading- authorizing the Mayor to transfer from the General Fund and appropriate funds for the Government Office Building #1 and #2 Project in the General Capital Project Fund
- **Ordinance No. 2786**- 2nd reading- approving a budget amendment of the FY23 General Fund Budget to appropriate funds for the Fire Department’s Vehicle Repair Account
- **Ordinance No. 2787**- 1st reading- approving a budget amendment of the FY2023 General Fund budget to appropriate funds to purchase and customize Police Department vehicles with proper police equipment
- **Ordinance No. 2788**- 1st reading- accepting the donation of a police canine (“K-9”) to the Salisbury Police Department

6:40 p.m. PUBLIC COMMENTS

6:45 p.m. ADMINISTRATION and COUNCIL COMMENTS

6:50 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 – APRIL 10, 2023

- Enterprise Zone Application for Red Brick Holdings, LLC
- Award of Bids
- **PUBLIC HEARINGS**- Resolutions Nos. _ - South Division Street-Rinnier Annexation & Plan
- **PUBLIC HEARING**- Ordinance No. _ - 2nd reading- Text Amendment for Harbor Pointe Phase III
- **Ordinance No. 2787**- 2nd reading- approving a budget amendment of the FY2023 General Fund budget to appropriate funds to purchase and customize Police Department vehicles with proper police equipment
- **Ordinance No. 2788**- 2nd reading- accepting the donation of a police canine (“K-9”) to the Salisbury Police Department

Join Zoom Meeting

<https://us02web.zoom.us/j/88163253286?pwd=K3RtZUhUMHNucDRPU2IHbnROQzZVUT09>

Meeting ID: 881 6325 3286

Passcode: 812389

Phone: 1.301.715.8592

1 **CITY OF SALISBURY, MARYLAND**

2
3 **SPECIAL MEETING #1**

FEBRUARY 21, 2023

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 *Council President Muir W. Boda* *Mayor John R. Heath*
8 *Council Vice President April Jackson* *Councilwoman Angela M. Blake*
9 *Councilwoman Michele Gregory*

10
11 **IN ATTENDANCE**

12
13 *City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, City Attorney Ashley*
14 *Bosche, Megan Outten, Clerk of Circuit Court James “Bo” McAllister, City Clerk Kimberly*
15 *Nichols, and members of the public and pres.*

16 *****
17 *The City Council convened in a Special Meeting in Conference Room 306 of the Government*
18 *Office Building on February 21, 2023 at 4:30 p.m. for the purpose of electing the District 3*
19 *Council member to complete the term of the seat left vacant as a result of Council’s appointment*
20 *of Mayor John R. Heath.*

21
22 **ADOPTION OF LEGISLATIVE AGENDA**

23
24 *Ms. Gregory moved, Ms. Jackson seconded, and the vote was unanimous to approve the Special*
25 *Meeting agenda as presented.*

26
27 **ELECTION OF NEW DISTRICT # COUNCIL MEMBER**

28
29 *Ms. Gregory moved, Ms. Blake seconded, and the vote was unanimous (4-0) to approve Megan*
30 *Outten as the new Council member to fill the District 3 seat.*

31
32 **ADMINISTRATION OF OATH**

33
34 *James “Bo” McAllister, Clerk of the Circuit Court, administered the Oath of Office to Ms.*
35 *Outten. She then took her place at the Council table. The signed Oath is attached as part of these*
36 *minutes.*

37
38 **ADJOURNMENT**

39
40 *With no further business to discuss, the Special Meeting adjourned at 4:34 p.m.*

41
42 _____
43 *City Clerk*


44
45 _____
46 *Council President*

OATH OF OFFICE

I, MEGAN OUTTEN, DO SWEAR THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES, AND THAT I WILL BE FAITHFUL AND BEAR TRUE ALLEGIANCE TO THE STATE OF MARYLAND, AND SUPPORT THE CONSTITUTION AND LAWS THEREOF; AND THAT I WILL TO THE BEST OF MY SKILL AND JUDGMENT, DILIGENTLY AND FAITHFULLY, WITHOUT PARTIALITY OR PREJUDICE, EXECUTE THE OFFICE OF COUNCIL MEMBER FOR THE CITY OF SALISBURY ACCORDING TO THE CONSTITUTION AND LAWS OF THIS STATE.


MEGAN OUTTEN

SUBSCRIBED AND SWORN TO BEFORE ME, CLERK OF THE CIRCUIT COURT FOR WICOMICO COUNTY, MARYLAND, THIS 21 DAY OF FEBRUARY, 2023.


JAMES "BO" MCALLISTER,
CLERK OF CIRCUIT COURT

1 CITY OF SALISBURY
2 WORK SESSION
3 FEBRUARY 21, 2023

4
5 Public Officials Present
6

Council President Muir Boda Mayor John R. Heath
Council Vice-President April Jackson Councilwoman Angela Blake
Councilwoman Michele Gregory Councilwoman Megan Outten

7
8 In Attendance
9

10 City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Building Official Bill
11 Holland, City Planner Brian Soper, Fire Chief John Tull, Police Captain Howard Drewer, Field
12 Operations Director Mike Dryden, Deputy Director Sam Ireland, ABCD Director Allen Swiger,
13 Department of Infrastructure & Development Director (DID) Rick Baldwin, Water Works
14 Director Cori Cameron (via Zoom), Department of Housing & Community Development
15 Director Ron Strickler (via Zoom), City Clerk Kimberly Nichols, Attorney Ashley Bosche and
16 interested members of the public.

17 -----
18 On February 21, 2023 the Salisbury City Council convened at 4:34 p.m. in a Work
19 Session in Conference Room 306 of the Government Office Building following the
20 adjournment of the Special Meeting.

21 The following is a synopsis of the items discussed in Work Session.

22
23
24 **South Division Street – Rinnier Annexation Introduction**
25

26 Building Official Bill Holland explained the proposed property was located on the
27 eastern side of South Division Street on the corner of Onley Road and was about 1.8
28 acres. On July 21, 2022 the Planning Commission approved the property to be zoned
29 College and University. The plan was to develop the property into two apartment
30 buildings with eighteen total units. The units were projected to be used for student
31 housing and would include parking, street lighting, and dumpster enclosures.

32
33 Once developed, the value of the annexed property would be approximately \$2,080,000
34 with an annual revenue of \$20,454, and a net estimated fiscal impact to the City of
35 \$6,534. Mr. Holland recommended moving the annexation forward to legislative session.

36
37 Council reached unanimous consensus to advance the annexation to legislative session.
38

39 **FY24-28 CIP Presentation**
40

41 Finance Director Keith Cordrey stated as a reminder to Council that this was a plan and
42 did not appropriate funds for expenditures. It did not mean that any items included in the
43 plan would necessarily be included in the City's budget.

44
45 Deputy City Administrator Kitzrow discussed the need for another City owned parking
46 garage downtown in the CIP.

47
48 Mr. Cordrey reported that Debt Service was less than 10% of expenditures. If it was
49 completely implemented, and it never was, at the end of the five-year period there would
50 be very little debt service remaining. The City's percentage of Bonded Debt was 5.8%.

51
52 Fire Chief John Tull said they were still looking for a location for a north side station
53 and would also need to look toward the east side because the fire district went to Wor-
54 Wic Community College now.

55
56 Police Captain Howard Drewer discussed the condition of the police fleet and reasons to
57 gravitate towards a complete take-home program and shared vehicle program.

58
59 Field Operations Director Mike Dryden and Deputy Director Sam Ireland joined
60 Council. Mr. Ireland discussed the aging playground equipment and replacement
61 schedule. Mr. Kitzrow discussed the upgrading process for the parks and Ms. Jackson
62 asked why Waterside Park had not been started. Ms. Gregory asked about the one-ton
63 trucks and Mr. Ireland explained how they were used. She asked about the bridge repair
64 in the Park and Ms. Glanz explained the bridge and bandstand repairs were funded
65 through an endowment fund through the Community Foundation. Ms. Glanz and Council
66 discussed the maintenance of Schumaker Pond.

67
68 ABCD Director Allen Swiger reported on the progress of the Poplar Hill Mansion's new
69 handicap lift. It's historical value and the revenues generated by the events held was
70 discussed. Potter's Field Cemetery was also discussed and the need for historical
71 markers in the City.

72
73 DID Director Rick Baldwin discussed speed humps and speed bumps. Ms. Jackson
74 remarked that one was needed on Parsons Road and Ms. Glanz said that Will White
75 would work on that. Ms. Gregory discussed the South Park Drive erosion and flooded
76 tennis courts, and asked about surfacing that would be more porous. Mr. Baldwin
77 advised that construction with those types of surfaces was very expensive. Mr. Baldwin
78 reported on the North Prong environmental clean-up on Lake Street at Ms. Jackson's
79 request. Ms. Blake discussed the dark lights at the intersection near the Ward Wildfowl
80 area and a general discussion on street lights was held.

81
82 Water Works Director Cori Cameron joined Council via Zoom. Discussion included the
83 raw water line and City water towers.

84
85 **Resolution to accept a Circuit Court forfeited rifle**

86
87 Captain Drewer explained as part of the disposition of the criminal case handled by SPD officers,
88 the gas operated rifle was seized from the defendant's residence pursuant to the execution of a
89 search warrant. The Court ordered that the firearm be awarded to the City of Salisbury Police

90 Department to be used in their Tact Team.

91

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

93

94 **Mobile Crisis Presentation**

95

96 Tina-Marie Brown, Director of The Sante Group, Alison Hunter-Jacobs, Coordinator, and
97 Captain Drewer made the presentation on Mobile Crisis.

98

99 Ms. Hunter-Jacobs informed Council that Sante saw a lot of success. They had 29 cold contacts
100 to connect people to available services. There were 27 cases they opened up to follow up with.
101 Of those, 20 were adults. They did 127 phone contacts and 23 referrals. She highlighted a case of
102 an adult female diagnosed with schizophrenia who was off her medicine, was very symptomatic
103 and a high utilizer of the Police Department (PD). They got to know her and started building a
104 relationship with her, and were able to connect her to the team able to provide her medication.
105 She stopped calling the PD now and was stable. The change occurred in a few short weeks.

106

107 Councilwoman Blake said Mes. Brown and Hunter-Jacobs were outstanding social workers.
108 This was the one of the biggest things moving forward with Policing in the community. They
109 would eventually be able to reach out to the Sheriff's Department with this program. They would
110 love it and see the benefits for everyone, and it would save a lot of people.

111

112 Captain Drewer added that mental health and drug addictions fell in this arena. He relayed the
113 vision of bringing other parties to the table. Sante specialized in finding the resources that people
114 needed. President Boda thought that SWIFT may be a good partner on some of the things
115 because they dealt with many similar issues.

116

117 The presentation was for Council's informational purposes only.

118

119 **Budget Amendment to accept a grant for chemicals and equipment at the WWTP**

120

121 WW Director Cori Cameron reported on the request to approve a budget amendment to
122 accept a grant from the Maryland Department of the Environment (MDE) for costs
123 associated with the WWTP's Enhanced Nutrient Removal (ENR) operation and
124 maintenance activities. The Bay Restoration Fund (BRF) Operations and Maintenance
125 Grant was in the amount of \$599,776.00 and was an additional \$149,776 over last year's
126 grant of \$450,000.00. Based on 2021 ENR performance, the WWTP has achieved
127 performance optimization and qualified for the grant. The funds would be used for the
128 operations and maintenance of the WWTP. An additional \$495,000.00 was added to their
129 FY23 chemical operating budget 86083-546004 to complete the budget year because
130 chemicals were consistently increasing throughout the year. This grant would prevent
131 WW from needing a budget amendment for chemicals. Ms. Cameron also requested the
132 remaining \$104,766.00 be added to the equipment account #86083-534302 to purchase
133 and repair equipment for plant maintenance.

134

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

137
138 **Budget Amendment to Accept CFES Grant for the Summer Work Program**
139

140 Housing & Community Development Director (HCDD) Ron Strickler discussed the
141 CFES Workforce Grant in the amount of \$7,500. The funds would allow the City to hire
142 two additional summer youth employees.

143
144 Council agreed it was a great program and reached unanimous consensus to move
145 forward with the budget amendment.

146
147 **Budget Amendment to Accept Draper/Bless Our Children donation**
148

149 Mr. Strickler reported the Santa’s Workshop was run every year and was moved to Main
150 Street for the third year now. This past Christmas the HCDD distributed 357 gifts to
151 children, which trumped their previous record of 250 gifts. It was a great year and
152 Draper continued supporting the program. This year the donation was \$5,000 which
153 required the budget amendment to receive the funds into the account.

154
155 Council reached unanimous consensus to advance the legislation to legislative agenda.
156

157 **Budget Amendment to accept SFY 2023 Homelessness Solutions Program Grant**
158 **Funding**
159

160 Mr. Strickler indicated when the HSP Grant Fund was set up in the FY23 Budget it was
161 in the amount of \$40,000. An additional \$9,574 was received from the Maryland
162 Department of Housing and Community Development, which needed to go through the
163 Somerset County Health Department. A budget amendment was needed to add the
164 additional \$9,574 into that account.

165
166 Council reached unanimous consensus to advance the legislation to legislative agenda.
167

168 **Adjournment / Convene in Special Meeting #2**
169

170 With no further business to discuss, President Boda adjourned the Work Session at 6:15
171 p.m. and Council immediately convened in the scheduled Special Meeting #2.

172
173 _____
174 City Clerk

175
176 _____
177 Council President

CITY OF SALISBURY, MARYLAND

SPECIAL MEETING #2

FEBRUARY 21, 2023

PUBLIC OFFICIALS PRESENT

*Council President Muir W. Boda
Council Vice President April Jackson
Councilwoman Michele Gregory*

*Mayor John R. Heath
Councilwoman Angela M. Blake
Councilwoman Megan Outten*

IN ATTENDANCE

City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, City Attorney Ashley Bosché, City Clerk Kimberly Nichols, and members of the public and pres.

The City Council convened in a Special Meeting in Conference Room 306 of the Government Office Building on February 21, 2023 at 6:15 p.m. immediately following the adjournment of the regularly scheduled Work Session.

ADOPTION OF LEGISLATIVE AGENDA

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve the Special Meeting agenda as presented.

RESOLUTION- presented by City Administrator Julia Glanz

- **Resolution No. 3220-** to waive competitive bidding procedures indicated in the Salisbury City Charter § SC16-3, and to authorize the Mayor to enter into, on behalf of the City of Salisbury, a lease agreement with DEVRECO, LLC, setting forth the terms and conditions governing the lease of 115 South Division Street, Salisbury, MD*

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Resolution No. 3220.

- **Ordinance No. 2779-** 1st reading- authorizing the Mayor to accept additional grant funding from the Maryland Department of the Environment (MDE) Bay Restoration Fund (BRF) and to approve a budget amendment to the FY 2023 Water Sewer Fund budget to appropriate such MDE BRF funds for chemicals and equipment at the Waste Water Treatment Plant*

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2779 for first reading.

COMMENTS

Mayor Heath said the presentation on the Co-Responder models had the potential of becoming

47 *what was seen in the SWIFT Program. If that was that successful, the City would be well on our*
48 *way to helping a lot of the issues that were in the City. If anyone was able to donate blood,*
49 *please do so.*

50
51 *Ms. Outten said she appreciated the opportunity to serve on Council and was looking forward to*
52 *working with everyone. She would be scheduling meetings with everyone to wrap her mind*
53 *around all that she heard today, and was looking forward to the work.*

54
55 *Ms. Blake had received several calls regarding noise levels in some of the Salisbury University*
56 *neighborhoods. She was also inundated with calls about the Bird Scooters almost causing*
57 *accidents, not properly using the roadways, and children under the age of 18 riding them. She*
58 *would like to have a larger conversation on the scooters. If healthy enough, please donate blood,*
59 *plasma, and red blood cells. If anyone was not a donor, please consider saving a life.*

60
61 *Ms. Gregory said that someone came to her about the Maryland Homeowner's Assistance Fund,*
62 *which was similar to the Rental Assistance funding that was available for people. She sent the*
63 *information to Administration and they would forward it to the Finance Department. It not only*
64 *helped with mortgage payments, it also helped with emergency home repairs, insurance fees,*
65 *water & sewer- basically anything that went into owning a home. If anyone had an eligible*
66 *hardship after January 2020 due to COVID-19, go to homeownerassistance.maryland.gov and*
67 *apply. If anyone had difficulty paying all sorts of bills, please check it out.*

68
69 *Ms. Jackson asked for her family to be lifted in prayer, as she had another loss in the family.*
70 *Please keep her niece and nephew in prayer. Everyone be safe and continue loving your family.*

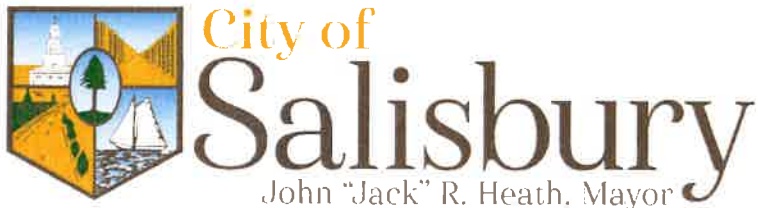
71
72 *President Boda welcomed Ms. Outten to the Council and thanked everyone for the vibrant*
73 *discussion on the CIP. He also appreciated the partnership from Administration.*

74
75 **ADJOURNMENT**

76
77 *With no further business to discuss, the Special Meeting adjourned at 6:30 p.m.*

78
79 _____
80 *City Clerk*

81
82 _____
83 *Council President*



To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Board of Appeals
Date: February 27, 2023

OK
JA
3/7/2023

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

<u>Name</u>	<u>Term Ending</u>
D'Shawn Doughty	March 2026

Attached is the applicant's information and the resolution necessary for this appointment. If this appointment is approved, it will be placed on the next City Council agenda for review.

Attachments

1 **RESOLUTION NO. 3240**

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

5
6

<u>Name</u>	<u>Term Ending</u>
D'Shawn Doughty	March 2026

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10
11 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
12 Council of the City of Salisbury, Maryland held on March _____, 2023.

13
14 ATTEST:

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17 _____
18 Kimberly R. Nichols
19 CITY CLERK

Muir W. Boda
PRESIDENT, City Council

20
21
22 APPROVED BY ME THIS

23
24 _____ day of _____, 2023

25
26
27 _____
28 John R. Heath, Acting Mayor



City of
Salisbury
John "Jack" R. Heath, Mayor

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Youth Development Advisory Committee
Date: February 27, 2023

OK
JA
3/7/2023

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

<u>Name</u>	<u>Term Ending</u>
Charvaye Hutchins-Carter	March 2026

Attached is the applicant's information and the resolution necessary for this appointment. If this appointment is approved, it will be placed on the next City Council agenda for review.

Attachments

1 **RESOLUTION NO. 3241**

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

6
7 Name Term Ending
8 Charvaye Hutchins-Carter March 2026
9

10
11
12 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
13 Council of the City of Salisbury, Maryland held on March _____, 2023.

14
15 ATTEST:

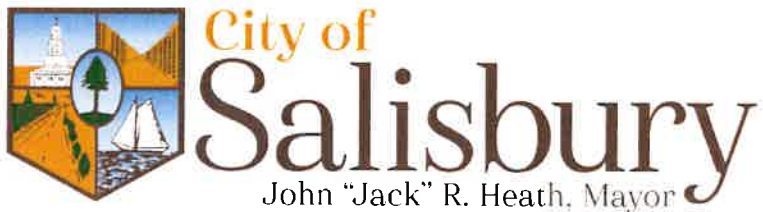
16
17
18 _____
19 Kimberly R. Nichols
20 CITY CLERK

Muir W. Boda
PRESIDENT, City Council

21
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23 APPROVED BY ME THIS

24
25 _____ day of _____, 2023

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27
28 _____
29 John R. Heath, Acting Mayor



OK
JA
3/13/2023

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to Friends of Poplar Hill Board of Directors
Date: March 13, 2023

The following person has applied for appointment to the Friends of Poplar Hill Board of Directors for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Delores Neal	March 2026

Attached is the applicant's information and the resolution necessary for this appointment. If this appointment is approved, it will be placed on the next City Council agenda for review.

Attachments

1 **RESOLUTION NO. 3242**

2
3 BE IT RESOLVED, by the City of Salisbury, Maryland that the following
4 individual is appointed to the Friends of Poplar Hill Board of Directors for the term
5 ending as indicated.

6
7

<u>Name</u>	<u>Term Ending</u>
8 Delores Neal	9 March 2026

10
11
12 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
13 Council of the City of Salisbury, Maryland held on March _____, 2023.

14
15 ATTEST:

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

Muir W. Boda
PRESIDENT, City Council

21
22
23 APPROVED BY ME THIS

24
25 _____ day of _____, 2023

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28 _____
29 John R. Heath, Acting Mayor



City of
Salisbury
John "Jack" R. Heath, Mayor

OK
JA
3/13/2023

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Re-appointment to Historic District Commission
Date: March 13, 2023

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

<u>Name</u>	<u>Term Ending</u>
Brad Phillips	March 2026

Attached is the applicant's information and the resolution necessary for this re-appointment. If this re-appointment is approved, it will be placed on the next City Council agenda for review.

Attachments

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RESOLUTION NO. 3243

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

<u>Name</u>	<u>Term Ending</u>
Brad Phillips	March 2026

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on March _____, 2023.

ATTEST:

Kimberly R. Nichols
CITY CLERK

Muir W. Boda
PRESIDENT, City Council

APPROVED BY ME THIS
_____ day of _____, 2023

John R. Heath, Acting Mayor



City of
Salisbury
John "Jack" R. Heath, Mayor

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Re-appointment to the Zoo Commission
Date: February 27, 2023

OK
JTB
3/7/2023

The following person has applied for re-appointment to the Zoo Commission for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Linda Wainer	March 2026

Attached is the applicant's information and the resolution necessary for this re-appointment. If this re-appointment is approved, it will be placed on the next City Council agenda for review.

Attachments

on agenda 3/27
mailed 3/8

1 **RESOLUTION NO. 3244**

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

<u>Name</u>	<u>Term Ending</u>
Linda Wainer	March 2026

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10
11 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
12 Council of the City of Salisbury, Maryland held on March _____, 2023.

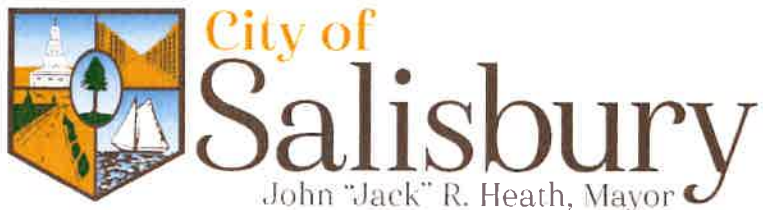
13
14 ATTEST:

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

Muir W. Boda
PRESIDENT, City Council

20
21
22 APPROVED BY ME THIS
23
24 _____ day of _____, 2023

25
26
27 _____
28 John R. Heath, Acting Mayor



To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the TRUTH Committee
Date: March 7, 2023

OK
JA 3/7/2023

The following person has applied for appointment to the TRUTH Committee for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
James Yamakawa	March 2026

Attached is the applicant's information and the resolution necessary for this appointment. If this appointment is approved, it will be placed on the next City Council agenda for review.

Attachments

1 **RESOLUTION NO. 3245**

2
3 BE IT RESOLVED, by the City of Salisbury, Maryland that the following
4 individual is re-appointed to the TRUTH Committee for the term ending as indicated.

5
6

<u>Name</u>	<u>Term Ending</u>
James Yamakawa	March 2026

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10
11 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
12 Council of the City of Salisbury, Maryland held on March _____, 2023.

13
14 ATTEST:

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17 _____
18 Kimberly R. Nichols
19 CITY CLERK

Muir W. Boda
PRESIDENT, City Council

20
21
22 APPROVED BY ME THIS

23
24 _____ day of _____, 2023

25
26
27 _____
28 John R. Heath, Acting Mayor



City of
Salisbury
John "Jack" R. Heath, Mayor

MEMORANDUM

To: Andy Kitzrow, City Administrator
From: Ronald L. Strickler, Jr, Director of Housing and Community Development
Date: March 10, 2023
Re: Resolution - Establishing Endowment Fund for the Housing and Homelessness Non-Endowed Fund

The Director of Housing and Community Development requests the opportunity to introduce a Resolution for consideration by the Mayor and City Council to accept the agreement to establish an endowment fund for the Housing and Homelessness Non-Endowed Fund. The purpose of this endowment fund is to support site operations, and emergency needs of Anne St Village and the Homelessness Division.

Please forward this information to the City Council for review and discussion on the March 20, 2023 work session agenda. Thank you for your assistance and consideration of the proposed resolution.

Ronald L. Strickler, Jr

Ronald Strickler, Jr
Director, Housing and Community Development

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RESOLUTION NO. 3246

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALISBURY
AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT TO ESTABLISH A
HOUSING AND HOMELESSNESS NON-ENDOWED FUND.**

WHEREAS, there is a need to secure additional funds to support the City of Salisbury’s Housing & Homeless Services Division. In particular, additional funding is needed for the operation of Anne Street Village and associated homelessness services;

WHEREAS, the Community Foundation of the Eastern Shore, Inc. (the “Foundation”) has agreed to establish and maintain a non-endowed fund in which charitable donations will be accepted for use by the Housing and Community Development Department in addressing homelessness;

WHEREAS, the funds so donated will be used to support the City of Salisbury Housing & Homeless Services Division;

WHEREAS, specific provisions regarding the administration of the fund are included in the funding agreement attached hereto as **Exhibit 1**. Among other things, the funding agreement confirms the Foundation’s policies on distribution and management of the fund; and

WHEREAS, by this Resolution, the Council hereby approves the funding agreement attached hereto as **Exhibit 1**.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. That a donation fund be established and maintained through the Community Foundation of the Eastern Shore, Inc. for the financial support of the City of Salisbury Housing & Homeless Services Division.

Section 2. The Mayor of the City of Salisbury is hereby authorized to execute the funding agreement attached hereto and incorporated herein as **Exhibit 1**.

Section 3. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Resolution 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 Resolution 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 Resolution shall remain and shall be deemed valid and enforceable.

Section 5. The recitals set forth hereinabove and **Exhibit 1** attached hereto, are incorporated into this section of the Resolution as if such recitals and **Exhibit 1** were specifically set forth at length in this Section 5.

THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on this ____ day of _____, 2023 and is to become effective immediately upon adoption.

ATTEST:

Kimberly R. Nichols, City Clerk

Muir W. Boda, City Council President

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50 Approved by me, this _____ day of _____, 2023.

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John R. Heath, Acting Mayor



City of Salisbury Homelessness Fund

1. Establishment

On _____, 20__ the City of Salisbury Homelessness Fund (the “Fund”), a non-endowed designated fund, was established at the Community Foundation of the Eastern Shore, Inc. (the “Foundation”), a charitable organization described in sections 501(c)(3) and 509(a)(1) of the Internal Revenue Code. The Fund Representatives understand that gifts to the fund are irrevocable and will be used to maintain a charitable fund of the Foundation, subject to the Foundation’s governing documents and bylaws.

2. Administration

The Fund will be effective upon the acceptance of this agreement by the Foundation. The Fund will be administered in accordance with the normal and customary policies for funds of the Foundation (available upon request). The Foundation may receive additional contributions from donors or other individuals or businesses as well as distributions from trusts, wills, private foundations, or donor advised funds to either initially fund or add to this Fund.

3. Distributions

This Fund will be a non-endowed fund to support:

City of Salisbury for use by the Housing and Community Development Department in addressing homelessness

Distributions from the Fund shall be limited to the fund’s distributable amount determined in accordance with the Foundation’s spending policy. Distributions may be made upon request, or scheduled on an annual, semi-annual, or quarterly basis, as requested in writing by a Representative listed below. The Representatives reserve the right to convert the fund to an endowed fund if the required minimum balances are met.

4. Representatives

The following positions in the City of Salisbury government may serve as representatives to the Fund with respect to amount and timing of distributions of the Fund:

- Mayor, City of Salisbury
- City Administrator, City of Salisbury

Representative privileges do not include the ability to change the Designee stated in section three, above.

5. Variance Power

This Fund is a component fund of the Foundation, and its assets are assets of the Foundation. The Fund is subject to the Foundation’s governing instruments including the Foundation’s power to modify any

restriction or condition on the distribution of funds for any specified charitable purposes or to specified charitable purposes or to specified organizations if in the sole judgment of the Board of Directors, such restriction or condition becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the community or area served.

6. Fees

The Foundation will assess administrative and investment management fees against the Fund in accordance with the Foundation’s published fee schedule, as amended from time to time. The Foundation may also assess the fund to cover any unusual expenses incurred in connection with the contributed assets, including the cost of disposing of them, and in the administration of the Fund.

7. Investments

The assets of the Fund shall be invested according to the Foundation’s investment policy, as it may be amended from time to time by the Foundation’s Board of Directors. The undersigned acknowledges that investments are subject to market fluctuations and investment results will be allocated to the Fund.

8. Anonymity/Publicity

To recognize and honor our donors, the Foundation’s policy is to include our donors’ names in publicity about the Foundation unless they wish to remain anonymous.

The undersigned are the founders of the Fund and agree to the terms of this Agreement. This Agreement shall be governed in all respects by the laws of the State of Maryland. Foundation is authorized to amend this agreement to conform to the provisions of any applicable law or government regulation.

By:

_____ Date
Fund Representative

_____ Date
Fund Representative

Accepted:

_____ Date
Community Foundation of the Eastern Shore, Inc.

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ORDINANCE NO. 2783

**AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO SET A
BILLBOARD LICENSE FEE FOR FY 2023 AND THEREAFTER UNLESS AND
UNTIL SUBSEQUENTLY REVISED OR CHANGED.**

RECITALS

WHEREAS, the fees charged by the City are reviewed and then revised in accordance with the adoption of the Fiscal Year 2023 Budget of the City of Salisbury; and

WHEREAS, Ordinance 2723 set fees for FY2023; and

WHEREAS, the City Department of Finance recommends an amendment to Ordinance 2723 by revising the Billboard License Fees for FY2023 as set forth in Exhibit 1.

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

Section 1. That the fee amounts included in the attached Exhibit 1 are adopted by the City of Salisbury and the amounts set forth therein shall supersede the prior corresponding fee amounts prescribed in the Salisbury Municipal Code and Ordinance No. 2723 until one or more of the said fees are subsequently amended. This amendment shall be retroactive to July 1, 2022.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, 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 become effective upon final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 13th day of March, 2023 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 27th day of March, 2023.

ATTEST:

Kimberly R. Nichols, City Clerk

Muir W. Boda, President
Salisbury City Council

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53 APPROVED BY ME THIS _____ day of _____, 2023.

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58 John R. Heath, Acting Mayor

Exhibit 1

Licenses			
Billboard License	0.55-1.65	Per Year, per square foot	Finance

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ORDINANCE NO. 2784

**AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE
MAYOR TO TRANSFER FROM THE GENERAL FUND AND
APPROPRIATE FUNDS FOR THE GOVERNMENT OFFICE BUILDING #1
and #2 PROJECT IN THE GENERAL CAPITAL PROJECT FUND.**

WHEREAS, due to staffing increases the City of Salisbury desires to expand into additional office space to conduct daily operations;

WHEREAS, the City of Salisbury has entered into a lease agreement with the property owner of 115 S. Division Street (previously known as the Salisbury Fire Headquarters);

WHEREAS, the expansion proposal will relocate the Mayor’s Office, Downtown Visitor Center, and City Council Chamber to 115 S. Division Street;

WHEREAS, the City has determined an additional appropriation for the Government Office Building #1 and #2 project is required in the amount of \$ 248,039.24;

WHEREAS, funding for the project shall be provided by the transfer of \$53,000 from the General Fund plus reallocations from various projects; and

WHEREAS, the appropriations necessary to execute the appropriation of \$248,039.24, as provided hereinabove, must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

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

Section 1. Mayor John R. Heath is hereby authorized to appropriate funds for the Government Office Building #1 & #2 project in the amount of \$248,039.24.

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

Section 2. The City of Salisbury’s FY23 General Fund Budget be and hereby is amended as follows:

Increase Decrease	Account Type	Project Description	Account Description	Account	Amount
Increase	Revenue	None	Current Year Surplus	01000-469810	53,000.00
Increase	Expense	None	Transfer General Capital Projects Fund	91001-599109	53,000.00

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Section 3. The City of Salisbury’s General Capital Project Fund Budget be and hereby is amended as follows:

Increase	Account	Project Description	Account Description	Account	Amount
Increase	Revenue	GOB #1 & 2	PayGO	98002-469110-43038	53,000.00
Increase	Expense	GOB #1 & 2	Construction	98002-513026-43038	53,000.00
Decrease	Revenue	City Park Phase 1	PayGO	98018-469313-48041	899.06
Decrease	Expense	City Park Phase1	Construction	98118-513026-48041	899.06
Increase	Revenue	GOB #1 & 2	PayGO	98018-469313-43038	899.06
Increase	Expense	GOB #1 & 2	Construction	98118-513026-43038	899.06
Decrease	Revenue	Service Center	PayGO	98022-469313-43007	140,000.00
Decrease	Expense	Service Center	Construction	98122-513026-43007	140,000.00
Increase	Revenue	GOB #1 & 2	PayGO	98022-469313-43038	140,000.00
Increase	Expense	GOB #1 & 2	Construction	98122-513026-43038	140,000.00
Decrease	Revenue	City Park Master Plan	PayGO	98002-469110-48019	30,457.06
Decrease	Expense	City Park Master Plan	Construction	98102-513026-48019	30,457.06
Increase	Revenue	GOB #1 & 2	PayGO	98002-469110-43038	30,457.06
Increase	Expense	GOB #1 & 2	Construction	98002-513026-43038	30,457.06
Decrease	Revenue	GOB Roof Improvements	PayGO	98017-469313-43029	12,288.96
Decrease	Expense	GOB Roof Improvements	Buildings	98017-577015-43029	12,288.96
Increase	Revenue	GOB #1 & 2	PayGO	98017-469313-43038	12,288.96
Increase	Expense	GOB #1 & 2	Construction	98017-513026-43038	12,288.96
Decrease	Revenue	Exterior Siding Repair	PayGO	98022-469313-48059	181.66
Decrease	Expense	Exterior Siding Repair	Construction	98122-513026-48059	181.66
Increase	Revenue	GOB #1 & 2	PayGO	98022-469313-43038	181.66
Increase	Expense	GOB #1 & 2	Construction	98122-513026-43038	181.66
Decrease	Revenue	Street Light Additions	PayGO	98022-469313-48068	1,212.50
Decrease	Expense	Street Light Additions	Construction	98122-513026-48068	1,212.50
Increase	Revenue	GOB #1 & 2	PayGO	98022-469313-43038	1,212.50
Increase	Expense	GOB #1 & 2	Construction	98122-513026-43038	1,212.50
Decrease	Revenue	GOB Security Enhancements	PayGO	98022-469313-43031	10,000.00
Decrease	Expense	GOB Security Enhancements	Construction	98122-513026-43031	10,000.00
Increase	Revenue	GOB #1 & 2	PayGO	98002-469313-43038	10,000.00
Increase	Expense	GOB #1 & 2	Construction	98102-513026-43038	10,000.00

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

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

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

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

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

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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 13th day of March, 2023 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 27th day of March, 2023.

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64 **ATTEST:**

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

_____ **Muir W. Boda, City Council President**

70 Approved by me, this _____ day of _____, 2023.

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74 **John R. Heath, Acting Mayor**

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ORDINANCE NO. 2786

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY23 GENERAL FUND BUDGET TO APPROPRIATE FUNDS FOR THE FIRE DEPARTMENT'S VEHICLE REPAIR ACCOUNT.

WHEREAS, the Fire Department has the need to maintain its fleet by performing regular maintenance and repairs; and

WHEREAS, the Fire Department has experienced several unanticipated repair cost and price increases impacting the FY23 Budget; and

WHEREAS, the Fire Department has an immediate and urgent need to service and repair several pieces of equipment; and

WHEREAS, to cover the current and expected cost for repairs, the Fire Department is projecting a shortfall of funds in the Vehicles' account for the remainder of FY23; and

WHEREAS, there are insufficient funds available in the FY23 Fire Department Budget to cover the required 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

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 Surplus Account (01000-469810) by \$50,000.00

(b) Increase the Salisbury Fire Department's Vehicle Account (24035-534308) by \$50,000.00

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

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

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

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

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

53 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
54 Salisbury held on the 20th day of March, 2023 and thereafter, a statement of the substance of the Ordinance
55 having been published as required by law, in the meantime, was finally passed by the Council of the City
56 of Salisbury on the 27th day of March, 2023.

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59 **ATTEST:**

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Kimberly R. Nichols, City Clerk

_____ **Muir W. Boda, City Council President**

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67 Approved by me, this _____ day of _____, 2023.

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John R. Heath, Acting Mayor

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City of
Salisbury
Jacob R. Day, Mayor

March 2, 2023

TO: Andy Kitzrow
FROM: Colonel David Meienschein
SUBJECT: Ordinance – Purchase and Upfitting of Four SPD Vehicles

Attached please find an ordinance to authorize the appropriation of \$214,189.35 of funds received from the Wicomico County Task Force Equitable Sharing account to be used toward the purchase and customizing of four police vehicles.

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

David Meienschein
Assistant Chief of Police

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ORDINANCE NO. 2787

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY2023 GENERAL FUND BUDGET TO APPROPRIATE FUNDS TO PURCHASE AND CUSTOMIZE 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 awarded to the Salisbury Police Department (“SPD”) through the Wicomico County Narcotics Task Force (“Equitable Sharing Funds”); and

WHEREAS, the SPD desires to utilize the Equitable Sharing Funds to purchase and customize, or “upfit”, four (4) SPD vehicles with proper police equipment; and

WHEREAS, the enhanced SPD vehicles will be used in Criminal Investigations, Patrol Operations, and SPD recruitment and retention efforts; and

WHEREAS, the enhancement of SPD vehicles also improves response time, communications by and between officers, and the overall efficiency of the SPD; and

WHEREAS, the SPD requests the transfer of Two Hundred Fourteen Thousand, One Hundred Eighty-Nine Dollars and Thirty-Five Cents (\$214,189.35) from the Equitable Sharing Funds account into its Vehicle Purchase Account; and

WHEREAS, the SPD will apply any remaining funds towards future vehicle purchases and/or vehicle maintenance.

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

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

- (a) Increase the Current Surplus Account (01000-469810) by \$214,189.35 and
- (b) Increase the Vehicle Purchase Account (21021-577025) by \$214,189.35.

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

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

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

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

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

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 27th day of March, 2023 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 _____, 2023.

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ATTEST:

Kimberly R. Nichols, City Clerk

Muir W. Boda, City Council President

Approved by me, this _____ day of _____, 2023.

John R. Heath, Acting Mayor



City of
Salisbury
Jacob R. Day, Mayor

March 2, 2023

TO: Andy Kitzrow
FROM: Colonel David Meienschein
SUBJECT: Resolution – Donation of K-9

Attached please find a Resolution to authorize the Salisbury Police Department to accept a donation of a Police K-9. The K-9 has been trained and certified in Police patrol functions. The K-9 has been donated by Delmarva K-9 via Throw-Away Dog Program, Inc.

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

David Meienschein
Assistant Chief of Police

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ORDINANCE NO. 2788

**AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND
ACCEPTING THE DONATION OF A POLICE CANINE (“K-9”) TO THE
SALISBURY POLICE DEPARTMENT.**

WHEREAS, the Throw Away Dogs Project is an internationally recognized nonprofit organization that rehomes K-9s deemed unsuitable for their initial purpose by repurposing, retraining and relocating them into Police, Fire, and Veterans services; and

WHEREAS, Delmarva K9, Inc. specializes in police dog training and, through its connection to the Throw Away Dogs Project, facilitates the rehoming of such K-9s in the Delmarva region; and

WHEREAS, Delmarva K9, Inc. wishes to donate a repurposed K-9 to the Salisbury Police Department; and

WHEREAS, the donated K-9 at issue was initially purposed for bed bug detection, but was found to be unsuitable for service in that specific training environment; and

WHEREAS, the K-9 has since been found suitable for police duty, and has been successfully certified in Police Patrol Functions; and

WHEREAS, this trained and certified K-9 has a market value of approximately \$6,000.00; and

WHEREAS, the Salisbury Police Department desires to further train the K-9 to specialize in accelerant (bomb) detection at a cost of \$6,500.00; and

WHEREAS, the Salisbury Police Department has surplus funds available to cover these costs, and has a great need for this type of specialized K-9 given the ever-increasing special events within the City of Salisbury and limited human resources.

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

Section 1. The aforementioned K-9, having a market value of \$6,000.00, be and hereby is accepted from Delmarva K9, Inc. and the Salisbury Police Department is authorized to enter into the attached Donation Agreement on behalf of the City of Salisbury; and

Section 2. The same K-9 is approved for further training in accelerant (bomb) detection, at a cost of \$6,500.00.

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

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

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

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

52 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.
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55 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City
56 of Salisbury held on the _____ day of _____, 2023 and thereafter, a statement of the substance of
57 the Ordinance having been published as required by law, in the meantime, was finally passed by the
58 Council of the City of Salisbury on the _____ day of _____, 2023.
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65 **ATTEST:**

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

_____ **Muir W. Boda, City Council President**

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73 Approved by me, this _____ day of _____, 2023.
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79 **John R. Heath, City of Salisbury, Acting Mayor**

**AGREEMENT FOR DONATION OF POLICE DOG
BY AND BETWEEN
Throw Away Dog Project
&
SALISBURY POLICE DEPARTMENT**

CS Initials for Agent of Throw Away Dogs Project

NTM Initials for Agent of Donee

Agreement FOR DONATION OF POLICE DOG

BY AND BETWEEN

Throw Away Dog Project

&

Salisbury Police Department

This Agreement is made on this [March 1, 2023], between *Throw Away Dogs Project, of PO Box 641, Huntingdon Valley, PA 19006*, a corporation organized under the laws of the state of Pennsylvania ("Donor"), and [*Chief Barbara Duncan*], of [*Salisbury Police Department* ("Donee").

RECITALS

WHEREAS, the goal of the Donor is to RESCUE, REHABILITATE & RELOCATE misunderstood dogs so they can now have a purpose to be HONORED, RESPECTED & TRUSTED as Law Enforcement K9 working dogs.

WHEREAS, the Donee is in need of a police service dog for **Explosive Detection** ;

WHEREAS, the Donee filled out an application for a Police Dog, a copy of which is attached as Exhibit A [attach appropriate application] to this Agreement;

WHEREAS, the Donee was chosen to be the beneficiary of one of Donor's Police Dogs (hereinafter referred to as "Police Service Dog" or "K9").

In consideration of the mutual covenants contained in this Agreement, it is agreed as follows:

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ARTICLE I.
POLICE K9 DONATION

§1.1. Consideration. In consideration of Donor donating a Police Dog to Donee, the receipt of which is hereby acknowledged by Donee, and for the further consideration mentioned in this Agreement, Donor agrees to donate and will deliver to Donee or its assigns, and Donee will accept the following-described K9, under the following terms and conditions:

§1.2. Description of Police Service Dog. *Throw Away Dogs Project* is placing the following described Police Service Dog with the Donee:

[Name of animal] Chaos

[Male/Female] Male XX

[Description of breed and markings] Yellow Belgian Malinois

[Number of identification tag] K94052

[Number of microchip tracking identifier] 941-000-022-671-630

Spay/Neuter/Sterilization: *[[Yes [date of procedure]]/No]* K-9 is - Not Neutered

[Approximate Date of Birth] 07/16/2018

§ 1.3. Deliver. Delivery of the Police Service Dog subject to this Agreement is to be to the Donee's Handler on [March 1, 2023], at [0800].

ARTICLE II.

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§2.1. Experience. Donee has been told and is aware that the dog which Donor accepts into its program are acquired through Broker/Breeder donation, owner surrender/shelter surrender or rejection. Although the Donor has trained its Police Dogs, due to the background of the dog, an experienced handler is required for the Police Dog that is the subject of this Agreement. This handler must be approved by Donor.

§2.2. Living Requirements. The Police Dog must live, at all times, with its assigned handler in his/her home. The dog shall not, at any time, be kenneled for more than a few hours at any police/sheriff department to include correctional facilities away from the assigned handler. This does not include kenneling as related to the assigned handler being out of town for vacation, classes, etc. as long as the dog is kenneled in a safe environment with adequate food and water and well-being checks throughout the time the handler is away. If Donee intends to house Police Dog outside, whether at handler's home or at a department, Donee shall at all times make certain the outdoor conditions are adequate for the dog's comfort and survival. Adequate outdoor conditions shall mean the dog has shelter, adequate food and water and shall take into account outdoor temperatures and changing weather conditions. Routine well-being checks shall be required whenever a dog is placed outside for any period of time. At no point shall Police Service Dog be left outside when the temperature is 32 degrees Fahrenheit or lower or 90 degrees Fahrenheit or during a Heat Advisory or during a Severe Weather Warning.

§2.3. Replacement of Handler. The Police Dog under this Agreement shall always have an assigned and experienced handler. If the originally-approved handler can no longer fill his/her role, a new handler must be chosen. Donor shall be informed of any changes to the Police Dog's handler within twenty-four (24) hours. Should a new handler be required, Donee must first get approval from Donor before integrating a new handler with the Police Dog.

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§2.4. Inspection. Prior to the donation of the Police Dog being made, the assigned Handler shall be required to personally train/handle the Police dog for at a location the Donor selects. During that training period, Donor shall also have the right to inspect the Police Dog. During the training period or in the two weeks following, Donee must give notice to Donor in writing of any issues he/she notices in regard to the temperament, condition, quality, or grade of the Dog, and must specify any issues in detail.

§2.5. Breach. Donee's failure to comply with any of the provisions in this section shall constitute a forfeiture of the Police Dog where Donor will immediately be able to take possession of the dog and a waiver of any liability or responsibility that Donor has to the Donee, its heirs or assigns.

**ARTICLE III.
COVENANTS AND WARRANTIES**

§ 3.1. Donor Covenants. Donee recognizes that Donor obtains its dogs from Broker/Breeder donation, owner surrender/shelter surrender or rejection. Donor covenants that, upon delivering the Police Dog, Donor shall have filed all the necessary paperwork to obtain ownership of the dog and, shall conform to the description of the Police Dog that was exhibited to Donee above.

§ 3.2. Donor's Tests. When Donor selects dogs for its program, it runs several temperament tests on its Police Dogs to ensure that they have the capacity and personality to be a working dog. In particular, Donor has evaluated the dog's social skills, evaluated the dog in a variety of different situations to ensure it is stable in all types of environments, evaluated the dog's drive and determination to serve as a Police Service Dog, and ensured the dog is physically in shape to carry out the many duties of a Police Dog.

§ 3.2. Donee Warranties

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- A. Donee agrees to house, feed, and always maintain the Police Dog to the satisfaction of the Commanding Officer of its K9 unit.
- B. Donee shall complete all the Police Dog's training within one hundred fifty (150) days from the date of this Agreement. If the dog's training is not completed within that time frame, Donee shall immediately notify Donor. If after discussions with Donor, an agreed-upon extension cannot be reached, Donor shall be able to immediately take possession of the Police Dog and Donee shall forfeit the donation.
- C. The Donee agrees to contact the Donor immediately if any questions or concerns arise about the Dog, such as housing, diet, temperament, health or training. If at any time Donee believes that the Police Dog becomes unacceptable for training, Donee must immediately notify Donor in writing.

§ 3.3. ADDITIONAL WARRANTIES.

- A. THE Donee WARRANTS AND COVENANTS, UNDER NO CIRCUMSTANCE, EVER TO SURRENDER THE POLICE DOG TO A SHELTER, RESCUE, SELL, GIFT, OR DESTROY IT.
- B. If the Donee is unable or unwilling to maintain the Police Dog for any reason, or finds it unacceptable for training, the Donor retains right of first refusal to take possession or the Donor will assist the Donee in placement of the Police Dog into a new suitable home. The Police Dog is never to come into residency with any other individual without prior written, signed and notarized consent of the Donor. The Police Dog MUST be returned to the Throw Away Dogs Project.
- C. The Donee agrees to provide yearly veterinarian exams, appropriate vaccinations and heartworm preventative, flea & tick preventative as well as to provide appropriate veterinary care should the puppy/dog become ill or injured.
- D. The K-9 will be gifted to the handler once the K-9 is retired from service with signed agreement and release of liability.

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- E. I, print name: _____, authorize Donor to this Agreement to contact our veterinarian to request & obtain health records for the dog outlined in this contract.
- F. In the event that the Police Dog passes away, Donor must be notified immediately. The Police Dog's body must be brought directly to its primary veterinarian's office where an autopsy must be promptly done. Should Donee not have money for an autopsy or should Donee not wish to pay for an autopsy, Donee must immediately notify Donor so he can send funds to have the autopsy completed. **AT NO TIME SHALL THE POLICE DOG BE EUTHANIZED WITHOUT NOTIFYING THE DONOR FIRST. At no time shall the Police Service Dog be cremated.** Once an autopsy is completed, the Donor shall be notified so it can pick up the dog's body or work with Donee to schedule a respectful funeral.

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WAIVER AND RELEASE OF LIABILITY

The Donee desires to receive a Police Dog by the Donor, and as an inducement to the Donor to agree to the donation, the Donee hereby represents, acknowledges and agrees as follows:

1. Due to the unpredictable nature of animals, certain risks and dangers may occur while caring for an animal, even a trained animal, including risks of injury to person and property.
2. Donee has voluntarily agreed to accept the donation described in the Agreement attached to this Release and Waiver Agreement with full knowledge of such risks and hereby voluntarily assumes all of such risks.
3. Donee acknowledges that Police Dog will undergo a training program according to Donee's Department requirements. This training shall constitute a material alteration to the Police Dog, thus forfeiting any products liability warranties.
4. Donee will not make any claims against, sue or attach any property of the Donor, its directors, officers, agents, employees and/or volunteers for any injury or damage caused by any animals donated from the Donor.
5. Donee hereby voluntarily releases, discharges, waives and relinquishes any and all actions or causes of action for personal injury, property damage or wrongful death occurring to the Donee, or to third parties as a result of any action or activity of any animal(s) donated to me from the Donor. The intent of this instrument is to exempt and relieve the Donor from ALL liability for personal injury, property damage or wrongful death caused by negligence or otherwise.

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6. Donee hereby agrees to hold Donor and its directors, officers, agents and/or employees harmless and indemnify them from and against any liability, claims, judgments or expenses I may incur arising out of the donation of a Police Dog from Throw Away Dogs Project.

7. THE UNDERSIGNED HAS CAREFULLY READ THE FOREGOING, AND UNDERSTANDS THAT TOGETHER THEY CONSTITUTE A DISCLAIMER OF LIABILITY BY THE DONOR AND A RELEASE OF ALL CLAIMS BY ME. I UNDERSTAND THAT I ASSUME ALL RISKS INHERENT IN MY DECISION TO ACCEPT THE DONATION OF A POLICE DOG FROM THE DONOR AND ANY RELATED ACTIVITIES. I VOLUNTARILY SIGN BELOW TO EVIDENCE MY ACCEPTANCE OF THE ABOVE PROVISIONS.

7. If any portion of this Release is held invalid, it is agreed that the balance hereof shall continue in full legal force and effect.

8. This Release is governed by the laws of the State of Maryland applicable to Agreements entered into and fully performed therein.

Dated: 3/1/2023

Print: Antonio Gutierrez
Assigned Handler

Signature: [Signature] #6106

Print: Barbara Duncan
Agent/Chief with Binding Authority

Signature: [Signature] ASSIST CHIEF OF POLICE 0183

Donee (Department Name), [Salisbury Police Department, MD]

Print: CAROL SKOZIAK
Throw Away Dogs Project Representative

Signature: [Signature]

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K9 Release/Adoption Agreement

It is asked that periodic updates be given to the Throw Away Dogs Project regarding the donated dogs progress as we take immense pride in our donations. We also request photographs of the dog and handler from time to time as this is a way to promote our Organization and keep any future donations coming in. We would also be honored to attend the said canine's graduation ceremony.

PRIVACY POLICY: The Throw Away Dogs Project does reserve the right at its discretion to promote the mission set forth in its bylaws. The organization is committed to the privacy and the protection of all officers, both human and K9.

The undersigned intends to be legally bound hereby.

Contact Information:

Department Name: Salisbury Police Department, MD

Department Address: 699 W. Salisbury Parkway .

City, State, Zip: Salisbury, Maryland 21801 .

Telephone: 410.548.3159

Chief of Police Name: Barbara Duncan

Chief of Police Cell Phone Number: 410.548.3159 .

Handler Name: Antonio Gutierrez

Handler Address: 699 W. Salisbury Parkway Salisbury MD. 21801

Handler Cell Phone Number: 443.366.8898

Handler Email Address: agutierrez@salisburydpd.com

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