



CITY OF SALISBURY CITY COUNCIL AGENDA

AUGUST 28, 2023

6:00 p.m.

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

Times shown for agenda items are estimates only.

- 6:10 p.m. CALL TO ORDER
- 6:11 p.m. WELCOME/PLEDGE
- 6:13 p.m. INVOCATION- Rev. Dr. David L. McLendon, St. James A.M.E. Zion Church
- 6:15 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:16 p.m. CONSENT AGENDA- City Clerk Kimberly Nichols
- June 20, 2023 Work Session Minutes
 - June 20, 2023 Special Meeting Minutes
 - June 20, 2023 Closed Session Minutes (separate email)
 - July 5, 2023 Work Session Minutes
 - July 10, 2023 Council Meeting Minutes
 - **Resolution No. 3276**- to approve the appointment of Luc Angelot to the Youth Development Advisory Committee for term ending August 2026
 - **Resolution No. 3277**- to approve the appointment of Amy Gonzales to the Disability Advisory Committee for term ending August 2026
 - **Resolution No. 3278**- to approve the appointment of Alicia Miller to the Youth Development Advisory Committee for term ending August 2026
 - **Resolution No. 3279**-to approve the appointment of Andrea Post to the Youth Development Advisory Committee for term ending August 2026
 - **Resolution No. 3280**- to approve the appointment of Joseph Venosa to the TRUTH Committee for term ending August 2027
- 6:20 p.m. RESOLUTION- City Administrator Andy Kitzrow
- **Resolution No. 3281**- to appoint Dan Altchek, Esquire and the attorneys of Saul Ewing, LLP as Special Counsel
- 6:24 p.m. ORDINANCES- City Attorney Ashley Bosché
- **Ordinance No. 2818**- 2nd reading- authorizing the Mayor to appropriate funds for the Raw Water Line Naylor Mill Project
 - **Ordinance No. 2819**- 2nd reading- to accept grant funds from the Maryland Department of General Services in the amount of \$250,000 for the design of the Zoo Andean Bear Exhibit

- **Ordinance No. 2820**- 1st reading- to approve a budget amendment of the FY24 General Fund Budget to appropriate funds received from the Blue Heron Agility Association of Delaware
- **Ordinance No. 2821**- 1st reading- to amend section 17.04.120 of the Salisbury City Code to include a definition for “clinic-residential” and amend 17.160.030 of the Salisbury City Code to add clinic-residential to the category of uses permitted by special exception in the R-5A zoning district
- **Ordinance No. 2822**- 1st reading- to convert Calvert Street from US 13 Business North to 300 feet west to one way westbound traffic only
- **Ordinance No. 2823**- 1st reading- to approve a budget amendment of the FY2024 General Fund Budget to appropriate additional funds required for legal services

6:35 p.m. PUBLIC COMMENTS

6:40 p.m. ADMINISTRATION and COUNCIL COMMENTS

6:45 p.m. ADJOURNMENT / MOTION TO CONVENE IN CLOSED SESSION IN ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND §3-305(b)(1) TO DISCUSS THE APPOINTMENT, EMPLOYMENT, ASSIGNMENT, PROMOTION, DISCIPLINE, DEMOTION, COMPENSATION, REMOVAL, RESIGNATION, OR PERFORMANCE EVALUATION OF APPOINTEES, EMPLOYEES, OR OFFICIALS OVER WHOM THIS PUBLIC BODY HAS JURISDICTION; OR ANY OTHER PERSONNEL MATTER THAT AFFECTS ONE OR MORE SPECIFIC INDIVIDUALS. THE REASON FOR CLOSING THE SESSION IS TO INTERVIEW A CANDIDATE FOR A POSITION.

Copies of the agenda items are available for review in the City Clerk’s Office – Salisbury Headquarters, 410-548-3140 or on the City’s website www.salisbury.md. City Council Meetings are conducted in Open Session unless otherwise indicated. All or part of the Council’s meetings can be held in Closed Session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b) by vote of the City Council.

NEXT COUNCIL MEETING – September 11, 2023

- Resolution No._- to adopt the Public Art Masterplan
- **Ordinance No. 2820**- 2nd reading- to approve a budget amendment of the FY24 General Fund Budget to appropriate funds received from the Blue Heron Agility Association of Delaware
- **Ordinance No. 2822**- 2nd reading- to convert Calvert Street from US 13 Business North to 300 feet west to one-way westbound traffic only
- **Ordinance No. 2823**- 2nd reading- to approve a budget amendment of the FY2024 General Fund Budget to appropriate additional funds required for legal services

Join Zoom Meeting

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

Meeting ID: 881 6325 3286

Passcode: 812389

Phone: 1.301.715.8592

1 CITY OF SALISBURY
2 WORK SESSION
3 JUNE 20, 2023
4

5 Public Officials Present
6

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

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

7
8 In Attendance
9

10 City Administrator Andy Kitzrow, Acting Assistant City Administrator Tom Stevenson, Acting
11 Police Chief Dave Meienschein, Fire Marshal Eric Cramer, Deputy Chief Chris O’Barsky,
12 Field Operations Director Michael Dryden, Department of Infrastructure and Development
13 (DID) Director Rick Baldwin, Arts, Business & Culture Department (ABC Dept.) Director Allen
14 Swiger, City Clerk Kimberly Nichols, Attorney Reena Patel, City Attorneys Ashley Bosché and
15 Heather Konyar, and interested members of the public

16 -----
17 On June 20, 2023 the Salisbury City Council convened at 4:30 p.m. in Conference Room
18 306 in the Government Office Building. The following is a synopsis of the items
19 discussed in Work Session.
20

21 **Budget amendment to purchase customized and expandable storage system**
22

23 Acting Chief Dave Meienschein requested to appropriate funds from a forfeited funds
24 account to purchase a storage unit for their property in the property room. The request
25 was the result of an audit inventory and the recommendation was there were certain
26 items they could not dispose of such as weapons used in serious crimes, drugs and
27 certain paraphernalia. They were also just running out of room. The Police building was
28 built in 1996 and space was limited. He explained the expandable unit could be added to
29 as needed.
30

31 Council reached unanimous consensus to advance the legislation to legislative agenda.
32

33 **Ordinance to amend the duties and responsibilities of the City Fire Marshal**
34

35 Fire Marshal Eric Cramer and Deputy Chief Chris O’Barsky joined Council. Deputy
36 Chief O’Barsky explained the ordinance would amend Chapter 8.11 of the City Code,
37 entitled “The Fire Prevention Code.”
38

39 Council reached unanimous consensus to advance the legislation to legislative agenda.
40

41 The second ordinance would amend Chapter 2.16 to update and define the duties and
42 responsibilities of the City Fire Marshal.
43

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

45

46 **Environmental Policy Task Force Annual Report**

47

48 Sustainability Specialist Dylan Laconich and City Planner Brian Soper joined Council.
49 Mr. Laconich reported the Environmental Policy Task Force was created in 2020 with
50 recommendations of policies from stakeholders and people in the sustainability and
51 environment industry. He discussed each of the following recommended policies: Energy
52 Use and Emissions, Water, Wastewater, Stormwater Management, Open Space,
53 Transportation, Operation Design, Outreach and Education.

54

55 Ms. Jackson asked why the refillable stations were only placed in certain parks and Mr.
56 Laconich answered he was not entirely sure. Mr. Kitzrow said the City was looking to
57 get them first in all of the parks where infrastructure was already in place, and the goal
58 was to get the refillable stations in all of the parks.

59

60 **Text Amendment to include limited service, rental or repair establishments in Light**
61 **Industrial District**

62

63 City Planner Brian Soper presented the text amendment to permit service, rental or repair
64 establishments in the Light Industrial Zoning District. He reported it would permit
65 service, rental or repair establishments in the Light Industrial Zoning District. It was
66 reviewed by staff and prepared by the City Attorney. The Planning Commission held a
67 Public Hearing and forwarded a favorable recommendation to City Council on March 16,
68 2023. He noted similar uses in the district already included a planned business center, a
69 multi-use facility, hairdresser shop, and an animal hospital. The initial response was
70 brought on by an applicant looking to have a tattoo parlor.

71

72 Ms. Blake explained that she wanted to focus on other topics already at hand first before
73 approving to advance the text amendment. She motioned to table the text amendment and
74 Ms. Jackson seconded. The motion failed on a 2-3 vote. Mss. Gregory and Outten, and
75 President Boda voted nay to table this text amendment.

76

77 The legislation would be advanced to legislative agenda.

78

79 **Downtown Development Projects presentation**

80

81 City Administrator Andy Kitzrow made a presentation on Downtown Redevelopment and
82 Revitalization. He reported that over 2500 people participated in the two-year process of
83 creating a Master Plan of Downtown Salisbury in the Envision Salisbury (2015-2035)
84 which was adopted in 2016. Participants were citizens, City officials, architects, urban
85 planners, graduates, and undergraduates. What was created won the Maryland
86 Sustainable Growth Commission Award in 2017. While only in the eighth year of this
87 twenty-year plan, Mr. Kitzrow said he thought it was important to maintain and continue
88 in the direction we were headed. He discussed the local housing crisis and shared that
89 from 2007 to 2017 no single-family houses were built in Salisbury. The ones benefitting

90 most from the housing shortage were the same ones who controlled the housing
91 inventory. Due to the housing shortage and great demand, rents were extremely high. He
92 added that the decline in affordable housing correlated with the climb in homelessness.
93

94 Mayor Heath commented that no one could deny that Salisbury had an affordable
95 housing problem. He recently met a young lady who recently graduated from Salisbury
96 University and had a one-year renewable contract. She started to cry while telling him
97 that there was no affordable housing for her to move into. Local landlords were saying
98 Salisbury did not need housing and citizens could not find housing they could afford.
99

100 Ms. Jackson said the City needed affordable housing and asked a developer over a year
101 ago how many affordable units he would build and he could not answer her. She asked
102 what guarantee was there that affordable housing would be built in Salisbury. Mayor
103 Heath answered it would be built on Lot 30. Ms. Jackson said she wanted revitalization,
104 but Downtown received everything while the other districts received nothing.
105

106 Ms. Gregory commented that “Here is Home” was not just Downtown but spread across
107 the City with assisted living, disabled housing, affordable housing, market rent, single
108 family and town homes, etc. She asked if the map could be sent out so they could see
109 where all of the locations were, as they were truly all over the City.
110

111 **Resolution to authorize the amended and restated and disposition agreement for**
112 **Lots 1, 11, and 15 to set the terms for the sale and construction**
113

114 Mr. Boda invited Procurement Director Jennifer Miller and Counsel Reena Patel to join
115 Council at the table. Ms. Patel introduced herself and said she served as Special Conflict
116 Counsel representing the City and was from the Law Office of Marianna Batie.
117

118 Ms. Miller presented the information on the resolution to accept the amended and
119 restated LDA for Lots 1, 11, and 15. She reported the original LDA for City owned
120 Parking Lots 1 and 11 was approved by Council on October 12, 2015 and executed on
121 October 30, 2015. The Amended and Restated LDA incorporated the sale of Parking Lot
122 15, as well. The Lot 15 property was listed by KLNBB, the City’s contracted commercial
123 real estate broker, in November 2021. It was publicly advertised. City Council approved
124 an exclusive negotiating period (ENP) with Salisbury Town Center Apartments, LLC in
125 February 2022. She noted the key differences in the original LDA and the Amended and
126 Restated LDA, as outlined below.
127

- 128 *1. They would be subdividing Lot 1 (Exhibit A in the packet) The original*
129 *LDA contemplated the sale of the entire parcel of Lot 1. Since then, the*
130 *development plan has changed considerably and now would be re-*
131 *subdivided to include three main areas- the Unity Square Lot to remain*
132 *owned by the City, The parking garage lot (also to remain owned by the*
133 *City), and the third was the Salisbury Town Center lots, to be conveyed to*
134 *the Salisbury Town Center Apartments, LLC.*
- 135 *2. The second difference was the inclusion of the sale of Lot 15.*

- 136 3. *The third difference was that there would be a deposit of \$25,000 which*
137 *would be nonrefundable should the developer default.*
- 138 4. *The new agreement included a construction and permanent maintenance*
139 *easement (Exhibit D in the packet).*
- 140 5. *There would be a Construction Management Agreement which would be*
141 *Exhibit E. Ms. Miller said this agreement was currently in draft and*
142 *basically would function as a Contract Manager Risk document which*
143 *defined the relationship of the parties (the developer and the City), states*
144 *the responsibility of the developer, statements of work, bonding*
145 *requirements, general terms and conditions, decision making authority,*
146 *fees and payment structure, project schedules, how to handle*
147 *contingencies, scope changes, and other contractual details relate to the*
148 *design, construction and commissioning of a new parking garage.*
- 149 6. *The amended and restated LDA included delayed performance penalties of*
150 *\$7,500 for each month the developer remained in default of any of its*
151 *obligations with respect to final site plan approval, building permit*
152 *issuance, and issuance of Certificate of Occupancy.*
- 153 7. *The amended and restated LDA for Lots 1, 11, and 15 included an updated*
154 *performance timeline wherein the following milestones were targeted:*
155 *Assuming tomorrow was Day one and they executed the agreement*
156 *tomorrow, on Day 50, approximately, the parties would go to closing. That*
157 *would be October 2023. Day 140 would be the approximate date of the*
158 *submission of the final site plan, which would be November 2023. Day 200*
159 *would be the builder's application for building permits, and would be*
160 *January 2024. Around Day 210 the developer's contribution of \$750,000*
161 *towards the project would be due. And then anywhere between Day 1,130*
162 *to 1,495, which was three years and two months, or approximately four*
163 *years and two months, they would receive the Certificate of Occupancy.*
164 *This would bring the project to July 2026 or July 2027.*
165

166 Upon Ms. Miller's completion of the explanation above, President Boda asked Council
167 for their questions or comments.
168

169 Ms. Blake said she had more questions than comments. She asked to clarify that the next
170 step would be for Council to agree to move it forward, and President Boda confirmed.
171 Ms. Blake then stated she would like to motion to close the session (move into Closed
172 Session) to discuss contracts and to consult with Legal before voting to move this
173 forward. She asked if that was possible, and knew they could go into Closed Sessions to
174 discuss contracts and consult with Legal. Ms. Jackson said she would second the motion,
175 and Ms. Outten stated she would agree if it would help the conversation. Ms. Gregory
176 also indicated she would agree if it helped make it easier for people.
177

178 Mayor Heath said that if there was consensus already, then they could go into Closed
179 Session. They could always vote "nay" when it came to Council in Open Session. Ms.
180 Blake said she thought that any kind of consensus depended on the discussion in the
181 Closed Session. Mayor Heath responded that he was just pointing out that they had to

182 come back after Closed Session. Ms. Blake said she knew it was cumbersome, especially
183 for the public, but she thought the conversation was worth the extra time.

184
185 Ms. Blake clarified that Council had a right to go into Closed Session to discuss any
186 contract and consult with Legal. In this case, she thought it was the best thing to do
187 before they messed up anything, considering how contentious the topic was.

188
189 **Motion to convene in Closed Session**

190
191 At 5:26 p.m., President Boda called for a motion to convene in Closed Session to discuss
192 a legal contract and seek advice from Counsel. Ms. Jackson moved, Ms. Blake seconded,
193 and the vote was unanimous (5-0) to convene in Closed Session.

194
195 **Motion to adjourn Closed Session / Convene in Open Session / Report to Public**

196
197 At 5:57 p.m. Council reconvened in Open Session and the public entered the room.
198 Council President Boda reported that the Salisbury City Council met in Closed Session
199 to obtain legal advice on a legal matter from Legal Counsel.

200
201 **Continued discussion on resolution to authorize the amended and restated land**
202 **disposition agreement for Lots 1, 11, and 15 to set the terms for the sale and**
203 **construction**

204
205 President Boda announced the Council had a discussion with Legal to get answers on
206 some items on this topic. He then asked Council for any other questions or comments on
207 the resolution. As there were none, he asked for consensus to move the resolution
208 forward to the Special Meeting. Council reached consensus to move forward with the
209 resolution.

210
211 President Boda asked everyone who signed up to speak in the Public Comments portion
212 of the meeting to stand when their name was called. The following comments were
213 received by twenty-four members of the public:

- 214
- 215 1. Speaker owned a business downtown for a year and selected the location because
216 of the parking available. She lost parking because her clients used Parking Lots 1
217 and 15. Many of her clientele were ages fifty-five and older and there was no
218 handicap accessibility. The City needed a better solution for the current business
219 owners. She had to close her business early on Third Fridays because there was no
220 parking. She did not oppose growth but the current businesses needed
221 consideration, not just the new businesses.
 - 222 2. Speaker asked how could we attract people- young professionals, doctors,
223 teachers, blue collar workers, etc. if they could not afford to put a roof over their
224 heads. The shortage in housing benefits officials who control rental property and
225 aligns the prices to their liking. Everyone was recovering from the pandemic, and
226 we could not let our citizens, especially low-income individuals suffer by having
227 their homes taken because they cannot make the payments. Everything costs more

228 now due to inflation. The parking won't be the same but won't be as bad as
229 Baltimore parking. He said he loved Salisbury because we're a place that helps
230 one another. We truly understand the importance of community. Parking affects
231 his life for about five minutes while affordable housing affects him 24/7.

- 232 3. Speaker was concerned about the meeting that was called on a Thursday afternoon
233 on a City website citing there would be an agenda attached. The agenda was not
234 posted until the following day. The Masterplan was not available. She emailed a
235 request for basic data on Lots 1 and 15 on June 9th and was told she had to
236 complete a FOIA so they could keep track of it. This was 11 days later and she
237 received no information yet. Ms. Miller neglected to tell Council that Article 5
238 provided that the City pay for all construction costs for the parking garage, which
239 amounted to \$10 million. How was spending \$10 million of taxpayer money to
240 build a garage for the developer to be used for his tenants, not for the citizens of
241 Salisbury, and written into the resolution was "it was in the best interest of the
242 citizens of the City." The first LDA was to DEVRECO LLC and the amended one
243 was to Salisbury Town Center Apartments, LLC. She asked if they were the same.
244 Lot 15 was added to the amended LDA and would be eligible for tax abatements
245 and waived water/sewer connection fees. She urged Council to stop the sale of the
246 parking lots, the HORIZON program and Here is Home.
- 247 4. Speaker said there was very little transparency with the Council and the Mayor's
248 Office. It's been difficult getting information. He objected to the sale of the City
249 lots, the HORIZON Program, waivers for utility hookups, and how RFP's were
250 done. He was also suspicious of the awards of the parking lots.
- 251 5. Speaker lived downtown and paid for parking in Lot 1. She and others had a long
252 way to walk and were senior citizens. Lot 15 did have some free spaces she used
253 occasionally. She asked where would everyone park and asked for the seniors to
254 be considered.
- 255 6. Speaker said "ditto" on the cost benefit to developers getting parking lots at very
256 discounted rates. She said it was counter-intuitive. It was not a good business
257 decision to go from \$1.8 million in value to \$275,000. We have not been putting
258 enough effort into affordable housing and should really do a better job. Helping
259 Habitat for Humanity paint a dilapidated house with painting Kilz on moldy
260 drywall was not solving the problem, it was just another band aid. We should not
261 spend more than we earn.
- 262 7. Halt the sale of all City owned parking lots, and discontinue the HORIZON
263 Program and Here is Home. She said she volunteers at the Library and was the
264 youngest volunteer at age 75. She has to walk two streets to get to the Library.
265 She was not handicapped but if she was, it would be a challenge to get there. Her
266 shift starts at 9:00 a.m. and last week when she got to the garage all of the Library
267 Patron parking spaces were taken. There was already parking abuse taking place
268 in the garage. She said she did not know why citizen input was not taken into
269 consideration before the projects began. They should have a say in the decisions.
270 She probably won't be coming downtown very much because she did not like
271 parking garages. She's never been so upset with the City she lived in. She was
272 fearful most when she heard that the City had gone into the rainy-day fund. She
273 hoped it was not too late to reverse all of the things that brought us here tonight.

- 274 8. She went into the woods a few years ago where there were people and babies
275 living. It bothered her so badly that she asked her husband to help raise money for
276 her birthday to get them out of the woods. Local slumlords had a list for lower
277 class people and upper-class people. Homelessness is now at an all-time high.
278 Babies are sleeping in the streets. Landlords have been raising the rent and
279 putting people out into the streets. Mentally ill people are sleeping under the
280 bridge. She's out in the streets and sees what is going on and it's not right.
- 281 9. Speaker said "ditto" about the senior citizens. She had a walker, and if she wanted
282 to go to the Library and no parking space was provided for her, she would not
283 park in the garage because it was not safe. She saw where the City Administrator
284 stated that 2,200 people would live downtown along with the ones already living
285 downtown. She thought that was very congested and like Los Angeles. She said
286 the City had to consider employees working in the building, the people going into
287 court, visitors coming into the GOB and working downtown. One of the problems
288 she saw was transparency. She said that giving away fees and raising taxes was
289 not fair to the citizens. People are living in campers now because they have
290 nowhere else to live. The Ross is not affordable housing. Homes on Sassafras are
291 starting at \$300,000. The main problem is transparency. Before anything is put to
292 the vote or on the table, people need to be informed about what's going on.
- 293 10. Speaker is a business owner in Downtown. She's a single mom and has worked
294 for everything she has. She purchased the Synagogue building two years ago and
295 across the street is Parking Lot 15. She has no street parking for her residents in
296 the building. When she purchased the building she was told Lot 15 would be the
297 lot to utilize for parking. Her tenants and she have since been relocated to Lot 1,
298 which eventually will be sold for development. The hourly parking will be going
299 from \$1 an hour to \$2 an hour. She proposed to pay \$55,000 for the parking lot
300 and do an escalation clause up to \$75,000 to allow the parking lot remain and be
301 used by The Opportunity Shop, the local businesses and her tenants. She read a
302 letter from the pastor of Asbury United Methodist Church opposing the
303 development of the parking lot. She hoped Council listened to all who were here.
- 304 11. Speaker recently started a small business downtown to help her family pay their
305 household bills. Selling Lots 1, 11 and 15 would affect her business and people
306 who live downtown because there will be no parking. Please stop the sale and
307 development of these lots. The developer benefits and the citizens do not.
- 308 12. Speaker opposed the sale of lots 1, 11 and 15. He said he did not own property
309 downtown and would not be directly affected by the project. He recently emailed
310 the Mayor and Council his concerns about the negative impact the project would
311 have on the City as well as on Downtown. The removal of 357 conveniently
312 located parking spaces and replacing them with a multimillion dollar garage paid
313 for and owned by the City, but designed to benefit the developer and the future
314 tenants of Salisbury Town Center Apartments will place a heavy burden on the
315 employees, customers and public who work and transact business in Downtown
316 Salisbury. The tenants given first refusal to obtain permits would fill up the
317 garage and not give customers and merchants space to part. There was supposed
318 to be an Exhibit E attached to the agreement and it is missing from the official
319 documents. Speaker thought the contract should not be approved this evening.

320 Also, there will be no parking at all for at least two years during construction.
321 There were seven different incentive programs the developer listed in the
322 agreement that they wanted. The biggest incentive would be the HORIZON
323 program that would give millions of dollars in property tax savings to the
324 developer over the next twenty years. The tax savings for one only shifts the tax
325 burden to everybody else. The other big request in the document is the waiver of
326 water and sewer connection fees. The current cost of one EDU is \$3,710 and the
327 waivers for 226 units amount to \$838,460, in addition to the ones for commercial
328 units. The City just raised water and sewer bills by 10%, so how are we going to
329 give over \$800,000 to one project. He asked how this benefitted City residents.

330 **13.** Speaker has lived in Salisbury for 50 years and has done legal work primarily
331 with local governments most of that time. He thought he'd seen everything until
332 tonight. He said in the City's Rules of Procedure, if something is moved on from
333 a Work Session for formal consideration, it has to be at a regular meeting. The
334 meeting scheduled for tonight after this one is a Special Meeting. The City's
335 growth rate and the County's growth rate has dropped dramatically in the last 15
336 years. Wicomico County's population increase in the last ten-year census was
337 about 4,600 people. Ten years prior in 2010, it was almost 15,000. That was a
338 huge drop. The enrollment at Salisbury University has dropped almost 20% since
339 2014. We do not have a general housing shortage in Salisbury or Wicomico
340 County, as there is plenty of construction going on. Planning and Zoning will
341 discuss further development of the old Salisbury Mall on the fifty-acre site where
342 there would be hundreds of homes built. St. Albans and Beaglin was another 20
343 acres. Other sites have been bought by developers. The problem is affordable
344 housing and none of the housing being proposed is affordable housing and there
345 was nothing in the contract about affordable housing on Lots 1, 11 and 15. He
346 could not possibly recommend the contract if he was the City's attorney. He was
347 the County Council's attorney for some years. This was irresponsible and almost
348 obscene when you stop and think about what was attracting development here
349 which was the connection fee waiver and twenty-year tax waiver, and taxes were
350 raised this year and would not stop. He referred to Mr. Pete Cooper's Urban
351 Renewal publication.

352 **14.** Speaker said the developer may make the argument that the amended and restated
353 LDA for the three lots should be approved because the City previously agreed to
354 the LDA for Lots 1 and 11, and they already had a deal. However, that agreement
355 was made on October 12, 2015. Seven years have passed and they have not
356 complied with the original LDA. They now want to change everything and include
357 Lot 15, a City financed and maintained parking garage, and take advantage of all
358 the tax incentives the City has added since then. The original agreement from
359 2015 was not on the website.

360 **15.** Speaker owns and manages two rental management companies that she started in
361 1982. All of her investments were paid out of her own money and not giveaway
362 programs. Not once did she get anything from the City for putting housing back
363 into the hands of people who could afford it. She commented on the 4-2
364 legislation and said she had beautiful apartments with multiple bedrooms and
365 bathrooms and had young people who would love to share apartments but could

366 not, as only two unrelated people were allowed per home. Recently we have seen
367 the sale of City owned properties with the explanation that they were being
368 surplussed and placed on the market. These properties were not listed with the
369 local MLS contrary to what was said earlier. Lots 1, 11 and 15 are the lots that are
370 most accessible and convenient to everything happening Downtown. In the 2010
371 Master Plan much was discussed concerning parking at that time before any
372 parking lots were sold. That report states that parking was manageable but only if
373 the program can effectively redistribute the parking demand from one lot to
374 another. It also stated more parking would be needed, and new development
375 inside and outside City limits must also support the cost of new growth. Impact
376 fees were one-time payments used to construct systems and improvements needed
377 to accommodate development. She said the full impact of this has not been
378 identified and asked Council to not vote for the resolution.

379 **16.** Speaker said he failed to see how the development would benefit the general
380 public. Affordable housing was a very compelling argument to have, but he asked
381 what assurances did Council have that the new development would be affordable
382 housing. He said the Mayor mentioned he spoke with a girl who said she couldn't
383 afford to live here, and said he should have told her to take a look at the Ross
384 Building. He said supply and demand was discussed, but there were more nuances
385 that went into it than has been discussed. How about discussing rent control. That
386 would have a real impact to ensure this really was affordable housing. He said he
387 had not seen a whole lot of transparency. He mentioned doing a referendum in the
388 fall. He urged Council to delay a vote and conduct public opinion polls rather
389 than giving a developer who was in bed politically with members of the Council
390 the right to take over the parking lots and construct the property.

391 **17.** Speaker was a landlord and owned a building downtown and he also had bought
392 lots from the City. His process was a three-year process, and he not only had to
393 provide an overlay drawing, but what he was going to sell and how he would sell
394 it. He was in business for roughly 17 years and it was a process. He had to have
395 two appraisals and had to pay twice what he initially offered to the City. All of
396 the conversations were done publicly in many meetings. He was not aware of this
397 development and has not seen a lot of information about it. Speaker said the
398 Council was acting in the City's best interest but was impacting him as an owner.
399 He and a lot of others would be impacted. He said he was a former banker and not
400 anti-development-they were friends of his. We have one time to get this right and
401 we were pointed in the direction of doing it absolutely wrong. It required urban
402 planning and should have been determined how this overlay development would
403 impact the net parking the City would need to properly service what they wanted.
404 He said he was for development Downtown and wanted to develop his building at
405 some point, but it was this type of thing that made him nervous. Council did not
406 have enough information to vote on the resolution.

407 **18.** Speaker was born and raised in Worcester County and chose to live in downtown
408 Salisbury. She loved it here but was very concerned about the parking. Her
409 parking lot was right across the street from her apartment building and was a
410 deciding factor of moving Downtown. With the revitalization going on she would
411 no longer have the parking. She had convinced her mother to sell her home in

412 Worcester County and live with her. It was going to be a struggle for her mother.
413 Please consider the people already living on the plaza and not the ones who would
414 be moving here. Students will go home during the summertime and won't have to
415 deal with what year-round tenants did. If 2,200 more residents moved Downtown,
416 she would move out. It was peaceful, but she moved Downtown because of the
417 ambience and how her apartment was built. Downtown was not that big and would
418 be very congested. She lived Downtown for six years and had planned on living
419 here for as many years as her landlord "Holly" allowed her.

420 **19.** Speaker was with Mentis Capital and said his firm was investing \$100 million in
421 Downtown and so he had a unique perspective on redevelopments in Downtown
422 Salisbury. It was amazing this many people were excited about public parking.
423 The lots were under-utilized every day in Downtown and they did not contribute
424 revenue to the City, County or State. The incentives have already resulted in
425 private development and new development can generate jobs, opportunities,
426 increase the tax revenue and transform the center of our community into the
427 economic hub and a better place to live. He applauded the local leaders and their
428 forward-thinking approach in implementing the groundbreaking legislation such
429 as HORIZON and Here is Home. The incentives have already resulted in private
430 development worth tens of millions of dollars in Downtown. Speaker encouraged
431 the current leaders to maintain these incentives so that the rest of the development
432 could move forward. The parking lots were always intended to be temporary and
433 were purchased by the City to be redeveloped. Investors had the freedom to put
434 their money anywhere, therefore it was critical for Salisbury to be as appealing as
435 possible. Even with the current incentives it remained challenging to proceed with
436 new developments in this market. The HORIZON Program did not eliminate
437 existing tax revenues. They stayed in place – it was only on future tax revenues
438 from investing tens of millions of dollars. During the construction of the Ross,
439 they averaged 150 people working every day. The additional projects in
440 Downtown would employ hundreds of more people and would have a huge ripple
441 effect on the local economy. Developers were dedicated and spent a considerable
442 amount of time in planning. He said the Mall had five times the required parking
443 it needed to survive and it was slowly dying. Excessive amounts of parking were
444 not good urban design and did not make for a successful development.

445 **20.** Speaker said what was before Council was probably the finest thing he recalled in
446 the thirty years of being personally out there trying to find a developer to come
447 and invest in our community. It was not easy to get a developer to come here. The
448 market here was not that strong to be able to have the kind of expensive housing
449 was needed to support this kind of structure that they wanted to build. The past
450 Master Plans call for more density in Downtown. If we don't accept this project
451 and try to get a piece of the tax pie now, we'll never get it. These projects were
452 essential so that they can be taxed. We need to keep coming up with new ways to
453 have taxes or else we will pay for it. The parking garage would be funded by a
454 bond which would be supported by the tenants paying for it just like a parking fee.

455 **21.** Speaker said ditto to most of what was said. She did not see where this would
456 build our tax base and everything was given away. By the time we recoup, we
457

458 would have suffered consequences. It won't bring about what was needed to
459 sustain our community. She hoped the Council would trust in the community to
460 place this on a referendum so that they could choose whether this moved forward.
461 22. Speaker (prior attorney for the City of Salisbury) said in 2015 the City issued an
462 RFP to redevelop Lots 1 and 11 which were unanimously declared surplus by the
463 City Council, they unanimously awarded the bid to DEVRECO, and they entered
464 into a disposition agreement. The project was chosen because it reflected the
465 City's vision for the development. In 2022 the City Council unanimously
466 authorized Procurement to list Lot 15 for market sale and to collect offers during
467 a certain window of time. One offer was received and accepted by the City. In
468 2021 the US Census said that the City's population was roughly over 32,000.
469 Speaker has lived in Salisbury most of his life and the redevelopment in
470 Downtown Salisbury inspired him. He did not want his children in years to come
471 to ask Council to approve a project that would not change Downtown for the
472 better. In fact, the City Council already agreed. The disposition agreement led
473 them through many different site plans ultimately to determine that this was going
474 to be quite an extensive project when it came to financial investment. That came
475 to an addendum and the settlement on October 1, 2018. The settlement included a
476 charge to the developer for an owner's policy with respect to the ownership of Lot
477 1 and 11. Discussions continued about the plans for the project. In November
478 2021 the City issued an RFP, awarded unanimously, the bid for Lot 15 to
479 Salisbury Town Center, LLC. Salisbury Town Center, LLC is comprised of
480 DEVRECO LLC and partner Lincoln, LLC which builds apartments across the
481 bridge. A project of this size is what the City wanted and accepted. The City
482 Council had unanimously determined that the parking lots were surplus property
483 no longer needed for public use. On February 14, 2022 the City Council
484 unanimously awarded the bid for Lot 15, providing the price and terms we were
485 all aware of. When the lot was declared surplus, the City authorized Procurement
486 to list it for sale and collect offers during a certain window of time. The City
487 received one offer, which was for \$50,000 which was accepted by the City. It
488 stated that settlement on Lot 15 shall occur simultaneously with settlement on
489 Lots 1 and 11. Closing had already occurred. On January 10, 2023 speaker
490 received an email, which was the first initial draft of the lot disposition
491 agreement, which was extensive. These are not easy to write, and the notion that
492 it was rushed was beguiled by the point that it began seven years ago. The LOI
493 was accepted at the February 14, 2022 meeting. Critically important was the fact
494 that also on that date also City Council unanimously approved the Capital
495 Improvement Program budget which specified only one item with respect to
496 Capital Improvement projects associated with parking, and that was a new parking
497 garage to be located on portions of Lot 1. It stated it would cost \$10.7 million
498 funded by non-taxable bonds. For non-taxable bonds, the parking garage would
499 have to be used exclusively for public use and there could be no preferential
500 treatment. During the months of negotiation of the LDA, there was a parking
501 facilities agreement identical to the parking facilities agreement the City of
502 Salisbury passed in August 2020 for the Ross. However, Bond Counsel Lindsey
503 Rader contacted speaker in April informing him that because the garage was

504 planned to be funded by non-taxable bonds, there could be no preferential
505 provisions for the developer or its tenants. This type of bonds were repaid or
506 subsidized by user fees. When he received the first draft of the LDA following the
507 Award of Bid on February 14, 2022, he identified the City had accidentally
508 conveyed too much property (which was all of Lot 1 to the developer). That was
509 why we were all here tonight- the property needed to get re-subdivided because
510 each and every one of these discussions has already been had. In fact, at every
511 turn it was unanimously approved by people he loved and respected. He was at a
512 loss right now with all of the money spent to plan and design to get to where we
513 could submit the site plan in 60 days. We held weekly teleconferences between
514 City officials and the developer's architect for the last eight or nine weeks.

515 23. Speaker asked if we couldn't pay for the Fire Department then why were we
516 paying for a parking garage. Two months ago he spoke and said \$300 was too
517 much, and with \$125 he was happy. This was not just one event, it was a
518 multitude of events. With the Fire Department, people knew at the City that they
519 were paying the fees using emergency funds for Covid, but they decided to pay
520 for other projects anyway. We knew we could not afford to provide essential
521 services to City residents, but we're paying for everything else. This is the
522 "something else." A newspaper article says, "Mayor tells citizens we do care."
523 Speaker said he knew they were passionate. There was passion for affordable
524 housing at this table. But this was a newspaper headline about caring but the sub
525 text says, do we actually? The story continues because we need to cash out the
526 City because we were overdrawn. The City is not a business, a not for profit. It is
527 to provide services but if we can't pay for the Fire Department why were we
528 paying for this? It was not fair to cherry pick this argument, but it was also not
529 fair to ask the citizens in six months to cash out the City again when we're paying
530 \$10 million here, \$800,000 there for these sorts of projects.

531 24. Speaker asked if the HORIZON program was anywhere else, and he could not
532 find it nor find any success stories. His taxes just increased on his home. The City
533 was dipping into its reserve funds and asked for clarification that this would not
534 contribute to the tax dollars for Salisbury for twenty years. He and his neighbors
535 always see fire sale prices on real estate speculation that did not benefit anyone
536 but some \$100 million investors from somewhere. Speaker said he was looking
537 for answers. The piece of the pie for Salisbury would not get any bigger off of
538 what he saw here. The developer hoped he would get bigger, and we were all
539 praying that maybe things would get better but we knew the world doesn't work
540 that way. You're taking a gamble for over the next twenty years on something that
541 might or might not happen. Speaker said he was curious and asked to clarify that
542 we just lost a Mayor and had a Mayor Pro Tem right now. He thought that we
543 should wait until a mayor was elected because this did not pass the smell test. The
544 most common comment on Next Door was from voters asking what Council's cut
545 was. Nobody trusted this deal. He asked for someone to point him to a win for the
546 HORIZON program at some point.

547
548 **Administration and Council Comments**
549

550 Mr. Kitzrow said apparently people were not listening to his presentation. When you
551 have a \$1.8 million property that was collection zero tax revenue, it was not worth \$1.8
552 million, but worth the value that someone would pay for it. We sold it for \$250,000 to
553 have a return of \$70 million and 200 jobs. That was a win for the City of Salisbury. As
554 far as a success story for HORIZON, he asked people to look at the 14-story tall building
555 outside. The question of how we pay for the Fire Department versus the public parking-
556 he said earlier that it was non-taxable bonds paid for by the user. The Fire Department is
557 not paid for by the user in that same capacity. He asked the audience to please pay
558 attention to what other people were saying when they attended the meetings.

559
560 Ms. Jackson said she did not appreciate Mr. Sullivan “calling her out” in the meeting.
561 She had the right to rescind whatever she previously voted on. She was going to stand
562 her ground for what she believed and would not change her mind. She told the audience
563 that she appreciated them coming out because their voice mattered and Council wanted
564 and needed to hear from them.

565
566 Ms. Blake asked the public to realize that this Council and prior Councils already
567 approved this. A lot of this had been publicized and it was on the agendas. The only two
568 things she was in bed with were her dogs, and she didn’t personally even know the
569 people. She was not getting any kickback, and asked the public to realize that Council
570 had approved this development for over a decade. She did not know where they were
571 when it was being approved. It was openly talked about and agreed upon, and not one
572 person showed up, emailed or commented on the development. She asked to be mindful
573 that this project was legally passed and things were legally binding. Going forward, if
574 there were concerns with parking, we need to revisit parking downtown with more
575 understanding and education. They still had time between when we said “yes” to the
576 resolution to the time they actually put the shovel in it. There were a lot of comments
577 that could be worked around, but they were in a legally binding contract at this point. To
578 balance everybody’s uproar in the last two weeks to what has been going on for a decade
579 was very difficult. She did not know what the public really wanted. To the Council, it
580 was confusing. The Councils have always said yes because not one person has said “no.”

581
582 Ms. Gregory said she knew they had a call for a success story, and this is going to be
583 news to Mr. Simpson, but her daughter would be renting from him in two months.
584 Because of the Ross, she would be able to move out into her first apartment ever. She
585 graduated from Salisbury University last year and would be living in her own apartment.
586 She was proud of her daughter’s hard work and savings, and was appalled at what
587 Council was being accused. She was also proud of all the work going on Downtown. The
588 Juneteenth celebration was great last weekend and every year it was bigger than the last.
589 She was extremely excited to be a part of the upcoming Pride parade, as well. The events
590 were huge economic boosts for the Downtown businesses.

591
592 Ms. Outten thanked everyone for coming out and providing feedback. She asked for the
593 public to continue showing up because they wanted that feedback. Salisbury was at a
594 pivotal moment and not the only municipality facing this. Our entire nation was facing
595 housing crisis. Contrary to what Mr. Taylor previously mentioned, New York Times just

596 released a study mentioning that Salisbury was one of the top 10 to see a huge influx of
597 remote workers here in the region. We were seeing a flow here into the City of
598 Salisbury.
599

600 Ms. Outten was interrupted by someone in the audience and Ms. Gregory commented
601 that she was disappointed with some folks in the group here, as they were shown all the
602 respect in the world when they spoke.
603

604 Ms. Outten said she was a renter herself and these housing projects were a great
605 opportunity to her for the community. She has always said that they had to find ways to
606 support the residents and that started with housing. More opportunities, affordable or
607 not, were needed. Three years ago she was looking for housing in the area and could not
608 find any. She had to wait seven months before hearing back from a property owner who
609 was able to take her in. She had family here but not everyone had the opportunity to lean
610 on family in tough times. She would have appreciated this type of housing as a young
611 professional moving into the area. We were cultivating so much talent at Salisbury
612 University, UMES and Wor-Wic Community College and when they graduated, there
613 was no housing to keep them here and they move off. Whether we agreed tonight, we
614 were all here tonight because we wanted to see our community thrive.
615

616 President Boda said that from the first time he ran for Council, housing was one of the
617 main things he spoke about. When we talked about Downtown revitalization, it was
618 always about beds and heads. When discussing changing policies such as parking
619 minimums to parking maximums, which end up with building a mall with a parking lot
620 built for Black Friday and Christmas. Density was critical for local businesses and he
621 always was supportive of it. He also reminded everyone to donate blood if healthy
622 enough. There was a shortage. Come out this weekend for the Pride Festival and parade.
623

624 **Adjournment / Convene in Special Meeting**
625

626 With no further business to discuss, President Boda adjourned the Work Session at 7:57
627 p.m. and Council immediately convened in the scheduled Special Meeting.
628

629 _____
630 City Clerk
631

632 _____
633 Council President

1 **CITY OF SALISBURY, MARYLAND**

2
3 **SPECIAL MEETING**

JUNE 20, 2023

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 *Council President Muir W. Boda*

Mayor John R. Heath

8 *Council Vice President April Jackson*

Councilmember Angela M. Blake

9 *Councilmember Michele Gregory*

Councilmember Megan Outten

10
11 **IN ATTENDANCE**

12 *City Administrator Andy Kitzrow, City Clerk Kimberly Nichols, City Attorney Ashley Bosché,*
13 *and interested members of the public*

14 *******

15 *On June 20, 2023 the City Council convened in a Work Session at 4:30 p.m. Upon adjournment*
16 *of the Work Session at 7:57 p.m., Council President Boda called the Special Meeting to order.*

17
18 **ADOPTION OF LEGISLATIVE AGENDA**

19
20 *Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve the Special*
21 *Meeting agenda as presented.*

22
23 **RESOLUTION-** *presented by City Administration Andy Kitzrow*

24
25 **Resolution No. 3263-** *authorizing the Mayor to sign the amended and restated Land Disposition*
26 *Agreement for Lots 1, 11, and 15, to set the terms for the sale and construction on said lots*

27
28 *Mr. Blake moved, Ms. Gregory seconded, and the vote was 4-1 to approve Resolution No. 3263.*
29 *Ms. Jackson voted “nay.”*

30
31 **ADJOURNMENT / CONVENE IN WORK SESSION**

32
33 *With no further business to discuss, the Special Meeting adjourned at 8:03 p.m.*

34
35 _____
36 *City Clerk*

37
38 _____
39 *Council President*

1 CITY OF SALISBURY
2 WORK SESSION
3 JULY 5, 2023
4

5 Public Officials Present
6

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

7
8 In Attendance
9

10 City Administrator Andy Kitzrow, City Clerk Kimberly Nichols, City Attorney Ashley Bosché,
11 and interested members of the public
12 -----

13 On July 5, 2023 the Salisbury City Council convened at 4:30 p.m. in Conference Room
14 306 in the Government Office Building to discuss the Labor Code.
15

16 President Boda announced that normally Council did not allow public comments during
17 Work Sessions and there would be none allowed this evening. The Labor Code had been
18 tabled for further discussion and was now brought back before Council for consideration.
19

20 Ms. Bosché said that what was before Council was the same document discussed in
21 March or April before it was tabled. If changes were to be made, Council needed to hear
22 what they potentially would be and Legal could move forward from there.
23

24 President Boda called on Sabella Ally, AFSCME Organizing Director, who was present
25 on Zoom to discuss suggested changes. Since the reception was spotty, Ms. Ally asked
26 attorney David Wright of Kahn, Smith & Collins, P.A. (present in Room 306) to speak.
27 He said the firm represented IAFF Locals throughout Maryland, Baltimore City,
28 Baltimore County, Anne Arundel, Ocean City's fire fighters, and AFSCME Maryland.
29 They had offered to model things off of different jurisdictions, and the City adopted
30 many of the standard forms, but there were some deviations that concerned the City's
31 labor participants. His goal today was to try to get the labor code in place where
32 everyone was satisfied because it was time to move from the lawmaking stage to the
33 bargaining stage. He shared that the amendments today were focused on the number of
34 things that pulled this into the mainstream the way they felt that needed to happen,
35 having had lots of roundtables with the different stakeholders and looking at different
36 labor codes throughout Maryland.
37

38 Mr. Wright reviewed amendments to the draft code, which are outlined below:
39

- 40 1. *Page 1, there was an effort to drill down on what it meant to be a management*
41 *employee. There was a set definition in the Labor world. The added language*
42 *included having the authority to exercise independent judgement in the interest of*
43 *the employer to hire, transfer, suspend, lay off, promote, discharge, or discipline,*

- 44 *other employees, having the responsibility to adjust a grievance or to recommend*
45 *such an action. (He said this clarity was needed)*
- 46 2. *Lines 96 to 98- adjustment was needed to determine where the line was drawn*
47 *between management employees and non-management. They re-worded it so that*
48 *Fire Department Captains and Police Department Lieutenants would be in the*
49 *unit because they did not make those decisions.*
 - 50 3. *The edit in Lines 196-198 clarified that the City was a workplace that needed a*
51 *reason to end your career and cut your pay as a disciplinary measure. This was*
52 *quite standard and typical in most bargaining agreements and labor codes.*
 - 53 4. *The edit in Lines 232-240 caused much discussion. Collective bargaining covered*
54 *wages, hours, and other terms and conditions of employment. People cared about*
55 *making a living, set hours, pensions, vacations, safety issues, uniforms, the*
56 *grievance process, who was in the unit and who was not, etc. and was more things*
57 *than could be listed. The term “other terms and conditions of employment” was a*
58 *term within the private and public sector and entailed more than what could be*
59 *listed. Health insurance was excluded and did not need negotiating.*
 - 60 5. *Regarding Lines 242-252, Mr. Wright explained the scope of bargaining varied*
61 *with each employee. Firefighters cared about different things from Public Works*
62 *workers and police.*
 - 63 6. *The standard for collective bargaining agreements was for them to go one year.*
64 *Two years or three years was the standard, and this one went one to two years.*
65 *Two years gave stability and three years was even better.*
 - 66 7. *Retroactivity was struck and just happened; things took the time that they took.*
 - 67 8. *Lines 267-269 were about the recognition process. They did not need particular*
68 *timelines for when that happened and he thought they were on track.*
 - 69 9. *Lines 281-289- it was good to have that step of the voluntary recognition process*
70 *carried out by the FNCS, which was a way to get a refund on taxes. They were a*
71 *federally supported labor relations group that did mediations and other things,*
72 *and were neutral and affordable.*
 - 73 10. *Page 3- what the union cared the most about was that there was a process for*
74 *which things could be heard when there was an issue. The more things subject to*
75 *the process the better off they were. The grievance process was a way for the*
76 *employee or union to make a statement and have dispute resolution.*
 - 77 11. *Lines 441-447 were about the interest arbitration process.*
 - 78 12. *Lines 471-472 addressed the language to have interest arbitration to resolve*
79 *when bargaining was not working out.*
 - 80 13. *The typical window for negotiating was to try to make it coincide with the budget*
81 *cycle. It moved the window out from October 1 to January 31st to give it time to*
82 *have those three conversations with the different unions. With the holidays, the*
83 *conversations would take a while.*
 - 84 14. *Lines 160-162 was an odd requirement that stated an employee had to go to their*
85 *manager before going to anyone else.*

86
87 Mr. Wright said, with the amendments and edits, the units would feel very satisfied
88 about how this was coming together.
89

90 President Boda asked about the strike throughs of Lines 232 to 240 of *promotional*
91 *schedules and training*. Mr. Wright said they would be handled under “other conditions
92 of employment.”
93

94 Ms. Bosché said that the City would be comfortable making a lot of the changes. The big
95 items were still other terms and conditions of employment. She asked if they wanted to
96 add any other exclusions to that or keep it as written with the specifics being enumerated
97 subjects. She needed to hear from Council to how it should be drafted. In terms of the
98 duration of the CBA, she advised it be not less than two and not more than three years
99 because of having three units. In matters subject to arbitration, she knew that Ms. Caton
100 had spent a lot of time revising the Employee Handbook and the plan was to keep that
101 separate and out of the CBA. At this point, Administration was not interested in grieving
102 anything that would be involved in the Employee Handbook. In terms of the arbitration
103 itself, Ms. Bosché said that some of the factors in limiting the time to try a case were
104 just to keep down the costs. Administration was also concerned with the timelines for
105 negotiating. There was concern that going through January 31st was still a little late if
106 they ended up in arbitration because of when they began budget meetings in January. She
107 said they would be more comfortable going through December 31st but the two big items
108 Council should consider were 1) what was going to be subject to bargaining, and 2) what
109 would be subject to arbitration. She said that in the arbitration selection, Mr. Wright was
110 interested in one particular federal mediation facilitation services, but she thought the
111 City would want to keep it open to other agencies such as Triple A or JAMS.
112

113 Mayor Heath asked if Mr. Wright could gather the average hours of arbitration for the
114 department he mentioned. He said he had been practicing for thirteen years and had
115 never taken a case to an interest arbitration hearing. It was a rarity and a tool that kept
116 the parties on track but was rarely used.
117

118 Ms. Bosché said that her firm did quite a lot of employment law and represented a
119 number of unions. They had been to arbitration in terms of employee grievances
120 numerous times and with a local municipality they did two arbitrations. They settled on
121 the cusps of having a hearing and the other had a hearing which involved part of the
122 CBA. She agreed it was an effective tool to try and reach an agreement, but she had been
123 involved in a number of arbitrations. Ms. Outten asked how many days the arbitrations
124 involved and Ms. Bosché said they were normally one day.
125

126 When discussing the deadlines, Mr. Wright said that December 31st was not a good
127 deadline as it would ruin holidays and December seemed very rushed. The very first
128 CBA would require more time to work through. President Boda recommended January
129 15th and Mr. Wright said the parties could mutually extend the deadline. **Council**
130 **reached unanimous consensus to the January 15th date.**
131

132 **Council reached unanimous to the term “other terms and conditions of**
133 **employment.”** Mr. Kitzrow said that many people were concerned with retirement
134 because of the way ours was set up and what we should not negotiate. It was not an
135 exclusionary piece, and allowing it to be negotiated may appear good, but could be very

136 cumbersome and problematic at some point dealing with Maryland State Retirement.
137 Employees already vested and part of the retirement system could not have it taken away
138 from them. One of the rules was for Council to understand the financial difficulty they
139 may be in a year from now. Ms. Outten said she appreciated the extra layer of protection
140 in Lines 232-240. Ms. Blake asked if retirement was negotiable, and President Boda
141 answered that it could be negotiated. Ms. Jackson thought this would help recruit and
142 retain good workers in the City. President Boda was comfortable with “other terms and
143 conditions of employment.” He added his only concern was, and he did not know if there
144 was something outside of this that they could do, to potentially protect the employee’s
145 retirement. We did not know who would be here next year or five years down the road.
146 Mr. Kitzrow said that other than changing rules internally there was nothing we could do
147 to guarantee anything beyond the current mayor, Administration and Council because it
148 had to be adopted through the budget.

149
150 In discussing “Duration”, Mr. Kitzrow said that Administration supported making it no
151 fewer than two years and no more than three years. **Council reached unanimous**
152 **consensus to two to three years.**

153
154 In Lines 428, “Matters subject to arbitration,” Mr. Kitzrow said the City spent a lot of
155 time creating the Employee Handbook and were very comfortable with what they put in
156 it. To have it removed from their control was not good. If it was not in the CBA, then it
157 should be kept out, especially if they decided to work “other terms and conditions” into
158 it. He said that Administration recommended keeping it as it was, and possibly the only
159 thing was the Employer’s Exclusive Representative, if it was underlined. Council
160 reached unanimous consensus to not add it.

161
162 Arbitrator’s selection in Lines 441-447. Mr. Kitzrow said it seemed reasonable to
163 Administration to have options on availability if it came down to price points or
164 different things they wanted to do for any reason, and he would not limit us in this
165 scope. Mr. Wright said that the typical thing that he saw was with American Arbitration
166 or one of the other, JAMS was unusual. But if we wanted to have the option to go Triple
167 A or FMCS, it was mostly the same groups of people. Sometimes they gave the option,
168 but he had no strong preference. His concern with options was that someone had to make
169 a call on which one they were going with. He stated that he did not want to fight over
170 that kind of thing. Mr. Kitzrow said that because we were adding more things that were
171 potentially open for arbitration we would like to have the widest selection process.

172
173 Ms. Ally said she agreed with Mr. Wright. She recently was working with FMCS and
174 Triple A and thought they tended to be cheaper and had more reasonable options. Of the
175 two, FMCS was markedly more reasonable in cost and they used them more in their
176 contracts than Triple A, but they both did very good jobs. She indicated she was less
177 familiar with JAMS but heard great things about them. Triple A and FMCS were super
178 solid so even if the City was limiting she would maybe limit one more time, and if
179 limiting based on cost, she would limit to FMCS. Ms. Bosché said they would be where
180 the panel of arbitrators would come from, and from there that was where the selection
181 would come from. Mr. Wright said that JAMS seemed to be lots of retired judges who

182 charged quite a bit. The labor arbitrators were more affordable and familiar with these
183 types of issues. Mr. Kitzrow said that when the City had to go into arbitration, if
184 Administration was deciding they wanted to make sure that the City was working with an
185 arbitration firm they were most comfortable with from an investment standpoint, for
186 instance, they would pick the firm that they felt was most likely able to get them to that.
187 He said he liked options and added that if the City was expanding the scope of what was
188 now potentially for arbitration, he cautioned limiting our ability to navigate that. Mr.
189 Wright discussed the process. **Council reached unanimous consensus to leave the**
190 **section as it was written.**

191
192 Mr. Bosché discussed the time limits and asked if Council wanted to try to limit
193 arbitration to one day as opposed to five days in order to keep costs down. Each side
194 would get four hours. Ms. Outten thought a day felt really short and found in her
195 research that they normally went longer. Ms. Bosché said that she tried bench trials and
196 sometimes the judge had to get down the docket, and it made your case very efficient if
197 you had to get in and get out. Mr. Wright said he never saw a limit on the duration of an
198 arbitration. Ms. Bosché said the City obviously would not want to shortchange itself if
199 we believed it was going to take longer than a day. Ms. Jackson suggested to limit it to
200 two. Mr. Boda said to remember that the City had three unions. **Council reached**
201 **unanimous consensus to limit arbitration to “up to two days, eight hours each.”**

202
203 After discussion, President Boda asked for consensus to move the labor code forward.
204 **Council reached unanimous consensus to advance the legislation to legislative agenda.**
205 First reading would be held on July 31, 2023 and second reading on August 14, 2023.

206 207 Administration and Council Comments

208
209 Mayor Heath extended his deepest sympathy to the victims and families of the senseless
210 shooting that took place last night just outside the City limits. The issues discussed here
211 paled in comparison to the issues in the country.

212
213 Ms. Jackson concurred with Mayor Heath, as she knew the young man who was
214 murdered and several of the other kids. The County and City needed to come together
215 because the children needed things to do and somewhere to go. Something had to be
216 done. These were our children and a 14-year-old died unnecessarily. Parents needed to
217 know where their children were and they needed to be chaperoned by people who cared.

218
219 Ms. Gregory agreed it was tragic and pointless, and could not imagine what the parents
220 were going through. None of us wanted that kind of community.

221
222 Ms. Blake shared she had the same sentiments. She requested that an upcoming work
223 session agenda include an independent engineer to study parking before the shovel hit
224 the gravel. She requested a discussion on the safety of the Bird Scooters and how much
225 money they brought into the City. She asked those healthy enough to donate blood.

226

227 Ms. Outten said that Mayor Heath and Ms. Jackson worded it perfectly. Now more than
228 ever it was time to hold your loved ones close. She knew that the City would rally
229 together as a community. A lot needed to be done to make sure our kids were safe. She
230 said the silver lining today was that the City Council was able to say they represented
231 the employees of the City, and she was proud to be part of it.

232
233 President Boda concurred with everyone’s sentiments and thanked Mayor Heath for his
234 work.

235
236 **Adjournment**

237
238 With no further business to discuss, the Work Session adjourned at 5:41 p.m.

239
240 _____
241 City Clerk

242
243 _____
244 Council President

1 **CITY OF SALISBURY, MARYLAND**

2
3 **REGULAR MEETING**

JULY 10, 2023

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 Council President Muir W. Boda Mayor John R. Heath (Zoom)
8 Council Vice-President April Jackson Councilmember Angela M. Blake
9 Councilmember Megan Outten

10 **ABSENT**

11
12 Councilmember Michele Gregory

13
14 **IN ATTENDANCE**

15
16 City Administrator Andy Kitzrow, Contract Specialist Michael Lowe, Infrastructure and
17 Development Director Rick Baldwin, Chief John Tull, Col. Dave Meienschein, City Attorney
18 Ashley Bosche, Assistant City Clerk Julie English, and members of the public
19 *****

20 **CITY INVOCATION – PLEDGE OF ALLEGIANCE**

21
22 The City Council met in regular session at 6:00 p.m. via Zoom and in person. Council President
23 Muir W. Boda called the meeting to order. After the recital of the pledge to the flag, Pastor Greg
24 Carlson of the Park Seventh-day Adventist Church came forward to provide the City Invocation.

25
26 **PROCLAMATION**

27
28 City Administrator Andy Kitzrow presented the Lt. Richard Kaiser Day proclamation. Mr.
29 Kitzrow acknowledged Lt. Kaiser for his 26 years of dedicated public service to the community.
30 He shared that Kaiser would be remembered for his “meticulous approach in all that he does,
31 reliability, and dedication of service to the citizens of Salisbury and his fellow employees.”

32
33 **ADOPTION OF LEGISLATIVE AGENDA**

34
35 Ms. Jackson moved and Ms. Blake seconded to approve the legislative agenda. The vote was 4-0
36 to approve the legislative agenda.

37
38 **CONSENT AGENDA-** presented by Assistant City Clerk Julie English

39
40 The Consent Agenda, consisting of the following items, was unanimously approved on a motion
41 and second by Ms. Blake and Ms. Jackson, respectively.

- 42
- April 18, 2023 Budget Work Session Minutes
 - April 20, 2023 Budget Work Session Minutes
 - May 1, 2023 Work Session Minutes
 - May 1, 2023 Special Meeting Minutes
 - **Resolution No. 3264-** to approve the appointment of Hemalatha Bhaskaran to the Zoo

Commission for term ending June 2026

- **Resolution No. 3265-** to approve the appointment of Suzanne Peterson to the Human Rights Advisory Committee for term ending June 2025

President Boda asked Ms. Peterson to stand and Council expressed their appreciation for her service.

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AWARD OF BIDS- presented by Contract Specialist Michael Lowe

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

Award of Bids

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

Declaration of Surplus

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

Mr. Boda asked if there had been any consideration to donate the surplus vehicles to Vehicles for Change. Mr. Kitzrow responded that those particular vehicles would be auctioned to receive funds to be used to up fit other vehicles.

ORDINANCES- presented by City Attorney Ashley Bosché

- **Ordinance No. 2811-** 1st reading- approving a budget amendment of the FY2023 forfeited funds fund budget to appropriate funds to purchase a customizable and expandable storage system for the Salisbury Police Department

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2811 for first reading.

- **Ordinance No. 2812-** 1st reading- to amend Chapter 2.16 of the Salisbury City Code, entitled “Fire Department”, for granting the authority to enforce all laws and ordinances of the City of Salisbury and State of Maryland pertaining to fire, to implement fire safety programs, and to issue permits and licenses to the City Fire Marshal

Ms. Jackson moved, Ms. Outten seconded, and the vote was unanimous to approve Ordinance No. 2812 for first reading.

- **Ordinance No. 2813-** 1st reading- to amend Chapter 8.11 of the Salisbury City Code, entitled “The Fire Prevention Code”, granting the authority to issue permits for the installation, modification, or removal from service of any private fire service water mains and their appurtenances, and prescribing penalties for specific violations

83
84 *Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance*
85 *No. 2813 for first reading.*
86

- 87 • **Ordinance No. 2814-** *1st reading- amending Section 17.76.020A. of the Salisbury City Code*
88 *to add Service, Rental and Repair Establishments to the category of uses permitted in the*
89 *Light Industrial Zoning District*
90

91 *Ms. Jackson moved, Ms. Outten seconded, and the vote was unanimous to approve*
92 *Ordinance No. 2814 for first reading.*
93

94 **PUBLIC COMMENTS**
95

96 *In the interest of time, President Boda asked everyone to keep their comments to 4 minutes. He*
97 *would use a timer and when the speaker had 30 seconds left he would tap the gavel to notify*
98 *them. Once the 4 minutes had concluded he would signal by a firm hit of the gavel. The*
99 *following is a synopsis of the comments made by the speakers:*
100

- 101 • *Speaker #1 addressed rumors she had heard that a new apartment building would be going*
102 *up downtown. Her understanding was that a new parking garage would be needed to*
103 *accommodate that addition. She questioned who would be paying for the parking garage.*
104 *Mr. Boda responded to the question by stating the garage would be bonded and the parking*
105 *fees collected by the City would go back into paying for the garage. Speaker also addressed*
106 *her concern regarding the citizens paying for services that the “for profit” projects did not*
107 *have to pay. She wanted to know why the City is putting up buildings like the Ross and*
108 *planning to add a hotel. Finally, she noted the lack of code enforcement on Isabella Street.*
109 • *Speaker #2 asked about future development of Monument Park/Circle. Mr. Kitzrow*
110 *confirmed there were no current plans for development at this time. Speaker echoed the*
111 *code enforcement comment of Speaker #1 with regard to weeds around his neighborhood.*
112 *He mentioned Wicomico High School and the Civic Center recycling area. Mr. Boda*
113 *clarified they were County locations and that we would pass the concerns along to them.*
114 • *Speaker #3 shared she had been a downtown business owner for 5 years. She shared her*
115 *concern with having to go back out while she was working to pay for addition parking time.*
116 *She recommended a yearly subscription, parking packages, or stickers. She clarified that*
117 *she loved the area and would like to keep her business where it is.*
118 • *Speaker #4 addressed the new men’s recovery homes in his neighborhood. He understood*
119 *the occupancy in those homes could be significantly higher than those in a rental property.*
120 *After speaking with the proprietor, he learned that they do not allow sex offenders and they*
121 *do background checks on Maryland residents. He was concerned that individuals coming*
122 *from out of state would not have had the background check done. He believed having lowly*
123 *regulated recovery homes would be problematic. He was told there was no restrictions as to*
124 *how many homes could be turned into recovery homes in a particular area. He would like*
125 *the Council to consider using buildings such as the Ross as recovery homes.*
126 • *Speaker #5 echoed Speaker #4’s concerns. She also shared her concerns about parking. She*
127 *expressed concern, once again, about having the stop lights returned to South Boulevard*

128 *and Camden Avenue. She would like to know why the lights were initially removed. Also, she*
129 *would like follow-up on Mayor Heath’s comment about reinstating the Traffic Committee.*

- 130 • *Speaker #6 referenced the Downtown Master Plan for lot’s 11 and 15. He shared the*
131 *original plans for those lots and what the plans are now. He questioned what the County*
132 *would be paying the City for fire services. Finally, he expressed the desire to further discuss*
133 *the Horizon Program.*

134
135 **ADMINISTRATION AND COUNCIL COMMENTS**

136
137 *Mr. Kitzrow shared that the terms were favorable for the City to continue to provide fire services to*
138 *the County. However, there was not a signed document as of yet. Mr. Kitzrow also spoke to the*
139 *adjustment made to the Master Plan Speaker #6 spoke of. The adjustment was the decision of the*
140 *developer to determine what makes the most sense for the design and developer. He added that the*
141 *City’s Traffic Manager had just returned from active guard duty. There would be a discussion with*
142 *him about the Transportation/Traffic Committee. Finally, Mr. Kitzrow offered the following updates*
143 *on parking:*

- 144
145 • *one hour of free parking through the pay stations on Friday’s through the Summer*
- 146 • *the parking garage would continue to provide 2 hours of free parking through Labor Day*
- 147 • *the on street pay station maximum would be going from 2 hours to 4 hours*
- 148 • *downloading the parking app on your phone allowed you to update your time without*
149 *having to run out to your vehicle*
- 150 • *the City would be contracting with a security company to assist with security in the evenings*
- 151 • *Phase II Master Plan would be coming before Council August 7th*

152
153 *Mayor Heath asked that residents who drove be mindful of children outside playing. He*
154 *acknowledged the increased rain everyone had been experiencing and asked residents to be careful.*
155 *As always, he asked for those able to donate blood. Lastly, he shared his condolences to the families*
156 *affected by the recent mass shootings. He encouraged the public to assist them in any way possible.*
157

158 *Ms. Jackson sent her deepest condolences to the Maddox family. She commented that we were*
159 *losing our kids to death or prison. She shared that she was raising money for her non-profit to take*
160 *the youth on a trip to have fun. Saturday she would also be doing a free Senior Citizens barbeque*
161 *for anyone over 60 years of age.*

162
163 *Ms. Blake pleaded for those healthy enough to donate blood. One pint could save up to 3 lives.*

164
165 *Ms. Outten highlighted the Newton Community Center. She shared that is was a free resource for*
166 *kids to have fun. She also encouraged people to continue to come out to the meetings and share*
167 *their concerns.*

168
169 *Mr. Boda acknowledged that the weather was getting hot so people needed to take regular breaks.*
170

171 **ADJOURNMENT**

172
173 *With nothing further to discuss, the meeting adjourned at 7:10 p.m.*

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
JUNE 20, 2023

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TIME & PLACE: 5:26 p.m., Conference Room 306, Government Office Building
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, Procurement Director Jennifer Miller, Special Counsel Reena Patel, City Clerk Kimberly Nichols

The City Council convened in Work Session at 4:30 p.m. in Conference Room 306 of the Government Office Building and via Zoom Video Conferencing. At 5:26 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. Jackson moved, Ms. Blake seconded, and the vote was unanimous (5-0) to convene in Closed Session.

Reena Patel, the City’s Special Counsel, provided background information and recommendations on how to proceed with the settlement and LDA for Lots 1, 11, and 15. She and City Administrator Andy Kitzrow fielded questions from Council regarding payment, the City’s legal and developer’s responsibility and funding,

No votes were taken or consensus reached as the purpose of the discussion was to provide Council legal advice and answers to their questions and concerns.

At 5:56 p.m. Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous (5-0) to adjourn the Closed Session.

Council immediately reconvened in the Work Session and President Boda reported that Council had met in Closed Session to obtain legal advice on a legal matter from Legal Counsel.

Council continued discussing the resolution to authorize the amended and restated land disposition agreement (LDA) for Lots 1, 11 and 15 and to set the terms for the sale and construction.

City Clerk

Council President



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

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Youth Development Advisory Committee
Date: August 24, 2023

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

<u>Name</u>	<u>Term Ending</u>
Luc Angelot	August 2026

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

Attachments

1 **RESOLUTION NO. 3276**

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

6
7 Name Term Ending
8 Luc Angelot August 2026
9

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

14 ATTEST:

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

Muir W. Boda
PRESIDENT, City Council

21
22
23 APPROVED BY ME THIS
24 _____ day of _____, 2023
25

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



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

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Disability Advisory Committee
Date: August 24, 2023

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

<u>Name</u>	<u>Term Ending</u>
Amy Gonzales	August 2026

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

Attachments

RESOLUTION NO. 3277

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

<u>Name</u>	<u>Term Ending</u>
Amy Gonzales	August 2026

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

ATTEST:

Kimberly R. Nichols
CITY CLERK

Muir W. Boda
PRESIDENT, City Council

APPROVED BY ME THIS

_____ day of _____, 2023

John R. Heath, Acting Mayor



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

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Youth Development Advisory Committee
Date: August 24, 2023

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

<u>Name</u>	<u>Term Ending</u>
Alicia Miller	August 2026

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

Attachments

1 **RESOLUTION NO. 3278**

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

6
7

<u>Name</u>	<u>Term Ending</u>
Alicia Miller	August 2026

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

14 ATTEST:

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18 _____
19 Kimberly R. Nichols
20 CITY CLERK

Muir W. Boda
PRESIDENT, City Council

21
22
23 APPROVED BY ME THIS

24 _____ day of _____, 2023

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



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

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Youth Development Advisory Committee
Date: August 8, 2023

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

<u>Name</u>	<u>Term Ending</u>
Andrea Post	August 2026

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

Attachments

1 **RESOLUTION NO. 3279**

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

6
7 Name Term Ending
8 Andrea Post August 2026
9

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

14 ATTEST:

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18 _____
19 Kimberly R. Nichols
20 CITY CLERK

Muir W. Boda
PRESIDENT, City Council

21
22
23 APPROVED BY ME THIS

24
25 _____ day of _____, 2023

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28 _____
29 John R. Heath, Acting Mayor



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

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the TRUTH Committee
Date: August 24, 2023

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

<u>Name</u>	<u>Term Ending</u>
Joseph Venosa	August 2027

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

Attachments

1 **RESOLUTION NO. 3280**

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

5
6

<u>Name</u>	<u>Term Ending</u>
Joseph Venosa	August 2027

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

13
14 ATTEST:

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17 _____
18 Kimberly R. Nichols
19 CITY CLERK

Muir W. Boda
PRESIDENT, City Council

20
21
22 APPROVED BY ME THIS

23
24 _____ day of _____, 2023

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27 _____
28 John R. Heath, Acting Mayor

INTER

OFFICE

MEMO

Finance Department

To: Andy Kitzrow, City Administrator
From: Keith Cordrey, Director of Finance
Subject: Resolution to appoint Special Council
Date: August 17, 2023

KAC

The City is anticipating requiring the services of a special counsel for labor training and negotiations connected with the adoption of the new labor code. Please find attached a Resolution which, if passed by City Council, will appoint the law firm of Saul Ewing, LLP to serve as special counsel for the City, pursuant to Article IX of the City Charter.

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

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RESOLUTION NO. 3281

**A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND
APPOINTING DAN ALTCHER, ESQUIRE AND THE ATTORNEYS OF
SAUL EWING, LLP AS SPECIAL COUNSEL.**

WHEREAS, Section SC9-1 of the Charter of the City of Salisbury (the “City Charter”) provides in pertinent part: “There shall be a Department of Law headed by the City Solicitor. The City Solicitor and any Assistant City Solicitors, shall be appointed by and serve at the pleasure of the Mayor and a majority of the full Council.”;

WHEREAS, the City of Salisbury is requiring services of a special counsel for labor training and negotiations;

WHEREAS, the Administration, with the approval of the Council, desires to appoint special counsel to advise the City and provide legal representation for and on behalf of the City with respect to issues related to the newly adopted labor code.

NOW, THEREFORE, BE IT RESOLVED, that the Salisbury City Council hereby appoints Dan Altchek, Esquire and the attorneys of Saul Ewing, LLP to serve as special counsel for the City, pursuant to Article IX of the City Charter;

AND, BE IT FURTHER ENACTED AND RESOLVED, by the Salisbury City Council that this Resolution shall take effect immediately upon its passage.

THE ABOVE RESOLUTION was introduced and duly passed at a regular meeting of the Salisbury City Council held on this _____ 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

1 **ORDINANCE NO. 2818**

2
3 **AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO**
4 **APPROPRIATE FUNDS FOR THE RAW WATER LINE NAYLOR MILL PROJECT.**

5
6 **WHEREAS**, in Ordinance 2777 the City of Salisbury appropriated \$1,200,000 for the Raw Water
7 Line Project at Naylor Mill; and

8
9 **WHEREAS**, the City relies on the Raw Water Line to convey ground water from wells to the Paleo
10 Water Treatment Plant; and

11
12 **WHEREAS**, the City relies on this ground water to supply water to City residents for consumption
13 as well as fire protection; and

14
15 **WHEREAS**, the Paleo Water Treatment Plant provides roughly 65% of the City’s water supply;
16 and

17
18 **WHEREAS**, the City has determined an additional appropriation of \$150,000 is necessary to
19 complete the Raw Water Line; and

20
21 **WHEREAS**, the appropriations necessary to execute the appropriation of \$150,000, as provided
22 hereinabove, must be made upon the recommendation of the Mayor and the approval of four-fifths of the
23 Council of the City of Salisbury.

24
25 **NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE**
26 **CITY OF SALISBURY, MARYLAND**, as follows:

27
28 **Section 1.** Mayor John R Heath is hereby authorized to appropriate funds for the Raw Water Line
29 Naylor Mill Project in the amount of \$150,000.

30
31 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
32 **SALISBURY, MARYLAND**, as follows:

33
34 **Section 2.** The City of Salisbury’s Water Sewer Capital Project Fund Budget be and hereby is
35 amended as follows:

Increase Decrease	Account Type	Project Description	Account Description	Account	Amount
Increase	Revenue	Raw Water Line Naylor Mill	PayGO	97030-469313-50048	150,000
Increase	Expense	Raw Water Line Naylor Mill	Construction	97030-513026-50048	150,000

36
37
38 **Section 3.** The City of Salisbury’s FY24 Water Sewer Fund Budget be and hereby is amended as
39 follows:
40

Increase Decrease	Account Type	Project Description	Account Description	Account	Amount
Increase	Expense		Transfer Water Sewer Capital Projects	91002-599108	150,000
Increase	Revenue		Use of Surplus	60100-469810	150,000

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

44
45 **Section 4.** It is the intention of the Mayor and Council of the City of Salisbury that each provision
46 of this Ordinance shall be deemed independent of all other provisions herein.

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

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

54 **Section 7.** This Ordinance shall take effect from and after the date of its final passage.
55

56 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
57 Salisbury held on the _____ day of _____, 2023 and thereafter, a statement of the substance of
58 the Ordinance having been published as required by law, in the meantime, was finally passed by the Council
59 of the City of Salisbury on the _____ day of _____, 2023.
60

61 **ATTEST:**
62
63
64

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

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

67 Approved by me, this _____ day of _____, 2023.
68
69
70

71 _____
John R. Heath, Acting Mayor

1 **ORDINANCE NO. 2819**

2 **AN ORDINANCE OF THE CITY OF SALISBURY TO ACCEPT GRANT FUNDS FROM**
3 **THE MARYLAND DEPARTMENT OF GENERAL SERVICES IN THE AMOUNT OF**
4 **\$250,000 FOR THE DESIGN OF THE ZOO ANDEAN BEAR EXHIBIT.**
5

6 **WHEREAS**, the City of Salisbury (the “City”) applied for a Capital Grant funding opportunity with the
7 Maryland Department of General Services in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00)
8 to be allocated to planning, design, construction, repair, renovation, reconstruction, site improvement and capital
9 equipping of an improved Andean Bear Exhibit at the Salisbury Zoological Park; and

10 **WHEREAS**, the Maryland Department of General Services has awarded the City a Capital Grant in the
11 amount of \$250,000; and

12 **WHEREAS**, per Ordinance No 2760, General Fund monies in the amount of \$250,000 were intended to
13 be used for obtaining an architectural design prior to receiving a fully executed grant agreement. Since then, an
14 approved and fully executed agreement was obtained and thus it eliminates the need to use General Fund monies;
15 and

16 **WHEREAS**, the Department of Infrastructure and Development will ensure that the contract and bids are
17 submitted and approved by the Maryland Department of General Services for RFP 23-106 Andean Bear Exhibit
18 Design contract in accordance with the Maryland Department of General Services’ capital grants process
19 requirements; and

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

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

24 **Section 1.** Mayor Jack R. Heath is hereby authorized to establish a grant account for the Maryland
25 Department of General Services (“DGS”), on behalf of the City of Salisbury, for the City’s acceptance of Capital
26 Grant monies in the amount of \$250,000.

27 **Section 2.** The City of Salisbury’s FY24 General Fund Budget be and hereby is amended as follows:

- 28 1) Increase DGS Revenue Account 10500-426000-29051 by \$250,000.
- 29 2) Increase Engineering/Architectural Expense Account 10500-513020-29051 by \$250,000.

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

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

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

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

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

42 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
43 Salisbury held on the ____ day of _____, 2023 and thereafter, a statement of the substance of the Ordinance

44 having been published as required by law, in the meantime, was finally passed by the Council of the City of
45 Salisbury on the ___ day of _____, 2023.

46

47 **ATTEST:**

48

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50 _____
51 **Kimberly R. Nichols, City Clerk**

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

51

52

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

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57 _____
John R. Heath, Acting Mayor



City of
Salisbury
Jacob R. Day, Mayor

July 31, 2023

TO: Andy Kitzrow
FROM: Colonel David Meienschein
SUBJECT: Ordinance – Budget Amendment

Attached is an ordinance to accept funds from the Blue Heron Agility Association of Delaware in the amount of \$4,000 to be used for the purchase of a K-9 Vest.

I am requesting these funds to be put into our animal supplies account 21021-546010 which will be used to purchase the Police K-9 Bullet Proof Vest.

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

David Meienschein
Acting Chief of Police

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ORDINANCE NO. 2820

AN ORDINANCE OF THE CITY OF SALISBURY TO APPROVE A BUDGET AMENDMENT OF THE FY24 GENERAL FUND BUDGET TO APPROPRIATE FUNDS RECEIVED FROM THE BLUE HERON AGILITY ASSOCIATION OF DELAWARE.

WHEREAS, the Blue Heron Agility Association of Delaware wishes to donate \$4,000.00 to the Salisbury Police Department to be used for the purchase of police K-9 bullet proof vests; and

WHEREAS, this donation will provide a direct benefit to the Salisbury Police Department K-9 program and, accordingly, the Salisbury Police Department desires to accept this donation; and

WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into an agreement 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 donation must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

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

Section 1. The City of Salisbury’s Fiscal Year 2024 General Fund Budget be and hereby is amended as follows:

(a) Increase General Fund Revenue, Donations Other, Acct. No. 01000-456415, by \$4,000.00; and

(b) Increase Police Department, Animal Supplies, Acct. No. 21021-546010, by \$4,000.00.

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

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

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

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

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

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the ____ 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.

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ATTEST:

Kimberly R. Nichols, City Clerk


Muir W. Boda, City Council President

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

John R. Heath, Acting Mayor



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

To: Andy Kitzrow, Acting City Administrator
From: Richard D. Baldwin, Director of Infrastructure and Development 
Date: 8/16/2023
Re: Zoning Code Text Amendments to Sections 17.04.120 and 17.160.030

Mark Cropper of Ayres, Jenkins, Gordy & Almand, P.A., on behalf of TidalHealth, has submitted a request to amend Sections 17.04.120 entitled "Definitions" and 17.160.030 entitled "Uses permitted by special exception." of the Salisbury City Code to include a community clinic in the R-5A zoning district.

The proposed text amendments were reviewed by the City Attorney and received a favorable recommendation from the Planning Commission following a public hearing on June 15, 2023.

The amendments define "clinic – residential" and permit the use by special exception in the R-5A zoning district only. Additionally, the amendments establish use specific requirements to include Planning Commission approval of a comprehensive site plan, parking standards, screening from adjoining residential uses, and signage. The definition prohibits the medical assisted treatments for addiction.

Uses currently permitted by special exception in the R-5A zoning district are care home, church or places of worship, day-care facilities for the elderly and handicapped, and solar farm. An outpatient community clinic as defined in the ordinance is compatible with existing residential and non-residential uses while increasing access to medical care.

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

ATTACHMENTS (2):

1. **ORDINANCE**
2. **PLANNING COMMISSION STAFF REPORT**

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ORDINANCE NO. 2821

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION 17.04.120 OF THE SALISBURY CITY CODE TO INCLUDE A DEFINITION FOR “CLINIC-RESIDENTIAL” AND AMENDING 17.160.030 OF THE SALISBURY CITY CODE TO ADD CLINIC- RESIDENTIAL TO THE CATEGORY OF USES PERMITTED BY SPECIAL EXCEPTION IN THE R-5A ZONING DISTRICT.

WHEREAS, the ongoing application, administration and enforcement of Title 17 (Zoning) of the City of Salisbury Municipal Code (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to keep the provisions of Title 17 current, comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the “**City**”);

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

WHEREAS, the Mayor and Council may amend Title 17 (Zoning) of the Salisbury City Code pursuant to the authority granted by MD Code, Land Use, § 4-102, subject to the provisions set forth in Section 17.228.020;

WHEREAS, the uses permitted inherently and by special exception in the R-5A district currently include care facilities and neighborhood places of assembly such as worship centers with daycare facilities, meeting rooms, and schools of general instruction. The inclusion of community clinics, as defined in Section 17.04.120 would provide an additional, but still substantially similar, use option in the R-5A district;

WHEREAS, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by amending Section 17.160.030 of the Salisbury City Code to permit community clinics in the R-5A zoning district;

WHEREAS, pursuant to Section 17.228.020 of the Salisbury City Code, any amendment to the Salisbury Zoning Code requires the recommendation of the Salisbury Planning and Zoning Commission (the “**Planning Commission**”) prior to the passage of an ordinance amending Chapter 17;

WHEREAS, a public hearing on the proposed amendment was held by the Planning Commission in accordance with the provisions of Section 17.228.020 of the Salisbury City Code on June 15, 2023;

WHEREAS, at the conclusion of its June 15, 2023 meeting, the Planning Commission recommended, by a vote of 6-0, that the amendments to Sections 17.04.120 and 17.160.030 of the Salisbury City Code set forth herein be approved by the Mayor and Council; and

WHEREAS, the Mayor and Council have determined that the amendments to Sections 17.04.120 and 17.160.030 of the Salisbury City Code shall be adopted as set forth herein.

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

Section 1. Section 17.04.120 of the Salisbury City Code, entitled “Definitions” shall be amended as follows:

17.160.120 – Definitions.

The following definitions have been used or considered in the construction of this title and shall be used in its interpretation:

43 ...

44 **“Clinic – Residential” means a place used for the outpatient care, diagnosis and treatment of sick,**
45 **ailing, infirmed and injured persons and those who are in need of medical or surgical attention, but**
46 **who are not provided with board or room nor kept overnight on the premises. Behavioral and mental**
47 **health counseling, community wellness outreach and education may also be provided. Medication**
48 **Assisted Treatment (“MAT”) for addiction is not permitted.**

49 ...

50 **Section 2.** Section 17.160.030 of the Salisbury City Code, entitled “Uses permitted by special exception”
51 shall be amended as follows:

52 **Chapter 17.160 R-5A, R-8A AND R-10A RESIDENTIAL DISTRICTS**

53 **17.160.030 Uses permitted by special exception.**

54 Uses permitted by special exception shall be as follows:

- 55 A. Care home, in accordance with chapter 17.220;
- 56 B. Church and other place of worship on a lot size of less than five acres, in accordance with chapter 17.220,
57 excluding bus storage and maintenance, cemetery, day-care center, school of general instruction and
58 gymnasium as accessory uses;
- 59 C. Church and other place of worship on a minimum lot of five (5) acres, in accordance with chapter 17.220,
60 including an activity building with offices and meeting rooms, cemetery, day-care center, school of general
61 instruction and gymnasium as accessory uses;
- 62 D. Day-care facilities for the elderly and handicapped.
- 63 E. Solar Farm.

64 **F. Clinic – Residential in the R-5A district on a minimum lot of one (1) acre, in accordance with a**
65 **comprehensive site plan, as approved by the Planning Commission, with the following:**

- 66 1. **The requirements for “Medical and dental clinic and office” in 17.196.030 shall be used to**
67 **determine parking space requirements;**
- 68 2. **Screening from adjoining residential uses consisting of a fence six feet in height and a twenty-**
69 **foot-wide landscaped area shall be included on the comprehensive site plan approved by the**
70 **Planning Commission; and**
- 71 3. **A sign plan shall be approved by the Planning Commission in accordance with 17.216.120.**

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

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

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

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

83 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.
84

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

89
90 **ATTEST:**

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

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

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

97
98
99 _____
100 **John R. Heath, Acting Mayor**



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

Meeting of June 15, 2023

Public Hearing - Text Amendment - To amend Title 17,
Zoning, Chapters 17.04.120 entitled "Definitions" and 17.160.030 entitled "Uses permitted by
special exception."

I. CODE REQUIREMENTS:

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

Public notice was provided in accordance with the requirements of 17.04.150.
(Attachment 1)

II. REQUEST:

Mark Cropper, on behalf of TidalHealth, has requested a text amendment to add a community-based clinic to the uses permitted by special exception in the R-5A zoning district (Attachment 1).

A draft of Chapter 17.04.120 and 17.160.030 is shown in Attachment 2 with the proposed amendments bolded and underlined.

III. PLANNING AND ZONING:

Staff conducted research into the proposed use and the potential impacts to residential uses. Following this research, Staff finds that limiting the clinic, as defined in the Attachment 2, to the R-5A is compatible with residential uses and consistent with other permitted non-residential uses by special exception in the district. These uses include



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

schools, churches, and day-care facilities for the elderly and handicapped. Outpatient medical and counseling care, as well as health and wellness outreach, are a natural extension of these existing non-residential uses and will increase access to these services.

The definition prohibits Medical Assisted Treatments for addiction.

The draft amendment has been reviewed by the City Solicitor for legal sufficiency.

IV. STAFF RECOMMENDATION:

The Department of Infrastructure and Development recommends that the Planning Commission forward a **FAVORABLE** recommendation to the Mayor and City Council for the proposed amendments as shown in Attachment 2, based on the findings in the staff report.

**SALISBURY PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING
TEXT AMENDMENT**

In accordance with the provisions of Section 17.228, Amendments and Rezoning, of the Salisbury Municipal Code, the City of Salisbury proposes amendments to the text of Title 17, Zoning, Chapter 17.04.120., entitled “Definitions” and Chapter 17.160., entitled “R-5A, R-8A and R-10A Residential Districts” to include a community clinic.

A PUBLIC HEARING WILL BE HELD ON

Thursday, June 15, 2023, at 1:30 P.M. in the Council Chambers, Room 301, of the Government Office Building, 125 North Division Street, Salisbury, Maryland to hear opponents and proponents, if there be any.

Subsequent to the consideration of this proposal by the Salisbury Planning and Zoning Commission, a recommendation will be made to the Salisbury City Council for its consideration at a Public Hearing.

The Commission reserves the right to close a part of this meeting in accordance with the Annotated Code of Maryland, General Provisions, section 3-305(b).

(FOR FURTHER INFORMATION CALL 410-548-3170)

Charles “Chip” Dashiell, Chairman

Publication Dates: June 1, 2023
 June 8, 2023

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OCEAN CITY, MARYLAND 21842
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M. DEAN JENKINS
JAMES W. ALMAND
WILLIAM E. ESHAM, III
MARK SPENCER CROPPER
BRUCE F. BRIGHT
HEATHER E. STANSBURY
MAUREEN F. L. HOWARTH
RYAN D. BODLEY
VICTORIA O'NEILL
SPENCER AYRES CROPPER

EMAIL ADDRESS:
mcropper@ajgalaw.com

(410) 723-1400
FAX (410) 723-1861

OF COUNSEL
HAROLD B. GORDY, JR.

April 5, 2023

Mr. Brian Soper
City Planner, Infrastructure and Development
City of Salisbury
125 N. Division Street
Salisbury, MD 21801

RE: Text Amendment for TidalHealth, Inc.

Dear Mr. Soper:

As you know, I represent TidalHealth, Inc. ("TidalHealth"), which owns and operates a variety of medical and other health related facilities in Salisbury, Maryland and the surrounding areas. My client wishes to place a community based medical clinic on a parcel of land zoned R-5A located in the City of Salisbury that will provide the following types of services:

- Outpatient diagnostic examinations and treatment;
- Outpatient behavioral and mental health counseling;
- In-house phlebotomy services supporting the on-premises examinations; and
- A community group wellness education center.

The type of clinic desired by TidalHealth is not allowed in the R-5A zoning district of the City of Salisbury without a text amendment permitting it to occur. As such, please accept this letter as a request to amend Chapter 17.160.030 of the Salisbury City Code to include a "community based medical clinic" as a new use permitted by special exception, which will be referred to as Section 17.160.030 (F). Knowing of concerns that may exist with allowing such a clinic in a residentially zoned area, TidalHealth agrees that any approval should include the following conditions:

- A. Minimum lot width 250';
- B. Minimum lot depth 250';
- C. Ratio of total interior floor area to total lot area shall not exceed 0.25;
- D. Maximum lot coverage 80%;

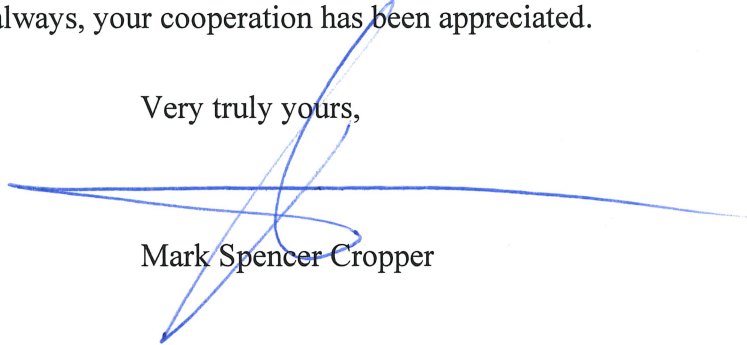
E. Parking shall only be permitted on two sides of the building where determined by the Planning Commission;

F. A landscaped buffer not less than 20' wide shall be located along any property line with existing residential uses; and

G. A privacy fence not less than 6' tall shall be installed along any property line with adjoining residential uses.

Should you have any questions about this letter or proposed text amendment, do not hesitate to give me a call. As always, your cooperation has been appreciated.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Mark Spencer Cropper", is written over the typed name. The signature is stylized and somewhat illegible due to the ink bleed-through and overlapping lines.

Mark Spencer Cropper

cc: Tom Anderson
Jeff Harman

17.04.120 Definitions.

The following definitions have been used or considered in the construction of this title and shall be used in its interpretation:

"Accessory apartment" means a dwelling unit, limited to no more than one bedroom, incorporated within a single-family dwelling or its accessory building. The accessory apartment or the principal dwelling shall be occupied by the owner(s) of the property on which the accessory apartment is located.

"Accessory use" means a use which is customarily incidental and subordinate to a principal use and which is located on the same lot therewith.

"Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

"Adult cabaret" means any bar, dance hall, restaurant, or other place of business which features dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or waiters or waitresses that engage in specified sexual activities or display specified anatomical areas, or any such business establishment, the advertising for, or a sign identifying which, uses the words, "adult," "topless," "nude," "bottomless," or other words of similar import. Any establishment in which employees perform straddle dances is considered an adult cabaret.

"Adult entertainment business" means an adult arcade, adult cabaret, adult motion picture theater, adult photographic and modeling studio, adult retail store, adult theater, sexual encounter center, or any other business establishment whose primary business stock in trade is dependent upon the activities relating to specified sexual activities, specified anatomical areas, private performances or straddle dances. An adult entertainment business does not include a modeling class operated by a proprietary school, licensed by the state of Maryland, a college, junior college, or university supported entirely or partly by taxation, or a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

"Adult motion picture theater" means any commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult photographic and modeling studio" means any commercial establishment which offers or advertises, as its primary business stock in trade, the use of its premises for the purpose of photographing or exhibiting specified sexual activities or specified anatomical areas, or modeling of apparel that exhibits specified anatomical areas, or modeling, demonstrating, or presenting any product or service for sale, in a private performance setting, in which the model or sales representative exhibits specified anatomical areas.

"Adult retail store" means a commercial establishment that offers for sale or rental for any form of consideration a significant amount of any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, that depict or describe specified sexual activities or specified anatomical areas; or
2. Novelty items, games, greeting cards, instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

"Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity, and/or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

"Animal hospital" means facilities for the care and treatment of animals by a qualified veterinarian, completely enclosed within a building.

"Animal shelter" means facilities for the seizure and impounding of all unlicensed or untagged dogs and provision of shelter for lost, strayed or homeless animals.

"Apartment" means a dwelling unit, as defined herein.

"Apartment building" means a single residential structure designed and constructed to contain three or more separate dwelling units, regardless of the internal arrangement of such units or the ownership thereof.

"Apartment, efficiency" means a dwelling unit consisting of not more than one habitable room together with kitchenette and sanitary facilities.

"Apartment project" means a group of two or more apartment buildings constructed in accordance with a comprehensive development plan.

"Bed and breakfast inn" means the renting of not more than three rooms in an owner-occupied dwelling for lodging and serving of breakfast to not more than six casual and transient adult roomers (and the children of those six adults), provided that:

1. The renting of such rooms for such purpose is incidental and subordinate to the principle use of the dwelling;
2. No roomer's stay shall exceed fourteen (14) days in any six month period;
3. All meals and all amenities connected with the guest rooms shall be solely for use by the owner, the owner's family and the owner's registered guests;
4. There shall be only one kitchen and no guest room shall include cooking facilities;
5. The owner shall maintain a guest register, shall preserve all registration records for no less than three years, and shall consent to and thereafter make such records available immediately to the housing official upon request;
6. The owner may display a single exterior sign, as provided for under section 17.216.060, "sign standards"; and
7. The owner has been issued a permit for the use and operation of the owner occupied dwelling as a bed and breakfast inn by the housing official pursuant to the requirements established by ordinance.

"Boardinghouse/rooming house" means a building other than a hotel or restaurant where lodging and/or meals are regularly furnished by prearrangement for which compensation is paid in advance.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Building, accessory" means a building subordinate to, and located on the same lot with, a main building and designed, intended or used as an accessory use.

"Building deficiencies" means any defect, deterioration or need for alteration in the structure or architectural members of a structure, and shall include the following:

1. Defects which, under the housing or building code of the city of Salisbury, would require removal;
2. Deterioration which cannot be corrected by normal maintenance;

-
3. Excessive minor defects which, when taken collectively, cause the building to have a deteriorating or undesirable effect on the surrounding area;
 4. "Inadequate" original construction or subsequent alteration;
 5. Inadequate, unsafe or nonconforming plumbing, heating or electrical facilities.

"Building height" means the vertical distance from the grade to the top of the highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

"Building inspector" means the department of building, permitting and inspections, and the duly designated building official.

"Building supply and lumber yard" means the sale and storage of supplies and materials used in construction or repair of buildings, but not to include stockpiling, storage or sale of sand, gravel, cement or similar materials.

"Business center" means a group of buildings for business use arranged on a parcel of land or on a group of individual lots in accordance with a predetermined development plan.

"Care home" means a facility established to render domiciliary care for eleven (11) or more chronic or convalescent patients, which includes common features and services, including assistance with daily activities. This category includes assisted-living facilities, rest homes, and nursing homes. This category excludes group domiciliary care facilities and group homes, as defined by this chapter.

"Church" means an institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term shall include buildings and all customary accessory activities including but not limited to a chapel, day care center, school of general instruction, gymnasium, or social hall.

"Clinic – Residential" means a place used for the outpatient care, diagnosis and treatment of sick, ailing, infirmed and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises. Behavioral and mental health counseling, community wellness outreach and education may also be provided. Medication Assisted Treatment ("MAT") for addiction is not permitted.

"Club," "lodge" and "fraternal organization" mean a nonprofit organization whose premises are restricted to members or guests, excluding a fraternity or sorority house.

"Cluster development" means a residential development constructed in accordance with a comprehensive development plan, permitting reduction and modification of lot area and size, provided that any reduction in area is retained as open space. Cluster development provides for the grouping of lots and open space in predetermined areas on the tract as an alternative to traditional zoning, while maintaining the established density of development for the district in which the cluster development is located.

"Commercial auction" means the sale of any article or property, excluding animals and farm produce, by auction, conducted entirely within the confines of a building so that noise from within the building does not pass beyond the lot lines, and provided that there is no outside storage of inventory or property to be sold at said auction on the same or contiguous lots.

"Common open space" means open space within the boundaries of a development, designed and set aside for use by all residents or a designated portion of residents of the development under the bylaws of an association.

"Community impact statement" includes the following:

- A. A marketing study related to the type of development proposed; e.g. retail marketing, housing market, transient housing, etc. This study shall include an estimate of existing need and reasonable forecast of future demand for the kind of development proposed. It will be used to determine that extent of

existing facilities of a type similar to that proposed and used to estimate when development may be needed in the community;

- B. An impact study related to the quantity and kind of improvement and service to be provided by the community for the proposed development. This study should include an estimate of revenue to the community from proposed development and an estimate of the cost of improvements and services required to serve the development. The cost of improvements shall include those immediately needed to serve the development and those that may be needed in the future. The impact study related to services and improvements should include, where applicable, but not be limited to services and improvements, such as schools, utilities, including sewage, water mains, and storm drains, streets, traffic signals, police and fire protection, refuse collection and disposal, recreation facilities and any other service to be provided by the city;
- C. An environmental impact statement related to the effect of proposed development on natural drainage channels and streams, natural growth, soils, air and water quality, etc., and a statement related to the effect of the proposed development on the use and development of adjoining property and the general neighborhood. This statement should include such considerations as the effects of noise, dust, odor, traffic, lighting, smoke, erosion, sediment control, flooding, change in natural ground cover, etc.

"Community shopping center" means a shopping center containing between one hundred thousand one (100,001) and three hundred thousand (300,000) square feet in gross floor area.

"Compact concrete dispenser" means a concrete dispenser that does not exceed a mix of twenty-five (25) cubic yards of concrete per hour, and a height of thirty (30) feet.

"Comprehensive development plan" means a comprehensive set of plans, specifications and measures for either private or public development, such as but not limited to townhouse development, apartment project, shopping center or other such development permitted in this code. The development plan shall include:

- A. A preliminary comprehensive development plan, at the option of the applicant, showing the design of the development or project in sketch form drawn to scale prior to preparation of the final comprehensive development plan;
- B. A site plan showing the location of all streets, pedestrian ways, rail lines, utility systems and buildings;
- C. Any restrictions to be included in the sale or lease of land for parking, building locations, property maintenance, sign control and any other protective measures;
- D. A schedule, timetable or proposed phasing for the development of streets, grading, utility installation, rail facilities, docking facilities or other improvements to be provided for the project area and occupants thereof;
- E. A statement of intent to proceed and financial capability of the developer or sponsor;
- F. A community impact statement as defined in this section.

"Comprehensive site plan" means a plan, drawn to scale, which shows the proposed location and dimensions of all roads, vehicular and pedestrian accessways, buildings, building footprints, parking areas, including the type and size of all spaces, open spaces, landscaping, recreation facilities, natural features, drainage ways, fire-fighting facilities, existing zoning, abutting property owners, stormwater management areas, setbacks from all property lines, on-site loading and unloading spaces and recreational facilities, as well as any on-site refuse disposal or recycling areas and facilities or both as may be required by the city together with measures necessary to provide screening in accordance with the requirements of chapter 17.220.

"Construction contractor's equipment, supplies, plant or storage yard" means the storage or keeping of construction equipment, machinery or supplies which are for use by a construction contractor.

"Construction contractor's establishment" means an establishment where a construction contractor conducts his business, including the indoor storage of materials used in the conduct of business.

"Convenience store" means a neighborhood-serving retail sales establishment wherein groceries and other miscellaneous convenience items may be purchased by residents of the neighborhood which it serves.

"Cultivation of land" means the use of land for agricultural purposes limited to raising field crops, horticulture and accessory uses, but excluding animal husbandry.

"Custom repair and service shop" means a shop for the repair and servicing of small appliances, televisions or other household goods, excluding repair and servicing of any type requiring other than pickup trucks and vans for delivery, and excluding repair and servicing of any type of vehicle.

"Day-care center" means any place, however designated, licensed by the appropriate state or county health or welfare agency that, for part or all of a day, or on a twenty-four-hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage except as otherwise provided for in law or regulation.

"Day-care facilities for the elderly and handicapped" means any place, however designated, providing training, guidance, counseling and care for the elderly and handicapped during any part of the day, but not to include rest and nursing homes, convalescent homes, or domiciliary care for chronically ill or convalescents.

"Day-care service" means any type of child care, provided on a full-time, part-time or temporary basis, including a day-care center, which is approved, endorsed or licensed by the appropriate state or county agency.

"Density" means the maximum number of dwelling units which are permitted in a given area.

"Developed open space" means that portion of common open space within the boundaries of a development improved for recreational purposes, such improvements to include but not be limited to areas for passive recreation, parks, bridle paths, play lots and playgrounds and sports facilities, such as tennis and shuffleboard courts, golf courses, boating docks and community buildings.

"Dormitory housing" means a building or group of buildings containing rooms forming habitable units which are used or intended to be used for living and sleeping by persons enrolled or participating in an academic or other institution, but not for cooking or eating purposes.

"Dwelling" means a building or portion thereof used for residential occupancy, including single-family, two-family and three-family, but not including hotel, motel or other accommodations used for transient occupancy.

"Dwelling, duplex" means the same as semidetached dwelling.

Dwelling, Multifamily. See "apartment" and "townhouse" definitions.

"Dwelling, patio" means one building arranged or designed as one dwelling unit to either abut one side lot line, hereinafter called the zero lot line, or be within three feet of a lot line, but no portion of which is to encroach upon any adjoining lot other than provided for in section 17.200.020(A), Note b, and separated from any other building or structure by space on all sides.

"Dwelling, semidetached" means a building arranged or designed to contain two abutting single-family dwelling units, separated from each other by a vertical party wall, and separated from any other building or structure by space on all sides.

"Dwelling, single-family" means a dwelling containing one dwelling unit.

"Dwelling, single-family attached" means a dwelling which is joined to another dwelling at one or more sides by an approved party wall or walls.

"Dwelling, single-family detached" means a dwelling arranged or designed for occupancy for only one family which is not attached to any other dwelling.

"Dwelling, three-family" means a dwelling containing three dwelling units.

"Dwelling, two-family" means a dwelling containing two dwelling units.

"Dwelling unit" means a single unit providing complete independent facilities for occupancy by one family and containing permanent provisions for living, sleeping, eating, cooking and sanitation (bathroom).

"Environmental deficiencies" means those deficiencies which affect the living standards of the persons occupying the premises, and shall include the following:

- A. Overcrowding or improper location of structures on the land which are evidenced through violation of setbacks and/or yard restrictions;
- B. Excessive dwelling density or density that exceeds that permitted in the district;
- C. Obsolete building types (i.e., large residential buildings or other buildings which, through lack of maintenance, have a blighting influence);
- D. Detrimental land use or conditions such as incompatible uses, structures in mixed use not permitted by this chapter or adverse influence from noise, smoke, fumes or traffic;
- E. Unsafe, congested, poorly designed or otherwise deficient streets (i.e., streets not in conformance with current city standards);
- F. Inadequate public utilities or community facilities contributing to unsafe living conditions or economic decline.

"Family" means and includes, subject to the exceptions stated below:

- I. A core consisting of one person living alone or one of the following groups living as a single housekeeping unit:
 - A. Two or more persons who are related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, such as foster children, placed by an agency licensed to operate in Maryland;
 - B. Up to a maximum of four persons who are not so related, hereinafter referred to as "unrelated persons" provided, however, that:
 - 1. a. Any existing lawful occupancy, in any dwelling or dwelling unit, including an apartment, in an R-5, R-8 or R-10 district or in Spring Chase PRD No. 1, the maximum shall be two unrelated persons, not including the children of either of them, after December 16, 2002, subject to the occupancy permitted by subsections (I)(B)(1)(b) and (c) of this section.
 - b. Any existing lawful occupancy, in any dwelling or dwelling unit, including an apartment in an R-5, R-8 or R-10 district, or Spring Chase PRD No. 1, the maximum shall be three unrelated persons, not including the children of either of them, if the dwelling or dwelling unit was occupied by three unrelated persons, during the one year period prior to December 16, 2002. The occupancy may continue as a nonconforming use. In an apartment, the maximum occupancy shall not exceed the number of unrelated persons set forth in subsection (I)(B)(1)(c) of this section.
 - c. Any existing lawful occupancy, in any dwelling or dwelling unit, including an apartment in an R-5, R-8 or R-10 district, or Spring Chase PRD No. 1, the maximum shall be four unrelated persons, not including the children of either of them, if the dwelling or dwelling unit was occupied by four unrelated persons, during the one year period prior to December 16, 2002, and meets the requirements of section 15.24.1600. The occupancy may continue as a

nonconforming use. In an apartment, the maximum occupancy shall not exceed the number of unrelated persons set forth in subsection (l)(B)(2) of this section.

- d. The following lots are exempt from the occupancy restriction set forth in subsection (l)(B)(1)(a) of this section: all dwelling units shown on an approved final comprehensive development plan; and where the total land area shown thereon is subject to a special exception granted by the board of zoning appeals prior to December 23, 2002; and for which the director of building, housing and zoning has determined that the units were proposed and constructed primarily for student housing.

2. In any district other than an R-5, R-8 or R-10 district, in an apartment or any attached dwelling unit, except a townhouse or duplex dwelling, the maximum shall be the following number of unrelated persons not including the children of any of them:

Two - in an efficiency or one bedroom unit;

Three - in a unit having two or more bedrooms; or

Four - in any unit constructed after November 25, 2002 (effective date of Ordinance No. 1864) having two or more bedrooms, if the entire parcel or tract of land on which it is located complies with the off-street parking requirement in effect when it was completed.

All dwelling units shall comply with parking code requirements.

- C. 1. A group of not more than four persons who are approved by the Department of Neighborhood Services and Code Compliance pursuant to section 15.24.1620(1) as a "functional family," and
 2. A group of four or more disabled persons (as defined by the Americans with Disability Act), who are approved by the Department of Neighborhood Services and Code Compliance pursuant to section 15.24.1620(2).
- II. In addition to its core member(s) a family may include:
 - A. One or more persons who provide health care or assisted living services to any core member of the family that are essential to the health, safety or general well-being of such core member, by performing such services at least eight hours each day.
 - B. One or more domestic servants who perform personal or household services at the dwelling or dwelling unit at least eight hours each day.
 - C. In the case of an owner-occupied dwelling unit in an R-5, R-8 or R-10 district, one person who is not a core member of the family, provided that no more than two unrelated persons, not including any permitted provider of health care or assisted living services, may reside in the dwelling.
- III. A "family" may not include or consist in whole or in part of:
 - A. Any society, club, fraternity, sorority, association, lodge, federation, or like organization.
 - B. Occupants of a rooming house or boarding house.
 - C. Persons whose association as a group is temporary or seasonal in nature.
 - D. Persons living in a group arrangement as a result of criminal conduct.
- IV. The "family" definition shall be applied to occupancy in accordance with the requirements of state and federal law.

"Family day-care home" means any dwelling unit either licensed or registered by the appropriate state and/or county health or welfare agency to provide care for no more than eight children separated from their parents or guardians during any part of the day and occupied by the family of the licensee, provided that written consent is obtained from the owner(s) of the unit and owner(s) of any attached dwelling units. Any such consent may be withdrawn after thirty (30) days' written notice by the owner of said unit to the day-care home operator.

"Floodplain" means a relatively flat or low land area adjoining a river, stream or watercourse, which is subject to partial or complete inundation, or any area subject to the unusual and rapid accumulation of runoff of surface waters or from tidal action or from any source, and specifically including those areas subject to the United States Department of Housing and Urban Development, Federal Insurance Administration, Flood Hazard Rate Maps (Flood Hazard Boundary Maps) for the city of Salisbury.

"Floor area, gross" means the floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or other features.

"Fraternity" or "sorority" means a private club maintained exclusively for members affiliated with an academic or professional college or university or other recognized institution of higher learning, wherein members may reside and conduct social activities.

"Gross leasable area" means the total floor area of a building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet and measured from the center line of joining partitions and from outside wall faces. It is all that area on which tenants pay rent.

"Gross tract area" means the area of land within the boundaries or property lines of a proposed development.

"Group domiciliary care facility" means a facility which does not constitute a group home and which provides lodging and residence services in a single dwelling which is occupied by ten or fewer unrelated persons, including support personnel and that provides service and supervision by licensed operators in accordance with federal, state and local laws, regulations and requirements. Residents shall be the elderly or persons protected by reason of handicap or familial status under the Federal Fair Housing Act, as amended, or Maryland housing discrimination statutes. As permitted by 32 U.S.G.S. section 3604(f)(9), the residents of a group domiciliary care facility shall not include any person who, during his term of residence at such facility, commits a violent act or causes substantial physical damage to the property of others, and any such person must be removed from such facility.

"Group home" means a facility providing housing facilities and/or rehabilitation in a single dwelling for not more than ten persons, including support personnel, for persons who need specialized housing, treatment and/or counseling service because of delinquency or criminal rehabilitation, such as a criminal half-way house, current addiction to or illegal use of a controlled substance, or a type of mental illness that involves or has involved behavior related to violent felony crime. Residents are provided service and supervision by licensed operators in accordance with federal, state and local laws, regulations and requirements. Treatment and counseling shall be limited to the residents of the dwelling. The residents of a group home shall not include any person who, during his term of residence at such facility, commits a violent act or causes substantial physical damage to the property of others, and any such person must be removed from such home.

"Hairdresser shop" means a barbershop or beauty shop, or combination thereof.

"Home occupation" means an accessory use conducted entirely within a detached single-family dwelling or its residential accessory building, which is clearly incidental and secondary to the use of the property for residential purposes and which does not change the character thereof, and provided that:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation;

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- B. There shall be no change in the outside residential appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated and mounted flat against the exterior of the building;
 - C. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuation in line voltage outside the dwelling or which creates noise not normally associated with residential uses shall be prohibited;
 - D. No vehicle or pedestrian traffic shall be generated by the home occupation greater than normal for the district in which it is located;
 - E. To the extent that there is any sale of any item related to a home occupation, no delivery of that item to the buyer shall occur on or adjacent to the premises;
 - F. No storage or display of materials, goods, supplies or equipment related to the operation of a home occupation shall be visible from the outside of any structure located on the premises.

"Home office" means an accessory use conducted entirely within a room(s) located in a detached single-family dwelling, provided that:

- A. The dwelling is the bona fide residence of the principal practitioner;
- B. There is no more than one employee or person engaged in or serving the business other than the principal practitioner;
- C. There shall be no change in the outside residential appearance of the dwelling or premises or other visible conduct of such office other than one sign, not exceeding one square foot in area, nonilluminated and mounted flat against the exterior of the dwelling;
- D. There shall be no mechanical or electrical equipment used that will interfere with use of adjoining properties;
- E. There is no outside storage or display of any material visible outside the dwelling;
- F. Parking is provided only between the front building line and the rear lot line;
- G. There is no outside storage of trucks or vans used in conduct of the business.

"Hotel," "motel" or "motor hotel" means an establishment where sleeping accommodations for transient customers are provided.

"Housing for the elderly and handicapped" means a dwelling specifically designed for the needs of the elderly and/or handicapped person or persons and conforming to the requirements of state and/or federal programs providing for housing for the elderly and/or handicapped.

"Housing inspector" means the department of neighborhood services and code compliance and the duly designated housing official.

"Industrial auction" means the sale of animals, farm produce or any article or property by auction, conducted on a lot without regard to whether there may be outside storage of inventory or property to be sold or whether the auction is conducted within a building or in the open.

"Industrial vocational training school" means a public or private school which trains students in industrial skills.

"Junkyard" means any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or unregistered, inoperable motor vehicles, marine equipment and/or vessels or other type of junk.

"Kennel" means any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with the boarding, care or breeding, for which any fee is charged.

"Landscaping" means a combination of grass and shrubs and/or trees and other decorative plantings, materials, statues, fountains and other special features as may be approved by the planning commission.

"Liquor store" or "liquor dispensary" means any establishment or business which keeps for sale or sells liquor in any quantity and delivers the same in a sealed package or container which is not to be opened nor its content consumed on the premises where sold.

"Lot" means land occupied or to be occupied by a building and any building accessory thereto or by a building group and any buildings accessory thereto, with open space and land area required by this chapter, and having its principal frontage on a public street or public way or on a private right-of-way or easement as approved by the planning commission and/or council.

"Lot area" means the total horizontal area included within lot lines.

"Lot, corner" means a lot at the junction of and abutting on two or more intersecting streets.

"Lot coverage" means the percentage of land permitted by this chapter to be covered by a building or buildings.

"Lot depth" means the average horizontal distance between the front lot line and rear lot line for an interior lot. In the case of a corner lot, the lot depth is the greater of the average horizontal distances between the front lot lines and the respective side lot line opposite each.

"Lot frontage" means the side(s) of a lot abutting a street(s); on a corner lot, the shortest side that abuts a street; where sides are of equal length, the side fronting on the street having the longest frontages within the same block.

"Lot, interior" means any lot other than a corner lot.

"Lot lines" means lines bounding a lot as hereinafter described:

- A. "Front" means the line running along the front of a lot and separating it from the street. In a through lot, both lines abutting streets are deemed front lot lines.
- B. "Rear" means the line generally opposite or parallel to the front lot line, except in a through lot. If a rear lot line is less than ten feet long or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line at least ten feet long, lying wholly within the lot parallel to the front lot line, or if the front lot line is curved, parallel to the chord of the arc of said front lot line.
- C. "Side" means any lot line other than a front or a rear lot line.

"Lot of record" means land designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed filed in the land records of Wicomico County.

"Lot, through" means an interior lot fronting on two streets.

"Lot width" means the mean horizontal distance between the side lot lines of a lot measured at the setback/building line.

"Marina" means a facility for the docking, storage, servicing and sale of recreational boats.

"Medical-care facility" means a facility, however designated, providing medical treatment and short-term inpatient care, other than a hospital or medical clinic.

"Mixed-use building" means a building or structure of less than fifteen thousand (15,000) square feet containing two or more different uses.

"Mobile home" means a detached residential unit containing not less than five hundred (500) square feet of gross livable floor area in the original manufactured unit, designed and intended for repeated or periodic transportation in one or more sections on the highway, on a chassis which is permanent or designed to be permanent, and arriving at the site where it is to be occupied, complete and ready for occupancy except for minor and incidental unpacking and assembly of sections, location of jacks or other foundations, connection to utilities and the like. Units commonly known as "double-wides" and any unit classified by an applicable financing or construction standard, including without limitation, the United States Department of Housing and Urban Development Regulations, State of Maryland Department of Economic and Community Development Regulations or state or federal law, as such laws or regulations are in effect as of the date of passage hereof, as a mobile home shall be considered mobile homes. The placing of a mobile home on a permanent foundation or the construction of additions, porches and the like shall not change the classification of such mobile home. Recreational trailers and vehicles and modular homes are not considered as mobile homes.

"Mobile home park" means any lot, parcel or tract of land planned, developed and improved for the placement of three or more mobile homes on a permanent or semi-permanent basis.

"Modular home" means a detached residential unit built to a recognized building code, containing not less than five hundred (500) square feet of gross livable floor area in the original manufactured unit, designed and intended for delivery by transportation on the highway for permanent assembly on a permanent and separately constructed foundation. A modular home may be considered a single-family dwelling. A modular home must meet the requirements and definitions of the Maryland Industrialized Buildings and Mobile Homes Act as in effect as of the date of passage hereof.

"Multi-use facility" means two or more similar or different uses on a lot or parcel that are conducted in physically separate areas and permitted inherently or otherwise in the district in which located, provided that the lot or parcel and improvements thereon satisfy the total parking, lot area and other requirements of the uses; the facility shall not be deemed to be a shopping center if the total floor area of the uses in which the principal activity is on-site retail sales does not exceed one-third of the gross floor area of the entire facility.

"Neighborhood shopping center" means a shopping center not exceeding one hundred thousand (100,000) square feet in gross floor area.

"Net tract area" means the gross project area less the area of land devoted to streets.

"Nonconforming use, structure, lot and dwelling." See chapter 17.16.

"Nudity" or "state of nudity" means the visibility or exposure of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

"Nursery school" means a licensed establishment providing care and an educational program under the jurisdiction of and accredited by the state Board of Education to up through second grade aged children.

"Open space" means the portion of a tract of land within the boundaries of a development not covered by principal and accessory buildings, parking lots, streets and utility structures, except buildings and structures for recreational use.

"Outdoor advertising structure" means any structure which contains a sign, poster, panel, billboard, painted bulletin or any other structure, device, surface or display which advertises or displays any other message related to a business, profession, commodity, service or entertainment or event conducted, sold or offered elsewhere than on the premises where the advertising structure is located.

"Outdoor storage yard" means the keeping or storing, other than in a wholly enclosed building, of goods, items, materials or merchandise, except for scrap materials, debris, or a junkyard.

"Parks" and "playgrounds, public and private" means recreation facilities, such as picnic areas, ballfields, basketball and tennis courts, etc., not operated for profit.

"Pet-grooming shop" means an establishment wherein pets may be bathed, clipped or otherwise groomed, but not to include facilities for overnight care, boarding, breeding or medical treatment.

"Plat" means a sketch, map or survey of a lot(s), tract or parcel of land, indicating lot lines, street rights-of-way and easements, with the dimensions of these features inscribed thereon.

"Principal use" means the principal purpose for which a lot or the main building or structure thereon is used, occupied or maintained.

"Private club" means an association for civic, social, cultural, religious, literary, fraternal, political, recreational, or like activities, which is operated for the benefit of its members and not open to the general public.

"Private performance" means the modeling, posing, or display or exposure of any specified anatomical area by an employee of an adult entertainment business to a person other than another employee, while the person is in an area not accessible during such display to all other persons in the establishment, or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of persons outside the area.

"Public" or "private utility buildings and uses" means facilities and structures owned or maintained by a government, a public or private agency or a public or private utility company for the purpose of and directly necessary for rendering or providing communication, electric, gas, sewer, water or comparable service of a public utility nature, and in fact used in the rendition of such service. Nothing in this title or amendment thereto is intended to limit or restrict the use of property in any zone for poles, mains, pipes, conduits or wires erected and maintained for the transmission and distribution of electric energy over wires for any lawful purpose or gas to customers for such energy or municipal water or sewer services or any equipment or device necessary or incident to such use or uses.

"Public utility operation center" means facilities, structures and any or all uses directly relating to the operation and maintenance of a public utility:

- A. Including, but not limited to:
 - 1. Operating utility system controls;
 - 2. Business offices and associated accessory uses;
 - 3. Indoor and outdoor repair, maintenance and/or storage of motor vehicles and utility construction and maintenance equipment; and associated storage of fuels, lubricants, coolants and fluids and substances, not for sale to the public;
 - 4. Indoor and outdoor assembly, repair, maintenance, testing and storage of utility system components, equipment, tools and supplies; and;
 - 5. Staging area for contractors constructing, repairing, and/or maintaining the utility system;
 - 6. And may include a solar farm.

"Recreational establishment, indoor" means billiard parlor, bowling alley, skating rink, tennis or racquetball center, automatic amusement device center, swimming pool, convention hall and other similar indoor recreational uses.

"Recreational establishment, outdoor" means miniature golf course, amusement park, private zoo, kiddieland ride, driving range, sports stadium, arena and other similar outdoor recreational uses.

"Recreational vehicle" means any type of vehicle, whether self-propelled, vehicle-mounted or vehicle-pulled, used for camping or recreational purposes, including but not limited to pickup campers, motor homes, tent campers and travel trailers.

"Regional shopping center" means a shopping center containing more than three hundred thousand (300,000) square feet in gross floor area.

"Restaurant" means any establishment of which the principal business is the sale of food and of which the principal method of operation is to serve food ordered from a menu to seated customers at a table, booth or counter inside the establishment. However a snack bar or refreshment stand at a public or nonprofit community swimming pool, playground or park, operated solely for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

"Restaurant, fast-food" means any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can readily be eaten outside the premises where it is sold and where facilities for on-premises consumption of food are insufficient for the volume of food sold.

"Restaurant, fast-food cafeteria" means any establishment where ready-to-eat food is available upon a short waiting time and served to customers on a tray through a cafeteria line for consumption at a table, booth or counter inside the establishment.

"Restaurant, fast-food carry-out" means any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can readily be eaten away from the premises where it is sold and where there are no facilities for on-premises consumption of food.

"Restaurant, fast-food drive-in" means any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can readily be eaten outside the premises and whose principal method of operation is to serve food to customers in motor vehicles.

"Resubdivision" means a subdivision which has been altered by changing of a line, bearing or other measurement and which is subsequently platted and recorded in a legal manner.

"Retail establishment" means a structure containing one retail use or several uses under one ownership in one structure or within one unit of a structure from which merchandise is sold to the general public including the rendering of services incidental to the sale of such merchandise.

"Satellite simulcast betting facility" includes any place where pari-mutuel betting occurs on any race that is simulcast from any type of sending track by either thoroughbred or harness racing or any other type of human, animal or vehicle racing; or on any other type of sporting event. This definition also includes any place known as an off-track betting (OTB) facility. No such facility shall be allowed in any city zoning district.

"School of general instruction" means a public, parochial or private school or college providing regular instruction at least five days a week (except for holidays) for a normal school year, but not including a school of special instruction, a nursery school, unless conducted as part of a school of general instruction, or a riding school.

"School of special instruction" means a school primarily devoted to giving instruction in vocational, professional, commercial, musical, dramatic, artistic, linguistic, scientific, religious or other special subjects, but not including a nursery school, or a riding school.

"Screening" means landscaping, berms or fencing, or any combination thereof, designed to obstruct view of a particular use.

"Self storage" means a facility used for the purpose of renting or leasing secure, interior, individual storage space. This may include rooms, compartments, and lockers in which individuals store and remove their own goods,

records, and personal property on a self-service basis. This definition does not preclude such self storage from inclusion within other use categories (i.e. warehousing).

"Setback/building line" means a line parallel to the front lot line beyond which no principal building or structure is permitted to extend.

"Sexual conduct" means any and all acts or conduct which include, involve, or which display, exhibit, or simulate the following:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
2. The touching, caressing, and/or fondling of the breast, buttocks, anus, or genitals; or
3. The displaying of the breasts, buttocks, pubic hair, anus, vulva or genitals.

"Sexual encounter center" means a commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity.

"Shopping center" means two or more commercial establishments either in one structure or in two or more separate structures built on one parcel of land that is planned and developed as an operating unit related in location, size and type of shops to the trade area that the center is designed to serve; it provides common on-site parking access and other amenities in definite relationship to the type and total size of the center.

- A. "Neighborhood" means a shopping center not exceeding thirty thousand (30,000) square feet in gross floor area.
- B. "Community" or "Regional" means a shopping center exceeding thirty thousand (30,000) square feet in gross floor area.

Sign. See chapter 17.216.

"Significant amount" means the following:

1. At least fifteen (15) percent of the stock in the establishment or on display consists of adult entertainment or material;
2. At least fifteen (15) percent of the area used for the display or storage of merchandise on the floor, walls, or vertical display area of the cabinets, shelves or racks which rise from the floor (or any combination thereof which is at least fifteen (15) percent of the area used for display or storage) is used for the display or storage of adult entertainment or material or houses or contains devices depicting, describing, or relating to adult entertainment or material; or
3. At least fifteen (15) percent of the gross revenue is, or may reasonably be expected to be, derived from the provision of adult entertainment or material.

"Site plan" means a detailed plan of development showing the arrangement of any building(s) in relation to parking, streets, entrances, exits, open space and adjoining properties, with all information relevant to size of area, number of parking spaces and square footage of buildings, etc., inscribed thereon in addition to any other pertinent information as may be required by a specific section of this code.

"Solar farm" means a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of use by the owner and/or wholesale and/or retail sales of said electricity.

"Special exception" means a land use authorized by the board of zoning appeals pursuant to the provisions of this title and subject to standards and conditions set forth for such use. It is a use which has been legislatively predetermined to be conditionally compatible with uses permitted as of right in a particular zoning district, the conditions being that the board of zoning appeals must, in each case, decide under the standards set forth in chapter 17.232 whether the presumptive compatibility in fact exists.

"Specialty shop" means a shop for the sale of antiques/collectibles or handicraft and supplies, including artwork, leatherwork, pottery, needlework or similar items which may be made on the premises.

"Specified anatomical areas" means the following:

1. Less than completely or opaquely covered:
 - a. Human genitals or pubic region;
 - b. Entire cleft of the male or female buttocks. Attire which is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, and thongs;
 - c. That portion of the human female breast below a point immediately above the top of the areola; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" means the following:

1. Human genitals in a state of sexual stimulation or arousal or tumescence;
2. Acts of anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia or zoerasty;
3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast; or
4. Excretory functions as part of, or in connection with, any of the activities set forth in subsections (1) through (3) of this definition.

"Straddle dance" means the following:

1. The use by an employee of an adult entertainment business of any part of his or her body to directly or indirectly touch the genital or pubic area of a person, excluding another employee, while at the adult entertainment business, in exchange for a tip, donation, gratuity, or other thing of value, regardless of whether the employee is displaying or exposing any specified anatomical area; or
2. The straddling of the legs of an employee of an adult entertainment business over any part of the body of a person, excluding another employee, regardless of whether there is any touching.

A straddle dance is also known as a "lap dance," "table dance," or "face dance."

"Street" means a public thoroughfare, however designated, maintained by the city of Salisbury, state of Maryland or Wicomico County, which affords the principal means of access to abutting property and which is hereafter developed according to the regulations for the city of Salisbury, or a public way, private right-of-way or easement as approved by either the planning commission or city council.

"Structure" means that which is built or constructed.

"Studio" means an establishment wherein music, photography, dancing, sculpting or other artistic instructions may be given.

"Subdivision" means a lot, parcel or tract of land which has been legally subdivided, platted and recorded in the land records of Wicomico County.

"Townhouse" means a single-family dwelling forming one of no fewer than three attached single-family dwellings with property lines and party walls separating such units and which are separated from any other building or structure by space on all other sides.

"Transient" means on a one-day or a day-to-day basis.

"Travel trailer" means a portable vehicular structure not over eight feet wide or thirty-five (35) feet in length, designed as a temporary living unit for travel, recreational and vacation uses. It is designed solely for short-term occupancy and for travel purposes.

"Truck terminal" means a building or area where trucks, including tractors or trailer units, are parked, stored or serviced, which may also include areas, buildings or structures for the transfer, loading or unloading or storage of a wide array of goods and materials of various types and sizes.

"Utility substation" means a station subordinate to a public or private utility building or use for the provision of services through areas which cannot be serviced by the facilities of the main building or use.

"Variance" means a modification only of the required density, bulk or area requirements set forth in this title where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of any action taken by the applicant, a literal enforcement of the title would result in unnecessary hardship.

"Warehouse" means a building or structure used for the inside storage of goods and materials.

"Warehousing" means facilities or structures operated for the storage of prefinished goods and materials, with not more than two bays to be used for maintenance within the same building where goods or materials are stored.

"Width of street" means the mean of the distance between the right-of-way lines of a street between two intersecting streets.

"Yard" means an open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied except for projections and specific minor uses or structures allowed in such open space under the provisions of the zoning ordinance.

"Yard, front" means a yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building.

"Yard, interior side" means a side yard located immediately adjacent to another lot or to an alley separating such side from another lot.

"Yard, rear" means a yard extending the full width of the lot on which a building is located and situated between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

"Yard, side" means a yard on the same lot as a building situated between the side lot line and a line parallel thereto and passing through the nearest point of a building and extending from the front yard to the rear.

(Ord. 2048 § 1, 2008; Ord. 1976 (part) 2005; Ord. 1957, 2005; Ord. 1953, 2005; Ord. 1941, 2005; Ord. 1895, 2004; Ord. 1881, 2003; Ord. 1868, 2002; Ord. 1864, 2002; Ord. 1809 § 1, 2001; Ord. 1786 § 1, 2000; Ord. 1752 § 1, 2000; Ord. 1660, 1997; Ord. 1612 (part), 1995; Ord. 1599 §§ 4 (part), 12 (part), 1995; Ord. 1567, 1993; prior code § 150-17)

(Ord. No. 2089, 10-26-2009; Ord. No. 2296, 7-14-2014; Ord. No. 2310, 1-26-2015; Ord. No. 2320, 4-27-2015; Ord. No. 2339, 7-13-2015; Ord. No. 2379, 3-14-2016; Ord. No. 2410, 1-9-2017; Ord. No. 2433, §§ 1, 2, 9-25-2017; Ord. No. 2501, 9-10-2018)

Chapter 17.160 R-5A, R-8A AND R-10A RESIDENTIAL DISTRICTS

17.160.010 Purpose.

- A. The purpose of the R-5A, R-8A and R-10A residential districts is to recognize those areas of the city that have developed or are suitable for development with apartments or townhouses and to provide additional areas where they may be developed at densities compatible to existing or future residential development within or adjoining the districts.

These districts are located in areas which are presently served or which can be served by existing municipal public utilities of water, sanitary sewer and storm drains and which contain the services and amenities necessary for concentrations of population and traffic normally associated with apartment and townhouse development.

- B. Uses permitted in these districts include the uses in the R-5, R-8 and R-10 districts while providing for additional housing uses to meet the varied housing needs of the community. In accordance with this purpose, the following uses, standards and area regulations are established.

(Prior code § 150-27)

17.160.020 Permitted uses.

Permitted uses shall be as follows:

- A. Apartment building or project, in accordance with chapter 17.168;
- B. Cluster development, in accordance with chapter 17.176;
- C. Cultivation of land;
- D. Dwellings.
 - 1. Patio dwelling, in accordance with chapter 17.200,
 - 2. Semidetached, in accordance with chapter 17.208,
 - 3. Single-family detached,
 - 4. Two-family dwelling on a lot with a minimum of nine thousand (9,000) square feet of land area in an R-5A district; eleven thousand seven hundred (11,700) square feet of land in an R-8A district; and fifteen thousand (15,000) square feet of land in an R-10A district. All parking required for any two-family dwelling shall be in the rear yard three feet from all adjoining property lines;
- E. Firehouse;
- F. Park and playground, public and private, in accordance with chapter 17.220;
- G. School of general instruction, in accordance with chapter 17.220;
- H. Townhouse, in accordance with chapter 17.224;
- I. Group domiciliary care facilities.

(Ord. 1786 § 13 (part), 2000; Prior code § 150-28)

17.160.030 Uses permitted by special exception.

Uses permitted by special exception shall be as follows:

- A. Care home, in accordance with chapter 17.220;
- B. Church and other place of worship on a lot size of less than five acres, in accordance with chapter 17.220, excluding bus storage and maintenance, cemetery, day-care center, school of general instruction and gymnasium as accessory uses;
- C. Church and other place of worship on a minimum lot of five (5) acres, in accordance with chapter 17.220, including an activity building with offices and meeting rooms, cemetery, day-care center, school of general instruction and gymnasium as accessory uses;
- D. Day-care facilities for the elderly and handicapped.
- E. Solar Farm.
- F. Clinic – Residential in the R-5A district on a minimum lot of one (1) acre, in accordance with a comprehensive site plan, as approved by the Planning Commission, with the following:**
 - 1. Medical and dental clinic and office in 17.196.030 shall be used to determine parking space requirements,**
 - 2. Screening from adjoining residential uses shall consist of a fence six feet in height and a twenty-foot-wide landscaped area shall be included on the comprehensive site plan approved by the Planning Commission, and**
 - 3. A sign plan shall be approved by the Planning Commission, in accordance with 17.216.120.**

(Ord. 1786 § 13 (part), 2000; Prior code § 150-29)

(Ord. No. 2410, 1-9-2017)

17.160.040 Uses permitted by ordinance permit.

Uses permitted by ordinance permit by the city council shall be as follows:

- A. Day-care center or nursery school, in accordance with chapter 17.220;
- B. Utility substation, in accordance with chapter 17.220.

(Prior code § 150-30)

17.160.050 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Cloister or clerical housing on the same lot with a church or other place of worship, meeting lot area and/or standards required for each individual use;
- B. Home occupation;
- C. Home office;
- D. Family day-care home;

- E. Office within an apartment or townhouse project solely for the purpose of ongoing management and rental or a temporary sales office in conjunction with model units until all units in the project have been sold;
- F. Private garages and other accessory uses normally associated with residential use, such as but not limited to detached home workshop, swimming pool, cabana, greenhouse, private studio and boathouse, all of which shall be incidental to the use of the property as a residence;
- G. Rental of guest rooms to not more than two roomers in a single-family detached dwelling on a minimum lot of five thousand (5,000) square feet which is occupied by a family related by blood, marriage or adoption, provided that one (1) additional parking space for each roomer shall be provided in the rear yard;
- H. Storage of recreational vehicles and boats on residential lots, limited to two in any combination, in back of the front building setback line, where such recreation vehicles and boats are for the use and enjoyment of the resident thereon;
- I. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use.

(Prior code § 150-31)

17.160.060 Development standards.

Development standards for the R-5A, R-8A and R-10A residential districts shall be as follows:

- A. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum requirements:

- 1. All lots except for two-family dwellings:

District	Lot Area (square feet)	Interior Lot Width (feet)	Corner Lot Width (feet)
R-5A	5,000	50	65
R-8A	8,000	60	75
R-10A	10,000	70	85

- 2. Lots for two-family dwellings:

District	Lot Area (square feet)	Interior Lot Width (feet)	Corner Lot Width (feet)
R-5A	9,000	60	75
R-8A	11,700	70	85
R-10A	15,000	80	95

- B. Minimum yard and setback requirements shall be as follows:

- 1. Front: twenty-five (25) feet;
- 2. Rear: thirty (30) feet;
- 3. Side: ten feet each; two required.

- C. Height Limitations.

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1. The height limitation for principal buildings and structures shall be forty (40) feet.
 2. The height limitation for accessory buildings and structures shall not exceed twenty (20) feet in height.
- D. Parking shall be provided in accordance with chapter 17.196.
1. No motor vehicle, whether operable or inoperable, shall be parked in the front yard of any residence unless the same shall be positioned in a driveway or designated parking area with continuous access to a public street.
 2. No outside storage of trucks or vans used in the conduct of business shall be permitted.
- E. No more than one principal use shall be permitted on an individual lot.
- F. Accessory Buildings and Structures.
1. No part of any accessory building or structure shall be located closer than five feet to a front and side property line. On a corner lot, no accessory building shall be located closer than twenty-five (25) feet to a lot line of an abutting street.
 2. No accessory building or structure shall occupy more than fifty (50) percent of the required rear or side yard area.
 3. Swimming pools may be constructed in the rear yard or in a side or front yard on a corner lot, no closer than twenty-five (25) feet to any curblineline or property line if no curblineline exists; provided, that the combined total coverage of a swimming pool and all accessory buildings or structures, including those allowed to project into yards, shall not occupy more than seventy-five (75) percent of the required rear or side yard.
- G. Signs. All signs shall be in accordance with the provisions of chapter 17.216.
- H. Landscaping or Screening.
1. Either landscaping or screening shall be provided for all uses in accordance with the provisions of chapter 17.220;
 2. In addition to the requirements of chapter 17.220, all areas not devoted to building or required parking areas shall be landscaped as defined in section 17.04.120 and maintained in accordance with section 17.220.080.
- I. Related Requirements.
1. The provisions of chapter 17.04, Article IV, where applicable, shall apply to all uses and structures relative to vision at intersections, height exceptions, yard exceptions, fences and walls, airport height limitations and historic or religious monuments, markers or shrines.
 2. Projections into yards may be allowed in accordance with the provisions of chapter 17.04, section 17.04.230.

(Ord. 1952 (part), 2005; Ord. 1774 (part), 2000; Ord. 1720 (part), 1999; Ord. 1599 § 16 (part), 1995; prior code § 150-32)



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

To: Andy Kitzrow, City Administrator
From: Richard D. Baldwin, Director of Infrastructure and Development
Date: July 21, 2023
Re: Ordinance to convert Calvert St from US 13 Business to Poplar Hill Ave to one-way traffic

Salisbury Department of Infrastructure and Development requests consideration to convert a block of Calvert St to one-way westbound traffic from US 13 to a point 300' west.

This configuration will increase safety at US 13 Business by eliminating a common cause of crashes in the area, improve operations at the intersection and allow the City to convert underutilized space to new on-street parking. Although the left turn from Calvert St onto US 13 Business is currently prohibited, it is frequently conducted illicitly causing continued risk to travelers on US 13 Business. This further modification will allow the City to ensure that the movement is nearly impossible to make, increasing safety.

To accommodate parking lot access for both the State's Attorney Office and Lot 10, the City will continue to allow two-way traffic up to those accesses just east of Poplar Hill Ave, and signage, striping and concrete delineation will be utilized to ensure that this new pattern is respected and known.

The Department of Infrastructure and Development recommends approval of the attached ordinance to increase traffic safety..

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

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

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John R. Heath, Acting Mayor

INTER

OFFICE

MEMO

Finance Department

To: Andy Kitzrow, City Administrator
From: Keith Cordrey, Director of Finance
Subject: Budget Ordinance – Legal Services
Date: August 15, 2023

KAC

The City is anticipating requiring the services of a special counsel for labor training and negotiations connected with the adoption of the new labor code. Please find attached an ordinance that appropriates \$50,000 for these services.

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

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ORDINANCE NO. 2823

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY2024 GENERAL FUND BUDGET TO APPROPRIATE ADDITIONAL FUNDS REQUIRED FOR LEGAL SERVICES.

WHEREAS, the City of Salisbury is requiring services of a special counsel for labor training and negotiations; and

WHEREAS, the City of Salisbury has determined an additional \$50,000 will be required for these services; and

WHEREAS, the appropriations necessary to execute the appropriation of \$50,000 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 is hereby authorized to appropriate funds for special counsel services in the amount of \$50,000.

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

Section 2. The City of Salisbury’s FY24 General Fund Budget be and hereby is amended as follows:

Increase (decrease)	Account Type	Account	Description	Amount
Increase	Revenue	01000-469810	Current Year Surplus	\$50,000
Increase	Expenditure	17000-513302	Other City Attorney	\$50,000

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

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

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

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

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

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

48 of the Ordinance having been published as required by law, in the meantime, was finally passed by the
49 Council of the City of Salisbury on the _____ day of _____, 2023.

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51 **ATTEST:**

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

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

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

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John R. Heath, Acting Mayor