

CITY OF SALISBURY

115 S. Division Street, Salisbury, MD, 21801

WORK SESSION

Government Office Building 125 N Division Street, Room 301, Salisbury, MD, 21801 Monday, August 5, 2024, 4:30 p.m.

D'SHAWN M. DOUGHTY Council President ANGELA M. BLAKE Council Vice President APRIL R. JACKSON Councilwoman MICHELE R. GREGORY Councilwoman SHARON DASHIELL Councilwoman

PUBLIC COMMENTS WILL BE HEARD AFTER EACH OF THE FOLLOWING ITEMS:

Resolution to accept the donation of real property located at 307R Delaware Avenue from Robert Dale Dashiell, Jr. and Charles T. Capute, Co-trustees of the Twilley Non-exempt Residuary Trust U/W – Police Chief Dave Meienschein

<u>Budget amendment</u> to appropriate the funds received from the recovery and recycling of scrap metal – Police Chief Dave Meienschein

<u>Ordinance</u> to amend Chapter 12.20 – Chesapeake Bay Critical Area Overlay District – of the Salisbury Municipal Code to reflect changes to the Natural Resources article of the Maryland Annotated Code and to adopt a Critical Area District Map – City Planner Amanda Rodriguez

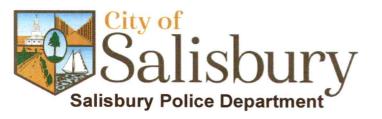
<u>Veteran Banners Presentation</u> – Councilwoman April Jackson, County Councilman Jeff Merritt, VFW District #16 Commander Calvin Mitchell, Sr. and other VFW members, Arts, Business & Culture Director Allen Swiger

ADMINISTRATION UPDATES AND COMMENTS

COUNCIL COMMENTS

ADJOURNMENT / CONVENE IN CLOSED SESSION (approximately 5:00 p.m.) TO CONSULT WITH ATTORNEY PATEL TO OBTAIN LEGAL ADVICE REGARDING AND TO CONSULT WITH STAFF REGARDING THE WICOMICO COUNTY CIRCUIT COURT'S RECENT DECISION IN THE MATTER OF SALISBURY TOWN CENTER APARTMENTS, LLC AS IT RELATES TO THE CITY AND TO CONSULT WITH STAFF, CONSULTANTS, OR OTHER INDIVIDUALS ABOUT PENDING OR POTENTIAL LITIGATION AS AUTHORIZED BY THE STATE GOVERNMENT ARTICLE, § 3-305(b)(7) AND (8).

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.



July 24, 2024

To:

Andy Kitzrow

City Administrator

From:

Chief Dave Meienschein

Reference:

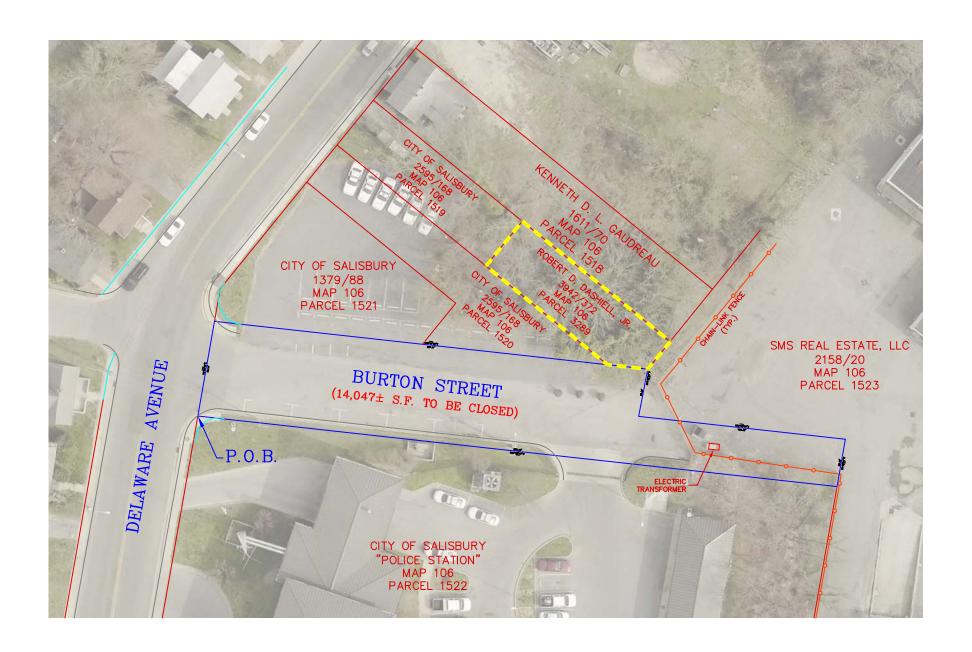
Donation of Property Located at 307R Delaware Ave

Attached please find a Resolution to accept the donation of Real Property located at 307R Delaware Ave from Robert Dale Dashiell, JR and Charles T. Capute, Co Trustees of the Twilley Non-Exempt Residuary Trust U/W. The value of this property is \$4,000.

The Salisbury Police Department is situated adjacent to this property and is in need of this space for parking.

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

David Meienschein Chief of Police



1	RESOLUTION NO
2	A DECOLUZION OF THE COUNCIL OF THE CUTY OF CALIEDINA TO
3 4	A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY TO AUTHORIZE THE MAYOR TO ACCEPT THE DONATION OF REAL
4 5	PROPERTY LOCATED AT 307R DELAWARE AVE, SALISBURY, MARYLAND
6	21801 FROM ROBERT DALE DASHIELL, JR AND CHARLES T CAPUTE, CO-
7	TRUSTEES OF THE TWILLEY NON-EXEMPT RESIDUARY TRUST U/W
8	TROSTEES OF THE TWIEDER TOTAL EXEMIT RESIDENCE TROST OF W
9	WHEREAS, the donor, owner Robert Dale Dashiell, Jr. and Charles T. Capute, Co-Trustees of the
10	Twilley Non-Exempt Residuary Trust U/W, desire to donate the real property located at 307R Delaware
11	Ave, Salisbury, Maryland, 21801, acquired by deed dated November 13, 2015 and recorded among the
12	Land Records of Wicomico County, Maryland in Liber No. 3942, Folio 372 with State Department of
13	Assessments and Taxation Number: 09-070079; and
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15	WHEREAS, the Salisbury Police Department, being situated adjacent to this property and having
16	need of additional space for parking, would benefit from the acceptance of this donation; and
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18	WHEREAS, the current size of the lot at 3,000 square feet does not meet existing zoning
19	requirements to build a house on it and the property does not have direct access to Delaware Ave and is
20 21	surrounded by City of Salisbury owned property; and
22	WHEREAS, by this Resolution, the Council hereby approves the acceptance of the donation of
23	the real property located at 307R Delaware Ave, Salisbury, Maryland 21801 from the Robert Dale Dashiell,
24	Jr. and Charles T. Capute, Co-Trustees of the Twilley Non-Exempt Residuary Trust U/W, contingent upon
25	the City obtaining clear title to the property, and that the City will waive or pay the outstanding fees and
26	taxes currently due on this property referenced herein.
27	NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
28	SALISBURY, MARYLAND, as follows:
29	Section 1. That the Mayor is hereby authorized to accept the donation, on behalf of the City of
30	Salisbury, from Robert Dale Dashiell, Jr. and Charles T. Capute, Co-Trustees of the Twilley Non-Exempt
31	Residuary Trust U/W of 307R Delaware Ave, Salisbury, Maryland, 21801 and is authorized to sign all
32	documents, which may be necessary in connection with the donation (i.e., Contract of Sale, settlement
33	documents, etc.).
34	Section 2. That the City Solicitor shall handle the settlement for the property and shall perform all
35	actions necessary to ensure that clear title to the property is obtained by the City before the City is obligated
36	to accept the donation of the property.
	• • • •
37	<u>Section 3.</u> It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Resolution shall be deemed independent of all other provisions herein.
38	•
39	Section 4. It is further the intention of the Mayor and Council of the City of Salisbury that if any
40	section, paragraph, subsection, clause or provision of this Resolution 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

Council of the City of Salisbury held on this ____ day of ______, 2024 and is to become effective

THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting of the

provisions of this Resolution shall remain and shall be deemed valid and enforceable.

46 47 48 immediately upon adoption.

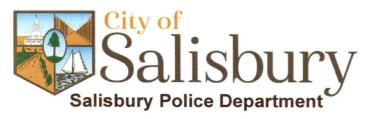
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49	ATTEST:	
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53	Kimberly R. Nichols, City Clerk	D'Shawn Doughty, City Council President
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56	Approved by me, thisday of	, 2024.
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60	Randolph J. Taylor, Mayor	
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July 24, 2024

To:

Andy Kitzrow

City Administrator

From:

Chief Dave Meienschein

Reference:

Ordinance - Budget Amendment

The Salisbury Police Department has recovered funds associated with the recovery of recycled brass & metal casings from the police firing range in the amount of \$6,681.64. The ammunition utilized during firearms qualifications has brass & metal casings which are collected and stored. When the storage bins are full the officers transport the casings to Salisbury Scrap Metal Inc. and they pay us the fair market value for the casings. The monies collected for the casings are forwarded to the City and deposited in the General Fund.

Any further questions can be directed to me and if no further questions arise, please forward the Resolution to the City Council.

David Meienschein Chief of Police

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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE FY25 GENERAL FUND BUDGET TO APPROPRIATE THE FUNDS RECEIVED FROM THE RECOVERY AND

WHEREAS, the Salisbury Police Department (SPD) has recycled metal and brass shell casings recovered as a result of firearms qualifications; and

WHEREAS, as the recycling of these metal and brass shell casings through Salisbury Scrap Metal Inc. has resulted in a payment to SPD in the amount of Six Thousand Six Hundred Eighty-One Dollars and Sixty-Four Cents (\$6,681.64); and

WHEREAS, funds recovered from Salisbury Scrap Metal Inc. in the amount of Six Thousand Six Hundred Eighty-One Dollars and Sixty-Four Cents (\$6,681.64) has been paid to the City of Salisbury and was deposited into the General Fund; and

WHEREAS, the Salisbury Police Department requests that these funds in the amount of Six Thousand Six Hundred Eighty-One Dollars and Sixty-Four Cents (\$6,681.64) be placed into the SPD Small Tools Account (21021-546009) which is used, in part, to purchase and service police officer equipment as well as firearms training supplies for SPD Police Officers; and

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

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

Section 1. The City's Fiscal Year 2025 General Fund Budget be and is hereby is amended a follows:

- 1) Increase General Fund Revenue (Salisbury Scrap Metal Account) by Six Thousand Six Hundred Eighty-One Dollars and Sixty-Four Cents (\$6,681.64);
- 2) Increase the Police Department budget by Six Thousand Six Hundred Eighty-One Dollars and Sixty-Four Cents (\$6,681.64); and
- 3) Increase Police Department Small Tools Account (Account #21021-546009) by Six Thousand Six Hundred Eighty-One Dollars and Sixty-Four Cents (\$6,681.64).

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

- **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.
- Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged

53	invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law		
54	such adjudication shall apply only to the section, paragraph, subsection, clause or provision so		
55	adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and		
56	enforceable.		
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58 59	Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.	ne	
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61	Section 5. This Ordinance shall take effect from and after the date of its final passage.		
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63	THIS ORDINANCE was introduced and read at a meeting of the Council of the City		
64	Salisbury held on this day of August, 2024, and thereafter, a statement of the substance		
65	of the Ordinance having been published as required by law, was finally passed by the Council of	or	
66	the, 2024.		
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70	ATTEST:		
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73	Kimberly R. Nichols, City Clerk D'Shawn Doughty, City Council President		
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78	Approved by me, thisday of, 2024.		
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82	Randolph J. Taylor, Mayor		
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To: Andy Kitzrow, City Administrator From: Amanda Rodriquez, City Planner

Date: July 31, 2024

Re: Critical Area Map Adoption Ordinance

In the Spring of 2008, legislation was passed and signed into law that required the State to work cooperatively with local governments to update the Critical Area Maps in all affected jurisdictions. The legislation directed the Department of Natural Resources to prepare a Statewide Base Map that includes a State-determined shoreline and landward boundary of tidal wetlands and a digitally generated, georeferenced 1,000-foot Critical Area boundary, as appropriate for integration into a Geographic Information System. As the mapping update project progressed, the draft updated maps were made available to the public, so that additional review and comment on the maps can take place. The Critical Area Commission notified 74 property owners with a greater than 1% change in November 2021. On February 9, 2022 the Critical Area Commission transferred the maps to the City.

In February 2024, Planning Commission held a Public Hearing to adopt the revised maps. The maps were forwarded on to City Council for a work session, where the Council motioned to have to maps sent to legislative session for additional public hearings. At that time, the net gain/net loss maps were brought before the Commission and Council, but the maps detailing the designations of Intensely Developed Area (IDA), Limited Developed Area (LDA), and Resource Conservation Area (RCA) were not included. These designations delineate areas in need of greater protection, and each designation has its own set of development standards and environmental controls. The delineations are crucial to the implementation of the Chesapeake Bay Critical Area Program. At the June 20, 2024 Planning Commission Meeting, the Planning Commission voted favorably to move to a Public Hearing for the proposed Ordinance to adopt both the maps and the delineations at the July 18, 2024 meeting. The Planning Commission held a Public Hearing on July 18, 2024 and forwarded onto City Council.

Should there be no objections, please forward a copy of the Draft Ordinance onto City Council for review and additional public hearings prior to adoption.

Attachments: Public Hearing Advertisement, Draft Ordinance

SALISBURY PLANNING AND ZONING COMMISSION NOTICE OF PUBLIC HEARING

MAP AMENDMENT

An ordinance of the City of Salisbury to amend chapter 12.20 Chesapeake Bay

Critical Area Overlay District, Sections .040.B and .050A of the Salisbury Municipal Code by adopting the newly mapped Chesapeake Bay Critical Area boundary as provided by the State of Maryland and the Chesapeake Bay Critical Area Commission, including

the designation of the Intensely Developed Areas, Limited Development Areas, and

Resource Conservation Areas, for appropriate application and enforcement of the Critical

Area Program.

A PUBLIC HEARING WILL BE HELD ON

Thursday, July 18th, 2024 at 1:35 P.M. in the Council Chambers, Room 301, of the

Government Office Building, 125 North Division Street, Salisbury, Maryland to hear

opponents and proponents, if there be any.

Subsequent to the consideration of this proposal by the Salisbury Planning and

Zoning Commission, a recommendation will be made to the Salisbury City Council for

its consideration at a Public Hearing.

The Commission reserves the right to close a part of this meeting as

authorized by State Government section 10-508(a) of the Maryland Annotated

Code.

(FOR FURTHER INFORMATION CALL 410-548-3170)

Charles "Chip" Dashiell, Chairman

Publication Dates:

July 10, 2024

July 17, 2024

1	ORDINANCE NO
2 3 4 5 6	AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 12.20 – CHESPEAKE BAY CRITICAL AREA OVERLAY DISTRICT - OF THE SALISBURY MUNICIPAL CODE TO REFLECT CHANGES TO THE NATURAL RESOURCES ARTICLE OF THE MARYLAND ANNOTATED CODE AND TO ADOPT A CRITICAL AREA DISTRICT MAP.
7 8 9 10 11	WHEREAS, the ongoing application, administration and enforcement of the City Code of the City of Salisbury (the "Salisbury City Code") demonstrates a need for its periodic review, evaluation and amendment, in order to keep the provisions of the code current, comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the "City"); and
12 13 14 15 16 17	WHEREAS, the Mayor and Council of the City of Salisbury (the "Mayor and Council") are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City; and
18 19 20 21 22	WHEREAS, Maryland Chapter 119 of 2008 (House Bill 1253) establishes in section 3 paragraph (7), (i), that each jurisdiction with an approved Critical Area Program shall formally amend its program by adopting the Statewide Base Map for that jurisdiction, including the shoreline and landward boundary of tidal wetlands, the digitally generated and georeferenced 1,000–foot Critical Area boundary, and all applicable Critical Area designations as its official Critical Area Map; and
23	WHEREAS, the City of Salisbury is a jurisdiction with an approved Critical Area Program; and
24 25 26	WHEREAS, Maryland Chapter 119 of 2008 (House Bill 1253) establishes in section 3 paragraph (4), (i), that a local jurisdiction shall formally adopt its amended Critical Area Map based on the Statewide Base Map within 24 months of its receipt from the Maryland Department of Natural Resources; and
27 28 29	WHEREAS , The Maryland Department of Natural Resources and the Critical Area Commission delivered to City staff a version of the Statewide Base Map, attached hereto as Exhibit A entitled "Proposed Critical Area: Salisbury, Maryland" on February 9, 2022: and
30 31	WHEREAS , The City was granted a 180-day extension to adopt its amended Critical Area Map; and
32 33 34	WHEREAS, The City also desires to amend certain provisions of Chapter 12.20 of the Salisbury City Code entitled Chesapeake Bay Critical Area Overlay District, in order to update certain provisions consistent with the Natural Resources Article of the Maryland Annotated Code; and
35 36 37	WHEREAS , Section 12.20.410 of the Salisbury City Code requires that proposed text amendments to that Chapter be subject to a public hearing before the City of Salisbury Planning and Zoning Commission ("Planning Commission"); and
38	WHEREAS, a public hearing on the proposed text amendment and the adoption of the attached

map was held by the Planning Commission on July 18, 2024; and

39

WHEREAS, at the conclusion of its July 18, 2024 meeting, the Planning Commission recommended, by a vote of _____, that the map attached hereto as Exhibit A entitled "Proposed Critical Area: Salisbury, Maryland" and the text amendments to Chapter 12.20 of the Salisbury City Code be approved by the Mayor and Council; and

WHEREAS, the Mayor and Council have determined that the map attached hereto as Exhibit A entitled "Proposed Critical Area: Salisbury, Maryland" and the text amendments to Chapter 12.20 of the Salisbury City Code shall be adopted as set forth herein.

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

Section 1. The map attached hereto as **Exhibit A** entitled "Proposed Critical Area: Salisbury, Maryland" be and hereby is approved and, upon final approval by the Critical Area Commission, shall be the official Critical Area District Zoning Map for the City of Salisbury.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the Salisbury City Code is hereby amended by adding the bolded and underlined language and deleting the strikethrough language as follows:

Section 2. Chapter 12.20.040 – Applicability is hereby amended as follows:

12.20.040 – Applicability

57 ...

B. This Chapter shall only apply to the City of Salisbury critical area, hereafter referred to as the "Critical Area District." The critical area district shall include all lands and waters within one thousand (1,000) feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources 16 of the Environment Article of the Annotated Code of Maryland, as adopted by the Critical Area Commission and the Mayor and City Council. (Prior code § 149-4)

<u>Section 3.</u> Chapter 12.20.050 - Official Critical Area Overlay District Zoning Map is hereby amended as follows:

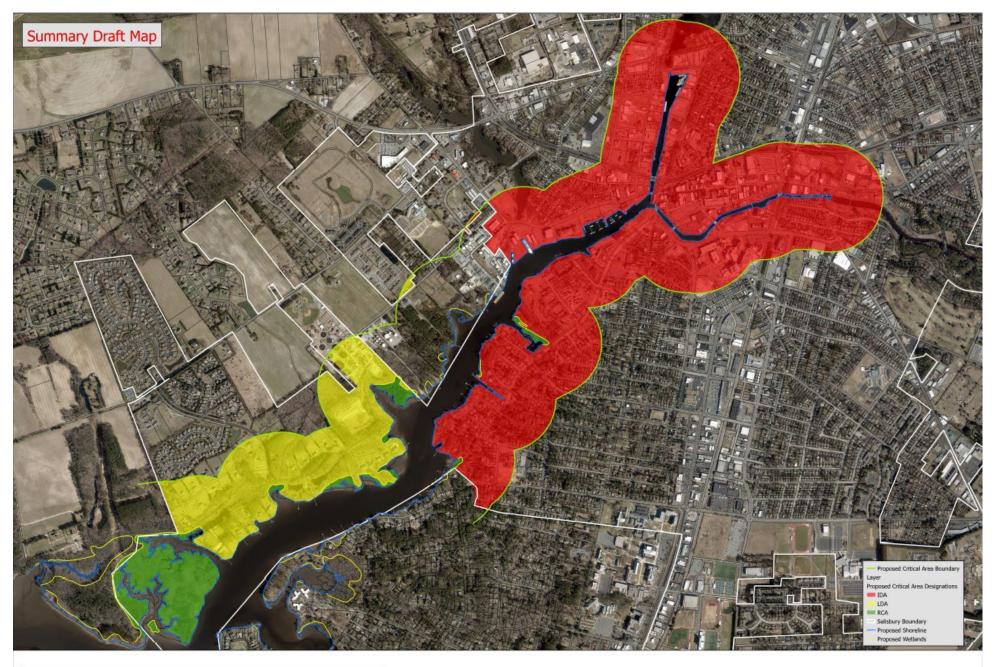
12.20.050 - Official Critical Area Overlay District Zoning Map

A. Map Delineation.

The City of Salisbury critical area shall be delineated on official Critical Area Overlay District Zoning Map, prepared as part of the City of Salisbury Critical Area Program and attached to the Ordinance codified in this Chapter. The Critical Area District Zoning Map shall be maintained in force as an official map of the City of Salisbury. The map shall delineate the extent of the critical area district in the City of Salisbury as defined in Section 12.20.040(B).

- 1. The Official Critical Area Overlay District Zoning Map is maintained in force as part of the Official Zoning Map for the City of Salisbury. The Official Critical Area Zoning Map delineates the extent of the Critical Area Overlay District that shall include:
 - a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetland maps, and all State and private wetlands designated under Title 16 of the Environment Article of the Annotated Code of Maryland All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide;

80	b. All land and water areas within 1,000 feet beyond the landward boundaries of State or		
81	private wetlands and the heads of tides designated under Title 16 of the Environment		
82	Article of the Annotated Code of Maryland. All State and private wetlands designated		
83	under Title 16 of the Environment Article of the Annotated Code of Maryland; and		
84	c. All land and water areas within 1,000 feet beyond the landward boundaries of the		
85	resources identified under paragraphs a. and b. of this subsection.		
86	2. Within the designated Critical Area Overlay District, all land shall be assigned one of the following		
87	land management and development area classifications, and be consistent (unless approved		
88	otherwise by the Critical Area Commission as established in § 8-1809 of the Natural		
89	Resources Article of the Annotated Code of Maryland) with those found in the official		
90	Maryland Department of Natural Resources Statewide Base Map:		
91	a. Intensely Developed Area (IDA).		
92	b. Limited Development Area (LDA).		
93	c. Resource Conservation Area (RCA).		
94			
95	BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF		
96	SALISBURY, MARYLAND, as follows:		
97	Section 4. It is the intention of the Mayor and Council of the City of Salisbury that each provision		
98	of this Ordinance shall be deemed independent of all other provisions herein.		
30	of this Ordinance shall be deemed independent of an other provisions herein.		
99	Section 5. It is further the intention of the Mayor and Council of the City of Salisbury that if any		
100	section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,		
101	unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication		
102	shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other		
103	provisions of this Ordinance shall remain and shall be deemed valid and enforceable.		
104	Section 6. The recitals set forth hereinabove are incorporated into this section of the Ordinance as		
105	if such recitals were specifically set forth at length in this Section 6.		
106	Section 7 . This Ordinance shall take effect from and after the date of its final passage.		
107	THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City		
108	of Salisbury held on the day of, 2024 and thereafter, a statement of the substance of the Ordinance		
109	having been published as required by law, in the meantime, was finally passed by the Council of the City		
110	of Salisbury on the day of, 2024.		
111	ATTEST:		
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113	Kimberly R. Nichols, City Clerk D'Shawn M. Doughty, City Council President		
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115	Approved by me, thisday of, 2024		
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118	Randolph J. Taylor, Mayor		
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INFORTANT INFORMATION ABOUT THIS MAP:
This Werking Draft Map for the City of Salisbury Critical Area shows the
proposed Critical Area designation. The map is the Summary Draft
Map for the jurisdiction, and is currently being reviewed in properation.
For formar adoption by the local government. This map is not intained
for critical use at the December of the Critical Area Boundary
government Dody in the Town or by the Critical Area Commission.

Proposed Critical Area: Salisbury, Maryland



Salisbury Hometown Hero

The idea behind creating Salisbury Hometown Hero's banners is to honor the individuals serving the nation and those who have served and sacrificed their lives to defend our country. Could not have thought of a better way to show our appreciation and to help people to never ever forget those brave men and women who have served the nation in past and those who are serving our country today. These banners will be in celebration of our service men and women, it's a living tribute to recognize them all.

The banners will be hung on light poles throughout the City of Salisbury. We are asking that all banners be the same diameter in size, and there will be a front and back view.

As a member of the Wicomico Memorial Post # 10159 Auxiliary, a member of the Salisbury City Council, and a Community Activist. I thought this to be a great idea, a way to give back to those you gave so much of their lives for us.

We will also be using a local business to purchase these banners "Minuteman Press and Operation We Care owners/operators Wicomico County Councilman Jeff Merritt and wife Diana Merritt. Let's us support our local businesses.

As I have seen hometown military banners in several small towns throughout the Eastern Shore of Maryland I thought it would be a great idea to have them in our lovely city.

I would truly love to see that the Salisbury Home Town Banners take its place, and that we have a formal celebration in the hanging of the banners!

Each Family or person will be responsible for the cost of their banner, and the cost and design will be discussed by Jeff Merritt, the light poles by Field Operations Mike Dryden.

April Jackson