



**SALISBURY CITY COUNCIL
WORK SESSION AGENDA**

AUGUST 7, 2023

Government Office Building, Conference Room 306 and Zoom Video Conferencing

- 4:30 p.m. Resolution to authorize the submission of an application to the Maryland Department of Commerce for the re-designation of a Regional Institutional Strategic Enterprise Zone- Business Development Director, Laura Soper
- 4:35 p.m. Budget amendment to appropriate funds for the Raw Water Line Naylor Mill Project- Infrastructure & Development Director, Rick Baldwin
- 4:40 p.m. Budget amendment 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- Infrastructure & Development Director, Rick Baldwin
- 4:45 p.m. Recovery/group homes- Council Discussion
- 5:00 p.m. Plastic bags- Council Discussion
- 5:10 p.m. Bird scooters- Council Discussion
- 5:20 p.m. Administration and Council Comments
- 5:30 p.m. Adjournment / Motion to convene in Closed Session in accordance with the Annotated Code of Maryland §3-305(b)(14).

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 3-305(b).*

Join Zoom Meeting
<https://us02web.zoom.us/j/88163253286?pwd=K3RtZUhUMHNucDRPU2IHbnROQzZVUT09>
Meeting ID: 881 6325 3286
Passcode: 812389
Phone: 1.301.715.8592



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

To: Laura Soper
From: City Administration
Subject: RISE Zone re-designation
Date: 7/31/23

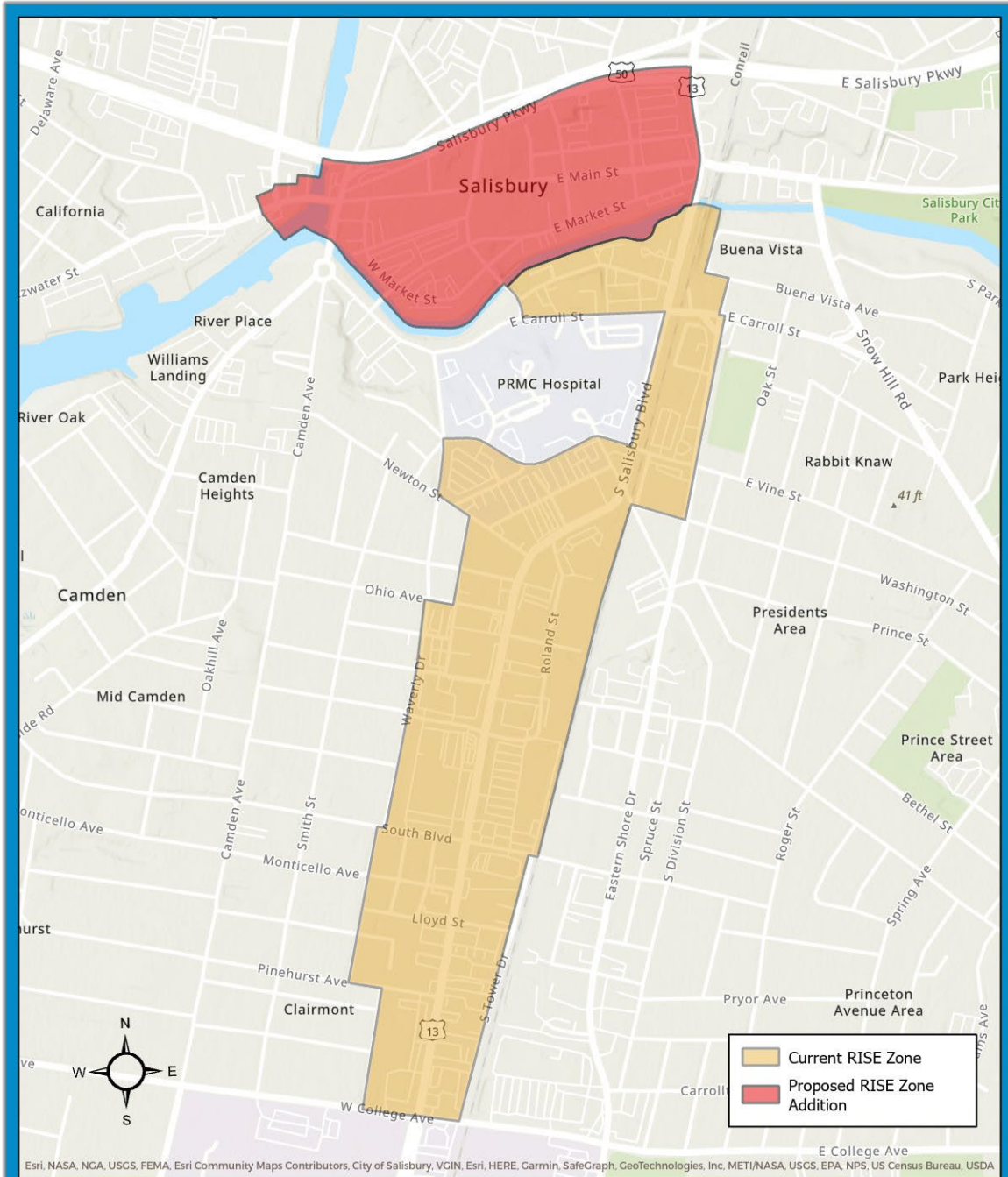
Included is a Resolution to re-designate the City's RISE Zone. The RISE Zone is a Maryland Department of Commerce designation that allows qualified institutions and governments to tap into financial incentives to attract businesses and create jobs. In 2018, the City partnered with Salisbury University to designate a 130 acre RISE Zone. At that time, the program was designed to offer property and state income tax credits similar to the Enterprise Zone. Recently, the Department of Commerce overhauled this legislation and created the opportunity to capitalize a Rental Assistance Program and provide an Enhanced Investor Tax Credit for Qualified Maryland Technology Companies or Qualified Maryland Biotechnology Companies.

The Zone that is being proposed encompasses the stretch of Route 13 from Salisbury University up to, and including the Downtown, a total of 191.52 acres. With the addition of the Downtown, the City could create a Rental Assistance Program towards business sectors that it would like to target in the Zone.



City of Salisbury

John "Jack" R. Heath, Mayor



Proposed RISE Zone

Salisbury, Maryland

Date : 5/12/2023
PCS: MD83F
Scale: 1:10,000

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RESOLUTION NO.

**A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND
AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE
MARYLAND DEPARTMENT OF COMMERCE FOR THE RE-
DESIGNATION OF A REGIONAL INSTITUTIONAL STRATEGIC
ENTERPRISE ZONE**

WHEREAS, the Maryland General Assembly has established a Regional Institution Strategic Enterprise Zone (“RISE Zone”) Program to (i) access institutional assets that have a strong and demonstrated history of commitment to economic development and revitalization in the communities in which they are located and (ii) provide certain benefits to eligible projects developed in those areas; and

WHEREAS, under the RISE Zone Program, a qualified institution, political subdivision, county and/or a municipality may establish its own program to provide rental assistance to a business that moves into or locates in a RISE Zone on or after the date of the RISE Zone designation, has a nexus with a qualified institution located the RISE Zone, and has been in active business no longer than 7 years (such a business is eligible for rental assistance for up to three years); and

WHEREAS, additionally, under the RISE Zone Program, a qualified investor may be eligible for an enhanced income tax credit equal to 50% of the investment made to a Qualified Maryland Biotechnology Company (QMBC) under the Biotechnology Incentive Investment Tax Credit Program or eligible for an enhanced income tax credit equal to 50% of the investment made to a Qualified Maryland Technology Company (QMTC) under the Maryland Innovation Investment Incentive Investment Tax Credit Program; and

WHEREAS, Salisbury University is an institutional asset to our community and, as such, the City of Salisbury believes it meets the definition of “Qualified Institution” under the RISE Zone Program; and

WHEREAS, the City of Salisbury in the past has joined with Salisbury University to submit an application to the Maryland Department of Commerce to have Salisbury University recognized as a Qualified Institution and to set boundaries designating a RISE Zone, both of which requests were approved; and

WHEREAS, the RISE Zone Program has changed substantially since this first designation of boundaries, and the changes to the RISE Zone Program necessitate a corresponding change to the boundaries and location of the RISE Zone, so as to allow for the realization of maximum benefits thereunder; and

WHEREAS, the City of Salisbury wishes to again join with Salisbury University in the submission of an application to the Maryland Department of Commerce to re-designate the attached map area as a RISE Zone.

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

Section 1. The City of Salisbury:

(1) supports the designation of the Salisbury University as a “Qualified Institution” under the State’s Regional Institution Strategic Enterprise Zone (“RISE Zone”) Program;

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(2) approves the submission of an application to re-designate the attached map area as a RISE Zone, and authorizes and directs the appropriate City officials to join with Salisbury University in executing and submitting the application to the Maryland Department of Commerce;

(3) acknowledges and approves that, on re-designation of the RISE Zone, the City may establish a program to provide rental assistance to a business that moves into or locates in a RISE Zone on or after the date of the RISE Zone designation, has nexus with a Qualified Institution located the RISE Zone, and has been in active business no longer than 7 years (such a business is eligible for rental assistance for up to three years); and

(4) acknowledges and approves that, on re-designation of the RISE Zone, a qualified investor may be eligible for an enhanced income tax credit equal to 50% of the investment made to a Qualified Maryland Biotechnology Company (QMBC) under the Biotechnology Incentive Investment Tax Credit Program or eligible for an enhanced income tax credit equal to 50% of the investment made to a Qualified Maryland Technology Company (QMTC) under the Maryland Innovation Investment Incentive Investment Tax Credit Program.

BE IT FURTHER RESOLVED 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 Resolution 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 Resolution shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Resolution shall remain and shall be deemed valid and enforceable.

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

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

THIS RESOLUTION was introduced and duly passed at a Meeting of the Mayor and Council of the City of Salisbury held on the ____ day of _____, 2023 and is to become effective immediately.

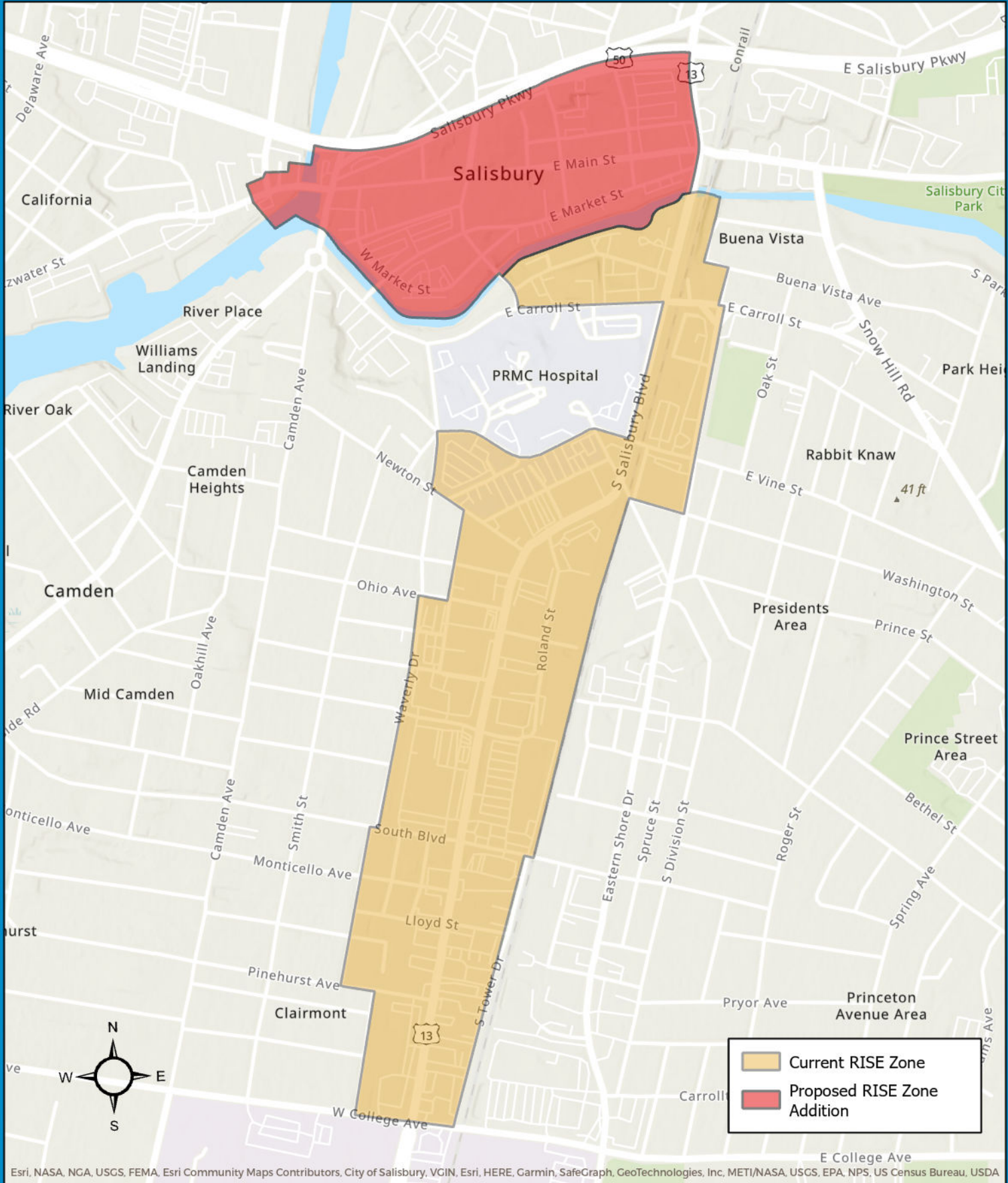
ATTEST:

Kimberly R. Nichols, City Clerk

Muir W. Boda, City Council President

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

John R. Heath, Acting Mayor



Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, City of Salisbury, VGIN, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



Proposed RISE Zone

Salisbury, Maryland

Date : 5/12/2023
 PCS: MD83F
 Scale: 1:10,000



City of
Salisbury
Jacob R. Day, Mayor

To: Andy Kitzrow, City Administrator
From: Richard D. Baldwin, Acting Director of Infrastructure & Development
Date: July 26, 2023
Re: Budget Amendment – Paleo Raw Water Line at Naylor Mill (North Prong Crossing)

The Department of Infrastructure and Development is requesting approval of a budget amendment in the amount of \$150,000.00 to continue with construction of the new raw water line connecting existing Paleo Well #1 and the new Paleo Well #3 currently under construction to the water treatment plant on Scenic Drive.

The Department of Infrastructure and Development is requesting \$150,000.00 to complete the construction of the new raw water line. The source of funds requested are from the Water & Sewer Capital Projects Fund. Funds not used in the completion of this construction will be returned to the Capital Projects and Revolving funds.

ORDINANCE NO. _____

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

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

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

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

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

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

WHEREAS, the appropriations necessary to execute the appropriation of \$150,000, 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. Mayor John R Heath is hereby authorized to appropriate funds for the Raw Water Line Naylor Mill Project in the amount of \$150,000.

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

Section 2. The City of Salisbury’s Water Sewer Capital Project Fund Budget be and hereby is 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

Section 3. The City of Salisbury’s FY24 Water Sewer Fund Budget be and hereby is amended as follows:

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

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

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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.
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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.
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61 **ATTEST:**
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66 **Kimberly R. Nichols, City Clerk**

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

67 Approved by me, this _____ day of _____, 2023.
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John R. Heath, Acting Mayor



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

To: Andy Kitzrow, City Administrator
From: Richard D. Baldwin, Director of Infrastructure and Development
Date: July 27, 2023
Re: Maryland Department of General Services Capital Funding Grant for Andean Bear Exhibit

The Maryland Department of General Services has awarded the City of Salisbury a \$250,000 Capital Funding Grant that can be used for planning, design, construction, repair, renovation, reconstruction, site improvement and capital equipment for the Andean Bear Exhibit at the Salisbury Zoological Park.

The intent is to use these funds for design of the Andean Bear Exhibit for which the City has retained the Epsten Group, Inc. who has prior experience in design of an Andean Bear Exhibit in conformance with the standards of the Association of Zoos and Aquariums.

Attached are a draft ordinance to accept these grants pending approval of the Maryland Department of General Services that RFP 23-106 Andean Bear Exhibit Design contract is in accordance with the Maryland Department of General Services' capital grants process requirements.

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

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.

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47 **ATTEST:**

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

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

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

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John R. Heath, Acting Mayor

ORDINANCE NO. 2756

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

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

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

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

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

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

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

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

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

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

Chapter 5.69 - Plastic Bags

5.69.010 - Definitions:

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

“Excluded organization” means:

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

“Food Service Facility” means:

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

“Food Service Facility” does not include:

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

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

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

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

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

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

5.69.020 – Prohibition on providing plastic carryout bags

- A. On or after June 30, 2023, a retail establishment may not provide a plastic carryout bag to a customer.**
- B. On or after June 30, 2023, a retail establishment shall charge, collect, and retain at least 10 cents for each paper carryout bag and reusable carryout bag that it provides to a customer.**
- C. A retail establishment may not advertise, hold out, or state to the public or to a customer, directly or indirectly, that reimbursement of any part of the money collected under this section will be assumed or absorbed by the retail establishment or refunded to the customer.**
- D. A retail establishment shall indicate on the consumer transaction receipt the number of paper and reusable carryout bags provided by the retail establishment and the total amount of money charged.**

5.69.030 – Penalties

- A. Subject to the provisions of 5.69.030(D), a retail establishment found in violation of this section shall be guilty of a municipal infraction and shall be subject to a fine not to exceed \$500.00.**
- B. The provision of one or more plastic carryout bags at a single point of sale is a single violation.**
- C. The failure to charge the fees required under 5.69.020(B) for the provision of one or more paper or reusable carryout bags at a single point of sale is a single violation.**
- D. A penalty may not be imposed under this section unless a retail establishment is first issued a written notice of violation.**
- E. Each instance that the retail establishment commits a violation constitutes a separate offense.**

5.69.040 – Enforcement

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

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

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

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

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

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

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 14th day of November, 2022 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 28th day of November, 2022.

ATTEST:



Kimberly R. Nichols, City Clerk



John R. Heath, City Council President

Approved by me, this 6th day of December, 2022.



Jacob R. Day, Mayor