



CITY OF SALISBURY CITY COUNCIL AGENDA

JULY 10, 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. CITY INVOCATION- Pastor Greg Carlson, Park Seventh-day Adventist Church
- 6:03 p.m. PROCLAMATION- City Administrator Andy Kitzrow
- 6:20 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:21 p.m. CONSENT AGENDA- Assistant City Clerk Julie English
- April 18, 2023 Budget Work Session Minutes
 - April 20, 2023 Budget Work Session Minutes
 - May 1, 2023 Work Session Minutes
 - May 1, 2023 Special Meeting Minutes
 - **Resolution No. 3264**- to approve the appointment of Hemalatha Bhaskaran to the Bicycle & Pedestrian Advisory Committee for the term ending June 2026
 - **Resolution No. 3265**- to approve the appointment of Suzanne Peterson to the Human Rights Advisory Committee for the term ending June 2025
- 6:24 p.m. AWARD OF BIDS- Contract Specialist Michael Lowe
1. ITB 24-103 Salisbury Fire Department Rescue Truck \$1,624,885.00
 2. ITB A-23-102 Streetlight/Traffic Signal Maint. Svcs \$150,000.00 - \$300,000 (3 yr. est.)
 3. RFP 23-108 Comprehensive Plan Updates \$160,000.00
- Declaration of Surplus
1. Salisbury Police Department – Duty Weapons (qty 3)
 2. Salisbury Fire Department – Misc. apparatus and turnout gear
- 6:50 p.m. ORDINANCES- City Attorney Ashley Bosché
- **Ordinance No. 2811**- 1st reading- approving a budget amendment of the FY2023 forfeited funds fund budget to appropriate funds to purchase a customizable and expandable storage system for the Salisbury Police Department
 - **Ordinance No. 2812**- 1st reading- to amend Chapter 2.16 of the Salisbury City Code, entitled “Fire Department”, for granting the authority to enforce all laws and ordinances of the City of Salisbury and State of Maryland pertaining to fire, to implement fire safety programs, and to issue permits and licenses to the City Fire Marshal

- **Ordinance No. 2813**- 1st reading- to amend Chapter 8.11 of the Salisbury City Code, entitled “The Fire Prevention Code”, granting the authority to issue permits for the installation, modification, or removal from service of any private fire service water mains and their appurtenances, and prescribing penalties for specific violations
- **Ordinance No. 2814**- 1st reading- amending Section 17.76.020A. of the Salisbury City Code to add Service, Rental and Repair Establishments to the category of uses permitted in the Light Industrial Zoning District

6:55 p.m. PUBLIC COMMENTS

7:00 p.m. ADMINISTRATION and COUNCIL COMMENTS

7:05 p.m. ADJOURNMENT

Copies of the agenda items are available for review in the City Clerk’s Office, 2nd Floor – Salisbury Headquarters 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 – JULY 24, 2023

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- **Ordinance No.** - 1st reading- accepting grant for Anne St Village resident training

Join Zoom Meeting

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

Meeting ID: 881 6325 3286

Passcode: 812389

Phone: 1.301.715.8592

CITY OF SALISBURY
BUDGET WORK SESSION
APRIL 18, 2023

Public Officials Present

Council President Muir W. Boda
Council Vice-President April Jackson
Councilmember Michele Gregory

Mayor John R. "Jack" Heath
Councilmember Angela M. Blake
Councilmember Megan Outten

In Attendance

City Administrator Andy Kitzrow, Acting Assistant City Administrator Tom Stevenson, Finance Director Keith Cordrey, City Clerk Kimberly Nichols, City Staff and Department Heads, and members from the public

The City Council convened in a hybrid Budget Session at 8:30 a.m. via Zoom and in Conference Room #306 to begin the FY24 Budget Review. The following is a synopsis of the discussions.

Salisbury Police Department (SPD) Personnel Committee

Cpl. Nicholas Amendolagine and Cpl. Dave Underwood joined Council to represent the SPD Personnel Committee. They requested the Take Home Car Program be continued to enhance recruitment and retention and shared they were still down on officers. Full staff would entail having 103 officers; there were 7 frozen, and they were down 12. Two were rumored to be leaving soon, and four would soon be retiring, bringing their number down to 78. They also shared the following:

- Take home cars- The young officers wanted take home cars. (4) cars in the budget this year was definitely helpful. They needed to consistently keep getting cars. SPD was the only municipality in the county that did not have a full take home car program. They were a strong selling point.
- Starting pay was not competitive right now. The Mayor's Proposed Budget was very close to what they had in mind.

Ms. Jackson asked for their top two requests, which were pay and take-home cars. Starting pay was not competitive. Council discussed take home cars and the fact that normally vehicles last longer because they are taken care of better and not used constantly.

President Boda asked them to share Council's appreciation for all they did for the community.

Salisbury Fire Department (SFD) Personnel Committee

Salisbury Career Fire Fighters Local #4246 President Sgt. Brandon Records and Vice-President Daniel Hill joined Council. Sgt. Records said they normally came in these meetings to argue a point, but they were going to express appreciation for the pay scale because they had been behind for quite some time. He did not know more details and asked for budgetary information.

Mr. Kitzrow informed them that the majority of everything requested by Chief Tull was funded including the new pay scale, trainings and schools, computer services, consulting fees, medical, uniform allowances, maintenance, two more vehicles, hazmat supplies, turnout gear, etc. He reminded them this was all contingent on the revenue projections.

Sgt. Records asked about funding to clean the HVAC vents in the Fire Department and Mayor Heath thought that should be covered in the maintenance agreement.

Volunteer Fire Department

Deputy Chief Lee Smith presented the request for \$80,000. The volunteer coordinator resigned and it was decided to not fill the position. He requested Council consider ballistic vests for all fire fighters and EMS, as more violent incidences were happening. Many times fire personnel were on the same scenes as Police. They were supposed to be funded in FY25, but he thought a year was a long time. Ms. Jackson asked how much the vests were, and he answered \$100 to \$145 per vest, and the total amount would be about \$44,000. Mayor Heath noted that when he volunteered, the fire fighters were placed on hold when there was a dangerous situation until the site was cleared. Mr. Smith said that was still in effect.

Deputy Chief Smith also requested the support of the replacement of Rescue 1, funding to replace two engines which were 14 years old, and \$5,000 for volunteer training.

Mr. Kitzrow asked Deputy Chief Smith to explain funding for the volunteers from the County. Chief Smith said that up until six years ago they received funding from the County. Prior County Executive Bob Culver ended the \$125,000 County appropriation and matching fund of \$25,000. Over the last five years it was still placed in the budget but County Council voted against it each year. They still received their 508 money of about \$28,000 each year. This year, they purchased \$33,000 in hydraulic tools, a second Nomex hood for all firefighters to reduce the risk of cancer for \$8,100, five fire hoses were replaced for \$17,000 and fire nozzles for \$22,000, and updated gym equipment for \$35,000. They would be able to do more projects if they were funded by the County again, and did not know why the County Council was against them because they funded the other twelve fire companies. The previous Acting County Administrator included Salisbury in the budget every year, but was deducted by the County Council. He said Salisbury ran 80% of the calls in the County and thought they should be recognized for that.

Council took a break at 9:22 a.m. and returned at 9:35 a.m.

City Clerks Office (11100)

City Clerk Kim Nichols reporting there was nothing extra requested from last year. The copier payment was reduced and telephone was increased per Procurement's estimation.

Elections (13000)

Ms. Nichols reported on the Elections budget. The budget had increased from four years ago. The total Elections budget for 2019 was about \$68,000 while the requested budget for this year for the November 2023 Election was \$98,000. She reported on the five locations being used for polling. She discussed the polling locations.

City Council (11000)

Ms. Nichols reported on the Council's budget and discussed the importance of travel and training accounts.

Additional Information

Mr. Kitzrow reported the City was going to move the 40 hours per week employees to 35 hours per week. The employees in Police and Fire who worked 12-hour shifts would not be impacted.

Field Operations and Water Works would be shifting to 35 hours. They had to add some additional funding for a part time Zoo Keeper because of the feeding schedule of the animals.

The City did not spend a lot of money this year on Field Ops' or Water Works' vehicle fleet . There were numerous vehicles at the end of their life cycle, and there would be unique ways to fund them next year.

General Government Personnel Committee

IS Computer Tech Will Schmager reported for the General Government Personnel Committee. A request would have been for some sort of increase, but Council had already approved increases, and he thanked Council. Several departments requested positions, and it appeared they were funded, and he also thanked Council. Education reimbursement for employees would now be at the beginning of programs rather than at the end of their classes. Mr. Schmager said the Zoo requested repairs to or funds to purchase a new dump truck. Mr. Kitzrow said the new dump truck was not funded in the budget this year, and would be addressed this Fall.

Mayor's Office (12000)

Mr. Kitzrow discussed the vacant Internal Governmental Liason position in the Mayor's Office, which was frozen. The new administration would not need the position this year. Otherwise, he reported it was a flat budget with some funding moved around. He noted the funding for the new HQ offices would be in the GOB presentation by Procurement Director Jennifer Miller.

Mr. Kitzrow also discussed the new pay grade scale which would eliminate compression.

Salisbury Police Department (SPD- 21021)

Colonel Dave Meienschein and Captain Howard Drewer joined Council to discuss the Police Department's budget. He discussed the Vehicle Maintenance Account which always seemed to need additional funds, as they had an aging fleet. He discussed the take home and shared vehicle programs. Everything was going up in price and it was important to get ahead of maintenance issue and extra funding in the Vehicle Maintenance Account was needed.

Another item was incentives to the special units. The Tactical Unit worked in the City and the County because the County did not have a fully operational Tactical Unit due to their staffing shortages. Even though the SPD staffing was down, they had a highly trained, motivated and fully equipped Tactical Unit, which came with overtime. SPD wanted to create a stipend incentive to encourage being accepted and remaining on the Unit. Another incentive was the K-9 Program. The officers had to be compensated. Traditionally, they found the money in other budget lines and did not budget those amounts. They also wanted to compensate CID. Vehicle purchases were also important to help retain and recruit officers.

Colonel Meienschein discussed the tough competition, how busy the City Police were compared to other jurisdictions, and the subsequent burnout. He stressed how crucial it was to be competitive in pay, vehicles, equipment and uniforms.

Ms. Jackson asked if more training was needed in dealing with youth violence. Colonel Meienschein said that based on recent events, they were meeting everyday with their allied agencies. They had to make it painful to leave employment with the City by offering cars, more pay, benefits, etc.

President Boda asked how often SPD went outside of the City to perform tactical duties, and Captain Drewer answered that over the last couple of months their counterparts had an increase in injuries and were struggling. SPD had an MOU with them and they trained together. They had done more over the past three months in the County. The number fluctuated, but an estimate would be at least three times per month. Some of the people the County investigated were also being investigated by CID.

Police Communications (PCC) (21025)

Colonel Meienschein appreciated the mid-year incentives offered to Dispatch and it helped retain a few people who were looking elsewhere. This was a key component in conjunction with the feet on the ground. Mr. Kitzrow said the PCC Officer was the only position on General Government not shifting to a 35-hour work week because they worked a 12-hour shift.

Animal Control (21029)

The driving budget item was their work with the Humane Society. They paid 1/5 of the Humane Society's budget and were looking to conduct a review.

Council recessed at 10:35 a.m. and reconvened at 10:46 a.m.

Human Resources (HR) (18500)

HR Director Meg Caton reported the biggest change in the budget was the tuition reimbursement. They were providing the funding up front rather than as a reimbursement. She explained the contract the employees would need to sign with the City. More money was funded for travel due to the increased job fairs, etc. and conferences. Incentives and employee recognition funds were for swag, movie tickets, etc.

Financial Overview

Finance Director Keith Cordrey presented the following:

- Balance Sheet-Governmental Funds
 - Cash FY22 VS. FY21: \$14.6 million V.S. \$14.4 million
 - FY22 Unassigned Fund Balance: \$12.2 million (\$12.6 million in the prior year)
- Financial Results
 - Revenues of \$45.7 million, Expenses of \$44.8 million
 - Total change in fund balance was \$451,000
 - Budgeted \$2.4 million in Surplus, carried forward encumbrances of \$2.4 million, and passed ordinances to use \$2.2 in Surplus
 - Final budget we would have used \$7.1 of Surplus if we spent every dollar that we budgeted, but during the year the City had revenue variances where the total revenue variance was \$3.3 million, meaning we received \$3.3 million more than what was budgeted. Mr. Cordrey summarized the major components- taxes came in at \$1.4 million more than what was budgeted and charges for services came in \$94,000 over.
 - Favorable expenditure variances where some of the departments did not expend all of the budget was \$3.3 million.
- Water Sewer Fund Statement of Net Position
 - \$300,000 increase in Cash;
 - Restricted Cash declined by \$2.2 million, construction in process declined by \$6.4 million. This was because some completed projects were moved into Fixed Assets.
 - Water & Sewer Funds current liabilities declined by \$3.3 million, Total liabilities declined by \$11 million; Unrestricted net position increased by \$2.4 million (from \$-1.8 million to \$512,000)
 - Changes of Net Position – charges of services for FY22 increased by \$1.3 million, Total Operating Revenues increased by \$1.6 million, and Total Operating Expenses were reduced by \$2.3 million.

- Had an improvement in Net Operating Income of \$2.7 million, and our Change in Net Assets improved by \$5.4 million.
- Governmental Statement of Net Position Total, both governmental and business-
Cash increased by \$3.5 million; OPEB liability last year was \$25 million, this year increased to \$28 million; Pension liability increased from \$34 to \$40 million
- Governmental Statement of Net Position (Full Accrual Statements)
 - In FY22 Capital Assets increased by \$6.5 million, Total Assets increased by \$9.6 million
- Statement of Net Position that includes Enterprise Funds (Water Sewer, Marina, Parking and all Funds)
 - Under Non-current Liabilities , post employment health benefits and the pension liability are recorded. Currently, the health benefits were at \$16.8 million and net pension liability was at \$29.2 million.

President Boda asked Mr. Cordrey to explain the above and why the City did that. Mr. Cordrey reported that when City employees retired they received a subsidy for health benefits. An actuary determined what the estimated future cost would be over time. The pension liability was another benefit offered to City employees and an actuary determined the proper amount to record for the City's future pension costs.

- Unrestricted Net Position improved by \$3 million. It went from -\$35.5 million to -\$34.2 million.

Financial Health

Benchmarks

General Fund- Total Fund Balance

- The Total Fund Balance was \$16.5 million and budget expenditures was \$45.9 million (36% ratio- considered a strong fund balance)
- Unassigned Fund Balance- (uncommitted net assets)- The City was above the three-month line. The City was at \$12.6 million last year and \$12.2 million this year. The City was steady at this time with the Unassigned Fund Balance.
- Debt to Market value- Total Debt was \$89.1 million, Market Value of Property was \$2.4 billion. This was considered adequate at 3.58%
- Debt per capital - \$2696 (needs improvement)
- Annual Debt Service increased by \$200,000 to \$4.3 million
- Ratio of 7.38% as it related to the General Fund + Capital Project Budget (\$58.7 million) Considered adequate because it was less than 10%.
- Water and Sewer Unrestricted Balance improved from -\$1.8 million to \$512,000
- Water and Sewer Operating Revenue was \$19.8 million with ratio of 2.58 (needs improvement) The City needed to build their assets in the Water Sewer Fund.
- Parking Authority Unrestricted Net Position- -593,000 (needs improvement)

Mr. Cordrey said the Benchmark Summary showed none of ratios changed last year to this year.

Mayor Heath asked Mr. Cordrey to comment on the impact of the ARP funds over the two years. Ms. Cordrey explained one of the top decreases of the General Fund Revenues was that last year they budgeted \$4.5 million of Federal Recovery Funds, and this year they budgeted none in the budget. Some of the top increases in revenues were Fire-EMS Fee (\$5.7 million), Real Property Tax

(\$2.7 million), EMS Medicare Reimbursement (\$665,000), Local Income Tax increases (\$500,000), Highway User Fees (\$373,000), Police Regular Grant (\$307,000), Red Light Camera Revenue (\$239,000), Railroad Utility Personal Property Taxes (\$200,000), EMS Services from Life Quest (\$200,000), Personal Property OBC (\$100,000).

Some decreases included School Zone Camera income, donations, Billboard Licenses declined. The Federal Recovery Funds was the largest decline.

FY24 Budget Highlights

Revenues

- Small increase to trash service (\$67 to \$69 per quarter)
- Tax rates- No change to Residential, Commercial increased by 15 cents per hundred
- Water Sewer Rates- increased by 12%
- Urban Services – hoping to maintain 2X City rates

President Boda reported the Water Sewer Rates increase was caused by the drastic reduction in rates over ten years ago. When an action was taken, it did not always impact the current time, but it could impact years down the road.

Council recessed for lunch at 11:17 a.m. and reconvened at 11:56 a.m.

Department of Infrastructure & Development (DID)

Mike Zimmerman, Supervisory Civil Engineer, joined Council to present the DID requested budget. Points of his discussion included the following:

- DID was happy with the proposed budget and was pleased to see what was being funded.
- Allen Myers purchased Chesapeake Paving and honored the City rates for a year, but they were expected to increase by 40% next year.
- Johnsons Pond and dam repairs

Planning & Zoning (19000)

- Clerical salaries

Building Permits (25100)

- The funding was flat minus the adjustments for salary increases

Engineering (31000)

- Mr. Kitzrow informed Council that the Engineering teams' salaries were split up between Water & Sewer. The City had a significantly difficult time recruiting talent to fill positions in this department. They were highly sought-after positions locally, and even at our highest compensation rates right now we were not getting anyone interested. The starting salary for the Engineering Position was adjusted up by \$15,000 in the proposed budget, but the salaries would still remain below the market average. There was a very strong private market locally and with the ability to telework, the competition was not only local.
- President Boda asked if the City could offer teleworking and Mr. Kitzrow answered they had done so in the past, and he thought it was still a consideration. Mr. Zimmerman said that they could probably work it out but not all positions would be able to telework, such as inspectors.

- Mr. Kitzrow discussed the budget was focused on people and projects such as Johnson's Pond. Many of the Master Plan projects such as Bikeways, Urban Greenway, Rail Trail, etc. would not have significant funding this year, other than being grant funded.

Water Engineering (81080) and Sewer Engineering (84080)

- Adjustments only related to salaries and related accounts

Stormwater and Stormwater Utility Fund (60850)

- The Enterprise Fund fee was not recommended to be increased. This funding allowed the City to fund various storm water related projects. Mr. Zimmerman discussed the importance of reducing the City's impervious surfaces. As part of the City's MS4 Permit, the state tasked the City to reduce impervious surfaces by 20% before 2025, and have added another 10% reduction by 2030.

Water Works

Director Cori Cameron was joined by Waste Water (WW) Superintendent Connie Luffman, Water Plant (WP) Superintendent Ron Clapper, and Program Specialist Megan Culstipak. Ms. Cameron said that the department had been operating on a zero-dollar budget increase for several years, and they were doing what they could. She had never seen it so tight and this was probably the hardest year ever with cost increases, supply chain issues, and vacant positions for years. Her focus was on getting qualified people to fill the positions to run the plants. The budget needed to fund maintenance of the plants and infrastructure projects. She reported that just for the Wastewater Treatment Plant (WWTP), there was a \$397,000 increase in chemicals.

Ms. Cameron discussed the Essential Items which included the following:

- A large increase in telephones for the entire department
- An internet increase because fiber was installed this year at the WP
- Postage increased at the WP due to having to mail samples via overnight
- Gas for Water & Sewer (W & S) Utilities increased by \$10,000
- Janitorial services at Water Treatment Plant (WTP) increased \$1,760 (three-year contract)
- Skilled Services at WP and Utilities
- Chemical increase of \$397,000 at WWTP
- \$16,000 to continue program begun last year to pay sign on bonus for CDL drivers. There was in house training available.
- Merit increase for two employees as the career ladders were beginning to butt up against the supervisors
- Reclassification of meter techs of one step
- Advocating for a W & S increase due to regulation change and PFAS. There would be some grants available related to PFAS.

She also reported that about \$500,000 was paid in landfill fees this year because the City's sludge had to be transported to Midshore Fill and to Virginia due to the County not taking the City's sludge. Mr. Kitzrow explained why the County restricted the City's daily loads to one load per day from three loads per day.

Field Operations (Field Ops)

Field Ops Director Mike Dryden, Office Manager Sandy Carter, and Deputy Directors Sam Ireland and Jake Pavolik joined Council. Mr. Dryden thanked Administration for the 6% proposed increase in the Mayor's budget and added that the switch from 40 hour to 35-hour work week was positive. He did not think there would be an issue with Sanitation- that they could work out coverage for the City.

Mr. Kitzrow reviewed the essential items as listed below:

- Adding an electrician position
- Equipment and maintenance
- Computer software
- CDL bonus similar to Water Works

Mr. Kitzrow discussed the following items:

- 1-ton dump truck funded at \$85,000 in the CIP
- Marina- two employees not working there now
- Parking Fund rate increases- finally cash flow positive
- Yet to come would be the Lot 1 parking garage. As it moved forward, there would be
- a separate bond ordinance brought to Council.

Ms. Jackson asked if the parking lots were being used by businesses the way the City thought they should be. Mr. Kitzrow said that the City had parking lots, parking garages, and permitted lots. The permitted lots were what they typically saw a lot of. The City had capacity in some of their lots, and there were some open vacancies in the big lots. Strategically, they wanted to develop their parking lots, including Town Square that would be taking over the free Lot 1 parking lot. The City would then start to get squeezed on parking that was available until the garage was built. For several months they have thought about adding on street parking. Ms. Jackson said there was a business that was almost on a City parking lot and it was being utilized by hundreds of people, but they weren't paying for parking. Mr. Kitzrow said that some of the lots downtown were privately owned, such as Avery Hall. They were losing revenue because some of these places were not being monitored. Ms. Gregory addressed having ample handicapped parking in the new infrastructure.

Council recessed at 1:05 p.m. and reconvened at 1:27 p.m.

Housing and Community Development Department (HCDD)

HCDD Director Ron Strickler and Housing Manager Brett Sanders joined Council and remarked that the staff were excited about the opportunity for growth with the City. He said when they ran their revenue figures they projected to bring in about \$1.4 million in revenue from the various programs including rental and landlord registrations (which increased in number each year). The additional revenue items they created were through clean/lien services, citations, Community Center rentals, etc.

Mr. Strickler reported there were not many changes in the HCDD budget, but funding was increased in the Community Centers and related events. Advertising was also increased due to the increased need to inform the public about events. Training was increased slightly, and still considered very important.

Ms. Outten asked for more details on general events. Mr. Strickler said they included all community events such as Neighborhood Walks, Santa's Workshop, Pop Up Bus Stops, etc.

Some essential items would be covered out of the Sponsorship Campaign which included electricity, propane, and operational services. Anne Street Village has added a 23-person facility 24/7, 365 days per

year to their workload. Essential items funded were the annual maintenance cost for Ennergov and the Code Compliance demolition funding.

Fire Department (24030)

Fire Chief John Tull, Deputy Chief Darren Scott, Deputy Chief Chris O'Barsky and Assistant Chief Rob Frampton joined the Council to discuss the Fire Department Budget. Chief Tull said this was a very unusual budget presentation for the Fire Department, as they normally presented information to try to defend requests. He thanked Council for the funding and the group reported on some of the initiatives below:

- Pay increases and sliding the pay scale several steps helped them move forward and be competitive with other agencies. Placing people in their proper steps would help with retention.
- Increasing training and schools
- HAZMAT supplies
- Consulting fees
- Medical physicals including cancer screening cardiac
- Maintenance contracts- New HVAC System & contract
- Equipment & Supplies
- Plugs going into EV

They discussed how to use the heat seeking cameras which were funded. Ballistic vests for all Fire and EMS were discussed. Chief Tull said they had researched them for some time. President Boda asked if there were any grants for the vests, and Chief Tull said there was funding for vests for Police but did not think for Fire. He would research applying for them through the Police Department but did not know. Mr. Boda thought to prioritize the vests according to who would be the first to go into an unsafe situation, but Chief Tull said it would be impossible to determine as they all rotated riding assignment and positions and they were designed for each individual person. He thought they should either all have vests or none at all.

President Boda asked to revisit the ballistic vests as a Critical Item. Mr. Kitzrow said it was very costly to provide the level of care the department provided.

Chief Tull reviewed the history of the Fire Service Agreement. Volunteerism decreased by 70% since 2017 and call volume increased 21% since 2016. They were down 13 employees during 2022. He reviewed the starting pay for other municipalities in the area, which were higher and they ran far less calls per day.

Mayor Heath presented the Fire Fee proposed in the budget. There was no fee for land only. Apartment units would be \$50 each, and commercial, residential, industrial, townhouses and condos would be \$300 each. He thanked the Council for their support. Mr. Kitzrow added that 1/3 of the 16,000 calls per year were outside the municipal boundary.

Council recessed at 2:43 p.m. and reconvened at 2:55 p.m.

Financial Health

Mr. Cordrey reported on the tax assessments and tax levy, personnel changes, reclassifications and transfers. The tax rate for commercial was increased by 15 cents per hundred dollars. Estimated taxes, based on that total assessment, increased from \$28 million to \$31 million. A majority of personnel would receive a proposed 6% increase in pay while Police Officers and Fire/EMS would receive a

minimum of 8%. Additionally, there were some market rate adjustments, merit increases, and career ladder updates. Health insurance increased by 2% this year.

Ms. Outten asked how the City compared to other municipalities, and Mr. Kitzrow said that pay was more competitive but there was still the strain of the call volume. The 6% and 8% were what the City could afford to do, and was a step in the right direction. Ms. Blake asked about the HCDD new Homelessness position.

Mr. Cordrey discussed Capital Outlay in the General Fund, with \$1.1 million coming from General Revenues, and \$265,000 from Lease proceeds. It was a large amount the City was able to fund from Cash.

In Capital projects, \$3.1 million was coming from new bond proceeds. In Water Sewer Capital Projects, there was a \$225,000 reallocation and \$4 million from a new bond. There was a very insignificant change in Debt Service, going from \$4.1 million last year to \$4.3 million. The City's Debt Service Policy used when doing the CIP was that the City's debt service should not exceed 10% of their expenditures. Since FY12, the City's taxes increased by \$10 million, some of its major functions increased by \$24 million, and Public Safety increased by \$15 million.

The City examines the Revolving and Impact Funds on hand, and a few years ago established a goal of keeping \$1.5 million on hand for the possibility of maintenance in the Water Sewer Fund and \$1 million for Impact. In March, the City had \$3.2 million, which was \$772,000 over the minimum established for maintenance and capacity. If the City wished to have three months Operating Expense as a goal, we should have \$2.7 million on hand. There was actually negative cash on hand at that time. The City's minimum Water Sewer fee added to the Trash was still very competitive in the marketplace.

Mr. Cordrey reviewed the original WWTP loan (the plant that failed) and the new loan for the new WWTP. The City's budget was not trained to cover both of them concurrently, and was going to result in \$8 million cost over the three-year period. The City unsuccessfully tried to plan and build \$8 million in cash to help work through the period. MDE was then contacted and the City was able to rework the amortization of the loan and continue to pay the lesser amount of \$150,000 and amortize it once that original loan was paid. This allowed the City to avoid an \$8 million crisis. Mr. Kitzrow said the City would be looking at a very different Water Sewer budget this year if this had not happened.

The City has a strong Financial Position and its Unassigned Fund balance was also strong. Most of the Water Sewer projects were funded. The City was unable to fund everything in the CIP and continued to feel the stress of increased costs. Also, the Predictable Pay Plan was a significant amount each year in the General Fund. The City made a significant step this year in funding its Fire Services and still want to work with the County to optimize Fire Services, as well as bringing Tax Differential to the City. The Parking Fund Unrestricted Net Position was also being improved.

The Budget Work Session adjourned at 3:09 p.m. Council will re-convene at 8:30 a.m. on April 21, 2023.

City Clerk

Council President

CITY OF SALISBURY
BUDGET WORK SESSION
APRIL 20, 2023

Public Officials Present

Council President Muir W. Boda
Council Vice-President April Jackson
Councilmember Michele Gregory

Mayor John R. "Jack" Heath
Councilmember Angela M. Blake
Councilmember Megan Outten

In Attendance

City Administrator Andy Kitzrow, Finance Director Keith Cordrey, Assistant Director of Finance - Accounting Sandy Green, Acting Assistant City Administrator Tom Stevenson, City Clerk Kimberly Nichols, City Staff and Department Heads, and members from the public

The City Council convened in a hybrid Budget Session at 8:30 a.m. on April 20, 2023 via Zoom and in Conference Room #306 to continue reviewing the FY24 Mayor's Proposed Budget. The following is a synopsis of the discussions.

Procurement

Procurement Director Jennifer Miller and Contract Specialist Michael Lowe joined Council. Ms. Miller requested a 2% increase in software due to rising costs over last year. The sole Essential Item was 513400- Energy Consultant in the amount of \$17,000, which was approved in the Mayor's Proposed Budget. Not approved was an additional \$3,000 for an Energy Consultant to provide support services for the City's Energy Management Plan for FY24-FY31. The services would include searching for grants and helping with the grant application process. The Energy Management Plan rested in Field Operations. President Boda said this sounded like a worthwhile item to revisit.

Government Office Buildings (GOB)

Ms. Miller reported the biggest change this year was that there were now two GOBs- GOB-1 and GOB-2. She requested less for GOB-1 this year, as the only Essential Item was \$100,000 for repairs to the west wall which would be split 50/50 with the County.

The second part of the budget was for GOB-2 (or SBYHQ) and she had nothing to compare it with.

Information Services (IS)

Director Bill Garrett, Assistant Director of IS- IT Steve Dickerson, and Assistant Director of IS-GIS John O'Brien joined Council. Mr. Garrett thanked Council for the new salary scale. The Crime Analyst moved from the PD to the IS Department, but there was no funding change. Critical increases were in the IT and GIS funds, WS and General Fund due to prices rising over the past year. This was the tenth budget he had prepared, and Mr. Garrett stated this was the first time they had to request an increase.

Arts, Business, and Culture Department (ABCD)

ABCD Director Allen Swiger and Assistant Director Scott Rogers joined Council. The largest change was moving the 513050 Professional Services Account as a result of the change in the relationship with the Arts & Entertainment District. The money was repurposed within the budget to bring in the new Event Coordinator position and \$10,000 to support going forward. The remainder went into Events.

Zoo

Two changes included a full-time maintenance worker was created from one part time position. There was also a \$37,000 increase to the Part time Zookeeper line as the result of moving to the 35-hour work week. The Zoo Commission funded \$67,000 per year, which paid the Education Curator's salary.

Mr. Boda questioned the timeline for getting back the accreditation and Mr. Swiger said it would take at least five years. There were a lot of minor projects, but the Bear Exhibit was the biggest. The Zoo was aging and Mr. Swiger said that the accreditation would enable them to share animals with other zoos.

Mr. Kitzrow said that the zoo cost \$1.7 million per year with about \$350,000 revenue offsets from the Education and Special Event Programs, funds from the Zoo Commission and a small percentage from Hotel Tax earmarked for the Zoo. The City subsidized the Zoo for about \$1 million per year. Mr. Swiger discussed the rebranding of the Zoo which would be revealed Saturday.

Poplar Hill Mansion

Mr. Swiger said there was not much changed in the budget. There was a cost of living adjustment to the Curator's salary which was an annual contract. The siding replacement was in the CIP for \$55,000. The Friends of Poplar Hill was looking at grant funding for the roof.

Ms. Blake asked how much the Mansion brought in with their fundraising and Mr. Swiger said it was not a lot but it went right back into the building. She asked if there was a vision for the Mansion. Mr. Roberts described the back-yard overhaul which would allow for more people to attend events. Ms. Outten was happy that there was vision and that it was being preserved, but she was also concerned with revenue generation. Mr. Swiger said the long-term plan was to preserve the building as a historical landmark and to expand the historical education outside of the building. Museums were always challenging when creating experience. Ms. Gregory suggested Council take a tour of Poplar Hill led by the Curator.

Council and Mr. Swiger discussed the curator's position as it used to be compared to the present-day duties. The curator was not an event coordinator.

City Attorney

City Attorney Ashley Bosché joined Council and stated the budgeted amount for FY23 was \$360,000 (about \$30,000 per month) and they came in well under budget. They standardized with forms, contracts, etc. and were asking for an increase in their hourly rate of \$165/hour from \$152.50/hour. They charged all of their other clients \$300/hour.

Mr. Boda discussed the billing discounts and the fact that there were no budget amendments at the end of the year. Mr. Kitzrow noted that the Labor Code would make the numbers higher.

Council recessed at 9:30 a.m. and reconvened at 9:41 p.m.

Salisbury – Wicomico Economic Development (SWED)

SWED Executive Director Dave Ryan informed Council that he was charged with strengthening the economy of Salisbury, the County and the region with jobs.

Last year, the largest project SWED undertook was establishing an Aviation Maintenance Technician School at the Salisbury Regional Airport. They would begin seeing an increase in the number of flights in and out of Salisbury. There would also be a new manufacturer in Salisbury and a new facility beside it. Most of the larger industrial plants were full, and they were proposing a new shovel-ready program.

SWED was requesting \$50,000 in funding, which was the current amount the City was investing in SWED.

General Discussion

Mr. Kitzrow reported on some payroll adjustments discovered, one of which was a Police Communications Officer placed on the wrong pay scale, which was about \$56,000. This included the 3rd part time Zookeeper position. The Fire pay scale was also adjusted, as some people got promotions that were coming up this year that were not accounted for. The four Police cars were also added in.

He noted the significant decrease in speed camera revenue, but there was a transition in vendors which brought about an immediate increase. The trend would likely continue so the income was added back in. Additional expenditures considered were \$3,000 for the energy consultant and \$107,000 for the ballistic vests. Council discussed concerns for the safety of the Fire personnel when placed in dangerous places and situations, and Mr. Kitzrow informed them that grants were available for Police vests but not for Fire. President Boda suggested searching for grants for the vests, which had a five-year life. Mr. Kitzrow opined that the return on the \$3,000 for the energy consultant would be worth the investment. Council reached unanimous consensus to approve including the vests and the energy consultant in the budget.

In the Council’s revised budget, final revenue would amount to \$53,582,872, expenditures would be \$53,820,598, and use of surplus would be (\$237,725).

Ms. Blake remarked on the phenomenal increase in costs for chemicals, materials, maintenance, and supplies to keep the City moving forward and doing business. She appreciated the City employees coming to the Budget Sessions very prepared.

Mr. Kitzrow added that they were not requesting a lot of new positions, but with the caliber of the employees the City had, it cost to keep them and maintain them wanting to work with the City.

Ms. Jackson remarked that everything had gone up, and in order for the City to survive, the increases had to happen. The chemicals to keep our water clean and safe were not an option, they were a must.

Ms. Gregory mentioned the brilliant scientists working at the treatment plants who deserved to be well compensated.

Ms. Outten thanked everyone for making it a very easy first budget session for her.

President Boda reviewed the first reading of the proposed budget, which would be Monday, April 24th. The Public Hearing would be May 8th, and the final reading would be May 22nd if it was ready, and if not, it would be June 12th.

Mayor Heath thanked Keith and his department. Every year for eight years, the budget has gotten better and better because of how the information was provided. He thanked the Council.

The Budget Work Session adjourned at 10:30 a.m.

City Clerk

Council President

43 Procurement Director Jennifer Miller and HCDD Director Ron Strickler joined Council.
44 Ms. Miller told Council the resolution cited the City’s Charter and Code procedural
45 regulations for the sale or other disposition of surplus, obsolete or unused property. It
46 defined the Community Development Project Fund (CDPF), provided public disclosure
47 and requested approval of three properties, sale and transfers under the CDPF and
48 requested transfer permission or disposition of an additional property (527 Wales) under
49 the CDPF.

50
51 Council reached unanimous consensus to advance the resolution to legislative agenda.
52

53 **Ordinance to amend the FY23 General Fund Budget and the FY23 Water and Sewer**
54 **Fund Budget to appropriate additional funds for Field Operations (FOps)**

55
56 FOps Asset and Facility Manager Jake Pavolik requested the use of surplus funds from
57 the recent sale of equipment and vehicles via online auction totaling \$29,157.55. FOps’
58 request was for \$24,492.97 and Water Works requested for \$4,664.58.

59
60 Council reached unanimous consensus to advance the ordinance to legislative agenda.

61
62 **Ordinance to amend the FY23 General Fund Budget to appropriate funds received**
63 **from the recycling of scrap metal**

64
65 FOps Deputy Director Sam Ireland reported the department provided manpower,
66 equipment, and technical expertise during the demolition of structures on 317-325 Lake
67 Street. The structures were composed of various metals which were sold to Donovan
68 Salvage Works for \$3,574.80. The request was for the funds to be transferred from the
69 General Fund Revenue to the FOps Roadwork Operating Account.

70
71 Council reached unanimous consensus to advance the ordinance to legislative agenda.

72
73 **Ordinance to amend the FY23 General Fund Budget to appropriate funds to the**
74 **Salisbury Fire Department’s Operating Budget**

75
76 Deputy Chief Chris O’Barsky informed Council that a few weeks prior the Fire Inspector
77 vehicle was involved in an accident. The insurance company of the driver responsible
78 for the accident sent the check to the City, and it was deposited. The request was for the
79 \$1,219 to be returned to the Fire Department General Fund account for the repairs.

80
81 Council reached unanimous consensus to advance the ordinance to legislative agenda.

82
83 **Discussion on Shopping Carts and Vagrants**

84
85 Mr. Kitzrow reported that it was brought to Administration’s attention that some people
86 wanted to determine if the City wished to create further legislation regarding the
87 abandonment of shopping carts. Property owners, where carts were abandoned, were
88 being cited, and there were concerns that the citations should be on the owner of the cart

89 to regulate and control the removal of their carts more effectively. Many properties,
90 including vacant lots, had abandoned carts on them. The request was to discuss
91 regulations and harsher penalties on the owners of the carts.
92

93 Mr. Boda said in Fruitland, if a retailer’s cart ends up off its property, the retailer
94 receives a \$25 fine per cart. Other cities in the state have similar legislation.
95

96 Ms. Jackson asked how stolen carts could be managed, and Mr. Boda replied that Wal-
97 Mart hired someone to retrieve carts. Ms. Blake disagreed with the \$25 fine per cart left
98 on personal property.
99

100 Council reached consensus for Administration to research and report on the topic.
101

102 **Discussion- Labor Code**
103

104 City Attorney Ashley Bosché reported on “terms and conditions of employment,”
105 informing Council that the Department of Labor defined the term as *all aspects of the*
106 *employment relationship between an employee and his or her employer including but not*
107 *limited to hiring, compensation, fringe benefits, leave policies, job placement, work*
108 *related rules, work assignments, training and education, and opportunities for*
109 *promotion*. There were a couple of decisions reflected specific to Maryland case law
110 involving unions with their firefighters. In the *Atkinson v. Anne Arundel County*
111 decision in 2018, the firefighter union argued that a reduction in staffing levels and
112 accrued vacation leave were disputes that involved terms and conditions of employment
113 that was within the context of the City Charter. There was a subsequent case involving
114 retirement benefits. The City Council wanted to retain discretion to say they were the
115 arbiters of what constituted “terms and conditions” so that they were non-negotiable and
116 the Appellate Court upheld that all of the issues fell under “terms and conditions of
117 employment.” Ms. Bosché said the term virtually included everything. As the Labor
118 Code was currently drafted, the scope of the subjects were wages, hours, uniform and
119 dress code, and promotional schedules and training. If Council wished, the intent for
120 wages and hours was more inclusive in terms of it including parental leave, overtime,
121 holidays, etc. and not specific in terms of pay. We could elaborate on hours and wages
122 but it did not include the language “other terms and conditions of employment.”
123

124 Ms. Blake asked if a correction was made on Mgmt. Employee and Assistant Chief, and
125 Ms. Bosché confirmed it was corrected. Mr. Kitzrow said exclusions from the union
126 representation were Department Heads, Deputies, and WWTP and WTP Superintendent.
127

128 Ms. Blake said the budget was a current heavy lift, and when Council was hit with too
129 many things at once, they were criticized for doing too many things at once. She
130 suggested tabling the Labor Code until they could complete budget deliberations.
131 Deadlines were coming up and the Labor Code was more flexible. Both were very
132 important and deserved their separate process and time for discussion.
133

134 Ms. Jackson concurred, adding that it was overwhelming and time consuming. They
135 needed time to process both the budget and Labor Code.

136
137 Ms. Gregory said they had been working on the Labor Code longer and thought they
138 could do both, and said “terms and conditions of employment” should be included. She
139 did not wish to impact the timeline but wanted it done as soon as possible.

140
141 President Boda said the discussion would be tabled until budget deliberations concluded.

142
143 **Council Comments**

144
145 Ms. Gregory apologized for not being present in person today due to a health issue.

146
147 Ms. Jackson said she was sorry the Labor Code had to be put on hold. It took a lot to run
148 a City- more than just coming to a meeting or reading a passage. She asked City workers
149 to give Council time to evaluate this to ensure we were doing the right thing, and to
150 allow time to complete the budget. They would then resume working on the Labor Code.

151
152 Ms. Blake said they had to figure the budget out to give the raises the workers deserved.
153 The budget was priority and they could not rush it. It was already complicated enough
154 and did not need to further those complications. Please donate blood if healthy enough.

155
156 **Public Comments**

157
158 Seven members of the public, including one on Zoom, provided the following comments:

- 159
- 160 • Workers want a voice in the workplace and a handbook codified and put in a
161 contract. Looking for Council’s support to have collective bargaining rights.
 - 162 • Speaker’s brother works at WWTP. She was a state worker and wanted her
163 brother to have the same rights as she had.
 - 164 • Speaker worked in the Meter Department. Tabling the Labor Code was a mistake
165 and morale will go further down. (Ms. Jackson remarked that Council did not say
166 they were not passing the Labor Code. They needed to concentrate on the budget
167 first. Ms. Blake said they were working hard to get the raises. Council was not
168 responsible for busting down the morale. If you want a raise, Council needed to
169 get the budget taken care of first. It was top priority.)
 - 170 • Speaker, a City Zookeeper, thanked Council for agreeing to consider the Labor
171 Code, the budget and their raises which were very important to them. Many of the
172 workers also did many things concurrently. They were excited for the raises.
173 Unlike the budget, there was not a timeline for the Labor Code. Could it exist?
174 (Mr. Kitzrow said that once they were done with the budget they would consider
175 additional changes to the Labor Code. If there were additional changes they
176 wanted to make the draft Labor Code, then there currently was not a timeline.)
 - 177 • Speaker said “other terms and conditions of employment” was pertinent to the
178 Labor Code. Like Fire and Police, they worked 365 days and were outside in all
179 weather conditions. They sometimes had to spend the night.

- 180 • The ABCD had strange hours with all of their events. Training and networking
- 181 were difficult due to the distance from other similar zoos. Cape May was closest.
- 182 • Speaker thanked Council for working on the budget and allowing her to speak.
- 183 • Speaker was sorry that Council felt attacked. The discouragement this evening
- 184 was because in February 2023 it was made clear that “other terms and conditions”
- 185 were non-negotiable. It did not have to appear in the Labor Code- it could be
- 186 passed without it, but Fire would not sign a collective bargaining agreement
- 187 without it. The greatest fear they had was losing their retirement. Ms. Bosché said
- 188 in the last meeting that it was as simple as the stroke of a pen. They could be out
- 189 of LEOPS had no legal recourse. (Ms. Bosché clarified that she said if they were
- 190 vested, they were protected.) Speaker said that 65% of them were not vested. It
- 191 was a very real fear, and former Mayor Jake Day promised Fire and Police it
- 192 would be done for this budget year. The original provision said they would have a
- 193 one-year contract, with renewals beyond that being two years. Without discussion
- 194 or any consideration for its employees, the City has omitted that provision and
- 195 went to a two year. He understood that by June 15th the budget had to be passed,
- 196 and this code would not pass by July 1st, meaning they would not be able to
- 197 renegotiate for two budget cycles on the bargaining agreement that was there.
- 198 That was why they were pushing to get it in this budget year. The City has
- 199 continually asked them to do more for less, and they have risen to the occasion.
- 200 Every year Administration turns their back on the Fire Department and ignores
- 201 them once they get what they want. This is the last year that happens. Thirteen fire
- 202 personnel were actively seeking other employment. If they did not get what was
- 203 promised, he would make it fourteen. (Ms. Jackson said Council fought hard for
- 204 the Fire Department and needed to complete the budget first. Mr. Boda said if the
- 205 Labor Code was passed now, it would still not be negotiable until the Fall.)
- 206 • Field Operations worker asked for the vested time of ten years to be lowered.
- 207 • Speaker said they were frustrated because employees had reviewed drafts of the
- 208 Labor Code since January and identified the need for “other terms and conditions
- 209 of employment.” He knew Administration had changed and Council wanted to be
- 210 thoughtful and careful with the budget, but he also heard the general agreement
- 211 that everyone wanted to ensure the employees they were hearing today and the
- 212 ones in the bargaining unit would have the right to provide input. If they did not
- 213 include “other terms and conditions of employment,” they were really tying one
- 214 hand behind their back. The phrase was standard in every other bargaining code.

215
216 **Adjournment / Convene in Special Meeting**

217
218 With no further business to discuss, President Boda adjourned the Work Session at 5:40
219 p.m. and following a five-minute recess, Council convened in the Special Meeting.

220
221 _____
222 City Clerk

223
224 _____
225 Council President

CITY OF SALISBURY, MARYLAND

SPECIAL MEETING

MAY 1, 2023

PUBLIC OFFICIALS PRESENT

Council President Muir W. Boda Mayor John R. "Jack" Heath
Council Vice President April Jackson Councilmember Angela M. Blake
Councilmember Michele Gregory (Zoom)

PUBLIC OFFICIALS ABSENT

Councilmember Megan Outten

IN ATTENDANCE

City Administrator Andy Kitzrow, Director of Communications Kacey Martin, City Attorney Ashley Bosché, City Clerk Kimberly Nichols, and interested members of the public

The City Council convened in a Special Meeting at 5:45 p.m. following the adjournment of the regularly scheduled Work Session.

ADOPTION OF LEGISLATIVE AGENDA

Council President Boda called for a motion to adopt the Special Meeting Agenda. Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous (4-0) to approve the Special Meeting agenda as presented.

ORDINANCE- presented by City Attorney Ashley Bosché

- Ordinance No. 2805- 1st reading- approving a budget amendment of the FY2023 General Fund Budget to appropriate funds to the Salisbury Fire Department's Operating Budget

Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2805 for first reading.

ADJOURNMENT / CONVENE IN BUDGET WORK SESSION

With no further business to discuss, the Special Meeting adjourned at 5:47 p.m. and Council immediately convened in a Budget Work Session.

City Clerk

Council President



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

OK
GA
6/8/2023

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Zoo Commission
Date: June 7, 2023

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

<u>Name</u>	<u>Term Ending</u>
Hemalatha Bhaskaran	June 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. 3264**

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

5
6

<u>Name</u>	<u>Term Ending</u>
Hemalatha Bhaskaran	June 2026

7
8
9
10
11 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
12 Council of the City of Salisbury, Maryland held on July 10, 2023.

13
14 ATTEST:

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

Muir W. Boda
PRESIDENT, City Council

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

OK
JAA
6/8/2023

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Human Rights Advisory Committee
Date: June 7, 2023

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

<u>Name</u>	<u>Term Ending</u>
Suzanne Peterson	June 2025

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. 3265**

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

6
7 Name Term Ending
8 Suzanne Peterson June 2025
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 July 10, 2023.

14 ATTEST:

15
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
26

27
28 _____
29 John R. Heath, Acting Mayor



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

COUNCIL AGENDA – Department of Procurement

July 10, 2023

Award of Bid(s)

- | | |
|--|---------------------------------------|
| 1. ITB 24-103 Salisbury Fire Department Rescue Truck | \$1,624,885.00 |
| 2. ITB A-23-102 Streetlight/Traffic Signal Maint. Svcs | \$150,000.00 - \$300,000 (3 yr. est.) |
| 3. RFP 23-108 Comprehensive Plan Updates | \$160,000.00 |

Declaration of Surplus

1. Salisbury Police Department – Duty Weapons (qty 3)
2. Salisbury Fire Department – Misc. apparatus and turnout gear



City of Salisbury

John "Jack" R. Heath, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: July 10, 2023
Subject: Award of Bid

The Department of Procurement seeks Award of Bid approval from City Council for the solicitation(s) as defined herein. The City followed required bidding practices as defined by the Salisbury Code of Ordinances, and publicly posted these solicitations on the City of Salisbury's Procurement Portal and the State of Maryland's website, eMaryland Marketplace Advantage.

ITB 24-103 Salisbury Fire Department Rescue Truck

- Department: Salisbury Fire Department
- Specification: FS19VD13 Pierce Enforcer 4-Door, Full Tilt, Aluminum Cab, Single Axle, Formed Aluminum Body, Walk-in HDR Body
- Cooperatives contract(s) & vendor information:
 - HGACBuy Contract FS12-19 Fire Service Apparatus (All Types)
 - Contractor: Atlantic Emergency Solutions
 - Contract Effective Dates: 12/01/2019 – 11/30/2023
 - Contract pricing: per Feb. 2023 Atlantic Emergency Solutions quarterly update to contract
- Cost: \$1,624,885.00
- GL Account(s):
 - 98124-577025-48102
 - Purchase approved in FY24 City of Salisbury budget
- Notes:
 - Purchasing authority per City of Salisbury Charter § SC 16-3 (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.
 - The Houston-Galveston Area Council (H-GAC) is a unit of local government and a political subdivision of the State of Texas. All products offered through HGACBuy have been awarded by virtue of a public competitive process. The contracts awarded by the H-GAC Board are then made available to local governments nationwide through the HGACBuy Cooperative Purchasing Program.
 - The City of Salisbury has an established Interlocal Contract with the HGACBuy Cooperative Purchasing Program, which sets out the conditions, requirements and processes of the procurement. The departmental memo and the HGACBuy worksheet provide further details.



City of Salisbury

John "Jack" R. Heath, Mayor

ITB A-23-102 Streetlight and Traffic Signal Maintenance Services

- Department: Infrastructure and Development
- Scope of Work: Provide the labor, equipment and materials necessary to install, repair or modify traffic signal infrastructure
- Bid date: 4/21/23
- Bid opening: 5/24/23
- Total bids received: 1
- Lowest responsive and responsible vendor for award:
 - Rommel Infrastructure, Inc. (Linthicum, MD)
- Cost: approx. \$50,000 - \$100,000 per year (\$150,000 - \$300,000 est. 3 yr. total)
- GL Account:
 - 31000-534318 Street Maintenance
- Notes:
 - This award will be an "Indefinite Delivery, Indefinite Quantity" (IDIQ) contract. The services provided to the City will be of an on-call nature, with no minimum purchase implied or guaranteed. Purchase orders will be issued on an as-needed/as-funded basis.
 - The contract includes a renewal clause: "The City reserves the right to renew all or portions of this contract with the same prices, terms and conditions as the original contract for two (2) one-year terms, contingent upon mutual agreement between the City and the supplier."

RFP 23-108 Comprehensive Plan Updates

- Department: Infrastructure & Development
- Scope of Work: Development of a new long-range Comprehensive Plan that provides a framework and policy context to guide decisions relating to urban land use and future development.
- Proposal date: 04/05/23
- Proposal opening: 05/11/23 @ 2:30 pm
- Total proposals received: 3
 - Mead & Hunt (Columbia, MD) – 94.75 pts
 - Wallace, Montgomery & Associates, LLP (Hunt Valley, MD) – 90.00 pts
 - Rossi Group, Inc. (Hunt Valley, MD) – 71.64 pts
- Highest ranked responsive and responsible vendor for award:
 - Mead & Hunt – 94.75 pts
- Cost: \$160,000
- GL Account(s):

○ 98123-513020-48088	\$ 10,000
○ 98122-513026-48088	\$150,000



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

The Department of Procurement seeks approval from City Council to declare the following items as surplus and to dispose of the items as indicated:

Salisbury Police Department

- Item(s): Duty weapons
 - Glock Pistol, serial number BFRA698 for Lt. Pete Tyler
 - Glock Pistol, serial number BFRA657 for Lt. R. Kaiser
 - Glock Pistol, serial number BFRA601 for Chief Barbara Duncan
- Method of disposal: Retirement gifts to persons indicated

Salisbury Fire Department

- Item(s):
 - 2009 Pierce Velocity
 - 1992 Ford F-350
 - 2007 Crown Victoria
- Method of disposal:
 - Public auction sale

Salisbury Fire Department

- Item(s):
 - 37 units of turnout gear
- Method of disposal:
 - Disposal in accordance with National Fire Protection (NFPA) Standard 1851, which establishes the standards on selection, care, and maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting

Additional details regarding the condition of these items can be found in the departmental memos.



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

To: Jennifer Miller, Director of Procurement
From: John W. Tull, Fire Chief
Subject: Recommendation for Award of Bid for Project #FD-13-01 (Rescue Truck)
Date: June 26, 2023

During the FY2024 Capital Improvement Plan and Budget process, the Department was approved funding to purchase a new rescue truck. Atlantic Emergency Solutions, Inc. submitted a bid proposal in accordance to HGACBuy Contract FS12-19.

Pursuant to a thorough review and pricing verification from the City Procurement Department and the Salisbury Fire Department, please allow this memorandum to serve as the formal Department recommendation to award the bid to Atlantic Emergency Solutions, Inc. in the amount of \$1,624,885.00 to purchase a new 2024, Pierce Enforcer Heavy Rescue Truck for the Department.

Funding for this project can be found in account number 98124-577025-48102.

Attached you will find the following items:

- HGACBuy Contract Pricing Form
- HGACBuy Contract Pricing Verification Form

The estimated delivery time for this new aerial rescue truck from Atlantic Emergency Solutions, Inc. is 31 months for order.

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



Helping Governments Across the Country Buy

PO Box 22777 • 3555 Timmons Ln. • Houston, Texas 77227-2777 • 1-800-926-0234

CONTRACT PRICING VERIFICATION

TO:

Assistant Chief Chris Twilley

FROM:

Joshua Cadoree

END USER:

Salisbury Fire Department

DATE:

06 26 2023

PHONE NUMBER:

410-783-3782

832-681-2557

RE:

Price Verification

REFERENCE:

Worksheet 06.23.2023

We have reviewed the pricing provided through HGACBuy Contract FS12-19. Our review verifies that the pricing provided is in compliance with the contract.

Once a purchase document is executed for this order, please **send a completed compilation of all required documents for HGAC processing.**

Please advise if we can assist further in this matter.

*****This is not an Order Confirmation*****

Pulse			Published	Unpublished
Number	Qty	Description	Options	Options
107	1	upgrade to 31,000# rear	\$8,758.00	
102	1	Add Frame Liner Custom	\$2,754.00	
127	1	Mud Flaps	\$830.00	
129	1	Disc Brakes Front	\$2,932.00	
134	1	Air inlet-outlet	\$955.00	
135	1	Additional Air Tanks	\$510.00	
141	1	Cummins L9 450hp to Detroit DD13 470 hp	\$26,652.00	
143	1	Cummins 450 to x12	\$39,119.00	
144	1	Cummins X12 to X15	\$33,320.00	
145	1	Cummins x15 565 to 600 hp	\$11,094.00	
149	1	EVS 3000 TO 4000	\$12,756.00	
175	1	Electric Windows	\$2,795.00	
225	1	Camera System interior cab and exterior body	\$10,512.00	
231	1	Intercom System (BASIC)	\$3,304.00	
240	1	Kussmaul Charger	\$2,447.00	
244	1	Auto-eject 15 amp	\$691.00	
260	1	12 volt LED Hi-Viz Brow Full single	\$7,472.00	
264	6	12 volt LED Flood Recessed or surface (per light) B	\$21,072.00	
252	1	430 amp Delco alternator	\$5,244.00	
266	1	Tail lighting LED Upgrade	\$2,212.00	
294	1	Winch 12,000#	\$7,566.00	
295	1	Winch 9000#	\$4,276.00	
403	1	LED Emergency Light Package	\$18,811.00	
425	1	Roto Ray Emergency Light	\$3,801.00	
426	1	Mini Lightbar over crew cab Doors	\$5,615.00	
444	1	PTO Drive 25 kw	\$25,176.00	
517	1	Executive Package	\$36,279.00	
506	1	Graphics Upgraded 4	\$10,983.00	
495	1	Two-tone Cab paint	\$4,329.00	
428	1	Traffic Directing light bar "A"	\$2,059.00	
422	1	Q2B Siren	\$5,795.00	
419	1	Air Horns with 2 foot switches	\$697.00	
408	1	LED Interior Lighting	\$5,995.00	
497	1	E-Coat Under body Chassis	\$2,916.00	
499	1	Painted Grill	\$2,070.00	
483	1	LED Emergency Light Package Upgrade	\$14,389.00	
456	1	Light Tower 6000 watt	\$27,554.00	
459	4	Electric Cord Reel with 200' of 10/3	\$21,480.00	
179	1	Safety System	\$13,557.00	
153	1	Exhaust Extension Plymo or Nederman	\$877.00	
159	1	Add Extended Bumper	\$3,083.00	
165	1	Bumper warning light recess	\$1,290.00	
166	1	Linex Bumper Coating	\$812.00	
180	1	Driver Safety Seat	\$1,389.00	

181	1	SCBA Safety Seat	\$1,737.00	
187	2	EMS Compartment w outside access (each)	\$9,354.00	
297	1	LED Compartment Lighting premium	\$5,353.00	
323	1	3 Drawer C-Tech 36 wide	\$3,137.00	
163	1	Bumper compartment for Winch	\$2,377.00	
592	1	Rescue Custom Poly Mount Package	\$17,292.00	
255	1	LED Headlights	\$3,248.00	
253	1	LED cab lighting	\$1,284.00	
254	1	LED body perimeter additional	\$2,877.00	
248	1	Sub Feed Box	\$531.00	
	1	Custom interior and bench seat	\$9,000.00	\$9,000.00
	1	Body Air Conditioning	\$4,500.00	\$7,500.00
	4	Body Anchor Points	\$2,375.00	\$9,500.00
	2	Rear Body Bulkhead Compartments	\$6,700.00	\$13,400.00
		Base Bid	\$828,892.00	
		Published Options	\$485,993.00	
		Total Published Options	\$1,314,885.00	
		Unpublished Options	\$39,400.00	3.00%
		Total Options w/o HGAC Fee	\$1,354,285.00	



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

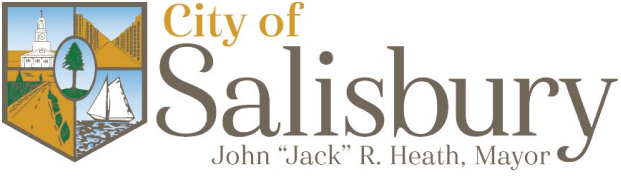
To: Jennifer Miller, Director of Procurement
From: Richard D. Baldwin, Director of Infrastructure & Development RD
Date: June 27, 2023
Re: ITB A-23-102 Streetlight and Traffic Signal Maintenance
Services

Through ITB 23-102 Streetlight and Traffic Signal Maintenance Services solicited bids to maintain the streetlights and traffic signal services. The services for this contract has a indefinite quantity (IDIQ). Purchase orders will be issued on a task-order basis.

One bid was received Rommel Engineering, the Department of Infrastructure and Development reviewed the bid and found that Rommel Engineering presented a bid consistent with the bid documents. The Rommel Engineering references reached were complimentary of the work performed and would hire the contractor again.

Please issue a Purchase Order to Rommel Engineering as a task basis. Funds are available in the following account:

31000-534318



To: Jennifer Miller, Director of Procurement
 From: Richard D. Baldwin, Director of Infrastructure and Development *RD*
 Date: June 22, 2023
 Re: RFP 23-108 Comprehensive Plan Update

The City recently advertised a Request for Proposals for the Comprehensive Plan Update. The RFP was to solicit qualified and experienced Planning and Engineering firms to prepare a Comprehensive Plan Update.

Bids were opened on Thursday, May 11, 2023 and three (3) vendors submitted proposals. All of the Vendors were considered technically qualified based on the technical proposal evaluation conducted by the selection committee. The selection committee consisted of staff from the Department of Infrastructure and Development. Following completion of the technical review the billing rates/cost proposal of each qualified firm was opened and evaluated.

The selection committee discussed the qualifications of each Vendor and believes that Mead & Hunt, Inc presented the best proposal to successfully complete this project due to their clear understanding of the scope of work and successful completion of similar projects.

The results of the evaluations are summarized below:

Consultant	Composite Score	Lump Sum Price Proposal	Comment
Mead & Hunt, Inc.	94.75	\$160,000.00	Composite Score out of 100 Proposals were technically qualified and billing rates were evaluated.
Wallace, Montgomery & Associates, LLP	90.00	\$149,941.02	
Rossi Group, Inc.	71.64	\$159,696.00	

Please issue a Purchase Order to Mead & Hunt, Inc. in the amount of \$160,000.00 for the scope of work specified in RFP 23-108. Funds are available in following accounts:

98123-513020-48088..... (\$10,000.00)
98122-513026-48088..... (\$150,000.00)

DATE: May 31, 2023

TO: Jennifer Miller
Director - Procurement

FROM: B. Tucker #1790

SUBJECT: SURPLUS WEAPON – Lt. Pete Tyler

The Salisbury Police Department has a history of giving retiring Police Officers their duty weapon as a retirement gift. With the permission of the Chief of Police, I request permission to declare, as surplus, one Glock Auto Pistol, 45 Caliber Model 21 Gen 4 with serial number BFRA698 for Lt. Pete Tyler, who retired from the Salisbury Police Department on May 30, 2023. This weapon is valued at \$479.00. After being declared surplus, the handgun will be transferred to Lt. Pete Tyler by the Salisbury Police Department for a fee of \$1.00 per standard procedure.

Respectfully Submitted,



B. Tucker
Quartermasters Office
Administrative Division

Approved:



Chief Barbara Duncan
Chief of Police





City of
Salisbury
Salisbury Police Department

DATE: June 12, 2023
TO: Jennifer Miller
Director - Procurement
FROM: B. Tucker #1790
SUBJECT: SURPLUS WEAPON – Lt. R. Kaiser

The Salisbury Police Department has a history of giving retiring Police Officers their duty weapon as a retirement gift. With the permission of the Chief of Police, I request permission to declare, as surplus, one Glock Auto Pistol, 45 Caliber Model 21 Gen 4 with serial number BFRA657 for Lt. R. Kaiser, who retires from the Salisbury Police Department on June 25th, 2023. This weapon is valued at \$479.00. After being declared surplus, the handgun will be transferred to Lt. R. Kaiser by the Salisbury Police Department for a fee of \$1.00 per standard procedure.

Respectfully Submitted,

B. Tucker
Quartermasters Office
Administrative Division

Approved:

Chief Barbara Duncan
Chief of Police





City of
Salisbury
Salisbury Police Department

DATE: May 31, 2023
TO: Jennifer Miller
Director - Procurement
FROM: B. Tucker #1790
SUBJECT: SURPLUS WEAPON – Chief B. Duncan

The Salisbury Police Department has a history of giving retiring Police Officers their duty weapon as a retirement gift. With the permission of the Chief of Police, I request permission to declare, as surplus, one Glock Auto Pistol, 45 Caliber Model 21 Gen 4 with serial number BFRA601 for Chief Barbara Duncan, who retired from the Salisbury Police Department on June 30, 2023. This weapon is valued at \$479.00. After being declared surplus, the handgun will be transferred to Chief B. Duncan by the Salisbury Police Department for a fee of \$1.00 per standard procedure.

Respectfully Submitted,

B. Tucker
Quartermasters Office
Administrative Division

Approved:

Colonel David Meienschein
Assistant Chief of Police





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

To: Jennifer Miller, Director of Procurement
From: Chris O'Barsky, Deputy Chief
Subject: Surplus Equipment
Date: July 1, 2023

The Department has equipment (described below) that is immediately available for declaration as surplus property.

The equipment is described as follows:

Unit Identification: Truck 2
Unit Description: 2009 Pierce Velocity
VIN: 4P1CV01E79A010001
Motor: Cummins
Transmission: Allison
Mileage: 88,497
Condition: Poor

Unit Identification: Brush 16
Unit Description: 1992 Ford F-350 Custom
VIN: 1FDHF38MONNA5029
Motor: 7.3 Liter V8 Navistar Diesel
Transmission: Allison
Mileage: 13,007
Condition: Very Good

Unit Identification: Car 1
Unit Description: 2007 Crown Victoria
VIN: 2FAFP71WX7X123081
Motor: 4.6 Liter OHC SEFI V8
Transmission: Catalyst Automatic 4 speed
Mileage: 104,209
Condition: Poor

All useful equipment has been removed from these units and placed in service on the new unit or returned to the supply for future use in another capacity.



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

The Fire Department respectfully requests the City's authorization to declare this equipment as surplus property and is asking for permission to dispose of them through auction in compliance with City code and/or policy.

Should you have questions or require additional information please feel free to contact me immediately.



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

To: Jennifer Miller, Director of Procurement
From: Chris O'Barsky, Deputy Chief
Subject: Surplus of Personal Protective Equipment
Date: July 1, 2023

The Fire Department has numerous pieces of personal protective turnout gear that has reached or surpassed their usable life. The following is a list of those items and their associated (new/replacement) costs:

- Turnout Coats: 15 ea. @ \$1,520.00 = \$22,800.00
 - Turnout Pants: 22 ea. @ \$1,115.00 = \$24,530.00
- Total \$47,330.00

In accordance with NFPA 1851, "*Standard on the Selection, Care, and Maintenance of Protective Structural Fire Fighting and Proximity Fire Fighting – 2020 Edition*", Section 10.1.2, "Structural firefighting ensembles and ensemble elements shall be retired in accordance with 10.2.1, no more than 10 years from the date the ensembles or ensemble elements were manufactured." The standard also provides guidance on the proper method of disposing of the retired articles. According to Section 10.2.1, "Retired structural firefighting ensembles and ensemble elements and proximity firefighting ensembles and ensemble elements shall be destroyed or disposed of in a manner ensuring that they will not be used in any firefighting or emergency activities, including live fire training."

I have directed Assistant Chief Chris Twilley to remove these items from service and secure them to prevent them from inadvertently being placed in service. I am requesting to have these items declared surplus with the intent to dispose of them in accordance with the NFPA 1851 standard.

Should you have need of further information please do not hesitate to call on me.



City of
Salisbury
Jacob R. Day, Mayor

April 28, 2023

TO: Andy Kitzrow
FROM: Colonel David Meienschein
SUBJECT: Ordinance – Purchase of Customized and Expandable Storage System

Attached please find an ordinance to utilize Forfeited Funds to purchase of a Customized and Expandable Storage System for the Salisbury Police Department property room.

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. 2811

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY2023 FORFEITED FUNDS FUND BUDGET TO APPROPRIATE FUNDS TO PURCHASE A CUSTOMIZABLE AND EXPANDABLE STORAGE SYSTEM FOR THE SALISBURY POLICE DEPARTMENT.

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 and later forfeited to the City in related court proceedings (the “Forfeited Funds”); and

WHEREAS, the Salisbury Police Department desires to utilize Forfeited Funds to purchase a customizable and expandable storage system for the Salisbury Police Department Property Room in order to meet the recommendation of a third-party inventory audit recently conducted on the Salisbury Police Department Property Room; and

WHEREAS, the funds necessary to make this purchase in the amount of Fifty-Nine Thousand Six hundred and Sixty Dollars (\$59,660.00) are available in the Forfeited Funds 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 \$59,660.00; and
- (b) Increase the Equipment Maintenance Account (21022-577030) by \$59,660.00.

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 _____ day of _____, 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.

48 **ATTEST:**

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52 _____
Kimberly R. Nichols, City Clerk

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

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

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60 _____
John R. Heath, Acting Mayor

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

To: Deputy Chief O'Barsky
From: Fire Marshal Cramer
Subject: Municipal Code Amendment - Chapter 2.16
Date: June 2, 2023

Attached is an ordinance amending Chapter 2.16, § .020 (H) of the City Municipal Code updating and defining the actual duties and responsibilities of the City Fire Marshal.

If acceptable, please forward to the City Council for legislative action.

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ORDINANCE NO. 2812

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 2.16 OF THE SALISBURY CITY CODE, ENTITLED “FIRE DEPARTMENT”, FOR GRANTING THE AUTHORITY TO ENFORCE ALL LAWS AND ORDINANCES OF THE CITY OF SALISBURY AND STATE OF MARYLAND PERTAINING TO FIRE, TO IMPLEMENT FIRE SAFETY PROGRAMS, AND TO ISSUE PERMITS AND LICENSES TO THE CITY FIRE MARSHAL.

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

WHEREAS, the City of Salisbury desires to grant the responsibility to enforce all City and State laws pertaining to fire and fire prevention to the Fire Marshal; and

WHEREAS, the City of Salisbury desires to grant the responsibility to implement fire and safety programs within the City to minimize fire hazards and disasters and loss of life and property from these causes to the Fire Marshal; and

WHEREAS, the City of Salisbury desires to grant the responsibility to issue various permits and licenses as required by the City Fire Prevention Code to the Fire Marshal.

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

Section 1. Chapter 2.16, Section .020 (H.), of the Salisbury City Code, entitled “Fire Department”, be and is hereby amended by repealing the crossed-out language and adding the bolded and underlined language as follows:

H. Duties and Responsibilities of the Fire Marshal. The Fire Marshal shall: ~~be a uniformed firefighter. The Fire Marshal conducts plan reviews, and performs pre-occupancy inspections to enforce the City Fire Prevention Code (Section 8.11). The Fire Marshal, under the authority of the Fire Chief, is the City of Salisbury's primary and key point of contact for expertise and guidance on any and all fire prevention issues or concerns. The City Fire Marshal shall report the results of the fire plan reviews and pre-occupancy functions to the Director of the Department of Infrastructure and Development.~~

- 1. Enforce all laws of the State of Maryland and ordinances of the City of Salisbury pertaining to:**
 - a. the prevention of fire;**
 - b. the installation and maintenance of equipment of all sorts intended for fire control, detection and extinguishment;**
 - c. the means and adequacy of exits in case of fire from buildings and all other places in which people work, live or congregate from time to time for any purpose, except buildings used wholly as a dwelling house containing no more than two dwelling units; and**
 - d. the investigation of the origin, cause and circumstances of fire and explosion or the attempt to cause fire or explosion.**
- 2. Implement fire safety programs within the City to minimize fire hazards and disasters and loss of life and property from these causes, including:**
 - a. the establishment and enforcement of fire safety practices throughout the City;**
 - b. preventive inspection and correction activities;**
 - c. coordination of fire safety programs with other Fire Department personnel and other City departments exercising enforcement aspects; and**

48 d. critical analysis and evaluation of City fire loss statistics to determine problems and
49 solutions.

50 3. Issue permits and licenses as required under chapter 8.11 of this code.

51 4. Keep accurate records of all fire responses of the Fire Department.

52

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

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

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

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

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

65

66 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City
67 of Salisbury held on the _____ day of _____, 2023 and thereafter, a statement of the substance of
68 the Ordinance having been published as required by law, in the meantime, was finally passed by the Council
69 of the City of Salisbury on the _____ day of _____, 2023.

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72 **ATTEST:**

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76 _____
Kimberly R. Nichols, City Clerk

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

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

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85 _____
John R. Heath, Acting Mayor

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

To: Deputy Fire Chief O'Barsky
From: Fire Marshal Cramer
Subject: Ordinance to Amend Chapter 8.11
Date: June 2, 2023

Please see the attached ordinance, for your review and comment, amending Chapter 8.11 of the City Municipal Code, updating permit requirements and prescribing penalties for specific violations. Should you find it favorable, kindly forward to the City Council for consideration.

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ORDINANCE NO. 2813

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 8.11 OF THE SALISBURY CITY CODE, ENTITLED “THE FIRE PREVENTION CODE”, GRANTING THE AUTHORITY TO ISSUE PERMITS FOR THE INSTALLATION, MODIFICATION, OR REMOVAL FROM SERVICE OF ANY PRIVATE FIRE SERVICE WATER MAINS AND THEIR APPURTENANCES, AND PRESCRIBING PENALTIES FOR SPECIFIC VIOLATIONS.

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

WHEREAS, the City of Salisbury has adopted the State Fire Prevention Code subject to local amendments; and

WHEREAS, pursuant to that Code, the City of Salisbury desires to grant the authority to issue permits for the installation, modification, or removal from service of any private fire service water mains and their appurtenances to the Fire Marshal; and

WHEREAS, the City of Salisbury also desires to prescribe penalties for specific violations of the fire prevention code.

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

Section 1. Chapter 8.11 of the Salisbury City Code, entitled “The Fire Prevention Code”, § 8.11.020 (6) be and is hereby amended by repealing the crossed-out language and adding the bolded and underlined language as follows:

6. Permits from the Fire Marshal are required for the following:
 - a. Installation/Modification of fire alarm and detection systems;
 - b. Installation/Modification of sprinkler or water spray systems;
 - c. Installation/Modification of standpipe systems;
 - d. Installation/Modification fire pumps;
 - e. Installation/Modification of water storage tanks for fire protection;
 - f. Installation/Modification of gaseous and chemical extinguishing systems;
 - g. Installation/Modification of foam systems;
 - h. Installation/Modification of smoke control systems;
 - i. Installation/Modification of flammable and combustible liquid storage tanks;
 - j. Installation/modification of emergency generators for fire protection systems.;
 - k. Installation, modification, or removal from service of any private fire ~~hydrants~~ **service mains and their appurtenances in accordance with NFPA 24;**
 - i. No permit is required for:**
 - A) Mains and their appurtenances under the control of a water utility;**

41 **B) Mains and their appurtenances providing fire protection and/or**
42 **domestic water that are privately owned but are operated as a water**
43 **utility;**

44 **C) Underground mains serving sprinkler systems designed and installed**
45 **in accordance with NFPA 13R that are less than 4 in. (100 mm) in**
46 **nominal diameter; or**

47 **D) Underground mains serving sprinkler systems designed and installed**
48 **in accordance with NFPA 13D.**

49 **ii. This permit does not include the connection from the street main to a**
50 **point in the public sidewalk area covered by Title 13, Chapter 13.08, §**
51 **13.08.050 of this Code.**

52 l. Fireworks displays;

53 m. To store, transport on site, dispense, use, or handle hazardous materials;

54 n. To perform any fire hydrant or fire pump water flow test; and

55 o. To sell consumer fireworks.

56 **Section 2.** Chapter 8.11 of the Salisbury City Code, entitled “The Fire Prevention Code”, be and
57 is hereby amended by adding the bolded and underlined language as follows:

58 **8.11.070 Violations and penalties for specific violations.**

59 **Operating an assembly occupancy while overcrowded, beyond the posted occupant load.**

60 **A. First offense. Any owner, manager, employee, corporation, firm, partnership association,**
61 **organization operating an assembly occupancy while overcrowded shall be guilty of a**
62 **municipal infraction and shall be subject to a fine of five hundred dollars (\$500.00);**

63 **B. Second and subsequent offense(s). Within one thousand ninety-five days of a like offense,**
64 **any owner, manager, employee, corporation, firm, partnership association, organization**
65 **operating an assembly occupancy while overcrowded shall be guilty of a misdemeanor,**
66 **and upon conviction thereof; shall be subject to a fine of one thousand dollars (\$1,000.00),**
67 **or imprisonment for not more than ninety (90) days, or both.**

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

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

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

77 **Section 5.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as
78 if such recitals were specifically set forth at length in this Section 4.

79 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.
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83 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City
84 of Salisbury held on the _____ day of _____, 2023 and thereafter, a statement of the substance of
85 the Ordinance having been published as required by law, in the meantime, was finally passed by the Council
86 of the City of Salisbury on the _____ day of _____, 2023.

87
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89 **ATTEST:**

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92 _____
93 **Kimberly R. Nichols, City Clerk**


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

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

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101 _____
102 **John R. Heath, Acting Mayor**
103



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

To: Andy Kitzrow, City Administrator
From: Richard D. Baldwin, Director of Infrastructure and Development 
Date: May 31, 2023
Re: Zoning Code Text Amendment Amending Section 17.76.020

Laws, Insley & Benson, P.A. applied for a text amendment to permit service, rental or repair establishments in the Light Industrial zoning district.

Following staff review the text amendment to section 17.76.020 was prepared by the City Attorney. The Planning Commission held a public hearing and forwarded a favorable recommendation to the City Council on March 16, 2023.

1. Ordinance for a text amendment to Zoning Code in Title 17 Zoning.
 - a. Amending Section 17.76.020A. of the Salisbury City Code, entitled "Permitted uses," to add service, rental or repair establishments as a permitted use in the light industrial zoning district.

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

Attachments:

1. – Draft Ordinance
2. – Planning Commission Staff Report



**Infrastructure and Development
Planning and Zoning
Commission
Staff Report**

Meeting of March 16, 2023

I. BACKGROUND INFORMATION:

Applicant: Laws, Insley & Benson, P.A.

Infrastructure and Development Project No.: 202300047

Nature of Request: Public Hearing - Text Amendment - To amend Title 17, Zoning Section 17.72.020A. – Permitted Uses

II. REQUEST:

Laws, Insley & Benson, P.A., on behalf of Artistic Creations, Inc., has submitted a request to amend the text of Title 17, Zoning to include the following language (**Attachment 1**):

In Section 17.76.020 A. 35.: Service, rental or repair establishment.

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

III. DISCUSSION:

The proposed amendment to allow a service or repair establishment within the Light Industrial Zoning District would be similar in nature to other uses already permitted either inherently or by special exception within the district. Currently, “service-type” uses, such as restaurants, daycare centers, hairdressers, repair shops, and automotive services, to name a few are permitted in the Light Industrial Zoning District. Adding “service or repair establishment” as an inherently permitted use would be a natural progression in

amending the Zoning Code to include more services in the Light Industrial zoning district. As the majority of the Light Industrial district is located in the Northwood Drive area, the proposed amendment to provide additional service-type uses will help cater to employees who work not only in this district but also in nearby General Commercial and Industrial Park zoning districts.

IV. PLANNING AND ZONING:

Since the current edition of the Salisbury Zoning Code was written in 1983, there have been changes in the perception of tattoos, both on a national and local level. The industry has made a dynamic shift to cultural acceptance of tattoos, which includes cosmetic and medical tattoos; a service which will be offered at the applicant's establishment. At the time the Zoning Code was written, a service such as a tattoo parlor was never considered, and was not listed as a specific permitted use anywhere in the City, although similar types of services are allowed in various zoning districts. Despite the fact that several services are permitted in the Light Industrial district, other appropriate service uses are currently not listed as a permitted use. The proposed amendment will help to correct this oversight.

V. STAFF RECOMMENDATION:

The Department of Infrastructure and Development recommends that the Planning Commission forward a **FAVORABLE** recommendation to the Mayor and City Council for the proposed amendment that would inherently permit a **Service, rental or repair establishment** in the Light Industrial zoning district, as follows:

AMEND SECTION 17.76.020 A. Permitted Uses, by adding the following item:

35. Service, rental or repair establishments, limited to laundry or laundromat, automobile rental, car wash, appliance repair, equipment or instrument repair or rental, dry-cleaning pickup station, pet-grooming shop, upholstery shop, tailor, and tattoo parlor.

LAW OFFICES

LAWS, INSLEY & BENSON, P.A.

WADE H. INSLEY, III
-Of Counsel-

VICTOR H. LAWS, III
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ALISON I. GETTY
NATHAN K. LONG

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P.O. BOX 75

SALISBURY, MARYLAND 21803-0075

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RICHARD E. CULLEN
(1914-1993)

VICTOR H. LAWS
(1919-2017)

Writer's E-Mail Address:
viclaws@shore-lawyers.com

Via Hand Delivery
January 19, 2023

Mr. Henry Eure
Project Manager, Department of Infrastructure and Development
City of Salisbury
125 North Division Street, Room 202
Salisbury, Maryland 21801

Dear Henry:

Following up our telephone conversation, this office represents Artistic Creations, Inc., a Maryland corporation engaged in tattoo artwork and related services. The corporation has leased premises located at 620-B Naylor Mill Road in Salisbury located in the Light Industrial zoning district. The Light Industrial district makes no provision for tattoo studios as a permitted use, use by special exception or use by ordinance permit. None of the City of Salisbury zoning districts deal with tattoo artistry and related services specifically, even though a number of such businesses are located in the city and tattooing practices have become much more prevalent in recent years.

For these reasons, our client asks the city to adopt a text amendment to permit such uses in the Light Industrial district. One way forward would be to add to the list of permitted uses in the Light Industrial district a provision for "service or repair establishments" similar to the use allowed in the general commercial district found at 17.36.20.A(31) of the zoning code.

I am enclosing a check for \$200.00 which I understand is the application fee to seek a text amendment. If you need other or further information to move this application forward, please let me know. Please also advise as to the date that this will go to the planning commission; I understand March 16 is a likely date.

Attachment 1

Mr. Henry Eure
Project Manager, Department of Infrastructure and Development
City of Salisbury
January 19, 2003
Page 2

Thanks for your courtesy and cooperation.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "VHLIII", with a long horizontal flourish extending to the right.

Victor H. Laws, III

VHLIII/cms
Enclosure
File No. 44,157

cc: Artistic Creations, Inc.

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ORDINANCE NO. 2814

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION 17.76.020A. OF THE SALISBURY CITY CODE TO ADD SERVICE, RENTAL AND REPAIR ESTABLISHMENTS TO THE CATEGORY OF USES PERMITTED IN THE LIGHT INDUSTRIAL ZONING DISTRICT

WHEREAS, the ongoing application, administration and enforcement of Title 17 (Zoning) of the City of Salisbury Municipal Code (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to keep the provisions of Title 17 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, the Mayor and Council may amend Title 17 (Zoning) of the Salisbury City Code pursuant to the authority granted by MD Code, Land Use, § 4-102, subject to the provisions set forth in Section 17.228.020;

WHEREAS, the uses permitted in the Light Industrial zoning district currently includes a myriad of uses, including manufacturing, laboratory, warehousing, services and offices. The inclusion of service, rental and repair establishments would provide additional, but still substantially similar, uses in the Light Industrial zoning district;

WHEREAS, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by amending Section 17.76.020A. of the Salisbury City Code to permit service, rental and repair establishments in the Light Industrial zoning district;

WHEREAS, pursuant to Section 17.228.020 of the Salisbury City Code, any amendment to the Salisbury Zoning Code requires the recommendation of the Salisbury Planning and Zoning Commission (the “**Planning Commission**”) prior to the passage of an ordinance amending Chapter 17.76;

WHEREAS, a public hearing on the proposed amendment was held by the Planning Commission in accordance with the provisions of Section 17.228.020 of the Salisbury City Code on March 16, 2023;

WHEREAS, at the conclusion of its March 16, 2023 meeting, the Planning Commission recommended, by a vote of 5-0, that the amendments to Section 17.76.020A of the Salisbury City Code set forth herein be approved by the Mayor and Council; and

WHEREAS, the Mayor and Council have determined that the amendments to Section 17.76.020A of the Salisbury City Code shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Title 17 of the Salisbury City Code is hereby amended by adding the bolded and underlined language as follows:

Section 1. Section 17.76.020A of the Salisbury City Code, entitled “Permitted Uses” shall be amended as follows:

43 **Chapter 17.76 LIGHT INDUSTRIAL DISTRICT**

44 **17.76.020 - Permitted uses.**

45 A. Permitted uses shall be as follows:

- 46 1. Garage for the repair, storage and maintenance of motor vehicles;
- 47 2. Beverage blending or bottling, manufacture of bakery products, candy, dairy products and
48 ice cream; but not distilling of beverages or processing of or bulk storage of grain or feed for
49 animals or poultry;
- 50 3. Carbon paper and inked ribbon manufacture;
- 51 4. Compounding of cosmetics, toiletries, drugs and pharmaceutical products;
- 52 5. Construction contractor's establishment;
- 53 6. Data processing and computer center;
- 54 7. Greenhouse, wholesale;
- 55 8. Ice manufacture, sales and distribution;
- 56 9. Industrial vocational training school;
- 57 10. Laboratory for research, experimenting and testing, but not for testing explosives or other
58 hazardous materials;
- 59 11. Laundry and linen service;
- 60 12. Leather goods manufacture, but not including tanning operations;
- 61 13. Manufacture, assembly and repair of boxes, furniture, cabinets, baskets and other wood
62 products of similar nature;
- 63 14. Manufacture and assembly of bolts, nuts, screws, rivets, ornamental iron products,
64 firearms, electrical appliances, tools, pumps, dies, machinery, hardware, wire and sheet-metal
65 products;
- 66 15. Manufacture and assembly of heating, ventilating, cooking and refrigeration supplies and
67 appliances;
- 68 16. Manufacture and assembly of medical and dental equipment, drafting, optical and musical
69 instruments, watches, clocks, toys, games and electrical or electronic apparatus;
- 70 17. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing, yarn, thread,
71 cordage and fabrics, and printing and finishing of textiles and fibers into fabric goods;
- 72 18. Manufacture and assembly of products from plastic;
- 73 19. Manufacture and assembly of shipping containers (corrugated board, fiber- and wire-
74 bound);
- 75 20. Offices and office building;
- 76 21. Photographic processing and blueprinting establishment;
- 77 22. Plating, electrolytic process;

- 78 23. Plumbing supplies, manufacture;
- 79 24. Printing, bookbinding and publishing establishment;
- 80 25. Radio and television broadcasting station and studio;
- 81 26. Wholesale merchandising and warehousing;
- 82 27. Fabrication and assembly of burial vaults, home steps, parking bumpers, walkway and
- 83 patio blocks and other similar items from concrete, excluding the fabrication and assembly of
- 84 blocks, bricks, culverts, cylinder pipe, columns, pilings, silos, storage tanks, prestressed panels,
- 85 pods, modules or similar building materials from concrete, with no manufacture of concrete on
- 86 the premises (must be delivered to the site);
- 87 28. Animal hospital;
- 88 29. Planned business center, in accordance with chapter 17.172;
- 89 30. Indoor recreational facilities;
- 90 31. Schools of special instruction;
- 91 32. Multi-use facility;
- 92 33. Church or other place of worship;
- 93 34. Hairdresser shop;
- 94 **35. Service, rental or repair establishments, limited to laundry or laundromat, automobile**
- 95 **rental, car wash, appliance repair, equipment or instrument repair or rental, dry-cleaning**
- 96 **pickup station, pet-grooming shop, upholstery shop, tailor and tattoo parlor.**

97 B. Uses permitted by special exception shall be as follows:

- 98 1. Restaurant;
- 99 2. Gasoline service facilities with convenience goods clearly incidental to the gas facility;
- 100 3. Day-care center or nursery school in accordance with chapter 17.220;
- 101 4. Day care facilities for the elderly and handicapped;
- 102 5. Outdoor storage yard, in accordance with section 17.220.040.

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

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

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

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

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

115
116 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
117 Salisbury held on the _____ day of _____, 2023 and thereafter, a statement of the substance of the
118 Ordinance having been published as required by law, in the meantime, was finally passed by the Council
119 of the City of Salisbury on the _____ day of _____, 2023.

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121 **ATTEST:**

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124 _____
Kimberly R. Nichols, City Clerk

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

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

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131 _____
John R. Heath, Acting Mayor