

**AS AMENDED ON OCTOBER 9, 2023
ORDINANCE NO. 2834**

**AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE
MAYOR TO APPROPRIATE FUNDS FOR THE LOT 5 COMPLIANCE
PROJECT.**

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

WHEREAS, the City of Salisbury has determined \$89,905.53 is required for the Lot 5 Compliance Project; and

WHEREAS, funding for the project shall be provided by transferring \$89,905.53 in PayGO funds from ~~four~~ two projects that have funds not currently required (i.e. City Park Phase 1, and Main Street Master Plan, ~~North Prong Park, and Riverfront Games Park~~); and

WHEREAS, the appropriations necessary to execute the appropriation of \$89,905.53 as provided hereinabove, must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

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

Section 1. Acting Mayor John R. Heath is hereby authorized to appropriate funds for the Lot 5 Compliance Project in the amount of \$89,905.53.

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

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

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

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

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

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

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

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 9th day of October, 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 23rd day of October, 2023.

ATTEST:




Kimberly R. Nichols, City Clerk



April R. Jackson, City Council President

Approved by me, this 24th day of October, 2023.



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



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

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.