



**CITY OF SALISBURY
SPECIAL MEETING AGENDA**

JULY 31, 2023

6:00 p.m.

Government Office Building, Council Chambers, 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/SILENT MEDITATION
- 6:03 p.m. ADOPTION OF SPECIAL MEETING AGENDA
- 6:04 p.m. CONSENT AGENDA- City Clerk Kimberly Nichols
- May 1, 2023 Budget Work Session Minutes
 - May 8, 2023 Council Meeting Minutes
 - May 15, 2023 Budget Work Session Minutes
 - May 15, 2023 Special Meeting Minutes
 - May 15, 2023 Work Session Minutes
 - May 22, 2023 Council Meeting Minutes
 - June 5, 2023 Special Meeting Minutes #1
 - June 5, 2023 Work Session Minutes
 - June 5, 2023 Special Meeting Minutes #2
 - June 12, 2023 Council Meeting Minutes
- 6:09 p.m. **RESOLUTIONS**- City Administrator Andy Kitzrow
- **Resolution No. 3266**- accepting a sponsorship of one hundred fifty thousand dollars (\$150,000.00) from the Maryland Department of Commerce to operate the Maryland Folklife Traditions area within the 2023 Maryland Folk Festival
 - **Resolution No. 3267**- making a Declaration Of Official Intent regarding City of Salisbury's reasonable expectation to reimburse from proceeds of a future borrowing project expenditures made in connection with nine separate projects generally identified as: Apparatus Replacement - Rescue 16; Johnson Pond Dam Improvements; Restore Park Well Field; Restore Paleo Well Field; WWTP Electric Upgrades; Park Well Field Raw Water Main & Valve RPLC; Glen Avenue Lift Station; WWTP Outfall Inspection and Repairs; and Southside Pump Station Force Main
- 6:15 p.m. **ORDINANCES**- City Attorney Ashley Bosché

- **Ordinance No. 2811**- 2nd 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**- 2nd 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**- 2nd 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.2815**- 1st reading- authorizing the mayor to defund the computer aided dispatch project and to appropriate funds for the purchase of portable radios
- **Ordinance No. 2816**- 1st reading- to authorize the mayor to enter into a contract with the Maryland Department of Housing and Community Development (DHCD) for the purpose of accepting funds from the digital inclusion grant in the amount of \$18,400 for the Anne Street Village Resident Technology Education Project
- **Ordinance No.2817**- 1st reading – to amend the Salisbury City Code to add Chapter 2.25 entitled “Labor Code” in furtherance of Charter Amendment Resolution 2022-4, which authorized collective bargaining for certain employees of the city

6:40 p.m. ADMINISTRATION and COUNCIL COMMENTS

6:45 p.m. ADJOURNMENT

Copies of the agenda items are available for review in the City Clerk’s Office, 115 S. Division Street, Salisbury Headquarters Building, 410-548-3140 or on the City’s website at 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 – August 14, 2023

- Proclamation- Black Philanthropy Month
- Wicomico County Health Dept presentation Local Health Improvement Coalition- Lisa Renegar, MA (She/Her), Health Planner, Wicomico County Health Department and Kat Rodgers, MPH (She/Her) Director of Community Health Initiatives, Population Health Management, TidalHealth
- Resolution No._ to appoint Daniel Green to the Human Rights Advisory Committee
- Resolution No._ to appoint Mikayla Somers to the Human Rights Advisory Committee
- Resolution No._ to appoint Jonathan Moore to the Human Rights Advisory Committee
- Resolution No._ to appoint Chalarra Sessoms to the Historic District Commission
- Resolution No._ to appoint Amber Green to the TRUTH Committee
- PUBLIC HEARING- **Ordinance No. 2814**- 2nd R- Zoning Code Text Amendment to permit service, rental or repair establishments in Light Industrial
- **Ordinance No. 2815**- 2nd reading- authorizing the mayor to defund the computer aided dispatch project and to appropriate funds for the purchase of portable radios
- **Ordinance No. 2816**- 2nd reading- to authorize the mayor to enter into a contract with the Maryland Department of Housing and Community Development (DHCD) for the purpose of accepting funds from the

digital inclusion grant in the amount of \$18,400 for the Anne Street Village Resident Technology Education Project

- **Ordinance No.2817**- 2nd reading – to amend the Salisbury City Code to add Chapter 2.25 entitled “Labor Code” in furtherance of Charter Amendment Resolution 2022-4, which authorized collective bargaining for certain employees of the city

Join Zoom Meeting

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

Meeting ID: 881 6325 3286

Passcode: 812389

Phone: 1.301.715.8592

Posted 7/28/23

CITY OF SALISBURY
BUDGET WORK SESSION
May 1, 2023

Public Officials Present

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

In Attendance

City Administrator Andy Kitzrow, Finance Director Keith Cordrey, Communications Director Kacey Martin, City Attorney Ashley Bosché, and City Clerk Kimberly Nichols

The City Council convened in a hybrid Budget Work Session at 5:47 p.m. in Council Chambers, immediately following the adjournment of the Special Meeting.

City Administrator Andy Kitzrow invited Mr. Cordrey forward and stated that because the public spoke out about some of the fees and revenue items in the Mayor's original proposed budget, Administration made adjustments to the proposed budget that they would be presenting to Council for consideration.

Mr. Kitzrow stated that there was no cooperation from the County nor interest in having a Fire and Life Safety Fee in the Salisbury Fire District at this time. They indicated they were interested in furthering the conversation but needed more time. Administration was considering a one-time extension of the Fire Service Agreement for FY24 and to spend the next year discussing a Fire and Life Safety Fee.

He said that tabling the concept would have financial implications with revenue shortfalls, and he then presented two proposals, beginning with Option II.

Option II

There was residential and commercial property tax revenue, and additional contribution from the County in the Fire Service Agreement for FY24.

He summarized the property tax increase, which would be a 10 cents increase for both property and commercial property tax. Along with an additional million-dollar capital contribution from the County, this would allow the City to move forward with the budget, while having to cut \$1 million from Essential Items. The salary increases and raises would not have to be cut, as this year Administration felt it was imperative to take care of the City's workers. The plan removed two of the items Council had considered which were (4) Police cars and the ballistic vests. There was an opportunity to not lose personnel by using repurposed bond pool money and some salary savings, but the Electrician position would have to be cut.

Option I

Mr. Kitzrow explained Option I was similar to Option II except that they would not increase taxes 10 cents across the board but would increase commercial property taxes by 15 cents as originally proposed. This would free up about \$300,000.

Mr. Kitzrow said that 10 cents property tax was equivalent to approximately \$125 Fire and Life Safety Fee. Also, a \$1 million contribution from the County was equivalent to the same thing. This would allow the City to maintain the same level of services that they were currently providing.

He said they started with \$300 which would allow the City to not make any cuts and position ourselves for the next few years. We would have to be frugal and make some tough decisions moving forward. This was reasonable and doable, but very lean.

Mr. Kitzrow then discussed the million dollars from the County. If they were going to ask for additional considerations from the City residents then they should be asking for equal, if not more considerations from the County residents receiving the same service. That is what was outlined in their most recent proposal to the County for the Fire Service Agreement. This next year they would ask for this additional million-dollar contribution. If the County chose to not consider it, the bigger conversation that they were trying to avoid was what level of services could we continue to provide as a Salisbury Fire Department.

Mayor Heath said that 1/3 of the calls from the Fire Department were outside the City limits. With the \$14.5 million Fire budget, it came to \$5 million that the County should pay. The County needed to step up, and all of the citizens impacted by the changes the City had to make should go to the County Council and ask them what was going on. It was not right, and was time to put pressure on the County for dual taxation. For years, the City residents have been taxed twice.

Mayor Heath added that the City had \$4.4 million in ARP funds in the past two years, which the City lived on, but it was gone. Without that we would have been drawing on our surplus. We had a minimum wage increase that impacted everyone in the City. With inflation, the chemicals were now increased by 26%. There was only one tax rate increase in the past nine years, but our expenses increased every year. It was time for the County to step up and time for the citizens to have a voice.

Ms. Gregory said she was very glad to hear the Mayor say what had not been discussed. Last week she encouraged people to attend the County Council meetings, and Ms. Blake and Jackson mentioned it this evening. We were being forced into this position by the County. They were not paying their fair share and were taxing our citizens for services they did not receive from the County. This had been an issue for years and she said she was glad they were finally talking about it. However, she understood the unpopularity of the \$300 fee, but asked if the Salisbury citizens wanted to see the City cut a bare budget, and lose services from the City. It was a decision that had to be made. They needed the County to step up and do the right thing. The Council did not want to do this but were given no choice. She wanted to ensure the citizens had public safety, clean water, etc. She appreciated the feedback Council received, but decisions must be made. There was no option to do nothing.

Ms. Kitzrow said the original proposal was the \$300 Fire and Life Safety Fee, 15 cent Commercial Property Tax increase, and 12% water and sewer rate increase. They were now not proposing changes to the 12% increase. The reduced proposal went from the \$300 Fire and Life Safety Fee to \$125, and the equivalency of that in the form of a property tax increase. This was more equitable across the value of properties. They would cut some things that they thought they could afford to cut, or move money around that they already had. The one cut was the Electrician's position. Listening to what people had said, he thought this was a good compromise without effecting our employees. They would try to protect and invest in the City's employees with every last cent the City had. What was proposed by him did not take away anything promised to them.

Ms. Jackson asked why the citizens had not gone to the County and asked for help. The City and County all represented one and the same and she wondered why we couldn't work together and not separate.

Mayor Heath said that Wicomico was one of only two counties in Maryland that did not have a tax differential or a stipend specific to do a tax differential.

Ms. Blake said that needed to go to the General Assembly and get taken care of next year. The budget was vital to employee salaries, and the City could not do it alone. If citizens were going to complain to the City Council, then go to the County, too. They were responsible for this. She did not know the answer- Option I or Option II, but it appeared there would be a tax increase after all. There was a new administration which required time for adjustments, too. There was a lot going on, and the budget was the item to hammer out in the City right now.

Ms. Outten wanted to thoroughly read and understand the options provided this evening and thanked Administration for working on a solution to the comments made last week.

Mr. Kitzrow said the options provided this evening were the most conservative without impacting employee's salaries. The City was asking the County for \$1.964 million in FY24 for services provided to County citizens. Ms. Gregory said there were people trying to hold the County responsible, but there needed to be more.

Mr. Boda said the value of services provided by the City to the County was much more than \$1.964 million. Mr. Kitzrow said the County Fire Companies and Chiefs thought the Fire and Life Safety Fee was a great mechanism, but the City needed more time to implement it.

Mr. Boda announced the budget Public Hearing would be held on May 8, 2023 and encouraged the Public to participate.

With nothing further to discuss, the Budget Work Session adjourned at 6:17 p.m.

City Clerk

Council President

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

MAY 8, 2023

PUBLIC OFFICIALS PRESENT

*Council Vice President April Jackson
Councilmember Angela M. Blake
Councilmember Megan Outten*

*Mayor John R. Heath
Councilmember Michele Gregory (Zoom)*

PUBLIC OFFICIALS ABSENT

Council President Muir W. Boda

IN ATTENDANCE

City Administrator Andy Kitzrow, Procurement Director Jennifer Miller, Assistant Director of Finance – Accounting Sandy Green, Information Services Director Bill Garrett, Executive Administrative Assistant Jessie Turner, Events and Culture Manager Caroline O’Hare, Deputy Director Field Operations Sam Ireland, Asset and Facility Manager Jake Pavolik, City Attorney Ashley Bosché, City Clerk Kimberly Nichols, and members of the public

*The City Council met in regular session at 6:00 p.m. via Zoom and in Council Chambers.
Council Vice President April Jackson called the meeting to order. After reciting the pledge to the American Flag, Vice President Jackson invited Rev. John Wright of the Unitarian Universalists Fellowship at Salisbury forward to provide the invocation.*

Proclamation- presented by Mayor John R. “Jack” Heath

Jewish American Heritage Month Proclamation

Mayor Heath presented the proclamation designating May as Jewish American Heritage Month and invited all citizens to learn more about our Jewish community. The history of the Jewish American is one of racism, bigotry, and injustice and includes stories of faith, courage and growth. They have played important roles in the civic and community life of our Nation including sports, business, medicine, science, arts and entertainment, government, and military service, and have made invaluable contributions to our City through their leadership and achievements.

ADOPTION OF LEGISLATIVE AGENDA

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

CONSENT AGENDA- presented by City Clerk Kimberly Nichols

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

- April 3, 2023 Closed Session Minutes (separate email)
- April 10, 2023 Council Meeting Minutes
- April 10, 2023 Closed Session Minutes (separate email)
- **Resolution No. 3255-** to approve the appointment of La'Tanya Christopher to the Disability Advisory Committee for term ending May 2026

Ms. Jackson thanked Ms. Christopher for volunteering to serve on the Disability Advisory Committee.

AWARD OF BIDS- presented by Procurement Director Jennifer Miller

The following items were unanimously approved on a motion and seconded by Ms. Outten and Ms. Blake, respectfully:

- RFP A-23-106 Live Production Services \$155,500.00
- Declaration of Surplus
 1. SPD – Unit 1201
 2. SPD – K9 Hank

RESOLUTIONS- presented by City Administrator Andy Kitzrow

- **Resolution No. 3256-** to approve the City's Action Plan for Community Development Block Grant (CDBG) funds for CDBG Program Year 2023

Ms. Blake moved, Ms. Outten seconded, and the vote was unanimous (4-0) to approve Resolution No. 3256.

- **Resolution No. 3257-** to approve property transfers connected to the Community Development Projects Fund

Ms. Blake moved, Ms. Outten seconded, and the vote was unanimous (4-0) to approve Resolution No. 3257.

PUBLIC HEARINGS

Charter Amendment Resolutions- presented by City Administrator Andy Kitzrow

- **Charter Amendment Resolution No. 2023-1-** to amend §SC2-2 and § SC20-1 of the City Charter to change all references to the "Board of Supervisors of Elections" in the Charter to the "City of Salisbury Election Board."

Ms. Blake moved and Ms. Outten seconded to approve Charter Amendment Resolution No. 2023-1.

Mr. Kitzrow presented the Charter Amendment.

The Public Hearing was opened on 6:24 p.m., and as there were no requests to speak, was immediately closed.

Charter Amendment Resolution No. 2023-1 was unanimously approved on a 4-0 vote.

- **Charter Amendment Resolution No. 2023-2-** to amend § SC6-11 of the City Charter to conform with state election laws

Ms. Outten moved and Ms. Blake seconded to approve Charter Amendment Resolution No. 2023-2.

Mr. Kitzrow presented the Charter Amendment.

The Public Hearing was opened on 6:29 p.m., and as there were no requests to speak, was immediately closed.

Charter Amendment Resolution No. 2023-2 was unanimously approved on a 4-0 vote.

- **Charter Amendment Resolution No. 2023-3-** to amend § SC6-13(H) of the City Charter to change the reference to the “Board of Supervisors of Elections” in the Charter to the “City of Salisbury Election Board” and to remove the random sampling requirement of verifying signatures on a recall petition

Ms. Blake moved and Ms. Outten seconded to approve Charter Amendment Resolution No. 2023-3.

Mr. Kitzrow presented the Charter Amendment.

The Public Hearing was opened on 6:35 p.m., and as there were no requests to speak, was immediately closed.

Charter Amendment Resolution No. 2023-3 was unanimously approved on a 4-0 vote.

- **Ordinance No. 2802-** appropriating the necessary funds for the operation of the Government and Administration of the City of Salisbury, Maryland for the period July 1, 2023 to June 30, 2024, establishing the levy for the General Fund for the same fiscal period and establishing the appropriation for the Water and Sewer, Parking Authority, City Marina and Storm Water Funds

Ms. Outten moved, Ms. Blake seconded, and the vote was unanimous (4-0 vote) to approve Ordinance No. 2802 to be presented for Public Hearing.

Ms. Bosché presented the Ordinance.

The Public Hearing was opened at 6:40 p.m. and eight members of the public were sworn in. They provided the following comments:

- There were a number of problems with the budget ordinance including no list of revenues. They needed to know where the money would come from.
- The City needed a balanced budget and to have a list of expenditures.
- Should schedule another public hearing once the problems were straightened out.
- The budget being proposed was incomplete.

Mr. Kitzrow said that last Monday at Work Session the Council discussed the budget and issues brought up right now. He reported the Fire and Life Safety Fee, proposed at \$300, was tabled and would not be implemented in this year's budget. The 15 cents Commercial Property Tax Rate was reduced to .1068. There were proposed Property Tax increases, but no Fire and Life Safety Fee. There were no adjournments made to the Water & Sewer Rate increase of 12%. There was \$967,000 in recommended cuts from the Mayor's Proposed Budget based off of the reductions and fees proposed.

- Speaker encouraged Council to stop the process and schedule a new hearing. Council should be irate that they have publicized a hearing that announced no tax increase and now there was a 10% tax increase to City residents.
- Speaker was concerned how the proposed increase would impact renters and those on fixed incomes. People were not prepared for a 10% tax increase. It was not their fault that taxes were not increased year ago.
- The City needed to work with the property owners, citizens and business community on a reasonable way to move forward as a community.
- Speaker understood the City had needs but there was a proposed 12% increase in water and 10% increase in property, and a massive increase in assessed value of property, which would be going up for two years. Many of residents were on fixed income and renters, and the increases would get passed on to them. It was not their fault the City did not do their due diligence with some mismanagement in the past.
- This was an opportunity to work with the citizens to create a reasonable solution. Nobody knew what was going on and felt like they were being duped on the budget.

Mayor Heath said they were not pleased to have had to make the suggestions they made. He explained the Fire Department budget was approximately \$15 million. The City serviced not only the City limits but outside the City limits also. Five thousand of those calls were outside the City limits. With a \$15 million budget, 5,000 calls out of 15,000 calls annually was 1/3. A third of the budget was \$5 million. For the past three years the County paid the City \$1 million in the Fire Service Agreement. Mayor Heath asked for the citizens present to also go to the County Council because if the City did not have to raise \$4 million, we would not have to raise taxes. He discussed the dual taxes to Salisbury and Wicomico County the City residents had to pay. The City could not survive at this rate and he recalled that the City received \$4.5 million in ARP funds, but that had ended and they had to make that up.

- Speaker was on a fixed income and disabled. The two Councils should stop blaming each other and work together. She did not know what happened to all of the money the City had, but here we were and she could barely pay her water bill and buy food.
- It was hard to have discuss the budget when all of the information was not provided prior to the meeting. She has had to cut things she wanted or needed and the City

would have to do the same. A balance budget was Revenue=Expenses. She lived on Social Security and the money was not there. Raise taxes slowly over three years. Most of the people in the City were not rich and lived on fixed incomes. Many were at the poverty level. A lot of people would be hurt and angry.

- Speaker had a new business in Salisbury and recovering from the pandemic. Their income had not increased and they were looking at taxing her business 27%, which would be thousands of dollars. It needed to be reconsidered and done in increments. Go to the County Council yourselves and work this out. If they owed the City, get it from them. The citizens should not be the ones paying.
- Speaker asked about the HORIZON program and Mr. Kitzrow informed him about the incentive program. Speaker said that it seemed in the past there was the desire to increase development but no prioritizing to retain the people who already lived here. For instance, the Ross building would not pay anything for quite a while, but now the normal people's property taxes had to be increased by 10%.
- Speaker said the County and the City needed to get it resolved. She was going to them, too and did not think they should pay both entities. She was on a fixed income. Salisbury was a nice place to live and she would continue living here.
- Speaker said the 10% increase was too much. He was Wicomico County Director of Finance for 27 years. One of the problems with the tax increases was that the City was venturing outside of its historic role of providing basic services by approving these new tax credits for builders to encourage population growth by adding 7,684 new housing units. It unfortunately forfeits \$40 million in fee revenue in the coming years and puts pressure on the City's operating budget. The pressure put on the Fire and Life Safety Fee was the type of pressure placed on the services. The City should be careful because pressure on the operating budget meant higher taxes.

Mr. Kitzrow clarified the speaker was referencing the Here Is Home Program. There was a shortage of housing in Salisbury and the City was incentivizing redevelopment.

Ms. Outten empathized with the community members on fixed incomes and had strong concerns with the rate increases. The City had increased costs but there should be another way of dealing with it without putting it on the backs of the residents.

The Public Hearing was closed at 7:16 p.m.

- **Ordinance No. 2803-** to amend Water and Sewer rates to increase rates by 10% and making said changes effective for all bills dated October 1, 2023 and thereafter unless and until subsequently revised or changed

Ms. Blake moved, Ms. Outten seconded, and the vote was unanimous (4-0 vote) to approve Ordinance No. 2803 to be presented for Public Hearing.

The Public Hearing was opened at 7:20 p.m. and as there were no requests to speak, was immediately closed.

- **Ordinance No. 2804-** to set fees for FY2024 and thereafter unless and until subsequently revised or changed

233
234 Ms. Outten moved, Ms. Blake seconded, and the vote was unanimous (4-0 vote) to approve
235 Ordinance No. 2804 to be presented for Public Hearing.

236
237 The Public Hearing was opened at 7:22 p.m. and the following comments were received by
238 three members of the public, who were sworn in prior to speaking.

- 239
240 ○ Speaker was confused because the Fire Fee turned into a 10% tax increase.
241 ○ Speaker said the average working person with a 5% pay increase would not get
242 ahead. The Laffer Curve was based on the theory that people could only be taxed so
243 much before it rolled over and they received less income while they were taxing
244 people more. He thought the City was dangerously close to rolling over that Laffer
245 Curve and revenues would become a lot less. He asked Council to think it through
246 and only do the necessary things. Get the house in order and demonstrate to the
247 citizens that Salisbury was a good place to live and work.
248 ○ Speaker was in the rental business and the only source of income was from tenants,
249 who would bear the costs. The City has spent and given away a lot of money in the
250 past. The fees given away from Housing program amounted to over \$40 million.
251 There may be a housing shortage in Salisbury but he said it was not in the amount of
252 7,684 units. The City sold the old Fire Department building in 2013 for \$85,000 and
253 recently leased back by the City for fifteen years at a price of \$1.8 million, which
254 amounted to \$10,000 per month. The Marina Landing property was sold to a
255 developer for \$1 per year. The housing shortage was only a matter of opinion.

256
257 The Public Hearing was closed at 7:37 p.m.

258
259 • **Constant Yield Tax Rate**

260
261 Ms. Blake moved, Ms. Outten seconded, and the vote was unanimous (4-0) to approve the
262 Constant Yield Tax Rate for Public Hearing.

263
264 The Public Hearing was opened at 7:40 p.m. and one speaker provided the following comments:

- 265
266 ○ Asked if this was going to be voted on at this time. Mr. Kitzrow answered the question and
267 said as read there was no property tax increase in the legislation.

268
269 The Public Hearing was closed at 7:41 p.m.

270
271 **ORDINANCES-** presented by City Attorney Ashley Bosché

- 272
273 • **Ordinance No. 2797-** 2nd reading- approving a budget amendment of the FY2023 General fund
274 budget to appropriate funds to the Salisbury Fire Department's Operating Budget

275
276 Ms. Outten moved, Ms. Blake seconded, and the vote was unanimous (4-0) to approve Ordinance
277 No. 2797 for second reading.

- 278
279 • **Ordinance No. 2798-** 2nd reading- to 1) authorize the Mayor to enter into a contract with the
280 Department of Housing and Community Development for the purpose of accepting grant funds in the

amount of \$500,000; 2) authorize the Mayor to enter into a sub recipient agreement with Railroad Avenue Investments, LLC; and 3) to approve a budget amendment to the Grant Fund to appropriate the aforementioned funds to be used for eligible expenses associated with the Union Railway Station Stabilization Project

Ms. Outten moved, Ms. Gregory seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2798 for second reading.

- **Ordinance No. 2799-** 2nd reading- to authorize the Mayor to enter into a contract with the Department of Housing and Community Development (DHCD) for the purpose of accepting grant funds in the amount of \$25,000, and to approve a budget amendment to the Grant Fund to appropriate these funds to be used for eligible expenses associated with an event fund for the Main Street District

Ms. Outten moved, Ms. Blake seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2799 for second reading.

- **Ordinance No. 2800-** 2nd reading- amending Chapter 1.08 of the Salisbury City Code, entitled "Election Board," and Chapter 1.12, entitled "City Campaign Advertising and Finance," to adopt recommendations made by the City of Salisbury Election Board

Ms. Gregory moved, Ms. Outten seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2800 for second reading.

- **Ordinance No. 2801-** 2nd reading- to authorize the Mayor to enter into a contract with the Maryland Department of Housing and Community Development (DHCD) for the purpose of accepting funds from the Connected Communities Grant in the amount of \$34,228 for the Anne Street Village Fiber Internet Project

Ms. Outten moved, Ms. Blake seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2801 for second reading.

- **Ordinance No. 2805-** 2nd reading- approving a budget amendment of the FY2023 General Fund Budget to appropriate funds to the Salisbury Fire Department's Operating Budget

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

- **Ordinance No. 2806-** 1st reading- approving a budget amendment of the FY23 General Fund Budget to appropriate the funds received from the recycling of scrap metal

Ms. Gregory moved and Ms. Blake seconded to approve Ordinance No. 2806 for first reading.

Ms. Outten moved, Ms. Blake seconded and the vote was unanimous (4-0) to approve an amendment to Ordinance No. 2806 by striking \$3574.80 on Lines 15, 29, and 36 and inserting \$4518.40.

Ordinance No. 2806 for first reading, as amended, was approved by unanimous vote in favor.

- **Ordinance No. 2807-** 1st reading- approving a budget amendment of the FY023 General Fund Budget and the FY2023 Water Sewer Fund Budget to appropriate additional funds required for Field Operations

Ms. Gregory moved, Ms. Outten seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2807 for first reading.

PUBLIC COMMENTS

The following comments were received from members of the public:

- Speaker referred to Ordinance No. 2798 and asked if there was anything that prevented gentrification because the residents of Fitzwater and Barkley may not being able to afford to live in their homes after the Marina development was complete.
- Ms. Outten said that Here Is Home initiative addressed the affordable housing issue. Council and the City Administration were extremely mindful of that as they started further development. Ms. Jackson said that when the buildings came up they would not want to see the eyesore across the street. One of her goals for this year was a beautification project to help prevent gentrification from happening.

ADMINISTRATION AND COUNCIL COMMENTS

City Administrator Andy Kitzrow announced a budget session was scheduled for Monday and thought it was a good idea to move the second reading of the budget to June 12th to give more time for decision points and an additional Council meeting on May 24th with a second public hearing.

Mayor Heath appealed to blood donors to donate. He reiterated his comments about going to the County. Administration met numerous times with them and have gotten the same answer every time.

Ms. Blake said it was important to listen to everyone because there were some very valid points. As a City resident, she felt that if the County was not interested in paying for their 5,000 calls then she was also not interested in paying for them. If healthy enough, please donate blood.

Ms. Outten thanked the public for attending. Their feedback was valuable, and Council was listening. She thanked Mr. Kitzrow and his team because the budget was not an easy task.

Ms. Gregory thanked the public for attending and thought there had been some misinformation. The main thing she heard when campaigning was that housing was too expensive. The landlords disagreed with housing incentives because they would have to be more competitive in their rents.

Ms. Jackson thanked Mr. Boda for not being there today because running the meeting challenged her. She did not want to offend anyone, but when hearing people say they were on fixed income, what did they do when the Federal Government took medical premiums out of their checks? As Mayor Heath said, expenses did go up. Nobody here wanted to raise taxes. The County needed to take the responsibility of helping pay for those 5,000 calls.

ADJOURNMENT

With no further business to discuss, the Legislative Session was adjourned at 8:05 p.m.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
APRIL 24, 2023

TIME & PLACE: 8:11 p.m., Council Chambers, Government Office Building & Zoom
PURPOSE: to consult with counsel to obtain legal advice on a legal matter
VOTE TO CLOSE: Unanimous (5-0)
CITATION: Annotated Code of Maryland §3-305(b)(7)
PRESENT: Council President Muir W. Boda, Mayor John R. Heath, Council Vice-President April Jackson, Council member Angela M. Blake, Council member Michele Gregory, Council member Megan Outten, City Administrator Andy Kitzrow, City Attorney Ashley Bosché, Assistant City Clerk Julie English, City Clerk Kimberly Nichols

The City Council convened in Legislative Session at 6:00 p.m. in Council Chambers of the Government Office Building and via Zoom Video Conferencing. At 8:11 p.m. Council President Muir Boda called for a motion to enter into Closed Session to consult with counsel to obtain legal advice on a legal matter as permitted under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b)(7).

Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous (5-0) to convene in Closed Session.

City Attorney Ashley Bosché provided her recommendations on verbiage to include in the Labor Code.

No votes were taken or consensus reached as the discussion was for Council information only.

At 8:38 p.m. Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous (5-0) to adjourn the Closed Session.

At 8:3 p.m. Council convened in Open Session and President Boda reported that Council had met in Closed Session to discuss a legal matter with counsel.

The Open Session was then adjourned.

City Clerk

Council President

CITY OF SALISBURY
BUDGET WORK SESSION
May 15, 2023

Public Officials Present

Council President Muir W. Boda	Mayor John R. Heath
Council Vice President April Jackson	Councilmember Angela M. Blake
Councilmember Michele Gregory	Councilmember Megan Outten

In Attendance

City Administrator Andy Kitzrow, Water Works Director Cori Cameron, Fleet Auto Mechanic Chase Bennett, Deputy Field Operations Director Sam Ireland, Field Operations Director Mike Dryden, Chief Tull, City Attorneys Heather Konyar and Ashley Bosché, and Assistant City Clerk Julie English

The City Council convened in a hybrid Budget Work Session at 5:04 p.m. in Council Chambers.

City Administrator Andy Kitzrow reviewed the changes made to the initial budget due to previous comments received from the public. He added that there were representatives from several City departments available in the audience to answer questions or further explain items in the budget.

Proposed revenue increase changes:

- Elimination of the Fire & Life Safety Fee tax
- Universal property tax increase of 5 cents
- Water & Sewer rate increase of 10%

The actions to follow these changes would include:

- Re-advertise the Constant Yield Tax Rate on Wednesday, May 24th
- Public Hearing on Monday, June 5th

Proposed cuts, reductions, reallocations and savings:

- Reduce City staff pay raise by 2% (\$720,000)
- Cut Master Electrician position (\$82,151)
- Reallocate SFD radios to PayGo (\$145,000)
- Cut increase in SPD vehicle maintenance (\$45,000)
- Cut Tactical Team stipend (\$40,000)
- Cut canine care and maintenance stipend (\$24,059)
- Cut CID on-call stipend (\$20,800)
- Cut Employee Recognition (\$10,000)
- Cut Code Compliance Demolition Funding (\$8,000)
- Cut increase in Poplar Hill Mansion budget (\$55,000)
- Cut increase in Government Office Building improvements (GOB) (\$50,000)

- Elimination of ballistic vests for firefighters (\$107,000)
- Cut four patrol vehicles (\$300,000)

Total savings: \$1,607,010

Questions and Comments

Ms. Jackson asked if the ballistic vests would be completely eliminated. Mr. Kitzrow responded that it was one of the recommended proposals.

Ms. Blake questioned the four patrol vehicles. Mr. Kitzrow noted the ballistic vests and patrol vehicles were added to the budget at the Council level. In reference to the police vehicles, there were ten vehicles on order plus an additional two. The proposal would defer purchasing four additional vehicles for the FY24 budget.

Ms. Gregory asked for clarification on the vehicle maintenance. Mr. Kitzrow clarified that a \$90,000 increase in vehicle maintenance was requested by the Salisbury Police Department and \$45,000 was approved. They are proposing to take away that \$45,000.

Ms. Jackson revisited the topic of ballistic vests. She asked, for their safety, if there were any grants available to assist in obtaining the vests for the fire department. Mr. Kitzrow clarified that the vests were an “all or nothing” purchase. Chief Tull addressed Council and explained that there are limited opportunities for grants and that they generally come from FEMA. The grants are funded based on the higher priority and currently that would be the police department. He added that the vests were fitted to the individual and could not be worn by multiple people.

Ms. Jackson asked if Chief Tull was satisfied with the elimination of the vests. He explained that the calls they received without police presence were the most difficult. He acknowledged he was not ok and disappointed with the decision but understood the position the City was in with the budget.

Ms. Blake asked Chief Tull if he knew when the fire department would be co-responders with the police department to the mass shootings at schools. He responded that he did not know. Ms. Blake wanted that kept at the top of everyone’s thoughts.

Ms. Gregory requested information about the GOB improvements. Mr. Kitzrow explained the west wall of the building had experienced water issues and needed improvements but there may be another source of funding available.

Mr. Kitzrow responded to a question by President Boda regarding Poplar Hill Mansion. He explained that the exterior of the mansion needed painted to stay in line with the necessary standards and an application for grant funding had been submitted.

Ms. Blake addressed the canine care and maintenance cut since the City had recently obtained a new canine. Mr. Kitzrow addressed all three of the stipends that were cut. The stipends were for the employees in those respective positions. They were unfunded liabilities paid for from the vacancies of officers. If the department continued to have vacancies those stipends may be reinstated using salary savings.

97 Ms. Blake questioned how the salary reduction impacted the fire department's steps. Mr. Kitrow
98 explained that the reduction would take one step off the proposal but the salaries that were out of line
99 would still be adjusted.

100
101 Council reached unanimous consensus to move the proposed budget forward.

102
103 With nothing further to discuss, the Budget Work Session adjourned at 5:23 p.m.
104
105

106 _____
107 City Clerk
108

109 _____
110 Council President

CITY OF SALISBURY, MARYLAND

SPECIAL MEETING

MAY 15, 2023

PUBLIC OFFICIALS PRESENT

Council President Muir W. Boda

Mayor John R. Heath

Council Vice President April Jackson

Councilmember Angela M. Blake

Councilmember Michele Gregory

Councilmember Megan Outten

IN ATTENDANCE

City Administrator Andy Kitrow, Assistant City Administrator Tom Stevenson, Finance Director Keith Cordrey, Sgt. Scott Elliott, Capt. Ryan Koerner, Col. Dave Meienschein, Business Development Director Laura Soper, Assistant Chief Rob Frampton, City Planner Brian Soper, Assistant City Clerk Julie English, City Attorneys Heather Konyar and Ashley Bosché, and interested members of the public

The City Council convened in a Special Meeting at 4:43 p.m. Council President Boda called for a motion to adopt the Special Meeting Agenda.

ADOPTION OF LEGISLATIVE AGENDA

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

ORDINANCE- presented by City Attorney Heather Konyar

- **Ordinance No. 2809**- 1st reading- approving a budget amendment to accept \$99,633.55 grant for license plate recognition equipment for the Salisbury Police Department

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2809 for first reading.

COMMENTS

Mayor Heath acknowledged National Police Week and shared his appreciation for the Salisbury Police Department, stating they brought honor to the City. He also asked that anyone who could to please donate blood.

Ms. Gregory reminded the public to watch out for kids riding bikes as the summer approached and pleaded for parents to get helmets for them.

Ms. Jackson wished all the Mothers a Happy Belated Mother's Day. She shared her excitement about a 70s party she attended over the weekend. At the event, she spoke on youth and crime in

47 *Salisbury. She shared that she was having a meeting with parents to discuss the crime but also*
48 *felt the young people should be asked what they needed or wanted. She felt they were not getting*
49 *the attention and love they needed. Ms. Jackson shared her address and invited the public to*
50 *come to a meeting she had at her home.*

51
52 *Ms. Outten gave a shout out to Assistant Chief Rob Frampton for being chosen for the*
53 *Leadership Maryland Class of 2023.*

54
55 *Ms. Blake expressed her frustration with vehicles not getting out of the way of emergency*
56 *vehicles on the road. She stressed the need for people to donate blood. She added that every pint*
57 *of blood helps save 3 lives. Another option would be to give platelets or become a donor.*

58
59 *President Boda shared that he met with the leaders of Kiwanis International and informed*
60 *everyone that they were looking to reform Kiwanis in Salisbury. They did a lot with literacy and*
61 *provided local scholarships.*

62
63 **ADJOURNMENT / CONVENE IN BUDGET WORK SESSION**

64
65 *With no further business to discuss, the Special Meeting adjourned at 5:04 p.m. and Council*
66 *immediately convened in a Budget Work Session.*

67
68
69 _____
70 *City Clerk*

71
72 _____
73 *Council President*

CITY OF SALISBURY
WORK SESSION
MAY 15, 2023

Public Officials Present

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

Mayor John R. Heath
Councilmember Angela Blake
Councilmember Megan Outten

In Attendance

City Administrator Andy Kitzrow, Assistant City Administrator Tom Stevenson, Finance Director Keith Cordrey, Sgt. Scott Elliott, Col. Dave Meienschein, Business Development Director Laura Soper, Assistant Chief Rob Frampton, City Planner Brian Soper, Assistant City Clerk Julie English, City Attorneys Heather Konyar and Ashley Bosché, and interested members of the public

On May 15, 2023 the Salisbury City Council convened at 4:30 p.m. in a Work Session in Conference Room 306 of the Government Office Building.

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

Budget amendment to appropriate funds for the Comprehensive Plan Project and the Zoning Code Project

Brian Soper, City Planner, introduced a budget amendment to appropriate funds for the Comprehensive Plan Project and the Zoning Code Project. He explained that when the budget for those projects was initially done it was prior to the inflation seen recently. The amendment was to ensure there were sufficient funds prior to the completion of the bidding process.

Ms. Blake thanked Mr. Soper for his work and acknowledged the good employees the City had.

President Boda requested a status on the Zoning Code Project. Mr. Soper responded that it was put on hold until the Comprehensive Plan was updated.

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

Resolution to modify the City's Sustainable Community Boundaries to include 510 West Road

Business Development Director Laura Soper addressed Council for a resolution to support the addition of 510 West Road, formerly Campbell's Soup plant, to the City's Sustainable Community Designation. The request came from the property owner and

44 Wicomico County. The County applied for and received a grant for \$500,000 from the
45 Maryland State DHCD Strategic Demolition Fund. In order to receive the funds the
46 property had to be located in the Sustainable Community boundary which was
47 administered through the City. The pre-annexation agreement was obtained and recorded
48 in the land records.

49
50 Ms. Jackson asked if Brett Davis would be the one to develop the property. Mrs. Soper
51 confirmed he would. Ms. Jackson then asked what their plans were. Mrs. Soper
52 responded that portions of the factory were falling apart and the roof was caving in. The
53 short term plan was to then lease it to tenants. The long term plan was to develop
54 affordable housing on the property.

55
56 Council reached unanimous consensus to advance the legislation to legislative agenda.

57
58 **Budget amendment to accept \$99,633.55 grant for license plate recognition**
59 **equipment**

60
61 Sgt. Scott Elliott explained that the grant funds referenced in the budget amendment
62 would be used to purchase two mobile systems to be installed in two patrol vehicles,
63 along with two radar signs that would be stationed throughout the City. The radar signs
64 would indicate the speed of passing vehicles as well as read the license plates.

65
66 President Boda asked if Amber Alert's would be communicated through the system as
67 well. Sgt. Elliott explained that all the information the readers gather would be
68 transferred to the State of Maryland Analysis Division. These readers would assist in
69 investigations and help track the location of individuals.

70
71 Col. Meienschein added that the systems would be deployed in high crime areas and the
72 information would be relayed to the department in real time.

73
74 Ms. Jackson questioned where the readers would be installed. Sgt. Elliott explained that
75 the two mobile systems would be installed in two police vehicles and the signs would be
76 on trailers allowing them to be relocated to various areas depending upon situations that
77 came up. He also shared that the readers would provide the department with information
78 on vehicles such as stolen vehicles, expired or suspended registrations, if the owner of
79 the vehicle had a warrant, and if a license was suspended or revoked.

80
81 Col. Meienschein added that the grant funds were part of a state wide initiative to
82 expand technology that was very expensive. He also explained that one reader would
83 only scan one lane. If there were a three lane highway, it would require three readers to
84 scan each lane. In addition, this system would allow the Salisbury Police Department to
85 interconnect with other jurisdictions in Maryland.

86
87 Ms. Blake noted that these systems would improve the safety of the public and the
88 officers.

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

Adjournment / Convene in Special Meeting

With no further business to discuss, President Boda adjourned the Work Session at 4:43 p.m. and Council immediately convened in the scheduled Special Meeting.

City Clerk

Council President

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

MAY 22, 2023

PUBLIC OFFICIALS PRESENT

<i>Council President Muir W. Boda</i>	<i>Mayor John R. Heath</i>
<i>Council Vice President April Jackson</i>	<i>Councilmember Angela M. Blake</i>
<i>Councilmember Michele Gregory (Zoom)</i>	<i>Councilmember Megan Outten</i>

IN ATTENDANCE

City Administrator Andy Kitzrow, Department of Infrastructure & Development (DID) Director Rick Baldwin, DID Deputy Director Sam Ireland, Procurement Director Jennifer Miller, Deputy Chief Dave Meienschein, Zoo Director Lenora Dillon, Fire Chief John Tull, Deputy Chiefs Chris O'Barsky and Chris Truitt, Executive Administrative Assistant Jessie Turner, City Attorney Ashley Bosché, City Clerk Kimberly Nichols, and members of the public

The City Council met in regular session at 6:00 p.m. via Zoom and in Council Chambers. Council President Boda called the meeting to order. After reciting the pledge to the flag, Pastor Bruce Glisson from Allen Memorial Baptist Church provided the City Invocation.

PROCLAMATION

EMS Week Proclamation

Mayor Heath presented the proclamation to declare May 21-27, 2023 as Emergency Medical Services (EMS) Week. EMS is a vital public service in which lifesaving care to those in need is provided 24 hours per day, seven days a week. EMS also fill a gap by providing important out of hospital care, including preventative medicine, follow-up care, and access to telemedicine. Consisting of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers, EMS provide access to quality emergency care and drastically improve the survival and recovery rate of those who experience illness or injury.

The members of the City of Salisbury Emergency Medical Service engage in thousands of hours of specialized training and continued education to enhance their lifesaving skills and are greatly appreciated. Mayor Heath presented the proclamation to Deputy Chief Chris Truitt who then provided the EMS teams highlights during the past year.

ADOPTION OF LEGISLATIVE AGENDA

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous (5-0 vote) to approve the legislative agenda as presented.

CONSENT AGENDA- *presented by City Clerk Kimberly Nichols*

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

- April 17, 2023 Work Session Minutes

AWARD OF BIDS- presented by Procurement Director Jennifer Miller

The following items were unanimously approved on a motion and seconded by Ms. Jackson and Ms. Outten, respectfully:

- ITB 23-115 Helical Pier Underpinning \$176,729.00
 - ITB A-23-116 Security Guard Services \$165,000.00 (3 yr. estimate)
 - RFP A-23-103 Debt Collections 16.5% of collections
- Declaration of Surplus
1. SPD – Property Room items retained for departmental use
 2. SPD – Property Room items to be sold via public auction

RESOLUTIONS- presented by City Administrator Andy Kitzrow

- **Resolution No. 3259-** to update and amend the Employee Handbook, including implementing a code of ethical conduct and SBY Cares (Culture, Acclimation, Readiness, Excellence, Service) Program, and revising grievance procedures

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Resolution No. 3259

- **Resolution No. 3260-** to modify the City of Salisbury Sustainable Community Boundaries to include 510 West Road

Ms. Jackson moved, Ms. Outten seconded, and the vote was unanimous to approve Resolution No. 3260.

ORDINANCES- presented by City Attorney Ashley Bosché

- **Ordinance No. 2806-** 2nd reading- approving a budget amendment of the FY23 General Fund Budget to appropriate the funds received from the recycling of scrap metal

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2806 for second reading.

- **Ordinance No. 2807-** 2nd reading- approving a budget amendment of the FY023 General Fund Budget and the FY2023 Water Sewer Fund Budget to appropriate additional funds required for Field Operations

Ms. Jackson moved, Ms. Outten seconded, and the vote was unanimous to approve Ordinance No. 2807 for second reading.

- 93
94 • **Ordinance No. 2808**- 1st reading- authorizing the Mayor to appropriate funds for the
95 *Comprehensive Plan Project and the Zoning Code Project*
96

97 *Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance*
98 *No. 2808 for first reading.*
99

- 100 • **Ordinance No. 2809**- 2nd reading- approving a budget amendment to accept \$99,633.55
101 *grant for license plate recognition equipment for the Salisbury Police Department*
102

103 *Ms. Outten moved, Ms. Jackson seconded, and the vote was unanimous to approve*
104 *Ordinance No. 2809 for second reading.*
105

106 **PUBLIC COMMENTS**

107

108 *The following comments were received from nine members of the public:*
109

- 110 • *Speaker #1 said the recent decommissioned red light at the intersection of South Boulevard*
111 *and Camden Avenue was replaced with stop signs on South Boulevard with no stopping set*
112 *up on Camden Avenue. The new 2-way stop created a significant issue for those travelling*
113 *on South Boulevard. His parents had an accident at the intersection when they were hit by a*
114 *speeding vehicle coming from the university side of Camden Avenue. He was disappointed*
115 *to hear that the Council and Administration were informed of the dangerous intersection at*
116 *an April meeting and no action was taken. The intersection had a bad line of vision from*
117 *both directions (large hedge, telephone pole and retaining wall blocks vision when going*
118 *through the intersection). Drivers must pull out well into the intersection to see the fast-*
119 *moving traffic from the right side. While pulled out into the intersection, drivers were at risk*
120 *of cars coming from the other direction. He said that Camden had a race track feel today it*
121 *had the third accident since the change occurred in March. Speaker urged the Council to*
122 *act now before it was too late. There was a great deal of disgruntlement in the community*
123 *about the way the roads were being redesigned. There were problems with lanes being too*
124 *narrow, turning radius not being adequate, stop bars too far up into the intersection, etc.*
125 *Commercial tractor trailers had trouble navigating College Avenue, South Boulevard,*
126 *Waverly, and Carroll Street. He asked Council to do the right thing.*
127 • *Speaker #2 agreed with Speaker #1's comments. As a cyclist, she did not feel in many of the*
128 *new bike lanes that had been added, particularly the ones with two-way bike traffic on one*
129 *side of the road. It was difficult to turn when not on the right-hand side of the road.*
130 • *Speaker #3 echoed the comments from Speaker #1. Since the light was removed there was*
131 *pedestrian fear and accidents happening. No amount of time passing would make the*
132 *intersection safer and more visible. This change created a problem where there was none.*
133 *Speaker implored Council to recognize that this was not a good decision and make it safe.*
134 • *Speaker #4 was a prior City of Salisbury Traffic Superintendent, he wanted to bring his*
135 *concern to the Mayor and City Council of the almost elimination of the Traffic branch.*
136 *There were five individuals including three certified traffic technicians, as well as two*
137 *certified pavement and signage technicians. All were certified through IMSA (International*
138 *Municipal Signal Association). Since he retired in 2014, the department has been decimated.*
139 *There were no electricians to work on traffic lights, and one of the goals when he was*

working for the City was to repair street lights in a timely fashion after they were reported, but this was not happening now. They kept inventory and had spare parts. There had been a malfunctioning light at Parkside High School for a month and he said it would have been repaired in two days. That was unacceptable, and he asked the Mayor and City Council to fully staff the department. Three positions were eliminated in the traffic branch including the Traffic Systems Manager and a certified staff electrician. Street lights needed to be repaired, and lawsuits could be brought against the City. He asked the City to fund the positions and to get back to where the department was in 2014.

- Speaker #5 lived on the corner of the intersection and commended the Council on trying to make the City a walkable and bikeable community. She called the City and told them there would be accidents as soon as the light was disengaged. Without the light the two retaining walls have made the intersection very dangerous. She counted more than 40 pedestrians passing the intersection in two hours.
- Speaker #7 lives one house away from South Boulevard. There was a stop light there since at least the 1960's. She asked why it had to get changed when it was not broken. She was there at 6:45 a.m. this morning when the two cars collided. It seemed as though one car had to inch out into the intersection to see, and the other car was coming from the opposite direction. The intersection was a mess and she would avoid it if possible. Please turn the light back on. Speaker appreciated what Council was doing with the budget.
- Speaker #8 said traffic calming for Newton Street was needed for safety purposes. He thought South Boulevard would eventually be a four way stop but it remained very dangerous. He appreciated Council's service.
- Speaker #9 suggested that the City create a concise summary of the Master Plans, particularly the Downtown Master Plan and the City Park Master Plan. Many people were eager for the development but did not know details and many questions were unanswered. During the Franklin Graham concert a few weeks ago, people parked in bike lanes due to overflow in Parking Lots 1 and 11. With the lots gone, he was concerned about how chaotic it would become during future events. He supported making the City more walkable, but noted that successful, walkable towns often had easily assessible and reliable transportation systems which were lacking in Salisbury. He urged Council to improve the communication of the plans with the public.
- Speaker #10 asked how the budget would be balanced now that the Fire and Life Safety Fee was off the table. This had to be disclosed before the June 5th meeting. He understood the amount from the County was unknown, but for the citizens to be able to comment intelligently on the budget, they had to know what it was comprised of before the meeting. He said the City had built a structural deficit over the years. The last tax increase was in 2016 but since that time, there has been very low inflation until last year and a much higher increase in the assessible tax base for real estate. The City was getting in more revenue than it had to spend due to inflation. For the past two years there was the influx of federal Covid relief funds. It was not in the FY24 budget now, and there was automatically \$4.5 million to come up with. In the revised budget listed in the budget document, it was recorded that \$2.7 million of reserve funds was used. That was a total of \$8 million not there this year unless the City was going to inject more from the reserve funds to balance the deficit. One way to stop digging for money was to end the HORIZON Program. Over the years the program will bring millions of dollars in lost property tax revenue. Start cutting frivolous expenses such

as the Folk Festival. He had ideas for further actions the City could take and would email them to Council.

ADMINISTRATION AND COUNCIL COMMENTS

Mayor Heath encouraged those who were healthy enough to donate blood. He said Police Week was celebrated with merit awards for our Police Officers. He also attended the Light of Literacy Award event. There was a packing party for Operation We Care, and he and his wife were able to pack a box for his granddaughter, who was deployed. Haitian Flag day brought many people downtown and everyone had a great time. He requested that with Memorial Day coming up that everyone should be aware of others. He asked that if anyone witnessed someone who should not be driving due to over-indulging, to please stop them. He wished everyone a happy Memorial Day.

City Administrator Andy Kitzrow announced that today was the first day for the Mayor's Office, Clerks Office and the Visitors Center/ABC Department in their new building at the old Salisbury Fire Headquarters. In the coming months, Council meetings will be hosted in the building. They are very excited about the move and new space.

Ms. Jackson thanked the citizens for coming out to voice their concerns

Ms. Gregory concurred with Ms. Jackson and added how important it was for people to engage with Council and let them know where there were problems or even things they were doing right. She echoed her own concerns for the intersection.

Ms. Blake encouraged those healthy enough to donate blood. One pint could save up to three lives. She also had concerns with the South Boulevard light issue and thanked everyone for coming out.

Ms. Outten echoed the previous comments. The traffic light issue was located in her district, and she was also concerned. She thanked the public for voicing their concerns,, and as the City continued to prioritize their Vision Zero strategy, she knew they would take the comments made today to implement a safer area for our pedestrians and drivers. Pemberton Parks was beginning their Music and Arts Show this Friday,

President Boda said that Third Friday was very well attended and praised Amp Studios and the student musicians for their performances. Taylor's BBQ's grand opening was Thursday. To get involved in the MD Folk Festival as a volunteer, go to mdfolkfest.com. Today the shifts opened up.

ADJOURNMENT

With no further business to discuss, the Legislative Session was adjourned at 7:09 p.m.

City Clerk

Council President

CITY OF SALISBURY, MARYLAND

SPECIAL MEETING #1

JUNE 5, 2023

PUBLIC OFFICIALS PRESENT

Council President Muir W. Boda

Mayor John R. Heath

Council Vice President April Jackson

Councilmember Angela M. Blake

Councilmember Michele Gregory

Councilmember Megan Outten

IN ATTENDANCE

City Administrator Andy Kitzrow, Ethics Commission Chair Neill Carey, Ethics Commission Member Dr. Timothy Stock, Acting Police Chief Dave Meienschein, Retired Police Lieutenant Peter Tyler, Field Operations Director Michael Dryden, Department of Infrastructure and Development (DID) Director Rick Baldwin, Arts, Business & Culture Department (ABC Dept.) Director Allen Swiger, City Clerk Kimberly Nichols, City Attorney Ashley Bosché, and interested members of the public

The City Council convened in a Special Meeting at 4:30 p.m.*

PROCLAMATION

Mayor Heath invited Lieutenant Peter Tyler to the podium and presented the proclamation declaring May 30, 2023 as Peter Lloyd Tyler Day. Lieutenant Tyler was retiring after 30 years of dedicated law enforcement service. He began his career with the Salisbury Police Department on August 21, 1993, served within the Operations Division and rose through the ranks to become Police Lieutenant where he mentored less experienced officers and supervisors, served as Field Training Officer, and was on the Tactical Unit and Community Action Team.

ADOPTION OF LEGISLATIVE AGENDA

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

PUBLIC HEARINGS- FY24 BUDGET / CONSTANT YIELD TAX RATE- *presented by City Attorney Ashley Bosché*

Constant Yield Tax Rate

Ms. Bosche presented the information on the Constant Yield Tax Rate.

At 4:41 p.m. President Boda opened the public hearing. The following comments were received from eight members of the public, who were all sworn in:

- The City dug itself in a hole and now had to raise taxes. We started off with a proposed budget with an almost \$5.5 million illegal fee that has been struck out after objection. Taxes would be raised this year and probably the next years to come.*

- *Speaker disliked the City raising costs and said she felt as if she was being blackmailed. There was too much fluff in the budget and the City needed to provide basic service for all of the citizens and not focus primarily on the Downtown while the rest of the City suffered. The Arts and Entertainment District cost a fortune and did not benefit her, fix the potholes, or the rough road in front of her home. She did not like to see the Police Department's vehicles cut, and thought the City could cut other things. It should be determined if the City needed a Folk Festival and the parks in every community needed maintenance. There were things she could not give up and asked the City to give up the little things that were not necessary to providing health and safety for the citizens. She was not the only senior in the City of Salisbury not knowing what to do. Please do what had to be done to get rid of the fluff.*
- *Speaker was retired on a fixed income and wanted to know where she would get the extra money and showed her checkbook. All of her bills kept going up. She had to cancel her dentist appointment, doctor's appointments and decide which medication she could afford to get. She agreed with the first speaker and said the City had dug itself in a hole. Grants were great but when they ran out it cost the City additional money. Citizens were being double taxed. The City did not know how to run their finances.*
- *The City may have to declare bankruptcy and be absorbed into the County at the rate it was going. One quarter of the citizens were below poverty level. The other 75% and businesses were bankrolling the City, while developers building downtown got to avoid paying upwards of \$40 million in taxes and more over the years while our property taxes were being proposed to go up by 5%. That would put Salisbury as one of the highest taxed municipalities in Maryland, which already had one of the highest property tax rates in the nation. Property tax assessments increased an average of 25% recently and they were already paying 25% more taxes than three years ago. There were hundreds of people listed in the Independent unable to pay their property taxes. The big developer freebies were not in the City's low-income areas, they were only in Downtown. The less fortunate neighborhoods would not benefit directly. The City employees needed to be compensated well, and the City needed to maintain what it already offered. Cut out new structures such as a parking garage. We really have a nice place here- low skyline, open views, water way activities, Maryland's second largest Port City, amazing fauna- all already located Downtown or nearby. It was unwise of a small, isolated Peninsula town like Salisbury to try to follow mainland, metropolitan, urban planning goals, especially theories such as to build more houses in order to have more people to build a bigger tax base. It was very risky here. The resources and transportation network and adding thousands more jobs needed for these new people was not here. Why were we focusing on building 6,000 more housing units? Let's accept mid-Delmarva, land of pleasant living, and keep it the way it was, and affordable. It was really alright not to have urban sprawl, traffic congestion and long lines at supermarkets and restaurants. That, and a low cost of living would attract newcomers. Keep goals manageable and keep the citizens informed.*
- *Speaker was concerned that some people would be hurt by the decisions that they had to make. Having to come up with more money to balance a budget was the way it seemed to go but speaker said the City should tighten its budget and identify what was unnecessary. She thought necessities were Police, Fire, EMS, traffic congestion devices, electricians, and carpenters, and did not consider pop up events in communities to give pencils and hotdogs a necessity. She said the Homeless Care Coordinators was not necessary to*

conduct outreach among the Wicomico County homeless population. That job was the responsibility of the Wicomico County Social Services Department, not the City of Salisbury. The care of the elderly and adults at risk fell on the shoulders of Wicomico services, not a City employee with a bachelor's degree in the Human Service field listed as paying from \$33,990 to \$36,792. There were three in the budget that came with travel expenses, cars and all the expensive resources of that caliber. Funding bus operators to transport people Downtown so that they could enjoy the amenities did not help because her rental clients could not get to work because there was no viable transportation other than Uber or the scooters. A decent bus system was needed. As nice as they were, she did not think hiring people to operate the Outreach Centers for the Youth was wise if they couldn't afford it. Let's get our house in order first and then return to work on these amazing facilities. Was a Splash Pad needed Downtown if nobody had a place to park to get to it or beautiful festivals if there was no parking? The City had no more viable parking lot structures to sell, and she didn't see in the budget where \$75,000 was added in after we got the resource from the sale of the Flea Market parking lot, where a lot of her clients bought things. There were 19 advertised jobs at the City. Cut out the fluff.

- Speaker moved to Salisbury five years ago and this was the first time she heard about property taxes being raised. As a City grew it was challenging to both the ones planning it and the citizens but there had to be a dialogue to keep the progress going in a healthy direction. She said she would be back and would be watching and listening.
- City Clerk Nichols swore in a citizen on Zoom who said he was a local investor and owned properties. Last year there was a sizeable increase in assessments. The tax bill increased then, and we would be having a hard time coming up. He thought the City should re-think this process and thanked Council for their service.
- Speaker said everything was going up. Those in business were trying to hold the line where they could, and Council had a fiduciary responsibility to steer the City to a place where we were financially competitive. They City has crossed over the line where the tax rates and tax revenue that was being pulled out of the citizens and businesses would cause harm, and that was what they were hearing tonight. The higher taxes were being pushed now, revenues would begin to decrease. Modest increases in increments were necessary, and do not touch that surplus. The businesses were starting to feel it and they thought they were a leading indicator that there were some tough economic times ahead.

The Public Hearing for the Constant Yield Tax Rate was closed at 5:13 p.m.

Ordinance No. 2802- appropriating the necessary funds for the operation of the Government and Administration of the City of Salisbury, Maryland for the period July 1, 2023 to June 30, 2024, establishing the levy for the General Fund for the same fiscal period and establishing the appropriation for the Water and Sewer, Parking Authority, City Marina and Storm Water Funds

Ms. Bosché presented Ordinance No. 2802, as amended. President Boda opened the Public Hearing at 5:16 p.m. and the following comments were received from two members of the public who were sworn in:

- People were unhappy that they were unable to review the new proposed budget. Speaker were not happy about raising the tax rate but unfortunately where the City had placed

139 itself, it was necessary. He asked about the \$1,964,000 from the County that was not in
140 the original proposed budget, and if it had been agreed upon with the County. If not, that
141 was a \$900,000 difference. If the City only received the \$1 million which was the word on
142 the streets, then the City would need an additional \$900,000. It appeared the starting
143 salary for Police Officers and trainees was \$55,000 and he hoped so. In the first
144 proposed budget it was \$51,000. The County paid \$55,000 for starting Deputies. This
145 would add to the revenue the City needed and that was why taxes had to be raised. More
146 revenue sources had to be found and the HORIZON Program had to be stopped.

- 147 • The direction the City was going the last couple of years has benefited Downtown
148 developers rather than looking after the citizens who voted for them and employees who
149 needed raises to live. There were millions of dollars in tax giveaways with HORIZON
150 and land giveaways in Downtown Salisbury. This was not a wise use of the properties.
151 Prioritize its employees who keep the City safe and functioning. Don't take money from
152 taxpayers and give to developers who don't live in the City. "Growth pays for growth."

153
154 The Public Hearing for Ordinance No. 2802 was closed at 5:25 p.m.

155
156 **Ordinance No. 2803-** to amend Water and Sewer rates to increase rates by 10% and making
157 said changes effective for all bills dated October 1, 2023 and thereafter unless and until
158 subsequently revised or changed

159
160 Ms. Bosché presented Ordinance No. 2803, as amended. President Boda opened the Public
161 Hearing at 5:26 p.m. and the following comments were received from three members of the
162 Public who were sworn in:

- 163
164 • Speaker said water bills went up every year and she did not use a large amount of water.
165 She was a single, responsible person who paid her bills. Certain developers did not have
166 to pay for their water. Don't increase anything and maintain what we already have.
- 167 • Speaker said the City got her over a barrel again because if she didn't pay her bill she
168 did not have water and she felt helpless and hopeless.
- 169 • Speaker said it was the minimum bill that would be offensive and asked Council to
170 consider dropping the minimum bill. Smaller families and single families could be lower
171 than larger families.

172
173 The Public Hearing for Ordinance No. 2803 was closed at 5:31 p.m.

174
175 **Ordinance No. 2804-** to set fees for FY 2024 and thereafter unless and until subsequently
176 revised or changed

177
178 Ms. Bosché presented Ordinance No. 2804, as amended. President Boda opened the Public
179 Hearing at 5:34 p.m. and as there were no requests to speak, immediately closed the Public
180 Hearing.

181 182 **PUBLIC COMMENTS**

183
184 The following comments were received from two members of the public:

- 185
- 186
- 187
- 188
- 189
- 190
- 191
- 192
- 193
- 194
- 195
- 196
- 197
- 198
- 199
- 200
- 201
- 202
- *Speaker said she completed a PIA request to see the repair and work orders for the stop light through a PIA request, as well as the Army Corps of Engineers report that was cited in the public notice stating that the sight lines were fine at the intersection and the study deciding the stop light was not needed. The intersection at South Boulevard and Camden Avenue was a very difficult intersection to see around. She described each corner (wall and hedge). The intersection functioned for over fifty years very well with a stop and go light. Then it became a stop and caution light, then it became a rumble strip intersection, and now the rumble strips have been removed and it has become a four way stop with a blinking light all the way around. There was still a sign that said “no turn on red.” There was a sign that blocked the view of one of the stop signs and a speed indicator that displayed the oncoming vehicles’ speeds. Lines that have been painted in the street have not been updated. The light was working until someone “tinkered” with it and stated that she was told it was too expensive to replace it. If it was needed for public safety, it needed to be fixed. The stoplight needed to be replaced the way it was.*
 - *Schumaker Manor and Schumaker Drive near Parkside High School needed to be repaved. There was no walkways and it was amazing that nobody had been hit.*

203 *Mr. Boda said that many of the homes were in the County in that area. Mr. Kitzrow shared that*
204 *conversations with the County had taken place about some of the streets that were both City and*
205 *County, and both of their schedules reflected they would share in the paving.*

206

207 **ADMINISTRATION AND COUNCIL COMMENTS**

208

209 *Mayor Heath said he appreciated all of the comments. He reminded everyone that the inflation*
210 *for the City was no different from the inflation the public was experiencing, and as an example*
211 *he noted the increased cost of chemicals for the Water Plant. He said that Administration and*
212 *Council cared and the budget was not easy for anyone sitting at the table.*

213

214 *Mr. Kitzrow appreciated the full room and asked the public to keep coming out.*

215

216 *Ms. Outten shared the aforementioned sentiments to keep attending Council meetings. She and*
217 *the other members of Council were listening to them and knew how it impacted everyone.*

218

219 *Ms. Blake asked those healthy enough to donate blood. One pint of blood could save three lives.*

220

221 *Ms. Jackson said that Council understood the comments, and that it was not easy. The budget*
222 *also impacted her and her children. She was on a fixed income, too. They had to come to a*
223 *decision and sometimes agree to disagree. She asked for the truth about the light on South*
224 *Boulevard and Camden Avenue, and did not think they had been informed. Give Council the*
225 *opportunity to get this on track. She asked for the property value of the Marina land, and asked*
226 *why the City was leasing it for \$1. The City was giving away land when they could sell it.*

227

228 *Ms. Gregory wished all of her LGBTQ friends a happy Pride month. She was with Mayor Heath*
229 *when they raised the Pride Flag and it looked beautiful going up. It was good to see so many*
230 *people there. This budget was not easy for any of Council and they appreciated the public*

231 *coming out, paying attention and engaging. Regarding the tax cuts for the developers, the City*
232 *was in a housing crisis and they had to make the banks want to invest. The prior Mayor and*
233 *Council did everything they could to ensure that housing was being built. Because of inflation,*
234 *renters were paying Baltimore prices for rent in Salisbury. There was too much demand for too*
235 *little supply and they had to do something about it. This was one of the solutions they created.*

236
237 *Ms. Jackson said she attended several Memorial Day celebrations on Monday and Tuesday and*
238 *was happy the City and County honored their fallen veterans. She thanked those who sponsored*
239 *any act of kindness for our veterans.*

240
241 *President Boda shared that anyone having trouble paying their water bill could go to Finance*
242 *and apply for the hardship fund. If anyone had trouble paying taxes, speak with the Finance*
243 *team and ask if they could work with them. He reminded this was not only Pride Month but*
244 *National Safety Month. Work safe and work smart. If you need help, ask for help. Take breaks*
245 *and stay hydrated. The Pride Parade and Festival were scheduled for June 24th in Downtown.*

246
247 **ADJOURNMENT / CONVENE IN WORK SESSION**

248
249 *With no further business to discuss, Special Meeting #1 adjourned at 5:57 p.m. and Council*
250 *immediately convened in the Work Session.*

251
252
253
254 _____
255 *City Clerk*

256
257 _____
Council President

CITY OF SALISBURY
WORK SESSION
JUNE 5, 2023

Public Officials Present

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

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

In Attendance

City Administrator Andy Kitzrow, Ethics Commission Chair Neill Carey, Ethics Commission Member Dr. Timothy Stock, Acting Police Chief Dave Meienschein, Field Operations Director Michael Dryden, Department of Infrastructure and Development (DID) Director Rick Baldwin, Arts, Business & Culture Department (ABC Dept.) Director Allen Swiger, City Clerk Kimberly Nichols, City Attorney Ashley Bosché, and interested members of the public

On June 5, 2023 the Salisbury City Council convened at 4:30 p.m. in Special Meeting #1. Following the adjournment of the Special Meeting at 5:57 p.m., they convened in the Work Session. The following is a synopsis of the items discussed in Work Session.

Discussion on Opinion 2023-01- Ethics Commission

Dr. Neill Carey, Ethics Commission Chair and member Dr. Timothy Stock joined Council at the table. Dr. Carey said the Ethics Commission was asked to opine on whether current and former employees could be on City boards and commissions. City Attorney Ashley Bosché provided the commission excellent advice and the decision was that full time and part time City employees should not serve on a board or committee. Former City employees could be appointed as long as there was no improper or perceived improper influence. Employees who were currently board members could finish their term but could not be reappointed. Council's attendance on committees were not as voting members and they were not City employees in this advisory opinion.

Mr. Boda asked whether a City employee could serve as a Council member and it was decided that they could not. Since the City Handbook was just completed, Ms. Bosché said the policy could be verbally communicated until the next handbook update.

Discussion on changing duty weapons

Acting Chief Dave Meienschein came before Council to discuss the Police Department's transition to a new firearm platform from 45 caliber handguns to 9-millimeter handguns.

The change would increase officers' proficiency and help qualify those with smaller hands. It took more than a year to receive 45 caliber ammo orders. Many new officers did not have firearms experience, and this weapon was easier to handle.

Ms. Blake asked about the cost of the firearms. Acting Chief Meienschein answered for 90 officers it would cost about \$43,000, and the ammo would be about \$10,000, but they could trade in their 45-caliber ammo. The trade in cost for ninety 45 caliber firearms would be about \$30,000, and costs were currently \$310 to \$320 per weapon. New holsters and sights were needed. The change would occur by the end of the current year.

Funds were identified in the current budget. The item was for Council information only.

South Boulevard and Camden Avenue Traffic Light discussion

DID Director Rick Baldwin and FOPs Director Michael Dryden joined Council to discuss the traffic light at South Boulevard and Camden Avenue.

Mr. Kitzrow said they wanted everyone to understand the plan moving forward. He said that the public questioned why the working traffic light was replaced with stop signs, and now the temporary 4-way stop transitioned into a permanent 4-way stop. There was also discussion on the costs of returning to a 4-way traffic signal. There were safety precaution requirements to alert the public to the traffic pattern change with flashing red lights which would ultimately go to 4-way stop signs surrounded by LED lights for visibility. The rumble strips were removed as they were no longer needed to alert people to the new traffic pattern. The testing of the intersection was done by DID.

Mr. Baldwin discussed the *warrant analysis* process on the intersection which compared data on the intersection to the Federal Highway standards to decide what was appropriate for control of the intersection. He explained that *warrant analysis* was done on the intersection prior to COVID, during COVID, and since COVID, which indicated that according to the federal standards, a traffic light was not be appropriate for the location. The guidelines allowed for the traffic engineers to make other decisions or exceptions. The light was older and most of the parts were obsolete. When other lights of this type have been removed and replaced with 4-way stops, their parts have been saved to use in other lights of that type. This light was struck by lightning which knocked out the controller. Mr. Baldwin said that his technicians got the light to work with a flashing yellow and red. The current signs indicating speed were collecting data to be used as they moved forward. The stop line did not allow a full view of the intersection, but the law allowed motorists to ease forward. The light's replacement cost was over \$200,000.

Mr. Kitzrow asked about availability of a new light if that was the decision. Mr. Baldwin said it was not in the budget and could take a year plus the lead time for Procurement after July 1, 2024. They had been waiting for months for the hardware for the Parkside Light. Ms. Jackson asked why this was not communicated to the community and said the community should have been informed before the change happened. She thought the people were upset because it was not communicated with them first.

President Boda invited Lynne Bratten forward. She reported the light worked and was not broken. One of the press releases stated that it was damaged in the process of putting

it on blink mode. Now they were saying it was simply broken. She said it was working when the sign was erected announcing it would go to a 4-way stop. At that point she raised questions because it was needed. She drove through it that day and it was still red, green and yellow. She did not know why Vision Zero decided that it was not needed.

Ms. Blake noted there were several lights removed around town. The difference in them was the sight line and she was concerned about this one and wanted to advocate for the light to be turned on. Mayor Heath added that he drove that route all the time and as long as all drivers stopped, the stop line it could be readily seen. He asked to give it time to see if people were paying attention. If it did not work out and there were still issues, the light could be replaced. Ms. Blake said that a better job of planning was needed. Ms. Jackson noted the 4-way stop on Naylor Mill Road was a disaster. Ms. Outten said it was apparent during this entire meeting that transparency was becoming increasingly more important to the community. She also thanked Mayor Heath and Mr. Kitzrow for responding to her in such a timely manner to her questions about the light.

Accepting donation from the Delmarva Zoological Society for the Andean Bear Campaign

Arts, Business & Culture Department Director Allen Swiger reported the steering committee for the Andean Bear Campaign had been working diligently to identify what they needed including the implementation of a web-based software capable of managing and tracking revenues for the upcoming campaign. They approached the Delmarva Zoological Society for the donation of \$125,000 to offset those costs. The Zoological Society generously wanted to make the donation to the City.

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

Resolution to appoint new Registered Agent

Ms. Bosché said the City's current resident agent was still Julia Glanz and it needed to be updated to Andy Kitzrow. Council reached unanimous consensus to advance the legislation to legislative agenda.

Adjournment / Convene in Special Meeting

With no further business to discuss, President Boda adjourned the Work Session at 6:47 p.m. and Council immediately convened in the scheduled Special Meeting #2.

City Clerk

Council President

CITY OF SALISBURY, MARYLAND

SPECIAL MEETING #2

JUNE 5, 2023

PUBLIC OFFICIALS PRESENT

Council President Muir W. Boda

Mayor John R. Heath

Council Vice President April Jackson

Councilmember Angela M. Blake

Councilmember Michele Gregory

Councilmember Megan Outten

IN ATTENDANCE

City Administrator Andy Kitzrow, Procurement Director Jennifer Miller, Field Operations Director Michael Dryden, Acting Police Chief Dave Meienschein, Arts, Business & Culture Department (ABC Dept.) Director Allen Swiger, City Clerk Kimberly Nichols, City Attorney Ashley Bosché, and interested members of the public

The City Council convened in Special Meeting #2 at 6:47 p.m. following the adjournment of the Work Session.

ADOPTION OF LEGISLATIVE AGENDA

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

AWARD OF BIDS- *Procurement Director Jennifer Miller*

The following items were unanimously approved on a motion and seconded by Ms. Blake and Ms. Jackson, respectfully:

- ITB 23-122 Parking Operations Improvements \$150,000.00*

ORDINANCE- *presented by City Attorney Ashley Bosché*

- **Ordinance No. 2810-** 1st reading- approving a budget amendment of the City's budget to accept and appropriate donated funds from the Delmarva Zoological Society for the Andean Bear Campaign*

Ms. Outten moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2810 for first reading.

COMMENTS

Two members of the public provided the following comments:

- The changes on the City streets for biker safety have made City streets a mess. Fitzwater*

47 and Waverly were “old news” and Carroll Street was very confusing. One entire lane on
48 the East side of Circle Avenue and Riverside Circle was a lane that went nowhere. The
49 striped off sections create a daily back log. They were all very confusing and said she
50 couldn’t imagine emergency vehicles maneuvering the changes.

- 51 • She asked Council to each drive across the intersection of Russell Avenue and West
52 College Avenue, going on Russell. After two or three failed attempts, it would easily be
53 evident that it needed to properly be fixed. She wondered how many drivers were
54 reimbursed for hitting the concrete obstructions. Her neighbors on College Avenue
55 estimated the number to be 50 cars.
- 56 • There was a dip on Russell Avenue that has damaged cars, tires and has thrown bikers
57 off their bikes.
- 58 • She was able to bike before all of the changes have been made.
- 59 • Some streets have no lights.
- 60 • Much money has been given away by Council over the past few years.
- 61 • She asked if Council had been to County Council to discuss the double taxation.
- 62 • Funding the Folk Festival was a lovely gesture and it was a lovely event, but prioritizing
63 real budget needs for the City and its expenses needed to happen.
- 64 • She thanked Councilmember Jackson. Communication has gone by the wayside in many
65 areas probably because of the Zoom meetings, etc.
- 66 • She recommended having a forum every 6 months. Not everybody can attend Council
67 Meetings.
- 68 • Speaker owned property on West College at the corner of Russell Street. She had no
69 notice of what was going to happen at that corner. The structures installed to curb the
70 traffic of West College were a great concept but not sure of the execution. The dip on
71 Russell Street was tremendous. She needed to know what was going to be done.
72 Communication was not made and she wanted to know when it would be corrected.

73
74 President Boda said she could meet with City Administrator Kitzrow directly after the meeting.

75
76 **ADJOURNMENT**

77
78 With no further business to discuss, Special Meeting #2 adjourned at 7:02 p.m.

79
80
81 _____
City Clerk

82
83 _____
84 Council President

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

JUNE 12, 2023

PUBLIC OFFICIALS PRESENT

Council President Muir W. Boda

Mayor John R. Heath

Council Vice President April Jackson

Councilmember Angela M. Blake

Councilmember Michele Gregory

Councilmember Megan Outten

IN ATTENDANCE

City Administrator Andy Kitzrow, Infrastructure and Development Director Rick Baldwin, Procurement Director Jennifer Miller, Chief Barbara Duncan, City Attorney Heather Konyar, Assistant City Clerk Julie English, and members of the public

The City Council met in regular session at 6:00 p.m. via Zoom and in Council Chambers. Council President Boda called the meeting to order and acknowledged that one year ago Deputy Glenn Hilliard was shot and killed in the line of duty. After a moment of silence, President Boda invited everyone to recite the pledge to the flag.

CHIEF BARBARA DUNCAN RETIREMENT

Barbara Duncan Day Proclamation

Mayor Heath presented the proclamation to Chief Barbara Duncan, as she retired after 35 years in Law Enforcement and 13 years serving the City of Salisbury. She instituted invaluable practices and changed the department culture. She also volunteered much of her time to various groups in the community.

Council President Boda read and presented a plaque to Chief Duncan from all of the Council members. The plaque congratulated her on her retirement and expressed their appreciation for all she had done for the citizens of Salisbury.

Chief Duncan thanked the City of Salisbury for the honor to work alongside the best officers she knew and wished everyone well.

ADOPTION OF LEGISLATIVE AGENDA

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

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

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

- *April 24, 2023 Council Meeting Minutes*

- April 24, 2023 Closed Session Minutes
- Resolution No. 3261- to approve the re-appointment of Matt Drew to the Bicycle & Pedestrian Advisory Committee for term ending June 2026
- Resolution No. 3262- to approve the appointment of Sandeep Gopalan to the Ethics Commission for term ending May 2027

Councilmember Outten thanked the committee members for volunteering to serve the City.

Mr. Gopalan expressed his appreciation for the opportunity to serve and assured the Council he would do his best.

AWARD OF BIDS- presented by Procurement Director Jennifer Miller

The following items were unanimously approved on a motion and seconded by Ms. Jackson and Ms. Gregory, respectfully:

1. RFP 23-106 Andean Bear Exhibit Design \$350,500.00
2. ITB 23-116 Mt. Hermon Road Stormwater Mgmt Retrofit \$106,120.00

RESOLUTION- presented by City Administrator Andy Kitzrow

- **Resolution No. 3258**- changing the Resident Agent to accept service of process on a government entity from Julia Glanz to Andrew P. Kitzrow

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Resolution No. 3258.

BUDGET ORDINANCES- presented by City Attorney Heather Konyar

- **Ordinance No. 2802**- 2nd reading- appropriating the necessary funds for the operation of the Government and Administration of the City of Salisbury, Maryland for the period July 1, 2023 to June 30, 2024, establishing the levy for the General Fund for the same fiscal period and establishing the appropriation for the Water and Sewer, Parking Authority, City Marina and Storm Water Funds

Ms. Jackson moved, Ms. Gregory seconded to approve Ordinance No. 2802 for second reading.

Ms. Blake moved to amend the ordinance as read by City Attorney Konyar.
Ms. Jackson seconded, and the vote to amend the ordinance was unanimous.

Ordinance No. 2802 for second reading, as amended, was approved on a 5-0 vote.

- **Ordinance No. 2803**- 2nd reading- to amend Water and Sewer rates to increase rates by 10% and making said changes effective for all bills dated October 1, 2023 and thereafter unless and until subsequently revised or changed

Ms. Jackson moved, Ms. Gregory seconded to approve Ordinance No. 2803 for second reading.

Ms. Blake moved to amend the ordinance as read by City Attorney Konyar.
Ms. Jackson seconded, and the vote to amend the ordinance was unanimous.

Ordinance No. 2803 for second reading, as amended, was approved on a 5-0 vote.

- **Ordinance No. 2804-** 2nd reading- to set fees for FY2024 and thereafter unless and until subsequently revised or changed

Ms. Blake moved, Ms. Jackson seconded to approve Ordinance No. 2804 for second reading.

Ms. Jackson moved to amend the ordinance as read by City Attorney Konyar.
Ms. Blake seconded, and the vote to amend the ordinance was unanimous.

Ordinance No. 2804 was approved for second reading, as amended, on a 5-0 vote.

ORDINANCES- presented by City Attorney Heather Konyar

- **Ordinance No. 2808-** 2nd reading- authorizing the Mayor to appropriate funds for the Comprehensive Plan Project and the Zoning Code Project

Ms. Blake moved and Ms. Outten seconded to approve Ordinance No. 2808 for second reading.

Ms. Jackson moved to amend the ordinance as read by City Attorney Konyar.
Ms. Blake seconded, and the vote to amend the ordinance was unanimous.

Ordinance No. 2808 was approved for second reading, as amended, on a vote of 5-0.

- **Ordinance No. 2810-** 2nd reading- approving a budget amendment of the City's budget to accept and appropriate donated funds from the Delmarva Zoological Society for the Andean Bear Campaign

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2810 for second reading.

TRAFFIC LIGHT ON CAMDEN AVE. AND S. BLVD UPDATE- presented by Infrastructure and Development Director Rick Baldwin

Mr. Baldwin explained that because of the observations and persistence of the individuals who regularly used that intersection, he performed a deeper investigation into the stop light at Camden Avenue and South Boulevard. He determined the controller was still operational. However, the 12 heads (lights) used were the last of their kind and the replacement bulbs were not available from any manufacturer worldwide. The intersection

continued to function as a four-way stop and it was the intention that it would continue to function as such.

PUBLIC COMMENTS

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

- *Speaker #1 advised that Newtown residents were concerned with the reconstruction of some of the homes in the neighborhood. She shared the benefits and history of the district. She expressed concern that the neighborhood had changed with reference to the “new neighbors.”*
- *Speaker #2 spoke in favor of preserving the Newtown District.*
- *Speaker #3 shared her history in Newtown and reviewed the maintenance and upkeep she had done on her property. Speaker referenced the property at 400 Park Avenue and shared her concern about specific renovations that had been done and the manner in which they were done.*
- *Speaker #4 referenced 405 Park Avenue and described some of the construction that had taken place. She advised that some of the work done at 405 Park Avenue had made its way onto her property. She complained that the internal structure of the home had changed. Her husband thanked the Permits division of the City of Salisbury for their response to their call as well as the response of the Salisbury Police Department for their assistance.*
- *Speaker #5 spoke about the changes to the Newtown area over the past few years. She complained about the consistent coming and going of cars and people to the property next to hers. She was in favor of protecting the historic appearance of the homes in Newtown.*
- *Speaker #6 informed Council that he was a third generation home owner in Newtown. He agreed with the other comments regarding Newtown. He hoped measures would be taken to preserve the history of Newtown.*
- *Speaker #7 had lived in Newtown for almost 9 years. She did not like some of things she saw in the neighborhood. She requested the support of the City Council.*
- *Speaker #8 spoke against the tax increase, developers getting breaks from taxes, and the Unity Square project. She also spoke in reference to the homes on either side of her in Newtown. The Speaker also referenced a homeless person who lived in a condemned home.*
- *Speaker #9 shared her thoughts on the Horizons Program and claimed the City is forcing the public and existing businesses to pay for developers fees and to give them an unfair financial advantage in the business market. She requested the repeal of the Horizons Program.*
- *Speaker #10 shared her feelings that the decisions made by the City Council did not encompass the views of the majority of the City residents. She expressed her concern over the parking situation. In addition, she questioned the relevance of the bike lanes and stated how confusing the traffic patterns were. Finally, she shared her disapproval of drag queens in the Pride parade when there would be children attending.*
- *Speaker #11 stated that raising taxes and water bills was unconscionable and unnecessary. He questioned the procedure used in the sale of Lot 10. He also shared his theories on why the taxes had to be raised and what contributed to the poor financial situation of the city. He did not support increased property taxes, the elimination of parking downtown, increased water bills, participation in programs such as the Horizon Program, the selling of property at heavily discounted rates to developers, and the City’s ongoing mismanagement of funds.*

- *Speaker #12 acknowledged Chief Duncan for a job well done. He congratulated the Council on passing the fifth tax increase in the last 11 years. He stated that the city would need more money in a year due to inflation and how the city spent money. He mentioned concerns with the Ross and the plans for a hotel. He asked for the status on the money from the County. He recommended that the Council do away with the Horizon Program.*
- *Speaker #13 referenced the stop light at South Boulevard and stated that intersection was still unsafe. She commended Chief Duncan and said she would be missed. She echoed the concerns regarding multi-family homes and over occupancy. Lastly, she felt the disadvantage of those who received the tax break.*
- *Speaker #14 spoke about the changes to Lot 15. She did not agree with the lot changing to pay by the hour. She expressed her interest in purchasing Lot 15 as well as her interest in what would happen to the lot once sold.*

ADMINISTRATION AND COUNCIL COMMENTS

City Administrator Andy Kitzrow wished everyone had been in attendance months prior to discuss their concerns before the decisions had been made. He stated that the sale of Lot 15 was publicly advertised and that an RFP was put out. The lot had been sold and the permit holders would be transferred to Lot 1. He shared that the Juneteenth festival would be held in the coming weekend. He thanked Council for passing the budget as amended as it had helped retain and recruit talent in the public safety sectors and general government areas.

Mayor Heath announced that Leonora Dillon, Salisbury Zoo Director, would be retiring and thanked her for her service to the Zoo. He added that the animals would definitely miss her. He encouraged those who were healthy enough to donate blood. Lastly he thanked everyone for coming out.

Ms. Gregory thanked the people from Newtown for coming out. She encouraged them to use the Citizen Reporter on the city's website. She mentioned the Pride parade would be the following weekend.

Ms. Jackson spoke on the importance of communicating with constituents and transparency. She encouraged residents to continue to come to the meetings. She spoke how Juneteenth was personal to her and encouraged everyone to come out. Several of the councilmembers would be in the parade.

Ms. Blake thanked the residents for coming out and sharing their concerns. She also thanked Chief Duncan for her service to the City of Salisbury. Ms. Blake reiterated the resource of the Citizen Reporter. She asked that people slow down when driving due to bicyclists and the children outside playing with schools being out. Next she reminded drivers to stop or get out of the way when emergency vehicles were approaching. She then asked that the stop light be turned back on at the intersection of South Boulevard and Camden Avenue. She believed that was the safest for that intersection. She shared her desire to further discuss the Horizon Program and the Bird scooters. In addition, she would like to discuss what the County budgeted for the City with regard to fire service.

Ms. Outten mentioned that she made it through her first budget session. She clarified that she didn't want to continue to see the financial increases fall on the backs of the residents.

236
237 *President Boda shared that in 2010-2011, against the advice of various people, the water and sewer*
238 *rates were reduced by 15%. Had those measures not been taken at that time, the city would be in a*
239 *much more serious situation. He followed up by saying one of our scientists recently discovered a*
240 *way to reduce the use of chemicals, which helped to reduce costs. He explained how projects*
241 *quickly add up to cost around 2 million dollars.*

242
243 **ADJOURNMENT**

244
245 *With no further business to discuss, the Legislative Session was adjourned at 7:56 p.m.*

246
247 _____
248 *City Clerk*

249
250 _____
251 *Council President*



City of Salisbury

MEMORANDUM

To: City Council

From: Allen Swiger, ABCD Director

Subject: Accept Sponsorship from Maryland State Art Council for 2023 Maryland Folk Festival

Date: 7/5/2023

The City of Salisbury's Arts, Business and Culture Department has notified the Maryland State Art Council of its desire to obtain a \$150,000.00 sponsorship for the 2023 Maryland Folk Festival (MDFF).

The Maryland State Art Council, via the Maryland Department of Commerce, wishes to provide the sponsorship of \$150,000.00 to the City of Salisbury to operate the Maryland Folklife Traditions Area within the 2023 MDFF.

The Maryland Traditions Area will spotlight the distinctive music, rituals, crafts, occupations, foodways and other traditions at the heart of Maryland heritage. The MDFF will take place September 22-24 in Downtown Salisbury.

Thank you for your time and do not hesitate to contact me should you have any questions.

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

A RESOLUTION OF THE CITY OF SALISBURY ACCEPTING A SPONSORSHIP OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FROM THE MARYLAND DEPARTMENT OF COMMERCE TO OPERATE THE MARYLAND FOLKLIFE TRADITIONS AREA WITHIN THE 2023 MARYLAND FOLK FESTIVAL.

WHEREAS, the Maryland State Art Council, via the Maryland Department of Commerce, wishes to provide a sponsorship of one hundred fifty thousand dollars (\$150,000) to the City of Salisbury to operate the Maryland Folklife Traditions Area; and

WHEREAS, Mayor and Council of the City of Salisbury wishes to accept the \$150,000 in sponsorship funding from the Maryland Department of Commerce to operate the 2023 Maryland Folk Festival; and

WHEREAS, as part of the 2023 Maryland Folk Festival, the City will spotlight the distinctive music, rituals, crafts, occupations, foodways and other traditions at the heart of Maryland heritage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SALISBURY, MARYLAND that it does hereby accept the sponsorship funding of one hundred fifty thousand dollars.

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

ATTEST:

Kimberly R. Nichols, City Clerk

Muir W. Boda, Salisbury City Council
President

APPROVED BY ME THIS day of , 2023.

John R. Heath, Acting Mayor

INTER

OFFICE

MEMO

Department of Finance

To: Andy Kitzrow, City Administrator

From: Keith Cordrey, Director of Finance

KAC

Subject: DOOI Resolution -

Date: 07/10/2023

Schedule B in the FY 2024 Budget Ordinance includes nine projects assigned funding from bond proceeds. It is anticipated funds may be required prior to the issuance of the budgeted FY2024 Bond. The attached resolution is necessary to comply with the IRS exempt bond guidelines when the City anticipates payment for a project from funds on hand before bonds are issued and reimbursed following issuance.

If you do not have any questions, please forward this to Council for their consideration.

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

RESOLUTION NO. 3267

**A RESOLUTION OF THE COUNCIL OF CITY OF SALISBURY MAKING
A DECLARATION OF OFFICIAL INTENT REGARDING CITY OF
SALISBURY'S REASONABLE EXPECTATION TO REIMBURSE FROM
PROCEEDS OF A FUTURE BORROWING PROJECT EXPENDITURES
MADE IN CONNECTION WITH NINE SEPARATE PROJECTS
GENERALLY IDENTIFIED AS: APPARATUS REPLACEMENT -
RESCUE 16; JOHNSON POND DAM IMPROVEMENTS; RESTORE
PARK WELL FIELD; RESTORE PALEO WELL FIELD; WWTP
ELECTRIC UPGRADES; PARK WELL FIELD RAW WATER MAIN &
VALVE RPLC; GLEN AVENUE LIFT STATION; WWTP OUTFALL
INSPECTION AND REPAIRS; AND SOUTHSIDE PUMP STATION
FORCE MAIN.**

RECITALS

WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the
"City"), is in the process of undertaking nine (9) separate projects generally identified as (1)
"Apparatus Replacement - Rescue 16," (2) "Johnson Pond Dam Improvements," (3) "Restore Park
Well Field," (4) "Restore Paleo Well Field," (5) "WWTP Electric Upgrades," (6) Park Well Field
Raw Water Main & Valve Rplc," (7) "Glen Avenue Lift Station," (8) "WWTP Outfall Inspection
and Repairs," and (9) "Southside Pump Station Force Main" (each, a "Project" and, collectively,
the "Projects"); and

WHEREAS, the City anticipates borrowing money for costs of the Projects, such borrowing
to be evidenced by one or more series of general obligation bonds or other evidences of indebtedness
to be issued by the City (collectively, or individually by series, the "Bonds"); and

WHEREAS, the City reasonably expects to spend City funds on costs of the Projects prior to
issuance of the Bonds or any interim financing incurred by the City in anticipation of the Bonds, and
(i) to reimburse the City from proceeds of the Bonds for all or a portion of such previously paid costs
of the Projects, and/or (ii) to use proceeds of the Bonds to refinance all or a portion of any interim
borrowing incurred by the City that is applied to reimburse the City for prior expenditures relating to
the Projects; and

WHEREAS, Section 1.150-2 of the U.S. Treasury Regulations (the "Reimbursement
Regulations") provides that a local government funding "original expenditures" intended to be
reimbursed from the proceeds of "obligations" must make a declaration of "official intent" in order
to qualify such original expenditures for reimbursement from a "reimbursement bond," all within the
meaning of the Reimbursement Regulations; and

WHEREAS, the City is an "issuer" for purposes of the Reimbursement Regulations and the
Council of the City wishes to adopt this Resolution for the purpose of evidencing the clear and

Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

official intent of the City to reimburse from reimbursement bond proceeds (meaning the Bonds or any interim financing incurred in anticipation of the Bonds) original expenditures made in connection with the Projects.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that:

(a) The Recitals to this Resolution are deemed a substantive part of this Resolution and are incorporated by reference herein, and capitalized terms defined in the Recitals to this Resolution and not otherwise defined herein will have the meanings given to such terms in the Recitals hereto.

(b) The names used for the Projects in this Resolution are the names by which the Projects are generally identified in the applicable budget materials of the City for the fiscal year beginning July 1, 2023 and ending June 30, 2024. It is hereby expressly recognized that expenditures for the Projects and/or issuance of any Bonds or interim financing incurred in anticipation of any Bonds may occur in a fiscal year subsequent to fiscal year 2024. References in this Resolution to any such Project shall be deemed to (i) be to such Project as it may be referred to by a similar but not the exact same name in applicable City budgetary materials, including any capital improvement plan, and (ii) include any changes in the scope of activities of such Project and/or the name of such Project made by the City in accordance with applicable law, including (without limitation) in future fiscal years. References in this Resolution to costs of the Projects shall be deemed to be to expenditures that constitute capital expenditures and, to the extent applicable, (i) costs of issuance of any borrowing relating to any of the Projects and (ii) capitalized interest.

SECTION 2. AND BE IT FURTHER RESOLVED that in accordance with the Reimbursement Regulations, the City hereby makes this declaration of its reasonable expectation to expend money on costs of the Projects prior to the issuance of the Bonds (or any interim financing incurred in anticipation of the Bonds) and to use proceeds of the Bonds (or of such interim financing), which Bonds and/or interim financing will qualify as a “reimbursement bond” for purposes of the Reimbursement Regulations, to reimburse all or a portion of such original expenditures made with respect to the Projects. This Resolution is intended to be a declaration of official intent within the meaning of the Reimbursement Regulations.

SECTION 3. AND BE IT FURTHER RESOLVED that the maximum principal amount of the Bonds to be issued for each Project (and the maximum principal amount of any interim financing to be incurred by the City in anticipation of the Bonds issued for each Project) is identified on Schedule A attached hereto and incorporated by reference herein.

SECTION 4. AND BE IT FURTHER RESOLVED that the provisions of this Resolution shall be liberally construed in order to effectuate the purposes of this Resolution.

Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

SECTION 5. AND BE IT FURTHER RESOLVED that this Resolution shall become effective upon adoption by the Council and approval by the Acting Mayor. Pursuant to Charter Section SC7-46A, this Resolution may not be petitioned to referendum.

THIS RESOLUTION was introduced and duly adopted at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 2023.

ATTEST:

Kimberly R. Nichols, City Clerk

Muir W. Boda, President
Salisbury City Council

APPROVED BY ME THIS _____ DAY OF _____, 2023:

John R. Heath, Acting Mayor

#231443;58111.001

Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

SCHEDULE A

IDENTIFICATION OF THE PROJECTS AND MAXIMUM PRINCIPAL AMOUNTS

<u>Name of Project</u>	Maximum Principal Amount of the Bonds to be Issued or of Interim Financing to be <u>Incurred for Each Project</u> ¹
Apparatus Replacement - Rescue 16	\$ 1,625,000
Johnson Pond Dam Improvements	1,550,000
Restore Park Well Field	175,000
Restore Paleo Well Field	217,000
WWTP Electric Upgrades	1,060,493
Park Well Field Raw Water Main & Valve Rplc	875,000
Glen Avenue Lift Station	750,000
WWTP Outfall Inspection and Repairs	500,000
Southside Pump Station Force Main	<u>495,000</u>
TOTAL	\$7,247,493

¹ The specified maximum principal amount for each Project separately applies, to the extent applicable, to both any Bonds issued for such Project and to any interim financing incurred for such Project.

Underlining : Indicates material added by amendment after introduction
~~Strike through~~ : Indicates material deleted by amendment after introduction

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

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 10th day of July, 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:**

49

50

51

52 _____
Kimberly R. Nichols, City Clerk

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

53

54

55

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

57

58

59

60 _____
John R. Heath, Acting Mayor

61

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

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 10th day of July, 2023 and thereafter, a statement of the substance of the Ordinance
68 having been published as required by law, in the meantime, was finally passed by the Council of the City
69 of Salisbury on the ____ day of _____, 2023.

70
71
72 **ATTEST:**

73
74
75
76 Kimberly R. Nichols, City Clerk

Muir W. Boda, City Council President

77
78
79
80 Approved by me, this ____ day of _____, 2023.

81
82
83
84
85 John R. Heath, Acting Mayor
86

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

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.
80
81
82

83 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City
84 of Salisbury held on the 10th day of July, 2023 and thereafter, a statement of the substance of the Ordinance
85 having been published as required by law, in the meantime, was finally passed by the Council of the City
86 of Salisbury on the _____ day of _____, 2023.

87
88
89 **ATTEST:**

90
91
92
93 _____
94 **Kimberly R. Nichols, City Clerk**

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

95
96
97 Approved by me, this _____ day of _____, 2023.
98
99

100
101 _____
102 **John R. Heath, Acting Mayor**
103



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

To: Andy Kitzrow, City Administrator
From: John W. Tull, Fire Chief
Subject: Budget Amendment Request
Date: July 7, 2023

The Fire Department is requesting the approval of a budget amendment in the amount of \$145,000 to purchase new portable radios. Funding for this budget amendment will come from unused PayGo funding that was appropriated for the Computer Aided Dispatch Project.

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

Attachment: Budget Amendment Ordinance

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

ORDINANCE NO. 2815

**AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE
MAYOR TO DEFUND THE COMPUTER AIDED DISPATCH PROJECT
AND TO APPROPRIATE FUNDS FOR THE PURCHASE OF PORTABLE
RADIOS.**

WHEREAS, the City of Salisbury appropriated \$1,105,000 in the General Capital Project Fund by Ordinance No. 27211 for the Computer Aided Dispatch Center Project with funding from \$805,000 in Bond Proceeds to be issued in FY24 and \$300,000 from FY23 PayGO; and

WHEREAS, the City has determined the above funds are no longer necessary for the Computer Aided Dispatch project; and

WHEREAS, Ordinance No. 2808 previously reallocated \$30,000 of the above referenced FY23 PayGO to the Comprehensive Plan Project and \$85,000 for the Zoning Code Project; and

WHEREAS, the City desires to return by transfer the remaining \$185,00 in unused PayGO in the Capital Projects Fund for the Computer Aided Dispatch Project to the General Fund; and

WHEREAS, the City desires to cancel the previous appropriation of \$805,000 for the Computer Aided Dispatch Project to be funded from FY24 bond proceeds; and

WHEREAS, City desires to increase the appropriation for "Equipment" in the General Fund by \$145,000 in order to purchase portable radios for the Fire Department; and

WHEREAS, the appropriations necessary to execute the appropriation of \$145,000, as provided hereinabove, must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

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

Section 1. Acting Mayor John R. Heath, on behalf of the City of Salisbury, is hereby authorized to appropriate funds for the Portable Radios in the amount of \$145,000.

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

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

Increase Decrease	Account Type	Project Description	Account Description	Account	Amount
Decrease	Revenue	Computer Aided Dispatch	Bond Proceeds	98024-469312-43034	805,000
Decrease	Revenue	Computer Aided Dispatch	PayGO	98024-469313-43034	185,000
Decrease	Expense	Computer Aided Dispatch	Construction	98124-513026-43034	185,000
Decrease	Expense	Computer Aided Dispatch	Equipment	98124-577030-43034	805,000

Section 3. The City of Salisbury's FY24 General Fund Budget be and hereby is amended as follows:

Increase Decrease	Account Type	Project Description	Account Description	Account	Amount
Decrease	Expense	None	Transfer Gen Cap Projects	91001-599109	185,000
Increase	Expense	None	Equipment	24035-577030	145,000
Decrease	Revenue		Use of Surplus	01000-469811	40,000

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

Section 4. 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 5. 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 6. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 5.

Section 7. 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.

ATTEST:

Kimberly R. Nichols, City Clerk

Muir W. Boda, City Council President

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

John R. Heath, Acting Mayor



City of Salisbury

John "Jack" R. Heath, Mayor

To: City Council
From: Bill Garrett, Director of IS
Subject: Digital Inclusion Grant Acceptance
Date: 7/12/23

Attached is an Ordinance to accept funding from the Maryland Department of Housing and Community Development, Digital Inclusion Grant (DIG) program. The purpose of the DIG is to provide digital, technology, office, computer, Internet and other literacy programs to residents of the City's Anne Street Village community. As these participants proceed through the program and secure permanent housing, we have a unique opportunity to facilitate training to help them secure better employment opportunities through a partnership with the DHCD, MD Department of Labor, and WorWic Community College.

All residents will be assessed to determine their current computer skills, if any, and a customized training regimen will be developed. These assessments, a post-assessment, and all materials, handouts and texts would be included.

Basic computer terminology, basic PC navigation, using Windows, working with file and file management, using common workplace applications like Web browsers, Microsoft Word, Excel, PowerPoint and Email applications (web mail) or Google apps as well as learning how to use remote working applications such as introduction to Teams/Zoom. They will talk about office skills and working with mobile devices, security and safety and how to create a resume and utilize the Internet for searching for jobs and web forms for applying for jobs. They can visit the American Job Center (AJC) or work with WorWic's partners there to introduce the ASV residents to those resources as well.

The training will be two times a week for 2.5 to 3 hours per session for 6 sessions. The cost is between \$250-\$350 per resident, depending on training offered and their technical ability. Level 2 training is offered if it is determined that more advanced training is needed, at the same cost.

This funding, in the amount of \$18,400, will be utilized to provide this workforce training for between 52-73 of the residents at the Ann Street Village, depending on courses taken.

Included is the proposed Grant Agreement.

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

ORDINANCE NO. 2816

**AN ORDINANCE OF THE CITY OF SALISBURY TO AUTHORIZE THE
MAYOR TO ENTER INTO A CONTRACT WITH THE MARYLAND
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD)
FOR THE PURPOSE OF ACCEPTING FUNDS FROM THE DIGITAL
INCLUSION GRANT IN THE AMOUNT OF \$18,400 FOR THE ANNE STREET
VILLAGE RESIDENT TECHNOLOGY EDUCATION PROJECT.**

WHEREAS, the Department of Housing and Community Development (“**DHCD**”) funds a grant to help municipalities provide technology and computer literacy training to underserved communities (the “**Digital Inclusion Grant**”); and

WHEREAS, the City of Salisbury Information Services Department (“**ISD**”), seeing a need for training on computer and technology devices and Internet literacy for residents at the Anne Street Village location, applied for the said Digital Inclusion Grant and DHCD has awarded grant funds to the ISD in the amount of \$18,400; and

WHEREAS, the City of Salisbury must enter into a grant agreement with DHCD, attached hereto as **Exhibit 1**, defining how \$18,400 in grant monies must be expended; and

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

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

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

Section 1. Acting Mayor Jack R. Heath is hereby authorized to enter into a grant agreement with the Department of Housing and Community Development, which is attached as **Exhibit 1**, on behalf of the City of Salisbury, for the City’s acceptance of grant funds in the amount of \$18,400.

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

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

(a) Increase DHCD Revenue Account No. 10500-423601-XXXXXX by \$18,400; and

(b) Increase Training Account No. 10500-555504-XXXXXX by \$18,400.

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

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

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

47 section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall
48 remain and shall be deemed valid and enforceable.

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

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

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

57
58 **ATTEST:**
59
60

61
62 _____
63 **Kimberly R. Nichols, City Clerk**
64

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

65
66 Approved by me, this _____ day of _____, 2023.
67
68
69

70 _____
71 **Jack R. Heath, Acting Mayor**

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
OFFICE OF STATEWIDE BROADBAND
MARYLAND DIGITAL INCLUSION GRANT AGREEMENT**

THIS MARYLAND DIGITAL INCLUSION GRANT (“DIG”) GRANT AGREEMENT ("Agreement") is entered into as of the Effective Date (as defined herein) by and between the DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (“**the Department**”), a principal department of the State of Maryland (“**State**”) and CITY OF SALISBURY (“**the Grantee**”). The Department and the Grantee are each a “**Party**” and may collectively be referred to as “**the Parties**”.

RECITALS

- A. This Agreement is issued pursuant to the State’s appropriation in FY22 of funding received from the United States Department of the Treasury’s Coronavirus State Fiscal Recovery Fund created by Section 9901 of the American Rescue Plan Act (“**the Act**”), to the Office of Statewide Broadband (“**the Office**”). This federal funding is the sole source of funds for the Maryland Digital Inclusion Grant Program (“**the Program**”), and this funding is subject to all applicable rules, regulations, and guidance issued by the Treasury related thereto (“**the Regulations**”).
- B. With increased reliance by many municipalities and employers on telework, virtual court hearings, remote learning, and so on, the public health emergency which has been ongoing in the State since March 5, 2020 (“**the Covid-19 Emergency**”) has made clear that much of the modern world depends on access to reliable high speed internet, and knowledge of how to effectively use it. However, there exist unserved and underserved communities across the State, such as rural and low-income populations, where businesses and households have limited access to reliable broadband internet, computing technology, or training in how to utilize it. Such businesses and individuals have been disproportionately impacted by the Covid-19 Emergency and are at risk of being further left behind by this deficit.
- C. The Office of Statewide Broadband had developed the Digital Inclusion Grant Program (“**the Program**”). The purpose of the Program is to:
1. Address the deficit of broadband resources available to rural populations, low-income populations, and other unserved and underserved populations in the State; and
 2. Distribute DIG funding, in the form of grants, to local jurisdictions, non-profit corporations, and community based anchor institutions. These eligible grantees are authorized to use the DIG funding for costs consistent with the terms and conditions of the source of funds, which are costs directly related to supporting digital inclusion planning and programming, which will facilitate the use of broadband by underserved populations, as well as provide educational and employment opportunities for those populations, which have been disproportionately impacted by the Covid-19 Emergency.
- D. Grantee has submitted an application (“**the Application**”) or a plan (“**the Plan**”) to the Department, attached hereto as **Exhibit A**. The Application or Plan, as applicable, describes certain activities which are eligible for funding under the Program.
- E. In reliance upon the statements, representations and certifications contained in the Application or Plan, as applicable, the Department has approved a grant award to Grantee.
- F. The provisions of the Act, the Regulations, and the Department’s Request for Applications dated February 9, 2022 (“**RFA**”), are hereby incorporated into this Agreement as if fully restated herein.

AGREEMENT

IN CONSIDERATION of the Recitals, the mutual promises and covenants contained in this Agreement, and other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged, the Department and Grantee agree as follows:

1) Grant.

- a) The Department agrees to provide Grantee with funds not to exceed **Eighteen Thousand, Four Hundred Dollars (\$18,400.00)** (“the Grant”). Disbursement of the Grant is subject to the availability of grant funds to the Department.
- b) Grantee shall use the Grant to carry out only the approved activities described in the attached Exhibit A (the “Project”). Grantee certifies its activities are eligible activities as set forth in the Act.
- c) Grantee acknowledges that funds provided by the Department under this Agreement shall not be used for broadband infrastructure construction, nor for charges not associated with direct purchase of the eligible equipment and services; separate costs for non-connected accessories (e.g., cases, mouse pads, cable clips, laptop bags, tablet stands, wall mounts, charging stations); mobile phones, including smartphones; nor technical support, maintenance costs, or separate costs for warranties and protection plans.
- d) If Grantee’s Project provides for Digital Inclusion Planning and Programming, Grantee acknowledges and certifies that these Grant funds will not reimburse more than fifty (50%) of identified Digital Inclusion Planning costs.

2) Expenditure and Disbursement of Grant Funds.

- a) All grant eligible expenditures must be for new, non-depreciated items; where used to purchase connected computing devices for public access computing centers (i.e. desktops, laptops, or tablets), those devices must be intended for use within the purchasing institution only. No asset purchased with these grant funds may be sold or given away without the express written permission of the Department.
- b) All Grant funds will be provided on a reimbursement basis only, and provided directly to the Grantee.
- c) To be eligible for reimbursement, invoices must be submitted to the Department within thirty (30) days of payment of the invoice by the Grantee. Any exceptions to this requirement is at the sole discretion of the Department and must be confirmed in writing by the Office of Statewide Broadband.
- d) All Grant funds made available under this Agreement must be expended by December 31, 2023.
- e) Invoices must be submitted no later than December 15, 2023, and shall identify in detail all expenses incurred for which reimbursement is being sought. Where a final, or consolidated, invoice is submitted, it shall have attached copies of all the underlying supporting invoices and other documentation of such expenses.
- f) The Department shall have the right at any time to request that Grantee provide additional supporting documentation with any request for reimbursement.
- g) The Department reserves the right not to disburse any Grant funds if, in the Department's determination:
 - i. Grantee has failed to supply a material fact in a request for disbursement;
 - ii. Grantee's disbursement request, when combined with all prior disbursement requests, exceeds the total amount of the Grant;

- iii. Grantee has used any portion of the Grant for uses or activities other than the Project, or in a manner inconsistent with the terms and conditions of this Agreement, the Act, the Regulations, and the RFA; or
- iv. Grantee is in default under any other term or condition contained in this Agreement.

3) Records, Inspections and Reports.

This Section shall survive the term of this Agreement.

a) Records.

- i) Grantee shall maintain accurate financial records of all transactions relating to the receipt and expenditure of the Grant and administration of the Project (collectively, "**Records**"). The Records shall be in a form acceptable to the Department. Grantee shall retain the Records for three (3) years following the date of disbursement of grant funds.
- ii) Grantee shall make the Grantee's administrative offices, its personnel, whether full-time, part-time, consultants or volunteers, and the Records available to the Department for inspection upon request, during the term of the Agreement and for a period of three (3) years following the date the Department approves final disbursement of grant funds. The Grantee shall permit the Department to perform program monitoring, evaluation and audit activities as determined to be necessary, at the discretion of the Department.

- b) Inspections. All financial and programmatic records of the Grantee related to the Grant shall be available for inspection by authorized personnel of the Department and agents of the federal government. The Grantee shall further permit the Department to perform program monitoring, evaluation and audit activities as determined to be necessary, at the discretion of the Department. The Department may conduct inspections of the Project at any time during the term of this Agreement.

c) Reports.

- i) On January 1, April 1, July 1, and October 1 of each year during the term of this Agreement, Grantee shall provide the Department with interim progress reports in a manner and form to be determined by the Office. The interim progress reports shall contain such information as the Department requests, including, but not limited to, work accomplished and problems encountered, past and projected expenditures made against the Project Budget, and benchmarks reached. Grantee shall ensure that each interim progress report is received by the Department no later than ten (10) working days after the due date.
- ii) Within forty-five (45) calendar days after Grantee completes the Project, Grantee shall submit to the Department a final report (the "**Final Report**") in a manner and form to be determined by the Department that describes the completed Project, the success of the Project, any problems encountered in completing the Project, and such other information as the Department requires. The Final Report shall also contain an expense and revenue summary of the Project including the number of homes and businesses that gained access to broadband facilities, any problems encountered in completing the Project, and such other information as the Department requires. The Final report shall also contain an expense and revenue summary of the Project, certified by the highest fiscal officer of Grantee, that lists all expenditures relating to the Grant. In addition, any completed studies, surveys, reports, or other work products, if applicable, shall be attached to the Final Report. The Grant will not be considered fully closed out until the Final Report has been submitted to, and accepted by, the Department.
- iii) In addition to the requirements set forth above, Grantee shall provide the Department with such additional records, reports, and other documentation as may be required by the Department or the

4) General Covenants.

- a) Grantee shall comply with all applicable laws, regulations, terms, and conditions established by the U.S. Department of the Treasury, the Department, and the State with respect to the use of Grant funds.
- b) Grantee must notify and obtain written approval of the Digital Equity Programs Manager for any change in the allocation of funds in the budget line items set forth in the Application or Plan for the Project. Such a change in the budget line items may be approved in writing by the Digital Equity Programs Manager and will not require a formal amendment to this Agreement, so long as the amount of the Grant does not change.

5) Grantee's Certifications. Grantee certifies that:

- a) Grantee is a local county or municipality of the State of Maryland, a non-profit corporation, or a school system, library, community center or other community based anchor institution.
- b) The acceptance of the Grant and the entering into of this Agreement have been duly authorized, executed, and delivered by Grantee, and are the valid and legally binding acts and agreements of Grantee.
- c) Grantee is duly organized and validly existing under the laws of the jurisdiction of which Grantee is part. Grantee has the requisite power and authority to enter into and carry out the transactions contemplated by this Agreement, including, but not limited to, legal capacity and authority to own and operate or receive the equipment and services contemplated by the Project, to enter into contracts, and to otherwise comply with applicable statutes and regulations.
- d) The representations, statements, and other matters contained in the Application are and remain true and complete in all material respects.
- e) All federal, state, and local government approvals, permits, reviews, and licenses that may be required to accomplish the Project have been obtained or Grantee has reasonable assurances that they will be obtained.
- f) Grantee certifies that all of the Grant funds will be used for eligible Program activities as defined in the Act and Regulations.
- g) Grantee has or shall comply with all federal funding conditions set forth in the attached **Exhibit B**, if applicable.
- h) Grantee will make a certification acknowledging the prohibition on the use of federal funds for lobbying in the form attached as **Exhibit C**.
- i) The activities and expenses being reimbursed under this Agreement are not subject to reimbursement from other federal or state funding sources, and Grantee has not received nor will Grantee seek reimbursement from any other source for expenses submitted for reimbursement under this Agreement.
- j) Neither the Grantee, nor any of its officers or directors, nor any employee of the Grantee involved in obtaining contracts with or grants from the State or any subdivision of the State, has engaged in collusion with respect to the Grantee's application for the Grant or this Agreement or has been convicted of bribery, attempted bribery, or conspiracy to bribe under the laws of any state or of the United States.
- k) The Grantee, if incorporated, is registered or qualified in accordance with the Corporations and Associations Article of the Annotated Code of Maryland, is in good standing, has filed all required annual

reports and filing fees with the Department of Assessments and Taxation and all required tax returns and reports with the Comptroller of the Treasury, the Department of Assessments and Taxation, and the Department of Labor, and has paid or arranged for the payment of all taxes due to the State.

5) Default, Repayment and Remedies; Termination.

- a) A default under this Agreement shall occur if:
 - i. There is any use of the Grant by Grantee for any purpose other than as authorized by the Act, the Regulations, the Policy Guide, and this Agreement, and as specifically described in the Project Description attached as Exhibit A; or
 - ii. There is a breach of any covenant, agreement, provision, representation, warranty or certification of Grantee which was made in this Agreement or the Application or Plan, as applicable.
 - b) If a default as described in Section 5(a)(i) of this Agreement occurs, the Department may demand the immediate repayment from Grantee, and Grantee shall immediately repay to the Department any Grant funds not expended in accordance with this Agreement.
 - c) If a default as described in Section 5(a)(ii) occurs, the Department shall have the right to declare a default of this Agreement by notice to Grantee and Grantee shall have 30 days from the date the Grantee receives the notice to cure the default. If Grantee has not cured the default to the satisfaction of the Department by the conclusion of the 30-day period, this Agreement shall terminate at the end of the 30-day period and the Department may demand immediate repayment of the Grant.
 - d) Notwithstanding the foregoing notice and cure period set forth in Section 10(c), in the event that Treasury requires the repayment of any Grant funds, Grantee shall immediately return the Grant funds to the Department.
 - e) In the event of termination of the Agreement, whether due to default or otherwise:
 - i. Grantee's authority to request a disbursement shall cease and Grantee shall have no right, title or interest in or to any of the Grant funds not disbursed; and
 - ii. The Department may demand the immediate repayment of all or a portion of the Grant which has been disbursed.
 - f) The Department's remedies may be exercised contemporaneously, and all of such rights shall survive any termination of this Agreement.
 - g) If a default occurs, the Department may at any time proceed to protect and enforce all rights available to the Department under the Regulations, the Act, at law or in equity, or by any other appropriate proceedings, which rights and remedies shall survive the termination of this Agreement. Furthermore, no failure or delay of the Department to exercise any right, power or remedy consequent upon a default shall constitute a waiver of any such term, condition, covenant, certification or agreement or of any such default or preclude the Department from exercising any such right, power or remedy at any later time or times.
- 6) **Indemnification.** To the extent permitted by the laws of the State, and subject to appropriations as well as the notice requirements and damages limitations stated in the Local Government Tort Claims Act, Md. Code Ann., Cts. & Jud. Proc. § 5-301, et seq. (2013 Repl. Vol.) (the "LGTC") and Md. Code Ann., Cts. & Jud. Proc. §§5-509 and 5-5A-02 (2013 Repl. Vol.), all as amended from time to time, and except in the event of the Department's negligence or willful misconduct or the negligence or willful misconduct of the Department's officers, agents, employees, successors and assigns, Grantee shall indemnify and hold harmless, the Department, its officers, agents, employees, successors and assigns against liability for any suits, actions or claims of any character arising from or relating to the performance by Grantee (or its

officers, agents, employees, successors or assigns) of any of its rights or obligations under this Agreement. If Grantee is a local government, its chief executive officer hereby agrees to use his or her best efforts to include a request in the Annual Budget and Appropriation ordinance to appropriate funds in the event there is an otherwise indemnifiable cost to the Department under this Section.

7) Nondiscrimination, Fair Practices, and Drug and Alcohol Free Certifications:

- a) Grantee certifies that it does not discriminate and prohibits discrimination in, and shall not exclude from the participation in, or deny the benefit of any program or activity funded in whole or in part with the Grant, on the basis of political or religious opinion or affiliation, marital status, race, color, creed or national origin, or sex or age, except when age or sex constitutes a bona fide occupational qualification, sexual orientation, gender identity, or the physical or mental handicap of a qualified handicapped individual.
- b) Grantee shall comply with the provisions of all federal, State and local laws prohibiting discrimination in housing on the grounds of race, color, religion, national origin, sex, marital status, physical or mental disability, sexual orientation, age, gender identity, genetic information, or an individual's refusal to submit to a genetic test or make available the results of a genetic test, including Title VI and VII of the Civil Rights Act of 1964, as amended (Public Law 88-352); and Title VIII of the Civil Rights Act of 1968, as amended (Public Law 90-284); the Fair Housing Act (42 U.S.C. §§3601-3620); the Americans with Disabilities Act of 1990, as amended; and Title 20 of the State Government Article of the Annotated Code of Maryland, as amended.
- c) Grantee shall comply with the provisions of the Governor's Executive Order 01.01.1989.18 regarding a drug- and alcohol-free workplace and any regulations promulgated thereunder.

8) Notices. All notices, requests, approvals, and consents of any kind made pursuant to this Agreement shall be in writing. Any such communication, unless otherwise specified, shall be deemed effective as of the date it is mailed, postage prepaid, addressed as follows:

- a) Communications to the Department shall be mailed to:

Ronnie Hammond
Equity Programs Manager, Office of Statewide Broadband
Department of Housing and Community Development
7800 Harkins Road
Lanham, MD 20706

with a courtesy copy to: Ronnie.Hammond@maryland.gov

- b) Communications to Grantee shall be mailed to:

Bill Garrett
Director of Information Services, City of Salisbury
125 N Division St.
Salisbury, MD 21801

9) Amendment. Other than as set forth in Section 4(b), this Agreement may not be amended except by a written instrument executed by the Department and Grantee.

10) Execution. This Agreement and any amendments thereto may be executed in one or more counterparts, each of which will be deemed to be an original copy of this Agreement or the amendment and all of which, when taken together, will be deemed to constitute one and the same agreement. The exchange of copies of this Agreement or any amendments thereto and of signature pages by facsimile or by electronic transmission shall constitute effective execution and delivery of this Agreement or amendment as to the parties and may be used in lieu of the original Agreement or amendment for all purposes. Without limitation, "electronic signature" shall include: faxed versions of an original handwritten signature; electronically scanned and transmitted

versions (e.g., via pdf) of an original handwritten signature; and any typed signature (including any electronic symbol or process attached to, or associated with, the Agreement) adopted by the parties with the intent to sign the Agreement. Signatures of the parties transmitted by facsimile or electronic transmission shall be deemed to be their original signatures for all purposes.

- 11) Assignment. This Agreement may not be assigned without the prior written approval of the Department.
- 12) Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties hereto with respect to the Grant.
- 13) Governing Law. This Agreement shall be construed, interpreted, and enforced in accordance with the laws of the State of Maryland without regard to conflict of laws provisions.
- 14) Term of Agreement. Unless sooner terminated pursuant to Section 5 of this Agreement or by the mutual consent of Grantee and the Department, the term of this Agreement shall be from the date of execution of this Agreement by the Department (the "Effective Date") until the proceeds of the Grant have been either disbursed or returned to the Department, all reports and records due by Grantee to the Department have been received and approved by the Department, and there has been a final settlement and conclusion between the Department and Grantee of all issues arising out of the Grant.
- 15) Further Assurances and Corrective Instruments. Grantee agrees that it will, from time to time, execute and deliver, or cause to be delivered, such amendments hereto and such further instruments as may be required by the Department to comply with any existing or future State regulations, directives, policies, procedures, and other requirements, or to further the general purposes of this Agreement.
- 16) Delay Does Not Constitute Waiver. No failure or delay of the Department to exercise any right, power or remedy consequent upon default shall constitute a waiver of any such term, condition, covenant, certification or agreement of any such default or preclude the Department from exercising any right, power or remedy at any later time or times.
- 17) Notice Regarding Disclosure of Information Relating to the Project.
 - a) The Department intends to make available to the public certain information regarding the Project and the Grantee.
 - b) The Department may be required to disclose information about the Project to the Board of Public Works and the Maryland General Assembly and may desire to disclose such information to other State officials or their staff, local government officials or their staff, and other lenders and funding sources.
 - b) The Department may be required to disclose information in response to a request for information made pursuant to the Public Information Act, General Provisions Article, §4-101 et seq. of the Annotated Code of Maryland (the "PIA"). Information that may be disclosed includes, among other things, the name of the Grantee; the name, location, and description of the Project; the date and amount of financial assistance awarded by the Department; the terms of the financial assistance; use of funds; information contained in the Application or Plan, as applicable; a copy of the Application or Plan; and the sources, amounts and terms of other funding used to complete the Project, including capital contributions or matching funds from the Grantee. Certain information may be exempt from disclosure under the PIA. Requests for disclosure of information made pursuant to the PIA are evaluated on an individual basis by the Department. If Grantee believes that any of the information it has provided to the Department is exempt from disclosure, Grantee should attach a statement to this Agreement describing the information it believes to be exempt from disclosure and provide an explanation therefor. The Department cannot guarantee non-disclosure of such information but may consider Grantee's statement when responding to a request made pursuant to the PIA.

18) Exhibits. The following exhibits are a material part of this Agreement and are incorporated herein by reference.

- Exhibit A – Application
- Exhibit B – Federal Funding Acknowledgments
- Exhibit C – Certification Prohibiting the Use of Federal Funds for Lobbying

WITNESS, the parties hereto have caused this Agreement to be executed under seal by their duly authorized officer(s) as of the Effective Date.

CITY OF SALISBURY

By: _____ (SEAL)
Name: _____
Title: _____

**DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT**

By: _____ (SEAL)
Jacob R. Day, Secretary

Date

Approved for form and legal sufficiency,
this _____ day of _____, 20____.

Assistant Attorney General

EXHIBIT B

MARYLAND DIGITAL INCLUSION GRANT PROGRAM – CERTAIN FEDERAL FUNDING CONDITIONS

A. Certification prohibiting use of federal funds for lobbying

1. 18 U.S.C. 1913 and section 1352 of P.L. 101-121 require that all prospective and present subgrantees (this includes all levels of funding) who receive more than \$100,000 in federal funds must submit the form “Certification Against Lobbying”. It assures, generally, that recipients will not lobby federal entities with federal funds, and that, as is required, they will disclose other lobbying on form SF- LLL. The Grantee shall require that the language of the certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements). Any subrecipients shall certify and disclose accordingly.

B. Clean Air Act and Federal Water Pollution Control Act

1. Clean Air Act
 - a. The Grantee agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq.
 - b. The Grantee agrees to report each violation to DHCD and understands and agrees that the DHCD will, in turn, report each violation as required to assure notification to the U.S Department of the Treasury, and the appropriate Environmental Protection Agency Regional Office.
 - c. The Grantee agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance.
2. Federal Water Pollution Control Act
 - a. The Grantee agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.
 - b. The Grantee agrees to report each violation to DHCD and understands and agrees that DHCD will, in turn, report each violation as required to assure notification to the U.S Department of the Treasury, and the appropriate Environmental Protection Agency Regional Office.
 - c. The Grantee agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance.

C. Access to Records

1. The Grantee agrees to provide DHCD, the U.S. Department of the Treasury, the Comptroller General of the United States, or any of their authorized representatives access to any books, documents, papers, and records of the Grantee which are directly pertinent to this Agreement for the purposes of making audits, examinations, excerpts, and transcriptions.
2. The Grantee agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

D. Suspension and Debarment

1. As Federal funds support the activities of this Agreement, the Grantee acknowledges, per the United States Office of Management & Budget's Uniform Guidance section 2 CFR 200.213, Suspension and Debarment, the following obligations of Federal granting agencies regarding debarment and suspension:

“Non-federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive order 1259 and 12689, 2 CFR part 180. These regulations restrict awards, subawards and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.”

E. Audits

1. The Grantee shall submit audits in accordance with Federal OMB 2 CFR 200, Subpart F – Audit Requirements, if applicable. OMB 2 CFR 200, Subpart F, Audit Requirements requires that Grantees which expend a total of \$750,000 or more in federal assistance shall have a single or program-specific audit conducted for that year in accordance with the provisions of the Single Audit Act of 1984, P.L. 98-502, and the Single Audit Act Amendments of 1996, P.L. 104-156. and the Office of Management and Budget (OMB) 2 CFR 200, Subpart F. An electronic copy of all Grantee audits performed in compliance with 2 CFR 200, Subpart F shall be forwarded within thirty (30) days of report issuance to the Office of Statewide Broadband for review.

EXHIBIT C

MARYLAND DIGITAL INCLUSION GRANT PROGRAM –

**CERTIFICATION PROHIBITING THE USE OF FEDERAL FUNDS
FOR LOBBYING**

Grantee hereby certifies that to the best of its knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the State, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The State shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all **subrecipients** shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any persons who fail to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

Full Name of the Grantee

By: _____
Authorized Signature for the Grantee

Date

Printed Name and Title

TO: City Council
FROM: Andy Kitzrow, City Administrator
SUBJECT: Labor Code
DATE: April 11, 2023

Over the past few months, the City Administration has met with employees of the Fire and Police Departments and General Government to discuss adopting a Labor Code in furtherance of Charter Amendment Resolution 2022-4 that became effective last November and permitted collective bargaining for certain employees of the City.

The proposed Labor Code, which is attached, is the second step of a four-step process to unionization. The Labor Code, which is to be codified in Chapter 2.25 of the Code, defines and establishes, inter alia, the scope and subjects of bargaining, including negotiable and non-negotiable times, or both; the rights of the employer and employee; the units appropriate and inappropriate for collective bargaining; unfair labor practices; permissible and impermissible union activities; and the scope and method of binding arbitration and the disputes to be submitted to binding arbitration.

After the adoption of the Labor Code, an employee organization seeking exclusive representative status for employees in the representation unit must be recognized by the City either through an election or voluntary recognition, both of which are set forth in the Labor Code.

The fourth and final step would be the adoption of a collective bargaining agreement ("CBA"). The procedure for adopting a CBA is also set forth in the Labor Code.

ORDINANCE NO. 2817

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE
SALISBURY CITY CODE TO ADD CHAPTER 2.25 ENTITLED
“LABOR CODE” IN FURTHERANCE OF CHARTER AMENDMENT
RESOLUTION 2022-4, WHICH AUTHORIZED COLLECTIVE
BARGAINING FOR CERTAIN EMPLOYEES OF THE CITY.

WHEREAS, by Charter Amendment Resolution 2022-4 Mayor and Council publicly declared there exists a need for harmony and cooperation between a public employer and its employees and recognized the benefit of allowing certain employees to organize and bargain collectively; and

WHEREAS, the City of Salisbury amended its Charter to add Article XXIII to grant certain employees the right to organize and bargain collectively through representative employee organizations of their own choosing and to submit to binding arbitration certain labor disputes that may arise during negotiations, as subsequently defined and established by the City’s “Labor Code,” which was to be passed by ordinance of Mayor and Council; and

WHEREAS, Mayor and Council hereby adopt this Labor Code, which is to be codified in Chapter 2.25 of the Code to define and establish, *inter alia*, the scope and subjects of bargaining, including negotiable and non-negotiable items, or both; the rights of the employer and employee; the units appropriate and inappropriate for collective bargaining; unfair labor practices; permissible and impermissible union activities; and the scope and method of binding arbitration and the certain disputes to be submitted to binding arbitration; and

WHEREAS, the City of Salisbury recognizes the need to protect the public by assuring uninterrupted, effective, and orderly service and, consequently, this Labor Code shall prohibit strikes or work stoppages for all employees; and

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

Section 1. The Salisbury City Code be and is hereby amended by adding Chapter 2.25 as set forth below:

2.25.010 Title and Legislative Findings.

(a) *Title of Chapter.* This Chapter shall be referred to as the City’s “Labor Code.”

(b) *Legislative findings.* It is the public policy of the City and the purpose of this Labor Code to promote a fair, harmonious, peaceful and cooperative relationship between the management of the City and those employees of the City who are covered by this Labor Code, and to ensure the public health, welfare and safety of the City will be maintained at all times.

2.25.020 Definitions.

For the purposes of this Labor Code, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) *Budget submission date*. "Budget submission date" means the date not later than 60 days before the end of the fiscal year on which the Mayor submits to the City Council the proposed City budget for the following fiscal year.
- (b) *City administration*. "City administration" means the Mayor, the City Administrator, Deputy City Administrator and all department and deputy department heads or their designees.
- (c) *Confidential employee*. "Confidential employee" means an employee who:
1. Has access to confidential information, including budgetary and fiscal data, subject to use by the City administration in collective bargaining; or
 2. Works in a close and continuing confidential relationship assisting or aiding the City administration.
- (d) *Employee*.
1. "Employee" means a person employed by the City full-time or part-time, who is not a confidential employee or management employee as defined by this Labor Code.
 2. "Employee" does not include any seasonal employees.
- (e) *Employee organization*.
1. "Employee organization" means an association, labor organization, federation, council, or brotherhood, a purpose of which is to represent employees of a public employer in matters authorized by Article XXIII of the City's Charter and this Labor Code.
 2. "Employee organization" does not include an association, labor organization, federation, council, or brotherhood, that discriminates with regard to the terms or conditions of membership because of race, color, creed, sex, age, national origin, political affiliation, religion, marital status, sexual orientation, gender identity, genetic information, disability, or any other protected class.
- (f) *Employer*. "Employer" means the City of Salisbury, Maryland body corporate.
- (g) *Exclusive representative*. "Exclusive representative" means an employee organization that is certified as the exclusive negotiating agent for employees within a representation unit.
- (h) *Impasse*. "Impasse" means the failure of the employer and the exclusive representative to reach a collective bargaining agreement despite good faith efforts to do so.
- (i) *Grievance*. "Grievance" is a complaint as defined by the City's Employee Handbook.
- (j) *Management employee*. "Management employee" means an employee who has a significant role in the preparation and administration of budgets for a City Department and may reasonably be required to assist directly in the preparation for and conduct of collective bargaining negotiations on behalf of the City administration or have a significant role in the administration of collective bargaining agreements. This includes having the authority to exercise independent judgement in

the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, or discipline other employees, or having the responsibility to adjust their grievance, or effectively to recommend such action, if it is not of a routine or clerical nature but requires the use of independent judgement.

For purposes of this Labor Code, an employee holding the rank of Captain or below within the Fire Department and rank of Lieutenant or below within the Police Department is not a "management employee."

(k) *Collective bargaining agreement*. "Collective bargaining agreement" means a written collective bargaining agreement signed by the Mayor and the exclusive representative, covering all items agreed to by both parties and ratified by City Council.

(l) *Representation unit*. "Representation unit" means a grouping of positions in the City recognized as appropriate for representation by an employee organization into a unit described under this Labor Code for the purpose of representation in negotiations.

(m) *Third-party agency*. "Third-party agency" means an independent agency like the American Arbitration Association, Federal Mediation Conciliation Service, or JAMS, all of which offer panels of qualified labor arbitrators.

2.25.030 Director of Human Resources.

(a) *General*. The Director of Human Resources shall carry out certain duties and functions of this Labor Code and, to ensure impartiality, shall refer certain duties and functions to a third-party agency, including supervising the conduct of representation elections and granting or revoking certification of employee organizations as the exclusive representative.

(b) *Authority*. The Director of Human Resources shall be charged with the administration of the Labor Code and is authorized and empowered to make any rules and regulations as may be necessary or proper to put into operation and effect the provisions of this Labor Code.

2.25.040 Management and Confidential Employees.

(a) *Exclusion from collective bargaining*. All management and confidential employees are excluded from participation in a representation unit, and thus prohibited from engagement in collective bargaining.

(b) *Authority to meet with the City administration*. Nothing in this Labor Code may be construed to preclude management and confidential employees from meeting and conferring with the City administration.

2.25.050 Representation Units.

(a) *Exception*. This section does not apply to confidential or management employees.

(b) *In general*. Employees who are not confidential or management employees shall constitute the following separate representation units:

1. Fire;
2. Police; or
3. General Government.

2.25.060 Employee rights.

- (a) Employees shall have the right of self-organization; to form, join, or assist employee organizations; and to bargain collectively through representatives of their own choosing as provided by Article XXIII of the Charter and this Labor Code. Employees shall also have the right to refrain from any or all such activities.
- (b) Employees shall be free from retaliation for the exercise of any rights set forth herein, or for participating in any proceeding established pursuant to this Labor Code.
- (c) Nothing in this Labor Code shall prohibit an employee from presenting, discussing or resolving any concern or dispute directly with the employer and without the intervention of the exclusive representative, provided any adjustment or resolution shall not be inconsistent with the terms of any applicable collective bargaining agreement.

2.25.070 Employer rights.

- (a) The employer shall have the following rights:
 1. To determine the budget of the City, including all financial obligations and expenditures, and to exercise its taxing authority;
 2. To determine the ways and means to allocate funds to its various departments and projects;
 3. To exercise control and discretion over its organization and operations;
 4. To determine how and when to deploy its personnel;
 5. To establish, suspend, relocate or discontinue operations, facilities, stations, or services and to reduce personnel;
 6. To determine the way personnel will be used to ensure public safety;

- 189 7. To adopt reasonable rules, regulations and general orders pertaining to the City's
190 purpose, operation, techniques, efficiency and management which are not inconsistent
191 with the terms of the collective bargaining agreement;
192
- 193 8. To determine staffing, including, but not limited to, the use of full and part-time
194 employees and the number of such employees;
195
- 196 9. To suspend, demote, discharge or take disciplinary action against employees for just
197 cause, and, in the case of sworn police officers, to do so subject to the provisions of the
198 Maryland Police Accountability Act; and
199
- 200 10. To discharge employees it reasonably believes to be involved in a strike, and, in the
201 case of sworn police officers, to do so subject to the provisions of the Maryland Police
202 Accountability Act.
203

- 204 (b) The employer shall not enter into or become bound by any collective bargaining agreement
205 pursuant to this Labor Code that contains terms that infringe upon or limit the rights set
206 forth in this Labor Code or otherwise provided by law.
207
208

209 **2.25.080 Collective bargaining.** 210

- 211 (a) *Bargaining in good faith.* Upon certification of an employee organization as the exclusive
212 representative, the employer and the exclusive representative shall have the duty, through
213 their designated representatives, to negotiate collectively and in good faith with respect to
214 the subjects of bargaining enumerated in this Labor Code and to reduce to writing the
215 matters agreed upon as a result of such negotiations.
216

- 217 (b) *Negotiations deferred.*
218

- 219 1. If an employee organization is certified after March 1 of any fiscal year, negotiations
220 shall be deferred until the appropriate time in the budget preparation process in the
221 following fiscal year.
222

- 223 (c) *Employer/employee organization representative.*
224

- 225 1. The employer shall appoint the employer's representative or representatives for the
226 purpose of conducting any bargaining with the exclusive representative of a
227 representation unit.
228
- 229 2. The exclusive representative of a representation unit shall appoint a representative or
230 representatives for the purpose of conducting any bargaining with the employer.
231

- 232 (d) *Subjects of bargaining.* The employer and exclusive representative may bargain
233 collectively and reach agreement on the following subjects of bargaining:
234

1. Wages;
2. Hours; and
3. Other terms and conditions of employment, but excluding health insurance benefits.

(e) *Scope of bargaining.* The employer and the exclusive representative shall not be required to bargain any subject that is not specifically enumerated in this section or that infringes upon any of the employer rights enumerated in this Labor Code.

(f) *Duration of collective bargaining agreement.* The employer shall not enter into, or be bound by, any collective bargaining agreement that is in effective for less than two years or longer than three years.

2.25.090 Representation.

(a) *Certification of representative.* No collective bargaining agreement shall be valid or enforceable unless it is between the employer and an employee organization that is certified as the exclusive bargaining representative for employees in the bargaining unit.

(b) *Majority of employees.* Certification of an employee organization shall only occur if the employee organization has been selected or designated by a majority of employees in the bargaining unit.

(c) *Procedure.*

1. *Certification election.* An employee organization seeking exclusive representative status for employees in the representation unit shall file a petition with the Director of Human Resources accompanied by evidence that at least thirty (30) percent of the employees in the representation unit have designated the employee organization as their exclusive representative. Within thirty (30) days of filing a petition for certification, the Director of Human Resources shall retain a third party agency to conduct a secret ballot election. If the results of the secret ballot election establish that a majority of those employees voting in the election designate the petitioning employee organization as their exclusive representative, then the thirty-party agency shall certify the employee organization as the exclusive representative and the Director of Human Resources shall authorize the employer to bargain collectively as provided for in this Chapter.

2. *Voluntary recognition.* In the event a petition filed by an employee organization is accompanied by valid evidence that more than fifty (50) percent of the employees in the representation unit have designated the employee organization as their exclusive representative for purposes of collective bargaining, as determined by the Federal Mediation and Conciliation Service or a like third-party agency pursuant to its rules, the Director of Human Resources shall voluntarily recognize the employee organization without first conducting a certification election. Upon voluntary

recognition pursuant to this section, the Director of Human Resources shall certify the employee organization as the exclusive representative and shall authorize the employer to bargain collectively as provided for in this Chapter.

3. *Decertification election.* Any employee seeking to terminate the certification of an employee organization as the exclusive representative of employees in the representation unit may file a petition with the Director of Human Resources accompanied by evidence that at least thirty (30) percent of the employees in the representation unit have expressed their desire to remove the employee organization as their exclusive representative. Within thirty (30) days of the filing of a petition for decertification, the Director of Human Resources shall retain a third party to conduct a secret ballot election. If the results of the secret ballot election establish that a majority of those employees in the representation unit no longer wish to have the employee organization as their exclusive representative, then the third-party agency shall decertify the employee organization as the exclusive representative of the employees in the petitioned-for unit. The decertification of an employee organization does not void or moot any agreement currently then in effect.
4. No election under this section may be conducted more frequently than once every twenty-four (24) months.

2.25.100 Unfair labor practices.

(a) *Employer unfair labor practices.* It shall be an unfair labor practice for the employer to engage in the following conduct:

1. Interfere with, restrain or coerce employees in the exercise of their rights guaranteed under this Labor Code;
2. Encourage or discourage membership in any employee organization;
3. Fail or refuse to negotiate in good faith with an exclusive representative;
4. Retaliate against an employee because of that employee's exercise of rights guaranteed under this Labor Code; or
5. Control or dominate an employee organization or contribute financial or other support to it.

(b) *Employee organization unfair labor practices.* It shall be an unfair labor practice for an employee organization by and through its officers, agents and representatives to engage in the following conduct:

1. Interfere with, restrain or coerce employees in the exercise of their rights guaranteed under this Labor Code;

2. Induce the employer or its representatives to commit any unfair labor practice;
3. Directly or indirectly, cause, instigate, encourage, condone, initiate, sponsor, support, direct or engage in any strike;
4. Fail or refuse to negotiate in good faith with the employer; or
5. Retaliate against an employee because of that employee's exercise of rights guaranteed under this Labor Code.

2.25.110 Checkoff.

- (a) *Dues checkoff.* When an employee organization has been certified as the exclusive representative of the employees in the bargaining unit, it shall be the only employee organization eligible to obtain an agreement from the employer to deduct dues or service fees of the employee organization from the pay of those employees in the unit who provide a written, signed and dated authorization, and to remit said dues to the employee organization without cost. All authorizations shall be in effect for one (1) year and shall be automatically renewable from year to year unless written notice of termination by the employee is received by the Director of Human Resources. An employee may terminate an authorization at any time by giving thirty-days written notice to the Director of Human Resources.
- (b) *Indemnification.* The employer shall not have the authority to enter into a collective bargaining agreement that authorizes the deduction of dues from pay unless the agreement contains a provision whereby the employee organization agrees to indemnify the employer for any and all claims arising out of the deduction of dues and/or fees pursuant to this section.
- (c) *No compulsory union membership.* No agreement between the employer and an employee organization shall compel any employee to become and remain a member of the employee organization and/or pay dues.

2.25.120 Permissible union activities.

Solicitation of members and dues may be conducted during work hours provided it is not disruptive to work. Employer-requested or approved consultations and meetings between the employer and representatives of the exclusive representative shall, whenever practicable, be conducted on official time. Negotiations between the employer and representatives of the exclusive representative for the purpose of negotiating a collective bargaining agreement shall be conducted during work hours.

2.25.130 Work actions prohibited.

373
374 (a) *Definitions*. In this section, the following words have the meanings indicated.
375

- 376 1. "Lockout" means the temporary withholding of work, by means of shutting down an
377 operation or function in order to bring pressure on employees or on their representatives
378 to accept a change in compensation or rights, privileges, obligations, or other terms and
379 conditions of employment.
380
381 2. "Strike" means the refusal or failure by an employee or group of employees to perform
382 their duties of employment as assigned if a purpose of the refusal or failure is to induce,
383 force, or require the City to act or refrain from acting with regard to any matter.
384
385 3. "Work stoppage" means: (i) The willful absence of a group of employees from their
386 positions; (ii) The engaging in a slow-down by employees; or (iii) The refusal of
387 employees to perform job duties.
388

389 (b) *In general*. Strikes, work stoppages, and lockouts are prohibited.
390

391 (c) *Prohibited employee actions*. Employees and employee organizations may not engage in,
392 sponsor, initiate, support, direct, or condone a strike or work stoppage.
393

394 (d) *Penalty for violation – Employee organization*. If an employee organization violates this
395 section, the City Administrator shall submit the matter to arbitration for the arbitrator to
396 determine the penalty, which can include revoking the employee organization's designation
397 as exclusive representative or disqualifying the employee organization from participating
398 in representation elections for a period of up to two years.
399

400 (e) *Penalty for violation - Employee*. An employee who violates this section is subject to
401 immediate disciplinary action, which may include termination of employment.
402

403 (f) *Lockouts prohibited*. The City may not direct a lockout against employees.
404
405

406 **2.25.140 Timeline of collective bargaining and impasse.** 407

408 (a) *Timeline*. Regardless of the date upon which certification is issued to the employee
409 organization, negotiations shall be held between October 1 and January 15. Any collective
410 bargaining agreement reached as a result of any such negotiations shall be presented to the
411 City Council for ratification no later than April 15 and, if ratified by Council, shall become
412 effective July 1.
413

414 (b) *Impasse procedure*. If no understanding has been reached between the employer and
415 exclusive representative by January 15, it shall be deemed that an impasse has been
416 reached, at which time the matters in dispute may be submitted to arbitration and the parties
417 shall follow the arbitration procedures set forth in this Chapter.
418

419
420 **2.25.150 Arbitration.**
421

- 422 (a) *Matters subject to arbitration.* The employer, exclusive representative, or employee may
423 submit to arbitration any alleged unfair labor practice, dispute regarding the application or
424 interpretation of a collective bargaining agreement, or an impasse.
425
- 426 (b) *Matters not subject to arbitration.* No grievance as defined by the City Employee
427 Handbook shall be submitted to arbitration. Rather, all grievances shall follow the
428 procedures set forth in the City's Employee Handbook, although an employee within a
429 representation unit may elect to have representation from his/her exclusive representative
430 at all steps in the grievance process.
431
- 432 (c) *Mediation.* Before any dispute subject to arbitration proceeds to arbitration, the parties
433 may mutually agree to first submit the dispute to mediation.
434
- 435 (d) *Arbitrator selection.* The arbitrator shall be chosen by mutual agreement of the parties. If
436 the parties are unable to agree, the parties, shall ask the American Arbitration Association,
437 Federal Mediation Conciliation Service, or JAMS to provide a list of 5 arbitrators from
438 Maryland, who are familiar with public labor issues. Within seven days after receipt of the
439 list, the parties shall alternately strike names and keep track of the order of the strikes. The
440 party striking first shall be agreed to or determined by a coin toss. The last arbitrator
441 remaining shall be arbitrator for that fiscal year.
442
- 443 (e) *Powers and duties of arbitrator.* The arbitrator may:
444
- 445 1. Convene and adjourn a hearing;
 - 446
 - 447 2. Administer oaths;
 - 448
 - 449 3. Call and examine witnesses;
 - 450
 - 451 4. Issue subpoenas to compel the presence of witnesses and the production of documents;
 - 452
 - 453 5. Hear the evidence; and
 - 454
 - 455 6. Issue a final and binding decision.
456
- 457 (f) *Hearings.* Arbitration hearings shall be conducted in Salisbury, Maryland unless otherwise
458 agreed in writing by the parties. The arbitrator shall designate a time and place for the
459 hearing and notify the parties not less than 20 days before the hearing.
460
- 461 (g) *Rights at hearing.* At the arbitration hearing, each party has the right to be heard, to present
462 evidence material to the controversy, and to examine and cross-examine witnesses.
463 Arbitrators are not bound by the technical rules of evidence.
464

(h) *Time Limits.* Unless otherwise agreed by the parties, each party has up to eight hours to present its/his/her case to the arbitrator so that the arbitration shall conclude within two days.

(i) *Written decision.* The arbitrator shall make findings of fact and shall issue a written decision within 30 days after declaring the record closed, unless the parties otherwise agree in writing.

(j) *Consideration of pertinent factors by arbitrator.* In making findings, the arbitrator shall take into consideration all pertinent factors, including, but not limited to:

1. Wages and all other benefits of employment of other similarly situated local government employees;
2. The value of all benefits available to or received by City employees as compared with private sector employees on the Delmarva Peninsula;
3. Cost-of-living information;
4. The availability of funds; and
5. Any agreement reached between the employer and any other City representation unit.

(k) *Costs shared.* Each party shall bear its own expenses in connection with the arbitration proceedings. The parties shall share equally the fees and expenses of the arbitrator.

2.25.160 Review of collective bargaining agreement.

The City Council shall vote on the ratification of any collective bargaining agreement. Prior to voting on the ratification of any collective bargaining agreement, the Director of Finance shall submit to the City Council a fiscal impact note addressing, at a minimum, the annual cost of the contract to the City, the increase or decrease in costs compared to the current or preceding contract, and how the costs of the agreement are to be funded.

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.

ATTEST:

Kimberly R. Nichols, City Clerk

Muir W. Boda, City Council President

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

John R. Heath, Acting Mayor