



## CITY OF SALISBURY CITY COUNCIL AGENDA

---

SEPTEMBER 25, 2023

6:00 p.m.

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

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Times shown for agenda items are estimates only.

- 6:00 p.m. CALL TO ORDER
- 6:01 p.m. WELCOME/ANNOUNCEMENTS/PLEDGE
- 6:02 p.m. INVOCATION- Pastor Greg Morris, Parkway Church of God
- 6:03 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:04 p.m. CONSENT AGENDA- Assistant City Clerk Julie English
- July 17, 2023 Closed Session Minutes (separate email)
  - August 7, 2023 Closed Session Minutes (separate email)
  - August 14, 2023 Council Meeting Minutes
  - August 21, 2023 Work Session Minutes
  - August 21, 2023 Closed Session Minutes (separate email)
- 6:06 p.m. AWARD OF BIDS- Procurement Director Jennifer Miller
- RFP A-23-108 Off-Site Net Aggregate Metered Solar System \$16,182,080.64 (20 yr. term)
  - ITB 24-108 SFD Portable Radios \$170,700.25
- 6:12 p.m. **PUBLIC HEARING** – City Attorney Ashley Bosché  
**Ordinance No. 2821** - 2<sup>nd</sup> reading- to amend section 17.04.120 of the Salisbury City Code to include a definition for “clinic-residential” and amending 17.160.030 of the Salisbury City Code to add clinic-residential to the category of uses permitted by special exception in the R-5A Zoning District.
- 6:17 p.m. ORDINANCES- City Attorney Ashley Bosché
- **Ordinance No. 2824**- 2<sup>nd</sup> 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**- 2<sup>nd</sup> 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**- 2<sup>nd</sup> reading- approving the budget amendment of the FY2024 General Fund Budget to appropriate additional funds required for a Downtown Ambassador Program
- **Ordinance No. 2827**- 2<sup>nd</sup> reading- amending Chapter 5.69 of the Salisbury City Code to include exclusions from the Paper Carryout Bag Fee
- **Ordinance No. 2828**- 2<sup>nd</sup> reading- to authorize the Mayor to enter into a contract with TidalHealth for the purpose of accepting sub-granted funds in the amount of \$85,012.00
- **Ordinance No. 2829**- 1<sup>st</sup> reading- approving a budget amendment of the FY2024 General Fund Budget to update authorized position counts and grades
- **Ordinance No. 2830**- 1<sup>st</sup> reading- authorizing the Mayor to appropriate funds for the Raw Water Line Naylor Mill project
- **Ordinance No. 2831**- 1<sup>st</sup> reading- authorizing the Mayor to appropriate funds for the East Main Street Roundabout project and the Lot 5 Compliance project
- **Ordinance No. 2832**- 1<sup>st</sup> reading- to accept grant funds from the Maryland Department of Transportation – Maryland Transit Administration (MDOT-MTA) for the feasibility study of fixed and flex route transit services and approving an amendment of the FY24 budget to allocate said funds for purposes of implementation

6:30 p.m. PUBLIC COMMENTS

6:35 p.m. ADMINISTRATION and COUNCIL COMMENTS

6:40 p.m. ADJOURNMENT / MOTION TO CONVENE IN CLOSED SESSION IN ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND §3-305(b)(1) TO DISCUSS THE APPOINTMENT, EMPLOYMENT, ASSIGNMENT, PROMOTION, DISCIPLINE, DEMOTION, COMPENSATION, REMOVAL, RESIGNATION, OR PERFORMANCE EVALUATION OF APPOINTEES, EMPLOYEES, OR OFFICIALS OVER WHOM THIS PUBLIC BODY HAS JURISDICTION; OR ANY OTHER PERSONNEL MATTER THAT AFFECTS ONE OR MORE SPECIFIC INDIVIDUALS. THE REASON FOR CLOSING THE SESSION IS TO INTERVIEW CANDIDATES FOR SALISBURY CITY POLICE CHIEF AND DISTRICT 2 COUNCIL MEMBER.

Copies of the agenda items are available for review in the City Clerk's Office, Salisbury Headquarters Building, 410-548-3140 or on the City's website [www.salisbury.md](http://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 – October 9, 2023**

- Proclamation- Fire Prevention Week- Chris O'Barsky
- Resolution No. \_ - to accept donation of washer and dryer for Anne St. Village
- Resolution No. \_ - MOU to accept donation of a STEM lab for 3rd floor
- Ordinance No. \_ - 2<sup>nd</sup> reading- Budget amendment to address shortfalls in FY24 Budget
- Ordinance No. \_ - 2<sup>nd</sup> reading- budget amendment for Six Points Roundabout and Lot #5 investigation
- Ordinance No. \_ - 2<sup>nd</sup> reading- budget amendment to accept State Transportation Improvement grant funding
- Ordinance No. \_ - 2<sup>nd</sup> reading- budget amendment raw water line meters

Join Zoom Meeting

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

**Meeting ID:** 881 6325 3286

**Passcode:** 812389

Phone: 1.301.715.8592

*Posted 09/21/23*

**CITY OF SALISBURY, MARYLAND**

**REGULAR MEETING**

**AUGUST 14, 2023**

**PUBLIC OFFICIALS PRESENT**

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

**IN ATTENDANCE**

*Assistant City Administrator Tom Stevenson, Human Resources (HR) Director Meg Caton, HR Specialist- Benefits Melissa Becker, Acting Chief Dave Meienschein, Business Development Director Laura Soper, Field Operations Director Michael Dryden, Deputy Fire Chief Chris O’Barsky, Executive Administrative Assistant Jessie Turner, Procurement Director Jennifer Miller, City Attorney Ashley Bosche, City Clerk Kimberly Nichols, and members of the public*  
\*\*\*\*\*

**CITY INVOCATION – PLEDGE OF ALLEGIANCE**

*The City Council met in regular session at 6:00 p.m. via Zoom and in person. Council President Muir W. Boda called the meeting to order. After the recital of the pledge to the flag, President Boda called for a moment of silent meditation.*

**PROCLAMATION-** Mayor John R. “Jack” Heath

*Mayor John R. “Jack” Heath presented the Black Philanthropy Month proclamation to Sonya Whited, Sharon Morris and Lori Carter. Black Philanthropy Month is an annual, global celebration of African-descent giving in all its forms. The month-long observance invites all people of African ancestry and allied brothers and sisters to promote the power of giving to transform lives. An extraordinary legacy of philanthropy merits a concerted effort to lift up important stories, spotlight good work, educate and inspire giving.*

**PRESENTATION**

*Joining Council were Wicomico County Health Planner Lisa Renegar, MA and TidalHealth Director of Community Health Initiatives and Population Health Management Kat Rogers, MPH. They presented the new website (healthydelmarva.org) for the Local Health Improvement Coalition (LHIC) and discussed the health priorities for the LHIC. These included Access and Health Equity, Behavioral Health, and Chronic Disease and Wellness. The website launched in April 2023 and included information on the latest Community Health Needs Assessment and Community Health Improvement Plan. It also provided interactive tools and graphs for key health data in the community and could be a tool for non-profits and the community.*

*Ms. Blake asked if any other agencies were using the tool and Ms. Renegar said that TidalHealth was using the find help piece of it and were just starting to get the word out about all the data*

44 anyone could use. Ms. Gregory said it was a great tool in the City for those seeking housing and  
45 was also a great grant resource.

46 **ADOPTION OF LEGISLATIVE AGENDA**

47  
48 Ms. Blake moved and Ms. Jackson seconded to unanimously approve the legislative agenda.

49  
50 **CONSENT AGENDA-** presented by City Clerk Kimberly Nichols

51  
52 The Consent Agenda, consisting of the following items, was unanimously approved on a motion  
53 and second by Ms. Jackson and Ms. Gregory, respectively.

- 54
- 55 • **Resolution No. 3268-** appointment of Daniel Green to the Human Rights Advisory  
56 Committee for term ending August 2025
  - 57 • **Resolution No. 3269-** appointment of Mikayla Somers to the Human Rights Advisory  
58 Committee for term ending August 2025
  - 59 • **Resolution No. 3270-** appointment of Jonathan Moore to the Human Rights Advisory  
60 Committee for term ending August 2025
  - 61 • **Resolution No. 3271-** appointment of Maria Cornman to the Human Rights Advisory  
62 Committee for term ending August 2025
  - 63 • **Resolution No. 3272-** appointment of Chalarra Sessoms to the Historic District  
64 Commission for term ending August 2026
  - 65 • **Resolution No. 3273-** appointment of Amber Green to the TRUTH Committee for term  
66 ending August 2027
  - 67 • **Resolution No. 3274-** appointment of JoAnn Morissette to the TRUTH Committee for  
68 term ending August 2027

69  
70 President Boda read each appointee's name and thanked them for volunteering to serve.

71  
72 **AWARD OF BID**

73  
74 The Award of Bid, consisting of the following item, was unanimously approved on a motion and  
75 seconded by Ms. Jackson and Ms. Gregory, unanimously.

- 76
- 77 1. ITB 24-105 Sub-Compact Sweeper \$146,720.00

78  
79 **PUBLIC HEARING #1**

80 **Re-designation of Enterprise Zone-** presented by Assistant City Administrator Tom Stevenson

- 81
- 82 • **Resolution No. 3275-** authorizing the submission of an application to the Maryland  
83 Department of Commerce for the re-designation of a Regional Institutional Strategic  
84 Enterprise Zone

85  
86 Mr. Stevenson presented Resolution No. 3272.

87  
88 Ms. Blake moved and Ms. Gregory seconded to approve the resolution.

89  
90 One member of the public was sworn in by City Clerk Kimberly Nichols. The Public  
91 Hearing was opened at 6:32 p.m. and with the following public comments were provided:  
92

- 93
- 94 • This was the renewal of the existing RISE ZONE. The yellow section was what  
95 was currently in the zone, and to authorize it as proposed would include the light  
96 red area title CBD which was where the parking lot sale development programs  
97 were planned. It would set up another potential freebie for developers, their  
98 customers and tenants in the CBD zone. He had heard nothing about what was  
99 happening so far in the yellow, existing part and asked if there had been any  
100 development. If there was development in the CBD he asked what it would cost  
101 the City, as he had heard no estimates. He suggested this be postponed until  
102 provided accurate information and they knew what it was.

103 The Public Hearing closed at 6:35 p.m.

104  
105 Ms. Blake commented that this opened up the possibility to give incentives to the businesses  
106 when they came. They went where they received the biggest incentives. It would bring in more  
107 employment, revenue and people, and was a good idea.

108  
109 Ms. Jackson said she had mixed emotions and did not concur. There were already businesses  
110 located there and asked if they were we going to be disenfranchised.

111  
112 Mr. Boda said any business located in the Zone seven less or less could qualify for it. It had  
113 nothing to do with parking lots and he was in favor of expanding the Zone.

114  
115 Ms. Gregory commented that many of the small business owners Downtown were our neighbors  
116 and people who needed help at one time or another. Many of them were in their first seven years,  
117 and she thought it would be very good for them and the City. Ms. Outten concurred.

118  
119 Resolution No. 3275 was approved on a 4-1 vote. Ms. Jackson voted “nay.”

120  
121 **PUBLIC HEARING #2**

122 **Text Amendment-** presented by City Attorney Ashley Bosché

- 123
- 124 • **Ordinance No. 2814-** 2<sup>nd</sup> reading- amending Section 17.76.020A of the Salisbury  
125 City Code to add service, rental and repair establishments to the category of Uses  
126 Permitted in the Light Industrial Zoning District

127  
128 Ms. Blake moved and Ms. Gregory seconded to approve Ordinance No. 2814 for second reading.

129  
130 The Public Hearing was opened at 6:39 p.m. and one member of the public already sworn in  
131 provided the following comments:

- 132
- 133 • The purpose of the Light Industrial District as specified in 17.76.010 of the City  
134 Code was to “foster the continuance of existing manufacturing and other light

135 industrial uses and encourage the location of new industries within the City to  
136 improve the economic base of the community. When this district was set up over forty  
137 years ago, we are way behind in comprehensive rezoning which included a  
138 comprehensive look at the entire Zoning Code to see what uses what uses should be  
139 where and where the districts should be.

- 140 • Over the years, some of these piecemeal amendments have had very little to do with  
141 industrious manufacturing which have resulted in an amended, contorted Zoning  
142 Code that badly needed to be straightened out. As far at this particular amendment,  
143 he asked why stop now, as it was already messed up. Restaurants could be permitted  
144 by Special Exception, and if schools of special instruction and hairdresser shops  
145 were allowed, why not restaurants.
- 146 • The proposed language, “service, rental, or repair establishments limited to laundry  
147 or laundromat, automobile rental, car wash, appliance repair, equipment repair or  
148 rental, dry cleaning pick up station, pet grooming shop, upholstery shop, tailor and  
149 tattoo parlor,” all had nothing to do with the basic purpose of the Light Industrial  
150 Zoning District. He asked why not just allow anything but asked that the tattoo  
151 parlor be the one exclusion. More of them were not needed in the Light Industrial  
152 District or anywhere else in the City.

153  
154 Another member of the public was sworn in by City Clerk Kimberly Nichols and provided  
155 the following comments:

- 156  
157 • Speaker said his lawyer was not with him today but he would give it his best effort.  
158 Several businesses including Women Supporting Women supported him in his efforts  
159 to tattoo in the Light Industrial District. He offered specialized services such as  
160 areola and other scars reconstruction that he could do with his craft, as well as  
161 regular tattooing.

162  
163 The Public Hearing closed at 6:44 p.m. President Boda noted that this went before the  
164 Wicomico County Planning & Zoning Commission and they gave a unanimous  
165 recommendation. There were other things that they thought could be fit into a Light  
166 Industrial District and that was the reason other types of businesses were listed.

167  
168 Ordinance No. 2814 for second reading was approved by unanimous vote in favor.

169  
170 **ORDINANCES**- presented by City Attorney Ashley Bosche

- 171  
172 • **Ordinance No. 2816**- 2<sup>nd</sup> reading- authorizing the Mayor to enter into a contract  
173 with the Maryland Department of Housing and Community Development (DHCD)  
174 for the purpose of accepting funds from the Digital Inclusion Grant in the amount of  
175 \$18,700 for the Anne Street Village Resident Technology Education Project

176  
177 Ms. Jackson moved and Ms. Blake seconded to approve Ordinance No. 2816 for  
178 second reading.

180 City Attorney Ashley Bosché said that there were suggested amendments before the  
181 passage of second reading. IT Director Bill Garrett had conversations with the  
182 Department of Housing and Community Development and learned that the grant  
183 funds could be used for all City residents and not limited to the residents of Anne  
184 Street Village.

185  
186 She proposed to revise the ordinance accordingly to clarify that it was a benefit to  
187 all City residents. She then read Ordinance No. 2816 as amended by replacing  
188 “Anne Street Village” on Lines 7 and 8 with “City of Salisbury,” inserting “all”  
189 before “residents” on Line 15, and striking the words “at the Anne Street Village  
190 location.”

191  
192 Ms. Blake motioned to amend as ready by Ms. Bosché, Ms. Outten seconded, and the  
193 vote was unanimous.

194  
195 Ordinance No. 2816, as amended for second reading, was approved by unanimous  
196 vote in favor.

- 197  
198 • **Ordinance No. 2817**- 2<sup>nd</sup> reading- to amend the Salisbury City Code to add Chapter  
199 2.25 entitled “Labor Code” in furtherance of Charter Amendment Resolution 2022-  
200 4, which authorized collective bargaining for certain employees of the City

201  
202 Ms. Jackson moved, Ms. Outten seconded and the vote was unanimous to approve  
203 Ordinance No. 2817 for second reading.

- 204  
205 • **Ordinance No. 2815**- 2<sup>nd</sup> reading- authorizing the Mayor to defund the Computer  
206 Aided Dispatch Project and to appropriate funds for the purchase of portable radios

207  
208 Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve  
209 Ordinance No. 2815 for second reading.

- 210  
211 • **Ordinance No. 2818**- 1<sup>st</sup> reading- authorizing the Mayor to appropriate funds for the  
212 Raw Water Line Naylor Mill Project

213  
214 Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve  
215 Ordinance No. 2818 for first reading.

- 216  
217 • **Ordinance No. 2819**- 1<sup>st</sup> reading- to accept grant funds from the Maryland  
218 Department of General Services in the amount of \$250,000 for the design of the Zoo  
219 Andean Bear Exhibit

220  
221 Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve  
222 Ordinance No. 2819 for first reading.

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224 **PUBLIC COMMENTS**



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*The following comments were provided by five members of the public:*

- *Speaker emailed Council regarding “accommodation” for recovery homes- was an ADA specific question. It was a question about the disabilities of the people in that home and the accommodation was to be made by the entity requesting the special treatment to the Housing Authority, and must include justification for why the four disabled people in that house needed additional people in the house in order to fully use that home. Under Homes for Hope’s current scenario and their own admission, they had between eight and eighteen people living in their various homes in Salisbury with one part-time counselor. Speaker sent Council an email with greater detail because Mr. Kitzrow and Mr. Thomason described an expedited process for getting this underway, but then immediately either misunderstood or mischaracterized what Ms. Bosché said was an accommodation. They were talking about an accommodation in terms of a permission to do something the building code did not allow. The accommodation was a very specific thing that required specialized knowledge. HCDD was currently claiming they would entertain an accommodation request to put two people per bedroom without any current consideration of what the disability concern was for that accommodation. The Wicomico County Behavioral Health Department under Michelle Hardy appeared, by her own words, not to consider the housing being used for the recovery houses that her office was not able to permit. Under the ADA guidelines for fraud, self-referral was Medicaid fraud. If Homes for Hope were claiming someone disabled, and were using that definition to house those people and bill Medicaid, that would be at least bordering on self-referral. Mr. Kitzrow said that HCDD mistakenly gave wrong advice for the accommodation request. He asked if that effected the Newtown house, and did they have accommodation there, and if so, they knew it needed to happen and did not ask for one on Middle Boulevard. If they did not, that house should not be operating. Speaker said that Mr. Kitzrow opined on the value of the neighbors, saying they were great neighbors, and he disclosed that he was the President of the Advisory Board for Homes for Hope’s first home in Newtown. He said Mr. Kitzrow stated that if she did have eighteen people in the Newtown house it would be very hard to have her back, and then corrected himself and said for any of us to have her back. He asked why it was Mr. Kitzrow’s job to have anyone’s back.*
- *Speaker lived on Middle Blvd. and addressed three things: 1) she was excited about the new layout for the bike lanes on Waverly. It would put the driving lanes in the middle of street where they belonged, 2) the curb was broken in front of her house on the corner of Middle Blvd. It was hit by a driver going fast due to being either intoxicated or on drugs. Please fix the curb, and 3) the water bill late fee needed to be placed on the bill, 4) speaker owned a bakery in Worcester and Dorchester Counties and stated she went through quite a number of hoops to go through before ever being allowed to allow public or employees into her building to do any services. The hoops included fire code, health and building inspections, historic committee approval – all for the safety of her and her employees. This limited where she could conduct her businesses. She asked Salisbury to make clear guidelines for recovery houses in the same way. Salisbury had the power to make the City better. There were sixteen children on her street and they were .9 miles from an elementary school and .5 from SU.*
- *Speaker asked the City to rescind the HORIZON and the HERE IS HOME program. Her property tax bill in July was higher due to the 5-cent increase and her water and sewer bill went up 12%. The former mayor used government COVID funds like there was no tomorrow and she was not happy that he pushed HORIZON and other giveaways to subsidize*

272 *developers. While developers got a huge tax break, homeowners like her got increased taxes*  
273 *and water fees. All of the new proposed development in Salisbury meant more people and*  
274 *their increased need for infrastructure and services. She asked where the increased tax*  
275 *revenue would come from. Mayor and Council attempted to impose an illegal \$300 Fire Fee*  
276 *on the citizens which was proof that there was a deficit already in existence. Council raided*  
277 *the rainy day fund this year to balance the budget and they could not keep doing that. The*  
278 *City's bond rating will drop and the City would run the risk of bankruptcy.*

- 279 • *Speaker said it was apparent there would be no end to the increases to fund the giveaways.*  
280 *Housing was all around us, and how would anyone come to downtown to live with parking*  
281 *destroyed and no place for the tenants to park. We will fund the parking garage for the*  
282 *developer out of a bond that the City was funding. Why were we funding parking for the*  
283 *contractors? Businesses will fail downtown without parking for their customers and the*  
284 *City's tax base will disappear downtown. The only people left to pay for it will be retirees*  
285 *like he and his wife. He said he would live in a lesser quality of life to fund developers.*
- 286 • *The speaker said the citizens working Downtown were getting shafted. He used to have a*  
287 *parking permit in the Parking Garage at \$35 per month and it went up to \$70 in the current*  
288 *budget. It doubled in four years. The Ross tenants can park in the garage at \$35 per month.*  
289 *Hard working people who worked Downtown had to pay the full amount. When John Pick*  
290 *resigned things really started to go downhill in 2015. The Council had no idea what was*  
291 *being pulled on them.*

#### 292 **ADMINISTRATION AND COUNCIL COMMENTS**

293  
294  
295 *President Heath asked those able to donate blood to do so. The area was still in desperate need.*  
296 *This Friday was Third Friday, so please come out. The Ribbon Cutting for the new Headquarters*  
297 *Building was at 5:30 p.m. He was happy about all the people volunteering on City committees.*  
298

299 *Ms. Gregory thanked the Local Health Improvement Coalition for coming out. She was excited*  
300 *about the tools for the community and organizations and hoped everyone would check it out.*  
301

302 *Ms. Jackson said she was glad the speakers came and spoke out. She said they would try to do the*  
303 *right thing for the constituents. It felt like Council was being slapped around. What Council had to*  
304 *do was not always considered right but they always had to do what was right by the City. Salisbury*  
305 *Advisory and Youth Activities and the community raised money to take forty youth to Killen's Pond*  
306 *to swim and have a cookout. She said she would like to see the City step up and do something with*  
307 *the youth as far as crime was concerned. She attended the Black Business Expo and had a lovely*  
308 *time. Everything about the City was not bad. Council had the citizen's best interest at heart.*  
309

310 *Ms. Blake asked for blood donations if healthy enough.*  
311

312 *Ms. Outten thanked everyone for coming out and voicing their opinions. She said there were still*  
313 *boards and commissions that needed members. She also attended the Black Business Expo and it*  
314 *was lovely to see the community out in full force. This felt like the year for community revival in*  
315 *Salisbury and she was really excited for the number of events the rest of the year.*  
316

317 *President Boda congratulated Crisfield on getting the world's largest rubber duck. It was still hot*  
318 *out and he asked everyone to make sure they hydrated. He also congratulated The Ugly Pie on their*  
319 *recent move.*

320

321 **ADJOURNMENT**

322

323 *With nothing further to discuss, the meeting adjourned at 7:29 p.m.*

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CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
JULY 17, 2023

363  
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367 *TIME & PLACE:* 5:10 p.m., Council Chambers, Government Office Building  
368 *PURPOSE:* to consult with counsel to obtain legal advice on a legal matter and to consult  
369 with staff, consultants and other individuals about pending or potential  
370 litigation  
371 *VOTE TO CLOSE:* Unanimous (5-0)  
372 *CITATION:* Annotated Code of Maryland §3-305(b)(7)(8)  
373 *PRESENT:* Council President Muir W. Boda, Council Vice-President April Jackson,  
374 Councilmember Angela M. Blake, Councilmember Michele Gregory, Councilmember Megan  
375 Outten, Acting Assistant City Administrator Tom Stevenson, City Attorneys Ashley Bosché and  
376 Heather Konyar, Special Counsel Reena Patel, City Clerk Kimberly Nichols  
377 \*\*\*\*\*  
378 *The City Council convened in Work Session at 4:30 p.m. in Council Chambers of the Government*  
379 *Office Building and via Zoom Video Conferencing. At 5:10 p.m. Council President Muir Boda*  
380 *called for a motion to enter into Closed Session to consult with counsel to obtain legal advice on a*  
381 *legal matter and to consult with staff, consultants and other individuals about pending or potential*  
382 *litigation (an annexation) as permitted under the authority of the Maryland Open Meetings Law,*  
383 *Annotated Code of Maryland General Provisions Article § 3-305(b)(7)(8).*  
384  
385 *Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous (5-0) to convene in Closed*  
386 *Session.*  
387  
388 *City Attorneys Ashley Bosché and Heather Konyar briefed Council on the potential litigation*  
389 *concerning an annexation and offered a course of action to take to prevent further threats. No votes*  
390 *were taken or consensus reached as the purpose of the discussion was to provide legal advice.*  
391  
392 *Ms. Bosché provided her opinion on the Open Meetings Act complaint. She first reminded Council*  
393 *that Cockey, Brennan and Maloney, PC (CBM) did not represent the City with respect to Lots 1, 11*  
394 *and 15, which was why Attorney Reena Patel was present.*  
395  
396 *Attorneys Ashley Bosché and Heather Konyar exited the Closed Session at 5:35 p.m.*  
397  
398 *Ms. Patel then discussed attachment “E” in the LDA and explained why it was not included in the*  
399 *June 20<sup>th</sup> legislation.*  
400  
401 *At 5:55 p.m. Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous (5-0) to adjourn*  
402 *the Closed Session.*  
403  
404 *Council immediately reconvened in Open Session and President Boda reported that Council had*  
405 *met in Closed Session to discuss an annexation update and obtained legal advice from counsel on*  
406 *pending or potential litigation. The Open Session was then adjourned.*  
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CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
AUGUST 7, 2023

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*TIME & PLACE:* 6:11 p.m., Council Chambers, Government Office Building  
*PURPOSE:* to discuss a utility easement agreement involving a cell phone tower  
*VOTE TO CLOSE:* Unanimous (5-0)  
*CITATION:* Annotated Code of Maryland §3-305(b)(14)  
*PRESENT:* Council President Muir W. Boda, Council Vice-President April Jackson, Councilmember Angela M. Blake, Councilmember Michele Gregory, Councilmember Megan Outten, Acting Mayor John R. Heath, City Administrator Andy Kitzrow, City Attorney Ashley Bosché, Procurement Director Jennifer Miller, City Intern Kaya Manizade, Assistant City Clerk Julie English

\*\*\*\*\*  
*The City Council convened in Work Session at 4:30 p.m. in Council Chambers of the Government Office Building and via Zoom Video Conferencing. At 6:11 p.m. Council President Muir Boda called for a motion to enter into Closed Session, before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process as permitted under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b)(14).*

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

*Procurement Director Jennifer Miller presented a utility easement agreement to Council and explained the details of the agreement. She noted that the terms of the current and proposed agreements were marked confidential by the vendor.*

*Mr. Kitzrow assisted Ms. Miller by answering questions from the Council. They discussed the advantages and disadvantages of the agreement.*

*Council agreed that they needed more time to research and review the information before making a decision. They requested the discussion be brought back to Work Session in two weeks.*

*At 6:34 p.m. Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous (5-0) to adjourn the Closed Session.*

*Council immediately reconvened in Open Session and President Boda reported that Council had met in Closed Session to discuss a utility easement agreement involving a cell phone tower. The Open Session was then adjourned.*

\_\_\_\_\_  
*City Clerk*

\_\_\_\_\_  
*City Council President*

CITY OF SALISBURY  
WORK SESSION  
AUGUST 21, 2023

Public Officials Present

Council President Muir Boda  
Councilmember Angela M. Blake  
Councilmember Megan Outten

Council Vice-President April Jackson  
Councilmember Michele Gregory

Absent

Mayor Jack Heath

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, City Planner Brian Soper, Procurement Director Jennifer Miller, Media Specialist Jordan Ray, Assistant City Clerk Julie English, City Attorney Ashley Bosché, and interested members of the public.

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On August 21, 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.

**Text Amendments to Sections 17.04.120 and 17.160.030**

City Planner Brian Soper presented a text amendment at the request of Mr. Mark Cropper on behalf of TidalHealth. The text amendment would amend Sections 17.04.120 “Definitions” and 17.160.030 “Uses permitted by special exception” to include community clinics in the R-5A zoning district. The proposed site was the current site of Hotel Esther on Church Street.

If approved by Council, the amendment would allow TidalHealth to apply for an exception to the Board of Appeals and then to the Planning Commission.

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

**Ordinance to convert Calvert Street to one-way traffic**

DID Director Rick Baldwin requested permission from the Council to convert one block of Calvert Street to one-way westbound traffic. The request was made to help eliminate an area of frequent accidents. Mr. Baldwin shared a visual to show which area would be affected.

44 Mr. Kitzrow added that this change would line up with future plans for that location.

45

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

47

48 **Budget amendment to appropriate funds for legal services and resolution to appoint**  
49 **Special Counsel**

50

51 Director of Finance Keith Cordrey explained the City anticipated the need for special  
52 counsel with the adoption of the Labor Code. The proposed ordinance would appropriate  
53 \$50,000 from surplus.

54

55 Mr. Cordrey also presented a resolution to appoint the law firm of Saul Ewing, LLP to  
56 serve as special counsel for the City.

57

58 Ms. Blake questioned how that particular firm was chosen. Ms. Bosché responded it was  
59 at her request after having discussions with other attorneys and municipalities who had  
60 labor codes. Mr. Daniel Altchek, with Saul Ewing, LLP, came highly recommended.

61

62 Ms. Jackson questioned why the decision on a firm had been made prior to the situation  
63 being presented before Council. Mr. Kitzrow explained that if a professional service was  
64 needed the request for quote process was not required. Ms. Bosché added the number of  
65 attorneys having expertise in this area were limited.

66

67 Ms. Gregory asked if the other municipalities Mr. Altchek represented were similar to  
68 Salisbury. He stated he represented public employers with a wide variety of sizes. He  
69 practiced labor and employee law, almost exclusively, and spent a lot of time in this area  
70 and with public law. Additionally, he worked with the Town of Ocean City for collective  
71 bargaining with the FOP and the IAFF.

72

73 Ms. Blake asked how they came up with the amount of \$50,000 to appropriate. Mr.  
74 Kitzrow explained he and Ms. Bosché came up with that figure based on the firms hourly  
75 rate.

76

77 Council reached unanimous consensus to move this legislation forward to legislative  
78 session.

79

80 **Budget amendment to accept funds for K-9 vests**

81

82 Acting Chief Meienschein presented a budget amendment to Council to accept a  
83 donation from Blue Heron Agility Association out of Delaware in the amount of \$4,000  
84 to outfit the K-9's with bullet proof vests. Chief Meienschein shared the company had a  
85 history with the Salisbury Police Department. In 2019 they donated funds in the amount  
86 of \$1,000 that went toward the purchase of police vests and equipment. He also  
87 explained that the K-9's were just as much in harms way as the officers. The vests would  
88 offer protection for them that they wouldn't normally have. The vests were just as  
89 expensive as the vests for the officers.

90  
91 Council reached unanimous consensus to move this legislation forward to legislative  
92 session.

93  
94 **Cannabis zoning discussion**

95  
96 Mr. Kitzrow shared he was at a cannabis symposium last week that went over how  
97 cannabis zoning was being regulated at a state level. City Planner Brian Soper shared  
98 that the Planning Commission had heard discussions with the County and they were  
99 going through the same process as the City to explore their options.

100  
101 Mr. Kitzrow listed the following things that could be taken into consideration:

- 102
- 103 • zoning jurisdictions
  - 104 • buffering (distances from places such as churches, schools and daycare centers)
  - 105 • density (number of locations within a certain area)
  - 106 • operational characteristics (hours of operation, onsite consumption)
- 107

108 He added with cannabis there were three main sections: cultivation and growing,  
109 production, and dispensaries. The City was focused more on the dispensary side of it.

110  
111 City Attorney Laura Ryan shared the County hadn't put anything out that was concrete.  
112 The hope was the City could look at what they put out and the restrictions they had in  
113 place then build off of that.

114  
115 Mr. Boda added that the deadline for this was December 31<sup>st</sup>.

116  
117 Mr. Kitzrow encouraged Council to let Administration know if they had any questions or  
118 additional things they wanted them to look into during this process.

119  
120 Mr. Boda stated he wanted them to take into consideration the businesses that were  
121 dropoff locations for kids when addressing the buffering mentioned earlier. Mr. Kitzrow  
122 responded it could be addressed when determining the criteria for the zones.

123  
124 The question was raised about businesses changing within a zone that already had a  
125 dispensary and how that would be addressed. It would be a topic of conversation when  
126 further discussion was had on the subject.

127  
128 Mr. Kitzrow shared that the City is currently not in favor of having onsite consumption.  
129 Ms. Jackson related the topic to an alcohol dispensary. The public would not be able to  
130 consume the alcohol on the property so they shouldn't be able to consume the cannabis  
131 on the property where it was purchased. Ms. Outten added the City would be  
132 encouraging people to then drive home under the influence.

133  
134 Mr. Kitzrow advised this would be brought back to Council in late September for further  
135 discussion. The plan was to get this wrapped up by the end of December.



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**Adjournment / Convene in Closed Session**

With no further business to discuss, President Boda adjourned the Work Session at 5:06 p.m. and Council immediately convened in the scheduled Closed Session.

**Convene in Open Session/Report to Public/Adjournment**

At 5:20 p.m. the Closed Session was adjourned upon a motion and seconded by Ms. Jackson and Ms. Gregory, respectively, and approved by unanimous vote in favor. Council convened in Open Session at 5:21 p.m. and President Boda reported to the public that Council met in Closed Session in accordance with the Annotated Code of Maryland § 3-305(b)(14) to discuss a utility easement agreement involving a cell phone tower. The reason for closing was due to expressed confidentiality of current and proposed vendor agreements as protected from disclosure under the Maryland Public Information Act of which public discussion at this juncture would adversely impact the ability of the City to participate in the proposal process.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council President



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

**COUNCIL AGENDA – Department of Procurement**

**September 25, 2023**

**Award of Bid(s)**

- |   |                               |
|---|-------------------------------|
| 1. RFP A-23-108 Off-Site Net Aggregate Metered Solar System | \$16,182,080.64 (20 yr. term) |
| 2. ITB 24-108 SFD Portable Radios                           | \$ 170,700.25                 |



# City of Salisbury

John "Jack" R. Heath, Mayor

**To:** Mayor and City Council  
**From:** Jennifer Miller  
Director of Procurement  
**Date:** September 25, 2023  
**Subject:** Award of Bids

**The Department of Procurement seeks approval from City Council to award the following procurements.**

#### RFP A-23-108 Off-Site Net Aggregate Metered Solar System

- Department: N/A
- Scope of Work: Provision of an off-site net aggregate metered solar photovoltaic electric generating system(s)
- Proposal date: 05/09/2023
- Proposal opening: 06/14/2023
- Total proposals received:3
  - Nexamp Solar, LLC (Boston, MA) – 88 pts
  - CI Renewables, LLC (Baltimore, MD) – 82 pts
  - Ameresco, Inc. (Colombia, MD) – 74 pts
- Most highly ranked vendor for contract award: Nexamp Solar, LLC (Boston, MA)
- Notes:
  - 20 yr. term
  - \$0.0785 per kWh in yr. 1 with a 2.0% annual escalation
  - Will provide approx. 49% of the City's annual electricity needs

For RFP A-23-108, the City followed required bidding practices by publicly posting this solicitation on the City of Salisbury's Procurement Portal and the State of Maryland's website, eMaryland Marketplace Advantage.

#### ITB 24-108 SFD Portable Radios

- Department: Salisbury Fire Department
- Specifications: Motorola APX6000 700/800 Model 2.5 Portable Radios (qty 25)
- Vendor: Motorola Solutions
- Cost: \$170,700.25
- GL Account(s):
  - 24035-577030 Equipment
- Notes:
  - Municipal Code 2.32.050.C.5, "Noncompetitive Negotiation – Sole Source Procurement"
    - "...the Director of Procurement determines that there is only one available source for the subject of a procurement contract and he/she may award the contract without competition to that source."
  - Sole Source Justification attached
  - Discounted pricing provided pursuant to the State of Maryland "060B7400088 Radio Communications Master Contract – 2018", which affords a standard 28% discount on radio equipment and 23% of accessories



**To:** Jennifer Miller, Director of Procurement  
**From:** Chris O'Barsky, Deputy Fire Chief  
**Subject:** Award of Bid – Portable Radios  
**Date:** August 24, 2023

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During the FY24 Capital Improvement Plan and Budget process, the Fire Department submitted a request to continue the replacement of our existing ninety-three (93) APX6000 700/800 Model 2.5 portable radios. Due to rising costs, the Fire Department was granted permission to purchase twenty-five (25) portable radios in FY24. This request was made because the Fire Department's current portable radios are reaching their end of serviceable life. These new portable radios will be in accordance with the National Fire Protection Association (NFPA) 1802 *Standard on- Two Way, Portable RF Voice Communications Devices for Use by Emergency Services Personnel in the Hazard Zone*.

A bid proposal was submitted by Motorola Solutions, who is an authorized distributor of the APX 6000 Series portable radios servicing Wicomico County, and surrounding areas. Pursuant to a thorough review and pricing verification from the City Procurement Department and the Salisbury Fire Department, please allow this memorandum to serve as the formal Department recommendation to award the bid to Motorola Solutions in the amount of \$170,700.25 to purchase twenty-five (25) APX6000 700/800 Model 2.5 portable radios and associated equipment for the Department.

Funding for this project can be found in account 24035-577030 – *Equipment*

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



SOLE SOURCE: The product or service is unique, meaning that only one vendor, to the best of the requestor's knowledge and belief, is capable of furnishing the product or service. A sole source justification is required for every purchase over the direct buy limit of \$2,000.00, and must be approved by the Director of Procurement prior to an order being placed. A thorough definition of sole source purchases is on the back of this form.

POLICY PURPOSE: It is the policy of the City of Salisbury to consistently purchase goods and services using full and open competition. The citizens of the City of Salisbury are best served when we make sound business decisions based on competitive bids or proposals. Early acquisition planning that includes the Department of Procurement can help to avoid delays and to facilitate effective market research. However, there may be instances when other than full and open competition may be justified. When a using agency determines that other than full and open competition is necessary or in the best interest of the City, appropriate justification for that course of action must be submitted to the Director of Procurement for approval in order to waive the competitive bid/proposal process.

Please provide the following information to document the sole source request. Attach additional pages as necessary.

Explain why the product or service requested is the only one that can satisfy your requirements, and why all alternatives are unacceptable. Be specific with regard to unique specifications, features, characteristics, requirements, capabilities, compatibility, and performance.

The Salisbury Fire Department needs to purchase twenty-five (25) hand held radios that have become obsolete due to age, and maintenance issues. Currently, Motorola is a sole source for the specific radios the Department will need to purchase. The Salisbury Fire Department operates off the Wicomico County 911 Center's radio system, which only deals with Motorola radios for the county.

Explain why this service provider, supplier, or manufacturer is the only practicably available source from which to obtain this product or service and describe efforts that were made to verify and confirm this. Obtain and include a letter from the manufacturer or vendor confirming claims of sole source provision, and a quote from the manufacturer or distributor.

This supplier is the only practicably available source due to the Wicomico County 911 Center working exclusively with this vendor.

Describe your efforts to identify other potential products or sources.

Not applicable

Is there a grant or unique funding source that directs a specific source be used? If yes, please attach applicable portion.

No

Will this purchase obligate the City to a particular vendor for future purchases (either in terms of maintenance that only this vendor will be able to perform and/or will purchasing this item will cause the City to need more like items in the future)?

Yes. The Salisbury Fire will be in the need to replace additional hand-held radios in the coming fiscal years.

Describe the negotiation efforts that have been made with the supplier to obtain the best possible price.

Based on a contract price

**STATEMENT OF NEED AND CERTIFICATION**

I am aware that City procurement regulations require procurements to be done competitively whenever practicable. I am requesting a sole source procurement based on the following criteria: The statements I have made are complete and accurate, based on my professional judgment and investigations. I also certify that no personal advantage, gain, or privilege has (or will) accrue to me or my immediate family through the purchase from this vendor, nor is there a conflict of interest in any way with this request.

Submitted by: Deputy Chief Chris O'Barsky Date: 8/26/23  
Signature of Individual Requesting Sole Source Purchase Justification

Printed Name: Deputy Chief Chris O'Barsky Department: Salisbury Fire Department

**FOR PROCUREMENT USE ONLY**

This situation as stated on this form and its attachments:

- Constitute a Sole Source Procurement
- Does NOT constitute a Sole Source Procurement
- There is insufficient information for justification

Comments to Requestor: [Click here to enter text.](#)

Signature: Jennifer Miller Date: 09/20/23  
Jennifer Miller, Director of Procurement

**SOLE SOURCE JUSTIFICATION CRITERIA**

The following list of criteria should be used in determining if a sole source situation exists:

1. Only one manufacturer makes the item meeting salient specifications; that manufacturer only sells directly or exclusively through one regional or national representative.
2. Item required must be identical to equipment already in use by the end user, to insure compatibility of equipment, and that item is only available from one source.
3. Collaborative project- Supplier is named by the funding source or interagency agreement where the identical equipment is required for compatibility and continuity.
4. Maintenance or repair calls by the original equipment manufacturer are required for a piece of equipment, and the manufacturer does not have multiple agents to perform these services.
5. Replacement or spare parts are required from the original equipment manufacturer, and the manufacturer does not have distributors for these parts.
6. Patented items or copyrighted materials, which are only available from the patent or copyright holder.
7. Unique expertise, background in recognized field of endeavor, the result of which may depend primarily on the individual's invention, imagination, or talent. Consultant has advanced or specialized knowledge, or expertise gained over an extensive period of time in a specialized field of experience.
8. A Market Survey has been conducted to determine whether other potential sources capable of satisfying the requirement exist. Market survey may be conducted by phone or in writing. The extent of the market survey depends on what constitutes a reasonable effort under the circumstances to ensure that competition is not feasible. A list of suppliers contacted, along with the reason why each supplier could not meet the requirement may justify a sole source purchase.

NOTE: An item being a "sole brand" or a "sole manufacturer" does not automatically qualify as a "sole source." Many manufacturers sell their products through distributors. Therefore, even if a purchase is identified as a valid "sole brand" or "sole manufacturer," the requestor should verify whether the manufacturer has multiple distributors. If multiple distributors for an item exist, competition should be sought among those distributors.

8/11/2023

Chief John Tull  
Salisbury Fire Department  
325 Cypress Street  
Salisbury, MD 21801

Dear Chief Tull,

The Salisbury Fire Department operates their radio communications on the Wicomico County P25 radio system. The procurement of this system was a competitively bid process and was awarded to Motorola Solutions. The State of Maryland, MD FiRST statewide network was also competitively bid and awarded to Motorola Solutions.

The County only allows Motorola subscribers to operate on their Public Safety Network. This is done to maintain the integrity and security of system operation. Additionally there are some components of subscriber radio configuration that are unique to Motorola products and not available elsewhere.

Quote 2273883 was created using the State of Maryland 700 MHz contract managed by Maryland DoIT for pricing of the equipment. This contract can be accessed using the following link: <http://www.doit.maryland.gov/contracts/Pages/RadioCommunicationsContract.aspx>.

If you have any questions please contact me.

Richard Morris

*Richard Morris*

Sr Account Manager  
Motorola Solutions

Billing Address:  
 SALISBURY FIRE DEPT INC  
 1100 BEAGLIN PARK DR  
 SALISBURY, MD 21801  
 US

Quote Date:08/10/2023  
 Expiration Date:11/08/2023  
 Quote Created By:  
 Richard Morris  
 richard.morris@  
 motorolasolutions.com

End Customer:  
 SALISBURY FIRE DEPT INC  
 Chief Chris O'Barsky

Contract: 23551 - STATE OF MARYLAND  
 700MHZ STATEWIDE SYSTEM

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
	APX™ 6000 Series	APX6000 XE				
1	H98UCF9PW6BN	APX6000 700/800 MODEL 2.5 PORTABLE	25	\$3,595.00	\$2,588.40	\$64,710.00
1a	H869BZ	ENH: MULTIKEY	25	\$363.00	\$261.36	\$6,534.00
1b	G996AU	ADD: PROGRAMMING OVER P25 (OTAP)	25	\$110.00	\$79.20	\$1,980.00
1c	QA01767AT	ADD: P25 LINK LAYER AUTHENTICATION	25	\$110.00	\$79.20	\$1,980.00
1d	Q361AR	ADD: P25 9600 BAUD TRUNKING	25	\$330.00	\$237.60	\$5,940.00
1e	QA02006AA	ENH: APX6000XE RUGGED RADIO	25	\$880.00	\$633.60	\$15,840.00
1f	QA00580AC	ADD: TDMA OPERATION	25	\$495.00	\$356.40	\$8,910.00
1g	QA09008AA	ADD: GROUP SERVICES	25	\$165.00	\$118.80	\$2,970.00
1h	QA05100AA	ENH: STD 1 YR WARRANTY APPLIES NO SFS	25	\$0.00	\$0.00	\$0.00
1i	H38BT	ADD: SMARTZONE OPERATION	25	\$1,320.00	\$950.40	\$23,760.00
1j	QA01427AB	ALT: IMPACT GREEN HOUSING	25	\$28.00	\$20.16	\$504.00



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.

Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 - #: 36-1115800



Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
1k	Q806BM	ADD: ASTRO DIGITAL CAI OPERATION	25	\$567.00	\$408.24	\$10,206.00
1l	Q629AK	ENH: AES ENCRYPTION AND ADP	25	\$523.00	\$376.56	\$9,414.00
2	PMNN4547A	BATT IMPRES 2 LIION TIA4950 R IP68 3100T	25	\$213.15	\$164.13	\$4,103.25
3	NNTN8575A	AUDIO ACCESSORY-REMOTE SPEAKER MICROPHONE,IMPRES XE RSM XT CABLE GREEN	25	\$581.04	\$447.40	\$11,185.00
4	PMLN5879A	APX6000XE CC 3 FIX BL 4200MAH	25	\$66.96	\$51.56	\$1,289.00
	APX™ Radio Management	RADIO MANAGEMENT				
5	T7914A	RADIO MANAGEMENT ONLINE	1	\$0.00	\$0.00	\$0.00
5a	UA00049AA	ADD: RADIO MANAGEMENT LICENSES ONLINE	25	\$110.00	\$55.00	\$1,375.00
<b>Grand Total</b>				<b>\$170,700.25(USD)</b>		


**Notes:**

- Unless otherwise noted, this quote excludes sales tax or other applicable taxes (such as Goods and Services Tax, sales tax, Value Added Tax and other taxes of a similar nature). Any tax the customer is subject to will be added to invoices.





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

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

---

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

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

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

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

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

**ATTACHMENTS (2):**

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

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**ORDINANCE NO. 2821**

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

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

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

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

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

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

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

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

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

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

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

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

**17.160.120 – Definitions.**

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

43 ...

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

49 ...

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

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

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

54 Uses permitted by special exception shall be as follows:

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

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

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

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

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

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

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

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

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

89  
90 **ATTEST:**

91  
92  
93 \_\_\_\_\_  
94 **Kimberly R. Nichols, City Clerk**

\_\_\_\_\_ **April R. Jackson, City Council President**

95  
96 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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



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

**Meeting of June 15, 2023**

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

**I. CODE REQUIREMENTS:**

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

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

**II. REQUEST:**

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

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

**III. PLANNING AND ZONING:**

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



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

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

The definition prohibits Medical Assisted Treatments for addiction.

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

**IV. STAFF RECOMMENDATION:**

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

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

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

**A PUBLIC HEARING WILL BE HELD ON**

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

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

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

(FOR FURTHER INFORMATION CALL 410-548-3170)

Charles “Chip” Dashiell, Chairman

Publication Dates:        June 1, 2023  
   June 8, 2023



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OF COUNSEL  
HAROLD B. GORDY, JR.

April 5, 2023

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

RE: Text Amendment for TidalHealth, Inc.

Dear Mr. Soper:

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

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

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

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

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

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

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

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

Very truly yours,



Mark Spencer Cropper

cc: Tom Anderson  
Jeff Harman

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### 17.04.120 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Community impact statement" includes the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

Two - in an efficiency or one bedroom unit;

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

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

All dwelling units shall comply with parking code requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sign. See chapter 17.216.

"Significant amount" means the following:

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

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

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



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

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

"Specified anatomical areas" means the following:

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

"Specified sexual activities" means the following:

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

"Straddle dance" means the following:

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

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

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

"Structure" means that which is built or constructed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

### **17.160.010 Purpose.**

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

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

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

(Prior code § 150-27)

### **17.160.020 Permitted uses.**

Permitted uses shall be as follows:

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

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

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

Uses permitted by special exception shall be as follows:

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

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

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

### **17.160.040 Uses permitted by ordinance permit.**

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

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

(Prior code § 150-30)

### **17.160.050 Accessory uses and structures.**

Accessory uses and structures shall be as follows:

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

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

(Prior code § 150-31)

**17.160.060 Development standards.**

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

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

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

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

- 2. Lots for two-family dwellings:

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

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

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

- C. Height Limitations.

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

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

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**ORDINANCE NO. 2821**

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

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

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

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

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

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

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

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

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

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

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

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

**17.160.120 – Definitions.**

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



43 ...

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

49 ...

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

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

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

54 Uses permitted by special exception shall be as follows:

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

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

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

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

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

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

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

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

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

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90 **ATTEST:**

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93 \_\_\_\_\_  
94 **Kimberly R. Nichols, City Clerk**

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93 \_\_\_\_\_  
94 **April R. Jackson, City Council President**

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96 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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100 **John R. Heath, Acting Mayor**

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**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.

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**ATTEST:**

\_\_\_\_\_  
**Kimberly R. Nichols, City Clerk**

\_\_\_\_\_  
**April R. Jackson, City Council President**

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**John R. Heath, Acting Mayor**

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**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.

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

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

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

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58 **ATTEST:**

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61 \_\_\_\_\_  
62 **Kimberly R. Nichols, City Clerk**

\_\_\_\_\_ **April R. Jackson, City Council President**

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66 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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71 **John R. Heath, Acting Mayor**

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1 **ORDINANCE NO. 2826**

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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

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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.  
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**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**



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**ORDINANCE NO. 2827**

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

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

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

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

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

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

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

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

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

5.69.010 - Definitions:

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

“Excluded organization” means:

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

“Food Service Facility” means:

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

“Food Service Facility” does not include:

- 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

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112 **ATTEST:**

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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**

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**ORDINANCE NO. 2828**

**AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR  
TO ENTER INTO A CONTRACT WITH TIDAL HEALTH FOR THE PURPOSE OF  
ACCEPTING SUB-GRANTED FUNDS IN THE AMOUNT OF \$85,012.00.**

**WHEREAS**, Tidal Health, in conjunction with the City of Salisbury, applied for funds through the Rural Maryland Prosperity Investment Fund (RMPIF); and

**WHEREAS**, Tidal Health was awarded RMPIF funds in the amount of \$209,425.00; and

**WHEREAS**, Tidal Health is sub-granting \$85,012.00 of the RMPIF funds to the City of Salisbury; and

**WHEREAS**, all accepted RMPIF funds shall be used to operate the Salisbury-Wicomico Firstcare Team (SWIFT); 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 City Council; 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 Rural Maryland Council Revenue Account (10500-424540-XXXXX) by \$85,012.00.
- (b) Increase Salary Overtime Non-Clerical Expense Account (10500-501021-XXXXX) by \$46,436.00.
- (c) Increase Various Benefits Expense Account (10500-502XXX-XXXXX) by \$38,576.00.

**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.

***[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]***

***[SIGNATURES APPEAR ON THE PAGE THAT FOLLOWS]***

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**ATTEST:**

\_\_\_\_\_  
**Kimberly R. Nichols, City Clerk**

\_\_\_\_\_  
**April R. Jackson, City Council President**

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**John R. Heath, Acting Mayor**

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OFFICE

# MEMO

## *Finance Department*

**To:** Andy Kitzrow, City Administrator *KAC*  
**From:** Keith Cordrey, Director of Finance  
**Subject:** Budget Ordinance – Authorized Position Counts and Grades  
**Date:** August 30, 2023

Please find attached an ordinance that updates the authorized position counts, titles, and grades according to the following schedule.

Position Title	Org	Grade	Position Totals	
			Current	Revised
<b>Housing and Community Development</b>				
Housing & Homelessness Case Coordina	25200	4	0	1
<b>Field Operations Administration</b>				
Assest and Facility Manager	30000	M6	1	0
Assistant Director	30000	M7	0	1
<b>Infrastructure and Development</b>				
Project Engineer I/II/III/IV	31000	14/15/16/17	5	0
Project Manager/Engineer I/II/III/IV	31000	14/15/16/17	0	5
<b>Salisbury Zoo</b>				
Collections Operations Manager	40000	M2	1	0
Lead Keeper	40000	M2	0	1
<b>Parks Rec</b>				
General Maintenance Technician	45001	2	1	0
Downtown Ambassador	45001	2	0	1

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

1 **ORDINANCE NO. 2829**

2  
3 **AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A**  
4 **BUDGET AMENDMENT OF THE FY2024 GENERAL FUND BUDGET TO**  
5 **UPDATE AUTHORIZED POSITION COUNTS AND GRADES.**

6  
7 **WHEREAS**, the City of Salisbury is updating Authorized Position Counts and Grades to match  
8 needs in FY2024; and  
9

10 **WHEREAS**, the City of Salisbury has determined no additional funding should be required to  
11 make the updates, and  
12

13 **WHEREAS**, the changes made herein to the authorized position counts and grades must be made  
14 upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of  
15 Salisbury.  
16

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

20 **Section 1.** The City of Salisbury’s FY24 General Fund Budget be and hereby is amended to update  
21 the authorized position counts and grades as follows:

Position Title	Org	Grade	Position Totals	
			Current	Revised
<b>Housing and Community Development</b>				
Housing & Homelessness Case Coordinator	25200	4	0	1
<b>Field Operations Administration</b>				
Assets and Facility Manager	30000	M6	1	0
Assistant Director	30000	M7	0	1
<b>Infrastructure and Development</b>				
Project Engineer I/II/III/IV	31000	14/15/16/17	5	0
Project Manager/Engineer I/II/III/IV	31000	14/15/16/17	0	5
<b>Salisbury Zoo</b>				
Collections Operations Manager	40000	M2	1	0
Lead Keeper	40000	M2	0	1
<b>Parks Rec</b>				
General Maintenance Technician	45001	2	1	0
Downtown Ambassador	45001	2	0	1

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25 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**  
26 **SALISBURY, MARYLAND**, as follows:  
27

28 **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision  
29 of this Ordinance shall be deemed independent of all other provisions herein.  
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**Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

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

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

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

**ATTEST:**

\_\_\_\_\_  
**Kimberly R. Nichols, City Clerk**

\_\_\_\_\_  
**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: Andy Kitzrow, City Administrator

From: Cori Cameron, Director of Water Works

Date: September 12, 2023

Re: Budget Amendment – Paleo Raw Water Line at Naylor Mill (North Prong Crossing)

---

The Department of Water Works is requesting consideration for a budget amendment to move funds from Pay Go accounts that are no longer needed to the Paleo Raw Water Line project. The Department of Water Works was able to identify \$236,255.84 in funds from numerous completed pay go projects that could be put forth into the completion of the Paleo Raw Water Line project. An additional \$40k will be needed from surplus.

The Raw Water Line on Naylor Mill Road is being replaced in connection with the raw water line on Scenic Drive into the water plant. The old raw water line was 30 inches and had a Venturi meter at the plant influent to meter our groundwater. The new line will be 24 inches and will not work correctly with the current Venturi meter. The City of Salisbury is required by Maryland Department of the Environment (MDE) to meter the amount of groundwater that we remove from the aquifer. To meet our permit requirements, we need to install a new meter. A new Mag Meter sized for the 24 inch pipe will not be able to properly monitor the low flow from a single well pump. At the completion of Paleo Well 3, there will be five well pumps alternating from three well houses in the Paleo well field. Well 3 has a mag meter. The simplest way to handle metering the other two wells is to install a Mag Meter, in a vault, at each groundwater well house, to meet permit requirements.

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

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**ORDINANCE NO. 2830**

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

**WHEREAS**, the City of Salisbury has determined an additional \$276,255.84 is needed to complete the Raw Water Line Naylor Mill Project; and

**WHEREAS**, the City of Salisbury has located \$236,255.84 that is no longer needed for other City projects, and which can be reallocated to the Raw Water Line Naylor Mill Project; and

**WHEREAS**, an additional \$40,000 is available from surplus to be transferred from the Water Sewer Fund as Pay GO to the Water Sewer Capital Project fund for the Raw Water Line Naylor Mill Project; and

**WHEREAS**, the appropriations necessary to execute the appropriation of \$276,255.84 to complete the Raw Water Line Naylor Mill Project 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 the Raw Water line Naylor Mill project in the amount of \$276,255.84.

**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 Water Sewer Fund Budget be and hereby is amended as follows:

Increase Decrease	Account Type	Project Description	Account Description	Account	Amount
Increase	Expense		Transfer Water Sewer Capital Projects	91002-599108	40,000
Increase	Revenue		Use of Surplus	60100-469810	40,000

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**Section 3.** The City of Salisbury’s Water Sewer Capital Project Fund Budget be and hereby is amended as set forth in Schedule A attached.

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

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

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

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

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  
54 of the Ordinance having been published as required by law, in the meantime, was finally passed by the  
55 Council of the City of Salisbury on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

56  
57 **ATTEST:**

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61 Kimberly R. Nichols, City Clerk April R. Jackson, City Council President

62  
63 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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67 **John R. Heath, Acting Mayor**  
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**Schedule A**

Account		Project		Account Description	Increase Decrease	Amount
Org	Object	No.	Description			
96013	469161	50037	Park Water Treatment Plan	Transfers from Water Sewerage	Decrease	24,701.00
96113	513026	50037	Park Water Treatment Plan	Construction	Decrease	24,701.00
96013	469161	50039	Park Plant Flow Meter	Transfers from Water Sewerage	Decrease	1,032.00
96113	513026	50039	Park Plant Flow Meter	Construction	Decrease	1,032.00
96013	469161	55513	Caustic Feed	Transfers from Water Sewerage	Decrease	6,183.45
96113	513026	55513	Caustic Feed	Construction	Decrease	6,183.45
96013	469161	50048	Raw Water Line Naylor Mill	Transfers from Water Sewerage	Increase	31,916.45
96113	513026	50048	Raw Water Line Naylor Mill	Construction	Increase	31,916.45
96016	469313	50015	Replace Distribution Pipe	Pay Go Funds	Decrease	7,021.50
96216	577022	50015	Replace Distribution Pipe	Water Main Construction	Decrease	7,021.50
96016	469313	50017	Park WTP High Service	Pay Go Funds	Decrease	5,600.00
96216	513020	50017	Park WTP High Service	Engineering/Architectural	Decrease	5,600.00
96016	469313	50018	Park WTP Finished Water	Pay Go Funds	Decrease	7,422.50
96216	513020	50018	Park WTP Finished Water	Engineering/Architectural	Decrease	7,422.50
96016	469313	55519	WWTP Main Building HVAC	Pay Go Funds	Decrease	164,199.39
96216	513026	55519	WWTP Main Building HVAC	Construction	Decrease	159,466.00
96216	577015	55519	WWTP Main Building HVAC	Buildings	Decrease	4,733.39
96016	469162	60007	CCTV Inspection Cam	Transfers from WS Revolving	Decrease	20,096.00
96116	577025	60007	CCTV Inspection Cam	Vehicles	Decrease	20,096.00
96016	469313	50048	Raw Water Line Naylor Mill	Pay Go Funds	Increase	184,243.39
96016	469161	50048	Raw Water Line Naylor Mill	Transfers from Water Sewerage	Increase	20,096.00
96116	513026	50048	Raw Water Line Naylor Mill	Construction	Increase	204,339.39
97030	469313	50048	Raw Water Line Naylor Mill	Pay Go Funds	Increase	40,000.00
97030	513026	5E+05	Raw Water Line Naylor Mill	Construction	Increase	40,000.00

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

To: Andy Kitzrow, City Administrator  
From: Richard D. Baldwin, Director of Infrastructure and Development  
Date: August 28, 2023  
Re: Budget Amendment – E. Main St. Roundabout and Lot #5 Environmental Compliance

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The Department of Infrastructure and Development recently worked with the Department of Finance to identify funds for E. Main Street Roundabout and Lot #5 Environmental Compliance. These efforts were not identified prior to or during the FY24 budget process, and while unrelated the common denominator is the source of funds requested.

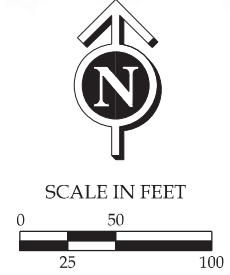
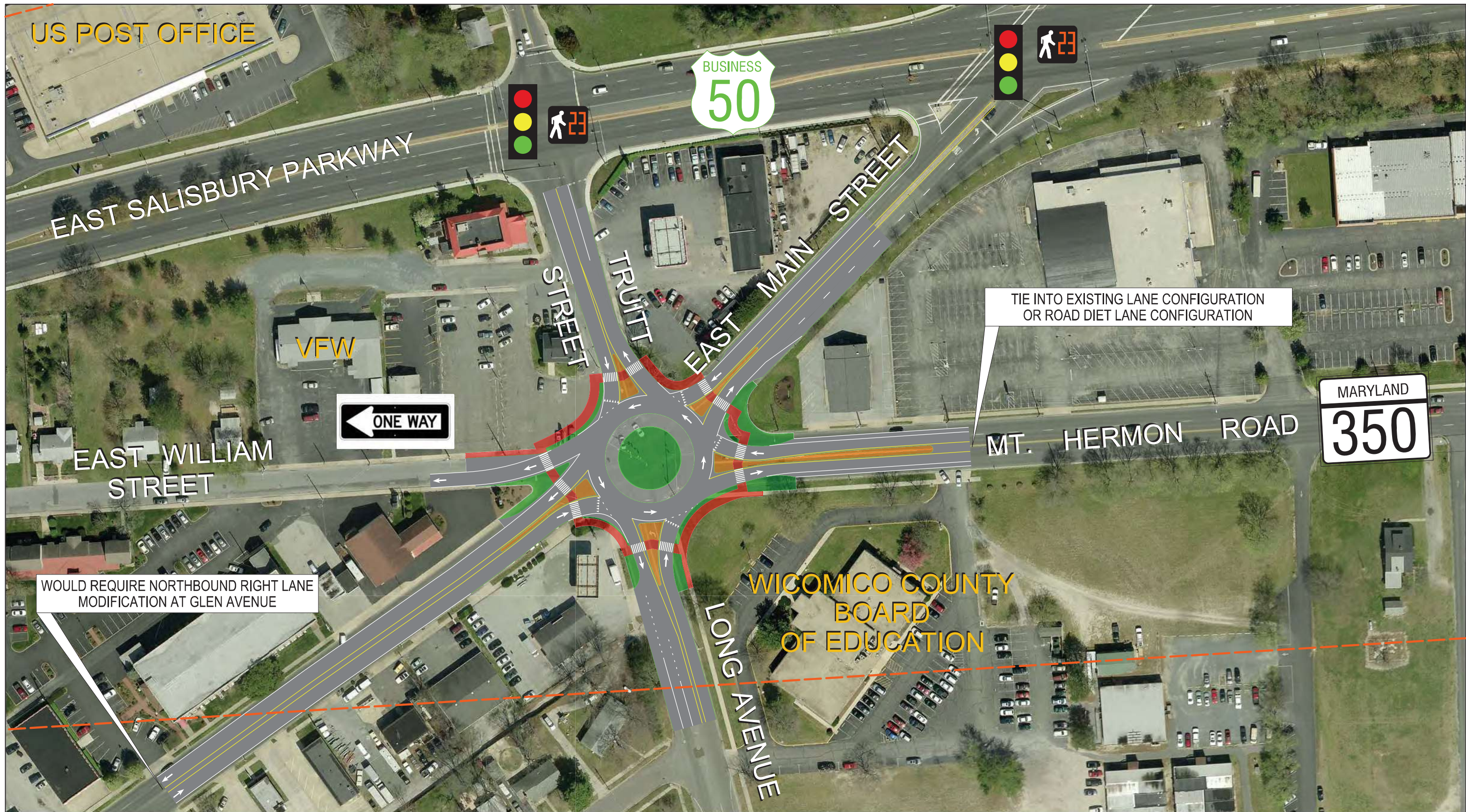
The request for E. Main Street is to fund a portion of a feasibility study for a potential roundabout at the intersection of E. Main St., E. William St. Long Ave., and Mt. Hermon Rd. (Six Points Intersection). A potential roundabout at this location has been discussed with State Highway Administration and the Metropolitan Planning Organization (MPO). The cost of the feasibility study is \$50,000, the MPO is willing to fund \$28,000 and the City is being asked to fund \$22,000.

The request for Lot #5 is to proceed with a Work Plan as required per MDE OCP Case No. 2023-0429-WI. This work plan is to investigate petroleum hydrocarbon contamination and six anomalies identified on Lot #5 as the result of an Environmental Assessment conducted in association with a proposed sale of Lot #5. The planned investigation involves additional sampling, installation of monitoring wells, excavating the locations of the six anomalies, possible UST removal and monitoring in accordance with MDE direction.

The funds requested for these efforts is to utilize PayGo funds not currently required in four City (City Park Phase 1, Main Street Master Plan, North Prong Park, and Riverfront Games Park).

The work on Lot #5 is not optional, as the responsible property owner the City is directed by MDE to proceed with the approved work plan. Redevelopment of the Six Points Intersection is a badly needed improvement to this location and would serve to establish a gateway on the east side of downtown.

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



LEGEND			
	STUDY AREA BOUNDARY		PROPOSED SPLITTER ISLAND
	PROPOSED SIDEWALK		PROPOSED TRUCK APRON
	PROPOSED LANDSCAPING		TRAFFIC FLOW ARROW
	PROPOSED PAVEMENT		SIGNALIZED INTERSECTION
			PEDESTRIAN CROSSING/SIGNAL

US ROUTE 50 PEDESTRIAN AND BICYCLIST SAFETY AND CONNECTIVITY PLAN	
TARGETED IMPROVEMENT AREA: MT. HERMON RD. / E. MAIN ST. INTERSECTION	
DATE: JUNE 2014	FIGURE NO. 20



Figure 21: Graphical Rendering of Mt. Hermon Road/East Main Street Intersection Targeted Improvement

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**ORDINANCE NO. 2831**

**AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE  
MAYOR TO APPROPRIATE FUNDS FOR THE EAST MAIN STREET  
ROUNABOUT PROJECT AND THE LOT 5 COMPLIANCE PROJECT.**

**WHEREAS**, the City of Salisbury has determined a traffic study is needed to determine the feasibility of a roundabout on East Main Street (hereinafter the “East Main Street Roundabout Feasibility Study”); and

**WHEREAS**, the City of Salisbury has learned remedial work is required on lot 5 due to the discovery of contaminants and subsurface anomalies (hereinafter the “Lot 5 Compliance Project”); and

**WHEREAS**, the City of Salisbury has determined \$28,056 will be required to complete the East Main Street Roundabout Feasibility Study and \$89,905.53 is required for the Lot 5 Compliance Project; and

**WHEREAS**, funding for the two projects shall be provided by transferring \$117,961.53 in PayGO funds from four projects that have funds no longer required (i.e. City Park Phase 1, MainStreet Master Plan, North Prong Park, and Riverfront Games Park); and

**WHEREAS**, the appropriations necessary to execute the appropriation of \$117,961.53 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 the East Main Street Roundabout Feasibility Study in the amount of \$28,056 and the Lot 5 Compliance Project in the amount of \$89,905.53.

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

**Section 2.** The City of Salisbury’s General Capital Project Fund Budget be and hereby is amended as set forth in Schedule A attached.

**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.



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

55  
56 **ATTEST:**

57  
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59  
60 \_\_\_\_\_  
61 **Kimberly R. Nichols, City Clerk**

\_\_\_\_\_ **April R. Jackson, City Council President**

62  
63 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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66 \_\_\_\_\_  
67 **John R. Heath, Acting Mayor**

**Schedule A**

Increase Decrease	Project		Account			Amount
	No	Description	Object	Org	Description	
Decrease	48041	City Park Phase I	469313	98019	Pay Go Funds	53,000.00
Decrease	48041	City Park Phase I	513026	98119	Construction	53,000.00
Increase	TBD	E Main Round A Bout	469313	98019	Pay Go Funds	28,056.00
Increase	TBD	E Main Round A Bout	513026	98119	Construction	28,056.00
Increase	TBD	Compliance Lot 5	469313	98019	Pay Go Funds	24,944.00
Increase	TBD	Compliance Lot 5	513026	98119	Construction	24,944.00
Decrease	33170	Main Street Master Plan	469313	98114	Pay Go Funds	62,871.64
Decrease	33170	Main Street Master Plan	513020	98114	Engineering	977.50
Decrease	33170	Main Street Master Plan	513026	98114	Construction	61,894.14
Increase	TBD	Compliance Lot 5	469313	98114	Pay Go Funds	62,871.64
Increase	TBD	Compliance Lot 5	513026	98114	Construction	62,871.64
Decrease	48039	North Prong Park	469313	98018	Pay Go Funds	1,925.00
Decrease	48039	North Prong Park	513026	98118	Construction	1,925.00
Increase	TBD	Compliance Lot 5	469313	98018	Pay Go Funds	1,925.00
Increase	TBD	Compliance Lot 5	513026	98118	Construction	1,925.00
Decrease	48080	Riverfront Games Park	469313	98022	Pay Go Funds	164.89
Decrease	48080	Riverfront Games Park	513026	98122	Construction	164.89
Increase	TBD	Compliance Lot 5	469313	98022	Pay Go Funds	164.89
Increase	TBD	Compliance Lot 5	513026	98122	Construction	164.89



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

To: Andy Kitzrow, City Administrator  
From: Rick Baldwin, Director of Infrastructure and Development  
Date: July 11, 2023  
Re: Ordinance to Accept MDOT-MTA and Allocate Reimbursements to the Citywide Transit Service Study

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In 2022, Salisbury Infrastructure and Development applied for a grant from the Maryland Department of Transportation – Maryland Transit Administration (MDOT-MTA) to provide funding for the study and planning of Citywide flex route and fixed route service to better provide for the residents of Salisbury. The MDOT-MTA has prepared the attached grant agreement.

The Scope of Work identified within these Grant Agreements includes the feasibility of starting a traditional fixed route service on US 13 in addition to flexible, computer-routed microtransit service across the City as a whole.

Please find attached an Ordinance to sign the Grant Agreements with MDOT-MTA and to accept the Statewide Transit Innovation Grans in the amount \$79,997.00 with a City match of \$19,975.00

The budget shall require amendment as follows:

- 1) Increase the FY22 Maryland Bikeways Program Grant Revenue Account (10500-425805-xxxx) by \$79,997.00
- 2) Increase the FY22 Maryland Bikeways Program Grant Expense Account (10500-513026-xxxx) by \$79,977.00

These are reimbursement-based grants; therefore, DID shall pay the contractor from the identified accounts initially and when reimbursements from MDOT arrive, it will be necessary for the Department of Finance to accept the reimbursement into the MDOT Reimbursement Account. This Ordinance as written will authorize Finance to execute that transfer as soon as funds arrive and it is understood that the reimbursement may be in several payments and not in one large sum, thereby necessitating multiple transfers.



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

The City will provide in-kind services via project management and coordination. Department of Infrastructure and Development recommends approval of the grant agreement.

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

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**ORDINANCE NO. 2832**

**AN ORDINANCE OF THE CITY OF SALISBURY TO ACCEPT GRANT FUNDS FROM THE MARYLAND DEPARTMENT OF TRANSPORTATION - MARYLAND TRANSIT ADMINISTRATION (MDOT-MTA) FOR THE FEASIBILITY STUDY OF FIXED AND FLEX ROUTE TRANSIT SERVICES AND APPROVING AN AMENDMENT OF THE FY24 BUDGET TO ALLOCATE SAID FUNDS FOR PURPOSES OF IMPLEMENTATION.**

**WHEREAS**, the Maryland Department of Transportation – Maryland Transit Administration (MDOT-MTA) has a Statewide Transit Innovation Grant (STIG) which provides funding to support and expedite projects improving transit service in the State; and

**WHEREAS**, the City of Salisbury applied for a STIG grant from MDOT-MTA to provide funding for a feasibility study and planning of citywide fixed and flex route service to improve transit connectivity throughout the City of Salisbury; and

**WHEREAS**, MDOT-MTA has awarded a grant in the total amount of \$79,997.00 to provide for the aforementioned project, provided it is accompanied by a City match of \$19,975.00; and

**WHEREAS**, the City shall accept the grant in form of reimbursements and transfer those funds from the MDOT Reimbursement account; 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 that the City Council of the City of Salisbury, Maryland** as follows:

**Section 1.** Acting Mayor John R. Heath, on behalf of the City of Salisbury, is hereby authorized to enter into the attached Grant Agreements, accepting the grant funds of \$79,997.00 from Maryland Department of Transportation to provide for the feasibility study as outlined above, and accepting the project term and definition of matching funds in the amount of \$19,975.00; and the City of Salisbury Finance Department is further authorized to transfer any such grant funds, received in the form of reimbursements, to the appropriate account(s).

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

- Increase MDOT Grant Revenue Account (10500-425805-xxxxx) by \$79,997.00
- Increase Grant Match Revenue Account (10500-499000-xxxxx) by \$19,975.00
- Increase Design Grant Expense Account (10500-513020-xxxxx) by \$99,972.00

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

- Increase Revenue 01000-469810 Use of Surplus by \$19,975
- Increase Expense 91001-599131 Grant Match DID by \$19,975

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

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

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

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

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

59  
60 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City  
61 of Salisbury held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 and thereafter, a statement of the substance of  
62 the Ordinance having been published as required by law, in the meantime, was finally passed by the Council  
63 of the City of Salisbury on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.  
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65 **ATTEST:**

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67 \_\_\_\_\_

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

\_\_\_\_\_ **April R. Jackson, City Council President**

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70 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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73 **John R. Heath, Acting Mayor**

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