



## CITY OF SALISBURY CITY COUNCIL AGENDA

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OCTOBER 9, 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. SILENT MEDITATION
- 6:03 p.m. SWEARING IN NEW POLICE CHIEF DAVE MEIENSCHIN- Clerk of Circuit Court James “Bo” McAllister
- 6:06 p.m. PROCLAMATION- Mayor John R. “Jack” Heath
- Fire Prevention Week
- 6:11 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:12 p.m. CONSENT AGENDA- City Clerk Kimberly Nichols
- August 21, 2023 Work Session Minutes
  - August 28, 2023 Special Work Session Minutes
  - August 28, 2023 Closed Session Minutes (emailed separately)
  - August 28, 2023 Council Meeting Minutes
  - September 5, 2023 Work Session Minutes
  - September 5, 2023 Special Meeting Minutes
  - **Resolution No. 3284**- approving the reappointment of Mary Buffington to the Bicycle & Pedestrian Advisory Committee for the term ending October 2026
  - **Resolution No. 3285**- approving the reappointment of Brenden Frederick to the Historic District Commission for the term ending October 2026
- 6:15 p.m. AWARD OF BID- Procurement Director Jennifer Miller
- ITB 24-102 Town Center Parking Garage Construction \$10,750,000.00
- 6:18 p.m. RESOLUTION- City Administrator Andy Kitzrow
- **Resolution No. 3286** - authorizing the Mayor to accept a donation from Shore Appliance Connection of a washer & dryer for Anne St. Village
- 6:21 p.m. ORDINANCES- City Attorney Ashley Bosché

- **Ordinance No. 2829**- 2<sup>nd</sup> reading- approving a budget amendment of the FY2024 General Fund Budget to update authorized position counts and grades
- **Ordinance No. 2830**- 2<sup>nd</sup> reading- authorizing the Mayor to appropriate funds for the Raw Water Line Naylor Mill project
- **Ordinance No. 2832**- 2<sup>nd</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
- **Ordinance No. 2833**- 1<sup>st</sup> reading- authorizing the Mayor to appropriate funds for the Newton Community Center Project
- **Ordinance No. 2834**- 1<sup>st</sup> reading- to authorize the Mayor to appropriate funds for the Lot 5 Compliance project
- **Ordinance No. 2835**- 1<sup>st</sup> reading- authorizing the Mayor to appropriate funds for land acquisition for North Prong Park project

6:25 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 THE CANDIDATE FOR THE DEPUTY CITY ADMINISTRATOR POSITION.

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 23, 2023**

- **Resolution No.** - to accept LDA Lot #16
- **Ordinance No.** - 1<sup>st</sup> reading - Budget Amendment for State of MD Grant for Infrastructure (HB 200)
- **Ordinance No. 2833**- 1<sup>st</sup> reading- authorizing the Mayor to appropriate funds for the Newton Community Center Project
- **Ordinance No. 2834**- 1<sup>st</sup> reading- to authorize the Mayor to appropriate funds for the Lot 5 Compliance project

Join Zoom Meeting

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

**Meeting ID:** 881 6325 3286

**Passcode:** 812389

Phone: 1.301.715.8592

CITY OF SALISBURY  
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.

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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, MARYLAND**

**REGULAR MEETING**

**AUGUST 28, 2023**

**PUBLIC OFFICIALS PRESENT**

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

**IN ATTENDANCE**

*City Administrator Andy Kitzrow, Acting Assistant City Administrator Tom Stevenson, Acting Police Chief Dave Meienschein, Media Specialist Jordan Ray, Infrastructure and Development Director Rick Baldwin, City Attorney Ashley Bosche, City Clerk Kimberly Nichols, and members of the public*

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**CITY INVOCATION – PLEDGE OF ALLEGIANCE**

*The City Council met in a Special Work Session at 6:00 p.m. in Council Chambers of the Government Office Building and via Zoom. Following the adjournment of the Special Work Session at 6:02 p.m., Council Vice President April Jackson called the regular meeting to order. After the recital of the pledge to the flag, President Jackson called Rev. Dr. David L. McLendon of the St. James A.M.E. Zion Church forward to provide the City invocation.*

**ADOPTION OF LEGISLATIVE AGENDA**

*Ms. Gregory moved, Ms. Blake seconded, and the vote was unanimous to approve the legislative agenda.*

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

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

- *June 20, 2023 Work Session Minutes*
- *June 20, 2023 Special Meeting Minutes*
- *June 20, 2023 Closed Session Minutes (separate email)*
- *July 5, 2023 Work Session Minutes*
- *July 10, 2023 Council Meeting Minutes*
- **Resolution No. 3276-** *to approve the appointment of Luc Angelot to the Youth Development Advisory Committee for term ending August 2026*
- **Resolution No. 3277-** *to approve the appointment of Amy Gonzales to the Disability Advisory Committee for term ending August 2026*
- **Resolution No. 3278-** *to approve the appointment of Alicia Miller to the Youth Development Advisory Committee for term ending August 2026*



- 47 • **Resolution No. 3279-** to approve the appointment of Andrea Post to the Youth  
48 Development Advisory Committee for term ending August 2026  
49 • **Resolution No. 3280-** to approve the appointment of Joseph Venosa to the TRUTH  
50 Committee for term ending August 2027  
51

52 *President Jackson read each appointee’s name and thanked them for volunteering to serve.*  
53

54 **RESOLUTION-** presented by City Administrator Andy Kitzrow  
55

- 56 • **Resolution No. 3281-** to appoint Dan Altchek, Esquire and the attorneys of Saul Ewing,  
57 LLP as Special Counsel  
58

59 *Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve*  
60 *Resolution No. 3281.*  
61

62 **ORDINANCES-** presented by City Attorney Ashley Bosche  
63

- 64 • **Ordinance No. 2818-** 2<sup>nd</sup> reading- authorizing the Mayor to appropriate funds for the  
65 Raw Water Line Naylor Mill Project  
66

67 *Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve*  
68 *Ordinance No. 2818 for second reading.*  
69

- 70 • **Ordinance No. 2819-** 2<sup>nd</sup> reading- to accept grant funds from the Maryland Department  
71 of General Services in the amount of \$250,000 for the design of the Zoo Andean Bear  
72 Exhibit  
73

74 *Ms. Gregory moved, Ms. Outten seconded, and the vote was unanimous to approve*  
75 *Ordinance No. 2819 for second reading.*  
76

- 77 • **Ordinance No. 2820-** 1<sup>st</sup> reading- to approve a budget amendment of the FY24 General  
78 Fund Budget to appropriate funds received from the Blue Heron Agility Association of  
79 Delaware  
80

81 *Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve*  
82 *Ordinance No. 2820 for first reading.*  
83

- 84 • **Ordinance No. 2821-** 1<sup>st</sup> reading- to amend section 17.04.120 of the Salisbury City Code  
85 to include a definition for “clinic-residential” and amend 17.160.030 of the Salisbury  
86 City Code to add clinic-residential to the category of uses permitted by special exception  
87 in the R-5A zoning district  
88

89 *Ms. Gregory moved, Ms. Blake seconded, and the vote was unanimous to approve*  
90 *Ordinance No. 2821 for first reading.*

91 • **Ordinance No. 2822-** 1<sup>st</sup> reading- to convert Calvert Street from US 13 Business North  
92 to 300 feet west to one way westbound traffic only  
93

94 Ms. Boda moved, Ms. Blake seconded, and the vote was unanimous to approve  
95 Ordinance No. 2822 for first reading.  
96

97 • **Ordinance No. 2823-** 1<sup>st</sup> reading- to approve a budget amendment of the FY2024  
98 General Fund Budget to appropriate additional funds required for legal services  
99

100 Ms. Outten moved, Ms. Gregory seconded, and the vote was unanimous to approve  
101 Ordinance No. 2823 for first reading.  
102

103 **PUBLIC COMMENTS**  
104

105 The following comments were provided by seven members of the public:  
106

- 107 • Speaker said people were troubled with the lack of transparency especially with the  
108 Downtown project. He met with the developer and asked why were they were not  
109 handling the parking and was told they could not make the numbers work. He went into  
110 the existing audit in the Parking Authority and looked at the cash flow. On \$600,000 of  
111 revenue it appeared the City made \$60,000 to \$70,000. He put a pro-forma cash flow  
112 based on the 455 lots, bonding at \$10 million at 2.5% and allotted operating costs  
113 similar to the existing garage, and gave credit for \$75 per space. Assuming it was full, it  
114 would lose \$430,000. He was being very conservative and thought the losses would be  
115 closer to \$1 million. He wanted this on the record and asked if anyone on Council had  
116 seen a projected cash flow on the parking garage. He asked for a formal response.
- 117 • Speaker said he wrote the Mayor and Council last week and was not sure that they had  
118 read it. He read the letter asking Vision Zero to be stopped. It was intended to enhance  
119 safety but has made the streets more dangerous. Concrete islands have been hit by cars  
120 regularly and did not enhance safety and did not make pedestrians or bicyclists safer.
- 121 • Speaker said that Council passed three sets of minutes tonight for meetings held on June  
122 20, 2023. (Work Session, Closed Session and Special Meeting) The resolution was  
123 passed in the Special Meeting to approve the agreement to sell the three parking lots  
124 Downtown to the developer and build the parking garage. The minutes of the Work  
125 Session were very accurate and described the motion made to go into the Closed Session  
126 very accurately to discuss a legal contract and seek advice from counsel. That was then  
127 seconded and passed. The short report or statement for the Closed Session did not  
128 accurately describe that motion. They said the Mr. Boda called for a motion to enter into  
129 a Closed Session to consult with counsel to obtain legal advice on a legal matter, and  
130 nothing about discussing the contract. He said that there was a legally difference on the  
131 minutes. After the Closed Session there was no significant discussion on the contract or  
132 the land sale. However, there was something that Ms. Outten referred to that the  
133 population growth in Salisbury was not nearly as much as it had been in the past. She  
134 mentioned a New York Times article that said that Salisbury was in the top 10 to see an  
135 influx of remote workers. He said the article did not say that, and it did mention

- 136 *Salisbury but in terms of the Salisbury Metropolitan Statistical District, which was a*  
137 *four-county area. The growth was actually contributed to the Sussex County area*  
138 *(speaker handed out copies of the article).*
- 139 • *Speaker asked what was being done to diversity City bids and opportunities for People*  
140 *of Color to contract with the City. The TRUTH committee held their first meeting last*  
141 *week and she was looking forward to their recommendations. The NAACP asked for an*  
142 *atonement from the City for the actions at the firehouse where City offices were located.*  
143 *She said she reached out to Council members and the Mayor and was told that the*  
144 *Mayor would make an apology on behalf of the City.*
  - 145 • *Speaker asked for a sidewalk project on Glen Avenue to become wheelchair accessible*  
146 *and asked what happened to emails sent to [allcitycouncilmembers@salisbury.md](mailto:allcitycouncilmembers@salisbury.md).*
  - 147 • *Speaker was a filmmaker who wanted to be a voice so he had less contempt. He wanted*  
148 *to film his story as a TV show to determine what was most important – a TV show or*  
149 *contempt. He said Salisbury was the third worst in the State for drugs, homelessness*  
150 *and crime. After being mugged, he determined it had only gotten worse since he left. He*  
151 *was never assaulted while living in Baltimore and felt less safe in Salisbury but hoped*  
152 *that would change. He applauded the long-awaited sidewalks coming to the north end of*  
153 *Salisbury that was most dangerous for pedestrians. It seemed Salisbury was trying to*  
154 *become like Baltimore. He hoped to see a change in Salisbury and improvement.*
  - 155 • *Speaker requested to know how many and the addresses of condemned properties in*  
156 *Salisbury and was told the information was not available. She was sure the City had a*  
157 *list. She also requested the locations of drug and alcohol treatment centers in Salisbury*  
158 *and was told it did not exist. Things could be done such as requiring registration, density*  
159 *regulation, limit distance from schools and playgrounds, fire suppression, and Health*  
160 *Department inspections. Speaker was concerned for hedge heights on corner properties.*

## 161 **ADMINISTRATION AND COUNCIL COMMENTS**

162 *Mayor Heath asked drivers to be careful as schools were opening soon. Salisbury University was*  
163 *back in session and there were more cars on the road. If you want to have your voice heard, please*  
164 *apply to serve on a City committee to make a difference.*

165 *Mayor Heath also said that publicly he made a condemnation of the actions of the lynching on the*  
166 *media on Don Rush's interview and he would stick by that statement. No one deserved to be lynched*  
167 *and the people who did it should have been punished. He still upheld that condemnation.*

168 *He thanked the speaker for the comments on the sidewalks for the disabled. The City would*  
169 *carefully look into them. If able, please donate blood. The supply was still extremely low.*

170 *Mr. Kitzrow said they were unable to have a back and forth conversation during public comments.*  
171 *If anyone had questions, he would love to follow up with clarifications or answers and chat later.*

172 *Ms. Outten thanked everyone for coming out. Council always appreciated Public Comments*  
173 *because it helped them to know they were heading in the right direction. She thanked the committee*  
174 *appointees. It was nice to see some younger faces and . She was excited to see the next generation*  
175 *get involved. Please encourage friends and family to join as there were plenty of openings still*

182 available. She thanked Monica Brooks for coming out and commenting. She was looking forward to  
183 seeing a formal follow through. This was a chance for the City to reclaim a space once used for  
184 hate and turn it into an opportunity for community. She and Ms. Jackson joined the Watchmen in  
185 District 1 over the weekend for a walking prayer vigil at Pemberton Apartments. It was a lovely  
186 opportunity to see the community gather as she, Ms. Jackson and Chief Meienschein represented  
187 the City. We were here in a pivotal point in the City as the community was hurting and speaking out  
188 to express their needs and the City was listening. She had conversations with Chief Meienschein  
189 about how we could address some of the public safety issues. She wanted this to be a collaborative  
190 opportunity to work with the Council and Administration to make our streets and children safer.

191  
192 Ms. Blake wanted to make sure the Calvert Street redirection was rolled out prior to the change so  
193 that the public could get used to that change. She received a lot of requests for listing upcoming  
194 projects. Several constituents were concerned with the design for Eastern Shore Drive. Council  
195 discussed it a while ago in several different sessions. She did not know when it would be coming up  
196 and asked that any new projects that were beginning could be announced and fully exposed. She  
197 said that following up with Ms. Brooks, there was a book called “The Silent Shore” written by Dr.  
198 Chavis. It was about the lynching of Matthew Williams, and she read it three times. She was  
199 stunned by the details of the investigation. Dr. Chavis recovered a box in the Governor’s Office  
200 years ago and in the bottom were the notes and information on this case. At the time, the State  
201 ordered an undercover investigation and the information recovered was stunning. The book talks  
202 about our City’s history. There were so many great things going on. Our area remains in critical  
203 need of blood and plasma. Please sign up to either donate blood or be an organ donor.

204  
205 Ms. Gregory said that next month was packed with events. The Folk Festival was September 22 – 24  
206 and did not happen without the hard work and dedication of dozens of volunteers. She loved  
207 working the Bucket Brigade and she highly encouraged everyone to volunteer in some way.

208  
209 Mr. Boda said the website was MDFolkFest.com. There were still some hot days and this was  
210 hurricane season so please be prepared.

211  
212 Ms. Jackson reported on the VFW#10159’s essay content in which students could win scholarships.  
213 The deadline was October 31<sup>st</sup>. One was Voices of Democracy for grades nine to twelve. An audio  
214 recording was required and the theme was “What are the greatest attributes of our democracy.”  
215 The next one was the Patriots Pen for grades six through eight. There was a 300 – 400 word essay  
216 on “How are you inspired by America.” The deadline was also October 31<sup>st</sup>. Please contact her  
217 with any questions at 410-726-8478. She was also going on a trip with 20 – 30 youth to Killens  
218 Pond on Saturday for a cookout and day at the water park. Donations were given to sponsor the  
219 trip for youth who did not get a chance to go anywhere during the summer. The prayer vigil, crab  
220 feast, Thunderguards anniversary, Riverwalk Amphitheatre for music and everything else she  
221 attended over the weekend were wonderful. She told Mayor Heath she would miss him and she  
222 enjoyed working with her colleagues. They had a great team here. Please join the committee you  
223 are interested in and have your voice heard.

224  
225 **ADJOURNMENT / MOTION TO CONVENE IN CLOSED SESSION**

226  
227 At 7:13 p.m. Ms. Jackson adjourned the Legislative Session and called for a motion to convene in  
228 Closed Session to discuss the appointment, employment, assignment, promotion, discipline,

229 *demotion, compensation, removal, resignation, or performance evaluation of appointees,*  
230 *employees, or officials over whom this public body has jurisdiction; or any other personnel matter*  
231 *that affects one or more specific individuals as permitted under the authority of the Maryland Open*  
232 *Meetings Law, Annotated Code of Maryland General Provisions Article 3-305(b)(1).*

233  
234 *Ms. Blake moved, Ms. Outten seconded and the vote was unanimous (4-0) to convene in Closed*  
235 *Session.*

236 **MOTION TO ADJOURN CLOSED SESSION**

237  
238 *At 7:27 p.m. Ms. Outten moved, Ms. Gregory seconded, and the vote was unanimous (4-0) to end*  
239 *the Closed Session.*

240  
241 **CONVENE IN OPEN SESSION / REPORT TO PUBLIC / ADJOURNMENT**

242  
243 *At 7:28 p.m. Council convened in Open Session and Vice President Jackson reported that they had*  
244 *met in Closed Session in accordance with the Annotated Code of Maryland General Provisions*  
245 *Article 3-305(b)(1). While in Closed Session, Council interviewed the candidate recommended by*  
246 *the Mayor for Director of Housing and Community Development. The meeting was closed to protect*  
247 *the confidentiality of the candidate. The Open Session was then adjourned.*

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CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
AUGUST 21, 2023

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*TIME & PLACE:* 5:07 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. Jackson moved, Ms. Blake 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 5:20 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  
SEPTEMBER 5, 2023

Public Officials Present

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

In Attendance

City Administrator Andy Kitzrow, Assistant City Administrator Tom Stevenson, Arts, Business and Culture Department (ABCD) Director Allen Swiger, Business Development Director Laura Soper, Acting Police Chief Dave Meienschein, Director of Communications Shawn Yonker, Field Operations (FOPs) Director Michael Dryden, FOPs Deputy Director Sam Ireland, Media Specialist Jordan Ray, Executive Administrative Assistant Jessie Turner, Events Technical Specialist Chris Ford, City Clerk Kimberly Nichols, City Attorney Ashley Bosché, and interested members of the public.

-----  
On September 5, 2023 the Salisbury City Council convened at 4:30 p.m. in a Work Session in the Council Chambers of the Salisbury Headquarters Building located at 115 S. Division Street. The following is a synopsis of the item discussed in Work Session.

**Public Art Masterplan presentation**

ABCD Director Allen Swiger, Business Development Director Laura Soper, and Public Art Masterplan Consultant Todd Bressi were present for the presentation. Mr. Swiger said that about a year and a half ago ABCD began drafting the Master Plan while working closely with Jamie Heater, the former Director of the Salisbury Arts and Entertainment District now known as the Salisbury Art Alliance. Ms. Soper came into the conversation as Business Development Director, but everything was directed by Consultant Todd Bressi.

Mr. Bressi thanked the City for inviting him to consult on the Master Plan, as it was always a privilege. He presented a condensed version of the Salisbury Public Art Master Plan, which was in Council’s packets. He explained he assisted Salisbury in answering the following three questions:

- Big Picture: Why is public art important to Salisbury? What impact can it have on the city?
- Big Moves: What are the best opportunities for new projects that will fulfill the city’s vision?
- Toolkit: What tools will the city need – funding, project management, guidelines, partnerships – to make these projects happen? He said that working on this was a great privilege and pleasure.

44  
45 Ms. Gregory said that as the daughter of a public school art teacher, she loved Public  
46 Art. The presentation in the packet went into incredible detail and included some great  
47 information.  
48  
49 Ms. Jackson said the murals were very beautiful and our history needed to be kept alive.  
50  
51 Ms. Outten thought this would bring about an opportunity for community engagement.  
52  
53 Ms. Blake concurred with all of the comments and said the presentation was fantastic.  
54  
55 Mr. Swiger said that the next phase was very important. On October 4<sup>th</sup> they would be  
56 back for a public introduction of the Master Plan. For about an hour they would go into a  
57 little bit more depth and have conversations with the community.  
58  
59 Mr. Boda also thought this was a great idea.  
60

61 **Resolution to establish a Public Art Committee**

62  
63 Business Development Director Laura Soper explained this was the official resolution to  
64 create the Public Art Committee (PAC). The committee would vet applications and  
65 provide recommendations. It would be comprised of seven members and one non-voting  
66 Council member.  
67

68 Council reached unanimous consensus to advance the legislation to legislative agenda.  
69

70 **Ordinance to accept grant for expenses associated with a Public Art Fund for the**  
71 **Arts & Entertainment District**

72  
73 Ms. Soper reported the City applied for the Maryland State Arts Council (MSAC), Arts  
74 and Entertainment Operating Grant to help a public arts fund for art projects in the  
75 District area. The purpose of the Arts and Entertainment Operating Grant is to enable  
76 eligible designated Arts & Entertainment Districts to obtain operating support through  
77 the designation.  
78

79 This funding, in the amount of \$17,846, will be used to create a public art fund to be  
80 used to help support public art projects in the designated area.  
81

82 Council reached unanimous consensus to advance the legislation to legislative agenda.  
83

84 **Ordinance to establish a Downtown Ambassador Program**

85  
86 Ms. Soper said the program would be split in to daytime and evening shifts with a focus  
87 on beautification, safety, and hospitality in the Downtown corridor. They would be  
88 checking in with businesses, picking up trash, providing hospitality calls, etc. They had



89 their first official day and the department was very excited to be able to provide this  
90 program to the citizens.

91  
92 Ms. Blake asked about the several open positions that helped create the positions. Acting  
93 Chief Dave Meienschein approached the podium and announced the SPD recruiting  
94 numbers looked very good. It was a little early to say about the background checks, but  
95 it was unlikely that they would fill the ten vacancies in a year. It was more realistic that  
96 they would fill 5 – 7 positions.

97  
98 Ms. Outten asked Ms. Soper to elaborate on the Ambassador program. Ms. Soper said  
99 the Daytime Program would focus more on Downtown beautification and hospitality.  
100 They would pick up trash, help prep for events, provide hospitality rides. She said the  
101 Nighttime team would focus on the safety aspect of Downtown. They would walk in the  
102 downtown and keep eyes and ears open. They would do regular sweeps of the Parking  
103 Garage checking for safety issues. The number to call for service was 1.833.DTWNSBY.  
104 They would operate Tuesdays and Wednesdays from 10:00 a.m. to 12:00 a.m. and  
105 Thursdays through Saturdays 10:00 a.m. to 2:00 a.m.

106  
107 Mr. Kitzrow added that as they looked further beyond the FY24 Budget, they would  
108 explore how well the program was going and if they needed to amp up or scale back.  
109 This would be at the top of the discussion during the budget discussions.

110  
111 Council reached unanimous consensus to advance the legislation to legislative agenda.

112  
113 **Budget amendment for Field Operations overtime**

114  
115 FOps Deputy Director Sam Ireland reported the department was in a bad situation with  
116 the Sanitation Division. The Overtime Budget was depleted due to the expanded  
117 residential footprint and the deteriorating state of the fleet. They did have two new side  
118 loading sanitation trucks and a rear loading sanitation vehicle ordered, but would not  
119 arrive until the overtime budget was depleted. The figure was calculated by the average  
120 of overtime.

121  
122 Mr. Kitzrow said this would be short term this year. Luckily, the Council was able to  
123 fund additional sanitation trucks but because the current vehicles were not working they  
124 had to increase their days. This should be a one-time situation.

125  
126 Council appreciated the Field Ops team and reached unanimous consensus to move the  
127 legislation forward.

128  
129 **RFP A-23-108 Off Site Net Aggregate Metered Solar System presentation**

130  
131 Procurement Director Jennifer Miller and CQI Associates LLC Senior Associate Joe  
132 Tabeling joined Council to inform Council on the RFP A-23-108 that Procurement put  
133 out earlier in the year in response to the recommendations made in the FY24 to FY31  
134 Energy Management Plan for the City of Salisbury. The Energy Plan addressed the

135 Climate Solutions Now Act of 2022 which called for Maryland businesses to reduce  
136 greenhouse gas emissions by 60% by 2031. In the Energy Management Plan developed  
137 by CQI Associates they listed several recommendations for the City and some producing  
138 greenhouse gas emissions more than others. About a year ago they solicited a proposal  
139 for a solar project at the Wastewater facility which was being worked on currently. This  
140 was the first phase of reducing those greenhouse emissions. This RFP went live on May  
141 5, 2023 and three proposals were received. CQI Associates was the most competent firm  
142 to evaluate those proposals and provide a recommendation to the City. This was in  
143 advance of Ms. Miller bringing an award of bid to Council.

144  
145 She provided information on the three proposals received from Nexamp Solar, LLC, CI  
146 Renewables, LLC and Ameresco, Inc. Nexamp Solar, LLC was the elected company.  
147 The Powerpoint presentation provided to Council by Mr. Tabeling has been attached as  
148 part of the minutes.

149  
150 Ms. Jackson asked where they would go and Mr. Tabeling replied they were offsite  
151 because there was no space in the City.

152  
153 Mayor Heath asked about maintenance requirements, liability and remediation, and  
154 Mr. Tabeling confirmed there was none. Mr. Kitzrow added that there was a solar project  
155 at the Wastewater Treatment Plant.

156  
157 Ms. Miller said the next step was for it to go on the Award of Bids and from there they  
158 would work through the agreement with Legal.

159  
160 **Recovery Groups and Homes discussion**

161  
162 City Attorney Ashley Bosché said the first discussion was held on August 7, 2023 at  
163 Work Session. She reported that on August 10 the City emailed Homes4Hope the same  
164 correspondence that was sent to Oxford House, which resulted in that 2017 lawsuit  
165 against under the Fair Housing Act. It was mentioned at that Work Session that we  
166 believed that court’s decision guided how we were to handle this matter because it  
167 provided direct guidance. Ms. Bosché noted that all agreed that 15.24.1620 of the Code  
168 addressed this current issue and that section gave the authority to HCDD to decide  
169 whether a functional family existed. The City was without a director of HCDD which  
170 was why Mr. Stevenson joined her at the table. He was acting as a designee and when  
171 Mr. Boda officially came on board she and Mr. Stevenson would bring him up to speed  
172 and he would be taking point on this in his new role. The letter requested detailed  
173 information by Homes4Hope in order to determine about any request for accommodation  
174 and also imposed a deadline for response by September 8, 2023.

175  
176 Through its attorney Homes4Hope responded fairly promptly with a detailed letter  
177 outlining legal authority but did not address the case as it pertained the homes on Middle  
178 Boulevard. Ms. Bosché said her office responded to the Homes4Hope attorney directly  
179 and that letter was dated August 24, 2023. It pointed out that Homes4Hope had yet to  
180 submit any supporting information to the City and neither informed the City of what

181 specific accommodations it sought or provided the City with any information that could  
182 be used to determine if a proposed accommodation was both necessary and reasonable.  
183 They also reiterated the September 8 deadline and notified the Homes4Hope attorney  
184 that they had instructed the City to proceed with code enforcement to correct any  
185 violations presented by Homes4Hope and we did not receive the information by the  
186 deadline. They have since received formal requests to 311 and 223 Middle Blvd. for  
187 reasonable accommodation and they were in the process of reviewing the requests and  
188 working with Homes4Home to try and schedule an inspection. A decision would not be  
189 made until after the September 8 deadline because they had up to Friday to present any  
190 other information that they thought was necessary.

191  
192 Ms. Bosché said she and Mr. Stevenson would begin working with Mr. Boda to get the  
193 information submitted. Homes4Hope would bear the burden of proving that they needed  
194 the request for accommodation and why they needed it. They would have to present the  
195 evidence and there was nothing the City needed to do.

196  
197 Ms. Bosche said they had submitted information but they would wait until 9/8 to see if  
198 they submitted anything else and would give them the opportunity to try and work with  
199 the City for an inspection. If they received no further information after the deadline, then  
200 they would decide based upon what was submitted.

201  
202 Mr. Kitzrow said if nothing was submitted then they would be in violation and the City  
203 would begin issuing code enforcement action.

204  
205 Ms. Outten said that to her it seemed that the conversation was a twofold. It was  
206 immediately addressing Homes4Hope but also the long-term discussion on making sure  
207 there was some oversight when it came to the housing. Ms. Bosché said they believed  
208 the code was specific enough to govern this instance. The onus was on those who wanted  
209 to start a recovery home to make that request.

210  
211 Mr. Kitzrow said they would keep everyone posted on developments in the future.

212  
213 **Revision to Plastic Bag Ban**

214  
215 Ms. Bosché reported she listened to the last discussion because there were a lot of  
216 points raised and she hoped she accomplished what Council landed on. She presented the  
217 ordinance to amend Chapter 5.69 which was the Plastic Bag Ordinance. She added an  
218 exclusion to the charge for plastic bags in certain instances. That was the only change  
219 made. She added that she did not change the “shall” to a “may” because it was her  
220 understanding that Council wanted the charge.

221  
222 Ms. Blake said recently she learned that the State of Maryland would soon do the same  
223 ordinance and there was no need for us to do this if the State made the same requirement.  
224 Ms. Gregory and Ms. Jackson said they would be doing an ordinance but endorsing the  
225 bag and not the charge. Ms. Blake wanted to have a copy of what they did plan to pass  
226 before we do any more discussions on this. Mr. Boda said that the State would look at all

227 the different towns around the state. Ms. Blake asked again for the draft of the  
228 legislation.

229  
230 Council reached unanimous consensus to advance the legislation to legislative agenda.  
231

232 **Bird Scooter follow up**

233  
234 Ms. Blake found out this week how those under the ages of eighteen were able to get  
235 scooters and apparently they were using a cash app card. In District 5 there was great  
236 concern with the scooters left on sidewalks and in people's yards. When left on  
237 sidewalks they obstructed passage for people in wheelchairs and pedestrians and people  
238 walking dogs. She said she wanted to bring it up again that there were concerns with the  
239 Bird Scooters.

240  
241 Ms. Kitzrow said they operated as a business locally and from the enforcement  
242 standpoint it was difficult chasing down underage users on scooters. There were  
243 incentives and marketing, and the City could meet with our partners at Bird to educate  
244 the citizens together. Ms. Jackson said that when the scooters stop, they were heavy.  
245 That was why people were leaving them in different places. She said she had not seen as  
246 many young people riding them lately. She did see some riding, but not as many as there  
247 were last year. Wherever they were picked up the most was where there should be racks  
248 to place them in. They should not be on the sidewalks, in the street or on your driveway.  
249 We should ask Bird to facilitate that. Mr. Kitzrow said that Bird had what they called  
250 Nests, which was where they placed their scooters. He would reach out to Bird. Ms.  
251 Gregory thought we should look at what others did to regulate scooters.

252  
253 Ms. Outten said she would like to hear what Mr. Kitzrow put together.

254  
255 **Administration and Council Comments**

256  
257 Mayor Heath reported he would hold "Coffee With The Mayor" at Kellyn's Café from  
258 8:00 a.m. to 10:00 a.m. If you were able to donate blood, please do so. He said he had a  
259 very enjoyable time at East Salisbury School welcoming the children back. However,  
260 right after he drive away he was following a school bus. The yellow lights went on, and  
261 a truck passed the bus going about 30 miles per hour. If there was any law that should be  
262 obeyed that was the one.

263  
264 Ms. Outten said to be cautious while out on the road as people were walking to school.  
265 She was looking forward to conversations with constituents over the weekend.

266  
267 Ms. Blake asked those able to donate blood to please do so.

268  
269 Ms. Jackson reported she and Ms. Gregory took the youth to Killens pond over the  
270 weekend. They swam and had a cookout, and they were very well behaved. She thanked  
271 Ms. Gregory for attending with her and thanked the parents for allowing them to attend.  
272 She reported on the VFW#10159's essay contest in which students could win

273 scholarships. One was Voices of Democracy for grades nine to twelve. An audio  
274 recording was required and the theme was “What are the greatest attributes of our  
275 democracy.” The next one was the “Patriots Pen” for grades six through eight. There was  
276 a 300 – 400-word essay on “How are you inspired by America.” The deadline for both  
277 was October 31st. There would be tutoring available at the VFW on Mondays and  
278 Tuesdays starting October 9, 2023.

279  
280 Ms. Gregory thanked Ms. Jackson for allowing her to attend the Killens Pond event. She  
281 reminded the public that the Downtown Ambassadors could be reached at  
282 1.833.DTWNSBY. She presented President Boda, on behalf of the entire Council, a  
283 gavel. It was supposed to go along with the new room, but now that he was leaving  
284 Council and joining HCDD as Director, it was more of a going away gift.

285  
286 President Boda said they all had been together almost eight years and he would miss  
287 everyone, but he would still be around. He was proud of everything they accomplished  
288 over the years but was excited for the new opportunity. He thanked everyone for the  
289 friendships.

290  
291 **ADJOURNMENT**

292  
293 With no further business to discuss, President Jackson adjourned the Work Session at  
294 5:56 p.m.. Council then convened in the scheduled Special Meeting.

295  
296 \_\_\_\_\_  
297 City Clerk

298  
299 \_\_\_\_\_  
300 Council President



# OVERVIEW



October 3, 2023

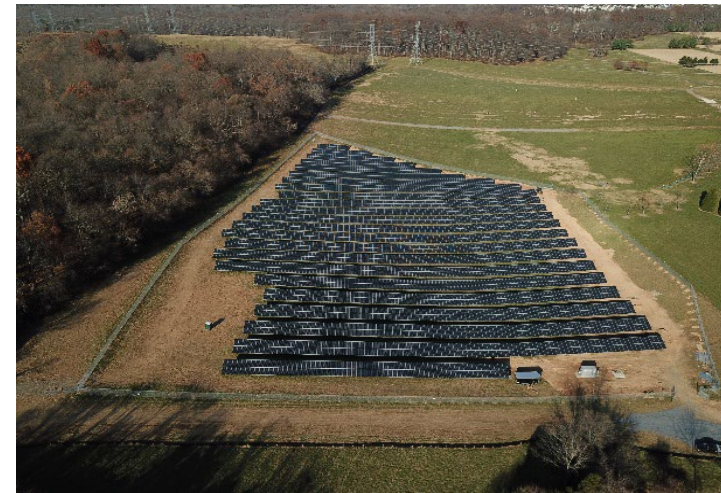
## City of Salisbury

### Off-Site Aggregate Net Meter

### Solar Photovoltaic Electricity Generation System

### Designated City Electricity Accounts

RFP A -23-108





# Background



October 3, 2023

- City has a current contract with **Constellation New Energy** for electricity supply services **until June 2025**.
- The contract rate is **\$0.05184 per kWh** and includes procurement of **100% Green Energy Certificates**.
- **FY 2024 - Electricity Budget: \$2,920,300.**
- **Annual Electricity Consumption: FY 2023 Data**

Street & Parking Lighting	3,937,925 kWh
Facilities & Pump/Lift Stations	7,498,125 kWh
WWTP	6,901,050 kWh
<b>Total</b>	<b>18,236,200 kWh</b>
- Electricity supply rates are expected to increase starting in June 2025 by up to 65% based on current market projections. The projected **FY 2026 budget** increase is over \$800,000.



# Background



October 3, 2023

- **Climate Solutions Now Act of 2022** Senate Bill 528 was signed on April 10, 2022.
- The Act calls for Maryland to **reduce greenhouse gas emissions by 60% by 2031, below the 2006 baseline levels** and for Maryland to reach **net-zero emission by 2045.**
  - City 2006 baseline Greenhouse Gas Emissions: 6,280 Metric Tons CO<sub>2</sub>e
  - Fiscal Year 2021 Greenhouse Gas Emissions: 5,530 Metric Tons CO<sub>2</sub>e
  - 2031 Greenhouse Gas Emissions 60% Reduction Goal: 2,510 Metric Tons CO<sub>2</sub>e Emissions
  - **Reduction Target is 3,020 Metric Tons CO<sub>2</sub>e Emissions.**





# Background



October 3, 2023

<b>Year/Amount</b>	<b>GHG Metric Tons</b>
<b>2006 Baseline</b>	6,280
<b>Reduction to Date</b>	750
<b>Balance as of 2022</b>	5,530
<b>Goal by 2031</b>	2,510
<b>Amount to be Reduced 2024 to 2031</b>	<b>3,020</b>



# OVERVIEW



October 3, 2023

- City conducted an assessment of City owned facilities and sites for development of on-site solar systems.
- The WWTP spoils site was selected as having the greatest potential for development of a solar system and is anticipated to be operational in **August 2024**.
- **WWTP** solar production estimate is **2,513,200 annual kWh** (Balance 4,387,850 kWh).
- WWTP solar reduction estimate is 1,100 Metric Tons CO<sub>2</sub>e Emissions starting FY 2025.
- Balance 1,920 Metric Tons CO<sub>2</sub>e Emissions to achieve 2031 goal.



# OVERVIEW



October 3, 2023

- Additional City site opportunities were limited.
- The solar assessment identified an option to have an **off-site solar system** developed by a third party solar contractor.
- This option was determine to provide the best opportunity to permit the remaining City electricity accounts to transition to a renewable energy source.
- The system operation is considered a **NET AGGREGATE METER INSTALLSTION.**
- The potential emission reduction is 1,850 to 2,200 Metric Tons CO<sub>2</sub>e.



# OVERVIEW



October 3, 2023

- A Request for Proposal was issued and proposals received May 2022.
- Following the evaluation of proposals, the submission by Nexamp Solar, LLC was selected for review and negotiation.
- Nexamp Solar, LLC proposes to build two systems:
  - Centerville: 4,196,650 kWh
  - Stockton: 4,682,100 kWh
  - Total: 8,878,750 annual kWh
  - Potential Start Date: October 2024 to May/June 2025
- Rate is **\$0.0785 PER kWh** with an annual escalation rate at 2%
- Contract is a **20 Year Power Purchase Agreement.**
- Agreement terms & conditions are pending final negotiation between Nexamp, the City Attorney, City Staff and CQI Associates.
- City would contract with a Third Party Supply Service supplier for the balance of the non-solar load beginning June 2025 - 6,844,250 kWh - Rate Est. \$0.08195 per kWh.



# OVERVIEW



October 3, 2023

## Key considerations for Council Review:

- 20 year agreement.
- Nexamp Solar, LLC solar system is off-site and turn-key: owned, constructed, operated and maintained by developer.
- City funding of construction is not required.
- City pays for the generated energy based on a per kilowatt rate.
- Nexamp Solar, LLC has agreed to a 90% performance guarantee
- City has no obligations at the end of the 20 year agreement.
- DELMARVA Power will allocate the solar production as a credit for the designated accounts.



# Offer Overview



October 3, 2023

- Contract Rate: \$0.0785 per kWh
- Term: 20 Years
- Annual Escalation Rate Starting Year Two: 2% per year
- Annual Solar Production: 8,878,750
- Year One Estimated Cost: \$697,005
- Estimated Date for Commercial Operation: October 2024 – June 2025
- Reduction in Greenhouse Gas Emissions: 1,850 to 2,200 Metric Tons CO<sub>2</sub>e



# Conclusion



October 3, 2023

- The proposed **off-site solar system**:
  - Additional 8,878,750 annual kWh to be produced by renewable energy source
  - Budget stability for 20 years
  - Additional emission reduction is 1,850 to 2,200 Metric Tons CO<sub>2</sub>e
- This option was determine to provide the best opportunity to permit additional City electricity accounts to transition to a renewable energy source.
- The combined WWTP and Off-site solar projects will reduce greenhouse gas emission by 2,950 to 3,200 Metric Tons CO<sub>2</sub>e beginning in June 2025.
- Reduction goal is 3,020 Metric Tons CO<sub>2</sub>e by 2031.



# Next Steps



October 3, 2023

- Finalize the Power Purchase Agreement for signature – October 2023.
- Apply to DELMARVA for utility interconnection approval – November 2023.
- NextAmp to conduct environmental assessments and permit application process – January to March 2024.
- NextAmp to proceed with final design – April – June 2024.
- Receive DELMARVA utility interconnection and related permit approval – June - July 2024.
- Installation: August 2024 to March 2025.
- Commercial Operation Approval: October 2024 – June 2025.
- Cost Impact FY 2025 Budget (July 2025 to June 2026).





# OVERVIEW

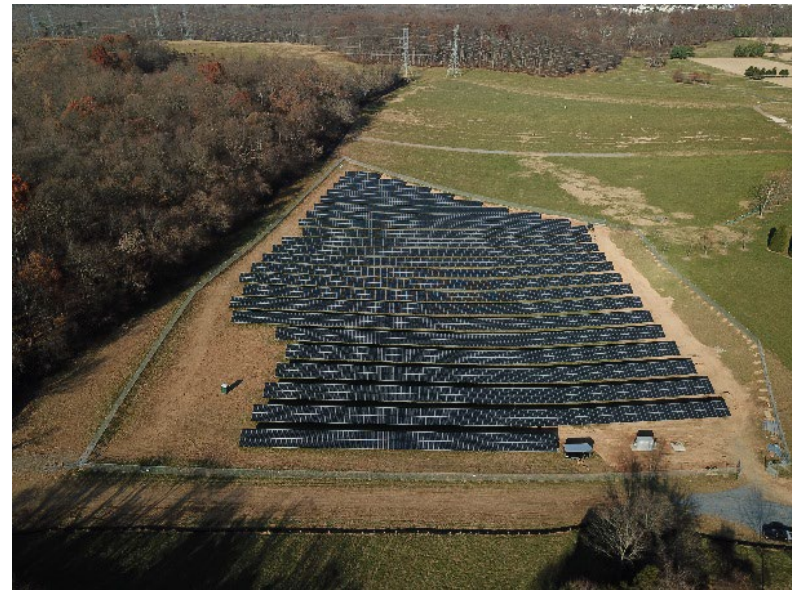


October 3, 2023



## Ground Mount Solar

## Net Aggregate Meter Installation



1 **CITY OF SALISBURY, MARYLAND**

2  
3 **SPECIAL MEETING**

**SEPTEMBER 5, 2023**

4  
5 **PUBLIC OFFICIALS PRESENT**

6  
7 *Council President Muir W. Boda* *Mayor John R. “Jack” Heath*  
8 *Council Vice President April Jackson* *Councilmember Angela M. Blake*  
9 *Councilmember Michele Gregory (Zoom)* *Councilmember Megan Outten*

10  
11 **IN ATTENDANCE**

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

15 *\*\*\*\*\**

16 *The City Council convened in a Special Meeting at 5:56 p.m. in Council Chambers of the*  
17 *Salisbury Headquarters Building following the adjournment of the regularly scheduled Work*  
18 *Session. President Boda called the meeting to order.*

19  
20 **ADOPTION OF LEGISLATIVE AGENDA**

21  
22 *Council President Boda called for a motion to adopt the Special Meeting Agenda. Ms. Blake*  
23 *moved, Ms. Jackson seconded, and the vote was unanimous to approve the Special Meeting*  
24 *agenda as presented.*

25  
26 **ELECTION OF COUNCIL PRESIDENT**

27  
28 *President Boda read the following rules to adhere to in the election of the new President:*

- 29  
30 1. *Any Council member may be nominated for President.*  
31  
32 2. *A Council member may nominate himself or herself – no second is needed.*  
33  
34 3. *After nominations are received, nominations will be closed.*  
35  
36 4. *The vote will be called in order of nomination.*  
37  
38 5. *When voting, the first to receive three (3) votes will be elected Council President. Council*  
39 *members can only vote once and can vote for themselves.*

40  
41 *President Boda said that the individual elected this evening would become Council President on*  
42 *Monday evening. He then called for a motion to accept the rules. Ms. Jackson moved and Ms.*  
43 *Gregory seconded. Ms. Blake clarified that there would be thirty days from September 11, 2023*  
44 *in which to appoint another Council member for District 2. Mr. Boda confirmed this and she*  
45 *asked if they should wait until the appointment was filled before organizing. Mr. Boda said they*  
46 *did not handle it that way when Mayor Heath resigned from Council.*  
47 *Mr. Boda said he would vote on the rules, but would abstain from the vote for Council President.*

48  
49 *He called for the vote on the rules, and they were unanimous (5-0 vote).*

50  
51 *Ms. Outten nominated Ms. Jackson to be Council President and Ms. Jackson accepted the*  
52 *nomination. The vote was unanimous (4-0) to elect Ms. Jackson as President of the City Council.*  
53 *Mr. Boda abstained from the vote.*

54  
55 **ELECTION OF COUNCIL VICE PRESIDENT**

56  
57 *Because of the vacancy for Vice President now, Mr. Boda said the same process would be*  
58 *followed to elect Vice President. He and Ms. Jackson changed seats, and she assumed the*  
59 *President’s position.*

60  
61 *President Jackson read the following rules:*

- 62  
63 1. *Any Council member may be nominated for Vice President.*  
64  
65 2. *A Council member may nominate himself or herself – no second is needed.*  
66  
67 3. *After nominations are received, nominations will be closed.*  
68  
69 4. *The vote will be called in order of nomination.*  
70  
71 5. *When voting, the first to receive three (3) votes will be elected Council Vice President.*  
72 *Council members can only vote once and can vote for themselves.*

73  
74 *President Jackson called for a motion to accept the rules. Ms. Gregory moved, Ms. Outten*  
75 *seconded and the vote was unanimous to accept the rules (5-0).*

76  
77 *President Jackson called for nominations for Council Vice President. Ms. Outten nominated Ms.*  
78 *Blake, who seconded, and the vote was unanimous (4-0) to approve Ms. Blake for Vice President*  
79 *(Mr. Boda abstained).*

80  
81 **ADJOURNMENT**

82  
83 *With no further business to discuss, the Special Meeting adjourned at 6:04 p.m.*

84  
85 \_\_\_\_\_  
86 *City Clerk*

87  
88 \_\_\_\_\_  
89 *Council President*



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

To: Jack Heath, Mayor

From: Jessie Turner, Administrative Assistant

Subject: Re-appointment to Bicycle & Pedestrian Advisory Committee

Date: October 5, 2023

---

The following person has applied for re-appointment to the Bicycle & Pedestrian Advisory Committee for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Mary Buffington	October 2026

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

Attachments

1 **RESOLUTION NO. 3284**

2  
3 BE IT RESOLVED, by the City of Salisbury, Maryland that the following  
4 individual is re-appointed to the Bicycle & Pedestrian Advisory Committee for the term  
5 ending as indicated.

6  
7 

<u>Name</u>	<u>Term Ending</u>
Mary Buffington	October 2026

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

14 ATTEST:

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18 \_\_\_\_\_  
19 Kimberly R. Nichols  
20 CITY CLERK

\_\_\_\_\_   
April R. Jackson  
PRESIDENT, City Council

21  
22  
23 APPROVED BY ME THIS

24  
25 \_\_\_\_\_ day of \_\_\_\_\_, 2023

26  
27  
28 \_\_\_\_\_  
29 John R. Heath, Acting Mayor



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

To: Jack Heath, Mayor

From: Jessie Turner, Administrative Assistant

Subject: Re-appointment to Historic District Commission

Date: October 5, 2023

---

The following person has applied for re-appointment to the Historic District Commission for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Brenden Frederick	October 2026

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

Attachments

1 **RESOLUTION NO. 3285**

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

6  
7 

<u>Name</u>	<u>Term Ending</u>
Brenden Frederick	October 2026

8  
9  
10  
11  
12 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the  
13 Council of the City of Salisbury, Maryland held on October \_\_\_\_\_, 2023.

14 ATTEST:

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18 \_\_\_\_\_  
19 Kimberly R. Nichols  
20 CITY CLERK

\_\_\_\_\_

April R. Jackson  
PRESIDENT, City Council

21  
22  
23 APPROVED BY ME THIS

24  
25 \_\_\_\_\_ day of \_\_\_\_\_, 2023

26  
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28 \_\_\_\_\_  
29 John R. Heath, Acting Mayor



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

**COUNCIL AGENDA – Department of Procurement**

**October 9, 2023**

**Award of Bid(s)**

- |   |                 |
|---|-----------------|
| 1. ITB 24-102 Town Center Parking Garage Construction | \$10,750,000.00 |
|---|-----------------|





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

**To:** Mayor and City Council  
**From:** Jennifer Miller  
Director of Procurement  
**Date:** October 9, 2023  
**Subject:** Award of Bid

**The Department of Procurement seeks Award of Bid approval from City Council for the contract as defined herein.**

ITB 24-102 Town Center Parking Garage Construction

- Department: Infrastructure and Development
- Specification: 450-space public parking garage constructed on City-owned "Lot 2 – Parking Garage Lot" as defined in the Amended and Restated Land Disposition Agreement approved via Resolution 3263 on June 20, 2023
- Contractor: Gillis Gilkerson (Salisbury, MD)
- Cost: \$10,750,000.00 GMP
  - Funds were appropriated on Ordinance 2721 Schedule B – Capital Project Appropriations – Parking Fund
  - No funds can be expended prior to a Declaration of Official Intent or a Bond Ordinance (anticipated March/April 2024), either of which are subject to Council approval via Resolution
- 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
  - Pending negotiation and execution of a "Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price" (the Contract Documents)



**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 construction of a new, 450-space parking garage within downtown Salisbury will provide more parking in a smaller footprint than surface parking can provide, and additional parking is necessary to accommodate the growth of residential and commercial expansion in the downtown area. Pursuing construction of this facility and the surrounding parcels in a coordinated fashion with a single entity provides numerous construction efficiencies such as safety, control of site, on-site coordination and commonality of excavation, along with means and methods of construction not available when pursued separately and allowing a quicker time to completion and potential cost savings when taking into account the construction of two structures on a zero-lot line being erected in parallel.

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, if applicable.

Salisbury Town Center Apartments, LLC, is purchasing the parcels adjacent to and surrounding the “Lot 2 – Parking Garage Lot”. Both the City of Salisbury and Gillis Gilkerson, a related entity to Salisbury Town Center Apartments, LLC and proposed awardee of this Sole Source contract as Construction Manager of the new parking garage, will jointly pursue the negotiation and execution of a Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price.

**STATEMENT OF NEED AND CERTIFICATION**

Describe your efforts to identify other potential products or sources.

RFP 05-14 Disposition and Development of Lots 1 & 11, released to the public for competitive bidding in March 2015, received one proposal in April 2015, and an original LDA was awarded in October 2015. The public offering of the sale of Lot 15, released via a commercial real estate listing in November 2021, received one offer in January 2022, and an Exclusive Negotiating Period was granted in February 2022.

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

Gillis Gilkerson is contributing \$750,000 towards construction costs, in addition to all design costs.

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)?

No.

I am aware that City procurement regulations require procurements to be done competitively whenever practicable. I am requesting a sole source

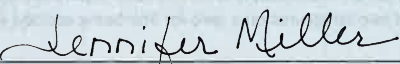
Describe the negotiation efforts that have been made with the supplier to obtain the best possible price.

The Contract Documents will consist of a Standard Form of Agreement between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price. All subcontracts will be publicly bid to obtain the best possible price.

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:  Date: 10/06/23  
Signature of Individual Requesting Sole Source Purchase Justification

Printed Name: Richard D. Baldwin Department: Infrastructure and Development

<b>FOR PROCUREMENT USE ONLY</b>	
This situation as stated on this form and its attachments:	
<input checked="" type="checkbox"/> Constitute a Sole Source Procurement	<input type="checkbox"/> Does NOT constitute a Sole Source Procurement
<input type="checkbox"/> There is insufficient information for justification	
Comments to Requestor: <a href="#">Click here to enter text</a>	
Signature: <u></u>	Date: <u>10/06/23</u>
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.



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

**To: Salisbury City Council**

**CC: Kim Nichols, Julie English, Andy Kitzrow**

**From: Muir Boda, Director of Housing & Community Development**

**Subject: Resolution to accept the donation of a Washer & Dryer for Anne St. Village**

**Date: September 20, 2023**

---

Council Members,

The Housing and Community Development Department has received a donation of a new washer and dryer for the residents of Anne St. Village from Shore Appliance Connection here in Salisbury. Currently the residents have to go to a laundromat and pay to wash their clothes, which many times involves staff transporting them to and from the laundromat. This will be much more convenient for both the residents and staff when it comes to residents doing their laundry.

We are very appreciative of the support of the local business community and our citizens who have been very generous and supportive of Anne St. Village. If you have any questions, please feel free to reach out.

Thank you for your consideration.

Muir Boda

Director of Housing & Community Development

1 **RESOLUTION NO. 3286**

2 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALISBURY**  
3 **AUTHORIZING THE MAYOR TO ACCEPT A DONATION FROM SHORE**  
4 **APPLIANCE CONNECTION OF A WASHER & DRYER FOR ANNE ST.**  
5 **VILLAGE.**  
6

7 **WHEREAS**, On September 20, 2023, the City of Salisbury Housing and Homeless Services received a  
8 donation from Shore Appliance Connection of a washer and dryer for Anne St. Village Transitional Dwelling Units.

9 **WHEREAS**, The washer and dryer will be used by the participants at Anne St. Village as a means to wash and  
10 dry their clothes, instead of having to pay the local laundry mat.

11 **WHEREAS**, Access to basic hygienic practices is a necessity to the vulnerable population that resides at Anne  
12 St. Village.

13 **WHEREAS**, Access to such resources will aid in the process of obtaining employment, which will in  
14 turn lead to self-improvement.  
15

16 **NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Salisbury hereby  
17 authorizes the Mayor to accept this donation of a washer and dryer from Shore Appliance Connection,  
18 which shall be used by the participants of Anne St. Village.

19 **THE ABOVE RESOLUTION** was introduced and read and passed at the regular meeting of the  
20 Council of the City of Salisbury held on this \_\_\_\_ day of October 2023, and is to become effective  
21 immediately upon adoption.  
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26 \_\_\_\_\_  
27 **Kimberly R. Nichols, City Clerk**

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

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31 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.  
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36 \_\_\_\_\_  
37 **John R. Heath, Acting Mayor**

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 25<sup>th</sup> day of September, 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 9<sup>th</sup> day of October, 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. 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 25<sup>th</sup> day of September, 2023 and thereafter, a statement of the substance of the  
54 Ordinance having been published as required by law, in the meantime, was finally passed by the Council  
55 of the City of Salisbury on the 9<sup>th</sup> day of October, 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.

64  
65 \_\_\_\_\_  
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67 **John (Jack) 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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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 25<sup>th</sup> day of September, 2023 and thereafter, a statement of the substance of the  
62 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 9<sup>th</sup> day of October, 2023.  
64

65 **ATTEST:**

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\_\_\_\_\_

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

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

69

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

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\_\_\_\_\_

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

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

**To: Salisbury City Council**

**CC: Kim Nichols, Julie English, Michael Tomlinson, Rachel Manning, Keith Cord**

**From: Muir Boda, Director of Housing & Community Development**

**Subject: Budget Amendment Newton Street Community Center STEM Lab Construction**

**Project**

**Date: September 21, 2023**

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Council,

The Newton Street Community Center is in the process of finishing the 3<sup>rd</sup> floor project which will create an additional space for programming. Our programming partners at Truitt Street Community Center, The Boys & Girls Club, has connected us with a private grant from the Cal Ripken, Sr. Foundation. We applied and were approved for a grant which will provide a STEM Lab valued over \$30,000 which the foundation will deliver, install, and train our staff on the lab. The STEM Program is designed to target elementary and middle school students. On a side note, the Boys & Girls Club applied for and was awarded the grant to be installed at the Truitt Street Community Center as part of their programming, which will give the City of Salisbury two STEM Labs, one at each Community Center.

We are waiting to receive the MOU from the foundation and once that is received a resolution to authorize the mayor to sign the MOU and accept the donation of the STEM Lab will be forwarded to Council at the time.

This budget amendment takes unused funds from the 2017 General Bond Pool, within which the Newton Community Center has an account, and moves the funds into that account. This will clean up that bond pool and allows us to finish the construction needed on this project as well as several other items needed at the Community Center including replacing a handrail, connecting the sprinkler system to the alarm system, and few other necessary repair items in the Community Center. Our goal is to have the project completed by early January 2024.

If Council has any questions or concerns, please feel to reach out.

Muir Boda  
Director HCDD

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**ORDINANCE NO. 2833**

**AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE  
MAYOR TO APPROPRIATE FUNDS FOR THE NEWTON COMMUNITY  
CENTER PROJECT.**

**WHEREAS**, the City of Salisbury has determined an additional \$45,718.77 is needed to complete the Newton Community Center Project; and

**WHEREAS**, the City of Salisbury located \$45,718.77 no longer required for other City projects and desires to reallocate those unused funds to the Newton Community Center Project; and

**WHEREAS**, the appropriations necessary to execute this appropriation of \$45,718.77, 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 (Jack) R. Heath is hereby authorized to appropriate funds for the Newton Street Community Project in the amount of \$45,718.77.

**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 Capital Projects Budget be and hereby is amended as follows:

PROJECT		ACCOUNT			Increase	
No	Description	Org	Object	Description	Decrease	Amount
42003	Riverside Circle	98017	469312	Debt Proceeds	Decrease	6,941.77
42003	Riverside Circle	98117	513026	Construction	Decrease	6,941.77
48034	Public Works Vehicles	98017	469312	Debt Proceeds	Decrease	10,674.12
48034	Public Works Vehicles	98117	577025	Vehicles	Decrease	10,674.12
99998	Bond Issuance Costs	98017	469312	Debt Proceeds	Decrease	13,048.34
99998	Bond Issuance Costs	98117	588900	Bond Issuance Cost	Decrease	13,048.34
99999	Unallocated	98017	456110	Investment Interest	Decrease	15,054.54
99999	Unallocated	98117	513026	Construction	Decrease	15,054.54
48029	Newton Community Center	98017	456110	Investment Interest	Increase	15,054.54
48029	Newton Community Center	98017	469312	Debt Proceeds	Increase	30,664.23
48029	Newton Community Center	98117	513026	Construction	Increase	45,718.77

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

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

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

44 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.  
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46 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of  
47 Salisbury held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 and thereafter, a statement of the substance  
48 of the Ordinance having been published as required by law, in the meantime, was finally passed by the  
49 Council of the City of Salisbury on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.  
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51 **ATTEST:**  
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55 **Kimberly R. Nichols, City Clerk**

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

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57 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.  
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59 \_\_\_\_\_  
60 **John R. Heath, Acting Mayor**  
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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: October 3, 2023  
Re: Budget Amendment – 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 Lot #5 Environmental Compliance. This effort was not identified prior to or during the FY24 budget process.

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 this effort is to utilize PayGo funds not currently required in four City Project Accounts (City Park Phase 1 and Main Street Master Plan).

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. Pending work plan findings additional funding in FY25 may be required.

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





51 **ATTEST:**

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

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

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

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**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	Compliance Lot 5	469313	98019	Pay Go Funds	53,000.00
Increase	TBD	Compliance Lot 5	513026	98119	Construction	53,000.00
Decrease	33170	Main Street Master Plan	469313	98114	Pay Go Funds	36,905.53
Decrease	33170	Main Street Master Plan	513020	98114	Engineering	977.50
Decrease	33170	Main Street Master Plan	513026	98114	Construction	35,928.03
Increase	TBD	Compliance Lot 5	469313	98114	Pay Go Funds	36,905.53
Increase	TBD	Compliance Lot 5	513026	98114	Construction	36,905.53