



CITY OF SALISBURY CITY COUNCIL AGENDA

SEPTEMBER 11, 2023

6:00 p.m.

Salisbury Headquarters at 115 S. Division Street and Zoom Video Conferencing

Times shown for agenda items are estimates only.

- 6:00 p.m. CALL TO ORDER
- 6:01 p.m. WELCOME/PLEDGE
- 6:03 p.m. INVOCATION- Pastor Greg Carlson, Park Seventh-day Adventist Church
- 6:04 p.m. MOMENT OF REFLECTION- Mayor John "Jack" R. Heath
- Salisbury Fire Headquarters
- 6:09 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:10 p.m. CONSENT AGENDA- City Clerk Kimberly Nichols
- July 17, 2023 Work Session Minutes
 - July 31, 2023 Special Meeting Minutes
 - August 7, 2023 Work Session Minutes
 - **Resolution No. 3282**- to approve the appointment of Chelsye Phillips-Hutton to the Zoo Commission for term ending September 2027
- 6:20 p.m. RESOLUTION- City Administrator Andy Kitzrow
- **Resolution No. 3283**- to establish a Public Art Committee
- 6:24 p.m. ORDINANCES- City Attorney Ashley Bosché
- **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
 - **Ordinance No. 2824**- 1st reading- approving a budget amendment of the FY2024 General Fund Budget to appropriate funds to the Department of Field Operations Budget for increased overtime
 - **Ordinance No. 2825**- 1st reading- to authorize the Mayor to enter into a contract with the Maryland State Arts Council for the purpose of accepting grant funds in the amount of \$17,846 and to approve a budget amendment to the Grant Fund to

appropriate these funds to be used for eligible expenses associated with a Public Art Fund for the Arts & Entertainment District

- **Ordinance No. 2826**- 1st reading- approving a budget amendment of the FY2024 General Fund Budget to appropriate additional funds required for a Downtown Ambassador Program
- **Ordinance No. 2827**- 1st reading- amending Chapter 5.69 of the Salisbury City Code to include exclusions from the Paper Carryout Bag Fee

6:35 p.m. PUBLIC COMMENTS

6:40 p.m. ADMINISTRATION and COUNCIL COMMENTS

6:45 p.m. ADJOURNMENT

Copies of the agenda items are available for review in the City Clerk's Office – 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 25, 2023

- **Ordinance No.2824**- 2nd reading- approving a budget amendment of the FY2024 General Fund Budget to appropriate funds to the Department of Field Operations Budget for increased overtime
- **Ordinance No.2825**- 2nd reading- to authorize the Mayor to enter into a contract with the Maryland State Arts Council for the purpose of accepting grant funds in the amount of \$17,846 and to approve a budget amendment to the Grant Fund to appropriate these funds to be used for eligible expenses associated with a Public Art Fund for the Arts & Entertainment District
- **Ordinance No. 2826**- 2nd reading- approving a budget amendment of the FY2024 General Fund Budget to appropriate additional funds required for a Downtown Ambassador Program
- **Ordinance No. 2827**- 2nd reading- amending Chapter 5.69 of the Salisbury City Code to include exclusions from the Paper Carryout Bag Fee

Join Zoom Meeting

<https://us02web.zoom.us/j/88163253286?pwd=K3RtZUhUMHNucDRPU2lHbnROQzZVUT09>

Meeting ID: 881 6325 3286

Passcode: 812389

Phone: 1.301.715.8592

CITY OF SALISBURY
WORK SESSION
JULY 17, 2023

Public Officials Present

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

In Attendance

Assistant City Administrator Tom Stevenson, Information Services (IS) Director Bill Garrett, Arts, Business & Culture Department (ABCD) Director Allen Swiger, ABCD Events & Culture Manager Caroline O'Hare, Transportation Manager Will White, Department of Infrastructure and Development (DID) Director Rick Baldwin, City Planner Brian Soper, Fire Chief John Tull, City Clerk Kimberly Nichols, City Attorney Ashley Bosché and interested members of the public

On July 17, 2023 the Salisbury City Council convened at 4:30 p.m. in Council Chambers, Room 301 in the Government Office Building. The following is a synopsis of the items discussed in Work Session.

DIG Grant Acceptance for Anne Street Village Resident Training

IS Director Bill Garrett informed Council that the City applied for a grant in Resolution No. 2801 for the fiber internet and WIFI for the Anne Street Village facility. The grant was approved twice for two different grants. The larger grant would be used to get additional years of service out of the project and permission was received from the State to change the scope of the grant to allow the City to instead use the money to provide computer technology and office tech training for jobs to the residents. An agreement was made with Wor-Wic Community College and the residents would be taken to Wor-Wic for training in all manner of different technology and office productivity. They would also receive job services to find better employment. He discussed the training opportunities available to the residents of Anne Street Village in order to increase their employment options.

Council agreed this was a great opportunity and reached unanimous consensus to advance the legislation to legislative agenda.

Maryland Folk Festival sponsorship

Arts, Business & Culture Department Director Allen Swiger and Events and Culture Manager Caroline O'Hare joined Council. Mr. Swiger indicated ABCD had been working diligently to prepare for the MD Folk Festival, particularly since the National Folk Festival. A significant partnership they wanted to maintain was their work with the Maryland State Arts Council and specifically towards their support to the Maryland Life

44 Traditions Area. The City was very fortunate that they were going to continue to support
45 the City with a \$150,000 sponsorship for this year. He requested the City accept the
46 sponsorship and move forward with the legislation. Ms. O'Hare said that the City was
47 rolling out artist announcements for the next three weeks and then would push for their
48 volunteers again. Anyone interested in volunteering could go to MDFolkFest.com and
49 click on volunteer to find out how to help the festival.

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

52
53 **Budget amendment to purchase portable radios**

54
55 Fire Chief John Tull presented the budget ordinance prepared by Finance Director Keith
56 Cordrey. It cancelled a previous appropriation of \$805,000 for the Computer Aided
57 Dispatch Project that was part of the FY24 Bond Proceeds and reallocated \$185,000 in a
58 PayGo account. He said that \$145,000 of the PayGo money would be reallocated for the
59 Fire Department to allow them to continue their purchase of portable radios and the
60 remaining \$40,000 would go back into General Surplus.

61
62 President Boda asked if the Computer Aided Dispatch Project was cancelled, and Chief
63 Tull said he thought it was shelved.

64
65 Council reached unanimous consensus to advance the budget amendment to legislative
66 agenda.

67
68 **Vision Zero presentation**

69
70 Transportation Manager Will White explained that the resolution that established Vision
71 Zero as a City policy required Council receive a report by June 30th of each year. The
72 report was submitted but was just now being presented due to scheduling difficulties. He
73 noted Alex McRae was present in the audience. He was a representative from BPAC who
74 was very instrumental in the project. The Vision Zero Action Plan, Year 3 has been
75 attached as part of the minutes.

76
77 After presenting the Action Plan, Ms. Outten remarked that the State was seeing an
78 uptick in crashes, and asked for the cause. Mr. White said there were many theories and
79 no one knew for sure, but the most likely explanations was most of it was COVID
80 because people may have become more reckless during COVID or with less congestion
81 people may have been travelling faster. Before COVID people were walking and biking
82 more nationally, and cars were getting heavier. As cars got bigger and heavier they more
83 likely caused more bodily injury.

84
85 Ms. Outten said she appreciated the level of work done on this for the past few years.
86 Ms. Blake said the City could never compromise on safety and thought the City was
87 doing a great job. She could not wait for Carroll Street to get its full design so that
88 people could see and understand how it would look. Ms. Jackson said they had to make
89 sure everyone was as safe as possible. There were aggressive drivers who flew through

90 their communities. Mr. White said that a perfect to Ms. Jackson’s corollary was on West
91 Road where DID recently completed the protective bike lane. The project was re-
92 prioritized after a fatal crash in 2020 in which an individual was killed by a car crash. If
93 the bike lanes had been installed, the individual would have likely still been alive.

94
95 Ms. Gregory asked about whether the five-point intersection of Truitt and Main would
96 have a circle installed. Mr. White said the feasibility study was almost ready to begin for
97 the roundabout at that location.

98
99 Ms. Outten asked how they were working on communicating this to the community. Mr.
100 White said every project had a specific website and they were looking to push the info
101 out more with a social media campaign that would reach more people.

102
103 **Administration and Council Comments**
104
105 Mayor Heath congratulated Information Services Director Bill Garrett for the grant.
106 Anne Street Village was not traditional, permanent housing. This would give tools to the
107 residents to get a job quicker and move through to give room to people still homeless.
108 This was a prime example of what the project was supposed to do. He said he
109 appreciated Mr. White’s comments. Part of the City’s problem was partial projects
110 uncompleted. Under this direction, DID was tasked with not starting new projects until
111 current projects were finished. The goals and priorities of those would be handled in
112 order. He indicated Carroll Street was Number 1 and Waverly was Number 2, or vice-
113 versa. They would be completed first and begin other projects in order of priority based
114 on statistics.

115
116 Mr. Kitzrow said that Salisbury was doing what the State and Federal Governments
117 wanted to see happen, and he looked forward to seeing the projects moved forward.

118
119 Mayor Heath also appealed for blood donations, as the area was extremely low. He
120 thanked Field Operations on their hard work during the rain.

121
122 Ms. Outten said that she and Ms. Jackson attended the Community Prayer Vigil Peace
123 Walk at the Wesley Temple United Methodist Church. It was a wonderful experience to
124 see such a strong turnout. We had to keep our kids safe and continue the conversations.

125
126 Ms. Blake asked for bag ban ordinance to be reposted on the City’s Facebook page. She
127 was inundated by the public regarding the ten cents and clarified the City was not
128 collecting money and it was not a tax. She asked that the Vision Zero plan be placed on
129 the page as many people asked her about the traffic calming. She requested Bird
130 Scooters be placed on the agenda for discussion and also asked those healthy enough to
131 donate blood and become an organ donor.

132
133 Ms. Jackson said she had a very busy, exciting weekend. Her Senior Citizen Cookout
134 was a success with over 200 seniors attending. The Prayer Vigil last evening was great
135 but the work needed to continue. Resources and programs must be implemented for our

136 families and children. She was starting a program through the Salisbury Advisory
137 Council for Youth Activities- Stand up and Speak out and was looking for a building and
138 donations for field trips for the youth. She was planning a field trip to Killen's Pond.
139 There would be educational trips throughout the year. Anyone wishing to donate towards
140 the cause could call her at 410-726-8478. The land at 617 W Isabella was donated by the
141 family of former Council member Gretchen Shockley. She wanted to know if part of that
142 land would be used for a memorial for Ms. Shockley, who was our very first African
143 American on City Council. The City owed her that tribute with a memorial garden and
144 plaque in her honor. She was still waiting to hear from Field Operations.

145
146 Ms. Gregory announced the Wicomico County Health Department was hosting a food
147 pantry drive for July through the Wicomico Partnerships for Families and Children.

148
149 Ms. Jackson said she noticed a lot of the parks were closed in the community. They have
150 become havens for trouble. She asked the County to open them up again. She
151 remembered playground directors were summertime school teachers. She asked the City
152 and County to work together and open up our parks and playgrounds again.

153
154 **Adjournment / Convene in Closed Session**

155
156 With no further business to discuss, at 5:10 p.m. President Boda called for a motion to
157 convene in Closed Session to consult with legal counsel to obtain legal advice on a legal
158 matter and to consult with staff, consultants and other individuals about pending or
159 potential litigation (an annexation) under the authority of the Maryland Open Meetings
160 Law, Annotated Code of Maryland General Provisions Article 3-305(b)(7)(8).

161
162 Ms. Jackson moved, Ms. Outten seconded and the vote was unanimous to convene in
163 Closed Session. The Open Session was immediately closed.

164
165 **Adjourn Closed Session / Convene in Open Session / Adjournment**

166
167 At 5:55 p.m. Ms. Jackson moved to adjourn the Closed Session. Ms. Blake seconded,
168 and the vote was unanimous.

169
170 Council convened at 6:00 p.m. in Open Session whereby President Boda reported that
171 Council had met in Closed Session and received annexation updates and obtained legal
172 advice from Counsel on pending or potential litigation.

173
174 With no further business to discuss, the Open Session was adjourned.

175
176 _____
177 City Clerk

178
179 _____
180 Council President

CITY OF SALISBURY, MARYLAND

SPECIAL MEETING

JULY 31, 2023

PUBLIC OFFICIALS PRESENT

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

IN ATTENDANCE

City Administrator Andy Kitzrow, Wicomico County Executive Julie Giordano, Fire Chief John Tull, Information Services Director Bill Garrett, Acting Police Chief Dave Meienschein, Executive Administrative Assistant Jessie Turner, Media Specialist Jordan Ray, Human Resources (HR) Director Meg Caton, HR Specialist- Benefits Melissa Becker, City Attorney Ashley Bosché, City Clerk Kimberly Nichols, and interested members of the public

The City Council convened in a Special Meeting at 6:00 p.m.in Council Chambers of the Government Office Building. President Boda called the meeting to order, and after the recital of the pledge to the flag, called for a moment of silent meditation. He noted that the agenda at the bottom erroneously called for a Work Session, but no work session was scheduled this evening.

ADOPTION OF LEGISLATIVE AGENDA

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

CONSENT AGENDA- *City Clerk Kimberly Nichols*

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

- May 1, 2023 Budget Work Session Minutes*
- May 8, 2023 Council Meeting Minutes*
- May 15, 2023 Budget Work Session Minutes*
- May 15, 2023 Special Meeting Minutes*
- May 15, 2023 Work Session Minutes*
- May 22, 2023 Council Meeting Minutes*
- June 5, 2023 Special Meeting Minutes #1*
- June 5, 2023 Work Session Minutes*
- June 5, 2023 Special Meeting Minutes #2*
- June 12, 2023 Council Meeting Minutes*

RESOLUTIONS- *City Administrator Andy Kitzrow*

- 48 • **Resolution No. 3266**- accepting a sponsorship of one hundred fifty thousand dollars
49 (\$150,000.00) from the Maryland Department of Commerce to operate the Maryland
50 Folklife Traditions area within the 2023 Maryland Folk Festival

51
52 Ms. Blake moved, Ms. Outten seconded, and the vote was unanimous to approve
53 Resolution No. 3266.

- 54
55 • **Resolution No. 3267**- making a Declaration Of Official Intent regarding City of
56 Salisbury's reasonable expectation to reimburse from proceeds of a future borrowing
57 project expenditures made in connection with nine separate projects generally identified
58 as: Apparatus Replacement - Rescue 16; Johnson Pond Dam Improvements; Restore
59 Park Well Field; Restore Paleo Well Field; WWTP Electric Upgrades; Park Well Field
60 Raw Water Main & Valve RPLC; Glen Avenue Lift Station; WWTP Outfall Inspection
61 and Repairs; and Southside Pump Station Force Main

62
63 Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve
64 Resolution No. 3267.

65
66 **ORDINANCE**- presented by City Attorney Ashley Bosché

- 67
68 • **Ordinance No. 2811**- 2nd reading- approving a budget amendment of the FY2023
69 forfeited funds fund budget to appropriate funds to purchase a customizable and
70 expandable storage system for the Salisbury Police Department

71
72 Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve
73 Ordinance No. 2811 for second reading.

- 74
75 • **Ordinance No. 2812**- 2nd reading- to amend Chapter 2.16 of the Salisbury City Code,
76 entitled "Fire Department", for granting the authority to enforce all laws and ordinances
77 of the City of Salisbury and State of Maryland pertaining to fire, to implement fire safety
78 programs, and to issue permits and licenses to the City Fire Marshal

79
80 Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve
81 Ordinance No. 2812 for second reading.

- 82
83 • **Ordinance No. 2813**- 2nd reading- to amend Chapter 8.11 of the Salisbury City Code,
84 entitled "The Fire Prevention Code", granting the authority to issue permits for the
85 installation, modification, or removal from service of any private fire service water mains
86 and their appurtenances, and prescribing penalties for specific violations

87
88 Ms. Gregory moved, Ms. Blake seconded, and the vote was unanimous to approve
89 Ordinance No. 2813 for second reading.

- 90
91 • **Ordinance No. 2815**- 1st reading- authorizing the mayor to defund the computer aided
92 dispatch project and to appropriate funds for the purchase of portable radios

93

94 Ms. Jackson moved, Ms. Outten seconded, and the vote was unanimous to approve
95 Ordinance No. 2815 for first reading.

- 96
- 97 • **Ordinance No. 2816**- 1st reading- to authorize the mayor to enter into a contract with the
98 Maryland Department of Housing and Community Development (DHCD) for the purpose
99 of accepting funds from the digital inclusion grant in the amount of \$18,400 for the Anne
100 Street Village Resident Technology Education Project

101

102 Ms. Gregory moved, Ms. Outten seconded, and the vote was unanimous to approve
103 Ordinance No. 2816 for first reading.

- 104
- 105 • **Ordinance No. 2817**- 1st reading – to amend the Salisbury City Code to add Chapter
106 2.25 entitled “Labor Code” in furtherance of Charter Amendment Resolution 2022-4,
107 which authorized collective bargaining for certain employees of the city

108

109 Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve
110 Ordinance No. 2817 for first reading.

111

112 **PUBLIC COMMENTS**

113

114 The following comments were received from five members of the public:

- 115
- 116 • The speaker lost his business to a fire and moved into the City. He would not charge the
117 ten cents per bag. There were kids on 4-wheelers and motorcycles, and he was run off the
118 road and suffered damage to his truck. He tried calling the City Police but could not
119 reach them. They pulled guns on him at Main and Rt. 13. It was time for the County and
120 City Councils to do something. The same seven street lights have been out on Riverside
121 Drive for over a year. The Citizen Reporter did not work. Over half the lights on Rt. 50
122 were out. No maintenance was being done on the bike lanes. Fitzwater Street was a mess.
 - 123 • Speaker said Homes for Hope had a recovery home in Newtown. Eighteen men lived
124 there, paying \$1,000 per week per person. In the home in his neighborhood at 313
125 Middle Blvd. they were charging \$160 per person per week. It seemed like the number
126 cars were over their limit. His concern was that without regulation the addicts were at
127 extreme risk for exploitation. The manager lied to the neighbors and her credibility was
128 very low. She did not have an occupancy permit before moving them into 223 Middle
129 Boulevard nor was it inspected by the Fire Marshal. He asked the City to look into this
130 and regulate those homes.
 - 131 • Speaker said that she shared back yards with the Homes for Recovery. There was no
132 fence or privacy in her back yard. It was not safe for the 16 children on the street. The
133 manager told her they did not know whether the residents had records. There had to be
134 regulations in order to help these men. Ms. Outten was the only Council member who
135 returned her call. She could never sell her house now.
 - 136 • Speaker lived alone and had a couple of break-ins. The City was putting the people in
137 Newtown at risk with an unregulated rehab house which required supervision and
138 background checks. The City should ensure they were properly licensed and inspected.
 - 139 • Speaker on Zoom asked how the City and young people could help with inflation.

140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181

ADMINISTRATION and COUNCIL COMMENTS

Mr. Kitzrow said he would love to reach out to the speaker and his father about inflation. The bag ban fees would be brought back for discussion. Recovery residences would also be discussed in regards to regulations and certifications. He lived across from the recovery house in Newtown since its inception. He had a seven and four-year-old who both grew up across the street from them, and he has never felt safer. The Riverfest was very hot but had a great turnout.

Mayor Heath recognized Bill Garrett for his work on the technology grant. The services did not cost the City a cent. National Night Out would be held on August 1, 2023 from 5:00 pm-8:00 pm. Drive safely and keep the children safe. There was still a real shortage for blood. Please donate if you are able. He commended Mr. Kitzrow on hold the City down while he was on vacation.

Ms. Gregory asked for the public to be mindful of children playing outside.

Ms. Jackson said she attended the prayer vigil and walk on Church Street and was proud of the Minister Alliance, the community, and officials who were present. She wanted to see more work. The children needed things to do and places to go during the day. Some of them never got to do anything. The VFW #10159 was holding a free indoor/outdoor event for Unity Day on Saturday from 12:00 Noon to 5:00 p.m. Dirt bikes were a big problem and we needed to do something.

Ms. Blake said she did not receive a phone call from a previous speaker, but asked her to reach out again. They were discussing the situation and working on it as well as the bag ban ten cents charge. If healthy enough, please donate blood or plasma. The region was still critically low.

Ms. Outten was at Billy Jean Jackson park and Riverfest over the weekend. She encouraged the public to continue coming out to City Council meetings. School supplies were being accepted at the Newton Community Center until August 5, 2023.

President Boda mentioned a funeral he attended for Bunky Miller, a lifelong waterman from Tilghman Island whom he knew his entire life. He built many of the workboats on the Bay.

ADJOURNMENT

With no further business to discuss, the Special Meeting adjourned at 7:11 p.m.

City Clerk

Council President

CITY OF SALISBURY
WORK SESSION
AUGUST 7, 2023

Public Officials Present

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

In Attendance

City Administrator Andy Kitzrow, Assistant City Administrator Tom Stevenson, Acting Police Chief Dave Meienschein, Department of Infrastructure and Development (DID) Director Rick Baldwin, Zoo Director Chuck Eicholz, Procurement Director Jennifer Miller, City Intern Kaya Manizade, Housing & Community Development (HCDD) Assistant Director Michael Thomason, Sustainability Specialist Dylan Laconich, Assistant City Clerk Julie English, City Attorneys Ashley Bosché and Laura Hay, and interested members of the public

On August 7, 2023 the Salisbury City Council convened at 4:30 p.m. in Council Chambers Room 301 in the Government Office Building. The following is a synopsis of the items discussed in Work Session.

Resolution to re-designate the RISE Zone

Business Development Director Laura Soper explained the RISE Zone was a Department of Commerce designation that allowed qualified institutions and governments to account for certain incentives to attract businesses and jobs. Recently the legislation was overhauled, creating the opportunity to capitalize a Rental Assistance Program and an Enhanced Investor Tax Credit for qualified Maryland technology companies.

The proposed zone encompassed a total of 191 acres on Route 13 from Salisbury University through Downtown Salisbury.

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

Budget Amendment to complete Naylor Mill Raw Water Line Project

DID Director Rick Baldwin expressed the need for a budget amendment in the amount of \$150,000.00 to complete the construction of the raw water line for the Naylor Mill Project.

President Boda noted the Paleo Water Treatment Plant provided about 65 percent of the City's water supply.

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

44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89

Ordinance to accept grant funds for the Andean Bear Exhibit

DID Director Rick Baldwin requested permission to accept grant funds from the Maryland Department of General Services for the Andean Bear Exhibit. Mr. Kitzrow added the grant was for \$250,000 and would go toward the design of the exhibit. The City also received \$175,000 from Perdue, Inc. for the design.

Council discussion on recovery/group homes

The following individuals approached Council for the discussion: City Administrator Andy Kitzrow, HCDD Assistant Director Mike Thomason, City Attorneys Laura Hay and Ashley Bosché.

Mr. Kitzrow began by directing the Council to Chapter 15 of the Code to answer the question of what was allowed in residential neighborhoods. He explained there was an accommodation required to be requested if someone would like to have a recovery residency in a residential neighborhood that is more than two unrelated people. The Housing & Community Development team runs the request through two factors: determining if they were defined as a “functional family” according to the Code and determining if they were requesting “reasonable accommodations”. Mr. Kitzrow added there were a couple residences currently going through this process.

Mr. Boda asked about residences that did not meet the definition of “functional family.” Mr. Kitzrow explained the outcome would depend whether the situation involved a protected class of individuals. He noted there was case law and regulatory agency around recovery residency.

Ms. Hay also explained the City would have to give an accommodation when it’s necessary for the individuals to enjoy equal opportunity to the use and enjoyment of a dwelling. The ADA and Fair Housing Act required an accommodation as long as it was determined to be reasonable and necessary.

Ms. Jackson asked if anything was known about the current homes in question. She also asked if they were following the guidelines and if the City had any awareness of the homes. Mr. Thomason responded his department would have received information on the transfer of the property and to whom. They were working through what the City’s limit of accommodation was and if denied what the liability would be.

Ms. Blake wanted to know if the properties in question came to the City and asked for an accommodation, and if the City knew how many people were living in those homes. Mr. Thomason responded the property owners did not ask but there was not a policy in place. He also said the City did not know how many people were living in those homes. Mr. Kitzrow added the City was actively working through what policies and guidelines needed to be in place to address these situations.

90 Mr. Boda questioned whether these policies and guidelines should be included into the
91 ordinance. He mentioned if there were violations of a policy, there should be
92 repercussions to follow. Mr. Kitzrow deferred to the Legal team and stated there still
93 needed to be research done to answer that question.

94
95 Ms. Bosché shared the initial focus should be on the current residences in question and
96 then turn the attention to what policies and guidelines needed to be established and how.

97
98 Ms. Blake wanted to clarify her understanding that anyone could come into the City and
99 start a recovery home with 15 people living there and they may or may not know to
100 request an accommodation. Mr. Kitzrow explained at that point the home would be in
101 violation of the Zoning Code for over occupancy and at that point they would receive a
102 violation notice.

103
104 Ms. Blake then asked if the homes in question had received notice of a violation. Mr.
105 Thomason answered that the owners of the properties in question had not received a
106 violation notice. It was then the responsibility of HCDD to notify them, within the next
107 10-15 days, of the requirement to request an accommodation and provide the guidelines.
108 They would be given 30 days to apply for the accommodation.

109
110 Ms. Jackson asked if the individuals living in the recovery homes were criminals or had
111 been in trouble with the law. She acknowledged she believed in people having recovery
112 but she also believed in people having safe communities. Mr. Kitzrow explained there
113 were Federal regulations (NARR Standards) for certified recovery homes. The City's
114 current Code did not include specific regulations but instead was based off of zoning.
115 Ms. Hay referenced a similar situation from 2018 involving the Oxford House where a
116 letter was sent requesting specific information associated with the individuals living
117 there. After a court hearing, it was determined the requested information was reasonable
118 and the Oxford House was required to provide it. Ms. Bosché added the City was
119 planning to send a similar letter to the owners of the properties in question. It was noted
120 the owners of the recovery homes had a choice whether or not to be a part of the NARR
121 program and receive additional funding. If they chose to, background checks would be a
122 requirement.

123
124 Ms. Blake asked if there were any records of our Fire Department doing any inspections
125 of the homes in question. Mr. Kitzrow responded there is a difference in a recovery
126 residence and a halfway house, and they were regulated differently. Halfway houses
127 required a full fire inspection, where recovery houses would be regulated by the HCDD
128 team. Ms. Blake asked Mr. Thomason if they had done any inspections on those homes
129 yet. Mr. Thomason responded they have not.

130
131 Ms. Jackson added she didn't want recovery homes existing everywhere for the safety of
132 the community. She emphasized she supports recovery but we should be mindful of who
133 was coming into our communities.

134

135 Ms. Blake asked how soon an inspection could be done by HCDD of these homes. Mr.
136 Thomason responded they should be able to do them within 15 to 30 days.

137
138 Mr. Boda requested this topic be put on the next Work Session agenda for further
139 discussion.

140
141 **Council discussion on the plastic bag ban**

142
143 City Administrator Andy Kitzrow, Sustainability Specialist Dylan Laconich, and
144 Sustainability Advisory Committee Chair Elise Trelegan introduced themselves. In
145 reference to the new plastic bag ban, Mr. Kitzrow shared his office was getting the most
146 calls regarding the ten cents charge for each paper bag and it centered around restaurants
147 and carry out locations. Mr. Laconich informed Council there had been acceptance of the
148 ordinance across the board. The frustration had less to do with the philosophy behind it
149 and more with the implementation of the new ban and the implications if it were not
150 followed. Mr. Laconich acknowledged the concerns with the ten cents charge and
151 frustrations with how to change their point of service. Finally, he stated the City was
152 ahead of the State as they had not implemented a bag ban. Ms. Trelegan added the Green
153 Team and partners had been doing a lot of communication and community engagement
154 to get bags out to the community. She noted the City of Laurel implemented a bag ban in
155 January 2020 with no 10 cents fee. They had recently implemented the fee since
156 residents had defaulted to using paper bags.

157
158 Mayor Heath stated we should address the companies who had always used paper bags
159 and were now being told to charge ten cents per bag. Mr. Laconich explained the
160 intention for charging the flat rate regardless of the type of business was to incentivize
161 people to bring their own reusable bags. He stated if a business had already been using
162 paper bags and the concern was passing the cost onto the resident, there was nothing in
163 the ordinance preventing the business from distributing the cost throughout the rest of
164 their costs. In addition, he mentioned the paper bags could still be sources of litter, not
165 all paper bags are environmentally friendly and some did have harmful chemicals on
166 them. The idea was to have people opt out of using the bags. Mayor Heath responded
167 that businesses who had to adjust their whole automated billing system to incorporate
168 this additional fee was another unintended consequence. He understood the goal but he
169 did not want to discourage businesses from doing business in an environmentally sound
170 way if they were already doing that.

171
172 Mr. Boda added a point of contention was the fee was not optional. The businesses were
173 forced to charge the additional ten cents.

174
175 Ms. Jackson shared her granddaughter, who worked at a fast food restaurant, was
176 attacked every day by customers as a result of this ban.

177
178 Ms. Blake shared an experience where someone was charged incorrectly for the number
179 of bags they received. She believed fast food was in a unique position in that regard and
180 also questioned health and safety concerns with the new regulations.

181
182 Mr. Kitzrow noted that some topics of discussion for changes to the legislation could be:
183
184 • Changing “shall” to “may” in section 5.69.020B
185 • Creating exclusions for the legislation
186 • Removing the charge from the legislation

187
188 Ms. Gregory supported giving businesses the option whether or not to charge the ten
189 cents.

190
191 Mr. Laconich shared there were discussions with HCDD as to what was classified as a
192 paper bag versus packaging. Ms. Trelegan responded getting rid of the fee would move
193 them backwards in what they wished to accomplish with the legislation.

194
195 Ms. Outten agreed with keeping the ten cents fee. Ms. Jackson disagreed. Ms. Outten
196 explained that the legislation was to help reduce trash. The purpose of the fee was to
197 prevent the cycle of paper to plastic back to paper. Ms. Trelegan believed there was
198 room for compromise, especially in the area of carry out, delivery, and drive thru.

199
200 In response, Ms. Gregory expressed concern over the logistical aspects of it where one
201 business would be favored over another. She felt giving businesses the option to charge
202 the fee was best.

203
204 Mr. Kitzrow stated some industries were required to provide a bag for health and
205 sanitary reasons. Those businesses could be exempt.

206
207 Ms. Blake felt the list had already been started with the exemptions listed in the
208 legislation. She was in favor of changing “shall” to “may”.

209
210 Ms. Outten would like to keep the legislation as is.

211
212 Ms. Trelegan recommended holding off and doing a six month check in. Ms. Blake was
213 not in favor of waiting since constituents were already upset.

214
215 Mr. Boda added that businesses could reduce the cost of their goods by ten cents in order
216 to charge that amount for a bag, but they were not allowed to advertise that. He
217 addressed the issue of certain products requiring their own bag; for example, certain
218 medications.

219
220 Mr. Kitzrow summarized that there were categories of food: drive thru, fast food pick-
221 up, take out and take out delivery.

222
223 In closing, the legal department would work with HCDD to draft changes to the
224 legislation and bring it back to council.

225
226 **Council discussion on bird scooters**

227
228 Ms. Blake shared her constituents had complained that the scooters were left places that
229 inconvenienced them. She asked what the benefit was for them and what the City made
230 from them. She also mentioned DC had docking stations for their scooters and would
231 like Salisbury to have something like that to keep them from being left everywhere.

232
233 Mr. Kitzrow informed Council there was an option to have “nests” the scooters could be
234 returned to for penalty or profit. The disadvantage of them would be they may not be
235 located near the destination. He did feel a campaign on the scooters would be beneficial.
236 In addition, if we felt the scooters were not getting rebalanced quick enough, that was
237 something that could be addressed with the provider. Council would need to determine
238 what the goal was for the discussion.

239
240 Mayor Heath shared he, too, got frustrated with seeing the scooters laying on their sides
241 in a crosswalk or in a driveway. He was still concerned with the young kids who ride the
242 scooters. He would like to look at the financial aspect of the scooters to see if they made
243 sense. Initially the plan was for the college students to get around but they weren’t
244 allowed to use them on campus.

245
246 Ms. Outten questioned the reason behind the students not being allowed to ride the
247 scooters on campus. Mr. Kitzrow responded that, in the initial conversation, the decision
248 was made at a higher level not to allow them on any campuses.

249
250 **Administration and Council Comments**

251
252 Mr. Kitzrow applauded Council for how well they worked with Administration and were
253 able to discuss difficult topics. He was proud of their behavior and relationships. Local
254 governments should be able to function that way.

255
256 Mayor Heath attended Unity Day and enjoyed the car show, people and food. He asked
257 anyone capable to please give blood.

258
259 Ms. Outten spent the weekend with family. She thanked everyone who came out to the
260 meeting and encouraged them to continue to come out. She highlighted the Friday Night
261 Live event that was coming up.

262
263 Ms. Blake reminded Mr. Kitzrow about the Dan Quinn for the Win statue. She pleaded
264 for those healthy enough to give blood to do so. One pint of blood saved about three
265 lives.

266
267 Ms. Jackson thanked members of the VFW 10159 and their Auxiliary, VFW state and
268 local officials, members of SACYA and We Here car club, Acting Mayor Jack Heath,
269 Councilwoman Blake and Michele Gregory, and all the information persons and vendors
270 that attended Unity Day/Day in the Streets. It was a great day to come together in unity.
271 She gave deepest condolences from the City to the family of Keith Chaney who was
272 murdered at Pemberton on Monday. She spoke of the value of our kids and her concern

273 for keeping kids safe in the community. She shared she would be taking kids to Killan’s
274 Pond and looked forward to the opportunity to talk with them. Lastly, she shared Friday
275 would be Dre Day. She encouraged everyone to participate in that event at Washington
276 High School.

277
278 Ms. Gregory thanked Ms. Jackson for her efforts in making Unity Day a success. She
279 acknowledged the new semi-pro soccer team coming to Salisbury, the Salisbury Steaks.
280 She encouraged everyone to support them. First game was September 9th.

281
282 Mr. Boda shared he worked all weekend.

283
284 **Adjournment / Convene in Closed Session**

285
286 With no further business to discuss, President Boda adjourned the Work Session at 6:11
287 p.m. and Council immediately convened in the scheduled Closed Session. President Muir
288 Boda called for a vote to convene in Closed Session under the authority of the Maryland Open
289 Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b)(14) to
290 discuss a utility easement agreement involving a cell phone tower. The reason for closing the
291 session was due to expressed confidentiality of current and proposed vendor agreements as
292 protected from disclosure under the Maryland Public Information Act of which public discussion
293 at this juncture would adversely impact the ability of the City to participate in the proposal
294 process. Ms. Blake moved, Ms. Jackson seconded, and the vote was 5-0 to convene in Closed
295 Session.

296
297 **Motion to Adjourn Closed Session**

298
299 At 6:35 p.m. the Closed Session was adjourned upon a motion and seconded by Ms.
300 Jackson and Ms. Gregory, respectively, and approved by unanimous vote in favor.
301 Council convened in Open Session at 6:36 p.m. and President Boda reported to the
302 public that Council met in Closed Session in accordance with the Annotated Code of
303 Maryland § 3-305(b)(14) to discuss a utility easement agreement involving a cell phone tower.
304 The reason for closing was due to expressed confidentiality of current and proposed vendor
305 agreements as protected from disclosure under the Maryland Public Information Act of which
306 public discussion at this juncture would adversely impact the ability of the City to participate in
307 the proposal process.

308
309
310
311 _____
312 City Clerk

313
314 _____
Council President



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

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Zoo Commission
Date: September 8, 2023

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

<u>Name</u>	<u>Term Ending</u>
Chelsye Phillips-Hutton	September 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. 3282**

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

5
6

<u>Name</u>	<u>Term Ending</u>
Chelsye Phillips-Hutton	September 2027

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

13
14 ATTEST:

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

April R. Jackson
PRESIDENT, City Council

20
21
22 APPROVED BY ME THIS

23
24 _____ day of _____, 2023

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



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

To: City Council
From: Laura Soper, Director of Business Development
Subject: Public Art Masterplan and Public Art Committee Creation
Date: 8/28/23

In March 2022, the City and Salisbury Arts & Entertainment District enlisted the help of public art planning consultant, Todd Bressi, with creating the City's Public Art Masterplan. The plan explains Salisbury's vision for how public art can impact the city, identify opportunities for projects the city can undertake on its own, and outlines approaches to collaborating on projects with the city's creative and business communities. Through various community conversations, open mics, surveys, and outreach opportunities, Mr. Bressi has helped Salisbury answer three basic questions:

- **Big Picture:** Why is public art important to Salisbury? What impact can it have on the city?
- **Big Moves:** What are the best opportunities for new projects that will fulfill the city's vision?
- **Toolkit:** What tools will the city need – funding, project management, guidelines, partnerships – to make these projects happen?

A part of Mr. Bressi's planning document also calls for the creation of a City of Salisbury Public Art Committee. The creation of the Public Art Committee formalizes the process by which the City receives proposals for both City projects and community-initiated projects. The Public Art Committee reviews, prioritizes, and recommends proposals for public art from city agencies and the community.

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

Resolution No. 3283

**A RESOLUTION OF THE CITY OF SALISBURY TO
ESTABLISH A PUBLIC ART COMMITTEE.**

WHEREAS, Public Art has been an increasingly visible part of Salisbury’s life for more than twenty years – from thematic sculptures and colorfully painted utility boxes downtown; to murals downtown, in neighborhoods, and along major arteries; to monumental sculptures in a gateway roundabout; and a new downtown square; and

WHEREAS, these projects have been a community effort. They have been initiated by many of its non-profit organizations, institutions, businesses, communities, local leaders, and the City itself. Many projects have been completed by Artists from Salisbury or the Eastern Shore; and

WHEREAS, these Projects are a testament to the remarkable pride, energy, and creative resources one can find in Salisbury. The City’s creative life includes a vigorous program of monthly “3rd Friday” art walks and related events; the fine arts program at Salisbury University, with faculty, students, visiting artists, and galleries both on its campus and downtown; and a variety of creative entrepreneurs in visual arts, design, community arts, and digital arts; and

WHEREAS, as a result of increased community interest, resources, and an expanded palette of opportunity – the City determined that it should develop a strategy for Public Art and launched a Public Art master plan to learn what kinds of Public Art people would like to see in Salisbury, to take stock of the City’s Public Art opportunities, to prioritize said opportunities, to identify sustainable funding for Public Art, to establish policies and procedures that provide for an equitable use of City resources that catalyze private sector and community resources, and to provide a framework, based on best practices, for implementing and maintaining Public Art Projects; and

WHEREAS, the Public Art Masterplan was completed in September 2023, lays out the footprint to achieve these goals, and identifies development processes, planning tools, community insights, and key roles and responsibilities; and

WHEREAS, the Public Art Masterplan identifies the need for a citywide Public Art Committee to provide a community voice that advises on Public Art priorities and Projects.

NOW, THEREFORE, BE IT RESOLVED, by the Salisbury City Council that the City Public Art Committee be hereby established, with its current membership, as follows:

1. Establishment and Purpose

There is hereby established the City Public Art Committee (“Committee”). The purposes of the Committee are to:

- 46 a) Provide advice to the Technical Advisory Group (“TAG”) on the prioritization of
47 Public Art Projects within City Limits;
48
49 b) To provide a forum for the public to express its views related to Public Art, and
50 other related issues;
51
52 c) To promote cooperation among and to support the interests of public and private
53 organizations, agencies, and local residents for the benefit of the city’s Public Art
54 assets;
55
56 d) Increase community awareness of the city Public Art assets;
57
58 e) Make recommendations about Donations of Artwork to the city and installation of
59 temporary Public Art on City property;
60
61 f) Advise and assist City staff members in applying for grant funding for projects
62 relating to public art;
63
64 g) Be a resource to and interact with the City of Salisbury Director of ABCD and
65 TAG about all matters related to Public Art, including annual workplans and
66 budgets, Project plans and budgets, Artist selections and Artist concept approvals;
67 and
68
69 h) Act as an advisory resource for City planning processes, such as area plans,
70 functional plans, and any comprehensive plan update.
71
72

73 **2. Authority**
74

75 The authority of the Committee shall be to provide advice and make recommendations to
76 the City’s Public Art TAG and the Director of ABCD. The Committee shall not have the
77 power to direct City staff toward action, approve of Public Art projects unilaterally, or
78 allocate funding to either Public Art or non-Public Art.
79

80 **3. Definitions**
81

82 The following terms shall have the meanings ascribed below for purposes of this
83 Resolution:
84

- 85 a) “Artist” shall mean an individual, or a team of people, who meets one or more of
86 the following criteria:
87
 - 88 • Realizes income through the sale, performance, publication, or commission
89 of original works of art;
 - 90 • Has previously exhibited, presented, performed, or published original works
91 of art in museums, galleries or other recognized art venues and publications;
 - Has formal training or education in a field of art; or

- Has received awards or other forms of recognition from arts juries, arts grant panels, and similar entities for his/her/their artistic abilities or accomplishments.

Environmental design professionals, such as architects or landscape architects, can be considered artists if they otherwise meet the criteria in this definition.

- b) “Artwork” shall mean a work that is created under the direction of an artist or artists to be beautiful or express an important idea or feeling, produced in any form or media, of permanent or temporary duration, and existing in a single copy or limited edition.
- c) “Commemorative Artwork” shall mean an Artwork whose purpose is to commemorate an individual, organization, event or topic.
- d) “Donation” shall mean an Artwork that is given to the City as a gift and accepted through the City’s formal donations procedure.
- e) “Public Art” shall mean an original site-specific Artwork in any media, existing in a single copy or in a limited edition, produced by an artist or by a team of artists, and conceived and executed with the intention of being staged in the physical public domain, usually outside and accessible to all. Public Art shall not include matters involving commercial and residential real estate development, including architecture.
- f) “Arts, Business and Commerce Department” or “ABCD” shall mean the lead City agency for Public Art, as part of its broader mission to make Salisbury a place where arts, business, and culture intersect and flourish.
- g) “Project” shall mean a formal proposal for Artwork meant to be Public Art which is either submitted by the City, a party with a request for public funding, or a party with a request to utilize public property, where the following details are known regarding the Artwork: its location; its budget and funding sources; the timeline for completion; the artist selection process and community engagement process; and a list of internal and external stakeholders.

4. Recommendations

- a) Projects: Following review by ABCD and TAG of City proposed Projects, Project applications seeking public funding, and Project applications seeking to utilize public property for or related to Public Art, the Committee shall schedule at least one meeting for review of all proposals which ABCD and TAG completed their review of. The Committee shall review those Projects requesting public funding to enable their potential inclusion into the annual Public Art workplan. The Committee shall provide reasonable notice to the public of the time, place, and

138 agenda of such meeting(s) and shall provide the opportunity for the public to
139 express its opinion on proposals. In reviewing any proposal, the Committee shall
140 consider, at a minimum, the following criteria:

- 141
- 142 i. Whether the Project advances or aligns with any City plans or policies;
- 143 ii. Whether the Project addresses a priority that has been vocalized by the
144 community;
- 145 iii. Whether the Project has any unique attributes that reinforce Salisbury's
146 image as the cultural hub of the Eastern Shore;
- 147 iv. Whether the Project leverage additional resources, such as grants,
148 contributions, or sponsorships;
- 149 v. Whether the Project is highly visible to the public at large;
- 150 vi. Whether the Project provides access to Public Art for a group of people
151 who might not otherwise experience Public Art;
- 152 vii. Whether the Project involves Artists from Salisbury or the Eastern
153 Shore;
- 154 viii. Whether the Project meets the definition of "Public Art";
- 155 ix. Whether the artist meets the definition of "Artist";
- 156 x. Whether a Donation or a Commemorative Artwork includes logos, text,
157 names, or colors reflective of or proprietary to any entity that
158 commissions, funds, or provides a location for the Project and whether
159 any necessary permissions have been obtained;
- 160 xi. Whether the Project is compatible in scale, material, form, and content
161 with the proposed location, and compatible with existing approved
162 community or area plans, especially public realm strategies.
163 Consideration should also be given to the architectural, historical,
164 geographical and social/cultural context of the site or community, as
165 well as the way people may interact with the Artwork(s);
- 166 xii. Whether a Donation or a Commemorative Artwork has cultural
167 significance to the general public, not just one individual or an interest
168 group. The subject will be commemorated only if it is generally
169 accepted that its long-term impact has uniquely shaped Salisbury's
170 history;
- 171 xiii. The ease of public access to the location of the Artwork, particularly for
172 underserved communities; and
- 173 xiv. The distribution of the locations of Public Art throughout the City,
174 particularly to underserved communities.
- 175

176 The above list is not meant to be exhaustive, and the Committee may consider any other
177 factors it may deem relevant and weigh them accordingly. Following a review and
178 public meeting concerning Public Art Projects, the Committee shall provides its advice
179 and recommendations to TAG and the Director of ABCD. Within thirty (30) days of a
180 meeting on a Project, the Committee shall report, in writing (either on paper or
181 electronically), its advice and recommendations to TAG and the Director of ABCD on
182 a particular project. In making recommendations, the Committee shall take into

183 consideration the estimated or potential costs and benefits of any recommended
184 changes or policies.

- 185
186 b) Non-Projects: In fulfilling its other functions listed above, other than those related to
187 Projects, the Committee shall, following a public hearing with reasonable notice given
188 to the public, report, in writing (either on paper or electronically), its advice and
189 recommendations to TAG and the Director of ABCD. In making recommendations, the
190 Committee shall take into consideration the estimated or potential costs and benefits of
191 any recommended changes or policies.

192
193 **5. Membership**

194
195 The Committee shall be governed by a board of seven (7) members serving three (3) year
196 terms. However, of the initial seven (7) members one (1) shall serve a one (1) year term
197 and three (3) shall serve a two (2) year term. The Mayor, with the advice and consent of
198 the City Council, shall appoint the Committee's members. The membership of the
199 Committee should reflect, as much as possible, the diversity of the community. A minimum
200 of four (4) of the members of the Committee shall be working artists, arts professionals,
201 and/or design professionals. The other members of the Committee shall be drawn from
202 Salisbury's civic, community, non-profit, and/or business leadership.

203
204 Members shall attend a majority of the Committee meetings. Excessive absences could
205 subject a member to removal by a majority vote of the Committee. Members of the
206 Committee shall be subject to all public ethics laws.

207
208 **6. Holding Over and Reappointment**

209 Upon the expiration of their terms, members of the Committee may be reappointed.
210 Members shall continue to serve until they are reappointed and confirmed or their
211 replacements are appointed and confirmed.

212
213 **7. Council Liaison**

214 The City Council may designate one of its members to be its liaison to the Committee, and
215 the liaison shall be invited to attend all committee meetings and. The liaison may not hold
216 an Officer position or be entitled to a vote.

217
218 **8. Officers**

219 The membership shall elect, by majority vote, a chair, vice-chair, and secretary from among
220 its membership to serve for a term of one year. The election shall be at the last meeting of
221 each calendar year and take effect the coming calendar year.

222
223 The Chair, selected by the Committee, shall head the Committee's affairs. The Chair shall
224 prepare an agenda and will preside over all Committee meetings. The Chair may assign
225 duties to other officers from time to time.

226
227 The Vice-Chair, selected by the Committee, shall preside over meetings in the absence of
228 the Chair, and shall perform such other duties as the Chair shall direct.

229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273

The Secretary, selected by the Committee, shall record minutes of all meetings, keep an up-to-date roll of members, record member attendance, issue notices of all meetings, and perform other such duties, as the Chair shall direct. The Secretary shall ensure the City Clerk’s office receives a copy of all Committee records. The Secretary shall preside over meetings in the absence of the Chair and Vice Chair.

9. Staff Support

The Committee shall receive staff support from the City of Salisbury ABCD. Staff support shall not be a voting member of the Committee.

10. Meetings

The Committee shall meet regularly and at a minimum, bi-annually, at times and places to be determined by the Committee, and shall hold additional regular meetings as it deems necessary to perform its functions, not to exceed once per month. The Committee shall also attend special meetings when called by the Chair. The meetings of the Committee shall be open to the public and be advertised in accordance with the Maryland Open Meetings Act, as amended from time to time.

Committee members may participate in meetings via any appropriate and available electronic means, such as telephone or video conference, provided that no more than one Committee member is exercising this option at one meeting and the member has unusual circumstances preventing their physical attendance.

Robert’s Rules of Order shall govern all meetings, except insofar as such rules are inconsistent with this Resolution.

11. Minutes

Minutes shall be taken at all regular and special meetings of the Committee, which shall consist of a record summarizing all motions, proposals, resolutions, and any other matters formally voted upon, and the vote thereon.

12. Quorum

A majority of the members currently appointed to the Committee, excluding the City Council Liaison, shall constitute a quorum for the transaction of business, and a majority of those present shall decide any question.

13. Compensation

The members of the Committee shall serve voluntarily and shall not receive compensation for their services on the Committee.

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

274 ATTEST:

275

276

277 Kimberly R. Nichols, City Clerk

April R. Jackson, City Council President

278

279

280

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

282

283

284

285 John "Jack" R. Heath, Acting Mayor

286

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

ORDINANCE NO. 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.

47
48
49
50
51
52
53
54
55
56
57
58
59
60
61

ATTEST:

Kimberly R. Nichols, City Clerk

April R. Jackson, City Council President

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

John R. Heath, Acting Mayor

1 **ORDINANCE NO. 2822**

2 **AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO CONVERT**
3 **CALVERT STREET FROM US 13 BUSINESS NORTH TO 300 FEET WEST TO**
4 **ONE WAY WESTBOUND TRAFFIC ONLY.**

5 **WHEREAS**, the Salisbury Charter, SC11-2, gives the City charge of all public ways in the City; and

6 **WHEREAS**, Calvert Street intersects US 13 Business where access is currently limited to right-in/right-
7 out only; and

8 **WHEREAS**, automobile accidents persist at that intersection due to eastbound traffic attempting illegal
9 left-hand turns; and

10 **WHEREAS**, the conversion to one way traffic on Calvert Street from US 13 to 300 feet west of the
11 intersection with US 13 Business will increase safety by eliminating a common cause of automobile accidents in
12 the area, improve operations at the intersection and allow the City to convert underutilized space to new on-street
13 parking; and

14 **WHEREAS**, the State’s Attorney Office will require access to its back driveway 55 feet from Poplar Hill
15 Ave; and

16 **WHEREAS**, the City will place signage and markings to delineate such changes.

17 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**
18 **SALISBURY, MARYLAND**, as follows:
19

20 **Section 1:** For the purposes and reasons hereinabove set forth, Calvert Street shall be converted to one-
21 way traffic from US 13 to 300 feet west from the intersection with US 13 Business.

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

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

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

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

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

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

38
39 **ATTEST:**

40
41
42 _____
43 **Kimberly R. Nichols, City Clerk**

41
42 _____
43 **April R. Jackson, City Council President**

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

46

47

48

49 _____
John R. Heath, Acting Mayor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

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

30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

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.

50
51 **ATTEST:**

52
53
54
55 _____
56 **Kimberly R. Nichols, City Clerk**

_____ **April R. Jackson, City Council President**

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

58
59
60 _____
61 **John R. Heath, Acting Mayor**



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

To: **Andrew Kitzrow, City Administrator**

From: **Samuel Ireland, Deputy Director of Field Operations**

Subject: **Budget Amendment**

Date: **September 4, 2023**

In recent months the combination of an expanded residential footprint of the City of Salisbury as well as both regular and unexpected maintenance of vehicles within the Sanitation Division's fleet has caused the Division's overtime budget to become depleted. The Fleet requires constant upkeep because the majority of the vehicles operating within the Sanitation Division have surpassed their projected lifespans meaning this will be a continuous occurrence until new sanitation vehicles arrive. While **two** side loading sanitation vehicles and **a single** rear loading sanitation vehicle are anticipated to be delivered in February of 2024 (earliest projected delivery date) the use of overtime funds is not projected to last through December. Based upon the comparison of overtime funds used in years prior and calculations of remaining pay periods multiplied by the average amount of overtime funds used to date (August 16, 2023) this fiscal year, the Sanitation Division will require \$57,000 to be distributed amongst solid waste collection, recycling, and street sweeping overtime budgets to prevent an interruption in service.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

ORDINANCE NO. 2824

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY2024 GENERAL FUND BUDGET TO APPROPRIATE FUNDS TO THE DEPARTMENT OF FIELD OPERATIONS BUDGET FOR INCREASED OVERTIME.

WHEREAS, solid waste collection and disposal in the City is of vital importance; and

WHEREAS, the Sanitation Division’s refuse pickup footprint has expanded considerably in recent years due to expansive residential development; and

WHEREAS, the majority of the Sanitation Division’s vehicles continue to function beyond their expected life cycles causing a need for both regular and unexpected maintenance; and

WHEREAS, the Sanitation Division within the Department of Field Operations is experiencing a significant increase in the use of overtime that surpasses the current budget configurations; and

WHEREAS, the budget amendment as provided herein must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

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

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

- (a) Increase the Current Year Surplus Account (01000-469810) by \$57,000.00
- (b) Increase the Sanitation Division’s Overtime Account (32061-501021) by \$57,000.00

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.

54
55
56
57
58
59
60
61
62
63
64
65
66

ATTEST:

Kimberly R. Nichols, City Clerk

April R. Jackson, City Council President

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

John R. Heath, Acting Mayor



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

To: City Council
From: Laura Soper, Director of Business Development
Subject: Main Street Improvement Grant
Date: 8/22/23

Attached is an Ordinance to accept funding from the Maryland State Arts Council (MSAC), Arts and Entertainment Operating Grant. The purpose of the Arts and Entertainment Operating Grant is to enable eligible designated Arts & Entertainment Districts to obtain operating support through the designation.

This funding, in the amount of \$17,846, will be utilized to create a public art fund that can be used to help support public art projects in the designated Arts & Entertainment District area. Artists would submit a detailed RFP and proposal to the City of Salisbury Arts, Business, and Culture Department, and funds would be appropriated on a competitive basis, in keeping with the City's Public Art Masterplan.

Included is the proposed Grant Agreement, which includes the proposed budget and uses.

August 22, 2023
Arts and Entertainment Operating Grant - Off-Year
2024-23791

MARYLAND STATE ARTS COUNCIL GRANT AGREEMENT

THIS GRANT AGREEMENT (this "Agreement") is made by and between the Maryland State Arts Council ("MSAC"), a unit of the Department of Commerce (the "Department"), a principal department of the State of Maryland ("State") and [City of Salisbury, MD] ("Grantee") whose Federal Identification Number (FID) or Social Security Number (SSN) is 52-6000806.

RECITALS

Grantee has requested grant assistance from MSAC in order to undertake activities consistent with Title 4, Subtitle 5 of the Economic Development Article of the Annotated Code of Maryland, which authorizes MSAC to make grants to organizations and individual artists in order to create a nurturing climate for the arts in the State and to ensure that the role of the arts in the lives of citizens of the State shall continue to grow and play a significant part in their welfare and educational experience.

The General Assembly of Maryland has authorized the grant assistance through an appropriation in the annual state budget.

MSAC is also authorized to use certain funds received by various federal entities to help fund its grant assistance programs. All, some, or none of the funds disbursed through this Agreement may be from such federal funding. In the event that some of the funds disbursed through this Agreement contain federal funding, MSAC will make the Grantee aware and Grantee acknowledges and agrees that it may be required to adhere to certain rules, regulations, and/or guidelines imposed by the federal entity providing the federal funding.

MSAC has approved the award of grant funds to the Grantee, to be expended by Grantee in accordance with the terms and conditions of this Agreement.

IN CONSIDERATION of the foregoing and the mutual promises and covenants contained in this Agreement, MSAC and the Grantee agree as follows:

1. **Grant.** Subject to the continuing availability of funds, as determined by MSAC in its sole discretion, MSAC agrees to provide Grantee with funds in an amount not to exceed [\$17,846.00] (the "Grant Funds").

2. **Application.** Grantee's application for grant assistance (the "Application") is available to grantee in Smart Simple where Grantee submitted the application. Grantee can view the application by logging into Smart Simple (marylandarts.smartsimple.com) with their login and password. Grantee warrants and certifies that all of the information and representations contained in the Application are and remain true and complete in all material respects. **The Application is incorporated herein as Exhibit A.**

3. **Grant Guidelines.** Grantee acknowledges receipt of the FY 2024 Grant Guidelines and Information available on the MSAC website <http://www.msac.org> under the appropriate grant type, incorporated herein by reference, and agrees to abide by its terms and conditions.

4. **Use of Grant Funds:** Grantee will use Grant Funds in accordance with the activities described in Exhibit A (Grantee's Application) and in accordance with all applicable guidelines set forth in Provision 3 above.

5. **Grantee shall not use any Grant Funds to make contributions:**

- (a) to any persons who hold, or are candidates for, elected office;
- (b) to any political party, organization, or action committee;
- (c) in connection with any political campaign or referendum; or
- (d) for lobbying activities.

6. **Term of Agreement.**

This Agreement is effective upon execution by MSAC. Unless sooner terminated pursuant to Section 18 or 19 of this Agreement or by the mutual consent of Grantee and MSAC, this Agreement shall remain in effect until the final amounts of the Grant have been disbursed, all reports and records due by the Grantee have been received by MSAC, and there has been a final settlement and conclusion between MSAC and Grantee of all issues arising out of the Grant. It is anticipated and agreed that all reports and records due by Grantee shall be delivered to MSAC no later than the final report due date as communicated to the grantee in grant guidelines, if not sooner as provided otherwise herein or in any exhibit attached and incorporated herein, and that the final settlement and conclusion between MSAC and Grantee shall be no later than the final report due date. Failure by the Grantee to deliver all reports and records by the final report due date and failure by Grantee to provide MSAC with all necessary documents and information to reach final settlement and conclusion by the final report due date shall constitute a material breach by the Grantee of this Agreement.

7. **Disbursement.**

(a) (i) Except for Grantees notified pursuant to paragraph (ii) below, Grants for Organizations grants and Community Arts Development grants, up to seventy five percent (75%) of the Grant shall be disbursed to Grantee upon full execution of the Agreement, provided that Grantee has submitted all reports and documentation for prior year grant(s) required by MSAC, if applicable. The remaining Grant funds shall be disbursed to Grantee after Grantee has met grant report requirements, such as submitting a satisfactory interim report.

(ii) For Grantees notified by MSAC, payment will occur in four payments of 25% based on the review of additional required documentation (quarterly fiscal actuals v. projections; quarterly updated financial recovery plan) by the MSAC Program Director, MSAC Grants Director, MSAC Executive Director, Assistant Secretary of Commerce and/or Secretary of Commerce. Payment release is based on the approval of the quarterly submission review.

(b) For Arts in Education grants, Independent Artist Awards, Maryland Touring grants, Maryland Traditions grants, Public Art Across Maryland grants, Creativity grants, Professional Development grants, Grants for Artists, Special Request grants, and other grants to organizations and independent artists, up to 100% of the Grant shall be disbursed to Grantee upon full execution of the Agreement, provided that Grantee has submitted all reports and documentation for prior year grant(s) required by MSAC, if applicable.

(c) MSAC reserves the right, at its sole and absolute discretion, to withhold any disbursement of Grant Funds if MSAC reasonably believes that the Grantee is incapable of using the Grant Funds as provided for under this Agreement or that the Grantee is reasonably likely to become incapable of using the Grant Funds as provided for under this Agreement. In the event MSAC elects to withhold Grant Funds, Grantee shall not be entitled to receive the withheld Grant Funds until Grantee provides MSAC, at MSAC's sole and absolute discretion, all necessary and required assurances and affirmations, including any documentation required by MSAC, that Grantee will be able to use the Grant Funds in accordance with the terms and conditions of this Agreement. If Grantee does not provide or is otherwise incapable of providing the necessary and required assurances and affirmations, MSAC may elect to terminate this Agreement as provided for under Provision 19 below. Nothing in this provision shall act in any way to relieve the Grantee from any damages or losses caused by Grantee's incapability to use the Grant Funds as provided for under this Agreement, and Grantee shall remain fully liable for any such damages and losses caused by its incapability to use the Grant Funds as provided for in this Agreement.

8. Indirect Costs.

(a) If Grantee is a nonprofit entity under Section 501(c)(3), (4) or (6) of the Internal Revenue Code, Grant Funds may be applied to indirect costs in accordance with § 2-208 of the State Finance and Procurement Article, Annotated Code of Maryland.

(b) If Grantee opts to apply Grant Funds to indirect costs:

(i) the total amount of Grant Funds provided under this Grant Agreement will not be increased;

(ii) the costs to be paid with Grant Funds under this Agreement as described in Exhibit A of this Agreement will be reduced on a pro rata basis to reflect that certain indirect costs have been paid with Grant Funds; and

(iii) Grantee shall report any Grant Funds applied to indirect costs in funding requests and financial reports submitted to Commerce and shall provide the basis and documentation for the calculation of indirect costs in compliance with subsection (a) of this section.

9. Inspection of Records. Grantee shall allow any duly authorized representative of MSAC, the Department, or the State to inspect and audit, at reasonable times, all records and documents of Grantee relating to this Grant, which records shall be retained by Grantee for at least three (3) years after the termination of this Agreement.

10. Acknowledgement. Grantee shall acknowledge MSAC funding in all programs and promotional materials relating to the funded activities in the manner set forth in the Grant Recognition Guidelines, which can be viewed on the MSAC website, <https://msac.org/resources/recognizing-msac-grants>, incorporated herein by reference.

11. Reports. Grantee shall provide MSAC with reports or information in a form acceptable to the MSAC, as MSAC may from time to time require.

12. **Unused Funds.** Grantee shall repay to MSAC any disbursed Grant Funds not spent or obligated by Grantee on or before the date indicated in the appropriate grant program Guidelines set forth in Provision 3 above.

13. **Fair Practices Certification.** Grantee certifies that it prohibits, and covenants that it will continue to prohibit, discrimination on the basis of: (a) political or religious opinion or affiliation, marital status, race, color, creed, ancestry genetic information, or national origin; or (b) age, sex, sexual orientation, gender identification, or any otherwise unlawful use of characteristics, except when such characteristic constitutes a bona fide occupational qualification; or (c) the physical or mental handicap of a qualified handicapped individual. Upon the request of MSAC, Grantee will submit to MSAC information relating to its operations, with regard to political or religious opinion or affiliation, marital status, physical or mental handicap, race, color, creed, sex, age, gender identification, sexual orientation, genetic information, or national origin.

14. **Anti-Discrimination.** Grantee shall operate under this Agreement so that no person, otherwise qualified, is denied employment, subcontract, or other benefits on the basis of race, color, religion, creed, age, sex, sexual orientation, gender identification, marital status, national origin, ancestry genetic information or any otherwise unlawful use of characteristics, or disability of a qualified individual with a disability unrelated in nature and extent so as to reasonably preclude the performance of the employment or contract, or the individual's refusal to submit to a genetic test or make available the results of a genetic test. Except in subcontracts for standard commercial supplies or raw materials, Grantee shall include a clause similar to this clause in all subcontracts. Grantee and each subcontractor shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause. Grantee shall not retaliate against any person for reporting instances of such discrimination. The Grantee further covenants that it shall prohibit its contractors from engaging in such discrimination in the hiring of subcontractors to carry out any portion of the project funded by proceeds of the Grant.

15. **Legal Compliance.** Grantee covenants that it shall comply with all applicable federal, State, and local laws and regulations. Grantee acknowledges and agrees that it is responsible for knowing and understanding all applicable federal, State, and local laws and regulations.

16. **Grantee's Certifications.** Grantee certifies to MSAC that:

(a) Grantee, if a corporation or other form of limited liability entity, is duly organized and validly existing under Maryland law, and has all requisite power and authority to enter into this Agreement; and

(b) This Agreement has been duly authorized, executed and delivered by Grantee in such manner and form as to comply with all applicable laws to make this Agreement the valid and legally binding act and Agreement of Grantee.

17. **Drug and Alcohol-Free Workplace.** Grantee warrants that Grantee shall comply with the State's policy concerning drug and alcohol-free workplaces as set forth in COMAR 01.01.1989.18.

18. **Default, Repayment and Remedies.**

(a) A default shall consist of (i) any use of Grant Funds for any purposes other than authorized by this Agreement; or (ii) any breach of any covenant, agreement, provision, representation or warranty of

Grantee which was made in this Agreement.

(b) Upon the occurrence of any default, MSAC immediately may suspend Grantee's authority to receive any undisbursed Grant funds by written notice at any time to Grantee.

(c) Upon the occurrence of any default, Grantee shall have 30 days from the date MSAC's notice is postmarked to cure the default. After the conclusion of this 30 day period, if Grantee has not cured the default to the satisfaction of MSAC, MSAC may terminate this Agreement. In the event of termination:

(i) Grantee's authority to request a disbursement shall cease and Grantee shall have no right, title or interest in or to any of the Grant funds not disbursed;

(ii) MSAC may immediately demand repayment of all or any portion of the Grant Funds which have been disbursed; and

(iii) MSAC's remedies of withholding disbursement and of obtaining repayment as described in Section 18(c) (i) and (ii) above may be exercised contemporaneously with remedies pursuant to Section 18(d) below, and all of such rights shall survive any termination of this Agreement.

(d) If a default occurs, MSAC may at any time proceed to protect and enforce all rights available to MSAC, by suit in equity, action at law, or by any other appropriate proceedings.

19. Termination Prior to Expiration of Term Period MSAC, the Department, and/or the State reserves the right to terminate this Agreement by written notice to Grantee if (a) the purpose of the Agreement can no longer be fulfilled or met and/or (b) it's in the best interest of the Grantor and/or the State to terminate. If so terminated, the Grantor shall disburse Grant Funds to cover the eligible expenses, as determined in its sole discretion by MSAC, incurred by Grantee prior to termination. Grantee shall return to Grantor any Grant Funds, in excess of permitted eligible expenses, received prior to such termination.

20. Indemnification. Grantee releases MSAC, the Department, the State, and its employees or agents from, agrees that MSAC, the Department, the State, and its employees or agents shall not have any liability for, and agrees to protect, indemnify and save harmless MSAC, the Department, the State, and its employees or agents from and against any and all liabilities, suits, actions, claims, demands, losses, expenses and costs of every kind and nature incurred by, or asserted or imposed against, all or any of them, as a result of or in connection with the Grant. All money expended as a result of such liabilities, suits, actions, claims, demands, losses, expenses or costs, together with interest at a rate not to exceed the maximum interest rate permitted by law, shall constitute an indebtedness of Grantee and shall be immediately and without notice due and payable by Grantee to MSAC, the Department, the State, and/or its employees or agents, as their interests may appear. If Grantee is a government agency of the State of Maryland, any and all such indemnification obligations of Grantee are conditioned upon the availability of appropriations for use by Grantee at the time such indemnification obligations arise; further, if Grantee is a government agency of the State of Maryland, any and all such indemnification obligations of Grantee are limited to the extent of the State of Maryland's statutory waiver of its sovereign immunity.

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

(a) Communications to MSAC shall be mailed to: Maryland State Arts Council, 401 E. Pratt Street, Suite

1400 Baltimore, MD 21202 or emailed.

(b) Communications to Grantee shall be mailed to Grantee or emailed.

22. **Amendment.** This Agreement, or any part hereof, may be amended from time to time only by a written instrument executed by both parties, or in the case of a modification of Section 4, by action of MSAC.

23. **Assignment.** Grantee may neither assign all or any of the benefits of, nor delegate all or any of the duties imposed upon Grantee by this Agreement, without the prior written approval of MSAC.

24. **Governing Law.** This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of Maryland.

25. **Setoff.** The State has the right to set off and apply Grant Funds against amounts that Grantee may owe the State as an unpaid liability, without notice and without resort to any judicial proceeding. Should this occur, it will affect the amount of Grant Funds received by Grantee.

26. **Entire Agreement; Counterparts; Signatures.** This Agreement, together with any exhibits, documents, and/or electronic or internet based documents, incorporated by reference, represents the complete and final understanding of the parties. No other understanding, oral or written, regarding the subject matter of this Agreement, may be deemed to exist or to bind the parties at the time of execution. This Agreement may be executed in any number of duplicate originals or counterparts, each of which such duplicate originals or counterparts shall be deemed to be an original and all taken together shall constitute one and the same instrument. Signatures provided by facsimile or other electronic means, for example, and not by way of limitation, in Adobe .PDF sent by electronic mail, shall be deemed to be original signatures.

THIS AGREEMENT, together with the documents incorporated herein by reference, represents the complete, total and final understanding of the parties and no other understanding or representations, oral or written, regarding the subject matter of this Agreement, shall be deemed to exist or to bind the parties hereto at the time of execution. THIS FORM WAS APPROVED FOR FORM AND LEGAL SUFFICIENCY BY AN ASSISTANT ATTORNEY GENERAL IN JULY 2023.

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

ORDINANCE No. 2825

**AN ORDINANCE OF THE CITY OF SALISBURY TO AUTHORIZE THE
MAYOR TO ENTER INTO A CONTRACT WITH THE MARYLAND STATE
ARTS COUNCIL (MSAC) FOR THE PURPOSE OF ACCEPTING GRANT
FUNDS IN THE AMOUNT OF \$17,846 AND TO APPROVE A BUDGET
AMENDMENT TO THE GRANT FUND TO APPROPRIATE THESE FUNDS
TO BE USED FOR ELIGIBLE EXPENSES ASSOCIATED WITH A PUBLIC
ART FUND FOR THE ARTS & ENTERTAINMENT DISTRICT**

WHEREAS, the City of Salisbury submitted an Arts & Entertainment District Operating Grant application to the Maryland State Arts Council (MSAC), a unit of the State of Maryland Department of Commerce, for financial assistance in carrying out community development activities, specifically to include assistance with creating a public art fund to be used toward creating a nurturing climate for the arts and to ensure that the role of the arts in the lives of the citizens of the City of Salisbury continues to grow and play a significant part in their welfare and educational experience; and

WHEREAS, MSAC has awarded grant funds to the City of Salisbury in the amount of \$17,846; and

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

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

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

Section 1. Acting Mayor Jack Heath, on behalf of the City of Salisbury, is hereby authorized to enter into a grant agreement with the Maryland State Arts Council for the City’s acceptance of grant funds in the amount of \$17,846, to be allocated for assistance with the public art fund for the Arts & Entertainment District.

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

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

(a) Increase MSAC Revenue Account No. 10500-424105-XXXXX by \$17,846.

(b) Increase Operating Expense Account No. 10500-546006-XXXXX by \$17,846.

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.

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

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

51
52 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
53 Salisbury held on the _____ day of _____, 2023 and thereafter, a statement of the substance of
54 the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of
55 the City of Salisbury on the _____ day of _____, 2023.

56
57 **ATTEST:**

58
59
60
61 _____
62 **Kimberly R. Nichols, City Clerk**

_____ **April R. Jackson, City Council President**

63
64
65 Approved by me, this _____ day of _____, 2023.

66
67
68
69 _____
70 **John R. Heath, Acting Mayor**

71
72



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

To: City Council
From: Laura Soper, Director of Business Development
Subject: Downtown Ambassador Program
Date: 8/28/23

The Arts, Business, and Culture Department is in the midst of standing up the Downtown Ambassador program in Downtown Salisbury. The program will be split in to daytime and evening shifts with a focus on beautification, safety, and hospitality in the Downtown corridor. Downtown ambassadors will monitor the parking areas, provide hospitality escorts, and assist anyone with any questions they may have. They will also check in with businesses, pick up trash and sanitize areas as needed. The Downtown Ambassadors will work in Downtown Salisbury, Tuesday through Thursday 10 a.m. - 11 p.m. and Friday & Saturday 10 a.m.- 2 a.m. They cover the area of Downtown bounded by Route 13, Route 50, the Wicomico River, and Mill Street.

The Arts, Business, and Culture Department has already done a soft launch of the evening shifts, being spearheaded by Devine Security and daytime ambassadors are slated to start September 5. These ambassadors will work with numerous City Departments, in particular, Ambassadors will act as eyes and ears for the Police Department and will collaborate with them on a regular basis. The Salisbury Police Department has earmarked funding for this program and wishes to transfer it to the ABC Department, to oversee and execute the program. It is anticipated that the daytime ambassador piece will cost around \$40,000 annually and the evening piece will cost around \$47,000. These funds exist as a result of several open positions that Police Department is working to fill.

1 **ORDINANCE NO. 2826**

2
3 **AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A**
4 **BUDGET AMENDMENT OF THE FY2024 GENERAL FUND BUDGET TO**
5 **APPROPRIATE ADDITIONAL FUNDS REQUIRED FOR A DOWNTOWN**
6 **AMBASSADOR PROGRAM.**

7
8 **WHEREAS**, the City of Salisbury is planning to launch a Downtown Ambassador Program; and

9
10 **WHEREAS**, the City of Salisbury has determined an additional \$87,000 will be required for this
11 program, and

12
13 **WHEREAS**, the Police Department has determined \$87,000 is available to be transferred to
14 support the program due to vacancies incurred in FY2024, and

15
16 **WHEREAS**, the appropriations necessary to execute the appropriation of \$87,000 as provided
17 hereinabove, must be made upon the recommendation of the Mayor and the approval of four-fifths of the
18 Council of the City of Salisbury.

19
20 **NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE**
21 **CITY OF SALISBURY, MARYLAND**, as follows:

22
23 **Section 1.** Acting Mayor John R. Heath, on behalf of the City of Salisbury, is hereby authorized
24 to appropriate funds for the Downtown Ambassador Program in the amount of \$87,000.

25
26 **Section 2.** The City of Salisbury’s FY24 General Fund Budget be and hereby is amended as
27 follows:

28

Increase (decrease)	Account Type	Account	Description	Amount
Decrease	Expenditure	21021-501002	Salaries – Non Clerical	\$87,000
Increase	Expenditure	11600-513000	Professional Services	\$87,000

29
30
31 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
32 **SALISBURY, MARYLAND**, as follows:

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

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

42
43 **Section 5.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as
44 if such recitals were specifically set forth at length in this Section 5.

45
46 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.
47

48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65

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

ATTEST:

Kimberly R. Nichols, City Clerk

April R. Jackson, City Council President

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

John R. Heath, Acting Mayor



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

TO: City Council
FROM: Kim Nichols, City Clerk
SUBJECT: Bag ban revisions
DATE: September 1, 2023

As you are aware, on August 7, 2023 City Council discussed Ordinance 2756 passed on November 28, 2022 which banned the distribution of plastic carryout bags by retail establishments.

The attached ordinance has been drafted based on Councils' direction to amend Chapter 5.69 which would include exclusions from the paper carryout bag fee.

1
2
3 **ORDINANCE NO. 2827**

4 **AN ORDINANCE OF THE CITY OF SALISBURY AMENDING CHAPTER 5.69 OF THE**
5 **SALISBURY CITY CODE TO INCLUDE EXCLUSIONS FROM THE PAPER CARRYOUT**
6 **BAG FEE**

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

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

17 **WHEREAS**, on November 28, 2022, the Mayor and Council passed Ordinance 2756 prohibiting retail
18 establishments from providing plastic carryout bags to customers and mandating a fee be charged to the consumer
19 for the provision of a paper carryout bag, which is now codified in Chapter 5.69 of the City Code;

20 **WHEREAS**, Chapter 5.69 went into effect July 1, 2023 and the City has determined that Chapter 5.69
21 requires amendment to preserve the public health and to balance such public health concerns with necessary and
22 appropriate measures to protect the environment;

23 **WHEREAS**, the Mayor and Council find that the health, safety and general welfare of the citizens of the
24 City will be furthered by amending Chapter 5.69 to provide for certain limited exclusions to the charging of a fee for
25 paper carryout bags; and

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

28 **NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF**
29 **SALISBURY, MARYLAND**, that Chapter 5.69 of the Salisbury City Code is hereby amended by adding the bolded
30 and underlined language as follows:

31 **Section 1.** Chapter 5.69 of the Code is hereby amended as follows:

32 5.69.010 - Definitions:

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

35 “Excluded organization” means:

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

42 “Food Service Facility” means:

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

“Food Service Facility” does not include:

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

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

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

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

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

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

77 5.69.020 – Prohibition on providing plastic carryout bags

- 78 A. On or after June 30, 2023, a retail establishment may not provide a plastic carryout bag to a customer.
79 B. On or after June 30, 2023, a retail establishment shall charge, collect, and retain at least 10 cents for
80 each paper carryout bag and reusable carryout bag that it provides to a customer.

- 81 1. **Exclusions. A retail establishment shall not collect a charge required under**
82 **5.69.020(B), for any paper bag (i) a food service facility gives a customer or third party**
83 **delivery service to take food sliced or prepared to order from the food service facility;**
84 **(ii) a pharmacy gives to a patient or customer that contains a prescription drug; or (iii)**
85 **which constitutes an essential part of the packaging of the product, the product itself,**
86 **or which was packaged in such manner at the time of manufacture.**

87 C. A retail establishment may not advertise, hold out, or state to the public or to a customer, directly or
88 indirectly, that reimbursement of any part of the money collected under this section will be assumed
89 or absorbed by the retail establishment or refunded to the customer.

90 D. A retail establishment shall indicate on the consumer transaction receipt the number of paper and
91 reusable carryout bags provided by the retail establishment and the total amount of money charged.

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

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

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

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

103 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.
104

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

109
110
111
112 **ATTEST:**

113
114
115
116 _____
117 **Kimberly R. Nichols, City Clerk**

116 _____
117 **April R. Jackson, City Council President**

118 Approved by me, this _____ day of _____, 2023.
119

120 _____
121 **John R. Heath, Acting Mayor**