



## CITY OF SALISBURY COUNCIL MEETINGS

Welcome and thank you for attending this public meeting. We appreciate your interest in what is happening in your City. Please familiarize yourself with the meeting procedures below:

### **Presiding Officer**

The Council President is responsible for conducting the meeting and managing any public comment period. When the Council President is not present, the Council Vice President conducts the meeting.

### **Public Participation in City Council Meetings**

1. In accordance with the Maryland Open Meetings Act, the general public is entitled to attend and observe all meetings of the Mayor and Council except in appropriate circumstances when meetings of the public bodies may be closed under the Act.
2. To encourage community engagement, the Council allows public comment using the following guidelines:
  - a. Work Sessions – persons desiring to speak on matters specific to the topics on the agenda may do so for up to three (3) minutes after each topic has been presented.
  - b. Regular Meetings – persons desiring to speak on any matter may do so for up to four (4) minutes during the “Public Comments” portion of the meeting.
  - c. Please fill out a comment form from the table as you enter Council Chambers, and turn it in to the Clerk.
  - d. The Council President will call you up to the podium. For the record, please state your name, whether you are a resident within the corporate limits of Salisbury, and any organization affiliation you are representing.
  - e. Questions posed by the public during the public comment portion will be logged and tracked by the City Clerk. The City Clerk will forward the questions to the appropriate individual or body for a response.
3. Those in attendance shall be courteous to one another, the Council, and to the proceedings while the Council is in session. Side conversations within the Council Chambers should be kept to a minimum and should not be disruptive.
4. The public body may have an individual removed if it is determined that the behavior of the individual is disruptive. Engaging in verbal comments intended to insult or slander anyone may be cause for termination of speaking privileges and/or removal from Council Chambers.
5. Please approach the City Clerk if you have questions or materials for the Council.

\*\*\*Please silence your cellphone.\*\*\*



## CITY OF SALISBURY CITY COUNCIL AGENDA

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APRIL 22, 2024

6:00 p.m.

Government Office Building, Room 301, Salisbury, Maryland 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. CITY INVOCATION- Pastor David McLendon, St. James AME Zion Church
- 6:04 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:05 p.m. CONSENT AGENDA- City Clerk Kim Nichols
- March 18, 2024 Work Session Minutes
  - March 25, 2024 Council Meeting Minutes
  - March 25, 2024 Special Work Session Minutes
  - **Resolution No. 3340**- approving the appointment of Lily Chi-Fang Tsai to the Ethics Commission for term ending April 2028
- 6:07 p.m. AWARD OF BIDS- Procurement Director Jennifer Miller
- Declaration of Surplus
1. SPD Vehicles – Qty 12
  2. Salisbury Zoo Vehicle – Qty 1
- PUBLIC HEARING- JDoliver Annexation** - City Administrator Andy Kitzrow
- 6:12 p.m.
- **Resolution No. 3334**- proposing the annexation to the City of Salisbury of a certain area of land contiguous to and binding upon the Corporate Limits of the City of Salisbury to be known as “2407 N. Salisbury Boulevard – JDoliver, LLC Annexation”
  - **Resolution No. 3335**- approving the annexation plan of “2407 N. Salisbury Boulevard – JDoliver, LLC Annexation”
- 6:20 p.m. ORDINANCES- City Attorney Laura Ryan
- **Ordinance No. 2861**- 2<sup>nd</sup> reading- approving a budget amendment of the FY2024 General Fund Budget and the FY2024 Water Sewer Fund Budget to appropriate additional funds required for Field Operations
  - **Ordinance No. 2863**- 2<sup>nd</sup> reading- approving a budget amendment of the FY2024 General Fund Budget and authorizing the Mayor to amend the authorized positions included in the FY24 General Fund Budget

- **Ordinance No. 2864**- 1<sup>st</sup> reading- to authorize the City to sell and issue General Obligation Bonds, Bond Anticipation Notes and Refunding Bonds
- **Ordinance No. 2865**- 1<sup>st</sup> reading- authorizing the Mayor to appropriate funds for various capital projects

6:30 p.m. PUBLIC COMMENTS

6:35 p.m. ADMINISTRATION and COUNCIL COMMENTS

6:40 p.m. ADJOURNMENT

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 – MAY 13, 2024**

- **Ordinance No. 2864**- 2<sup>nd</sup> reading- to authorize the City to sell and issue General Obligation Bonds, Bond Anticipation Notes and Refunding Bonds
- **Ordinance No. 2865**- 2<sup>nd</sup> reading- authorizing the Mayor to appropriate funds for various capital projects

**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  
MARCH 18, 2024

Public Officials Present

Council President D'Shawn M. Doughty  
Vice President Angela M. Blake  
Councilmember Michele Gregory

Mayor Randolph J. Taylor  
Councilmember April R. Jackson  
Councilmember Sharon C. Dashiell

In Attendance

City Administrator Andy Kitzrow, Fire Chief Rob Frampton, Housing & Community Development Director Muir Boda, City Attorney Laura Ryan, City Clerk Kim Nichols and members of the public.

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On March 18, 2024 the Salisbury City Council convened at 4:30 p.m. in Work Session in Council Chambers of SBY Headquarters, located at 115 S. Division Street. The following is a synopsis of the items discussed.

**TIF application for Village at Salisbury Lake discussion**

City Administrator Andy Kitzrow recalled the City Council had a TIF Policy discussion several months ago with Emily Metzler from Muncipal and Bond Counsel Lindsey Rader and said they were still working on the policy. The group attending this evening's Work Session was doing a large-scale development in Salisbury and may take advantage of a TIF if that was something the Council wished to adopt.

Joining Council was Ms. Metzler, Joe DeLuca Jr. and Reiss Rosenthal, owners and Owen Thomas, NVR (builder). Mr. Rosenthal reported the development was approved for 219 units. 131 units would be single family detached homes and 88 would be townhouses. He presented the PowerPoint of the layout for the home sites and explained it was the location of the old Salisbury Mall with Wicomico High School and the Civic Center across the street, previously fully approved by the City and Council. He added that the TIF was necessary in order to do the project.

President Doughty asked for an overview of the TIF process. Ms. Metzler said she was a Public Finance Municipal advisor hired by the City and had been working with Mayor Taylor, Mr. Kitzrow and the Finance Department, and was attending on behalf of the City. They had worked since 2021 in the evaluation and preparation of three primary documents- the **TIF Policy** (for the City to consider approved means in which to evaluate TIF proposals such as this for any TIF proposal), **TIF Guidelines** (which were more of an internal document that would be provided to the City staff) so when a **TIF Application** was submitted, the Council and City staff would only utilize this document and understand how to evaluate the various components of information that would be submitted from the developer team so that they could prudently evaluate that and bring it

to Council and help Council evaluate it so that they understood how to evaluate it. She explained the last and most important component was the **TIF Application** which was several pages long. It provided a format and outline that a developer would submit providing all of the necessary information for the City to evaluate the TIF request. It required them to explain why they needed the TIF, why the project could not go forward without the TIF and how as a mutual partnership through public-private partnership the City and developer could work together. Not every project merited a TIF, which was part of the policy and something the City would consider when laying out guidelines. They had been working with staff to pull together the three documents and were waiting on a final review so they could present it to the City Council for review and comment. The eventual goal was for City Council to finalize and approve the review.

Ms. Metzler reported that TIF paired with Special Tax Financing was a way to create a Development District around a specific project and the municipality could utilize the future tax revenues from that project to help pay for key infrastructure needed to allow that project to go forward. The key was that there was a nexus to the infrastructure that was needed and paid for by those future revenues. The increment part was that the revenues created on that site today became a base and those increment revenues there today would continue to flow to the City. The revenues would stay in the City's General coffers and the City would continue to use those for our budget. There were several key metrics in evaluating a TIF, sizing and development constraints, how much the City could give up and still be able to cover its cost of services, the cost of the infrastructure, how much the project needed to be successful or how much did the project need to be able to go forward. These were all prudent, good questions that the City needed to consider but should evaluate as part of this process. She said their goal was to help ensure these questions were in there and that this developer was helping to answer them for Council so that when the City was having the discussion they could make the right decisions. TIF's were usually paired with special taxes and if those future revenues were not there it acted as a minimum tax and the developer was on the hook to pay that special tax meaning if the real property taxes were not generated to pay the debt service and any bonds that might be issued, then the landowner or developer would essentially be required to pay the debt service on the bonds. Those bonds were not backed by the City nor asked to be paid through the general coffers of the City, but by the special tax. Ms. Metzler would return to Council to discuss more in depth at a later time.

Council President Doughty asked Council for questions and Ms. Blake asked about Number 6 on the conditions of the project. She asked what the thought process was behind a homeowner's association versus just selling the properties as they were because homeowner associations, over time, usually within 20 to 25 years, did not hold up to some of the standards necessary to maintain such a development. Builder Owen Thomas said that with a homeowner's association they were protecting the value and setting a set of standards that was supposed to be upheld and maintained throughout. If we did not have those guidelines they did whatever they liked. Ms. Blake said she researched and in our own communities homeowner associations have not held up to the standards of keeping mainly management of the facilities, drainage and maintenance of easements. She said we got nice developments with HOAs and over time they kind of diminished.

President Doughty stated they could possibly commit to researching a property management or an HOA to whomever was going to fund this or actually be the ones to oversee the HOA. He thought that would be a good commitment from the developers.

Ms. Jackson said they saw how management companies worked in the City and Mr. Doughty said that was different. She said it was the same thing Ms. Blake spoke about.

Mr. Kitzrow wanted to make sure they were talking about the TIF concept to be mindful of the developer's time. He said, specific to TIF, with us bringing forward the policy, guidelines and application to Council, our goal would be to get a revised plan in front of Council on April 1<sup>st</sup> so we could move because we had an eager group that wanted to build specifically within the TIF stratosphere. Mr. Doughty reiterated Mr. Kitzrow's statement that he would plan to present to Council the actual TIF application on April 1<sup>st</sup>. Mr. Kitzrow said that Administration was looking at a draft for final revisions that would be presented for adoption as a resolution. They would then start this process with the developer moving forward. As they made their final revisions to the policy and the application, they had a project that was interested. This dynamic conversation could help us think through the final pieces.

Mayor Taylor said his experience was on the bank side in terms of measuring risk but from the perspective of the policy, the concept was to kind of put a collar around not only the purpose of the funds but perhaps the structure and repayment so that as projects came in we could adjust according to what each one needed. He asked if that was a correct understanding.

Ms. Metzler said the TIF Policy was actually broader from the City's perspective, and asked Council to step back for a minute and just think about how TIF should be used. They worked all across the country in over 30 states and helped to issue over ten million dollars in bonds. They adapted ten best practices when using TIF to ensure that jurisdictions protected their risk when utilizing TIF. It was a complicated tool.

President Doughty asked if Council approved the TIF Policy and Mr. Kitzrow said they would. We would continue with transparency to ensure we were treating everything similar when different projects came and were not isolated in one particular favorite. This would give us a baseline on how we wanted to evaluate things. It was a very complicated application and each project would have to be evaluated on its merits.

Ms. Dashiell asked if the ten best practices were required as part of an application of any projects presented for TIF. Ms. Metzler answered that there were a lot of questions in the application but one of them required an applicant to address how they needed the City's TIF policies and guidelines. They proposed that on the City's website or some other forum that the City posted the application as well as the TIF policies so that any applicant had access to both of them any time prior to submitting an application.

President Doughty wanted time to review the policy and asked how soon Council could get this before they had to approve it. If it was presented on April 1<sup>st</sup> he asked if they could have a week or so prior to that date to look at what we had so far. Mr. Kitzrow thought they could get revisions made rather quickly and any changes that needed to happen turned around. If they had something by Friday they could probably get Council something on Monday. That would give Council a full week to review before April 1<sup>st</sup>.

Mr. Doughty commented Ryan Homes were popular in the area and people wanted them. He hoped the price was reasonable. He said he lived in a Ryan home and it was a good one. He called for any other comments or questions. Mr. Kitzrow asked if they would be looking at it being all one phase and the developer said it would have to be in a couple of phases so allowing for there not to be empty lots out there.

Comments on the above item included the following from two members of the public:

- At the October meeting when the TIF was first discussed there was a lot of discussion between Council. The City had a lot to learn and needed time to explore the financial repercussions of TIF. There were many money questions and we needed to understand the application. She thought the City was thinking about doing a blanket policy that would allow any developer to follow the rules. We had a developer looking to try and do this but we don't have the infrastructure set up yet. We have to get the horse and the cart in the right order so the City knew what they were getting into. This was not something that happened all over the world or the country. If she recalled from the October meeting, there were not many in Maryland that were doing it. We need to get more information.

President Doughty asked what cities used the funding source and Ms. Metzler named the following: Washington, DC, Howard County, Montgomery County, Prince George's County, City of Baltimore, Anne Arundel County, and Frederick County.

- The next speaker said he was at the October meeting and looked at the briefing book materials and there has been no substantive serious discussion of TIFs. Municap was essentially a TIF consulting firm, and in addition to getting paid by the City for what she (Ms. Metzler) was doing now, if the deal goes through with this project that would mean more money. The City was getting a snow job and a rush job. Council has had no actual substantive discussion of TIFs. He emailed Council material this past weekend and asked them to read it because there was a lot of criticism of TIFs and how they were used. He wanted to be clear that he was not knocking the project and asked Council to put this on hold until they received a real education on TIFs. Once they were set up, those guidelines would be so general that almost anyone could meet them. They'll come in just like this gentleman did saying they could not do the project if they didn't get the money.

Mayor Taylor said he was involved on the Aydelotte project on the Collector Road (on the finance side) and there must have been a TIF policy at one time otherwise we would not have done that TIF. City Administrator Andy Kitzrow said there was not a policy.

There is a TIF and agreement on what that equates to but it was a singular decision point. President Doughty asked what the Aydelotte deal was that people kept referring to and asked if it was Aydelotte Farm Town Homes. Mayor Taylor said the project was on both sides of Beaglin Park Drive that went all the way to the Mall. That was a big number and the City did not want to front the cost for Aydelotte to be developed.

President Doughty asked for consensus from Council to allow them to continue to work on this application and to get it to Council hopefully by Friday or Monday. Council reached unanimous consensus.

### **Abandoned Shopping Cart Legislation discussion**

Housing and Community Development Department (HCDD) Director Muir Boda explained there had been complaints and issues with the abandoned shopping carts around the City. Sometimes people who walked or had no transportation took carts off retailer's property to use and most of the time they never made their way back to the retailer. Currently, the way the City operated was if a cart was left on a property, HCDD would issue a corrective action letter to the owner of the property. On public property or other areas where shopping carts collect, they abate them. The County landfill did not accept shopping carts and there was no place to dispose of them.

Mr. Boda gave examples of other towns and cities. La Plata, MD had a very robust program with a registration system. Fruitland placed the responsibility on the retailer to identify and collect their own carts. If the Town of Fruitland abated the cart, the retailer had to pay a \$25 fine. Some retailers had their own solutions. Aldi had a cart retrieval system and one of the Dollar Stores had a long pole on their cart to keep the cart in the store. Acme had sensors that prevented the carts from leaving the property. They were still having issues with some of the retailers. He suggested doing something similar to what Fruitland did. Mr. Boda stated there was no current draft of legislation, and he wanted to get Council's thoughts first.

Ms. Dashiell said, in other words, if Dollar General's cart was found in her yard, the retailer would come to her, pick it up from my yard, and it was a done deal. She would have nothing to do with it, and it would be up to Dollar General to pick it up. Mr. Boda said that was correct. If one of the compliance officers saw it on the private property, they would contact the store. They would do, at a minimum, a voluntary form from the stores to be able to collect contact information so that they would know who to contact. She asked if Mr. Boda was going to work on a draft that would bring this to fruition to create a policy for Salisbury and how they dealt with it.

President Doughty asked Mr. Boda to speak to the concern that the unhoused population used a lot of the shopping carts. He also said that when the City passed the shopping bag legislation some of the retailers were upset, and asked Mr. Boda to speak to how they might react if we told them there was another wave of taxing or enforcing a law that could cost them. Mr. Boda said the average cost of a shopping cart was \$200 to \$300. It was their property they were not looking to maintain. We would be helping to provide

them a service to locate where their shopping carts were, and it would be beneficial to them to respond when the City called them. President Doughty asked Mr. Boda if his department had the bandwidth to take this on, and Mr. Boda responded that they did, and they were already doing this.

Mayor Taylor asked if they would collect them and ask the retailer to get them, or just take them to the landfill. Mr. Boda replied that the landfill did not accept them. Some were broken and they would create a process where they would be asked to come get the cart. The standard with towns and cities seemed to be 24 to 72 hours to retrieve the carts.

Ms. Jackson asked if there were a large number of these carts around the City. Mr. Boda replied that they did collect and a lot of times they were around the railroad tracks. There were several property owners around the City that were cited because they had them on their properties, not put there by themselves, but actually litter from other people, and the property owners had to pay the fine. Mr. Boda said if carts were seen on a property, they issued a corrective action letter to that property owner.

One member of the public provided the following comments:

- He never noticed shopping carts littering anyone's lawn, but asked if you could own a shopping cart.
- People might want to use some of the carts that the City confiscated. They were basically a metal wheelbarrow and may have scrap metal value.
- Let's get concerned about these scooters that were all over the streets.
- Will it take people getting killed before we decide to change that and bike lanes.

The speaker then spoke on the TIF discussion:

- He said he forgot to mention earlier that the money that paid the bonds was less revenue for the City. Essentially it was the HORIZON Program idea on steroids.
- It would reduce the revenue to the City. Eventually there would be tax revenue but in the meantime there would not be as much.

Council reached unanimous consensus to move forward in the direction suggested by Mr. Boda.

### **Tax Lien Property MOU discussion**

Mr. Boda discussed the properties in the City in which the owners had not paid taxes for many years. In the top seventeen properties with unpaid taxes, the City was owed \$875,747. The same properties owed \$61,177 in additional unpaid abatement liens. The total owed to the City was \$936,924 from just those seventeen properties.

He indicated he did not know how much was owed to the County for taxes, but it was likely similar to what was owed the City. He suggested partnering with the County to acquire properties with long term tax liens. He suggested acquiring about five properties

per year and targeting the ones with the largest tax liens because these taxes and liens would never be paid. The top five only had a combined SDAT assessment of \$31,400.

Ms. Boda proposed developing a joint MOU and Policy with the County and creating an administrative process to handle each property. If an owner or relative was still alive, the City would try to solicit a donation of the property from them and discussed the process to include tax sale and receivership. Unbuildable lots could become park or green space and they could partner with SNHS or Habitat to determine if they needed the property. They could also sell the property and split surplus with the County. He provided an example of 107 Catherine Street.

Ms. Blake asked if the County had been approached with this, and Mr. Boda said they had met with Ms. Oland, Mr. Luffman and County's attorney Paul Wilber, who were all were supportive. Ms. Blake asked if the City was owed more in taxes than the County, and Mr. Boda answered that normally they were about the same.

Ms. Dashiell asked how many in addition to the seventeen on this initial list, and Mr. Boda answered there were between sixty and seventy on the list. He said they would also look at when properties would be qualified for this, and thought the five-year mark of unpaid taxes would be looked at. Their goal was to go after the big ones first.

Ms. Blake asked why we would wait five years and not three years. Mr. Kitzrow answered there may be opportunities for someone to purchase the property. Most of these properties were so far upside-down that there was no investment opportunity. He was unsure that after three years if there was enough lost opportunity for someone to not want to do the traditional tax sale process. Ms. Blake mentioned a successful receivership on Cottontail about five years ago. It was very successfully done. Ms. Dashiell commended Mr. Boda to find a solution to end going down the black hole. Mr. Kitzrow said this was a way to move blighted, dilapidated property forward. He noted this was \$800,000 that the City would probably never see, but we could reclaim the property, get it into good standing and find an owner who wanted to put money into it. This would be a good tool for the future and Administration supported it fully.

Council supported the process and Mr. Boda would return with legislation at a later date.

### **Update on Anne Street Village (ASV)**

Procurement Director Jennifer Miller joined Mr. Boda at the table. Mr. Boda reported there were a couple of parties interested in partnering with the City on ASV and wanted Council's thoughts on moving forward with a possible partner. He explained they could do a Request for Interest (RFI) and based on the questionnaire, if there were multiple interested parties, they would put out an RFP. If there was only one, they could move into negotiations with one organization. He said it was a tough operation and they had two people in the homelessness division who spent most of their time working in ASV with the residents. We were one of very few governments taking this on. Generally, they

provide the property and non-profits come in to run the program. There had to be someone 100% dedicated to fundraising and HCDD did not have anyone trained for that. He added they were looking for more of a partnership to help the City in whatever capacity possible.

Ms. Dashiell asked if ASV was currently full, and Mr. Boda answered no. They had about fourteen or fifteen residents, which was about the maximum they could handle. President Doughty said he appreciated the scope of having a non-profit come in again to help where the City needed. He added there were two different options. One was where the City stayed in some capacity and another where we did not. To entertain both, they would have to complete the RFI. Mr. Boda said if the City had a partnership with a non-profit that was handling the operations, the City would still own the land and infrastructure. There may be organizations interested in purchasing just the infrastructure, or purchase the entire thing. There were various options and they wanted to see what the community interest was from other non-profits.

Ms. Dashiell asked Mr. Boda if he thought they had a viable partner right now. Mr. Boda reported there were two interested organizations. One had the resources and the other would take time to ramp it up. The transition period for either case would be at least six months. Ms. Jackson added she knew of an organization based in the neighborhood that would probably be willing to help.

President Doughty asked when the RFI would be live, and Ms. Miller said it would have to be written and posted on the Procurement website, E-Maryland Market Place, and the City's social media pages. All of the responses would come back to Procurement.

Ms. Gregory said a lot of organizations did good work but also had requirements on the residents that they took care of when it came to religious requirements. She said she did like the fact, with the City involved, that something like that would not be imposed on someone just to get the help that they needed. She added she would like to see the City stay involved in some capacity just to make sure that we were giving an opportunity to people unable to get the help they needed with other organizations. Mr. Boda said there was existing legislation with the state that would make that illegal because it was discrimination. She asked if that was the case even if they were not receiving state funding because there were organizations that deliberately refused state funding because of that. Mr. Boda said that as long as we owned the land we could ensure that in any MOU or agreement, that was put in place.

Ms. Dashiell asked about any grants for this and inquired as to the cost to the City. Mr. Boda said since the bathrooms were not handicapped accessible, we did not qualify for grants. She asked if the costs were coming from the City budget, and he said they had received some donations from the Community Foundation to help pay for the staff. Grants did help pay their salaries.

President Doughty said Council looked forward to another update.

## **ADMINISTRATION AND COUNCIL COMMENTS**

Mr. Kitzrow was happy to be back in event season. Last Thursday the City had its first Poets Corner series. The next one was April 11<sup>th</sup> from 6:00 p.m. to 8:00 p.m. This upcoming Saturday the Downtown Business Alliance was hosting the Spring Street Market on Saturday from 12:00 noon to 5:00 p.m. with live entertainment.

Ms. Gregory hoped to see everyone Downtown at the Market. There were going to be many vendors and contests. She attended the Disability Advisory Committee meeting. The Mayor was supposed to attend and did not make it. She hoped he attended the next one. There was a lot of good work being done in the community. She announced Dom Sessa won Ms. Wheelchair Maryland and would be going to the national competition. She believed there would be fundraising to help cover her costs.

Ms. Dashiell forwarded requests to Jo Ellen Bynum and Mike Dryden which were handled quickly and efficiently. She attended the Fire Department Graduation and Swearing In Ceremony on Wednesday. On April 20<sup>th</sup> (Earth Day) Craig Faunce would hold a clean up in the City. More information to come on that.

Ms. Jackson announced the Community Easter Egg Hunt would be held on March 30<sup>th</sup> at Village at Mitchell Pond at 1117 Parsons Road. This was a free event and all were invited.

Ms. Blake made a plea for blood and plasma donations and asked everyone to consider being an organ donor.

President Doughty announced the WiHi Girls Basketball Team called him across the bridge over the weekend. Unfortunately they lost but they fought hard. They remained the Bayside Regional Champions for the first time since 1985. Please be safe while driving and riding your recreational vehicles. The Salisbury Jaycees were holding the adaptive Easter Egg Hunt next Friday at 2:00 p.m. We were looking forward to the weather warming up and having some cool events happening.

With no further business to discuss, the Work Session was adjourned at 5:53 p.m.

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City Clerk

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Council President

**CITY OF SALISBURY, MARYLAND**

**REGULAR MEETING**

**MARCH 25, 2024**

**PUBLIC OFFICIALS PRESENT**

*Council President D’Shawn M. Doughty  
Council Vice President Angela M. Blake  
Councilmember Michele Gregory*

*Mayor Randolph J. Taylor  
Councilmember April R. Jackson  
Councilmember Sharon C. Dashiell*

**IN ATTENDANCE**

*City Administrator Andy Kitzrow, Fire Chief Rob Frampton, Media Specialist Jordan Ray,  
Executive Administrative Assistant Jessie Turner, City Clerk Kim Nichols, City Attorney Laura  
Ryan, and members of the public*

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**PLEDGE OF ALLEGIANCE – CITY INVOCATION**

*The City Council met in Legislative Session at 6:00 p.m. in Council Chambers of the Salisbury  
Headquarters Building and via Zoom. Council President D’Shawn M. Doughty called the  
meeting to order and invited everyone to recite the pledge to the flag, followed by inviting Pastor  
Greg Morris of the Parkway Church of God to the podium to provide the City Invocation.*

**ADOPTION OF LEGISLATIVE AGENDA**

*President Doughty called for a motion to adopt the legislative agenda. Ms. Jackson moved, Ms.  
Gregory seconded, and the vote was unanimous (5-0) to approve the legislative agenda.*

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

*The Consent Agenda, consisting of the following items, was unanimously approve on a motion  
and seconded by Ms. Blake and Ms. Jackson, respectively:*

- *March 4, 2024 Work Session Minutes*
- *March 4, 2024 Closed Session Minutes #1*
- *March 4, 2024 Closed Session Minutes #2*
- *March 4, 2024 Closed Session Minutes #3*
- *March 11, 2024 Council Meeting Minutes*
- *March 11, 2024 Closed Session Minutes #1*
- *March 11, 2024 Closed Session Minutes #2*
- **Resolution No. 3336**- *approving the re-appointment of Nestor Bleech to the  
Revolving Loan Advisory Committee for term ending March 2028*
- **Resolution No. 3337**- *approving the appointment of Bill Wolff to the Public Art  
Committee for term ending March 2027*

*Mr. Doughty recognized Nestor Bleech and Bill Wolff for their commitment to the City.*

48 **PUBLIC COMMENTS**

49  
50 *Five people provided the following comments:*

- 51
- 52 • *Speaker saw Nestor Bleech was reappointed to the Revolving Loan Advisory Committee and*  
53 *found that the loans were only for businesses. The attached packet from the speaker was*  
54 *what was presented to Council by the speaker.*
  - 55 • *In November 2009, after speaker’s parents lived in their home for 12 years, they had to*  
56 *leave because of flooding. Their home flooded three more times in the next eight years. After*  
57 *they sold their home it got raised up and worse than it was before. It’s been back and forth*  
58 *with who was to blame between the City and the County. It was embarrassing and felt as if*  
59 *they were being verbally spit upon. This was originally supposed to be a major complaint*  
60 *over the flooding issue. Two and a half weeks ago a lot of people complained about the*  
61 *intersection being flooded where his parents lived (Middleneck Lane, Priscilla Street and*  
62 *the highway). Speaker was hopeful Mayor Taylor would take care of the flooding after more*  
63 *than fourteen and a half years.*
  - 64 • *Speaker complemented Mayor Taylor on controlling the flooding situation on Route 13. This*  
65 *showed you the difference when you had a Mayor without a lot of initials after his name*  
66 *from fancy universities but has been to the School of Hard Knocks and had to make a living.*  
67 *We had four national champions in the NCAA Wrestling this weekend which was a record.*  
68 *Penn State has also won ten of the last twelve and were now competitive with UCLA under*  
69 *John Wooden and basketball for National Championships within a period of time.*
  - 70 • *There’s been publicity about a project in Cambridge proposed for TIF. The City Manager of*  
71 *Cambridge resigned over that because he felt that it was a ridiculous project. He suspected*  
72 *they were being prospected by the same group the City has met with, which was Municap.*  
73 • *He handed out a newspaper article from The Star (attached as part of the minutes).*
  - 74 • *The Planning & Zoning Meeting was the most absurd meeting he had ever seen. The City*  
75 *Attorney who was there couldn’t find in the Code that he was referring to about the role of*  
76 *the Planning & Zoning Commission in Downtown Salisbury parking. Speaker handed out*  
77 *the section of the Code (attached as part of the minutes).*
  - 78 • *We’re in a very sad situation and have a lot of work to do. There’s a project (Mr. Doughty’s*  
79 *group) that’s entirely in the flood plan. We know it would only get worse because of sea*  
80 *level rise and the east coast of the United States was sinking.*
  - 81 • *Speaker asked why City Council, over public objections, met in Closed Session on March 4<sup>th</sup>*  
82 *for forty-five minutes with City Attorney Reena Patel regarding the LDA governing the*  
83 *proposed Salisbury Town Center Development and the developers Circuit Court appeal, and*  
84 *asked why Mayor Taylor was excluded from parts of that meeting and who excluded him.*  
85 *Speaker asked why City Council met in another Closed Session on March 11<sup>th</sup> for nearly an*  
86 *hour with the same City Attorney regarding what legal action the City might take on the*  
87 *developers of Salisbury Town Center litigation, and why on March 14<sup>th</sup> did the City Attorney*  
88 *file a court motion to reconsider a Circuit Court judge’s decision dismissing the appeal of*  
89 *the developers Salisbury Town Center litigation. Speaker asked who authorized the use of*  
90 *taxpayer funds for the City Attorney to file this motion that did not benefit the taxpayers but*  
91 *rather supported the developer. The timeline of these events strongly suggested that the City*  
92 *Council orchestrated this questionable legal action during their recent two closed sessions.*  
93 *This was an executive matter, and not a legislative matter. The City Council and developer’s*

94 concerted efforts implied an ongoing illicit relationship that was at odds with the City  
95 taxpayers, whom the Council was supposed to represent.

- 96 • Commended City Manager of Cambridge for speaking out in the media regarding the  
97 dangerous use of a TIF as a financing vehicle for a development project in Cambridge. The  
98 Salisbury City Council should stop putting developers' interests above the interests of  
99 citizens and taxpayers- the people they were supposed to represent.
- 100 • Speaker on Zoom addressed the email she sent out earlier in the day regarding fair market  
101 rent. She looked forward to hearing from the rest of the Council members. She thanked those  
102 who already responded. As Chair of the TRUTH Committee, she wanted to let the public and  
103 Council know that the TRUTH Committee would host a workplace discrimination training  
104 that was open to the public on Friday, April 26 from 10:00 a.m. to 12:00 p.m. This was  
105 geared towards the public, business owners and employees and was very important. It was  
106 very helpful to have Jessie Turner, the City liaison, coordinate the training.

### 107 ADMINISTRATION AND COUNCIL COMMENTS

108 *Mr. Kitzrow announced the Spring Street Market would be held on March 30<sup>th</sup> from 12:00 noon to*  
109 *5:00 p.m. downtown. Administration was looking forward to moving forward with the TIF policy*  
110 *that was discussed. There were a couple of big projects that were presented, but until the TIF Policy*  
111 *and guidelines was adopted, they would not move forward.*

112 *Mayor Taylor said he understood that SNHS applied for Home Funds, but was not positive. The*  
113 *City would certainly be interested if we were capable of either applying for it or administering it.*  
114 *He was not familiar with the program other than the mortgage, years ago. They thought they*  
115 *solved the water problem. He wished everyone a good Good Friday.*

116 *Ms. Dashiell thanked the community and those in the audience for showing up and sharing their*  
117 *comments. We hoped to move forward with the suggestions to make a better place for all of us.*

118 *Ms. Jackson thanked those for bringing their concerns to Council. She appreciated them. She*  
119 *invited everyone to the National Vietnam Veterans Day to be held at the VFW Post 10159 on 821*  
120 *West Main Street on Friday at 6:00 p.m. There were speakers scheduled and lots of food. She*  
121 *was hosting a free community Easter Egg hunt on Saturday at 1117 Parson's Road at the Village*  
122 *at Mitchell Pond from 1:00 p.m. to 4:00 p.m.*

123 *Ms. Gregory reported that SNHS was going to host a three-part series Fair Housing Seminar on*  
124 *April 13<sup>th</sup> from 10:00 a.m. to 12:00 p.m. at Station 16 on Cypress Street. She echoed the*  
125 *reminder about the Spring Street Market. Come out and support the local businesses.*

126 *Ms. Blake announced the Council received a letter from the CEO of TidalHealth regarding some*  
127 *concerns with development. She requested a discussion be scheduled for a Work Session to*  
128 *discuss the concerns. Council also received another letter from Rivermitch regarding that*  
129 *project being moved forward. They received a letter from the attorney regarding the*  
130 *representation of the developers for that. This Special Work Session discussion of Lot 10 may*  
131 *have other items that may be placed on the next Work Session or as soon as possible. If healthy*  
132 *enough, please donate blood or become an organ donor.*

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*President Doughty reported he thought he misspoke last week about the Jaycees Easter Egg Hunt. It was actually this Friday from 2:00 p.m. to 4:00 p.m. for persons needing a specialized Easter Egg hunt adapted for those who were autistic or has other special needs. It would be held at the Fruitland Falcons Field. He added that Council and Administration were trying to work together to acknowledge all the comments and concerns. If anyone wanted to know why they made such decisions in the last meeting, which was a Closed Session, they could certainly ask why the decision was made to excuse the Mayor. We looked forward to building a better Salisbury for all our residents.*

**ADJOURNMENT**

*With no further business to discuss, the Legislative Session adjourned at 6:36 p.m. and Council immediately convened in the Special Work Session.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION #1  
MARCH 4, 2024

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*TIME & PLACE:* 5:59 p.m., Council Chambers, Salisbury Headquarters Building  
*PURPOSE:* To consult with counsel to obtain legal advice on a legal matter; to consult with staff, consultants, or other individuals about pending or potential litigation;  
*VOTE TO CLOSE:* Unanimous (5-0)  
*CITATION:* Annotated Code of Maryland §3-305(b)(7)(8)  
*PRESENT:* Council President D’Shawn M. Doughty, Mayor Randolph J. Taylor (left 6:18 p.m., Vice President Angela M. Blake, Councilmember Michele Gregory, Councilmember April R. Jackson, Councilmember Sharon C. Dashiell, City Administrator Andy Kitzrow (left 6:18 p.m.), Special Counsel Reena Patel, Assistant City Clerk Julie English, City Clerk Kim Nichols

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*On March 4, 2024 City Council convened in Work Session at 4:30 p.m. in Council Chambers of the SBY Headquarters. At 5:51 p.m. President Doughty called for a motion to convene in Closed Session #1 to consult with counsel to obtain legal advice on the land disposition agreement governing the proposed Salisbury Town Center development and other legal issues surrounding the development of Lots 1, 11, and 15, as authorized by the State Government Article, § 3-305(b)(7), and to consult with staff and the City Attorney about the pending appeal involving Salisbury Town Center Apartments, LLC, as authorized by the State Government Article § 3-305(b)(8). Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to convene in Closed Session #1. The Closed Session convened at 5:59 p.m. following a brief recess.*

*Special Counsel Reena Patel explained how the recent ruling impacted the Salisbury Town Center project, how it could possibly impact other unnamed projects with respect to special exception that was granted, advised Council on the legal effect of the Court ruling, and then answered Council’s and Administration’s questions and concerns regarding these things as they related to the Salisbury Town Center Apartments, LLC project. She discussed the original LDA and executed deed, and then responded to a statement by Mayor Taylor. President Doughty asked Mayor Taylor and Mr. Kitzrow to exit the Closed Session at 6:18 p.m.*

*Ms. Patel further discussed the LDA, advised how to proceed and answered Council’s questions. Council reached unanimous consensus to ask Mayor Taylor to work with Mr. Gillis on a resolve by March 15, 2024.*

*At 6:41 p.m. Ms. Jackson moved, Ms. Dashiell seconded and the vote was unanimous to adjourn the Closed Session. Council returned to Open Session at 6:44 p.m. and President Doughty reported that Council had met in Closed Session and they received legal advice on the Land Disposition Agreement for the proposed development of Lots 1, 11, and 15. Council also consulted with staff and special counsel about the pending appeal involving Salisbury Town Center Apartments in accordance with State Government Article § 3-305(b)(7)(8).*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION #2  
MARCH 4, 2024

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*TIME & PLACE:* 6:45 p.m., Council Chambers, Salisbury Headquarters Building  
*PURPOSE:* To consult with counsel to obtain legal advice on a legal matter; to conduct collective bargaining negotiations or consider matters that relate to the negotiations;  
*VOTE TO CLOSE:* Unanimous (5-0)  
*CITATION:* Annotated Code of Maryland §3-305(b)(7)(9)  
*PRESENT:* Council President D’Shawn M. Doughty, Mayor Randolph J. Taylor, Vice President Angela M. Blake, Councilmember Michele Gregory, Councilmember April R. Jackson, Councilmember Sharon C. Dashiell, City Administrator Andy Kitzrow, Human Resources Director Meg Caton, Special Counsel Dan Altchek, City Attorney Ashley Bosché, Assistant City Clerk Julie English, City Clerk Kim Nichols

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On March 4, 2024 City Council convened in Work Session at 4:30 p.m. in Council Chambers of the SBY Headquarters. At 5:59 p.m. Council convened in Closed Session #1, and adjourned at 6:41 p.m. President Doughty reported that Council had met in Closed Session and received legal advice on the Land Disposition Agreement for the proposed development of Lots 1, 11, and 15, and consulted with staff and special counsel about the pending appeal involving Salisbury Town Center Apartments in accordance with State Government Article § 3-305(b)(7)(8).

President Doughty called for a motion to convene in Closed Session #2 at 6:45 p.m. to consult with counsel to obtain legal advice on matters that related to ongoing collective bargaining negotiations as authorized by the State Government Article, § 3-305(b)(7)(9) to consult with special legal counsel to consider all matters related to the ongoing collective bargaining negotiations. Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous.

Special Counsel Dan Altchek reported on the bargaining process to include the negotiation progress with the three bargaining units, specific economic proposals, and he explained the arbitration process should an impasse occur. After answering questions from Council, Mr. Altchek was provided answers by Council to his inquiries regarding negotiations and how they wanted him to proceed.

After Ms. Gregory returned to Council Chambers from a quick break, at 7:26 p.m. Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to adjourn the Closed Session.

Council returned to Open Session at 7:28 p.m. and President Doughty reported that Council had just returned to Open Session after meeting in Closed Session #2 and they received legal advice from Special Counsel on all matters that related to the City’s ongoing collective bargaining negotiations in accordance with State Government Article § 3-305(b)(7)(9).

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION #3  
MARCH 4, 2024

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*TIME & PLACE:* 7:28 p.m., Council Chambers, Salisbury Headquarters Building  
*PURPOSE:* To consult with counsel to obtain legal advice on a legal matter  
*VOTE TO CLOSE:* Unanimous (4-0)  
*CITATION:* Annotated Code of Maryland §3-305(b)(7)(9)  
*PRESENT:* Council Vice President Angela M. Blake, Mayor Randolph J. Taylor,  
Councilmember April R. Jackson, Councilmember Michele Gregory,  
Councilmember Sharon C. Dashiell, City Administrator Andy Kitzrow,  
City Attorney Ashley Bosché, Assistant City Clerk Julie English, City Clerk  
Kim Nichols

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*On March 4, 2024 City Council convened in Work Session at 4:30 p.m. in Council Chambers of the SBY Headquarters. At 5:59 p.m. Council convened in Closed Session #1 which adjourned at 6:41 p.m. Council then convened in Closed Session #2 at 6:45 p.m., which adjourned at 7:26 p.m.*

*President Doughty recused himself from Closed Session #3 and left the room.*

*Vice President Blake presided over the session and called for a motion to convene in Closed Session #3 to consult with counsel to obtain legal advice regarding the land disposition agreement governing Mitchell Landing and legal issues surrounding the management of Mitchell Landing as authorized by the State Government Article, § 3-305(b)(7). Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to convene in Closed Session #3.*

*Ms. Bosché discussed the current LDA and loan documents governing Mitchell Landing and advised on any action that could be taken by Council. She answered Council's questions regarding the contents and the legality of the LDA and loan documents.*

*Council reached unanimous consensus to the plan of action suggested by Vice President Blake.*

*At 7:55 p.m. Ms. Blake called for a motion to adjourn the Closed Session. Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous (4-0). Council immediately convened in Open Session whereby Vice President Blake reported that Council had convened in Closed Session and received legal advice from the City Attorney regarding the land disposition agreement governing and legal issues surrounding the management of Mitchell Landing, as authorized by the State Government Article, § 3-305(b)(7).*

*With no further business to discuss in Open Session, the Open Session was then adjourned.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION #1  
MARCH 11, 2024

328 *TIME & PLACE:* 7:25 p.m., Council Chambers, Salisbury Headquarters Building  
329 *PURPOSE:* to discuss options whether to lease or sell Anne Street Village to include  
330 matters related to negotiating strategy and the contents of a possible  
331 proposal, having found that a public discussion would adversely impact the  
332 ability of the City to participate in the proposal process should the City  
333 decide to move in that direction

334 *VOTE TO CLOSE:* Unanimous (4-0)

335 *CITATION:* Annotated Code of Maryland §3-305(b)(14)

336 *PRESENT:* Council President D’Shawn M. Doughty, Mayor Randolph J. Taylor, Vice  
337 President Angela M. Blake, Councilmember Michele Gregory,  
338 Councilmember Sharon C. Dashiell, City Administrator Andy Kitzrow, City  
339 Attorney Ashley Bosché, Assistant City Clerk Julie English, Housing &  
340 Community Development (HCDD) Director Muir Boda, Procurement  
341 Director Jennifer Miller

342 \*\*\*\*\*  
343 *The City Council convened in Legislative Session at 6:00 p.m. on March 11, 2024 in Council  
344 Chambers of the Salisbury Headquarters Building and via Zoom Video Conferencing. At 7:25 p.m.  
345 President Doughty called for a motion to convene in Closed Session before a contract is awarded  
346 or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a  
347 bid or proposal, if public discussion or disclosure would adversely impact the ability of the public  
348 to participate in the competitive bidding or proposal process under the authority of the Maryland  
349 Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b)(14). The  
350 reason for the Closed Session was to discuss options whether to lease or sell Anne Street Village to  
351 include matters related to negotiating strategy and the contents of a possible proposal, having  
352 found that a public discussion would adversely impact the ability of the City to participate in the  
353 proposal process should the City decide to move in that direction. Ms. Blake moved, Ms. Gregory  
354 seconded, and the vote was 3-0 to convene in Closed Session.*

355  
356 *Councilmember Dashiell recused herself due to a potential conflict of interest.*

357  
358 *Anne Street Village (ASV)*

359 *HCDD Director Muir Boda shared with Council that there was interest from more than one  
360 organization in ASV. Mr. Boda explained the challenges his department was facing with regard to  
361 ASV.*

362  
363 *Procurement Director Jennifer Miller communicated possible next steps to Council. Among those  
364 was determining whether Council would like to sell or lease ASV. Administration and Council asked  
365 follow-up questions and received clarification and further information from Mr. Boda and Ms.  
366 Miller.*

367  
368 *Council reached consensus to move forward with a public request for interest on the topic.*  
369

370 *At 7:57 p.m., Ms. Gregory moved, Ms. Blake seconded, and the vote was 3-0 to adjourn the Closed*  
371 *Session.*

372  
373 *At 7:57 p.m. Council reconvened in Open Session whereby President Doughty reported that*  
374 *Council had just met in Closed Session before a contract is awarded or bids are opened, to discuss*  
375 *a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public*  
376 *discussion or disclosure would adversely impact the ability of the public body to participate in the*  
377 *competitive bidding or proposal process in accordance with the Annotated Code of Maryland §3-*  
378 *305(b)(14). Council discussed options whether to lease or sell ASV to include matters related to*  
379 *negotiating strategy and the contents of a possible proposal, having found that a public discussion*  
380 *would adversely impact the ability of the City to participate in the proposal process should the City*  
381 *decide to move in that direction.*

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CITY OF SALISBURY, MARYLAND  
CLOSED SESSION #2  
MARCH 11, 2024

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421 *TIME & PLACE:* 7:27 p.m., Council Chambers, Salisbury Headquarters Building  
422 *PURPOSE:* to consult with counsel to obtain legal advice on what, if any, legal action the  
423 City should take on the Salisbury Town Center development and legal  
424 issues/litigation options for the pending order in the appeals with respect to  
425 Salisbury Town Center litigation  
426 *VOTE TO CLOSE:* Unanimous (4-0)  
427 *CITATION:* Annotated Code of Maryland §3-305(b)(7) and (8)  
428 *PRESENT:* Council President D'Shawn M. Doughty, Mayor Randolph J. Taylor, Vice  
429 President Angela M. Blake, Councilmember Michele Gregory,  
430 Councilmember Sharon C. Dashiell, City Administrator Andy Kitzrow, City  
431 Attorney Ashley Bosché, Special Counsel Reena Patel, Assistant City Clerk  
432 Julie English,

433 \*\*\*\*\*  
434 *The City Council convened in Open Session at 7:25 p.m. on March 11, 2024 in Council*  
435 *Chambers of the Salisbury Headquarters Building and via Zoom Video Conferencing to provide the*  
436 *Report Out from Closed Session #1. Immediately following, President Doughty called for a motion*  
437 *to convene in Closed Session #2 to consult with counsel to obtain legal advice on what, if any, legal*  
438 *action the City should take on the Salisbury Town Center development and legal issues/litigation*  
439 *options for the pending order in the appeals with respect to Salisbury Town Center litigation under*  
440 *the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General*  
441 *Provisions Article § 3-305(b)(7) and (8). Ms. Blake moved, Ms. Gregory seconded, and the vote*  
442 *was 3-0 to convene in Closed Session.*

443  
444 *City Attorney Ashley Bosché left the meeting until she was needed to answer any questions related*  
445 *to the litigation options for the City.*

446  
447 *Salisbury Town Center*  
448 *Special Counsel Reena Patel summarized the status of the Salisbury Town Center for Council. Ms.*  
449 *Patel noted that she was there to determine what, if anything, the City would like to do next.*

450  
451 *There was discussion on parking, the Board of Appeals meeting, and the Zoning Code.*

452  
453 *City Attorney Ashley Bosché was invited into the meeting to join the discussion on the possible*  
454 *litigation. She provided and explained possible actions that could be taken.*

455  
456 *It was determined that a separate conversation would need to happen with regard to pending*  
457 *projects.*

458  
459 *Council reached unanimous consensus to move forward with defending the Code.*

460  
461 *At 8:55 p.m., Ms. Blake moved, Ms. Gregory seconded, and the vote was 4-0 to adjourn the Closed*  
462 *Session.*

463

464 *At 8:55 p.m. Council reconvened in Open Session and President Doughty reported that Council had*  
465 *just met in Closed Session to consult with counsel to obtain legal advice on the land disposition*  
466 *agreement governing the proposed Salisbury Town Center development and legal issues/litigation*  
467 *options for the pending order in the appeals with respect to Salisbury Town Center Apartments,*  
468 *LLC, as authorized by the State Government Article, §3-305(b)(7) and (8).*

469  
470 *With no further business to discuss in Open Session, the meeting was adjourned.*

471  
472 \_\_\_\_\_  
473 *City Clerk*

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475 \_\_\_\_\_  
476 *City Council*  
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City Council – Public Comments for March 25, 2024

From: Molly Hilligoss, Executive Director, Habitat for Humanity of Wicomico County

As our population ages, this poses a problem few are talking about. Where will our seniors go when they can no longer maintain their homes and are on very limited fixed incomes. We must make critical home repair a focus of our mission and talk about the need for our local governments to help us find resources so that our veterans and older adult residents can age in place.

Recently, the City of Salisbury conducted an analysis for the Community Development Block Grant cycle. I have attached the Table of Contents and the Executive Summary for reference.

A key finding is that the housing stock in the city is older and in need of rehabilitation. My comments are related to this aspect of the 114 page document.

When residents need a home loan, they apply at banks or mortgage brokers. These financial institutions are required to disclose certain information annually. The Home Mortgage Disclosure Act (HMDA) requires lenders to provide details about the applications for home loans. Banks and lenders are required to provide the following data by address:

1. Loans originated (this also means loans funded).
2. Applications approved but not accepted
3. Applications denied by financial institution
4. Applications withdrawn by applicant
5. File closed for incompleteness
6. Applications received

This data is collected annually, consolidated and available for the public to analyze.

For example, based on the data for 2022, as provided on page 89 of the 2024 Analysis of Impediment to Fair Housing Choice, 96 Salisbury residents tried to obtain a Home Improvement Loan, but were denied. Only 117 out of the total 237

households that applied across all lending institutions had their request funded. This means that 96 households were not just ignoring the fact that they needed to make repairs to their home. They tried. I dug deeper to find out the average loan request. It was \$75,641. If those 96 households had been able to receive the home repair loans, more than \$7.26 million would have been injected into our economy here.

Sadly, the lost opportunity of the households that were denied home improvement loans by traditional lenders creates despair for those who need a new roof, HVAC system or walk in shower. Real property values of homes with deferred maintenance issues create problems not just for families that reside in those homes, but also for the state, counties and municipalities. A decline in a home's value impacts the family wealth and ability to move on into other housing when they need to downsize or divest due to age onset medical issues that create the need to seek smaller, lower outdoor maintenance properties to reside.

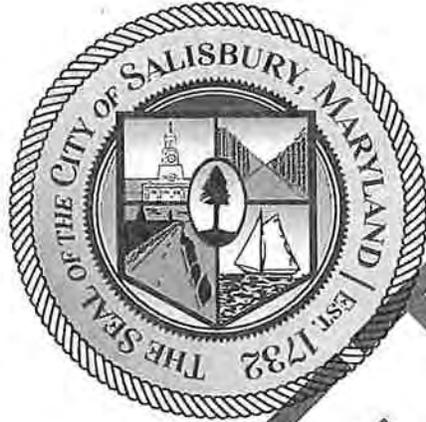
Multiple partners across the shore recognize the need for older adult homeowners to age in place. Habitat for Humanity of Wicomico County recognized the need for critical home repairs in 2013. Since that time, 105 households have received significant home repair services from licensed contractors. Currently the waiting list is 111 households in Wicomico County. These households were referred by the Health Department, TidalHealth, MAC Inc., Chesapeake Health Care, Priority Partners, Hope Inc., Neighbors, Chesapeake Housing Mission, the VFWs, State Farm Insurance, Hebron Savings Bank, an anonymous therapist, the commander of the Salisbury American Legion Post and so on. Lastly, due to drone technology, insurance companies are creating 30 and 60 day demands on their policy holders to replace roofs. When this is not financially feasible for the household, their homeowners insurance is cancelled. Any opportunity for state special loan programs is then lost as homeowners insurance is a requirement for that stream of funding. The MD DHCD's total budget request for special loan programs addressing home repairs is at \$10.4 million, clearly, not enough to address the need statewide. Census data shows that vacant homes in Wicomico County have reached 10%. Drive around and its common to see abandoned homes in disrepair. Census data shows 10% of homes in Wicomico County are vacant and 22% of households are aged 60 and up.

The City of Salisbury needs a low barrier, revolving critical home repair loan fund. Government cannot rely on non-profits to fix this problem. This is at a crisis stage

now. The city has a business revolving loan program. Why not one for residents? I would like to suggest a deferred loan, revolving loan program. The full amount paid out in assistance would be payable back to the City when the property transfers ownership or when the homeowner refinances the property. No forgivable loans.

I would also like to point out the opportunity that the City of Salisbury has to apply for HOME funds. HOME funds are monies allocated by the federal government that flow from HUD to the States. The State of MD receives approximately \$10 million each year. On page 68 of the 2024 Analysis of Impediments to Fair Housing Choice, while the HOME Program is listed as an opportunity, the City states it has no current plans to apply for these funds over the next 5 years. I ask WHY? We are in the middle of a housing crisis and the City is just going to pass over these funds. I would like the administration to calculate the return on investment of this opportunity. Building housing is an immediate economic driver to the economy. If the grants manager doesn't have time to monitor this grant, perhaps the City's Economic Development Director would have time.

# City of Salisbury



## 2024 Analysis of Impediments to Fair Housing Choice

**CDBG PY 2024~2028**  
(7/1/2024 – 6/30/2028)

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## Executive Summary

The City of Salisbury, Maryland is an entitlement community under the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant Program (CDBG). In accordance with the Housing and Community Development Act of 1974, as amended, each entitlement community must "affirmatively further fair housing." In order to demonstrate that an entitlement community is "affirmatively furthering fair housing," each community must conduct a Fair Housing Analysis which identifies any impediments to fair housing choice and what steps it will take to address those impediments. HUD advises communities that the Analysis of Impediments to Fair Housing Choice should address the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of Title I of the Housing and Community Development Act of 1974, Title II of the Americans with Disabilities Act of 1990, Architectural Barriers Act of 1968, Age Discrimination Act of 1975, Title IX of the Education Amendments Act of 1972, Executive Order 11063, Executive Order 11246, Executive Order 12892, Executive Order 12898, Executive Order 13166, and Executive Order 13217.

The HUD Fair Housing and Equal Opportunity (FHEO) Office advises federal entitlement communities to update their Analysis of Impediments (AI) to Fair Housing Choice to coincide with their Five Year Consolidated Plan, and then every five (5) years thereafter. In addition, each year the entitlement community, as part of its Annual Action Plan, must sign certifications that the jurisdiction will affirmatively further fair housing. This means that the entitlement community will conduct an Analysis of Impediments to Fair Housing Choice (AI), take appropriate actions to overcome the effects of any impediments identified through the AI, and maintain records reflecting what analysis and corrective actions were taken.

The City previously prepared an Analysis of Impediments to Fair Housing Choice in May 2019. On July 16, 2015, the U.S. Department of Housing and Urban Development (HUD) published its final rule on Affirmatively Furthering Fair Housing. This rule attempted to establish a standardized process for fair housing planning. On May 23, 2018, due to deficiencies in the requirements, information available, and public participation HUD announced the withdrawal of the AFFH Rule, eliminating the AFH Tool, and requiring communities to revert back to the preparation of an Analysis of Impediments to Fair Housing Choice (AI). This plan was prepared according to HUD's Office of Fair Housing and Equal Opportunity's Fair Housing Planning Guide.

This analysis focuses on the status and interaction of six (6) fundamental conditions within the area:

- The sale or rental of dwellings (public or private);
- The provision of housing brokerage services;
- The provision of financial assistance for dwellings;

- Public policies and actions affecting the approval of sites and other building requirements used in the approval process for the construction of publicly assisted housing;
- The administrative policies concerning community development and housing activities, which affect opportunities of minority households to select housing inside or outside areas of minority concentration; and
- Where there is a determination of unlawful segregation or other housing discrimination by a court or a finding of noncompliance by HUD regarding assisted housing in a recipient's jurisdiction, an analysis of the actions which could be taken by the recipient to remedy the discriminatory condition, including actions involving the expenditure of funds made available under 24 CFR Part 570.

The Fair Housing Act was originally passed in 1968 to protect buyers and renters from discrimination from sellers and landlords by making it unlawful to refuse the sale or rental of a property to persons included under the category of a protected class. The Fair Housing Act prohibits discrimination against persons based on their **race, color, religion, sex, national origin, disability, or familial status** in the sale, rental, and financing of housing.

The methodology employed to undertake this Analysis of Impediments included:

- **Research**

- Review of the 2019 Analysis of Impediments to Fair Housing Choice, Zoning Ordinances, Comprehensive Plan, Five Year Consolidated Plan, Annual Action Plans, and Consolidated Annual Performance Evaluation Reports.
- Review of the Housing Authority's Five Year and Annual PHA Plans.
- Review of the most recent demographic data for the area from the U.S. Census, which included general, demographic, housing, economic, social, and disability characteristics.
- Review of the U.S. Department of Housing and Urban Development Comprehensive Housing Affordability Strategy (HUD-CHAS) data.
- Review of the residential segregation data.
- Review of financial lending institutions through the Home Mortgage Disclosure Act (HMDA) database.
- A review of the real estate and mortgage practices.
- Home mortgage foreclosure data.

- **Interviews & Meetings**

- Meetings and interviews were conducted with various City and County Departments; the Wicomico County Housing Authority; community, social service, and advocacy agencies, as well as public meetings.

- Follow up phone calls were made when an organization neither returned a survey nor attended a meeting.

- **Analysis of Data**

- Low- and moderate-income areas were identified and mapped.
- Concentrations of minority populations were identified and mapped.
- Concentrations of owner-occupied and renter-occupied housing units were identified and mapped.
- Fair housing awareness in the community was evaluated.
- Distribution by location of public and assisted housing units were analyzed and mapped.
- The location of CDBG expenditures throughout the area was analyzed.
- Five Year Consolidated Plan Goals and Objectives were reviewed.

- **Potential Impediments**

- Public sector policies that may be viewed as impediments were analyzed.
- Private sector policies that may be viewed as impediments were analyzed.
- The status of previously identified impediments was analyzed.

- **Citizen Participation**

- A public survey was publicized, public meetings were held, and copies of the draft AI were placed on public display to encourage citizen input.
- The public survey was available at the following link <https://www.surveymonkey.com/r/SalisburyCDBG24-28> from January 4, 2024 until February 16, 2024.

- **Key Findings**

- 1 - There is a lack of affordable housing for all income levels in the City of Salisbury.
- 2 - There is a lack of new housing construction to meet housing demand, especially owner-occupied housing units.
- 3 - The housing stock in the City is older and in need of rehabilitation.
- 4 - There are areas of minority housing concentration that correspond to areas of lower income concentration.

- There are substantially more renter-occupied housing units than owner-occupied housing units.
- Household incomes have increased at slower rates than housing costs.
- There is a lack of zoning provisions that encourage fair housing choice.
- Communication issues exist for Limited English Proficiency (LEP) persons.

In the updated Analysis of Impediments, the City identified the following goals and strategies to address impediments identified:

### **Impediment 1 Need for Fair Housing Education and Outreach**

There is a need to improve the knowledge and understanding concerning the rights and responsibilities of individuals, families, members of the protected classes, landlords, real estate professionals, and public officials under the Fair Housing Act (FHA).

Goal: Improve the public's knowledge and awareness of the Fair Housing Act, related laws, regulations, and requirements to affirmatively further fair housing in the community.

Strategies: In order to meet this goal, the following actions should be undertaken:

- 1-A: Educate residents, realtors, bankers, housing providers, other real estate professionals, policy makers and municipal staff of their responsibilities under the fair housing and related statutes, regulations, and executive orders.
- 1-B: Support fair housing organizations and legal advocacy groups to assist persons who may be victims of housing discrimination.
- 1-C: Identify the language and communication needs of LEP persons to provide the specific language assistance that is required.

### **Impediment 2 Need for Affordable Housing**

In the City of Salisbury, one out of every two (52%) renter households is paying over 30% of their monthly incomes on housing costs; one out of every four (24%) owner households with a mortgage is paying over 30% of their monthly income on housing costs; and one out of every six (16%) owner households without a mortgage is paying over 30% of their monthly income on housing costs. The number of households that are housing cost burdened significantly increases as household income decreases.

Goal: Increase the supply of decent, safe, and sanitary housing that is affordable and accessible through the new construction and rehabilitation of various types of housing, especially housing that is affordable to lower income households.

Strategies: In order to meet this goal, the following actions should be undertaken:

- 2-A: Support and encourage private developers and non-profit housing providers to create, through construction or rehabilitation, affordable mixed-income housing.
- 2-B: Support and encourage the rehabilitation of existing renter-occupied and owner-occupied housing units in the area for households below 80% AMI.
- 2-C: Support homebuyer education, training programs, and closing cost/down payment assistance to increase the number of owner-occupied housing units; especially in response to HMDA data discrimination patterns to support higher loan to value ratios for minority homebuyers.
- 2-D: Support tenant education and maintenance training programs to encourage and support healthy rental housing units.
- 2-E: Encourage organizations serving the LMI community to develop relationships with landlords to expand the supply of affordable rental housing units.
- 2-F: Encourage affirmative marketing procedures to attract protected classes that are least likely to apply for new affordable housing opportunities.

### **Impediment 3 Need for Accessible Housing**

There is a lack of accessible housing units in the area as the supply of accessible housing has not kept pace with the demand of individuals desiring to live independently.

Goal: Increase the supply of accessible housing through new construction and rehabilitation of accessible housing for persons with disabilities.

Strategies: In order to meet this goal, the following actions should be undertaken:

- 3-A: Promote the need for accessible and visitable housing by supporting and encouraging private developers and non-profits to develop, construct, or rehabilitate housing that is accessible to persons with disabilities.
- 3-B: Provide financial assistance for accessibility improvements to housing units to enable seniors and persons with disabilities to remain in their homes.
- 3-C: Promote and encourage the ADA and Fair Housing requirements for landlords to make “reasonable accommodations” to their rental properties so the units are accessible to tenants.

#### **Impediment 4 Public Policy**

The City's Zoning Ordinance needs additional definitions and provisions to affirmatively further fair housing.

Goal: Revise the Zoning Ordinance to promote the development of various types of affordable housing throughout the City.

Strategies: In order to meet this goal, the following actions should be undertaken:

- 4-A Revise the City Zoning Ordinance to include additional definitions, statements, and revisions that adopt model fair housing zoning provisions including reasonable accommodations, transit-oriented development, and regional cooperation.
- 4-B Develop incentives to encourage developers and housing providers to offer more affordable housing options in the City.
- 4-C Encourage LMI, minority, and protected class resident participation in the various City Boards and Commissions.

#### **Impediment 5 Regional Approach to Fair Housing**

There is a need for a regional collaborative approach to affirmatively further fair housing in the area.

Goal: Form a regional cooperative fair housing consortium to affirmatively further fair housing in the area.

Strategies: In order to meet this goal, the following actions should be undertaken:

- 5-A: Form a regional fair housing partnership with existing organizations to encourage fair housing choice throughout the area, fair housing activities, and projects.
- 5-B: Maintain a regional database of decent, safe, and sanitary housing that is affordable and accessible for households below 80% AMI.
- 5-C: Work collaboratively with affordable housing developers and providers to ensure affirmative fair marketing plans and deconcentration policies are created and implemented.
- 5-D: Support the Wicomico County Housing Authority to affirmatively further fair housing.

Fair housing is a right. The City is committed to promoting housing choice, which entails increasing free and equal access to residential housing throughout the City of Salisbury. The City will direct federal funds to address impediments to housing choice that inhibit an individual's pursuit of personal, educational, and employment goals. If you have any questions or comments, please send them to the City's Fair Housing Designated Officer:

Muir Boda, Director  
Housing and Community Development Department  
City of Salisbury  
207 W. Main St.  
Salisbury, MD 21801  
(410) 341-9550

DRAFT

117 Funded  
↓

96 Denied  
↓ 40% denied for Home Improvement loans

Total apps

Home Loans Purchased by Location of Property and Type of Loan

Loan		Loans Originated	Approved, Not Accepted	Applications Denied	Applications Withdrawn	File Closed for Incompleteness
FHA, FSA/RHS & VA	Salisbury	388	6	76	71	11
	Wicomico	472	9	95	86	15
	MSA	1,867	49	334	323	86
Conventional	Salisbury	461	16	79	57	12
	Wicomico	600	25	110	73	15
	MSA	6,565	245	1,030	921	250
Refinancings	Salisbury	380	43	224	165	92
	Wicomico	520	59	322	223	116
	MSA	3,482	352	1,629	1,384	583
Home Improvement Loans	Salisbury	117	3	96	16	5
	Wicomico	161	5	123	24	7
	MSA	797	33	619	118	60

237

Source: <https://ffiec.cfpb.gov/data-publication/aggregate-reports/2022/MD/41540>

includes Sussex, DE County

The table below lists the lending activity by income group to establish a baseline for lending activity per income.

Disposition of Loan Applications by Income of Applicant

Loan	Income	Total Apps	Loans Originated		Approved But Not Accepted		Applications Denied		Applications Withdrawn		Files Closed for Incompleteness	
		#	#	%	#	%	#	%	#	%	#	%
FHA, FSA/RHS, and VA	Less than 50% of MSA/MD median	243	129	53.1%	8	3.3%	72	29.6%	24	9.9%	10	4.1%
	50-79% of MSA/MD median	798	554	69.4%	19	2.4%	108	13.5%	91	11.4%	26	3.3%

Zones/Entitlement Communities, Section 108 Loan Guarantees, Economic Development Initiative (EDI) funds, etc.

- ED-5 Access to Transportation – Support the expansion of public transportation and access to bus and automobile service to assist residents’ transportation needs for employment and job training opportunities.

**Administration, Planning, and Management Strategy Priority Need:**  
There is a need for planning, administration, management, and oversight of federal, state, and local funded programs.

**Goals:**

- AM-1 Overall Coordination – Provide program management and oversight for the successful administration of federal, state, and local funded programs, including planning services for special studies, environmental clearance, fair housing activities, and compliance with all federal, state, and local laws and regulations.

*The State of MD gets \$10,000,000*

**2. HOME Program**

The City of Salisbury is not a HOME entitlement city. The City may apply for HOME funds on a competitive basis through Maryland Department of Housing and Community Development (DHCD). The City has not applied for HOME funds for PY 2024 and has no current plans to apply for HOME funds during the next five (5) years.

*Why? This addresses the need.*

**3. Emergency Solutions Grant (ESG) Funds**

The City of Salisbury applies each year on a competitive basis to the Maryland Department of Housing and Community Development (DHCD) for Emergency Solutions Grant (ESG) Funds to assist local agencies that participate in the Homeless Alliance of the Lower Shore (HALS), the local Continuum of Care agency. HALS (previously known as TCAH) was formed in 2001 by the lead agency, the Somerset County Health Department. The ESG funds received by the City are awarded to homeless service provider agencies that serve the Salisbury area. In FY 2022, the HUD NOFA awarded the CoC a total of \$1,286,378 in CoC funds (not including planning funds), an increase of \$69,684 than originally requested. The increase was the result of an increase in the increased fair market rents used by HUD. The CoC NOFA provided the funding levels shown to the following renewal projects:

- MHA S+C Lower Shore (Somerset & Wicomico) - \$254,723
- MHA S+C Lower Shore (Worcester) - \$68,255
- Project 23 - \$538.056

*The City needs to prioritize resources + apply for this funding.*

## Cambridge city manager resigns over concerns with CWDI

- MAGGIE TROVATO mtrovato@chespub.com
- Mar 19, 2024

CAMBRIDGE — Tom Carroll, Cambridge’s city manager of two years, submitted his resignation on Monday.

In a letter addressed to the mayor and commissioners, Carroll said his last day as city manager will be no later than May 17.

Carroll shared the news of his resignation with City Council Monday night in a closed session following the council meeting.

“This was a hard decision for me to reach, but I do know it is the right decision to make,” he wrote in an email to the Star Democrat Tuesday morning.

In an interview Tuesday afternoon, Carroll said he has accepted a city manager position for the City of Lexington, Virginia. He said that in December, he came to the decision to pursue employment outside of Cambridge in the new year.

The reason for this decision, he said, was his concerns with Cambridge Waterfront Development Inc.’s Cambridge Harbor project, a project to develop the space along the Cambridge waterfront. Specifically, Carroll pointed to three events that led to his decision.

The first was a Dec. 15 email from CWDI Executive Director Matt Leonard. The email, sent to CWDI stakeholders, said the city’s words and actions were jeopardizing CWDI’s deal with a company to build a hotel, Carroll said.

When Carroll, at the request of City Council President Lajan Cephas, reached out to two of the city’s representatives on the CWDI board, he said he didn’t hear back from them on the topic for months.

Along with this, Carroll said CWDI’s “fussiness” regarding a now indefinitely tabled ordinance that would give the city the authority to appoint an individual to represent the city on a non-city governed board — and also remove that individual, and subsequently impose a fine or jail time if the individual continued to act as a representative of the city on said board — made it clear that CWDI was unwilling to change any part of its plan in response to criticism from the city.

Carroll said the third event that led to his decision was when he learned of a “significant ethical issue” involving CWDI’s attorney. CWDI is represented by the law firm Miles and Stockbridge.

This is not the first time Carroll has spoken about his concerns with the Cambridge Harbor project.

In late October, a letter addressed to Leonard and signed by Carroll stated that Cambridge City Council was not in support of the plans for the project. The letter stated concerns with the CWDI’s governance, the proposed tax increment financing and the lack of a private sector development partner for a project of this size.

Carroll himself said in a September interview that having spent 27 years in local governments and having been a part of two major economic development projects, he had concerns with the financial feasibility of CWDI’s plan.

In his email to the Star Democrat, Carroll said he hopes that he is wrong and that Cambridge Harbor will “become a story book success.”

“But I fear that I will be correct in its lasting and long-term negative impacts for Cambridge unless it is fundamentally changed,” he wrote. “I can no longer standby while this project moves forward in its current form and with the current governance structure.”

Leonard said Carroll’s reasons for leaving are his reasons.

“I don’t know what all the reasons are,” Leonard said. “If that’s the one he has chosen promote, I’m sorry to see that. It doesn’t make a lot of sense to me, but his reasons are his reasons.”

Leonard said one of the reasons CWDI was formed was to have an organization in place that can “transcend political turmoil or disruptions in leadership.”

“We’ve done everything we can to make sure that we can continue the progress on the project despite political changes,” he said.

In his Monday letter to the mayor and commissioners, Carroll mentioned some of the city’s accomplishments since he began serving as city manager, including the Cambridge Police Department’s commitment to community policing and the city’s undertaking of significant capital projects.

He said he was “particularly proud” of the city’s wages and classifications system that has helped the city’s workforce become more reflective of the community.

In a press release, Mayor Stephen Rideout said he and the commissioners are saddened by Carroll’s decision to leave, and his expertise will be missed.

In an interview, Rideout called Carroll leaving a significant loss for the city. He said the city has been making progress like he hasn’t seen since it established its current form of government in 2015.

City Council President Lajan Cephas called Carroll a gift to Cambridge, adding that he has made a lasting impact on the city.

“Although he’s leaving, he’s still going to be with us, with the changes that he’s made,” she said.

Both Rideout and Cephas said they still have concerns about Cambridge Harbor. Cephas said her concerns lie with the direction CWDI’s leadership is going in.

Rideout said this search for the next city manager will begin soon. The mayor and commissioners are responsible for hiring for the position. Carroll said he has offered to assist with the first steps in recruiting the next city manager.

In the interview Tuesday, Carroll said he expected to serve the rest of his career in Cambridge.

“I love Cambridge and think it has so much potential,” he said. “I think this community will benefit by getting very serious about structural racism that we have in this community. And CWDI, the Cambridge Harbor project is something that makes me feel like their approach to this project demonstrates that Cambridge isn’t serious about that important conversation.”

**SALISBURY CITY CODE**

**Title 17 Zoning**

**Chapter 17.196 - OFF-STREET PARKING AND LOADING STANDARDS**

Mixed-use building	1 space per 350 gross square feet of building area plus any additional parking as may be required for any restaurant
Shopping centers:	
Up to 30,000 square feet	1 space per 250 gross square feet of building area
30,000 to 600,000 square feet	1 per 300 square feet of gross floor area
Over 600,000 square feet	1 per 350 square feet of gross floor area
Recreational or entertainment:	
Arena; auditorium; stadium; theater	1 per each 4 seats of maximum seating capacity
Bowling alleys	5 per bowling lane
Private clubs, lodges and fraternal organizations	1 per 300 square feet
Restaurant; tavern; nightclub; dance hall	1 per 250 square feet of gross floor area
Skating rink	1 per each 3 persons' capacity
Swimming pool	1 per each 3 persons' capacity
Tennis, racquetball and handball establishment	1 per 400 square feet of gross floor area
Billiard parlor; automatic amusement device establishment	1 per 2 amusement devices
Institutional:	
Church or other place of worship	1 per 4 seats of maximum seating capacity
Fire station	1 for each Fire Marshal and Fire Chief, plus 1 per each member of the largest shift of regularly employed fire fighters, plus 1 for each regular employee
Police station	1 for police chief, plus 1 for captain, plus 1 for each member of the largest shift of regularly employed policemen, plus 1 for each regular employee and 2 for members of the public
Hospital	1½ per each bed and 1 for each 2 employees on the largest shift, including staff doctors
Libraries, museums, art galleries	1 space per each 200 square feet of gross floor area
Care home	1 per 5 patient beds and 1 off-street loading and unloading area
Medical and dental clinic and office	1 per 250 square feet of gross floor area
Group domiciliary care facility and group home	1 per each employee, plus 1 per each 2 residents
Schools (public, parochial or private):	
Day-care facilities for children, elderly and/or handicapped; nursery school	1 per each employee, plus 1 per each 5 occupants
Elementary, middle and senior high school	1 per each 5 seats of classrooms
Colleges and universities	1 for each 4 students
School of special instruction	1 for each 2 students
Industrial:	

## SALISBURY CITY CODE

### Title 17 Zoning

#### Chapter 17.196 - OFF-STREET PARKING AND LOADING STANDARDS

##### **17.196.030 Parking space requirements.**

Parking space requirements shall be as follows:

Type of Use	Parking Spaces Required
<b>Residential:</b>	
All residential uses except those specified below	2 for each dwelling unit
Apartment development	1½ for each dwelling unit
Bed and breakfast inn	Two spaces for the principle use, plus one additional space for each guest room and each employee. Required spaces to be provided on site or proximate to the site as allowed by special exception. In residential zones, the minimum parking setback shall be five feet and, when more than four guest or employee spaces are required, the parking area shall be screened from direct view of any nearby residential use by a suitable visual barrier. Parking shall not be located in the front yard area of the residence.
Boardinghouse/rooming house, fraternity, sorority and dormitory	1 per sleeping room between front building line and rear lot line
Cloister housing	1 for each dwelling unit
Housing for the elderly and handicapped	A minimum of 1½ spaces for each dwelling unit, subject to additional requirements of a Comprehensive Development Plan approval
<b>Commercial:</b>	
Animal hospital	1½ for each exam room
Auction	1 per each 2 persons' maximum capacity
Filling station, service station, automotive repair, full service garage	1 per pump, plus 1 per service bay, plus 1 per staff
Automobile sales, Rental, Services	1 per 350 square feet of gross floor space
Banks and financial institutions	1 per 300 square feet of gross floor space
Bus terminal	1 per 100 square feet of gross floor area, plus 1 for each bus regularly scheduled or stored on the premises
Car wash	2 per stall
Funeral home	1 per each 4 seats
Hairdresser's shop	2 per chair
Home improvement store	1 per 350 square feet of gross floor area, or as approved by the planning commission on a comprehensive development plan based on the institute of traffic engineers parking standards
Home occupation/Home office	1 in addition to spaces required for the dwelling
Hotel; motel	1 per guest room, plus required parking for accessory uses contained on the premises
Laundromat	1 per 3 washers or dryers, in any combination
Office	1 per 400 square feet of gross floor area
Retail sales and service establishment	1 space per 500 square feet of gross floor area
Studio	1 per 200 square feet of gross floor area

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(Supp. No. 22, Update 2)

**SALISBURY CITY CODE**

**Title 17 Zoning**

**Chapter 17.196 - OFF-STREET PARKING AND LOADING STANDARDS**

All industrial and manufacturing uses, except those specified below	1 per each 2 employees on the largest shift for which the building is designed plus 1 for each motor vehicle used in the business
Auto wrecking; junk and scrap establishments storage area	1 per employee, plus 1 per 10,000 square feet
Freight and trucking terminals; moving and storage; parcel delivery and express transfer stations; wholesale distribution and warehouses	1 per employee, plus 1 per vehicle maintained on the premises
In the CBD and RRMU district No. 1 and RRMU district No. 2	Parking for proposed developments within these districts will be evaluated on a project by project basis with a recommendation from the Planning and Zoning Commission to the Mayor and City Council

(Ord. 2008, 2006; Ord. 2009 (part), 2006; Ord. 1936 (part), 2005; Ord. 1864, 2002; Ord. 1786 § 14, 2000; Ord. 1599 § 5 (part), 1995; prior code § 150-189)

(Ord. No. 2310, 1-26-2015; Ord. No. 2506, 11-13-2018 )

1 CITY OF SALISBURY  
2 SPECIAL WORK SESSION  
3 MARCH 25, 2023  
4

5 Public Officials Present  
6

Council President D’Shawn M. Doughty  
Vice President Angela M. Blake  
Councilmember Michele Gregory

Mayor Randolph J. Taylor  
Councilmember April R. Jackson  
Councilmember Sharon C .Dashiell

7  
8 In Attendance  
9

10 City Administrator Andy Kitzrow, Media Specialist Jordan Ray, Executive Administrative  
11 Assistant Jessie Turner, Fire Chief Rob Frampton, City Clerk Kim Nichols, City Attorney Laura  
12 Ryan, and members of the public and members of the public  
13 -----

14 On March 25, 2023 the Salisbury City Council convened at 6:00 p.m. in Legislative  
15 Session in Council Chambers of SBY Headquarters, located at 115 S. Division Street.  
16 Upon the adjournment of the legislative session at 6:36 p.m. Council immediately  
17 convened in the Special Work Session.  
18

19 **Lot 10 Subrecipient Agreement**  
20

21 Mayor Taylor reported the City received a grant from the Department of General  
22 Services (DGS) for \$4 million in the form of two grants in the amount of \$3 million and  
23 \$1 million for the Lot 10 project. He reported he had met with Nick Simpson (the  
24 developer) and discussed his budget and stated his challenge as Mayor and fiduciary of  
25 the City was to ensure that the implementation of the grant was properly done. He  
26 struggled to find someone at DGS to help him manage the grant and to put together the  
27 subrecipient agreement. He met with Mr. Simpson, had an hour-long conference call  
28 with DGS, and met with Dierdre Bell, who was with the agency for many years and  
29 implemented Paygo grants throughout the state. Based on Mr. Simpson’s budget, Ms.  
30 Bell gave him the restrictions on what the funding could be used for. She said she could  
31 forward that email to Council, and was looking for her to put it on her letterhead just to  
32 confirm that we all understood. He said he would love to see a conference center/hotel  
33 build in that section. The question became, with the funding, how could we participate  
34 legally within the terms of the grant. He said we articulated everything we thought we  
35 could do with the grant, and sent that to her asking her to respond affirmatively. We  
36 would then work with Mr. Simpson.  
37

38 Ms. Jackson asked how much the grant was for, and Mayor Taylor answered it was a  
39 total of \$4 million and was defined as an infrastructure grant. He was trying to get to the  
40 limits of what those infrastructure numbers looked like and what was an infrastructure  
41 item. If all of the funds were unspent in one location we could ask to repurpose it.  
42

43 President Doughty asked how Mayor Taylor became skeptical or concerned about what  
44 the items may be used for and when did that come up in conversation. Mayor Taylor said  
45 that from what he heard from the beginning we were going to be funding what sounded  
46 like design cost, engineering costs related to the actual construction of the building. He  
47 said it did not sound like infrastructure to him. He said he spent a lot of time in the  
48 lending business and administered a lot of construction loans and knew the difference.  
49 He said he was trying to get comfortable with the grant limitations and reached out to  
50 DGS directly. The first couple of times he said he was unsuccessful with getting it  
51 defined for him, but this past week he was successful.

52  
53 President Doughty asked what sort of timeline was he giving this person from DGS and  
54 had she relayed how long it would take her to formally let him know. Mayor Taylor sent  
55 her a letter asking her to confirm where we were and he did not know when she would  
56 reply. Ms. Jackson asked if this grant was the one she questioned about using in other  
57 areas of the City for infrastructure and she was told “no.” It was specifically for this.  
58 President Doughty said he had just been appointed and Mayor Taylor was not the Mayor  
59 yet. Ms. Jackson responded that she had asked the question since then, and President  
60 Doughty concurred. Mayor Taylor said he asked the same question, and the answer was  
61 that the grant was awarded on the basis of Lot 10, which was the purpose of it. Ms. Bell  
62 told him if we did not use it all in that location, then for defined purposes that were  
63 prescribed in the grant they could repurpose it but we had to come back and explain it fit  
64 the criteria of the grant in another project.

65  
66 Ms. Gregory asked Mayor Taylor if he anticipated the funding being more than  
67 sufficient to cover Lot 10, and Mayor Taylor replied, “yes.” Mr. Kitzrow said if he  
68 wanted to take \$2 million from the project and put it into a different project, they had to  
69 make a recommendation to the state which would decide if they wanted to repurpose it  
70 for our project. Once we returned money, we may not get it back. If there was an  
71 opportunity with any sort of state funding, it was still a discussion because that was  
72 given to and approved by legislation for that project. There could be some strings  
73 attached. President Doughty asked if there was something Mayor Taylor wanted to use  
74 the funds for, and he replied nothing came to mind but they could certainly find a place.

75  
76 President Doughty said just knowing construction costs, that could certainly be used.  
77 Mr. Kitzrow said the state would not fund day to day operation costs. This was an  
78 investment into some large-scale project. If we wanted to pave streets we probably  
79 would not get it for that. It had to be for a capital request that we saw as a high priority  
80 that had some support from our local legislative body. President Doughty asked why we  
81 were waiting on that answer for the third time. Mayor Taylor said these funds were  
82 earmarked for Lot 10 infrastructure, whether it was \$2 million or \$3 million. All we  
83 knew was what he estimated for which was design for vertical construction, engineering  
84 for vertical construction which were unrelated to the public works part of the  
85 infrastructure. This was where he was having the challenge. We did not know what the  
86 costs were yet, and if we saw we had extra money we could have that conversation.  
87 President Doughty asked if we knew that, then why were we waiting for that answer yet  
88 again for the third time. Given what Mr. Kitzrow said, if we possibly wanted to

89 reallocate these funds we would have to speak to the state again, but we were told that  
90 these funds were allocated for the Lot 10 project by two different governors.

91  
92 Mr. Doughty asked, since if we did have to spend money on anything else we would  
93 have to go back to the state, why we hadn't started the process. The developer, Nick  
94 Simpson, was invited to join Council.

95  
96 (There was an outburst from a member of the public and President Doughty told him he  
97 would be asked to leave if he continued.)

98  
99 Mr. Simpson said they had met with DID and it had been a long process. It cost \$35,000  
100 to just do the site survey and \$35,000 for the traffic surveys. All of those things were  
101 just getting to the infrastructure ability to move a project forward.

102  
103 (Mr. Simpson was interrupted by the same member of the public who spoke out, this  
104 time by getting up out of his chair and standing directly beside Mr. Simpson, who was  
105 seated. He finally took a seat when asked to stop doing this.)

106  
107 Mr. Simpson said this had been going on for a long time. This particular parcel went to  
108 RFP three times over a half a decade. In the third RFP they moved forward. We knew in  
109 the beginning we had to have a grant from the state and work closely with the state to  
110 get the funds so it was not a burden on the local taxpayer. He said he felt like they were  
111 being traded down the road. These funds were critical in making the hotel happen, or  
112 else it would not happen. He informed Council he already spent at least a half a million  
113 dollars in good faith working with the City on this original exhibit that he emailed to the  
114 Council and the state. It was the basis of how they gave the grant. He advised they were  
115 getting tight on deadlines and had commitments to Hilton and to moving the project  
116 forward with our LDA. He added it felt like there was a bit of contention and wanted to  
117 make sure that they were getting the money from the state because it was free to the  
118 taxpayer. The moment they broke ground, they would pay permit fees equivalent to a  
119 house assessment of \$250,000 in the City limits for 80 years. He said he wanted to  
120 ensure that we were aware that that if the funding did not go through in its entirety, that  
121 the project would not go forward.

122  
123 Mayor Taylor said he would love the project to happen but was concerned with the terms  
124 which was why he reached out to DGS directly. He asked to confirm that they did not  
125 have a firm cost of what the actual infrastructure costs were, and Mr. Simpson thought  
126 they had a pretty good idea. He said the small, Ross project was over \$1.4 million in site  
127 work infrastructure and it was a much smaller site. All of the local contractors would be  
128 hired for the infrastructure work, amounting to millions of dollars. Mayor Taylor said  
129 we've done the due diligence and could fund infrastructure costs and design related  
130 infrastructure costs. Some of the things on Mr. Simpson's budget he could not fund  
131 because they were not part of the infrastructure. Mr. Simpson thought they should work  
132 together to see if there was a reshuffle because if the funding was changed or reduced,  
133 they would not invest in the project anymore because he did not have the ability to raise  
134 the money for it. He added that from day one it had a \$6 million grant and he was

135 already being asked to do it on \$4 million. He said this was free money from the state  
136 that they were going to turn down, and he guaranteed the reps of the state would not let  
137 the City move this elsewhere and would be very upset.

138  
139 President Doughty asked Mr. Kitzrow for his professional opinion on the project's fund  
140 and design. Mr. Kitzrow said he was not part of the DGS conversation that Mayor had  
141 last week. The infrastructure was a loose term, and as told to the City that there was  
142 flexibility within it to include all things pre-development, pre-construction, and site  
143 plans. That was what was conveyed to Mr. Simpson under the idea that his budget could  
144 be spend in that capacity. If there was a change to that based off of recent conversations,  
145 that was news to him and not what was presented to him. President Doughty thought he  
146 and the rest of Council would be more comfortable being in on that conversation because  
147 it sounded to him like this sudden shift that this person from DGS was saying. Mayor  
148 Taylor said that as the Mayor he could have that conversation and put together the letter  
149 that she gave him. As far as creating another conference call, he said he already had two.  
150 He would give Council what she sent to him, and they were welcome to follow up with  
151 her. He said he wanted projects downtown. There had been some due diligence issues  
152 within the City in the last half decade or whatever and it was a repetitive problem. He  
153 was trying to make sure he did not fall into the same repetitive trap as the past half-  
154 decade and was just trying to do his job. Mr. Doughty said there were certain agreements  
155 that the City was already in that we could not erase history on. Mr. Kitzrow said it was  
156 very important for the history of Council to understand that for Lot 10 the City did not  
157 go to a traditional LDA, but we sold the property outright with some strings attached on  
158 what type of a development it had to be. The City did not own the property, so if it was  
159 to fall apart, we did not have the same relationship to that parking lot that we had on  
160 other parking lots. He said he was concerned for our future use of the space and wanted  
161 Council to be mindful of the situation. President Doughty asked what could be expected  
162 for this project to be moved forward and an agreement to be drafted for Council to see.  
163 Mayor Taylor said he thought it could be done this week to get a firm understanding of  
164 what the parameters were and that we could sit down with your list and try to figure out  
165 how those two melded. He would send her another email tomorrow and let her know we  
166 needed a response so that we could go back to Council, but he already told her that.

167  
168 Ms. Blake stated she would like the grant re-sent to the Council because we were dealing  
169 with money, and there was a big piece of this that was legislative. She added that the  
170 Mayor single-handedly did not make decisions. Council would look at what the grant  
171 said. She wanted to have the DGS contact name and number. She also asked Ms. Ryan if  
172 the Mayor was not going to sign off on the grants, could Council have a way to sign off  
173 on them to get them moving forward. Ms. Ryan said she had not worked on this closely,  
174 but understood that the next step was that there needed to be a subrecipient agreement,  
175 which was what she thought Ms. Blake was asking whether or not the Council could sign  
176 off but would let Council know. She thought Ms. Konyar did those types of agreements,  
177 and was familiar with the form. She understood that agreements themselves did not  
178 change a whole lot, but more so the exhibits that talked about where the money went and  
179 how it was used, but she would find out.

180

181 Ms. Dashiell told Ms. Blake that she did not understand Mayor Taylor to say he would  
182 not sign off on it, and he then said he already signed off on it two months ago. Mr.  
183 Doughty explained the process. The grants were received to the City, and thereafter a  
184 subrecipient agreement was drafted that detailed how the grants were to be used by the  
185 developer in conjunction with the City. That was where we were right now and how Mr.  
186 Simpson and the company were able to use the funds.

187  
188 Mayor Taylor said Ms. Bell sent the money over last week. The next step was to set  
189 forth the subrecipient agreement that not only spelled out what could be funded but how  
190 it was going to be funded. He had not turned down the grant. There was a draft started,  
191 per Ms. Ryan and the status of it was the exhibit of where the money went, which was  
192 the hold up. Mr. Doughty said then it was reasonable that by the April 8<sup>th</sup> Work Session  
193 we should be seeing a draft of the subrecipient agreement. Mayor Taylor agreed if they  
194 could come to terms on what it was going to be spent on. Ms. Blake asked for a copy of  
195 the grant to see what the terms were because she heard there was a difference in what the  
196 grant actually said. Mr. Kitzrow said they referred to it as grant funded, but these were  
197 direct Paygo allocations from \$3 million from House Bills and \$3 million from General  
198 Legislation and another million from the governor’s supplemental budget. Because it did  
199 not run through a traditional grant process typically when money was received from the  
200 state there would be an additional grant agreement with terms. Ms. Blake also wanted a  
201 copy of what the City sent the state on how they anticipated spending the money.

202  
203 Mr. Doughty restated that we should be able to look at a subrecipient agreement on April  
204 8, 2024 and Council would have a draft. Mr. Kitzrow said that the subrecipient  
205 agreement that was the current draft that existed included an Exhibit B that detailed the  
206 allocation of the funding. Typically when we presented an agreement the other party has  
207 agreed to those terms, too. He asked Mr. Simpson if the City presented an agreement  
208 that was less than \$4 million to the project, would he look to move forward on that  
209 agreement and would there even be something to present to Council on April 8<sup>th</sup> because  
210 bringing something to Council that was not going to even be considered by the developer  
211 was premature and he did not want to waste everyone’s time. Mr. Simpson answered that  
212 they sent in a \$6 million request to the state which was approved in a “3-1” and then a  
213 pre-authorization for this year which was kicked to the following year, which may or  
214 may not come through. At the \$4 million, it would be a razor thin margin and they would  
215 have to get creative on the design of the structure to make \$4 million work. He added  
216 that they were already down \$2 million to start, and hopefully the “wow” factor with the  
217 conference center and everything that we wanted the project to be could happen. He said  
218 “no” was the quick answer. We could not move the project forward and it would be  
219 expensive to stop it and go in a different direction. He would just sell the property and  
220 recoup his losses. He looked forward to working with Mayor Taylor to figure it out.

221  
222 **PUBLIC COMMENTS**

223  
224 The following comments were received from 5 members of the public:

225

- 226 • The first time a subrecipient agreement was mentioned was at the first reading of  
227 Ordinance 2839 in November 2023. Nothing else was heard about it until this  
228 Special Work Session discussion with no accompanying documents. Asked where  
229 the documentation was. Grant funds were accepted in November and Mayor  
230 Taylor signed in December. Guidance provided were line items and House Bill  
231 200 and House Miscellaneous grants of \$3 million and \$1 million, respectively,  
232 and were for City infrastructure with no mention of Lot 10. Show the grant  
233 approval letter that mentioned Lot 10. The developer was getting enough money  
234 from the HORIZON program and got the lot for well under the appraised value.
- 235 • The developer said if they did not receive the money they could not do the  
236 project. The same thing was said about The Ross and a month after he was  
237 granted the HORIZON program he sold 51% interest. Another developer for  
238 student housing did not receive HORIZON program benefits or cuts on their  
239 connection fees, and paid over a million dollars to improve Division Street. They  
240 had to pay property tax and The Ross did not. He could show plenty of  
241 infrastructure needing improvement.
- 242 • Lot 10 was a parking lot and there were no more in Downtown. If you did not  
243 have a credit card and only used cash, you could not use the parking garage.  
244 Speaker explored fifty different towns, cities and communities across Delmarva,  
245 and was astounded that Salisbury was the only place where we did not have year-  
246 round paid to park parking lots. Had nothing against hotels but the biggest thing  
247 was location. If we need a new hotel, asked what was wrong with the old  
248 Salisbury Mall location that's been empty for a decade. But instead we're going  
249 to take another parking space away. We don't need another hotel Downtown.
- 250 • When Mayor Taylor was speaking earlier, speaker thought he was trying to look  
251 at the rules that governed the use of the money that we've received from the state,  
252 and that he was trying to look at the way the rules were written and the way they  
253 meshed with the proposed budget from the developer. And then everybody started  
254 yelling at everybody. She felt Mayor Taylor was just trying to do his fiduciary job  
255 and ensure he wasn't going to be found liable later on. He was trying to make sure  
256 he understood the rules that governed the money to be used by the developer. She  
257 did not know why all the yelling had to happen.
- 258 • Told the public that when it came to applying for these large capital grants and  
259 being a subrecipient, she was familiar with the intense documentation. She did not  
260 know what Mr. Simpson's package to the state looked like, but what she has sent  
261 filled a five-ring binder. Kudos for being able to get \$4 million and to have it  
262 already in your account. Habitat had to spend the money first and then received  
263 reimbursement.

### 264 **Housing Task Force**

265  
266  
267 President Doughty asked Mr. Kitzrow how to get a Housing Task Force started in the  
268 City. Once we talked about how then we would like to discuss what the task force would  
269 look like. He was looking for a general Council discussion.

270

271 Mr. Kitzrow said that a task force would be a Mayoral appointed committee. After  
272 building the task force, they would be charged with a very specific mission and would  
273 typically end with some sort of recommendation, policy or guidelines to be presented to  
274 Council for consideration. Depending on the topic and scope of what the public would be  
275 asked, it would be determined how many people were needed and what the breakdown  
276 looked like. Administration typically managed that discussion by helping solicit the  
277 people and then make a recommendation to Council, or it could be something as an  
278 internal piece. He was unaware if the Council had ever created a task force. If it was  
279 something like housing, which was a big conversation along with affordable housing and  
280 the homeless. He thought the more specific unless it was a broader topic, then it would  
281 have more sub-committees and drill down from there. If that was the initial interest  
282 meeting answering what they might to talk about, he said he thought there were some  
283 things brought up today and recently that could be topics of discussion. The final piece  
284 would be determining the length of time they would want to meet. They could have a  
285 conversation forever or say let's try to come to a resolution in the next six months and  
286 some recurring schedule would be created. We would start with the intended outcomes  
287 that we would want and what we hoped to achieve and then work backwards to who  
288 should be involved and how that should be undertaken.

289  
290 President Doughty asked Mayor Taylor if he wanted to have a Mayor's Committee.  
291 Mayor Taylor said he was one of the founding members of SNHS and was on the board  
292 for over fifteen years and was involved in housing every day. He added that he definitely  
293 thought there was a housing issue, and Greater Salisbury was considering doing  
294 something along those lines. Conceptually, he said he was not opposed to a task force.  
295 This was the first he heard about it and would have to think about it. Council thought it  
296 would be a great idea. Ms. Blake told Mayor Taylor that Greater Salisbury was starting a  
297 housing task force and would probably announce it themselves. She hoped they would  
298 get it started by the end of Spring or into Summer and thought to maybe merge or have  
299 City representatives on the task force. It would be good to reach out to Molly to combine  
300 the effort to have more perspectives with housing including asking SNHS about their  
301 task force and do more of an integration instead of it being just a City committee.

302  
303 President Doughty said he thought a lot of us were doing the smaller work but he wanted  
304 the City to support this and to have a part in it. We had unhoused persons as well as  
305 affordability issues but he did not want this sitting around.

306  
307 Council reached unanimous consensus to look into forming a task force.

### 308 **PUBLIC COMMENTS**

- 309  
310
- 311 • Speaker agreed this was a fantastic idea and wanted to let Council know that the  
312 City already paid for a consultant to do the analysis. There were two different  
313 ones. The Analysis of Impediments to Fair Housing had the key findings and data,  
314 and the 5-Year Consolidated Plan already had the goals and strategies identified.  
315 There were 493 comments from the public already, and there was a lot of data.

316 What was needed was a well-designed action plan with accountability and dollars  
317 allocated and people assigned with achievable deadlines.

- 318 • Speaker from Zoom concurred that she thought the City needed a task force to  
319 address housing and the unhoused population specifically when it came to rentals  
320 in housing. There was a large percentage of properties in the City and County that  
321 were higher than fair market rent. That was leaving a lot of agencies that provided  
322 resources to the unhoused population as well as those seeking housing unable to  
323 get into housing. There were countless numbers of Section 8 vouchers that were  
324 outside in the community not being used because we had landlords and property  
325 managers who required Section 8 voucher holders to still make three times the  
326 rent or have a credit score of over 600. She sent an email earlier outlining some  
327 solutions and action the City could take. She advised bringing in the Human  
328 Rights Advisory Chair and herself (Chair for Truth Committee) to put together a  
329 general recommendation from both committees to the Mayor’s Office as to what  
330 the task force should look like. She thought the community should be the ones to  
331 kind of form this and it did not need to be merged with any other task force and  
332 should be specific to the City.
- 333 • Speaker did not agree with merging the Housing Task Force with the Greater  
334 Salisbury committee. It probably had a very different focus and the committees  
335 should act independently of each other.

336  
337 **ADJOURNMENT**

338  
339 With no further business to discuss, President Doughty adjourned the Special Work  
340 Session at 7:34 p.m.

341  
342 \_\_\_\_\_  
343 City Clerk

344  
345 \_\_\_\_\_  
346 Council President



To: Randy Taylor, Mayor  
From: Jessie Turner, Administrative Assistant  
Subject: Appointment to the Ethics Commission  
Date: April 17, 2024

---

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

<u>Name</u>	<u>Term Ending</u>
Lily Chi-Fang Tsai	April 2028

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

Attachments

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Mayor's Office  
115 S. Division St., Salisbury, MD 21801  
410.548.3100  
[www.salisbury.md](http://www.salisbury.md)

1 **RESOLUTION NO. 3340**

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

5  
6 

<u>Name</u>	<u>Term Ending</u>
Lily Chi-Fang Tsai	April 2028

7  
8  
9  
10  
11 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the  
12 Council of the City of Salisbury, Maryland held on April 22, 2024.

13  
14 ATTEST:

15  
16  
17 \_\_\_\_\_  
18 Kimberly R. Nichols  
19 CITY CLERK

\_\_\_\_\_   
D'Shawn M. Doughty  
PRESIDENT, City Council

20  
21  
22 APPROVED BY ME THIS

23  
24 \_\_\_\_\_ day of \_\_\_\_\_, 2024

25  
26  
27 \_\_\_\_\_  
28 Randolph J. Taylor, Mayor



# City of Salisbury

## **COUNCIL AGENDA – Department of Procurement**

**April 22, 2024**

### **Declaration of Surplus**

1. SPD Vehicles – Qty 12
2. Salisbury Zoo Vehicle – Qty 1



# City of Salisbury

**To:** Mayor and City Council  
**From:** Jennifer Miller  
Director of Procurement  
**Date:** April 22, 2024  
**Subject:** Declaration of Surplus

Pursuant to § SC16-8 Sale or Other Disposition of Surplus, Obsolete or Unused Property of the Salisbury Charter, I am requesting approval of the City Council to declare the following items as surplus:

**Salisbury Police Department**

Item(s): 12 vehicles

Method of Disposal: 11 to be sold at public auction; 1 insurance claim

**Salisbury Zoo**

Item(s): 1 vehicle

Method of Disposal: Public auction

Information regarding each item is provided in the attached departmental memos.

These items will be offered for sale at a public auction, but if not saleable, will be abandoned, destroyed, scrapped or otherwise disposed of.

DATE: December 28, 2023

TO: Jennifer Miller  
Director of Procurement

FROM: Kenneth D. Wilson #2784  
Admin Assistant assigned to the Quartermaster's office

SUBJECT: Surplus Vehicles- 12, 26,32,44,46,1361,1364,1484,1604,1606

The below listed Salisbury Police Department vehicles have been identified as meeting the minimum requirements criteria used to determine if a vehicle should be removed from the fleet and be scheduled for surplus.

1. Age of vehicle
2. Mileage of vehicle
3. Condition of interior and or exterior of vehicle
4. Recent repair shop costs other than routine maintenance
5. Quoted needed repairs that are higher than the value of the vehicle making the vehicle no longer mechanically sound and unable to put back into service.

Vehicle #12 is a 2011 Ford Crown Victoria with 155,126 miles. The vehicle recently was quoted for needing control arms, bushings, sway bar links, engine and transmission mounts, rear axle seals, rear pinion seal, new tires and transmission work that would cost \$7,373.95

Vehicle # 26 is a 2008 Ford Explorer with 157,475 miles. The vehicle was used for recruitment at the Police Department. The vehicle had the engine rebuilt several years ago and shortly after developed an intermittent stalling problem and also has recently developed an issue with not being able to turn the vehicle off and the transmission is slipping. The recruitment vehicle has been replaced and this vehicle is no longer serviceable or needed.

Vehicle # 32 is a 2009 Ford Explorer with 176,193 miles. This vehicle has been in the Police Department fleet for 14 years. The vehicle transmission is slipping and will cost \$4,000 to replace.





City of  
**Salisbury**  
Salisbury Police Department

Vehicle # 43- is a 2011 Ford Crown Victoria with over 151,300 miles. Vehicle is having mechanical issues needing catalytic converters, sway bar, and replacement or rebuild of differential assembly. The repairs were quoted to be over \$5,386.06

Vehicle # 44- is a 2011 Ford Crown Victoria with a last know mileage of 150,000 miles. (odometer doesn't work) This vehicle has been in the Police Department fleet for 13 years. The vehicle has several cylinders miss fire, needs header work, is running rough and was diagnosed with a major engine repair quoted over \$5000.

Vehicle # 46- is a 2001 Ford E150 van with 36,994 miles. This vehicle has been in the Salisbury Police Department fleet for 22 years. The van has intermittent power steering issues, no air conditioning, and needs a fuel pump. Based off the year of the van and the cost of repair, it was determined that it exceeds the value of the van.

Vehicle # 1361 is a 2013 Chevy Caprice with 145,200 miles. The vehicle received \$6,279.52 in total maintenance between June 2022 and June 2023. The transmission is slipping and it was determined that the cost of repair exceeded the cars value.

Vehicle # 1364 is a 2013 Chevy Caprice with 136,532 miles. The vehicle has been in the Salisbury Police Department fleet for 10 years. The vehicle's engine is running rough with three-cylinder misfires and the transmission is slipping. The cost of repair exceeds the cars value.

Vehicle # 1484 is a 2014 Chevy Caprice with 152,246 miles. The vehicle received \$15,612.82 in total maintenance repairs from 2020-2022. The transmission needs to be repaired or replaced and it was determined that no more funds would be spent on this vehicle.

Vehicle #1604 is a 2016 Chevy Caprice with 48,452 miles. The vehicle had been used by K9 officers and would sit running for long hours while on duty for the safety of the K9. The motor is blown in this vehicle with a quoted replacement cost at \$10,375. It was determined that the funds would not be spent to repair this vehicle.

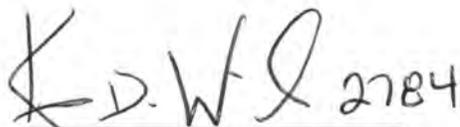
Vehicle # 1606 is a 2016 Chevy Caprice with 122,061 miles. The vehicle has a V8 motor that has blown and the replacement cost is over \$10,000. It was determined that the funds would not be spent repairing this car.





City of  
**Salisbury**  
Salisbury Police Department

Respectfully Submitted,

 2784

Kenneth D. Wilson  
Admin Assistant  
Quartermaster's Office

Approved:



David Meienschein  
Chief of Police





City of  
**Salisbury**  
Salisbury Police Department

DATE: April 2, 2024  
TO: Jennifer Miller  
Director of Procurement  
FROM: Kenneth D. Wilson #2784  
Admin Assistant assigned to the Quartermaster's office

SUBJECT: Surplus Vehicles- Units 1702, 56

The Salisbury Police Department is requesting to surplus Criminal Investigation Division vehicle # 1702, a 2017 Ford Fusion (VIN:3FA6P0G74HR259732). The vehicle was involved in a collision with a mail truck on 02/19/2024, causing substantial front-end damage and air bag deployment resulting in the vehicle being declared totaled by the insurance company.

After unit #1702 is approved for surplus and we send the title to the insurance company, the City of Salisbury will receive a check in the amount of \$12,064.96.

Vehicle #56 is a 2006 Chrysler 300 (VIN#2C3KA43R76H461096) with 175,595 miles. In May of 2011, the Chrysler 300 was forfeited to the Salisbury Police Department by the Circuit Court of Wicomico County, in the disposition of a criminal drug distribution case. The unit currently has had on going mechanical issues with the brakes intermittently going to the floor and making it unsafe to drive and no longer can be put into service. The unit also needs the 3<sup>rd</sup> brake light assembly replaced and the transmission is slipping at times. The Salisbury Police Department quartermaster's office received quotes to replace the brake calipers, hoses, pads, rotors and master cylinder. We have determined that the cost of this repair and upcoming future repairs exceeds the value of the vehicle.

With the chief's approval and the conditions listed of above listed vehicles, I request that these vehicles be considered by the City Council for surplus.

Respectfully Submitted,

Kenneth D Wilson #2784  
Administrative Assistant  
Quartermasters Office

Approved:

Chief David Meienschein #0165  
Chief of Police





# City of Salisbury

To: Jennifer Miller, Director of Procurement  
From: Chuck Eicholz  
Subject: ABCD- Zoo Surplus Equipment  
Date: February 29, 2024

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The ABCD- Zoo has equipment (described below) that is immediately available for declaration as surplus property.

The equipment is described as follows:

Unit Identification:	Zoo 1
Unit Description:	2005 GMC Express Van
VIN:	1GAGG25U351160093
Motor:	GMC 8 Cyl
Transmission:	Unknown
Mileage:	88,497
Condition:	Poor

All useful equipment has been removed from these units and placed in service on the new unit or returned to the supply for future use in another capacity.

The ABCD- Zoo respectfully requests the City's authorization to declare this equipment as surplus property and is asking for permission to dispose of them through auction in compliance with City code and/or policy.

Should you have questions or require additional information please feel free to contact me immediately.



# City of Salisbury

To: Andy Kitzrow, City Administrator  
From: Amanda Rodriguez, City Planner *AR*  
Date: February 29, 2024  
Re: US Rt 13 – JD Oliver Annexation

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Attached is the referenced annexation package for Public Hearing at the March 4, 2024 City Council meeting. The property is located on the east side of US RT 13, just north of the Centre at Salisbury and consists of approximately 13.49 acres. The site is currently improved with two buildings, two paved driveways, paved parking spaces, gravel lots, concrete sidewalk serving building frontage, and two above ground fuel storage tanks. Prior use of this property included commercial and industrial truck sales, wholesale parts sales, and repair and service. The developer intends to continue the same use of this property. The property is to be zoned General Commercial, and impacts on the surrounding neighborhood, as well as the City's infrastructure will be minimal.

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

Attachments:

- 1 – Annexation Certification
- 2 – Annexation Agreement Resolution
- 3 – Annexation Plan Resolution
- 4 – Annexation Plan
- 5 – Annexation Agreement
- 6 -- Petition for Annexation
- 7 – Property Description
- 8 – Annexation Plat

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**RESOLUTION NO. 3334**

A **RESOLUTION** of the Council of the City of Salisbury proposing the annexation to the City of Salisbury of a certain area of land contiguous to and binding upon the Corporate Limits of the City of Salisbury to be known as “**2407 N. Salisbury Boulevard – JD Oliver, LLC Annexation**”, beginning at the same point from a corner of the existing Corporate Limits Line of the City of Salisbury, Maryland, lying along the east side of North Salisbury Boulevard, said corner being the northwesternmost corner of the annexation parcel, and running thence in a clockwise direction around the perimeter of the affected property to the point of beginning, being all that real property identified as Tax Map 29, Parcel 158 (13.32 acres more or less) together with additional areas of land owned by others: 1) Tax Map 119, Parcel 237 (Parcel 3) (Cross Lake, LLC) (0.19 acres more or less); 2) Tax Map 119, Parcel 237 (Parcel B) (Salisbury Mall Realty Holding, LLC) (0.35 acres more or less); and 3) Tax Map 119, Parcel 237 (Lot 4) (Salisbury Mall Realty Holding, LLC) (0.19 acres more or less)(collectively, 14.05 acres of land to be annexed).

**RECITALS**

21           **WHEREAS**, the City of Salisbury has received a Petition for Annexation, dated March 8, 2023,  
22 attached hereto as **Exhibit 1** and incorporated by reference as if fully set forth herein, signed by at least  
23 twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are  
24 owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought  
25 to be annexed binding upon the Corporate Limits of the City of Salisbury to be known as “**2407 N.**  
26 **Salisbury Boulevard – JD Oliver, LLC Annexation**” beginning at the same point from a corner of the  
27 existing Corporate Limits Line of the City of Salisbury, Maryland, lying along the east side of North  
28 Salisbury Boulevard, said corner being the northwesternmost corner of the annexation parcel, and running  
29 thence in a clockwise direction around the perimeter of the affected property to the point of beginning,  
30 being all that real property identified as Tax Map 29, Parcel 158 (13.32 acres more or less) together with  
31 additional areas of land owned by others: 1) Tax Map 119, Parcel 237 (Parcel 3) (Cross Lake, LLC) (0.19  
32 acres more or less); 2) Tax Map 119, Parcel 237 (Parcel B) (Salisbury Mall Realty Holding, LLC) (0.35  
33 acres more or less); and 3) Tax Map 119, Parcel 237 (Lot 4) (Salisbury Mall Realty Holding, LLC) (0.19  
34 acres more or less), and further being the same real property more particularly described in the property  
35 description attached hereto as **Exhibit 2** and incorporated as if fully set forth herein (the aforesaid real  
36 property is hereinafter referred to as the “**Property**”); and

37           **WHEREAS**, the City of Salisbury has caused to be made a certification of the signatures on the  
38 said petition for annexation and the City of Salisbury has verified that the persons signing the petition  
39 represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners  
40 owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all

41 as of February 28, 2024, as set forth in the certification by Leslie C. Sherrill, Surveyor, of the City of  
42 Salisbury, attached hereto as **Exhibit 3** and incorporated by reference as if fully set forth herein; and

43 **WHEREAS**, it appears that the aforesaid Petition for Annexation, dated March 8, 2023, meets all  
44 the requirements of applicable state and local law; and

45 **WHEREAS**, pursuant to MD Code, Local Government, § 4-406, a public hearing on this  
46 Resolution, providing for the City of Salisbury’s annexation of the Property as set forth herein, shall be and  
47 hereby is scheduled for April 22, 2024 at 6:00 p.m.

48  
49 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF**  
50 **SALISBURY** as follows:

51 **Section 1.** It is proposed and recommended that that the municipal boundaries of the City of  
52 Salisbury be changed so as to annex to and include within the said municipal boundaries of the City of  
53 Salisbury all that certain real property more particularly described in **Exhibit 2** attached hereto and  
54 incorporated by reference as if fully set forth herein (the real property to be annexed by the City of Salisbury  
55 as contemplated by this Resolution is hereinafter referred to as the “**Property**”).

56 **Section 2.** The annexation of the Property be and hereby is approved by the Council of the City of  
57 Salisbury subject to all terms, conditions and agreements contained in the aforementioned property  
58 description, the proposed Annexation Agreement, and the Annexation Plan, attached as **Exhibits 2, 4 and**  
59 **5, respectively**, each of which is attached hereto and incorporated herein as if all such terms, conditions  
60 and agreements contained in such Exhibits were specifically set forth at length in this Resolution.

61 **Section 3.** The Zoning Map of the City of Salisbury shall be amended to include the Property  
62 within that certain Zoning District of the City of Salisbury identified as “**General Commercial**”, which  
63 said real property newly annexed into Corporate Limits of the City of Salisbury, as contemplated by this  
64 Resolution, is presently zoned “**C-2 General Commercial**” in accordance with the existing zoning laws of  
65 Wicomico County, Maryland.

66 **Section 4.** Pursuant to MD Code, Local Government, § 4-406, the Council of the City of Salisbury  
67 shall hold a public hearing on this Resolution on April 22, 2024 at 6:00 p.m. in the Council  
68 Chambers at the Salisbury Headquarters located at 115 S. Divisions St., and the City Administrator shall  
69 cause a public notice of time and place of the said public hearing to be published not fewer than two (2)  
70 times at not less than weekly intervals, in at least one (1) newspaper of general circulation in the City of  
71 Salisbury, which said public notice shall specify a time and place at which the Council of the City of  
72 Salisbury will the hold the aforesaid public hearing, the date of which shall be no sooner than fifteen (15)  
73 days after the final required date of publication as specified hereinabove.

74 **AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY**

75 **AS FOLLOWS:**

76 **Section 5.** It is the intention of the Council of the City of Salisbury that each provision this  
77 Resolution shall be deemed independent of all other provisions herein.

78 **Section 6.** It is further the intention of the Council of the City of Salisbury that if any section,  
79 paragraph, subsection, clause or provision of this Resolution shall be adjudged invalid, unconstitutional or  
80 otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to  
81 the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this  
82 Resolution shall remain and shall be deemed valid and enforceable.

83 **Section 7.** The Recitals set forth hereinabove are incorporated into this section of this Resolution  
84 as if such recitals were specifically set forth at length in this Section 7.

85 **Section 8.** This Resolution and the annexation of the Property as contemplated herein, shall take  
86 effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right  
87 of referendum with respect to this Resolution as set forth in MD Code, Local Government, § 4-401, et seq.

88 **THIS RESOLUTION** was introduced, read and passed at the regular meeting of the Council of the  
89 City of Salisbury held on March 11, 2024; having been duly published as required by law in  
90 the meantime, a public hearing was held on April 22, 2024 at 6:00 p.m., and was finally passed  
91 by the Council at its regular meeting held on April 22, 2024.

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96 \_\_\_\_\_  
97 Kimberly R. Nichols,  
98 City Clerk

\_\_\_\_\_   
D'Shawn M. Doughty,  
Council President

99

100

101

APPROVED BY ME this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

102

103

104

105 \_\_\_\_\_  
106 Randolph J. Taylor, Mayor

# CITY OF SALISBURY

## *PETITION FOR ANNEXATION*

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To the Mayor and Council of the City of Salisbury:

WHEREAS, JDOLiver, LLC (the “Applicant”) owns that certain lot or parcel of land located at 2407 N. Salisbury Blvd., Salisbury, Maryland 21801, further described as Tax Map 29, Grid 11, Parcel 158, and identified as “Lands now or formerly of JDOLiver, LLC, Liber 5139, folio 382, 13.49 acres” on an annexation plat entitled “ANNEXATION PLAT OF PARCEL 158 FOR JDOLIVER, LLC, SITUATE AT 2407 NORTH SALISBURY BOULEVARD, SALISBURY, WICOMICO COUNTY, MARYLAND,” prepared by Frederick, Seibert & Associates, Inc., dated February 16, 2023 (the “Annexation Plat”), consisting of 13.49 acres, more or less (the “JDOLiver Property”); and,

WHEREAS, as shown on the Annexation Plat, a small portion of the JDOLiver Property comprised of 0.02 acres, more or less, is located within the municipal boundaries of the City of Salisbury, Maryland (the “City”) while the balance of the JDOLiver Property comprised of 13.47 acres, more or less, is located adjacent to and outside the City’s municipal boundaries; and,

WHEREAS, the Applicant desires the City to annex substantially all of the JDOLiver Property into the City, save for a small strip of land along the Property’s eastern boundary identified on the Annexation Plat as “AREA TO REMAIN IN COUNTY 0.15 AC.”, consisting of 0.15 acres more or less, which strip is necessary in order to prevent the creation of an illegal enclave of unincorporated County land immediately north of the JDOLiver Property; and,

WHEREAS, to avoid the creation of an illegal enclave and to refine the City’s municipal boundary, the Applicant is requesting that the City incorporate the following additional areas of land as shown and described on the Annexation Plat: (1) a 0.19 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.19 AC.”, being “LANDS OF CROSS LAKE, LLC, LIBER 4868, FOLIO 225, PARCEL 3, PLAT CABINET 8, FOLIOS 75-298”; (2) a 0.37 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.37 AC.”, being “LANDS OF SALISBURY MALL REALTY HOLDING, LLC, PARCEL 5 OF LIBER 4811, FOLIO 43, PARCEL B, PLAT CABINET 8, FOLIOS 75-298”; and, (3) a 0.20 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.20 AC.”, being “LANDS OF SALISBURY MALL REALTY HOLDING, LLC, PARCEL 2 OF LIBER 4811, FOLIO 43, PARCEL 4, PLAT CABINET 8, FOLIOS 75-298” (collectively, the “Additional Property”); and,

WHEREAS, the Applicant is the owner of at least 25% of the assessed valuation of real property in the area to be annexed, and there are no registered voters who are residents in the area to be annexed; and,

WHEREAS, the Applicant desires the City to annex the JD Oliver Property and the Additional Property into City of Salisbury, Maryland.

NOW, THEREFORE, I/We request annexation of my/our land to the City of Salisbury.

Parcel(s) Tax Map 29, Parcel 158 (JD Oliver, LLC)  
(13.32 AC± area to be annexed);

Together with the following additional areas of land owned by others:

Tax Map 119, Parcel 237 (Parcel 3) (Cross Lake, LLC)  
(0.19 AC± area to be annexed);

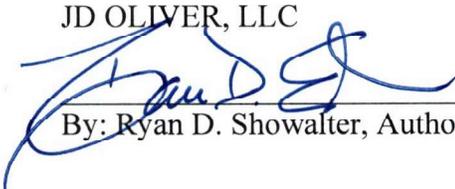
Tax Map 119, Parcel 237 (Parcel B) (Salisbury Mall Realty Holding, LLC)  
(0.37 AC± area to be annexed); and,

Tax Map 119, Parcel 237 (Lot 4) (Salisbury Mall Realty Holding, LLC)  
(0.20 AC± area to be annexed).

SIGNATURE

APPLICANT:

JD OLIVER, LLC

  
By: Ryan D. Showalter, Authorized Person

3/8/23  
Date

## N SALISBURY BLVD. – JDOLIVER, LLC

Beginning for the same at a corner of the existing Corporate Limits Line of the City of Salisbury, MD, being near the southeasterly corner of the lands of Ritchie Holdings, Inc. X 1,210,355.92 Y 210,799.78 (1) Thence by and with the said Corporate Limits Line the following nine courses: (a) North eighty-four degrees four minutes forty-five seconds West (N 84° 04' 45" W) two hundred seventy-nine decimal zero, zero (279.00) feet to a point near the easterly right of way line of North Salisbury Boulevard. X 1,210,078.41 Y 210,828.56 (b) South nineteen degrees thirty-five minutes forty seconds West (S 19° 35' 40" W) one hundred eighty-nine decimal eight, five (189.85) feet to a point at near the northwesterly corner of the lands of Tony Tank Holdings, LLC. X 1,210,014.74 Y 210,649.70 (c) South seventy degrees thirty-seven minutes zero seconds East (S 70° 37' 00" E) two hundred ninety-one decimal three, six (271.36) feet to a point near the northeasterly corner of the said Tony Tank Holdings land. X 1,210,289.59 Y 210,553.00 (d) South nineteen degrees twenty-three minutes zero seconds West (S 19° 23' 00" W) one hundred ninety-eight decimal five, three (198.53) feet to a point near the southeasterly corner of the said Tony Tank Holdings land. X 1,210,223.70 Y 210,365.72 (e) North eighty-four degrees twenty-three minutes thirty-nine seconds West (N 84° 23' 39" W) one hundred fifty-nine decimal two, nine (159.29) feet to a point at the northwesterly corner of a strip of lands of the Salisbury Mall Realty Holding, LLC. X 1,210,065.17 Y 210,381.28 (f) South five degrees thirty-four minutes fifteen seconds West (S 05° 34' 15" W) twenty decimal four, zero (20.40) feet to the southwesterly corner of the said strip of land. X 1,210,063.19 Y 210,360.98 (g) South eighty-four degrees zero minutes zero seconds East (S 84° 00' 00" E) three hundred ninety-one decimal seven, six (391.76) feet to a point on the southerly line of the said strip of land. X 1,210,452.81 Y 210,320.03 (h) South eighty-four degrees zero minutes zero seconds East (S 84° 00' 00" E) six hundred sixty-seven decimal three, eight (667.38) feet to a point on the southerly line of the said strip of land. X 1,211,116.53 Y 210,250.27 (i) South eighty-four degrees zero minutes zero seconds East (S 84° 00' 00" E) three hundred thirty-three decimal two, one (333.21) feet to a point on the southerly line of the said strip of land. X 1,211,447.91 Y 210,215.44 (2) Thence crossing the said strip of land and with a line being fifteen feet westerly of and parallel to the westerly line of the lands of JDoliver, LLC, in part, North one degrees three minutes zero seconds East (N 01° 03' 00" E) four hundred sixty-nine decimal six, eight (469.68) feet the point on the northerly line of the lands of the said JDoliver, LLC. X 1,211,456.52 Y 210,685.04 (5) Thence by and with the said line of JDoliver, LLC, North eighty-four degrees four minutes ten seconds West (N 84° 04' 10" W) one thousand one hundred six decimal five, nine (1,106.59) feet to a point on the said line of JDoliver, LLC. X 1,210,355.85 Y 210,799.38 (6) Thence North nine degrees twenty-seven minutes five seconds East (N 09° 27' 05" E) zero decimal four, one (0.41) feet to the point of beginning.

Annexation containing 14.05 acres, more or less.



CERTIFICATION

2407 N SALISBURY BLVD – JD OLIVER, LLC ANNEXATION

This is to certify that I have verified the petitions for the annexation and that to the best of my knowledge the persons having signed the petition represent at least 25% of the registered voters residing in the area to be annexed and are the owners of at least 25% of the assessed valuation of real property located in the area to be annexed.

A handwritten signature in black ink, appearing to read "Leslie C. Sherrill", is written over a horizontal line.

Leslie C. Sherrill  
Surveyor

Date: 2/28/2024

2407 N Salisbury Blvd – JD Oliver LLC – Certification – 02-28-2024.doc

## 2407 N. SALISBURY BOULEVARD – JDOLIVER, LLC ANNEXATION

### ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (“Agreement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2024, by and between the *City of Salisbury, Maryland*, a municipal corporation of the State of Maryland (the “City”), and *JDoliver, LLC*, a Delaware limited liability company (“JDoliver”) (the City and JDoliver are hereinafter referred to collectively as the “Parties”).

#### RECITALS

**WHEREAS**, for purposes of this Agreement, the term “JDoliver” shall be deemed to include each and every subsidiary, successor-in-interest and/or assign of JDoliver, as the case may be, such that this Agreement, and all of the terms and conditions set forth herein, shall apply to, be binding in all respects upon and inure to the benefit of each and every successor-in-interest and/or assign of JDoliver, as the case may be; and

**WHEREAS**, JDoliver owns that certain lot or parcel of land located at 2407 N. Salisbury Blvd., Salisbury, Maryland 21801, further described as Tax Map 29, Grid 11, Parcel 158, and identified as “Lands now or formerly of JDoliver, LLC, Liber 5139, folio 382, 13.49 acres” on an annexation plat entitled “ANNEXATION PLAT OF PARCEL 158 FOR JDOLIVER, LLC, SITUATE AT 2407 NORTH SALISBURY BOULEVARD, SALISBURY, WICOMICO COUNTY, MARYLAND,” prepared by Frederick, Seibert & Associates, Inc., dated February 16, 2023 (the “Annexation Plat”), consisting of 13.49 acres, more or less. The Annexation Plat is incorporated herein and a reduced scale copy of said Annexation Plat is attached hereto as *Exhibit A*); and

**WHEREAS**, as shown on the Annexation Plat, a small portion of the JDoliver Property, comprised of 0.02 acres, more or less, is located within the municipal boundaries of the City of Salisbury, Maryland (the “City”), while the balance of the JDoliver Property, comprised of 13.47 acres, more or less, is located adjacent to and outside the City’s municipal boundaries; and

**WHEREAS**, JDoliver desires the City to annex substantially all of the JDoliver Property into the City, save for a small strip of land along the Property’s eastern boundary identified on the Annexation Plat as “AREA TO REMAIN IN COUNTY 0.15 AC.”, consisting of 0.15 acres more or less, which strip is necessary in order to prevent the creation of an enclave of unincorporated County land immediately north of the JDoliver Property (the aforesaid 13.32 acres of property to be annexed is hereafter referred to as the “JDoliver Property”); and

**WHEREAS**, to avoid the creation of an enclave and to refine the City’s municipal boundary, the Applicant is requesting that the City incorporate the following additional areas of land as shown and described on the Annexation Plat: (1) a 0.19 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.19 AC.”, being “LANDS OF CROSS LAKE, LLC, LIBER 4868, FOLIO 225, PARCEL 3, PLAT CABINET 8, FOLIOS 75-298”; (2) a 0.35 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.37 AC.”, being “LANDS OF SALISBURY MALL REALTY HOLDING, LLC, PARCEL 5 OF LIBER 4811, FOLIO 43, PARCEL B, PLAT CABINET 8, FOLIOS 75-298”; and, (3) a 0.20 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.19 AC.”, being “LANDS OF SALISBURY MALL REALTY HOLDING, LLC, PARCEL 2 OF LIBER 4811, FOLIO 43, PARCEL 4, PLAT CABINET 8, FOLIOS 75-298” (collectively, the “Additional Property”) (the JDoliver Property and the Additional Property are hereafter referred to collectively as the “Property”); and

**WHEREAS**, the Annexation Plat depicts all that same real property more particularly described by metes, bounds, courses and distances in that certain legal description attached hereto and incorporated herein as *Exhibit B* (the “Property Description”); and

**WHEREAS**, the JDoliver Property is currently improved with two (2) buildings, two (2) paved driveways, paved parking spaces, gravel lots, concrete sidewalk serving building frontage, and two (2) above ground storage tanks. Prior use of the JDoliver Property included commercial and industrial truck sales, wholesale party sales, and repair and service. JDoliver desires to renovate the interior of the JDoliver Property while continuing the same use of the JDoliver Property, which is consistent with the use of property located in the City’s General Commercial zoning district; and

**WHEREAS**, all of the land which makes up the Property is located within Wicomico County, Maryland and outside the municipal boundaries of the City, and, therefore, the Property is ineligible to receive City services, including municipal water and sanitary sewer utility service, which JDoliver desires to obtain for its renovation of the JDoliver Property as aforesaid; and

**WHEREAS**, JDoliver submitted a Petition for Annexation (the “**Petition**”), dated March 8, 2023, requesting the City annex the Property as contemplated herein; and

**WHEREAS**, the City is willing to annex the Property, provided JDoliver agrees to adhere to all laws, ordinances and regulations of the City, and the provisions of this Agreement, regarding JDoliver’s use, renovation and development of the JDoliver Property; and

**WHEREAS**, appropriate and required public hearings on the proposed annexation of the Property have been held pursuant to all applicable state and local laws; and

**WHEREAS**, pursuant to the authority contained in MD Code, Local Government, § 4-101, et seq., the City and JDoliver enter into this Agreement to set forth the terms and conditions of the proposed annexation of the Property and all annexation proceedings relating thereto.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties hereto, the Parties hereby agree as follows:

**1. Effective Date.**

The effective date of this Agreement shall be the date upon which the Resolution approving the City’s annexation of the Property becomes effective (said Resolution is hereinafter referred to as the “**Annexation Resolution**”). The annexation of the Property shall not become effective unless and until all applicable appeal and referendum periods have expired, and, if applicable, all appeals and referenda have been resolved in favor of the City’s annexation of the Property.

**2. Warranties & Representations of the City.**

**(a)** The City, the Salisbury-Wicomico County Planning Commission, and associated staff shall be guided by this Agreement, throughout the review of any and all development plans submitted for or relating to the Property or any portion thereof to ensure the provisions of this Agreement are specifically implemented. Any approval granted to or for a development plan for the JDoliver Property or any portion thereof by any commission, board, body or agent of the City shall be in substantial compliance with all of the terms and conditions of this Agreement.

**(b)** The Parties expressly acknowledge and agree the City’s support for the annexation of the Property, as provided herein, is not intended, nor shall it be construed, to prohibit the City from enacting such future ordinances, charter provisions, engineering standards or any amendments thereto deemed necessary or appropriate to protect the public, health, safety and welfare of the residents of the City, nor from applying such ordinances or charter provisions to the development of the Property or any portion thereof, provided any such application does not operate to divest prior approvals, nor interfere with

JDoliver's vested rights in and to the JDoliver Property, or any portion thereof, to any extent greater than the impact of such ordinances and charter resolutions have upon other similarly-situated properties located within the municipal boundaries of the City.

**3. Warranties & Representations of JDoliver.**

(a) This Agreement shall constitute the written consent of JDoliver to annexation of the Property, as required by MD Code, Local Government, §§ 4-403(b)(1)-(2). JDoliver requests the annexation in accordance with the Annexation Plat attached as *Exhibit A*. JDoliver represents and warrants to the City that it has the full power and authority to sign this Agreement. JDoliver further represents and warrants to the City that there is no action pending against, or otherwise involving, JDoliver that would affect, in any way, the right and authority of JDoliver to execute this Agreement.

(b) JDoliver expressly acknowledges and agrees that it will receive a benefit from and upon the City's annexation of the Property; accordingly, by JDoliver's execution of this Agreement, JDoliver agrees, as a bargained-for condition for the City's annexation of the Property, to waive and relinquish any and all right it has or may have to withdraw its consent to the City's annexation of the Property or any portion thereof. JDoliver shall not petition the Annexation Resolution to referendum and, in the event the Annexation Resolution is petitioned to referendum and JDoliver is permitted to vote in such referendum, JDoliver shall vote in favor of the Annexation Resolution.

**4. Application of City Code and Charter; City Taxes.**

From and after the effective date of the Annexation Resolution, all provisions of the City of Salisbury Charter (the "**Charter**") and the Salisbury Municipal Code (the "**City Code**") shall have full force and effect within the Property, except as otherwise expressly set forth herein. The Parties expressly acknowledge and agree that, upon the City's annexation of the Property, the Property shall be subject to any and all applicable taxes, fees and/or other charges levied, assessed or imposed by the City from time to time.

**5. Municipal Zoning.**

Upon the effective date of the Annexation Resolution, the Property shall be zoned General Commercial, as set forth in Chapter 17.36 of the City Code.

**6. Municipal Services.**

(a) Subject to the obligations of JDoliver set forth in Section 9(f)(i)-(ii) hereof, the City agrees to provide all necessary municipal services required for JDoliver's use of the JDoliver Property, including, but not limited to, adequate water and sewer services, fire and police protection, and other municipal services as generally available to City residents.

(b) With regard to public water and sewer allocation for the JDoliver Property or any portion thereof, any allocation of public water or wastewater capacity and/or services shall be made by the City according to adopted allocation plans in effect at the time JDoliver makes a request for such capacity and/or services.

**7. Standards & Criteria.**

Should any environmental, engineering, or other similar standard or criteria expressly provided in this Agreement be exceeded by any local, state or federal law, regulation, rule, standard or authorized criteria, which may be adopted subsequent to the execution of this Agreement, the newer stricter standard, criteria, law or regulation shall apply.

**8. City Boundary Markers.**

(a) JD Oliver, at its sole cost and expense, shall install City Boundary Markers at the boundary lines representing the enlarged City boundaries resulting from the City's annexation of the Property. JD Oliver shall provide the City with receipt(s), or other written documentation acceptable to the City, evidencing the installation of the boundary lines, as aforesaid, within ninety (90) days of the expiration of the forty-five (45) day referendum period applicable to the Annexation Resolution.

(b) In the event JD Oliver fails to comply with its obligations under Section 8(a) hereof, then, upon the expiration of the ninety (90) day period set forth in Section 8(a), JD Oliver shall make payment to the City in the amount of either Ten Thousand Dollars and 00/100 (\$10,000.00) or the amount of the costs incurred by the City to perform the obligations of JD Oliver under Section 8(a), whichever is greater.

**9. Development Considerations.**

(a) **Fees & Costs.** JD Oliver expressly acknowledges and agrees that it shall make payment to the City for any and all fees, costs and/or expenses, including, but not limited to, legal fees, planning fees and/or consulting fees, incurred by the City in connection with the preparation of this Agreement, the preparation of the Annexation Resolution, the preparation of any other document(s) pertaining to the annexation of the Property, the publication of public notice(s) for the annexation of the Property, and any other matter relating to or arising from the annexation of the Property, as determined by the City in its sole discretion. The City shall invoice JD Oliver for all costs to be paid by JD Oliver under this Section 9(a) and JD Oliver shall make payment to the City for all such amounts within fifteen (15) days of JD Oliver's receipt of any such invoice from the City.

(b) **Development of Property.** JD Oliver shall use, renovate and/or develop the JD Oliver Property in a manner compliant with all laws and regulations governing property located within the City's General Commercial zoning district, except to the extent that any nonconforming use or structures exists on the Effective Date hereof, which such use or structures may continue as legal, nonconforming uses or structures.

(c) **Contribution to Area Improvement.** JD Oliver agrees to install sidewalks along the full public road frontage of the JD Oliver Property.

**(d) Contribution to the Re-Investment in Existing Neighborhoods.**

(i) As of today's date, JD Oliver has paid to the City a development assessment in the amount of Eleven Thousand Five Hundred Dollars (\$11,500.00) (the "**Development Assessment**"). JD Oliver expressly acknowledges and agrees that its payment of the Development Assessment to the City under this Section 9(d)(i) is a material part of the consideration received by the City hereunder, without which the City would not enter into this Agreement.

(ii) In the event the City does not annex the Property, the Development Assessment will promptly be refunded to JD Oliver.

(iii) The Parties expressly acknowledge and agree the Development Assessment is intended for use by the City, in its sole discretion, for purposes of beautification, restoration and revitalization improvements to existing neighborhoods in the City. The Parties further acknowledge and agree the Development Assessment shall be in addition to, and otherwise independent of, any and all water and sewer comprehensive connection charges or fees assessed, levied or otherwise imposed by the City, any and all impact fees imposed by Wicomico County or the City, and/or any other charges or fees which the City may assess against JD Oliver or the Property in accordance with the terms and conditions of this Agreement and/or

pursuant to any law or regulation applicable to the Property and/or the development thereof.

(e) **Community & Environmental Design.** JDoliver expressly acknowledges and agrees that any development plan for the JDoliver Property shall: feature strong functional and visual relationships from the street and sidewalk to the front entrance of the principal structure constructed at or upon the Property.

(f) **Public Utility Improvements & Extensions.**

(i) The Parties expressly acknowledge and agree that extensions of public water and sanitary sewer utilities will be necessary to meet the utility service requirements for and within the JDoliver Property. Accordingly, the Parties expressly acknowledge and agree that JDoliver shall, at its sole cost and expense, design and construct, or cause to be designed and constructed, such public water and sanitary sewer utility extension(s), including water and sewer main(s), trunk line(s), fire hydrant(s) and appurtenant facilities, required or imposed to serve the development or redevelopment of, or any other site improvements to or for, the JDoliver Property or any portion thereof, in accordance with the City's standards and specifications.

(ii) In addition to the provisions set forth in Section 9(f)(i), JDoliver's design and construction of all facilities necessary for the extension and service of public water and sanitary sewer utilities to the JDoliver Property shall be governed by the terms and conditions of a Public Works Agreement, by and between JDoliver and the City (the "PWA"), which shall be executed by the Parties as soon as practicable after the Annexation Resolution becomes effective, with the express agreement that execution of the PWA by the Parties will not be unreasonably conditioned, withheld or delayed; provided, however, no permit may be issued to JDoliver, or any party acting on its behalf, for any work associated with JDoliver's renovation and/or development of the JDoliver Property, or any portion thereof, until the PWA has been executed by the Parties.

10. **RECORD PLAT.**

JDoliver shall provide the City with a copy of the final record plat for any development of, on or within the JDoliver Property.

11. **NOTICES.**

All notices and other communication in connection with this Agreement shall be in writing and shall be deemed delivered to the addressee thereof: (1) when delivered in person on a business day at the address set forth below; (2) on the third (3<sup>rd</sup>) business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage prepaid certified or registered mail, return receipt requested, at the address set forth below; or, (3) when delivered by a nationally-recognized delivery service company at the address set forth below, with written proof of delivery.

All notices and other communications to JDoliver shall be addressed to, and delivered at, the following addresses:

JDoliver LLC  
c/o Ryan D. Showalter, Esquire  
McAllister, DeTar, Showalter & Walker LLC  
100 N. West Street  
Easton, Maryland 21601

All notices and other communications to the City shall be addressed to, and delivered at, the following addresses:

City of Salisbury  
c/o Director  
Department of Infrastructure and Development  
125 N. Division Street, Room 202  
Salisbury, Maryland 21801

*With a copy to:*  
Heather R. Konyar, Esquire  
Cockey, Brennan & Maloney, P.C.  
313 Lemmon Hill Lane  
Salisbury, Maryland 21801

**12. Future Uses of Annexation Property.**

JDoliver expressly acknowledges and agrees that, upon the effective date of the Annexation Resolution, any renovation and/or development of the JDoliver Property must comply with all applicable laws, rules and regulations of the City, as may be amended from time to time, including, but not limited to, all applicable zoning laws of the City, and all applicable permitting and/or approval procedures established by the City governing the development and/or use of property located within the City's General Commercial zoning district. Renovation and/or development of the JDoliver Property shall be subject to, and must comply with, any and all applicable capacity fees and/or impact fees established by the City and/or Wicomico County existing as of the effective date of the Annexation Resolution, subject to any amendments thereto as approved by the City and/or Wicomico County from time to time. The Parties expressly acknowledge and agree that this Agreement, or any of the terms set forth herein, shall not, in any way, constitute, or otherwise be construed as, an approval for any specific development on or within the JDoliver Property or any portion thereof; nor shall this Agreement or any of its terms constitute or otherwise be construed as a waiver by the City of any fee(s) or charge(s) associated with or arising from JDoliver's renovation, development and/or use of the JDoliver Property or any portion thereof.

**13. Miscellaneous Provisions.**

**(a) Applicable Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of Maryland, without regard to its conflict of laws principles. The Parties, acting for themselves and for their respective successors and assigns, without regard to domicile, citizenship or residence, hereby expressly and irrevocably consent to and subject themselves to the jurisdiction of the Maryland courts and to venue in Wicomico County, Maryland with respect to any matter arising from or in connection with this Agreement.

**(b) Scope of Agreement.** This Agreement is not intended to limit the exercise of any police power(s) of the City, to limit the operation of the City government or to guarantee the outcome of any administrative process. Unless otherwise expressly set forth in this Agreement or in any other subsequent agreement entered into by the Parties, this Agreement shall be subject to all properly enacted laws, and properly adopted governmental regulations, now or hereafter existing and applicable. This Agreement shall not be rendered invalid by reason of the enactment or amendment of any law or the adoption or amendment of any regulation, which is: **(i)** enacted or adopted by the City in the exercise of a governmental power for a valid governmental purpose; **(ii)** enacted or adopted by the City as a result of a state or federal mandate;

or, **(iii)** applicable to the Property and to similarly situated property located outside of the City in Wicomico County.

**(c) Entire Agreement.** This Agreement and all exhibits and/or addenda attached hereto constitutes the entire agreement and understanding of the Parties with respect to the transactions contemplated herein, and all prior negotiations, writings and understandings relating to the subject matter of this Agreement are merged herein and are superseded and canceled by this Agreement.

**(d) Waiver.** None of the terms or conditions of this Agreement may be waived, except if set forth in a writing signed by the party entitled to the benefit of the term(s) or condition(s) so waived; and, such waiver shall be effective only in the specific instance and for the specific purpose for which it is given.

**(e) Project as a Private Undertaking.** The Parties expressly acknowledge and agree: **(i)** that the development or redevelopment of the Property, or any portion thereof, is a private undertaking; **(ii)** that neither the City nor JDOLiver is acting as the agent of the other party in any respect hereunder; and, **(iii)** that each of the City and JDOLiver is an independent contracting entity with respect to the provisions of this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement.

**(f) Modification.** Neither this Agreement nor any provision hereof may be waived, modified, amended, discharged or terminated except by an instrument in writing signed by the Parties.

**(g) Binding Effect.** The terms of this Agreement shall be binding upon and shall inure to the benefit of the Parties hereto, any successor municipal authority of the City and/or any successor owner(s) of record of the Property or any portion thereof.

**(h) Assignment of Agreement.** The Parties expressly acknowledge and agree this Agreement shall be assignable, in whole or in part, by JDOLiver, without the consent of the City or any of its elected officials, employees or agents, to any purchaser of the Property or any portion thereof; provided, however, any transfer of all or a portion of the JDOLiver Property shall be subject to the terms of this Agreement. Notwithstanding any term to the contrary set forth in this Section 13(h), JDOLiver shall not transfer, or pledge as security for any debt or obligation, any of its interest in or to all or any portion of the JDOLiver Property without first obtaining the acknowledgment of the transferee or pledgee to be bound by all of the terms and conditions set forth herein, as if such transferee or pledgee was a party to this Agreement. JDOLiver shall provide the City with a copy of all documents, including all exhibits attached thereto (if any), evidencing any transfer or assignment by JDOLiver of any of its interests in and to the Property or any portion thereof.

**(i) Express Condition.** The obligations of JDOLiver under this Agreement shall be contingent upon the annexation of the Property becoming effective (as set forth in Section 1 hereof) and shall not constitute the personal obligations of JDOLiver independent of its ownership of the JDOLiver Property or any portion thereof. Notwithstanding any term to the contrary set forth herein, the obligations of JDOLiver under Section 9(a) hereof shall not be contingent or otherwise conditioned upon annexation of the Property and shall be binding upon and enforceable against JDOLiver, its successors, representatives and assigns, to the fullest extent permitted by Maryland law.

**(j) No Third-Party Beneficiaries.** This Agreement shall not confer any rights or remedies upon any person or entity other than the Parties hereto and their respective successors and/or assigns.

**(k) Recording of Agreement.** This Agreement, including all exhibits, schedules and/or addenda attached hereto, each of which is incorporated in this Agreement by this reference, shall be recorded among the Land Records of Wicomico County, the costs of which shall be paid by JDOLiver. This Agreement, and all of the terms contained herein, shall run with the Property and be binding upon and inure to the benefit of the Parties and their respective heirs, personal representatives, successors and/or assigns.

**(l) No Reliance.** Each party to this Agreement, for itself, expressly acknowledges and agrees that, in entering into this Agreement, such party has not been induced by, nor has relied upon, nor included

as part of the basis of the bargain herein, any representation(s) or statement(s), whether express or implied, made by any agent, representative or employee of the other party to this Agreement, which is not expressly set forth herein.

**(m) Further Assurances.** The Parties covenant and agree to do, execute, acknowledge and deliver, or cause to be done, executed, acknowledged and delivered, all such further acts, deeds, documents, assignments, transfers, conveyances, powers of attorney and assurances as may be reasonably necessary or desirable to give full effect to this Agreement.

**(n) Severability.** The Parties intend that should any provision, covenant, agreement, or portion of this Agreement or its application to any person, entity, or property be held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement and the validity, enforceability, and application thereof to any person, entity, or property shall not be impaired thereby, but such remaining provisions shall be interpreted, applied and enforced so as to achieve, as near as may be, the purpose and intent of this Agreement to the greatest extent permitted by applicable law.

**(o) Waiver of Jury Trial.** **The Parties hereto shall and they hereby do waive trial by jury in any action, proceeding or counter-claim brought by any party against any other party on any matters whatsoever arising out of or in any way connected with this Agreement, the relationship of the Parties to one another, and/or any claim, injury or damage arising from or consequent upon this Agreement.**

**(p) Remedies.** In addition to each and every remedy now or hereafter existing at law or in equity, the Parties expressly agree that, provided the Annexation Resolution becomes effective, the Parties shall have the right to enforce this Agreement by an action for specific performance.

**(q) Survival.** The terms and conditions of this Agreement shall survive the effective date of the Annexation Resolution and shall not be merged or expunged by the City's annexation of the Property or any portion thereof.

**(r) Construction.** This Agreement and all of the terms and conditions set forth herein shall not be construed or enforced in favor of or against any party hereto by reason of the fact that party or that party's agent or attorney drafted all or any part of this Agreement. Section headings are for convenience of reference only and shall not limit or otherwise affect any of the provisions of this Agreement. As used herein, any reference to the masculine, feminine or neuter gender shall include all genders, the plural shall include the singular, and the singular shall include the plural.

**(s) Time.** Time is of the essence with respect to this Agreement and each and every provision hereof.

**(t) Cooperation.** The Parties hereto agree that each will cooperate with the other to the extent necessary to facilitate the issuance of any and all required permits from any non-party government agency for JD Oliver's renovation, development and/or use of the Property.

**(u) Recitals.** The Recitals set forth hereinabove are incorporated by reference herein, and made a part hereof, as if fully set forth in this Agreement.

***[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]  
[SIGNATURES APPEAR ON THE PAGE THAT FOLLOWS]***

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals and acknowledged this Agreement as of the day and year first above written.

ATTEST/WITNESS:

*[Handwritten signature]*

**“JDOLIVER”:**

**JDOLIVER, LLC**

By: *[Handwritten signature]* (Seal)  
Dan Stine, Authorized Representative

**THE “CITY”:**

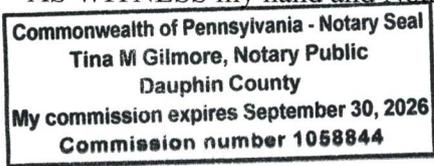
**City of Salisbury, Maryland**

\_\_\_\_\_  
By: \_\_\_\_\_ (Seal)  
Randolph J. Taylor, Mayor

COMMONWEALTH OF PENNSYLVANIA, DAUPHIN COUNTY, TO WIT:

I HEREBY CERTIFY, that on this 16 day of April, 2024, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared DAN STINE, who acknowledged himself to be an Authorized Representative of JDOLIVER, LLC, and that he, as such Authorized Representative, being authorized so to do, executed the foregoing instrument on behalf of JDOLIVER, LLC for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.



*[Handwritten signature]*  
NOTARY PUBLIC  
My Commission Expires: 9-30-26

STATE OF MARYLAND, COUNTY OF \_\_\_\_\_, TO WIT:

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2024, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **RANDOLPH J. TAYLOR**, who acknowledged himself to be the MAYOR OF THE CITY OF SALISBURY, MARYLAND, and that he, as such officer, being authorized to do so, executed the foregoing instrument on behalf of said municipal corporation for the purposes therein contained.

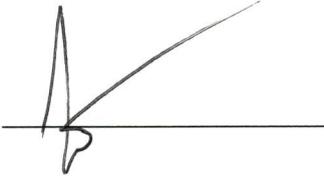
AS WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

**THE UNDERSIGNED HEREBY CONSENTS TO THE AFORESTATED ANNEXATION OF PROPERTY:**

**Lands of:**

**Cross Lake, LLC**



By: Michael Abercrombie, Jr. (Seal)  
Michael Abercrombie, Jr., Authorized Person

STATE OF MARYLAND, COUNTY OF Wicomico, TO WIT:

I HEREBY CERTIFY, that on this 16<sup>th</sup> day of April, 2024, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared *Michael Abercrombie, Jr.*, who acknowledged himself to be an Authorized Person of Cross Lake, LLC, and that he, as such Authorized Person, being authorized so to do, executed the foregoing instrument on behalf of Cross Lake, LLC for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Nancy Kane  
NOTARY PUBLIC  
My Commission Expires: 5/28/24



**THE UNDERSIGNED HEREBY CONSENTS TO THE AFORESTATED ANNEXATION OF PROPERTY:**

**Lands of:**

**Salisbury Mall Realty Holding, LLC**

\_\_\_\_\_ By: \_\_\_\_\_ (Seal)  
\_\_\_\_\_, Authorized Agent

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_, TO WIT:

I HEREBY CERTIFY, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared \_\_\_\_\_, who acknowledged himself to be an Authorized Agent of Salisbury Mall Realty Holding, LLC, and that he, as such Authorized Representative, being authorized so to do, executed the foregoing instrument on behalf of Salisbury Mall Realty Holding, LLC for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

**CERTIFICATION BY ATTORNEY**

I hereby certify that I am an attorney admitted to practice before the Supreme Court of Maryland, and that the foregoing instrument was prepared under my supervision.

\_\_\_\_\_  
**Heather R. Konyar, Esquire**

**ANNEXATION PLAN  
FOR THE  
2407 N. SALISBURY BOULEVARD – JDOLIVER, LLC ANNEXATION  
TO THE CITY OF SALISBURY**

March 4, 2024

This Annexation Plan is consistent with the Municipal Growth Element of the 2010 Comprehensive Plan adopted by the City of Salisbury. The following are milestones in the public review and consideration of the proposed Annexation which is the subject of this Annexation Plan:

At a Work Session of the City of Salisbury Mayor and City Council (the “**Mayor and City Council**”), held on \_\_\_\_\_, the Salisbury City Council (the “**City Council**”) reviewed the Petition for Annexation (the “**Annexation Petition**”) submitted by JDOLIVER, LLC (“**JDoliver**”), dated March 8, 2023, which requested the City of Salisbury, Maryland (the “**City**”) annex the following parcels of lands:

- JDoliver owns that certain lot or parcel of land located at 2407 N. Salisbury Blvd., Salisbury, Maryland 21801, further described as Tax Map 29, Grid 11, Parcel 158, and identified as “Lands now or formerly of JDoliver, LLC, Liber 5139, folio 382, 13.49 acres” on an annexation plat entitled “ANNEXATION PLAT OF PARCEL 158 FOR JDOLIVER, LLC, SITUATE AT 2407 NORTH SALISBURY BOULEVARD, SALISBURY, WICOMICO COUNTY, MARYLAND,” prepared by Frederick, Seibert & Associates, Inc., dated February 16, 2023 (the “**Annexation Plat**”), consisting of 13.49 acres, more or less. The Annexation Plat is incorporated herein and a reduced scale copy of said Annexation Plat is attached hereto as *Exhibit A*). As shown on the Annexation Plat, a small portion of the JDoliver Property, comprised of 0.02 acres, more or less, is located within the municipal boundaries of the City, while the balance of the JDoliver Property, comprised of 13.47 acres, more or less, is located adjacent to and outside the City’s municipal boundaries. JDoliver desires the City to annex substantially all of the JDoliver Property into the City, save for a small strip of land along the Property’s eastern boundary identified on the Annexation Plat as “AREA TO REMAIN IN COUNTY 0.15 AC.”, consisting of 0.15 acres more or less, which strip is necessary in order to prevent the creation of an enclave of unincorporated County land immediately north of the JDoliver Property (the aforesaid 13.32 acres of property to be annexed is hereafter referred to as the “**JDoliver Property**”); and
- The following additional areas of land as shown and described on the Annexation Plat: (1) a 0.19 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.19 AC.”, being “LANDS OF CROSS LAKE, LLC, LIBER 4868, FOLIO 225, PARCEL 3, PLAT CABINET 8, FOLIOS 75-298”; (2) a 0.35 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.37 AC.”, being “LANDS OF SALISBURY MALL REALTY HOLDING, LLC, PARCEL 5 OF LIBER 4811, FOLIO 43, PARCEL B, PLAT CABINET 8, FOLIOS 75-298”; and, (3) a 0.19 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.20 AC.”, being “LANDS OF SALISBURY MALL REALTY HOLDING, LLC, PARCEL 2 OF LIBER 4811, FOLIO 43, PARCEL 4, PLAT CABINET 8, FOLIOS 75-298” (collectively, the “**Additional Property**”) (the JDoliver Property and the Additional Property are hereafter referred to collectively as the “**Property**”); and
- At the April 20, 2023 Meeting of the Salisbury Planning Commission (the “**Planning Commission**”), the Planning Commission reviewed the proposed annexation of the Property and approved a favorable recommendation to the City for the proposed zoning of the Property.
- On \_\_\_\_\_, a Regular Meeting of the Mayor and City Council was convened, during which the City Council reviewed this Annexation Plan and a Resolution of the City Council to authorize and approve the City’s annexation of the Property (said Resolution is hereinafter referred to as the “**Annexation Resolution**”), and, in

accordance with applicable state and local law, directed that a date for a Public Hearing be established to hear public comment on the City's annexation of the Property, as requested by the Annexation Petition submitted by JDOLiver. Furthermore, at the \_\_\_\_\_ Regular Meeting of the Mayor and City Council, the City Council directed this Annexation Plan be submitted to the Maryland Department of Planning and the Wicomico County Council for comment, at least thirty (30) days before the Public Hearing on the Annexation Resolution, as required by applicable Maryland law.

## **1.0. GENERAL INFORMATION AND DESCRIPTION OF PROPERTY.**

**1.1. Petitioner for Annexation of the Property.** JDOLiver is the owner and Petitioner for annexation of the Property. JDOLiver, or its fully authorized agent, will perform all functions, including but not limited to appearing before all state and municipal bodies, in order to effectuate the annexation.

**1.2. Location.** The Property is located as follows: **(a)** The JDOLiver Property is located on the easterly side of North Salisbury Boulevard; the JDOLiver Property is fairly rectangular in shape and adjoins the existing City boundaries along North Salisbury Boulevard and runs parallel to the existing City boundaries along Centre Drive; and **(b)** The Additional Property is located on the easterly side of North Salisbury Boulevard and is the strip of land that adjoins the southernmost boundary of the JDOLiver Property and existing City boundaries along Centre Drive, as is more particularly shown on the Annexation Plat attached hereto and incorporated herein as *Exhibit A*.

### **1.3. Property Description; Reason for the Annexation Petition.**

- (a)** The JDOLiver Property consists of 13.32 +/- acres of land as more particularly depicted and described by the Annexation Plat. The Additional Property consists of (1) 0.19 +/- acres of land as more particularly depicted and described by the Annexation Plat; (2) 0.35 +/- acres of land as more particularly depicted and described by the Annexation Plat; and (3) 0.19 +/- acres of land as more particularly depicted and described by the Annexation Plat. The Annexation Plat depicts all that same real property more particularly described by metes, bounds, courses and distances in that certain legal description attached hereto and incorporated herein as *Exhibit B* (the "**Property Description**").
- (b)** The JDOLiver Property is currently improved with two (2) buildings, two (2) paved driveways, paved parking spaces, gravel lots, concrete sidewalk serving building frontage, and two (2) above ground storage tanks. Prior use of the JDOLiver Property included commercial and industrial truck sales, wholesale party sales, and repair and service. JDOLiver desires to renovate the interior of the JDOLiver Property while continuing the same use of the JDOLiver Property. JDOLiver desires to connect to the City water and sewer.

**1.4. Existing Zoning.** All of the JDOLiver Property is currently zoned C-2 General Commercial under the Wicomico County Code. The properties adjacent to the JDOLiver Property that are located within the municipal limits of the City are to the south and west and are zoned "General Commercial" under the City of Salisbury City Code (the "**City Code**").

## **2.0. LAND USE PATTERN PROPOSED FOR THE PROPERTY.**

### **2.1. Comprehensive Plan.**

- (a)** By Resolution No. 1942, the City Council adopted the 2010 City of Salisbury Comprehensive Plan (the "**Comprehensive Plan**"). The Comprehensive Plan sets forth the land use polices for all lands located within the City's municipal limits and includes a Municipal Growth Element addressing growth areas outside the municipal limits of the City. The Municipal Growth Element section of the City's Comprehensive Plan provides in pertinent part: "the City has defined a Municipal Growth [A]rea that is sufficient to accommodate residential, commercial, and industrial land uses as illustrated on Map 11-3" attached to and incorporated within the

Comprehensive Plan. The Property is located within the City’s designated Municipal Growth Area.

- (b) With respect to the City’s annexation of property, the goal of the City’s Comprehensive Plan is: “to encourage the orderly growth and expansion of the City of Salisbury by annexing selected areas and by providing public services to newly developing areas without overburdening these facilities while continuing to maintain a high level of services to existing developments and residents of the City.”

**2.2. Proposed Zoning for Property.** Upon its annexation, the JDoliver Property is proposed to be zoned as “General Commercial”. Per Section 17.36 of the City Code, the purpose of the “General Commercial” zoning district is: “to provide a wide range of functional and attractive regional retail, office, service, wholesale, storage, distributing and light manufacturing activities. To alleviate problems with traffic congestion and unnecessary turning movements, unified access and consolidation of businesses are encouraged. Because of the potential impact of these types of activities, special landscaping and screening requirements are established for certain use.”

**2.3. Proposed Land Use for Property.** As set forth in Section 1.3(b) of this Annexation Plan, prior use of the JDoliver Property included commercial and industrial truck sales, wholesale party sales, and repair and service. JDoliver desires to renovate the interior of the JDoliver Property while continuing the same use of the JDoliver Property.

**3.0. THE PUBLIC FACILITIES AND SERVICES NEEDED BY THE DEVELOPMENT AND THE METHODS TO PROVIDE SUCH FACILITIES AND SERVICES TO THE PROPERTY.**

**3.1. Roads.** Currently, and following its annexation by the City, the JDoliver Property will utilize two (2) existing paved driveways, both of which have access from the northbound lane of North Salisbury Boulevard (U.S. Route 13).

**3.2. Water and Wastewater Treatment.** The JDoliver Property will create a demand of about 500 gallons per day. JDoliver, at its sole cost and expense, will connect to existing public water and sewerage facilities within the area of the Property, as directed by the City of Salisbury Department of Infrastructure and Development. The City has no concerns about the feasibility or capacity to serve the Property.

**3.3. Schools.** The Property is and will be subject to commercial and industrial truck sales, wholesale party sales, and repair and service use only and will not generate any pupil enrollment, and therefore will have no impact on school capacity.

**3.4. Parks and Recreation.** The City’s annexation of the Property will have no impact on park and recreational facilities, nor will it generate a demand for park and recreational facilities.

**3.5. Fire, E.M., and Rescue Services.** The City of Salisbury Fire Department provides fire suppression, technical rescue, special operations and advanced life support emergency medical treatment and transport services (collectively “**fire and emergency services**”) to residents of the Salisbury Fire District. The Property is located within the Salisbury Fire District; accordingly, the Salisbury Fire Department will continue providing fire and emergency services to the Property after its annexation into the City.

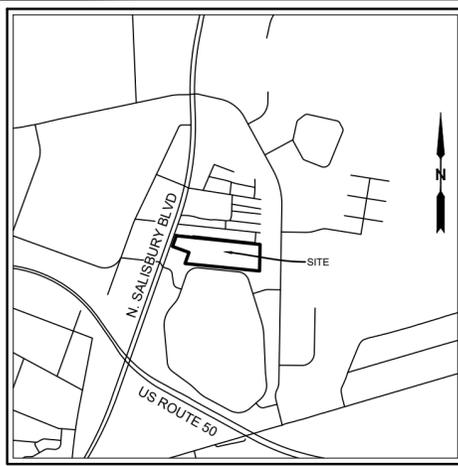
**3.6. Police.** The City of Salisbury Police Department will provide police services to the Property.

**3.7. Stormwater Management.** Stormwater management is governed by the State of Maryland, and stormwater management regulations are administered locally.

**3.8. Waste Collection.** Commercial development in the City of Salisbury is served by independent waste haulers.

**4.0. HOW DEVELOPMENT OF THE PROPERTY WILL RELATE TO EXISTING/PLANNED LAND USE DEVELOPMENT, STREETS, PUBLIC FACILITIES AND SERVICES, OPEN SPACES AND NATURAL AREAS.**

The City's annexation of the Property is consistent with applicable Maryland and local law. The Property is located along and is immediately adjacent to U.S. Route 13 on the northern side of the City of Salisbury. JD Oliver's proposed commercial use (commercial and industrial truck sales, wholesale party sales, and repair and service use) at the JD Oliver Property is consistent with the overall plan for this geographic area of the City of Salisbury. The Property is located within the City of Salisbury's Municipal Growth Area and is eligible for annexation. In this matter the Annexation Petition submitted by JD Oliver, requesting the City annex the Property, arises exclusively from the need to serve the Property with public water and sewer utilities.



VICINITY MAP  
SCALE 1"=2000'

**LEGEND**

- = PROPERTY LINE
- = CORPORATE BOUNDARY LINE
- = CORPORATE BOUNDARY TO BE VACATED
- = PROPOSED CORPORATE BOUNDARY
- = BOUNDARY LINE
- = CORPORATE BOUNDARY LINE

**ANNEXATION TABLE**

Lands of JDOliver, LLC	13.32 Acres
Lands of Cross Lake, LLC	0.19 Acre
Lands of Salisbury Mall Realty Holdings (Parcel 5)	0.35 Acre
Lands of Salisbury Mall Realty Holdings (Parcel 2)	0.19 Acre
<b>Total New Annexation</b>	<b>14.05 Acres</b>

Land Surveyor's Certification

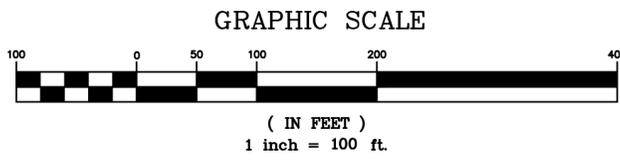
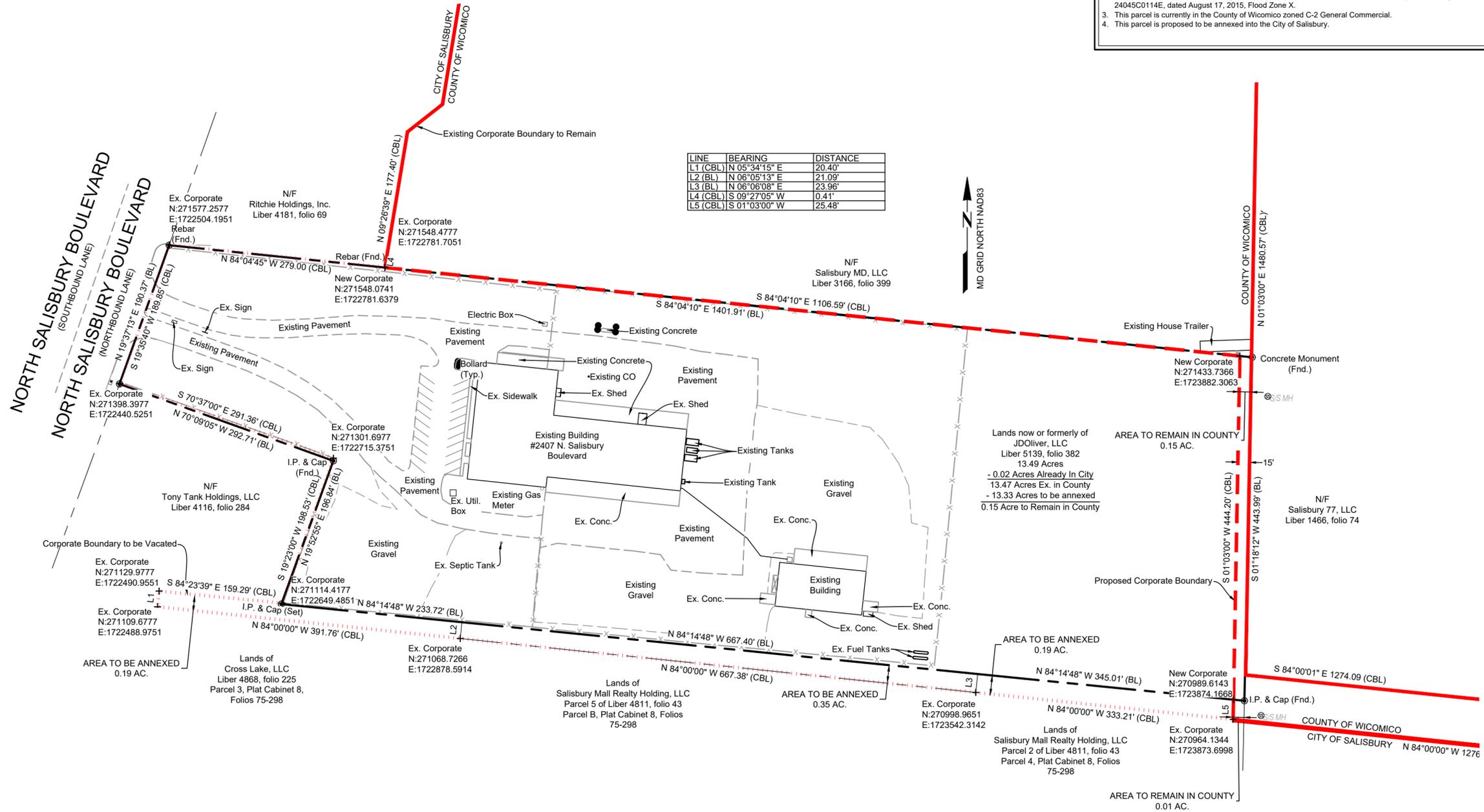
I hereby certify to the best of my professional knowledge and belief that the plat shown hereon is correct; that it is part of the land described in a deed from Cross Lake, LLC, to JDOliver LLC, dated July 29, 2022, recorded among the Land Records of Wicomico County, Maryland, in Liber 5139, folio 382, part of Parcels 2 and 5 of the land described in a deed from RPI Salisbury Mall, LLC, to Salisbury Mall Realty Holding, LLC, dated February 10, 2021, recorded among the Land Records of Wicomico County, Maryland in Liber 4811, folio 43, and of part of the land described in a deed from Freeze Enterprises, LLC, to Cross Lake, LLC, dated May 28, 2021, recorded among the Land Records of Wicomico County, Maryland in Liber 4868, folio 225; that this boundary survey was personally prepared by me or that I was in responsible charge over its preparation; and the surveying work reflected hereon is in compliance with the requirements set forth in COMAR 09.13.06.03 in effect at the time this survey was performed.

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional land surveyor under the laws of the State of Maryland, License No. 10731, Expiration Date: January 16, 2024.

3/1/2023  
Date

**General Notes**

- Bearings, distances and coordinates are based on MD Grid NAD83.
- This parcel does not lie in the 100 year flood plain per FEMA Flood Insurance Rate Map, Community Panel No. 24045C0114E, dated August 17, 2015, Flood Zone X.
- This parcel is currently in the County of Wicomico zoned C-2 General Commercial.
- This parcel is proposed to be annexed into the City of Salisbury.



**FSA**

**FREDERICK SEIBERT & ASSOCIATES, INC.**  
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**CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS**

128 SOUTH POTOMAC STREET  
HAGERSTOWN, MD 21740  
301.791.3600

16 EAST MAIN STREET  
NEW BLOOMFIELD, PA 17088  
717.276.7301

506 SOUTH HANOVER STREET  
CHARLESLE, PA 17013  
717.701.8111

ANNEXATION PLAT  
OF  
PARCEL 158  
FOR  
JDOliver, LLC  
SITUATE AT 2407 NORTH SALISBURY BOULEVARD  
SALISBURY  
WICOMICO COUNTY, MARYLAND

PROJECT NO.	2022-0020
DWN BY	LEJ
DATE	2.16.2023
PROJECT MANAGER	JTD
EMAIL	JDoty@fisa-inc.com
ELECTION DISTRICT	05
PROPERTY INFORMATION	29-11-158/237
ACCOUNT NO.	05-049687/107180/107172/107199
SCALE	1" = 100'
SHEET TITLE	

**ANNEXATION PLAT**

SHEET 01 OF 01

1 **RESOLUTION NO. 3335**

2  
3 **A RESOLUTION** of the Council of the City of Salisbury proposing the  
4 annexation to the City of Salisbury of a certain area of land contiguous to  
5 and binding upon the Corporate Limits of the City of Salisbury to be  
6 known as **“2407 N. Salisbury Boulevard – JD Oliver, LLC**  
7 **Annexation”**, beginning at the same point from a corner of the existing  
8 Corporate Limits Line of the City of Salisbury, Maryland, lying along the  
9 east side of North Salisbury Boulevard, said corner being the  
10 northwesternmost corner of the annexation parcel, and running thence in  
11 a clockwise direction around the perimeter of the affected property to the  
12 point of beginning, being all that real property identified as Tax Map 29,  
13 Parcel 158 (13.32 acres more or less) together with additional areas of land  
14 owned by others: 1) Tax Map 119, Parcel 237 (Parcel 3) (Cross Lake,  
15 LLC) (0.19 acres more or less); 2) Tax Map 119, Parcel 237 (Parcel B)  
16 (Salisbury Mall Realty Holding, LLC) (0.35 acres more or less); and 3)  
17 Tax Map 119, Parcel 237 (Lot 4) (Salisbury Mall Realty Holding, LLC)  
18 (0.19 acres more or less)(collectively, 14.05 acres of land to be annexed).

19 **WHEREAS**, pursuant to that certain Petition for Annexation, dated March 8, 2023, attached hereto  
20 as **Exhibit 1** and incorporated by reference as if fully set forth herein, the City of Salisbury proposes the  
21 annexation to the City of Salisbury of a certain area of land contiguous to and binding upon the Corporate  
22 Limits of the City of Salisbury to be known as **“2407 N. Salisbury Boulevard – JD Oliver, LLC**  
23 **Annexation”**, beginning at the same point from a corner of the existing Corporate Limits Line of the City  
24 of Salisbury, Maryland, lying along the east side of North Salisbury Boulevard, said corner being the  
25 northwesternmost corner of the annexation parcel, and running thence in a clockwise direction around the  
26 perimeter of the affected property to the point of beginning, being all that real property identified as Tax  
27 Map 29, Parcel 158 (13.32 acres more or less) together with additional areas of land owned by others: 1)  
28 Tax Map 119, Parcel 237 (Parcel 3) (Cross Lake, LLC) (0.19 acres more or less); 2) Tax Map 119, Parcel  
29 237 (Parcel B) (Salisbury Mall Realty Holding, LLC) (0.35 acres more or less); and 3) Tax Map 119, Parcel  
30 237 (Lot 4) (Salisbury Mall Realty Holding, LLC) (0.19 acres more or less), and further being the same  
31 real property more particularly described in the property description attached hereto as **Exhibit 2** (the  
32 aforesaid real property is hereinafter referred to as the **“Property”**); and

33 **WHEREAS**, pursuant to MD Code, Local Government, § 4-415, the City of Salisbury is required  
34 to adopt an Annexation Plan for the proposed annexation of the Property; and,

35 **WHEREAS**, pursuant to MD Code, Local Government, § 4-406, a public hearing on this  
36 Resolution, providing for the Council of the City of Salisbury’s approval of the Annexation Plan (as defined

37 hereinbelow) for the City of Salisbury’s annexation of the Property as set forth herein, shall be and hereby is  
38 scheduled for April 22, 2024 at 6:00 p.m.

39 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY** as  
40 follows:

41 **Section 1.** The “Annexation Plan for the N. Salisbury Boulevard Annexation to the City of  
42 Salisbury”, attached hereto as **Exhibit 3** and incorporated as if fully set forth herein (the “**Annexation**  
43 **Plan**”), be and hereby is adopted for the City of Salisbury’s annexation of the Property as contemplated by  
44 this Resolution.

45 **Section 2.** Pursuant to MD Code, Local Government, § 4-406, the Council of the City of Salisbury  
46 shall hold a public hearing on this Resolution on April 22, 2024 at 6:00 p.m. in the Council  
47 Chambers at the Salisbury Headquarters located at 115 S. Divisions St., and the City Administrator shall  
48 cause a public notice of time and place of the said public hearing to be published not fewer than two (2)  
49 times at not less than weekly intervals, in at least one (1) newspaper of general circulation in the City of  
50 Salisbury, which said public notice shall specify a time and place at which the Council of the City of  
51 Salisbury will the hold the aforesaid public hearing, the date of which shall be no sooner than fifteen (15)  
52 days after the final required date of publication as specified hereinabove. **AND, BE IT FURTHER**  
53 **RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY AS FOLLOWS:**

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

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

61 **Section 5.** The Recitals set forth hereinabove are incorporated into this section of this Resolution  
62 as if such recitals were specifically set forth at length in this Section 5.

63 **Section 6.** This Resolution and the annexation of the Property as contemplated herein, shall take  
64 effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right  
65 of referendum with respect to this Resolution as set forth in MD Code, Local Government, § 4-401, et seq.

66 **THIS RESOLUTION** was introduced, read and passed at the regular meeting of the Council of the  
67 City of Salisbury held on March 11, 2024; having been duly published as required by law in  
68 the meantime, a public hearing was held on April 22, 2024 at 6:00 p.m., and was finally passed  
69 by the Council at its regular meeting held on April 22, 2024.

70

71

72

73 \_\_\_\_\_  
74 Kimberly R. Nichols,  
75 City Clerk

\_\_\_\_\_   
D'Shawn M. Doughty,  
Council President

75

76

77

78 APPROVED BY ME this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

79

80

81 \_\_\_\_\_  
82 Randolph J. Taylor, Mayor

# CITY OF SALISBURY

## *PETITION FOR ANNEXATION*

---

To the Mayor and Council of the City of Salisbury:

WHEREAS, JDoliver, LLC (the “Applicant”) owns that certain lot or parcel of land located at 2407 N. Salisbury Blvd., Salisbury, Maryland 21801, further described as Tax Map 29, Grid 11, Parcel 158, and identified as “Lands now or formerly of JDoliver, LLC, Liber 5139, folio 382, 13.49 acres” on an annexation plat entitled “ANNEXATION PLAT OF PARCEL 158 FOR JDOLIVER, LLC, SITUATE AT 2407 NORTH SALISBURY BOULEVARD, SALISBURY, WICOMICO COUNTY, MARYLAND,” prepared by Frederick, Seibert & Associates, Inc., dated February 16, 2023 (the “Annexation Plat”), consisting of 13.49 acres, more or less (the “JDoliver Property”); and,

WHEREAS, as shown on the Annexation Plat, a small portion of the JDoliver Property comprised of 0.02 acres, more or less, is located within the municipal boundaries of the City of Salisbury, Maryland (the “City”) while the balance of the JDoliver Property comprised of 13.47 acres, more or less, is located adjacent to and outside the City’s municipal boundaries; and,

WHEREAS, the Applicant desires the City to annex substantially all of the JDoliver Property into the City, save for a small strip of land along the Property’s eastern boundary identified on the Annexation Plat as “AREA TO REMAIN IN COUNTY 0.15 AC.”, consisting of 0.15 acres more or less, which strip is necessary in order to prevent the creation of an illegal enclave of unincorporated County land immediately north of the JDoliver Property; and,

WHEREAS, to avoid the creation of an illegal enclave and to refine the City’s municipal boundary, the Applicant is requesting that the City incorporate the following additional areas of land as shown and described on the Annexation Plat: (1) a 0.19 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.19 AC.”, being “LANDS OF CROSS LAKE, LLC, LIBER 4868, FOLIO 225, PARCEL 3, PLAT CABINET 8, FOLIOS 75-298”; (2) a 0.37 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.37 AC.”, being “LANDS OF SALISBURY MALL REALTY HOLDING, LLC, PARCEL 5 OF LIBER 4811, FOLIO 43, PARCEL B, PLAT CABINET 8, FOLIOS 75-298”; and, (3) a 0.20 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.20 AC.”, being “LANDS OF SALISBURY MALL REALTY HOLDING, LLC, PARCEL 2 OF LIBER 4811, FOLIO 43, PARCEL 4, PLAT CABINET 8, FOLIOS 75-298” (collectively, the “Additional Property”); and,

WHEREAS, the Applicant is the owner of at least 25% of the assessed valuation of real property in the area to be annexed, and there are no registered voters who are residents in the area to be annexed; and,

WHEREAS, the Applicant desires the City to annex the JD Oliver Property and the Additional Property into City of Salisbury, Maryland.

NOW, THEREFORE, I/We request annexation of my/our land to the City of Salisbury.

Parcel(s)      Tax Map 29, Parcel 158 (JD Oliver, LLC)  
(13.32 AC± area to be annexed);

Together with the following additional areas of land owned by others:

Tax Map 119, Parcel 237 (Parcel 3) (Cross Lake, LLC)  
(0.19 AC± area to be annexed);

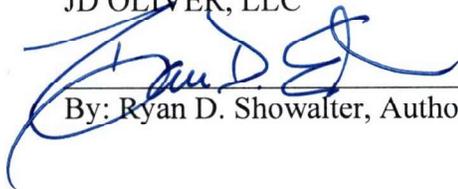
Tax Map 119, Parcel 237 (Parcel B) (Salisbury Mall Realty Holding, LLC)  
(0.37 AC± area to be annexed); and,

Tax Map 119, Parcel 237 (Lot 4) (Salisbury Mall Realty Holding, LLC)  
(0.20 AC± area to be annexed).

SIGNATURE

APPLICANT:

JD OLIVER, LLC



By: Ryan D. Showalter, Authorized Person

3/8/23  
Date

## N SALISBURY BLVD. – JDOLIVER, LLC

Beginning for the same at a corner of the existing Corporate Limits Line of the City of Salisbury, MD, being near the southeasterly corner of the lands of Ritchie Holdings, Inc. X 1,210,355.92 Y 210,799.78 (1) Thence by and with the said Corporate Limits Line the following nine courses: (a) North eighty-four degrees four minutes forty-five seconds West (N 84° 04' 45" W) two hundred seventy-nine decimal zero, zero (279.00) feet to a point near the easterly right of way line of North Salisbury Boulevard. X 1,210,078.41 Y 210,828.56 (b) South nineteen degrees thirty-five minutes forty seconds West (S 19° 35' 40" W) one hundred eighty-nine decimal eight, five (189.85) feet to a point at near the northwesterly corner of the lands of Tony Tank Holdings, LLC. X 1,210,014.74 Y 210,649.70 (c) South seventy degrees thirty-seven minutes zero seconds East (S 70° 37' 00" E) two hundred ninety-one decimal three, six (271.36) feet to a point near the northeasterly corner of the said Tony Tank Holdings land. X 1,210,289.59 Y 210,553.00 (d) South nineteen degrees twenty-three minutes zero seconds West (S 19° 23' 00" W) one hundred ninety-eight decimal five, three (198.53) feet to a point near the southeasterly corner of the said Tony Tank Holdings land. X 1,210,223.70 Y 210,365.72 (e) North eighty-four degrees twenty-three minutes thirty-nine seconds West (N 84° 23' 39" W) one hundred fifty-nine decimal two, nine (159.29) feet to a point at the northwesterly corner of a strip of lands of the Salisbury Mall Realty Holding, LLC. X 1,210,065.17 Y 210,381.28 (f) South five degrees thirty-four minutes fifteen seconds West (S 05° 34' 15" W) twenty decimal four, zero (20.40) feet to the southwesterly corner of the said strip of land. X 1,210,063.19 Y 210,360.98 (g) South eighty-four degrees zero minutes zero seconds East (S 84° 00' 00" E) three hundred ninety-one decimal seven, six (391.76) feet to a point on the southerly line of the said strip of land. X 1,210,452.81 Y 210,320.03 (h) South eighty-four degrees zero minutes zero seconds East (S 84° 00' 00" E) six hundred sixty-seven decimal three, eight (667.38) feet to a point on the southerly line of the said strip of land. X 1,211,116.53 Y 210,250.27 (i) South eighty-four degrees zero minutes zero seconds East (S 84° 00' 00" E) three hundred thirty-three decimal two, one (333.21) feet to a point on the southerly line of the said strip of land. X 1,211,447.91 Y 210,215.44 (2) Thence crossing the said strip of land and with a line being fifteen feet westerly of and parallel to the westerly line of the lands of JDOLiver, LLC, in part, North one degrees three minutes zero seconds East (N 01° 03' 00" E) four hundred sixty-nine decimal six, eight (469.68) feet the point on the northerly line of the lands of the said JDOLiver, LLC. X 1,211,456.52 Y 210,685.04 (5) Thence by and with the said line of JDOLiver, LLC, North eighty-four degrees four minutes ten seconds West (N 84° 04' 10" W) one thousand one hundred six decimal five, nine (1,106.59) feet to a point on the said line of JDOLiver, LLC. X 1,210,355.85 Y 210,799.38 (6) Thence North nine degrees twenty-seven minutes five seconds East (N 09° 27' 05" E) zero decimal four, one (0.41) feet to the point of beginning.

Annexation containing 14.05 acres, more or less.

Exhibit 3

**ANNEXATION PLAN  
FOR THE  
2407 N. SALISBURY BOULEVARD – JDOLIVER, LLC ANNEXATION  
TO THE CITY OF SALISBURY**

March 4, 2024

This Annexation Plan is consistent with the Municipal Growth Element of the 2010 Comprehensive Plan adopted by the City of Salisbury. The following are milestones in the public review and consideration of the proposed Annexation which is the subject of this Annexation Plan:

At a Work Session of the City of Salisbury Mayor and City Council (the “**Mayor and City Council**”), held on \_\_\_\_\_, the Salisbury City Council (the “**City Council**”) reviewed the Petition for Annexation (the “**Annexation Petition**”) submitted by JDOLIVER, LLC (“**JDoliver**”), dated March 8, 2023, which requested the City of Salisbury, Maryland (the “**City**”) annex the following parcels of lands:

- JDoliver owns that certain lot or parcel of land located at 2407 N. Salisbury Blvd., Salisbury, Maryland 21801, further described as Tax Map 29, Grid 11, Parcel 158, and identified as “Lands now or formerly of JDoliver, LLC, Liber 5139, folio 382, 13.49 acres” on an annexation plat entitled “ANNEXATION PLAT OF PARCEL 158 FOR JDOLIVER, LLC, SITUATE AT 2407 NORTH SALISBURY BOULEVARD, SALISBURY, WICOMICO COUNTY, MARYLAND,” prepared by Frederick, Seibert & Associates, Inc., dated February 16, 2023 (the “**Annexation Plat**”), consisting of 13.49 acres, more or less. The Annexation Plat is incorporated herein and a reduced scale copy of said Annexation Plat is attached hereto as *Exhibit A*). As shown on the Annexation Plat, a small portion of the JDoliver Property, comprised of 0.02 acres, more or less, is located within the municipal boundaries of the City, while the balance of the JDoliver Property, comprised of 13.47 acres, more or less, is located adjacent to and outside the City’s municipal boundaries. JDoliver desires the City to annex substantially all of the JDoliver Property into the City, save for a small strip of land along the Property’s eastern boundary identified on the Annexation Plat as “AREA TO REMAIN IN COUNTY 0.15 AC.”, consisting of 0.15 acres more or less, which strip is necessary in order to prevent the creation of an enclave of unincorporated County land immediately north of the JDoliver Property (the aforesaid 13.32 acres of property to be annexed is hereafter referred to as the “**JDoliver Property**”); and
- The following additional areas of land as shown and described on the Annexation Plat: (1) a 0.19 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.19 AC.”, being “LANDS OF CROSS LAKE, LLC, LIBER 4868, FOLIO 225, PARCEL 3, PLAT CABINET 8, FOLIOS 75-298”; (2) a 0.35 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.37 AC.”, being “LANDS OF SALISBURY MALL REALTY HOLDING, LLC, PARCEL 5 OF LIBER 4811, FOLIO 43, PARCEL B, PLAT CABINET 8, FOLIOS 75-298”; and, (3) a 0.19 acre area, more or less, identified on the Annexation Plat as “AREA TO BE ANNEXED 0.20 AC.”, being “LANDS OF SALISBURY MALL REALTY HOLDING, LLC, PARCEL 2 OF LIBER 4811, FOLIO 43, PARCEL 4, PLAT CABINET 8, FOLIOS 75-298” (collectively, the “**Additional Property**”) (the JDoliver Property and the Additional Property are hereafter referred to collectively as the “**Property**”); and
- At the April 20, 2023 Meeting of the Salisbury Planning Commission (the “**Planning Commission**”), the Planning Commission reviewed the proposed annexation of the Property and approved a favorable recommendation to the City for the proposed zoning of the Property.
- On \_\_\_\_\_, a Regular Meeting of the Mayor and City Council was convened, during which the City Council reviewed this Annexation Plan and a Resolution of the City Council to authorize and approve the City’s annexation of the Property (said Resolution is hereinafter referred to as the “**Annexation Resolution**”), and, in

accordance with applicable state and local law, directed that a date for a Public Hearing be established to hear public comment on the City's annexation of the Property, as requested by the Annexation Petition submitted by JD Oliver. Furthermore, at the \_\_\_\_\_ Regular Meeting of the Mayor and City Council, the City Council directed this Annexation Plan be submitted to the Maryland Department of Planning and the Wicomico County Council for comment, at least thirty (30) days before the Public Hearing on the Annexation Resolution, as required by applicable Maryland law.

## **1.0. GENERAL INFORMATION AND DESCRIPTION OF PROPERTY.**

**1.1. Petitioner for Annexation of the Property.** JD Oliver is the owner and Petitioner for annexation of the Property. JD Oliver, or its fully authorized agent, will perform all functions, including but not limited to appearing before all state and municipal bodies, in order to effectuate the annexation.

**1.2. Location.** The Property is located as follows: **(a)** The JD Oliver Property is located on the easterly side of North Salisbury Boulevard; the JD Oliver Property is fairly rectangular in shape and adjoins the existing City boundaries along North Salisbury Boulevard and runs parallel to the existing City boundaries along Centre Drive; and **(b)** The Additional Property is located on the easterly side of North Salisbury Boulevard and is the strip of land that adjoins the southernmost boundary of the JD Oliver Property and existing City boundaries along Centre Drive, as is more particularly shown on the Annexation Plat attached hereto and incorporated herein as *Exhibit A*.

### **1.3. Property Description; Reason for the Annexation Petition.**

- (a)** The JD Oliver Property consists of 13.32 +/- acres of land as more particularly depicted and described by the Annexation Plat. The Additional Property consists of (1) 0.19 +/- acres of land as more particularly depicted and described by the Annexation Plat; (2) 0.35 +/- acres of land as more particularly depicted and described by the Annexation Plat; and (3) 0.19 +/- acres of land as more particularly depicted and described by the Annexation Plat. The Annexation Plat depicts all that same real property more particularly described by metes, bounds, courses and distances in that certain legal description attached hereto and incorporated herein as *Exhibit B* (the "**Property Description**").
- (b)** The JD Oliver Property is currently improved with two (2) buildings, two (2) paved driveways, paved parking spaces, gravel lots, concrete sidewalk serving building frontage, and two (2) above ground storage tanks. Prior use of the JD Oliver Property included commercial and industrial truck sales, wholesale party sales, and repair and service. JD Oliver desires to renovate the interior of the JD Oliver Property while continuing the same use of the JD Oliver Property. JD Oliver desires to connect to the City water and sewer.

**1.4. Existing Zoning.** All of the JD Oliver Property is currently zoned C-2 General Commercial under the Wicomico County Code. The properties adjacent to the JD Oliver Property that are located within the municipal limits of the City are to the south and west and are zoned "General Commercial" under the City of Salisbury City Code (the "**City Code**").

## **2.0. LAND USE PATTERN PROPOSED FOR THE PROPERTY.**

### **2.1. Comprehensive Plan.**

- (a)** By Resolution No. 1942, the City Council adopted the 2010 City of Salisbury Comprehensive Plan (the "**Comprehensive Plan**"). The Comprehensive Plan sets forth the land use policies for all lands located within the City's municipal limits and includes a Municipal Growth Element addressing growth areas outside the municipal limits of the City. The Municipal Growth Element section of the City's Comprehensive Plan provides in pertinent part: "the City has defined a Municipal Growth [A]rea that is sufficient to accommodate residential, commercial, and industrial land uses as illustrated on Map 11-3" attached to and incorporated within the

Comprehensive Plan. The Property is located within the City’s designated Municipal Growth Area.

- (b) With respect to the City’s annexation of property, the goal of the City’s Comprehensive Plan is: “to encourage the orderly growth and expansion of the City of Salisbury by annexing selected areas and by providing public services to newly developing areas without overburdening these facilities while continuing to maintain a high level of services to existing developments and residents of the City.”

**2.2. Proposed Zoning for Property.** Upon its annexation, the JDoliver Property is proposed to be zoned as “General Commercial”. Per Section 17.36 of the City Code, the purpose of the “General Commercial” zoning district is: “to provide a wide range of functional and attractive regional retail, office, service, wholesale, storage, distributing and light manufacturing activities. To alleviate problems with traffic congestion and unnecessary turning movements, unified access and consolidation of businesses are encouraged. Because of the potential impact of these types of activities, special landscaping and screening requirements are established for certain use.”

**2.3. Proposed Land Use for Property.** As set forth in Section 1.3(b) of this Annexation Plan, prior use of the JDoliver Property included commercial and industrial truck sales, wholesale party sales, and repair and service. JDoliver desires to renovate the interior of the JDoliver Property while continuing the same use of the JDoliver Property.

**3.0. THE PUBLIC FACILITIES AND SERVICES NEEDED BY THE DEVELOPMENT AND THE METHODS TO PROVIDE SUCH FACILITIES AND SERVICES TO THE PROPERTY.**

**3.1. Roads.** Currently, and following its annexation by the City, the JDoliver Property will utilize two (2) existing paved driveways, both of which have access from the northbound lane of North Salisbury Boulevard (U.S. Route 13).

**3.2. Water and Wastewater Treatment.** The JDoliver Property will create a demand of about 500 gallons per day. JDoliver, at its sole cost and expense, will connect to existing public water and sewerage facilities within the area of the Property, as directed by the City of Salisbury Department of Infrastructure and Development. The City has no concerns about the feasibility or capacity to serve the Property.

**3.3. Schools.** The Property is and will be subject to commercial and industrial truck sales, wholesale party sales, and repair and service use only and will not generate any pupil enrollment, and therefore will have no impact on school capacity.

**3.4. Parks and Recreation.** The City’s annexation of the Property will have no impact on park and recreational facilities, nor will it generate a demand for park and recreational facilities.

**3.5. Fire, E.M., and Rescue Services.** The City of Salisbury Fire Department provides fire suppression, technical rescue, special operations and advanced life support emergency medical treatment and transport services (collectively “**fire and emergency services**”) to residents of the Salisbury Fire District. The Property is located within the Salisbury Fire District; accordingly, the Salisbury Fire Department will continue providing fire and emergency services to the Property after its annexation into the City.

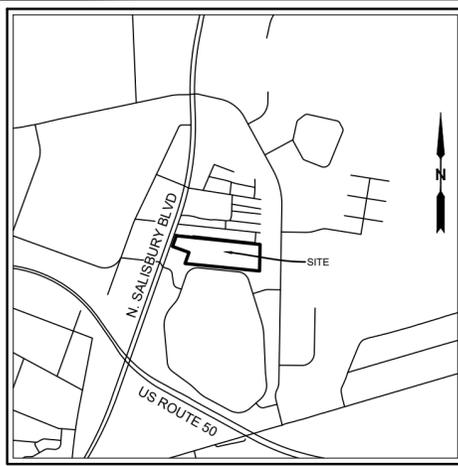
**3.6. Police.** The City of Salisbury Police Department will provide police services to the Property.

**3.7. Stormwater Management.** Stormwater management is governed by the State of Maryland, and stormwater management regulations are administered locally.

**3.8. Waste Collection.** Commercial development in the City of Salisbury is served by independent waste haulers.

**4.0. HOW DEVELOPMENT OF THE PROPERTY WILL RELATE TO EXISTING/PLANNED LAND USE DEVELOPMENT, STREETS, PUBLIC FACILITIES AND SERVICES, OPEN SPACES AND NATURAL AREAS.**

The City's annexation of the Property is consistent with applicable Maryland and local law. The Property is located along and is immediately adjacent to U.S. Route 13 on the northern side of the City of Salisbury. JD Oliver's proposed commercial use (commercial and industrial truck sales, wholesale party sales, and repair and service use) at the JD Oliver Property is consistent with the overall plan for this geographic area of the City of Salisbury. The Property is located within the City of Salisbury's Municipal Growth Area and is eligible for annexation. In this matter the Annexation Petition submitted by JD Oliver, requesting the City annex the Property, arises exclusively from the need to serve the Property with public water and sewer utilities.



VICINITY MAP  
SCALE 1"=2000'

**LEGEND**

- = PROPERTY LINE
- = CORPORATE BOUNDARY LINE
- = CORPORATE BOUNDARY TO BE VACATED
- = PROPOSED CORPORATE BOUNDARY
- = BOUNDARY LINE
- = CORPORATE BOUNDARY LINE

**ANNEXATION TABLE**

Lands of JDOliver, LLC	13.32 Acres
Lands of Cross Lake, LLC	0.19 Acre
Lands of Salisbury Mall Realty Holdings (Parcel 5)	0.35 Acre
Lands of Salisbury Mall Realty Holdings (Parcel 2)	0.19 Acre
<b>Total New Annexation</b>	<b>14.05 Acres</b>

Land Surveyor's Certification

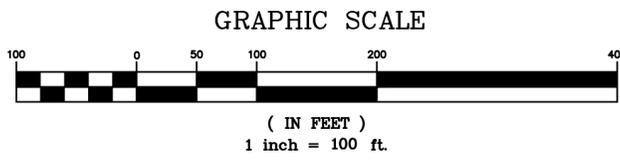
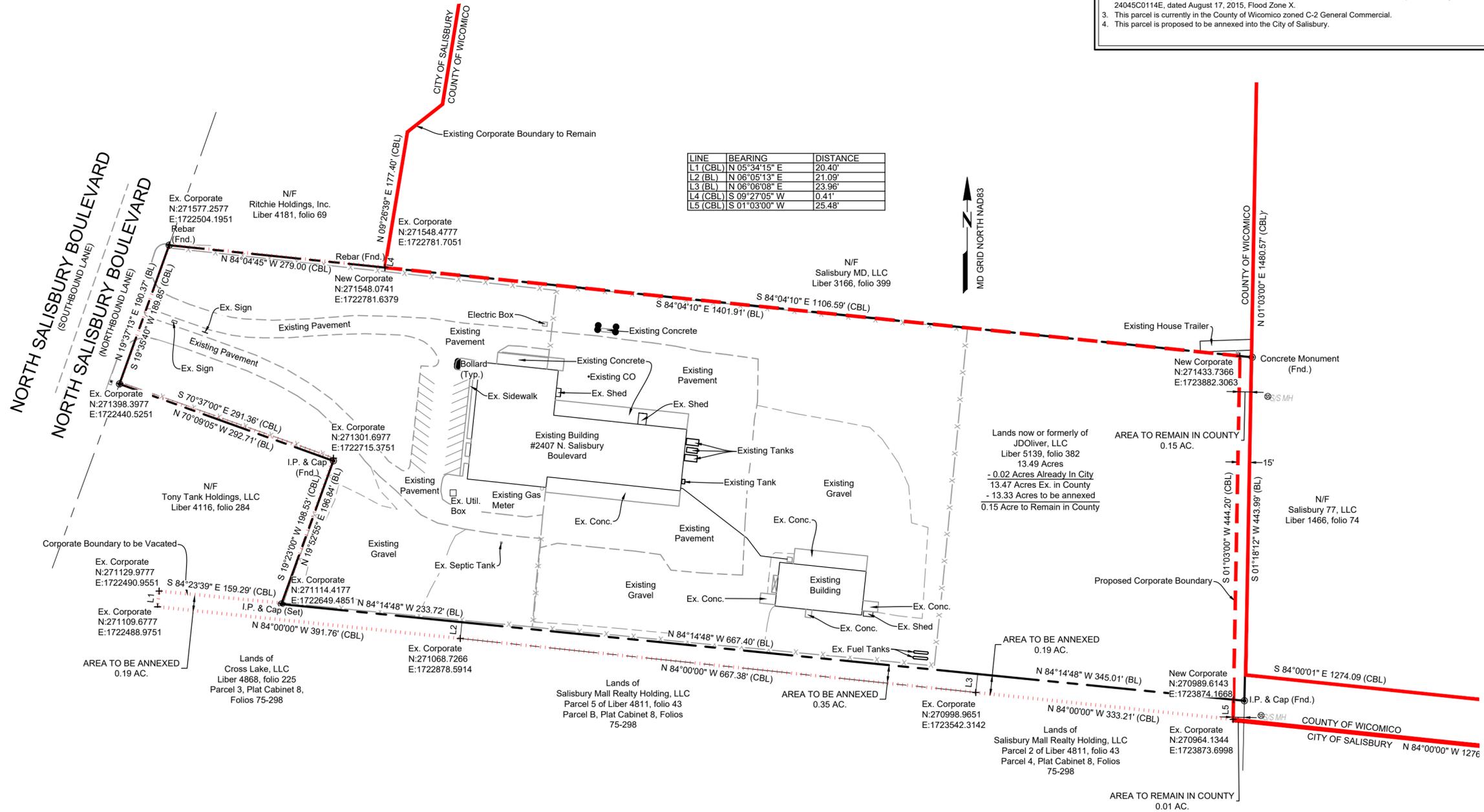
I hereby certify to the best of my professional knowledge and belief that the plat shown hereon is correct; that it is part of the land described in a deed from Cross Lake, LLC, to JDOliver LLC, dated July 29, 2022, recorded among the Land Records of Wicomico County, Maryland, in Liber 5139, folio 382, part of Parcels 2 and 5 of the land described in a deed from RPI Salisbury Mall, LLC, to Salisbury Mall Realty Holding, LLC, dated February 10, 2021, recorded among the Land Records of Wicomico County, Maryland in Liber 4811, folio 43, and of part of the land described in a deed from Freeze Enterprises, LLC, to Cross Lake, LLC, dated May 28, 2021, recorded among the Land Records of Wicomico County, Maryland in Liber 4868, folio 225; that this boundary survey was personally prepared by me or that I was in responsible charge over its preparation; and the surveying work reflected hereon is in compliance with the requirements set forth in COMAR 09.13.06.03 in effect at the time this survey was performed.

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional land surveyor under the laws of the State of Maryland, License No. 10731, Expiration Date: January 16, 2024.

3/1/2023  
Date

**General Notes**

- Bearings, distances and coordinates are based on MD Grid NAD83.
- This parcel does not lie in the 100 year flood plain per FEMA Flood Insurance Rate Map, Community Panel No. 24045C0114E, dated August 17, 2015, Flood Zone X.
- This parcel is currently in the County of Wicomico zoned C-2 General Commercial.
- This parcel is proposed to be annexed into the City of Salisbury.



**FSA**

**FREDERICK SEIBERT & ASSOCIATES, INC.**  
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**CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS**

128 SOUTH POTOMAC STREET  
HAGERSTOWN, MD 21740  
301.791.3600

16 EAST MAIN STREET  
NEW BLOOMFIELD, PA 17088  
717.276.7301

506 SOUTH HANOVER STREET  
CHARLESLE, PA 17013  
717.701.6111

ANNEXATION PLAT  
OF  
PARCEL 158  
FOR  
JDOliver, LLC  
SITUATE AT 2407 NORTH SALISBURY BOULEVARD  
SALISBURY  
WICOMICO COUNTY, MARYLAND

PROJECT NO.	2022-0020
DWN BY	LEJ
DATE	2.16.2023
PROJECT MANAGER	JTD
EMAIL	JDoty@fisa-inc.com
ELECTION DISTRICT	05
PROPERTY INFORMATION	29-11-158/237
ACCOUNT NO.	05-049687/107180/107172/107199
SCALE	1" = 100'
SHEET TITLE	

**ANNEXATION PLAT**

SHEET 01 OF 01



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

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

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

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

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

42  
43 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury  
44 held on the 8<sup>th</sup> day of April, 2024 and thereafter, a statement of the substance of the Ordinance having been published as  
45 required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 22<sup>nd</sup> day of April,  
46 2024.

47  
48  
49 **ATTEST:**

50  
51  
52 \_\_\_\_\_  
53 **Kimberly R. Nichols, City Clerk**

\_\_\_\_\_ **D'Shawn M. Doughty, City Council President**

54  
55  
56  
57 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

58  
59  
60  
61 \_\_\_\_\_  
62 **Randolph J. Taylor, Mayor**  
63

**ORDINANCE NO. 2863**

**AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY2024 GENERAL FUND BUDGET AND AUTHORIZING THE MAYOR TO AMEND THE AUTHORIZED POSITIONS INCLUDED IN THE FY24 GENERAL FUND BUDGET.**

**WHEREAS**, during the course of the past few months, the City Executives have been assessing and formulating position and grade changes that will be of benefit to the City; and

**WHEREAS**, the City of Salisbury has determined the need to reorganize several positions and revise the Authorized Position Counts in the Department of Infrastructure and Development; and

**WHEREAS**, the City of Salisbury has determined that there is a need to change pay grades assigned to several positions; and

**WHEREAS**, the City of Salisbury has determined that no additional funding is required to make the update; and

**WHEREAS**, to effectuate these aforementioned changes, the position appropriations set forth below must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

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

**Section 1.** The City of Salisbury’s FY24 Authorized Position Budget be and hereby is amended as follows:

Position Title	Division	Org	FY24 Grade	FY21	FY22	FY23	FY24	FY24 Revised
<b>Building, Permitting and Inspections 25100</b>								
BPI Manager	DID	25100	M9	1	1	1	1	1
Building Inspector I/II/III/SR	DID	25100	7/8/9/10	1	1	1	1	1
Plumbing Inspector I/II/III/SR	DID	25100	7/8/9/10	1	1	1	1	1
Planning and Permits Coordinator	DID	25100	-	1	0	0	0	0
Office Manager I/II/III/SR	DID	25100	3/4/5/6	0	1	1	1	0
<b>Total 25100 Building, Permitting and Inspections</b>	<b>DID</b>	<b>25100</b>		<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>3</b>
<b>Infrastructure and Development 31000</b>								
Deputy Director	DID	31000	M12	0	0	1	1	2
Engineering Manager	DID	31000	M10	0	0	0	0	1
Project Manager (1) Engineer I/II/III/IV (3)	DID	31000	10/11/12/13 14/15/16/17	0	0	0	5	4
Construction Inspector I/II/III/SR	DID	31000	5/6/7/8	4	4	4	5	4
Drafting Supervisor	DID	31000	M1	1	1	1	1	0
CAD Drafter	DID	31000	3	2	2	2	2	0
CAD Technician I/II/III/SR	DID	31000	6/7/8/9	0	0	0	0	2
Associate Planner I/II/III/SR	DID	31000	7/8/9/10	1	4	4	4	5
Administrative Assistant I/II/III	DID	31000	2/3/4/5	1	1	1	1	0
Office Administrator I/II/III/SR	DID	31000	3/4/5/6	0	0	0	0	2
Sustainability - Coordinator / Specialist / Officer	DID	31000	5/6/7	1	0	1	1	0
<b>Total Infrastructure and Development</b>	<b>DID</b>	<b>31000</b>		<b>10</b>	<b>12</b>	<b>14</b>	<b>20</b>	<b>20</b>
<b>Grand Totals</b>				<b>14</b>	<b>16</b>	<b>18</b>	<b>24</b>	<b>23</b>

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

34  
35 **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision  
36 of this Ordinance shall be deemed independent of all other provisions herein.

37  
38 **Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any  
39 section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,  
40 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication  
41 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other  
42 provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

43  
44 **Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as  
45 if such recitals were specifically set forth at length in this Section 4.

46  
47 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.

48  
49 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of  
50 Salisbury held on the 15<sup>th</sup> day of April, 2024 and thereafter, a statement of the substance of the Ordinance  
51 having been published as required by law, in the meantime, was finally passed by the Council of the City  
52 of Salisbury on the 22<sup>nd</sup> day of April, 2024.

53  
54  
55 **ATTEST:**

56  
57  
58  
59 \_\_\_\_\_  
60 **Kimberly R. Nichols, City Clerk**

\_\_\_\_\_

**D'Shawn M. Doughty, City Council President**

61  
62 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

63  
64  
65 \_\_\_\_\_  
66 **Randolph J. Taylor, Mayor**

---

INTER  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
OFFICE

# MEMO

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## *Finance Department*

**To:** Andy Kitzrow, City Administrator  
**From:** Keith Cordrey, Director of Finance  
**Subject:** Ordinance to Authorize the Sale and Issuance of General Obligation Bonds, Bond Anticipation Notes and Refunding Bonds  
**Date:** April 17, 2024

---

Attached is an ordinance to authorize the City to sell and issue general obligation bonds, bond anticipation notes and refunding bonds.

Below is bullet points summary from Bond Counsel, Lindsey Rader of Funk & Bolton, P.A..

- Ordinance Recitals trace borrowing powers and the City’s authorization to borrow money to finance, reimburse or refinance costs of the public purpose projects identified in Section 3 through the issuance of general obligation bonds and, to the extent applicable, general obligation bond anticipation notes and/or general obligation refunding bonds.
- Section 1 - Provides that Recitals are an integral part of the Ordinance and terms defined therein and not otherwise defined in the Ordinance Sections shall have the meanings given to such terms in the Recitals, and any official referred to by title in the Ordinance shall include any person serving in the absence or disability of a titled official or in an acting or interim capacity and any person generally referred to by another title (titles used in the Ordinance conform to titles used in the Charter or the City Code). Clarifies how references to “principal amount,” “proceeds,” and officials should be construed.
- Sections 2 – The City determines to borrow money and incur indebtedness for the public purpose of financing, reimbursing or refinancing “costs” (as defined in Section 3(b)) of the Projects.

- Section 3 – The City is authorized to issue its general obligation bonds in one or more series from time to time in an original aggregate principal amount not to exceed \$13,212,743 (the “Bonds”). Section 3(b) defines “costs” (thereafter referred to as “Costs of the Projects”) and the “Projects.” Provides that the City may reallocate principal amounts among the Projects without notice to or consent of the holders of the Bonds or any BANs (as identified in Section 6) and that proceeds may be spent on any applicable Costs of the Projects notwithstanding the descriptive names of the Projects including, without limitation, costs related to changes in the scopes of and/or names of any of the Projects effected through applicable budgetary procedures or applicable law, including to the extent applicable, by resolution. Provides for the allocation and reallocation, without notice to or the consent of the holders of any Bonds or any BANs, of unexpended proceeds, net original issue premium realized upon sale and/or investment earnings among the original Projects or any additional projects authorized by supplemental ordinance, as well as for certain other purposes. In the event the City issues any BANs, application of Bond proceeds to pay or prepay principal, premium and/or interest on the BANs as well as costs of issuance of the BANs will be deemed application for Costs of the Projects. Addresses additional considerations regarding application of the proceeds of the authorized Bonds (and, to the extent applicable, the authorized BANs).
- Section 4 – Proceeds of the Bonds will be used solely for the public purposes described in Section 3 of the Ordinance unless the Council enacts a supplemental ordinance, subject to Section 3(c); specifies circumstances in which a supplemental ordinance is not required.
- Section 5 - Prior to issuing any series of the Bonds, the Council shall adopt one or more resolutions fixing, determining, approving or providing for all details relating to such series. Section 5 sets forth the types of determinations to be made by resolution. Section 5 authorizes the Council to delegate to one or more officials authority to make any determinations with respect to a series of the Bonds.
- Section 6 - The City is authorized to issue and sell from time to time one or more series of general obligation bond anticipation notes (“BANs”) in an original aggregate principal amount not to exceed \$13,212,743 in order to finance, reimburse or refinance Costs of the Projects on an interim basis, plus costs of issuance of the BANs. Details regarding each series of BANs will be determined or provided for by resolution of the Council, and any such resolution shall make or provide for the same types of determinations provided for in Section 5 with respect to the Bonds, to the extent applicable to the BANs. By resolution the Council may delegate to one or more officials the authority to make any determinations with respect to a series of the BANs. The City covenants to pay from the Bonds the principal of any issued BANs, to issue Bonds to refinance any issued BANs as soon as the reason for deferring issuance of such Bonds abates, and to pay

interest on any issued BANs. The Ordinance provides that the Council may provide by resolution for renewal of any BANs at maturity with or without resale and for any modifications to the BANs and related documentation.

- Section 7 - The City is authorized to issue and sell from time to time one or more series of general obligation bonds in order to currently refund or advance refund any Bonds issued pursuant to the Ordinance, including by paying issuance costs and funded interest, provided that the original aggregate principal amount of any series of refunding bonds may not exceed 130% of the aggregate principal amount of the bonds refunded therefrom (the "Refunding Bonds"). Details regarding each series of Refunding Bonds will be determined or provided for by resolution of the Council, and any such resolution shall make or provide for the same types of determinations provided for in Section 5 with respect to the Bonds, to the extent applicable to the Refunding Bonds, and other determinations required by applicable law. Provides for the allocation and reallocation, without notice to or the consent of the holders of the Refunding Bonds, of unexpended proceeds, net original issue premium realized upon sale and/or investment earnings. By resolution the Council may delegate to one or more officials the authority to make any determinations with respect to a series of the Refunding Bonds.
- Section 8 – The City pledges its full faith and credit and unlimited taxing power to the payment of any issued Bonds, BANs or Refunding Bonds ("Obligations"); to the extent other moneys are available for such purpose, the City may apply such other moneys to pay debt service on such Obligations as long as such application does not violate federal tax code limitations or other applicable law. In addition, the Council by resolution may provide that all or a portion of debt service on any series of the Obligations may be payable in the first instance from other sources(s).
- Section 9 – By resolution the Council may make appropriate arrangements in the event any put option, change in interest rate or modification of any issued Obligation could lead to a reissuance of the same for federal tax code purposes.
- Section 10 - By resolution the Council may determine that any series of the Obligations may be consolidated with any other bonds, bond anticipation notes or refunding bonds of the City, as applicable, and issued as a single series.
- Section 11 – By resolution the Council may authorize any modifications to a series of the Obligations once issued and related documentation unless under applicable law the proposed modifications require action by ordinance in addition to or in place of a resolution.

- Section 12 – Appropriate officials are authorized to take all action necessary to complete and close the sale and delivery of each series of the Obligations and to consummate the transactions contemplated by such issues.
- Section 13 – Nothing in the Ordinance should be construed as preventing the City from applying other moneys to any of the purposes for which a series of the Obligations is issued.
- Section 14 – Addresses attestation as to the City seal if the City Clerk is not available.
- Section 15 – Allows for the Ordinance to be executed in counterparts and/or to the extent not prohibited by applicable law, by electronic, stamped or facsimile signature.
- Section 16 – Title is a statement of the substance of the Ordinance for publication and all other purposes.
- Section 17 – Provisions of the Ordinance shall be liberally construed.
- Section 18 - Ordinance will be effective following approval by the Mayor or subsequent passage by the Council over the Mayor’s veto in accordance with Charter Section SC2-12.

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Notes:

(1) Even though it is currently expected (without having gone through the tax due diligence process) that the City will issue all the authorized Bonds at one time, as a single series, the Bonds are authorized to be issued in one or more series from time to time at a stated not-to-exceed original aggregate principal amount in case the City decides to undertake the contemplated borrowing in stages or in case both tax-exempt and taxable series need to be issued.

(2) Pursuant to the Charter, the Council may determine a method of sale by resolution. The contemplated Bonds, due to the current expectation that they will be issued at one time and their aggregate issue size, are expected to be sold by a public sale at competitive bid. Forms of sale other than a public sale at competitive bid include: (i) a negotiated underwriting with one or more underwriters chosen by the City, (ii) a direct purchase transaction with a single bank where the City just approaches/negotiates with one bank to provide the financing or (iii) a direct purchase transaction where an RFP process is used to identify the bank that will purchase the applicable series of the obligations.

(3) BAN issuance authority is contained in the Ordinance in case interest rates have moved up at the time the City is ready to pursue financing for the Projects and the City decides to incur a short-term borrowing in order to finance, reimburse or refinance Costs of the Projects on an interim basis. If BANs are issued, the expectation is that Bonds will be issued at a later date to pay/prepay the BANs at or prior to maturity.

(4) The reason the maximum principal amount of each series of Refunding Bonds is expressed as a percentage of the outstanding principal amount of the Bonds being refunded is because refunding bonds are usually sized to cover not only outstanding principal of the bonds being refunded but also accrued interest, any prepayment or redemption premium and costs of issuance of the refunding bonds. Also, refunding authority is included in the Ordinance because if the market moves in the right direction at a later date that makes it advantageous for the City to refund any of the Bonds, the City can move quickly because it can determine or provide for the details of the Refunding Bonds by resolution rather than having to first authorize the Refunding Bonds by ordinance at that time. A “current refunding” means that all refunded Bonds are paid off (at maturity or by earlier prepayment/redemption) no more than 90 days after the date the Refunding Bonds are issued. An “advance refunding” means that all or some of the refunded Bonds are paid off (at maturity or by earlier prepayment/redemption) more than 90 days after the date the Refunding Bonds are issued. Under current law, any Refunding Bonds issued to effect an advance refunding must be issued on a taxable basis.

ORDINANCE NO. 2864

AN ORDINANCE OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY TO AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE “CITY”) TO SELL AND ISSUE FROM TIME TO TIME, UPON ITS FULL FAITH AND CREDIT, ONE OR MORE SERIES OF (1)(A) GENERAL OBLIGATION BONDS AND (B) GENERAL OBLIGATION BOND ANTICIPATION NOTES, EACH IN AN ORIGINAL AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED THIRTEEN MILLION TWO HUNDRED TWELVE THOUSAND SEVEN HUNDRED FORTY-THREE DOLLARS (\$13,212,743), AND (2) GENERAL OBLIGATION REFUNDING BONDS, SUBJECT TO THE LIMITATIONS PROVIDED FOR HEREIN, THE PROCEEDS OF THE SALE THEREOF TO BE USED AND APPLIED FOR THE PUBLIC PURPOSE OF FINANCING, REIMBURSING OR REFINANCING COSTS OF THE PUBLIC PURPOSE PROJECTS IDENTIFIED HEREIN AS STATION #16 HVAC REPLACEMENT, DOWNTOWN STREET SCAPING, TOWNSQUARE, TOWN SQUARE, RAIL TRAIL MASTER PLAN IMPLEMENTATION, APPARATUS REPLACEMENT - RESCUE 16, JOHNSON POND DAM IMPROVEMENTS, BEAGLIN PARK DAM IMPROVEMENTS, GOB EXTERIOR WATERPROOFING, ZOO FACILITY IMPROVEMENTS, NORTH PRONG PARK LAND ACQUISITION, STREET LIGHT ADDITIONS AND REPLACEMENT, AMPHITHEATER PEDESTRIAN BRIDGE, RESTORE PARK WELL FIELD, RESTORE PALEO WELL FIELD, WWTP ELECTRIC UPGRADES, PARK WELL FIELD RAW WATER MAIN & VALVE RPLC, GLEN AVENUE LIFT STATION, WWTP OUTFALL INSPECTION AND REPAIRS, SOUTHSIDE PUMP STATION FORCE MAIN, PARK WELL FIELD, PARK WELL 2, SOLID WASTE DISP, AND COSTS OF ISSUANCE; SPECIFYING THE MAXIMUM ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF THE BONDS OR BOND ANTICIPATION NOTES PROVIDED FOR HEREIN TO BE ALLOCATED TO EACH SUCH PROJECT, SUBJECT TO REALLOCATION BY THE CITY IN ACCORDANCE WITH APPLICABLE BUDGETARY PROCEDURES OR LAW; PROVIDING THAT THE COUNCIL BY RESOLUTION SHALL DETERMINE, APPROVE OR PROVIDE FOR VARIOUS MATTERS RELATING TO THE AUTHORIZATION, SALE, SECURITY, ISSUANCE, DELIVERY, PAYMENT AND PREPAYMENT OR REDEMPTION OF AND FOR EACH SERIES OF THE BONDS, THE BOND ANTICIPATION NOTES AND THE REFUNDING BONDS (EACH A “SERIES OF THE OBLIGATIONS” OR THE “OBLIGATIONS”); PROVIDING FOR THE IMPOSITION OF AD

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Underlining : Indicates material added by amendment after introduction  
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42 VALOREM TAXES SUFFICIENT FOR, AND PLEDGING THE FULL  
43 FAITH AND CREDIT AND UNLIMITED TAXING POWER OF THE CITY  
44 TO, THE PAYMENT OF DEBT SERVICE ON EACH SERIES OF THE  
45 OBLIGATIONS; PROVIDING THAT DEBT SERVICE ON EACH SERIES  
46 OF THE OBLIGATIONS ALSO MAY BE PAID FROM ANY OTHER  
47 SOURCES OF REVENUE LAWFULLY AVAILABLE TO THE CITY FOR  
48 SUCH PURPOSE; PROVIDING THAT CERTAIN ACTIONS MAY BE  
49 TAKEN OR PROVIDED FOR BY RESOLUTION IN CONNECTION WITH  
50 THE REISSUANCE OR MODIFICATION OF ANY OF THE  
51 OBLIGATIONS; PROVIDING THAT ANY OF THE OBLIGATIONS MAY  
52 BE CONSOLIDATED WITH OTHER OBLIGATIONS OF THE CITY AND  
53 ISSUED AS A SINGLE SERIES OF BONDS, BOND ANTICIPATION  
54 NOTES AND/OR REFUNDING BONDS; AUTHORIZING, DIRECTING  
55 AND EMPOWERING OFFICIALS AND EMPLOYEES OF THE CITY TO  
56 TAKE CERTAIN ACTIONS IN CONNECTION WITH THE  
57 OBLIGATIONS; AUTHORIZING MODIFICATIONS OF THE  
58 OBLIGATIONS TO BE MADE BY RESOLUTION UNLESS ANOTHER  
59 ACTION IS REQUIRED; PROVIDING THAT THIS TITLE SHALL BE  
60 DEEMED A STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE  
61 FOR ALL PURPOSES; PROVIDING THAT THE PROVISIONS OF THIS  
62 ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE  
63 GENERALLY RELATING TO THE SALE, ISSUANCE AND DELIVERY  
64 AND PAYMENT OF AND FOR THE OBLIGATIONS.

65  
66 **RECITALS**  
67

68 **WHEREAS**, City of Salisbury, a municipal corporation of the State of Maryland and a  
69 municipality within the meaning of the Enabling Act, the Bond Anticipation Note Act and the  
70 Refunding Act identified below (the “City”), is authorized and empowered by Sections 19-301  
71 through 19-309 of the Local Government Article of the Annotated Code of Maryland, as replaced,  
72 supplemented or amended (the “Enabling Act”), and Sections SC7-45 and SC7-46 of the Charter of  
73 the City of Salisbury, as replaced, supplemented or amended (the “Charter”), to borrow money for  
74 any proper public purpose and to evidence such borrowing by the sale and issuance of its general  
75 obligation bonds; and  
76

77 **WHEREAS**, the City has determined to undertake the public purpose projects identified in  
78 Section 3(b) of this Ordinance; and  
79

80 **WHEREAS**, the City has determined to authorize the sale and issuance from time to time of  
81 one or more series of its general obligation bonds in order to finance, reimburse or refinance all or a  
82 portion of the costs of any of the public purpose projects identified in Section 3 of this Ordinance; and  
83

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Underlining : Indicates material added by amendment after introduction  
~~Strike-through~~ : Indicates material deleted by amendment after introduction

84           **WHEREAS**, prior to issuing one or more series of the general obligation bonds authorized  
85 hereby, the City may need to obtain interim financing in order to finance, reimburse or refinance  
86 applicable project costs on a timely basis through the sale and issuance from time to time of general  
87 obligation bond anticipation notes in one or more series as authorized by Sections 19-211 through 19-  
88 223 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented  
89 or amended (the “Bond Anticipation Note Act”); and  
90

91           **WHEREAS**, subsequent to the issuance of any general obligation bonds provided for herein,  
92 the City may desire to currently refund or advance refund all or a portion of such bonds through the  
93 sale and issuance from time to time of one or more series of its general obligation refunding bonds as  
94 authorized by Section 19-207 of the Local Government Article of the Annotated Code of Maryland,  
95 as replaced, supplemented or amended (the “Refunding Act”); and  
96

97           **WHEREAS**, the City has determined to pledge its full faith and credit and unlimited taxing  
98 power to the prompt payment of debt service on any general obligation bonds, bond anticipation notes  
99 or refunding bonds authorized hereby; and  
100

101           **WHEREAS**, the City shall issue any general obligation bonds, bond anticipation notes or  
102 refunding bonds authorized hereby in accordance with the terms and conditions provided for in a  
103 resolution or resolutions to be adopted by the Council of the City (the “Council”) pursuant to the  
104 authority of the Enabling Act, the Bond Anticipation Note Act, the Refunding Act, other applicable  
105 law, Sections SC7-45 and SC7-46 of the Charter and this Ordinance, as applicable.  
106

107           **SECTION 1. NOW, THEREFORE BE IT ENACTED AND ORDAINED BY THE**  
108 **COUNCIL OF THE CITY OF SALISBURY, MARYLAND** that:  
109

110           (a)     The Recitals to this Ordinance are deemed a substantive part of this Ordinance and  
111 incorporated by reference herein. Capitalized terms used in the Sections of this Ordinance and not  
112 defined herein shall have the meanings given to such terms in the Recitals.

113           (b)     References in this Ordinance to any official by title shall be deemed to refer (i) to any  
114 official authorized under the Charter, the code of ordinances of the City (the “City Code”) or other  
115 applicable law or authority to act in such titled official’s stead during the absence or disability of such  
116 titled official, (ii) to any person who has been elected, appointed or designated to fill such position in  
117 an acting or interim capacity under the Charter, the City Code or other applicable law or authority,  
118 (iii) to any person who serves in a “deputy”, “associate” or “assistant” capacity as such an official,  
119 provided that the applicable responsibilities, rights or duties referred to herein have been delegated to  
120 such deputy, associate or assistant in accordance with the Charter, the City Code or other applicable  
121 law or authority, and/or (iv) to the extent an identified official commonly uses another title not  
122 provided for in the Charter, the City Code or other applicable law or authority, the official, however  
123 known, who is charged under the Charter, the City Code or other applicable law or authority with the  
124 applicable responsibilities, rights or duties referred to herein.

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Underlining           :   Indicates material added by amendment after introduction  
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125 (c) References in this Ordinance to the “principal amount” of any of the Bonds, the BANs,  
126 the Refunding Bonds or the Obligations (each as defined herein) shall be construed to mean the par  
127 amount of such Bonds, BANs, Refunding Bonds or Obligations, as applicable. References in this  
128 Ordinance to the “proceeds” of any of the Bonds, the BANs, the Refunding Bonds or the Obligations  
129 shall be construed to mean par amount, net original issue premium realized upon sale and/or  
130 investment earnings. References in this Ordinance to “investment earnings” shall be construed to  
131 include interest income.

132 (d) References in this Ordinance to City officials shall be construed to include  
133 references to City employees, to the extent applicable.

134 **SECTION 2. BE IT FURTHER ENACTED AND ORDAINED** that pursuant to the  
135 authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and any other applicable  
136 law, the City hereby determines to borrow money and incur indebtedness from time to time for the  
137 public purpose of financing, reimbursing or refinancing costs (as defined in Section 3(b) hereof) of  
138 any of the Projects identified in Section 3(b) hereof.

139  
140 **SECTION 3. BE IT FURTHER ENACTED AND ORDAINED** that:

141 (a) To evidence the borrowing and indebtedness authorized in Section 2 of this  
142 Ordinance, the City, acting pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-  
143 46 of the Charter and any other applicable law, hereby determines to authorize the sale and issuance  
144 from time to time, in one or more series, upon its full faith and credit, of its general obligation bonds  
145 in an original aggregate principal amount not to exceed Thirteen Million Two Hundred Twelve  
146 Thousand Seven Hundred Forty-Three Dollars (\$13,212,743) (each, a “series of the Bonds” and,  
147 collectively, the “Bonds”). Any series of the Bonds may be issued as one or more bonds and any  
148 such bond may be issued in installment form and/or draw-down form.

150 (b) With respect to the projects listed below, the word “costs” as used in Section 2 hereof  
151 shall include, as applicable, costs of the following activities and expenses: land and right-of-way  
152 acquisition and development; acquisition of other property rights; site and utility improvements,  
153 including, without limitation, grading, landscaping, paving and repaving, sidewalk, curb, gutter, storm  
154 water, water and sewer improvements, street lights, traffic control improvements, other amenities,  
155 and related or similar activities and expenses; demolition, razing and removal and related or similar  
156 activities and expenses; acquisition, construction, expansion, reconstruction, replacement, renovation,  
157 rehabilitation, upgrading, improvement, installation, furnishing and equipping activities and  
158 expenses, and related or similar activities and expenses; planning, design, testing, study, feasibility,  
159 surveying, architectural, engineering, document development, bidding, permitting, inspection,  
160 construction management, financial, administrative and legal expenses, and related or similar  
161 activities and expenses; contingencies; costs of issuance (which may include costs of bond insurance  
162 or other credit or liquidity enhancement); interest during construction and for a reasonable period  
163 thereafter (whether or not expressly so stated); and any such costs that may represent the City’s share  
164

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165 or contribution to the financing, reimbursement or refinancing of the costs of any such project  
166 (collectively, "Costs of the Projects"). The maximum original aggregate principal amount of the  
167 Bonds (or the BANs, as identified in Section 6 hereof) to be appropriated or applied to the Costs of  
168 the Projects (exclusive of any net original issue premium realized upon sale or investment earnings  
169 that may be applied for such purposes) shall be allocated among the following public purpose projects  
170 in the maximum principal amount set forth opposite each, except as otherwise herein provided:

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Station #16 HVAC Replacement (1)	\$ 130,000
2.	Downtown Street Scaping (1)	775,000
3.	TownSquare (1)	900,000
4.	Town Square (2)	200,000
5.	Rail Trail Master Plan Implementation (1)	700,000
6.	Apparatus Replacement – Rescue 16 (3)	1,625,000
7.	Johnson Pond Dam Improvements (3)	1,550,000
8.	Beaglin Park Dam Improvements (4)	100,000
9.	GOB Exterior Waterproofing (4)	175,000
10.	Zoo Facility Improvements (4)	350,000
11.	North Prong Park Land Acquisition (4)	100,000
12.	Street Light Additions and Replacement (4)	105,000
13.	Amphitheater Pedestrian Bridge (4)	125,000
14.	Restore Park Well Field (3)	175,000
15.	Restore Paleo Well Field (3)	217,000
16.	WWTP Electric Upgrades (3)	1,060,493
17.	Park Well Field Raw Water Main & Valve Rplc (3)	875,000
18.	Glen Avenue Lift Station (3)	750,000
19.	WWTP Outfall Inspection and Repairs (3)	500,000
20.	Southside Pump Station Force Main (3)	495,000
21.	Park Well Field (4)	550,000
22.	Park Well 2 (4)	350,000
23.	Solid Waste Disp (4)	810,250
24.	Southside Pump Station Force Main (5)	295,000
25.	Costs of Issuance (4)	<u>300,000</u>
<b>TOTAL</b>		<b><u>\$13,212,743</u></b>

177

178 <sup>1</sup> Project was approved for bond funding in fiscal year 2024 by the fiscal year 2023 budget ordinance  
 179 (Ordinance No. 2721).

180 <sup>2</sup> Project was approved for additional bond funding in fiscal year 2024 by amendments to the fiscal  
 181 year 2023 budget ordinance through Ordinance No. 2774.

182 <sup>3</sup> Project was approved for bond funding in the fiscal year 2024 budget ordinance (Ordinance No.  
 183 2802).

184 <sup>4</sup> Project is scheduled to be approved for bond funding during fiscal year 2024 by amendments to the  
 185 fiscal year 2024 budget ordinance.

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186 <sup>5</sup> Project is scheduled to be approved for additional bond funding by amendments to the fiscal year  
187 2024 budget ordinance.  
188

189 The projects, including costs of issuance, identified in items 1-25 above are collectively referred to  
190 herein as the “Projects.” The Projects described in items 1-25 above are identified by approximately  
191 the same names as such Projects are identified in City budgets and related materials. By inclusion in  
192 the table above, the City hereby appropriates up to the maximum principal amount of any issued  
193 Bonds (or any issued BANs, as applicable) for application to the Costs of the Projects as provided for  
194 in such table, subject to the further provisions of this Ordinance. The City, without notice to or the  
195 consent of any registered owners of any issued Bonds (or the registered owners of any issued BANs,  
196 as applicable), may allocate and reallocate the maximum principal amount of any issued Bonds (and  
197 of any issued BANs, as applicable) (exclusive of any net original issue premium realized upon sale  
198 or investment earnings that may be applied for such purposes) to be spent on Costs of the Projects  
199 among any of the Projects in compliance with applicable budgetary procedures or applicable law,  
200 including, to the extent applicable, by resolution. Further, it is the intention of the Council that the  
201 principal amount of any issued Bonds (or of any issued BANs, as applicable) may be spent on any  
202 applicable Costs of the Projects, notwithstanding the descriptive names used for the Projects in the  
203 table above, including, without limitation, costs related to changes in the scopes of and/or names of  
204 the Projects effected through applicable budgetary procedures or applicable law.

205 (c) It is the intention of the Council that, without having to amend this Ordinance,  
206 unless an amendment is necessary to modify the definition of “Costs of the Projects,” and without  
207 notice to or the consent of the owners of any issued Bonds (or the owners of any issued BANs  
208 provided for in Section 6 hereof, as applicable), the principal amount of any issued Bonds (or of  
209 any issued BANs, as applicable) may be spent on any applicable Costs of the Projects,  
210 notwithstanding the descriptive name used for the Projects in the table above, including, without  
211 limitation, costs related to changes in the scope of and/or name of any Project effected through  
212 applicable budgetary procedures or applicable law.

213 (d) The Council, by enactment of a supplemental ordinance, and without notice to or  
214 consent of the owners of any issued Bonds (or the owners of any issued BANs, as applicable), may  
215 reallocate any portion of the principal amount thereof to be spent on Costs of the Projects (as such  
216 definition may be amended by supplemental ordinance) of one or more additional projects identified  
217 in such supplemental ordinance and, in such event, (i) references in this Ordinance to the “Projects”  
218 shall be deemed to include the Projects identified in subsection (b) above and all such additional  
219 projects (unless any original or additional project is removed entirely from the definition of the  
220 Projects by a supplemental ordinance), and (ii) references in this Ordinance to “Costs of the Projects”  
221 shall be deemed to include any modifications to such definition, as applicable. After any such  
222 reallocation is made by supplemental ordinance, the Council, without notice to or the consent of the  
223 owners of any issued Bonds (or the owners of any issued BANs, as applicable), may reallocate the  
224 maximum principal amount of any issued Bonds (and of any issued BANs, as applicable) to be spent

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225 on Costs of the Projects among all such authorized projects in compliance with applicable budgetary  
226 procedures or applicable law.

227  
228 (e) In the event the City issues any series of the BANs pursuant to Section 6 of this  
229 Ordinance, proceeds of the Bonds of any series in anticipation of which such series of the BANs were  
230 issued may also be applied to prepay or pay principal, premium and/or interest on such series of the  
231 BANs as well as costs of issuance thereof in accordance with the provisions of the Bond Anticipation  
232 Note Act, and such application shall be deemed the payment of Costs of the Projects for purposes of  
233 this Ordinance.

234  
235 (f) Subject to the provisions of subsections (d) and (e) above, by resolution or as  
236 otherwise allowed by applicable law, and without notice to or the consent of any registered owners  
237 of any issued Bonds (or of any issued BANs, as applicable), the Council may determine or provide  
238 for the determination of, and subsequently reallocate, how any unexpended par amount of any series  
239 of the Bonds (or any series of the BANs, as applicable), net original issue premium realized upon sale  
240 and/or any investment earnings shall be expended, which may include, without limitation, on Costs  
241 of the Projects (including costs of issuance), to prepay or pay principal, premium and/or interest on a  
242 series of the BANs, and/or on debt service payable or prepayable on any such series of the Bonds or  
243 of the BANs, as applicable, to the extent not prohibited by applicable law.

244  
245 (g) To the extent not prohibited by applicable law, the authorization of the sale and  
246 issuance of the Bonds and the BANs provided for in this Ordinance in order to finance, reimburse or  
247 refinance Costs of the Projects shall be construed to authorize the sale and issuance of any series of  
248 the Bonds or the BANs in any fiscal year later than fiscal year 2024 for such purpose in the event  
249 such authority is not fully used in fiscal year 2024, for whatever reason; provided that, no BANs shall  
250 be issued to finance, reimburse or refinance Costs of any Project once the authority to issue Bonds to  
251 finance, reimburse or refinance Costs of such Project has been used up to the maximum principal  
252 amount specified for such Project in the table in subsection (b) above.

253  
254 **SECTION 4. BE IT FURTHER ENACTED AND ORDAINED** that the proceeds of the  
255 Bonds shall be used and applied by the City exclusively and solely for the public purposes described  
256 in Section 3 of this Ordinance, unless a supplemental ordinance is enacted by the Council to provide  
257 for the use and application of such proceeds for some other proper public purpose authorized by the  
258 Enabling Act, the Charter or other applicable law; provided that, no such supplemental ordinance  
259 shall be required if changes in the scope of or name of any Project are otherwise made as  
260 contemplated in Section 3(c) of this Ordinance.

261  
262 **SECTION 5. BE IT FURTHER ENACTED AND ORDAINED** that pursuant to the  
263 authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, this Ordinance and any  
264 other applicable law, the Council, prior to the sale, issuance and delivery of each series of the Bonds,  
265 shall adopt a resolution or resolutions specifying, prescribing, determining, providing for or approving  
266 such matters, details, forms (including, without limitation, the form or substantially final form of the

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267 Bonds of such series), documents or procedures as may be required by the Enabling Act, Sections  
268 SC7-45 and SC7-46 of the Charter, other applicable law or this Ordinance or as the Council may  
269 deem appropriate for the authorization, sale, security, issuance, delivery, payment, prepayment or  
270 redemption of or for such series of the Bonds, subject to the limitations of any applicable law. Any  
271 such resolution may, subject to the limitations of any applicable law, set forth, determine or provide  
272 for the determination of, provide for, or approve or provide for the approval of, among other  
273 matters, as applicable, the designation of such series of the Bonds; the date of issuance of such series  
274 of the Bonds; the original aggregate principal amount of such series of the Bonds; the denomination  
275 or denominations of such series of the Bonds; the maturity or maturities of such series of the Bonds,  
276 or the method of determining such maturity or maturities; the principal installment or installments  
277 (including, without limitation, serial maturities and/or mandatory sinking fund installments) payable  
278 on such series of the Bonds or the method of determining such principal installments; the rate or rates  
279 of interest, or the method of determining the rate or rates of interest, payable on such series of the  
280 Bonds, which may be fixed or variable; provisions for the payment of late fees, additional interest  
281 and/or penalties payable with respect to such series of the Bonds and/or adjustments to interest rates;  
282 the purchase price for such series of the Bonds (which may be at, above or below par value) or the  
283 method of determining the purchase price; provisions relating to the prepayment or redemption of  
284 such series of the Bonds at the City's option or by mandatory sinking fund payments; provisions  
285 allowing the registered owners of such series of the Bonds to put or cause the prepayment or  
286 redemption of the same at their option; the manner of selling such series of the Bonds, which may be  
287 by private (negotiated) sale without advertisement or solicitation of competitive bids (including in a  
288 negotiated underwriting or by direct purchase) or at public sale after publication or dissemination of  
289 the notice of sale (in any manner permitted by applicable law), and all matters in connection therewith,  
290 including any forms or substantially final forms of documents, agreements, certificates, instruments  
291 or notices authorized or required by applicable law; provisions for the execution of such series of the  
292 Bonds; whether any net original issue premium realized upon sale shall be applied to reduce the par  
293 amount of such series of the Bonds to be issued for the intended purposes; any limitations on the Costs  
294 of the Projects on which the proceeds of such series of the Bonds may be expended and further  
295 provisions for the appropriation, disposal and investment of such proceeds; the selection of any bond  
296 registrar, paying agent, investment bidding agent or other appropriate service providers in connection  
297 with such series of the Bonds; certifications, representations, determinations, designations or elections  
298 relating to the tax-exempt or taxable status of interest payable on such series of the Bonds; and all  
299 other terms and conditions pursuant to which such series of the Bonds will be issued, sold and  
300 delivered, including, without limitation, any other determinations to be made or provided for by  
301 resolution as required by Charter Section SC7-46.A. Among other matters, the Council by resolution  
302 may authorize, approve or otherwise provide for (i) payment of any commitment fee, breakage fee or  
303 other fee and any other costs (including other parties' legal costs and expenses) payable in connection  
304 with any series of the Bonds, (ii) the obtaining of credit enhancement or liquidity enhancement for  
305 any series of the Bonds (and the negotiation, approval, execution and delivery of any agreements or  
306 documents relating thereto), and (iii) any other agreements, documents, instruments or determinations  
307 necessary or desirable to enhance the marketability of or as security for any series of the Bonds,  
308 including, without limitation, any ratings, any official statement or similar disclosure document or

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309 any continuing disclosure undertaking required to satisfy the requirements of Securities and Exchange  
310 Commission Rule 15c2-12. References in this Section 5 to providing for determinations by resolution  
311 shall be construed to permit the Council to delegate to one or more officials the authority to make or  
312 provide on behalf of the City any of the determinations, approvals or other decisions contemplated by  
313 this Section 5. Any resolution may specify, prescribe, determine or provide for the determination of,  
314 provide for, or approve or provide for the approval of, the matters identified in this Section 5 for more  
315 than one series of the Bonds.

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**SECTION 6. BE IT FURTHER ENACTED AND ORDAINED** that:

318 (a) Pursuant to the authority of the Bond Anticipation Note Act, Sections SC7-45 and  
319 SC7-46 of the Charter and any other applicable law, the City is hereby authorized and empowered  
320 to sell and issue, upon its full faith and credit, its general obligation bond anticipation notes in one or  
321 more series from time to time in an original aggregate principal amount not to exceed Thirteen  
322 Million Two Hundred Twelve Thousand Seven Hundred Forty-Three Dollars (\$13,212,743) (each,  
323 a “series of the BANs” and, collectively, the “BANs”), prior to and in anticipation of the sale of any  
324 series of the Bonds, for the public purpose of financing, reimbursing or refinancing Costs of the  
325 Projects on an interim basis. Any such series of the BANs may consist of one or more notes and any  
326 note may be issued in installment form and/or draw-down form.

327 (b) Prior to the sale, issuance and delivery of each series of the BANs, the Council shall  
328 adopt a resolution or resolutions pursuant to the authority of the Bond Anticipation Note Act, Sections  
329 SC7-45 and SC7-46 of the Charter, any other applicable law and this Ordinance authorizing such  
330 series of the BANs and specifying, prescribing, determining or providing for the determination of,  
331 providing for, or approving or providing for the approval of, with respect to such series of the BANs,  
332 the same types of matters, details, forms, documents, procedures or determinations detailed in Section  
333 5 hereof that may be made or addressed with respect to any series of the Bonds, to the extent  
334 applicable with respect to such series of the BANs, and as otherwise may be authorized or required  
335 by applicable law, including, without limitation, whether any net original issue premium realized  
336 upon sale shall be applied to reduce the par amount of such series of the BANs to be issued for the  
337 intended purposes. By resolution the Council may delegate to one or more City officials the authority  
338 to make any final determinations, approvals or decisions with respect to any series of the BANs. Any  
339 resolution may specify, prescribe, determine or provide for the determination of, provide for, or  
340 approve or provide for the approval of, the details required or authorized by this Section 6 for more  
341 than one series of the BANs.

342 (c) The City hereby covenants (i) to pay from the proceeds of one or more series of the  
343 Bonds the principal of any series of the BANs actually issued, (ii) to the extent that interest on any  
344 series of the BANs is not paid from proceeds of such BANs (within the limitations of applicable law),  
345 to pay the interest on such series of the BANs from the proceeds of one or more series of the Bonds,  
346 and (iii) to issue the applicable series of the Bonds as soon as there is no longer a reason for deferring  
347 its issuance. This covenant shall not be construed to prevent the City from paying principal of and/or

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348 interest on any series of the BANs from sources of funds other than proceeds of the Bonds, to the  
349 extent such other funds are available for such purpose.

350 (d) As authorized by the Bond Anticipation Note Act, by resolution the Council may  
351 provide for the renewal of any series of the BANs at maturity with or without resale, together with  
352 any amendments or modifications to or replacements of such series of the BANs and any related  
353 documentation.

354 **SECTION 7. BE IT FURTHER ENACTED AND ORDAINED** that:

355 (a) Pursuant to the authority of the Enabling Act, the Refunding Act, Sections SC7-45  
356 and SC7-46 of the Charter and any other applicable law, the City is hereby authorized and  
357 empowered to sell and issue, upon its full faith and credit, its general obligation refunding bonds  
358 in one or more series from time to time (each, a “series of the Refunding Bonds” and, collectively,  
359 the “Refunding Bonds”), for the purpose of currently refunding or advance refunding in whole or  
360 in part any of the Bonds then outstanding, including paying all or any portion of the following:  
361 outstanding principal, any prepayment or redemption premium, and/or interest accrued or to accrue  
362 to the date or dates of prepayment, redemption, purchase or maturity of the Bonds to be refunded,  
363 paying costs and expenses in connection with the sale, issuance and delivery of such series of the  
364 Refunding Bonds (including, without limitation, legal and financial costs and costs of any credit  
365 enhancement or liquidity enhancement), and, to the extent determined or provided for by the  
366 Council by resolution, paying interest on such series of the Refunding Bonds, for the public  
367 purpose of (A) realizing savings to the City in the total cost of debt service on a direct comparison  
368 or present value basis, (B) debt restructuring that reduces the total cost of debt service, (C) debt  
369 restructuring that is determined to be in the best interests of the City, to be consistent with the City’s  
370 long-term financial plan, and to realize a financial objective of the City, including improving the  
371 relationship of debt service to any source of payment such as taxes, assessments or other charges,  
372 and/or (D) for any other purpose then authorized by the Refunding Act or other applicable law, and  
373 as determined or provided for by the Council by resolution; provided that, the original aggregate  
374 principal amount of any series of the Refunding Bonds shall not exceed one hundred thirty percent  
375 (130%) of the aggregate principal amount of the Bonds refunded therefrom. Any such series of the  
376 Refunding Bonds may consist of one or more bonds and any bond may be issued in installment form  
377 and/or draw-down form.

378 (b) Prior to the sale, issuance and delivery of each series of the Refunding Bonds, the  
379 Council shall adopt a resolution or resolutions pursuant to the authority of the Refunding Act,  
380 Sections SC7-45 and SC7-46 of the Charter, any other applicable law and this Ordinance  
381 authorizing such series of the Refunding Bonds and specifying, prescribing, determining or  
382 providing for the determination of, providing for, or approving or providing for the approval of,  
383 with respect to such series of the Refunding Bonds, the same types of matters, details, forms,  
384 documents, procedures and determinations detailed in Section 5 hereof that may be made or  
385 addressed with respect to any series of the Bonds, to the extent applicable to such series of the

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386 Refunding Bonds, and as otherwise may be authorized or required by applicable law, including,  
387 without limitation, the purposes of the Refunding Act or other applicable law to be achieved by  
388 the issuance of such series of the Refunding Bonds, whether any net original issue premium  
389 realized upon sale shall be applied to reduce the par amount of such series of the Refunding Bonds  
390 to be issued for the intended purposes, the selection of any escrow agent, verification consultant,  
391 escrow bidding agent or other service provider, the determination of the Bonds to be refunded in  
392 whole or in part from such series of the Refunding Bonds, and any agreements, documents or other  
393 instruments necessary or desirable in connection with the refunding. By resolution the Council  
394 may delegate to one or more City officials the authority to make any final determinations, approvals  
395 or decisions with respect to any series of the Refunding Bonds. Any resolution may specify,  
396 prescribe, determine or provide for the determination of, provide for, or approve or provide for the  
397 approval of, the details required or authorized by this Section 7 for more than one series of the  
398 Refunding Bonds.

399 (c) By resolution or as otherwise allowed by applicable law, and without notice to or  
400 the consent of the registered owners of any issued series of the Refunding Bonds, the Council may  
401 determine or provide for the determination of, and subsequently reallocate, how any unexpended  
402 par amount of such series of the Refunding Bonds, net original issue premium realized upon sale  
403 and/or investment earnings shall be expended, which may include, without limitation, on refunding  
404 the applicable Bonds, on costs of issuance of such series of the Refunding Bonds, and/or on debt  
405 service payable or prepayable on such series of the Refunding Bonds, to the extent not prohibited  
406 by applicable law.

407 **SECTION 8. BE IT FURTHER ENACTED AND ORDAINED** that:

408 (a) The full faith and credit and unlimited taxing power of the City are hereby pledged  
409 to the payment of the principal of and interest on each series of the Bonds, the BANs or the  
410 Refunding Bonds actually issued, as applicable (each, a “series of the Obligations” and,  
411 collectively, the “Obligations”), when due and to the imposition of the taxes hereinbelow described  
412 as and when such taxes may become necessary in order to provide sufficient funds to meet the debt  
413 service requirements of each series of the Obligations. Subject to the further provisions of this  
414 Section 8, the City hereby covenants with the registered owners of the Obligations of each series  
415 to impose ad valorem taxes on all real and tangible personal property in the City that is subject to  
416 assessment for unlimited municipal taxation at a rate and in an amount sufficient to pay the  
417 principal of and the interest on the Obligations in each fiscal year in which any of the Obligations  
418 are outstanding and to take any further action that may be lawfully appropriate from time to time  
419 during the period that the Obligations of such series remain outstanding and unpaid to provide the  
420 funds necessary to pay promptly the principal thereof and the interest due thereon. If the proceeds  
421 from the taxes so imposed in any such fiscal year are inadequate for such payment, additional taxes  
422 shall be imposed in the succeeding fiscal year to make up such deficiency.

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423 (b) The foregoing provisions shall not be construed so as to prohibit the City from  
424 paying the principal of and interest on the Obligations of any series from the proceeds of the sale  
425 of any other obligations of the City or from any other funds legally available for that purpose  
426 (including, without limitation, with respect to any BANs, from the proceeds of any Bonds and,  
427 with respect to any Bonds, from the proceeds of any Refunding Bonds). Within the limitations of  
428 any applicable Maryland or federal law (including, without limitation, the Internal Revenue Code  
429 of 1986, as amended, and the regulations issued thereunder), the City may apply to the payment  
430 of the principal of or interest on the Obligations of any series any funds received by it from the  
431 State of Maryland or the United States of America, or any governmental agency or instrumentality,  
432 or from any other source, if the funds are granted or paid to the City for the purpose of assisting  
433 the City in accomplishing the components of Costs of the Projects which the Obligations of such  
434 series are issued to finance, reimburse or refinance or are otherwise available for such purpose,  
435 and to the extent of any such funds received or receivable in any fiscal year, the taxes hereby  
436 required to be imposed may be reduced proportionately.

437  
438 (c) Pursuant to the authority of Section SC7-46.A. of the Charter, by resolution the  
439 Council may provide that all or a portion of the debt service on the allocable portion of any series of  
440 the Obligations shall be payable in the first instance from specified revenues or other moneys  
441 identified in such resolution, to the extent available for such purpose.

442  
443 **SECTION 9. BE IT FURTHER ENACTED AND ORDAINED** that by resolution, the  
444 Council may make any appropriate arrangements (including, without limitation, by authorizing one  
445 or more appropriate officials to make any elections, designations, determinations or filings on the  
446 City's behalf) in the event any right of the registered owner of an Obligation to put or cause the  
447 prepayment or redemption of such Obligation at its option, or any change in the interest rate of an  
448 Obligation, or any other modification to an Obligation could lead to a reissuance of such Obligation  
449 for purposes of the Internal Revenue Code of 1986, as amended, and the U.S. Treasury Regulations  
450 promulgated thereunder.

451  
452 **SECTION 10. BE IT FURTHER ENACTED AND ORDAINED** that by resolution, the  
453 Council may determine that any of the Bonds, the BANs or the Refunding Bonds may be consolidated  
454 with any bonds, bond anticipation notes and/or refunding bonds authorized by the Council and issued  
455 as a single series of bonds, bond anticipation notes and/or refunding bonds, as applicable.

456  
457 **SECTION 11. BE IT FURTHER ENACTED AND ORDAINED** that by resolution the  
458 Council may make or authorize any modifications to (i) any series of the Obligations once issued, and  
459 (ii) any related documentation, agreements, certificates or instruments, unless under applicable law  
460 the proposed modifications require action by ordinance in addition to or in place of a resolution.

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462 **SECTION 12. BE IT FURTHER ENACTED AND ORDAINED** that with respect to any  
463 series of the Obligations, the Council by resolution may delegate to one or more specified officials  
464 the authority to negotiate, approve, execute and deliver, as applicable, any documents, agreements,

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Underlining : Indicates material added by amendment after introduction  
~~Strike-through~~ : Indicates material deleted by amendment after introduction

465 certificates or instruments relating to such Obligations or to take other actions with respect thereto.  
466 The following City officials: the Mayor, the City Administrator, the Director of Finance, the City  
467 Clerk and all other appropriate officials and employees of the City are hereby authorized, empowered  
468 and directed to (i) take any and all action necessary to complete and close the sale, issuance and  
469 delivery of the Bonds, the BANs and the Refunding Bonds, (ii) negotiate, approve, execute and  
470 deliver all documents, agreements, certificates and instruments necessary or appropriate in connection  
471 with any such sale, issuance and delivery, and (iii) carry out the transactions contemplated by this  
472 Ordinance, any ordinance amendatory of or supplemental to this Ordinance, any resolution adopted  
473 in furtherance of this Ordinance (including any amendatory or supplemental resolutions), and any  
474 documents, agreements, certificates or instruments executed and delivered in connection with any  
475 series of the Obligations, all to the extent any particular action is within the scope of such official's  
476 authority and such authorization has not otherwise been delegated to one or more specified City  
477 officials by ordinance or resolution.

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479 **SECTION 13. BE IT FURTHER ENACTED AND ORDAINED** that nothing in this  
480 Ordinance shall be construed as preventing the City from applying other available moneys to any of  
481 the purposes for which any series of the Obligations is issued, in addition to proceeds of such  
482 Obligations.

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484 **SECTION 14. BE IT FURTHER ENACTED AND ORDAINED** that in the event that, to  
485 the extent not prohibited by the Charter, at the time the City seal needs to be or may be impressed or  
486 affixed on any of the Obligations or any related documents, agreements, certificates, instruments the  
487 position of the City Clerk is vacant, or in the absence, disability or unavailability of any incumbent  
488 City Clerk, if no other City official has the authority to attest to the impression or affixing of the City  
489 seal under the Charter, the City Code or other applicable law or authority, such attestation may be  
490 made by any of the following in the following order of priority: any Assistant City Clerk, the City  
491 Administrator, any Deputy City Administrator, the Director of Finance or any other official  
492 designated by the Council by resolution, motion or other appropriate action; provided that, the same  
493 official may not both execute any such document or agreement on behalf of the City and attest to the  
494 impression or affixing of the City seal on the same, but any such official may both certify to the  
495 impression or affixing of the City seal on and make other certifications in any closing certificate.

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497 **SECTION 15. BE IT FURTHER ENACTED AND ORDAINED** that this Ordinance may  
498 be executed (i) in counterparts and/or (ii) to the extent not prohibited by applicable law, by  
499 electronic, stamped or facsimile signature, and all executed counterparts of this Ordinance shall be  
500 treated as one and the same instrument.

501  
502 **SECTION 16. BE IT FURTHER ENACTED AND ORDAINED** that the title of this  
503 Ordinance shall be deemed to be, and is, a statement of the substance of this Ordinance for publication  
504 and all other purposes.

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Underlining : Indicates material added by amendment after introduction  
~~Strike-through~~ : Indicates material deleted by amendment after introduction



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INTER

OFFICE

# MEMO

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## *Finance Department*

**To:** Andy Kitzrow, City Administrator  
**From:** Keith Cordrey, Director of Finance *KAC*  
**Subject:** Ordinance to fund various Capital Projects using Bond Proceeds  
**Date:** April 17, 2024

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Attached is an ordinance to fund capital projects initially planned to be authorized in the FY2025 budget. The City has moved them up to be funded in the FY2024 Bond Issue that is scheduled for this June in order to consolidate bond issues and save bond issuance expense.

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**ORDINANCE NO. 2865**

**AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE  
MAYOR TO APPROPRIATE FUNDS FOR VARIOUS CAPITAL  
PROJECTS.**

**WHEREAS**, the City of Salisbury has determined Capital Projects, to be funded from Bond Proceeds, would best be funded in the FY24 Bond Issue to consolidate planned bond issuances in order to save bond issuance expense; and

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

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

**Section 1.** Mayor Randolph J. Taylor is hereby authorized to appropriate funds for the projects listed in Section 2 and Section 3 below.

**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 follows:

<b>Account</b>	<b>Project Description</b>		<b>Amount</b>
98124-513026-TBD	Beaglin Park Dam Improvements	Increase	100,000
98124-513026-TBD	GOB Exterior Waterproofing	Increase	175,000
98124-513026-TBD	Zoo Facility Improvements	Increase	350,000
98124-513026-TBD	North Prong Park Land Acquisition	Increase	100,000
98124-513026-TBD	Street Light Additions and Replacement	Increase	105,000
98124-513026-TBD	Amphitheater Pedestrian Bridge	Increase	125,000
98124-588900	Issuance Cost	Increase	158,797

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

<b>Account</b>	<b>Project Description</b>		<b>Amount</b>
96124-513026-TBD	Restore Park Well Field	Increase	175,000
96124-513026-TBD	Restore Paleo Well Field	Increase	217,000
96124-513026-TBD	WWTP Electric Upgrades	Increase	1,060,493
96124-513026-TBD	Park Well Field Raw Water Main & Valve Rplc	Increase	875,000
96124-513026-TBD	Glen Avenue Lift Station	Increase	750,000
96124-513026-TBD	WWTP Outfall Inspection and Repairs	Increase	500,000
96124-513026-TBD	Southside Pump Station Force Main	Increase	495,000
96124-588900	Issuance Cost	Increase	141,203

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**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.

**Section 5.** 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 22<sup>nd</sup> day of April, 2024 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**

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

\_\_\_\_\_  
**D'Shawn M. Doughty, City Council President**

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
**Randolph J. Taylor, Mayor**