



CITY OF SALISBURY

115 S. Division Street, Salisbury, MD, 21801

LEGISLATIVE SESSION

Government Office Building

125 N. Division Street, Room 301, Salisbury, MD, 21801

Monday, December 9, 2024, 6:00 p.m.

D'SHAWN M. DOUGHTY
Council President

ANGELA M. BLAKE
Council Vice President

APRIL R. JACKSON
Councilwoman

MICHELE R. GREGORY
Councilwoman

SHARON C. DASHIELL
Councilwoman

CALL TO ORDER

WELCOME/ANNOUNCEMENTS/PLEDGE

INVOCATION – Rev. Dr. Bruce Glisson, Allen Memorial Baptist Church

PRESENTATION AND ADOPTION OF THE LEGISLATIVE AGENDA

CONSENT AGENDA – City Clerk Julie English

- August 19, 2024 Work Session Minutes
- August 19, 2024 Special Legislative Session Minutes

AWARD OF BID – Procurement Director Jennifer Miller

- RFP A-25-104 On-Call Civic Utilities \$500,000 (3 yr. estimate)

ORDINANCES – City Attorney Ashley Bosché

- **Ordinance No. 2901** – 2nd reading – authorizing the reallocation of Federal Recovery Funds from the Water Sewer Fund to the General Fund and to appropriate said funds for Service Centers, Share II and III, in the General Fund
- **Ordinance No. 2902** – 2nd reading – to accept funds received from the Maryland Department of Housing and Community Development for the purchase and installation of cameras on the parking garage
- **Ordinance No. 2903** – 1st reading - to authorize the operation of a utility substation on a property located on the southerly side of Calloway Street (Map 0104, Grid 0012, Parcel 2594, Block B, Lot 1) in the R-5A Residential Zoning District as required by Section 17.160.040B. of the Salisbury Municipal Code
- **Ordinance No. 2904** – 1st reading - to authorize the operation of a day-care center at 224 Phillip Morris Drive in the light business & institutional district by the Night Watch Childcare Center, LLC as required by Section 17.28.040B of the Salisbury Municipal Code
- **Ordinance No. 2905** – 1st reading – amending Title 12 of the Salisbury City Code, entitled “Streets, Sidewalks, and Public Places”, by eliminating Sections 12.04.010, 12.04.020 and 12.24.020, and adding new chapter 12.25 to include all litter violations under one chapter entitled “Littering,” and further amending Title 1 of the Salisbury City Code to confirm the penalties imposed for municipal infractions and misdemeanors

- **Ordinance No. 2906** – 1st reading – to amend Sections 15.04.010, 15.04.020, 15.04.040 of Chapter 15.04 of the Salisbury City Code (Building Code) and to add Sections 15.04.025 and 15.04.035 to Chapter 15.04 in order to update and amend the City’s standard building codes

PUBLIC COMMENTS

ADMINISTRATION UPDATES AND COMMENTS

COUNCIL COMMENTS

ADJOURNMENT

Join Zoom Meeting

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

Meeting ID: 881 6325 3286

Passcode: 812389

Phone: 1.301.715.8592

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.

Posted 12/04/24



**WORK SESSION
MEETING MINUTES
AUGUST 19, 2024**

PUBLIC OFFICIALS PRESENT

Council President D’Shawn M. Doughty, Council Vice-President Angela M. Blake, Councilwoman April R. Jackson, Councilwoman Michele R. Gregory, Councilwoman Sharon C. Dashiell, Mayor Randy Taylor

STAFF IN ATTENDANCE

Arts, Business & Culture Director Allen Swiger, Events & Culture Manager Caroline O’Hare, Fire Chief Rob Frampton, Housing & Community Development Director Muir Boda, Infrastructure & Development Director Nick Voitiuc, City Clerk Julie English, and City Attorney Ashley Bosché

WELCOME/ANNOUNCEMENTS/PLEDGE TO THE FLAG

The City Council convened in Work Session on August 19, 2024 at 4:30 p.m. in the Government Office Building Council Chambers, Room 301, located at 125 N. Division Street. After reviewing the emergency exit instructions, President Doughty requested that everyone stand for the Pledge of Allegiance.

Before moving forward with the agenda, President Doughty allowed Ms. Bosché to provide an opinion on the topic of public comment. Ms. Bosché explained that the source of Council’s rules was found in Section 2-6 of the Charter, where it stated that “Council shall determine its own rules and order of business.” Ms. Bosché then focused the attention to the most recent Rules of Order, adopted in 2014, Section 6.F. She explained that Council adopted the rules and had the authority to interpret them. That interpretation had never allowed for the public to comment on an ordinance prior to its reading at either first or second reading. After speaking with the Clerk’s Office, it was her understanding that since 2014 that rule allowed for public comment during a Work Session and again during a Legislative Session after first reading. Prior to the ordinance being passed after second reading, the public has had two opportunities to comment on the legislation before being adopted after second reading.

WCPS Community Schools Strategy

44 Ms. Tara O’Barsky, M.Ed., Supervisor of Family, Community & Schools Programs,
45 presented an overview of what a Community School was and what the integrated
46 focuses were in them. A community school approach was about addressing the
47 academic and non-academic barriers. She explained that it was a collaborative and
48 community-based approach. Maryland community schools were identified based on
49 percentage of poverty. The efforts supported the entire family and community. She
50 added that 23 of the 24 Wicomico County Schools were community schools. Ms.
51 O’Barsky reviewed the four pillars of community schools: Expanded and Enriched
52 Learning Time and Opportunities, Integrated Student Supports, Active Family and
53 Community Engagement, and Collaborative Leadership and Practices.

54
55 President Doughty spoke to ‘return on investment’ and the program being asset-based.
56 He thanked those involved in the Community Schools Strategy.

57
58 Ms. Blake mentioned that East Salisbury School was the first one to adopt the
59 community approach. She believed there was more to do and felt these programs
60 would assist in lowering crime.

61
62 Ms. Jackson asked how to go about getting community partners. Ms. O’Barsky stated
63 that the first part would be to have asset mapping done along with having a partnership
64 inventory done. This could be done by contacting the leadership at the school. She
65 asked to see those in this program out in the community more. Ms. O’Barsky responded
66 that there were multiple schools going out in the summer doing pop-ups and lunch
67 programs.

68
69 After a question from Ms. Dashiell, Ms. O’Barsky responded that faculty at the schools
70 were given opportunities to not just hear about the programs but also to engage in the
71 programs that were available.

72
73 Ms. Gregory acknowledged that there were some buckets that touched on the disabled
74 community but asked if there was anything specific that was geared toward the
75 children with disabilities and their families. Ms. O’Barsky responded by explaining the
76 Parent Success Nights. Based on the requests from the parents, workshops were held
77 addressing their requests. Ms. O’Barsky welcomed additional requests for workshops
78 geared toward the disabled population.

79
80 In response to a question from Mayor Taylor, Ms. O’Barsky stated that the grant used
81 for this program was a Concentration for Poverty Grant.

82
83 **RESOLUTION** accepting the gift of the Heron Mural from the Salisbury Arts Alliance for
84 relocation and revitalization

85

86 Mr. Allen Swiger explained that the Salisbury Arts Alliance wanted to donate the Heron Mural
87 located at 213 W. Main Street. The City’s intent was to relocate the mural and give it some new
88 life and visibility.

89
90 President Doughty asked how long the mural had been at that location. Mr. Swiger responded
91 that it was installed in June 2014.

92
93 Having no public comments, Council reached consensus to move the resolution forward to a
94 legislative agenda.

95
96 **Ordinance** authorizing the Mayor to enter into a contract with Maryland Humanities for the
97 purpose of accepting grant funds in the amount of \$431.14 and to approve a budget
98 amendment to the grant fund to appropriate these funds for Maryland Folk Festival
99 programming

100
101 Ms. Caroline O’Hare presented the grant to Council and explained that Maryland Humanities,
102 through ‘One Maryland One Book’, would choose one book that it wanted all Marylanders to
103 read. The grant funding would be used to purchase tablets and headphones which would allow
104 Maryland Folk Festival goers to listen to excerpts from the book “What Storm, What Wonder”.
105 Members of the Haitian community would be the ones reading the excerpts.

106
107 There were no Council comments nor public comments. Council gave consensus to move the
108 ordinance forward to the next legislative agenda.

109
110 **Ordinance** approving a budget amendment of the City’s FY25 budget to accept and appropriate
111 donated funds from the Community Foundation of the Eastern Shore Winter Wonderland of
112 Lights fund to support the cost of the annual holiday lighting displays at the Salisbury City Park

113
114 Mr. Swiger explained that the ordinance would provide \$1,700 to be used to refresh some of
115 the pieces currently used in the lighting displays at the Salisbury City Park. There were ongoing
116 discussions surrounding additional ways to use the money but nothing had been set in stone
117 yet.

118
119 Having no Council or public comments, Council gave consensus to move the legislation forward
120 to Legislative Session.

121
122 **Ordinance** approving a budget amendment of the FY2025 General Fund Budget to appropriate
123 funds to the Salisbury Fire Department

124
125 Chief Frampton explained to the Council that the purpose in appropriating the funds was to
126 upgrade the kitchen at Station #1. The last redesign of the kitchen was in 2004 and residential
127 grade materials were used. After 20 years of 24 hour/7 days a week use, it was in need of an
128 upgrade for commercial use.

129

130 One public comment was heard in support of the fire departments request. He also gave a
131 shout out to the Salisbury Police Department for his interaction with them. Before leaving the
132 podium, he made a comment about Judge Jackson’s decision on a non-related matter.

133
134 Council gave consensus to move the ordinance forward to the next legislation session.

135
136 **Ordinance** approving an amendment of the City’s General Capital Project Fund Budget to
137 provide additional funds for the Truitt Street Community Center expansion

138
139 Mr. Boda presented an ordinance requesting \$55,325 in additional funds to complete the Truitt
140 Street Community Center expansion. The project carried over into the next fiscal year. The
141 requested money would come from a bond pool from 2022 interest.

142
143 President Doughty pivoted to Mr. Voitiuc for an estimated timeline on the completion of the
144 project. Mr. Voitiuc explained the numerous issues that came up, which caused the initial
145 timeline to change. He stated the goal was still to open the center toward the end of August.

146
147 There were no public comments on this item. Council gave consensus to move this forward to
148 the next legislative session.

149
150 **Ordinance** to amend Chapter 12.04 of the City Code by adding Subchapter 12.04.080, which
151 shall address the display of public art on city streets, sidewalks, and public places

152
153 President Doughty presented the ordinance on behalf of Council. He highlighted lines 54, 66,
154 and 72.

155
156 Ms. Dashiell stated she would like to have the information and a discussion prior to legislation
157 being brought before Council. She pointed out that she was referring to all legislation and not
158 just this particular one.

159
160 President Doughty responded that the purpose of Work Session was to have the discussions
161 publicly about the legislation being presented.

162
163 Ms. Gregory referenced a current painted crosswalks and stated it was not considered public
164 art but commemorative art. She believed the Pride crosswalks were commemorative and
165 explained why she felt that way. Ms. Gregory requested that the word ‘commemorative’ be
166 added to the ordinance.

167
168 Ms. Jackson requested clarification on her understanding that the arts council suggested
169 something and that it was up to the Council to move it forward. President Doughty explained
170 the purpose of the ordinance on the floor would provide an extra layer of protection to ensure
171 the removal of art was not in the hands of one body or the other. He confirmed that the
172 ordinance allowed the Public Art Committee to bring something forward and that it could not
173 be removed by any one body or the other.

174
175 Mayor Taylor explained that the advisory committees were created to make recommendations
176 to the Mayor’s Office, went through them because they were the Administrative body. He felt
177 that legislating an administrative board to have legislative oversight was inappropriate.

178
179 Ms. Blake asked if or how the legislation would protect the Black Lives Matter art. President
180 Doughty responded that the legislation was not specific to any one piece of art.

181
182 Ms. Dashiell requested that someone review the procedure for the art. Ms. Gregory provided a
183 summary of the process. Mr. Swiger approached, with the approval of the Council, to explain
184 the process in more detail. He explained that the ordinance would only apply to art on City
185 property, not private property. He noted that any art on City property puts the responsibility to
186 maintain that art on the City. There were steps in the process to determine if the location was
187 appropriate and also to review the context of the art. If favorable recommendation was
188 received from all parties involved, it would then be presented to the Mayor’s Office for
189 approval. If funding was involved with the art, legislation would then be brought before the
190 Council for approval.

191
192 President Doughty added that there was currently nothing in place for the preservation of art.

193
194 The following public comments were provided on this topic:

- 195
- 196 • Speaker was in favor of the ordinance to help preserve art.
 - 197 • Speaker felt the art recommendations for City property should come before the History
198 District Commission like the private property art did.
 - 199 • Speaker believed the purpose of the ordinance was propaganda.
- 200

201 Consensus was received from Council to move the legislation forward to legislative session.

202
203 **Resolutions and Ordinances** to amend sections of the Charter and Code relating to the City’s
204 elections and the Election Board

205
206 City Attorney Ashley Bosché presented the amendments below:

207
208 **Charter Amendment Resolutions**

- 209 • 2024-1 (SC1-1) stating that all references to “the City”, “City” or “Salisbury” meant the
210 “City of Salisbury”
- 211 • 2024-2 (SC2-2) further clarifying the requirements to run for Council and maintain a seat
212 on Council
- 213 • 2024-3 (SC3-2) further clarifying the requirements to run for Mayor
- 214 • 2024-4 (SC6-6 and SC6-9) governing nominations and the election of Mayor and Council,
215 and adding sections providing the requirements for write-in campaigns and certificates
216 of withdrawal

217 Hearing no questions from the Council, Ms. Bosché began her presentation of two ordinances
218 amending Chapter 1.08 entitled “Election Board” and Chapter 1.12 entitled “City Election
219 Campaign Advertising and Finance.”

220
221 President Doughty asked for procedure clarification with regard to questions brought forth on
222 candidate qualifications. Ms. Bosché explained that those questions would be funneled through
223 the City Clerk and then forwarded to the Election Board for review.

224
225 Mayor Taylor asked for the reasoning behind candidates needing to have a zero balance in their
226 campaign account following the election. Ms. Dashiell recommended that the remaining
227 balance be turned over following the candidate’s term. President Doughty did not agree with
228 the requirement to have a zero balance. He preferred to keep the funds in the account to be
229 used for continuing expenses such as his website. There was a discussion noting the pros and
230 cons. Ms. Gregory did not want to change the current process and requirements. She explained
231 that keeping the accounts open with funding in them would require additional reporting each
232 year and increase the responsibilities of the City Clerk. Ms. Jackson agreed with Ms. Gregory.

233
234 Ms. English shared from her experience with the 2023 Election that requiring the zero balance
235 made the financials much cleaner. She also added that working with the financial reports is a lot
236 of work with back-and-forth conversations until the accounts are reconciled. She was not in
237 favor of keeping the accounts open.

238
239 Council did not request that Legal make any changes to the legislation presented.

240
241 President Doughty shared that he thought the domiciliary requirements, stated in the
242 Candidate Packet, were too ambiguous. He felt that candidates should be required to submit
243 documentation as proof. There were several options discussed.

244
245 It was determined that there was a misunderstanding when the legislation was presented to
246 Council earlier in the year. Council requested that a list of possible documents be provided to
247 the candidates and allow them to choose two.

248
249 Ms. Blake asked about a requirement that candidates be in good standing with the City; have no
250 back taxes or fines, former employees left in good standing, etc. Ms. Bosché responded that she
251 felt such a requirement would be unconstitutional.

252
253 Ms. English presented the updated Candidate Packet to Council.

254
255 **ADMINISTRATION COMMENTS**

256
257 Mr. Kitrow shared that Mayor Taylor was out sick. Mr. Kitrow acknowledged National Night
258 Out and thanked the volunteers and attendees for helping to make it a success. He stated that
259 there was a discussion forthcoming on the Rail Trail project. He shared his excitement for the
260 four new department directors that were sworn in earlier in the meeting. Lastly, he announced

261 that Deputy City Administrator John Tull would be moving from the Mayor’s Office to Frank
262 Ennis’ position in Human Resources once Mr. Ennis retired. The vacant position in the Mayor’s
263 Office would be filled by Tom Stevenson in a part-time capacity.

264

265 **COUNCIL COMMENTS**

266

267 Ms. Blake shared that she attended the Salisbury Fire Departments Junior Fire Academy
268 graduation and explained some of the tasks the graduates performed. She mentioned that
269 Third Friday was coming up and BPAC and HRAC would be there. She reiterated her support for
270 the bike projects mentioned during public comments. Ms. Blake summarized her efforts
271 regarding the Spring Chase neighborhood comments. As always, she asked those who were
272 healthy enough to please donate blood or plasma.

273

274 Ms. Gregory thanked the Salisbury Police Department for putting on National Night Out as it
275 was a huge success. She congratulated those who were sworn in earlier. She thanked those
276 who served on Boards & Commissions. She added that she was looking forward to working with
277 Shanda and Brandon on the Disability Advisory Committee.

278

279 Ms. Jackson thanked those who attended and participated in the VFW’s Unity Day. She
280 addressed the recent tragedies where two young people lost their lives.

281

282 Ms. Dashiell spoke about her experience while attending Unity Day. She enjoyed her time
283 volunteering at National Night Out. She shared information on the 40 Under 40 Philanthropy
284 Awards. Ms. Dashiell acknowledged the City’s Media Specialist Jordan Ray and Council
285 President D’Shawn Doughty as awardees. In closing, she received clarification from Mr. Kitzrow
286 that Carroll Street was included in the Safe Streets project.

287

288 President Doughty addressed the situation that was mentioned during Public Comment where a
289 member of the public was escorted out of the chambers. He believed the decision he made was
290 justified through the Council’s Rules of Order. He explained that part of his job as Council
291 President was to ensure the council meetings remained professional and that rules were
292 followed. He then spoke to the deaths of two young children. President Doughty attended the
293 Junior Fire Academy and enjoyed seeing the excitement on the faces of those preparing to
294 become EMS and Fire personnel. He concluded by sharing that he attended the Black Excellence
295 Community Fund Awards Dinner in recognition of Black Philanthropy Month.

296

297 **ADJOURNMENT / CONVENE IN SPECIAL LEGISLATIVE SESSION**

298

299 With no further business to discuss, the Work Session adjourned at 6:42 p.m.



**SPECIAL LEGISLATIVE SESSION
MEETING MINUTES
AUGUST 19, 2024**

PUBLIC OFFICIALS PRESENT

Council President D’Shawn M. Doughty, Council Vice-President Angela M. Blake, Councilwoman April R. Jackson, Councilwoman Michele R. Gregory, Councilwoman Sharon C. Dashiell

STAFF IN ATTENDANCE

Director of Department of Infrastructure and Development Nick Voitiuc, Director of Housing and Community Development Department Muir Boda, City Attorney Ashley Bosché, City Clerk Julie English and members of the public

WELCOME/ANNOUNCEMENTS

The City Council convened in a Special Legislative Session on August 19, 2024 at 6:56 p.m. in the Government Office Building Council Chambers, Room 301, located at 125 N. Division Street.

PRESENTATION AND ADOPTION OF THE AGENDA

President Doughty presented the meeting agenda and called for a motion and a second to approve the agenda as presented. Ms. Jackson motioned and Ms. Blake seconded. The vote was 5-0 to approve the legislative agenda.

ORDINANCE – presented by City Attorney Ashley Bosché

Ordinance No. 2883 – 1st reading- approving an amendment of the City’s General Capital Project Fund Budget to provide additional funds for the Truitt Street Community Center expansion

Ordinance No. 2883 was approved for first reading on a motion and second by Ms. Gregory and Ms. Dashiell, respectively. The vote was 5-0.

ADJOURNMENT

With no further business to discuss, the Work Session adjourned at 6:59 p.m.



City of Salisbury

COUNCIL AGENDA – Department of Procurement

December 9, 2024

Award of Bid

1. RFP A-25-104 On-Call Civil Utilities

\$500,000 (3 yr. estimate)



City of Salisbury

MEMORANDUM

TO: Mayor and City Council

FROM: Jennifer Miller, Director of Procurement

SUBJECT: Award of Bid and/or Declaration of Surplus

DATE: December 9, 2024

The Department of Procurement seeks Award of Bid approval from the Salisbury City Council for the solicitation(s) as defined herein. The City followed required bidding practices as defined by the Salisbury Charter and the Municipal Code of Ordinances, and publicly posted the solicitations for the City's competitively bid procurements on the City of Salisbury's Procurement Portal, PlanetBids, and the State of Maryland's website, eMaryland Marketplace Advantage.

RFP A-25-104 On-Call Civil Utilities

- Department: Infrastructure and Development; Water Works
- Scope of Work: On-call civil utility work to assist the City with the construction, repair and inspection of City utilities and various pipework
- Proposal date: 8/16/24
- Proposal opening: 9/19/24
- Total proposals received: 2
 - Retallack & Son's Inc. – 92.34 pts (max. = 100 pts)
 - T.K. Construction – 85.43 pts (max. = 100 pts)
- Vendor(s) to be awarded:
 - Retallack & Son's Inc. (Easton, MD)
 - T.K. Construction (Salisbury, MD)
- Cost:
 - \$500,000 for a 3 yr. estimate
 - Intended for task orders under \$100,000
- GL Account(s): Varies by department
- Notes:
 - This is an Indefinite Delivery, Indefinite Quantity (IDIQ) contract that includes a renewal clause (up to two additional 1-yr. terms); task orders will be placed as needed



To: Jennifer Miller, Director of Procurement
From: Cori Cameron, Director of Water Works
Date: November 20, 2024

RE: Recommendation of Award RFP A-25-104 On-Call Civil Utilities

Salisbury Department of Water Works supported a Request for Proposals for a City-wide On-Call Civil Utilities Contract to assist the City with the construction, repair and inspection of City utilities and various pipework. Work may include civil pipework within the roadway or around the City and within the Water and Wastewater facilities. The proposals for an annual contract included pricing for labor and equipment service hours.

Two proposals were received and evaluated, Retallak & Son's Inc. and T.K. Construction. The proposals were evaluated by a team of three, two from the Dept of Water Works and one from Dept of Infrastructure and Development. They were evaluated on geographic location, experience and expertise, ability to respond, ability to staff tasks and cost estimates. Final scores came in with Retallack and Son's Inc. receiving 92.34 points and TK Construction receiving 85.43 points.

The Department of Water Works finds it beneficial to award the bid to both vendors. The vendors have each worked with our department and we have been pleased with their services. This gives us opportunity to obtain quotes, insight and technical knowledge from each vendor. Vendor availability will be a deciding factor when we are operating under an emergency situation.

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ORDINANCE NO. 2901

AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE REALLOCATION OF FEDERAL RECOVERY FUNDS FROM THE WATER SEWER FUND TO THE GENERAL FUND AND TO APPROPRIATE SAID FUNDS FOR SERVICE CENTERS, SHARE II AND III, IN THE GENERAL FUND.

WHEREAS, the City of Salisbury appropriated funds for Water Sewer Share III Service Center Garage and Water Sewer Share II Service Center Administrative projects using Federal Recovery (ARP) Funds in Ordinance 2660 regarding the FY22 Budget; and

WHEREAS, during the annual review of the ARP funding and projects' status, it was determined that PayGo funds would be a better source of funding for the Service Centers, Share II and III; and

WHEREAS, the City found \$1,061,109.17 in PayGo funds that are available for Service Centers, Share II and III, projects; and

WHEREAS, the funds from the Service Centers projects, Share II and III, are proposed to be reallocated to the General Fund to fund public safety expenditures, allowable ARP expenditures; and

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

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

Section 1. The City of Salisbury's Water Sewer Fund Budget and FY25 General Fund Budget be and is hereby amended as follows:

| Increase/ Decrease | Revenue/ Expense | Description | Account | Amount |
|--|-----------------------------|--------------------------------------|--------------------|----------------|
| <i>Remove Projects from the Water Sewer fund – Service Centers, Share II and III:</i> | | | | |
| Decrease | Revenue | Federal Recovery Funds | 96022-456450-43007 | \$500,000 |
| Decrease | Expense | Construction Expense | 96122-513026-43007 | \$500,000 |
| Decrease | Revenue | Federal Recovery Funds | 96022-456450-43012 | \$561,109.17 |
| Decrease | Expense | Construction Expense | 96122-513026-43012 | \$561,109.17 |
| <i>Increase FY25 General Fund Budget, PayGo:</i> | | | | |
| Increase | Revenue | Federal Recovery Funds | 01000-456450 | \$1,061,109.17 |
| Increase | Expense | Transfer to General Capital Projects | 91001-599109 | \$1,061,109.17 |
| <i>Reallocate PayGo Funding to Projects - Service Centers, Share II and III:</i> | | | | |
| Increase | Revenue | PayGo Funds | 98022-469313-43007 | \$500,000 |
| Increase | Expense | Construction Expense | 98122-513026-43007 | \$500,000 |
| Increase | Revenue | PayGo Funds | 98022-469313-43012 | \$561,109.17 |
| Increase | Expense | Construction Expense | 98122-513026-43012 | \$561,109.17 |

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

32
33 **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision
34 of this Ordinance shall be deemed independent of all other provisions herein.
35

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

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

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

47 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
48 Salisbury held on the 25 day of November, 2024 and thereafter, a statement of the substance of the
49 Ordinance having been published as required by law, in the meantime, was finally passed by the Council
50 of the City of Salisbury on the 9 day of December, 2024.
51

52 **ATTEST:**
53
54
55

56 _____
Julie A. English, City Clerk

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

57
58
59 Approved by me, this _____ day of _____, 2024.
60
61

62 _____
Randolph J. Taylor, Mayor
63

47 **ATTEST:**

48

49

50

51 _____
Julie A. English, City Clerk

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

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53

54

55 Approved by me, this _____ day of _____, 2024.

56

57

58

59

60 _____
Randolph J. Taylor, Mayor



City of Salisbury

To: Andy Kitzrow, City Administrator
From: Amanda Rodriguez, City Planner *AR*
Date: November 22, 2024
Re: Ordinance to Permit the Operation of a Utility Substation by Eastern Shore Natural Gas

Eastern Shore Natural Gas/Morris & Ritchie Associates, Inc. has submitted an application for an Ordinance Permit for the operation of a Utility Substation as defined in Ch 17.220 to be located at the property on Calloway Street identified as Map 0104, Grid 0012, Parcel 2594, Block B, Lot 1. The property is currently zoned R-5A, and is currently unimproved. A Utility Substation is an allowable use in the R-5A district with the granting of an Ordinance Permit, per Ch 17.160.040.B.

The purpose of this facility is to serve as an integral element to improving safety of the existing natural gas pipeline. This above ground facility contains a rupture mitigation valve and is monitored remotely by Eastern Shore's Gas Control Facility in Dover, DE. There is minimal traffic to and from the site, as it is unmanned and will see approximately 1 visit to the site per month for inspection and maintenance.

On November 21, 2024, the Salisbury-Wicomico Planning and Zoning Commission reviewed the request, and forwarded a favorable recommendation to City Council.

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



Infrastructure and Development Staff Report November 21, 2024

I. BACKGROUND INFORMATION:

Project Name: Chesapeake Utilities Substation
Applicant/Owner: Eastern Shore Natural Gas/Morris & Ritchie Associates, Inc.
Nature of Request: Ordinance Permit
Location of Property: Calloway Street, Map 0104, Grid 0012, Parcel 2594, Block B, Lot 1
Existing Zoning: R-5A Residential Zoning District

II. SUMMARY OF REQUEST:

A. Introduction:

Eastern Shore Natural Gas/Morris & Ritchie Associates, Inc. has submitted an application for an Ordinance Permit for the operation of a Utility Substation as defined in Ch 17.220 to be located at the property listed above. The property is currently zoned R-5A, and is currently unimproved. A Utility Substation is an allowable use in the R-5A district with the granting of an Ordinance Permit, per Ch 17.160.040.B.

The purpose of this facility is to serve as an integral element to improving safety of the existing natural gas pipeline. This above ground facility contains a rupture mitigation valve and is monitored remotely by Eastern Shore's Gas Control Facility in Dover, DE.

Ch 17.12.060 states the Planning Commission has the authority to hear and review applications for Ordinance Permits and forward on a recommendation to City Council for final approval.

B. Surrounding Area Development:

The R-5A district is located in areas which are presently served or which can be served by existing municipal public utilities of water, sanitary sewer and storm drains and which contain the services and amenities necessary for concentrations of population and traffic normally associated with apartment and townhouse development.

Surrounding properties include residential apartments to the east, a forest conservation easement to the south, and the railroad to the west. Per the application, the forest conservation easement will not be disturbed by the construction of this utility substation.

III. R-5A DISTRICT DEVELOPMENT STANDARDS:

Staff notes the following with regard to Zoning Code requirements:

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21801
410-548-3170 (fax) 410-548-3107
www.salisbury.md

A. Site Plan Review:

- 1. Minimum Lot Requirements:** No changes to the size or dimensions of the existing lot are proposed for this project. The lot currently meets all minimum lot size requirements as set forth in Ch.17.160.060.
- 2. Building Setbacks/Spacing/Height:** Structures as shown on the proposed plan meet the setback, spacing, and height requirements as stated in Chapter 17.160.060.
- 3. Parking/Loading:** The site includes a gravel driveway to the substation area. This area is not accessible by the public and will not require additional parking, as there is no building structure.
- 4. Access:** The site currently has sole access from Calloway Street, which is not a through street. There is little expected traffic to and from the site as the site is unmanned. Occasional inspections and repairs by Eastern Shore Natural Gas employees are expected to occur.
- 5. Sign Plan:** While additional signage is not expected, any proposed signs will be subject to Planning Commission review before approval.
- 6. Landscaping and Screening:** Additional landscaped buffer is proposed along Calloway Street and along the residential uses to the east. The facility will be enclosed in a 45' x 45' area by chain link security fencing.

IV. PLANNING COMMENTS

The applicant seeks to use this site in a manner that is consistent with the intent of providing infrastructure and utilities to residential development. The operation of a utility substation is an allowable use in the R-5A district after the granting of an Ordinance Permit. Formal plans will be submitted for review and approval to the Department of Infrastructure and Development, City of Salisbury Fire Department, and other applicable agencies prior to the issuance of any building permits.

V. RECOMMENDATION

Staff recommends a favorable recommendation be made to forward this Ordinance Permit application onto City Council.

**SALISBURY PLANNING COMMISSION
NOTICE OF PUBLIC HEARING
ORDINANCE PERMIT**

Eastern Shore Natural Gas/Morris & Ritchie Associates, Inc., in accordance with the requirements of Section 17.160.040B of the Salisbury Municipal Code is requesting an Ordinance Permit to operate a Utility Substation, on property located on the southerly side of Calloway Street (Map 0104, Grid 0012, Parcel 2594, Block B, Lot 1) in the R-5A Residential Zoning District.

A PUBLIC HEARING WILL BE HELD ON

Thursday, November 21, 2024, at 1:30 P.M. in the Council Chambers, Room 301, Third Floor, Government Office Building, Route 50 and North Division Street, Salisbury, Maryland to hear opponents and proponents, if there be any.

Subsequent to the consideration of this request 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 Section 10-508(a) of the Maryland Annotated Code.

(FOR FURTHER INFORMATION CALL 410-548-3130)

Charles “Chip” Dashiell

Publication Dates: November 7, 2024
 November 14, 2024

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Date: October 2, 2024

City of Salisbury Infrastructure & Development Department
125 N. Division Street, Suite 304
Salisbury, MD 21801
Attention: Mr. Henry Eure

Subject: Calloway Street Valve Facility
submission for the Salisbury Loop
Project

Dear Mr. Eure

On behalf of our client, Eastern Shore Natural Gas (ESNG) Company, we hereby request approval to construct a utility infrastructure facility on the vacant parcel known as tax parcel 014-0012-2594, located on the south side of Calloway Street in the City of Salisbury. The facility will consist of a 45-foot by 45-foot fenced area along with a gravel driveway. The facility will consist of a chain-link security fence to protect the proposed federally required valve facility. The unmanned facility will be visited by ESNG employees for routine maintenance and inspections. Trees will be planted along the street and as a buffer against the neighboring residentially zoned property.

The aboveground facility will contain a rupture mitigation valve (RMV) and an inline inspection (ILI) receiver. The RMV is part of a system of valves on the natural gas transmission pipeline that protects against catastrophic events. These valves are part regulations established and enforced by the Pipeline and Hazardous Materials Safety Administration (PHMSA). If any of these valves sense a 10% pressure loss on the pipeline, they automatically close, isolating the section of pipeline that is suffering the pressure loss. Once isolated, the pressure decreases and the amount of potential gas loss is halted. In addition, the entire pipeline system, including all RMV's, are monitored from Eastern Shore's Gas Control Facility in Dover, DE. This facility provides 24-hour, seven (7)-day a week monitoring for all Eastern Shore facilities. The ILI receiver allows for the acceptance of an inspection tool that would be sent through the pipeline at a point further north in the pipeline network. Based on current federal regulations the ILI receiver would be used approximately every seven (7)-years. These inspections provide critical data related to the long-term maintenance and protection of welded steel, gas transmission pipelines.

The subject parcel is approximately 0.54 acres and is zoned R-5A. The parcel was subdivided as "Lot 1" in a Plan titled, "Resubdivision of Lots 38-40 & 44-48 of the William F. Calloway Estate and Minor Subdivision of the Lands of Go-Getters Foundation, Inc.," dated May 5, 2003. The parcel is adjoined by "Lot 2" of the same plan to the east – an approximately 1.27-acre parcel also Zoned R-5A and currently used as residential apartments. The subject parcel is bordered to the west by the railroad. There is an existing Forest Conservation Easement along the western and southern lot lines which will not be impacted as part of the proposed improvements.

To help visualize what the facility will look like, we have attached two photographs of another ESNG facility. While not exactly the same mechanical appurtenances, the facility shown in these photographs is of a similar size.

111 Ruthar Drive, Newark, DE 19711 (302) 326-2200 www.mragta.com

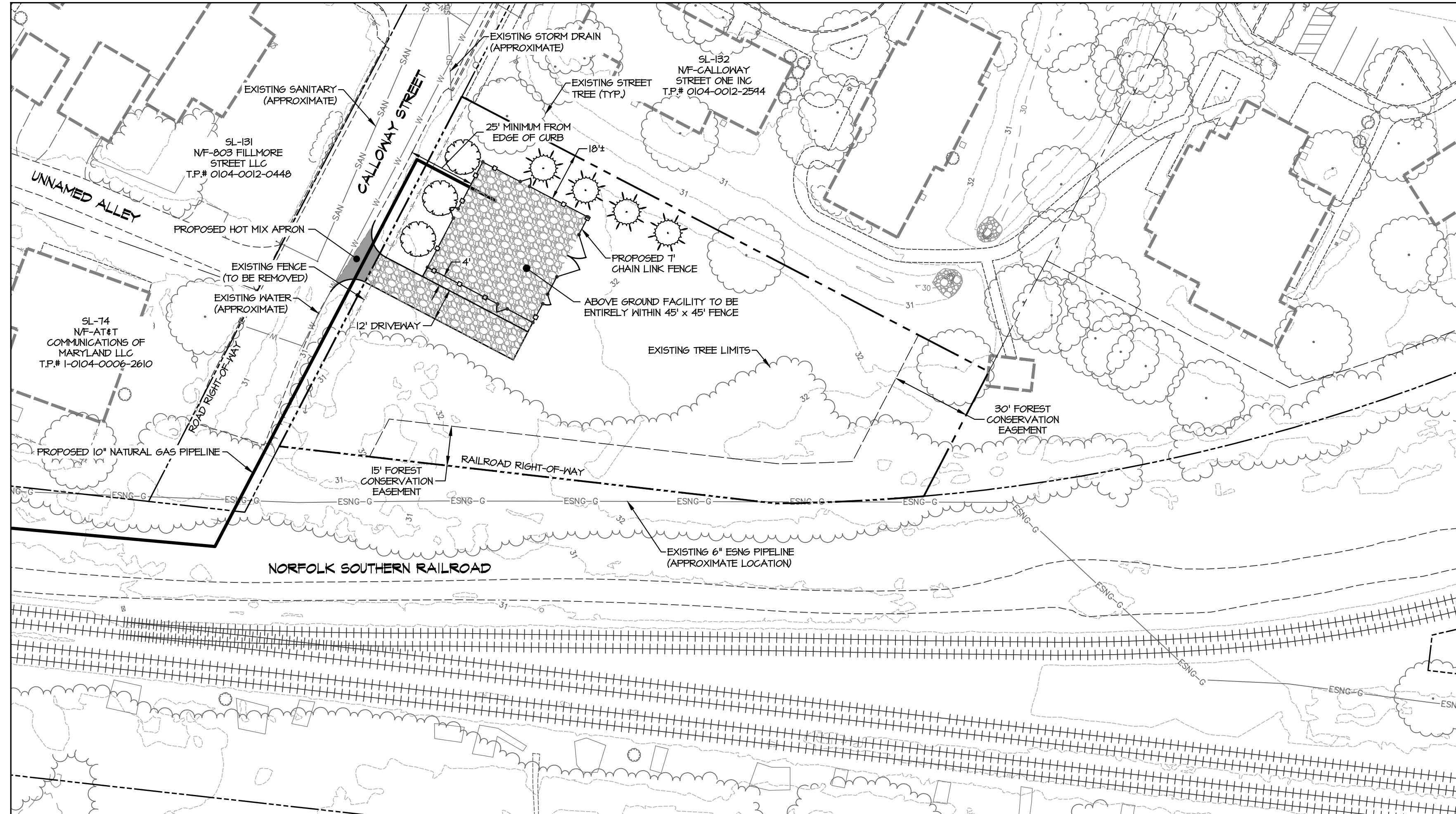
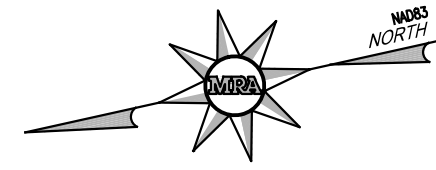
We understand that the Code requires an Ordinance Permit be issued for the construction of this utility facility within the R-5A zone, and we request approval for that permit from the City Planning Commission. Should you require additional information please contact us at (302) 326-2200. Thank you for your time and consideration for this project.

Very truly yours,
Morris & Ritchie, Associates, Inc.



Charlie Barnett
Principal

Encl. Ordinance Permit Plan
 Photographs
cc: Mark Parker, PE, ESNG
 Nick Hammond, ESNG
 File (22394)

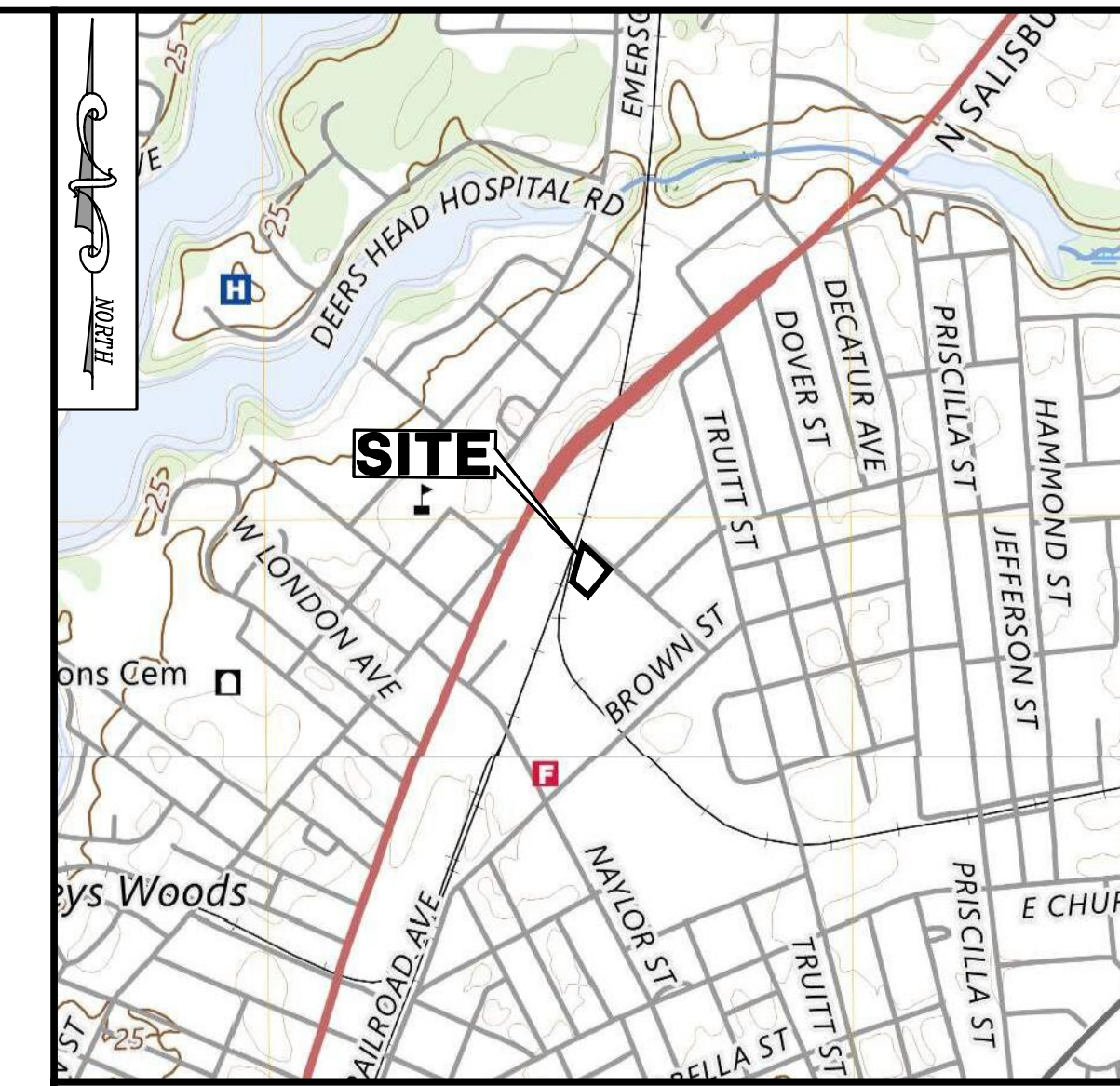
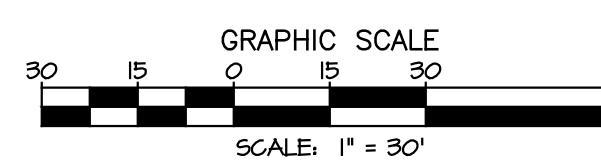


NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED NATURAL GAS FACILITY WITHIN THE SUBJECT PROPERTY CONSISTING OF ABOVE-GROUND PIPING AND RELATED FACILITIES, ALL OF WHICH WILL BE CONTAINED WITHIN A 7-FOOT HIGH CHAIN LINK FENCE.
2. THIS SITE IS NOT WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO FEMA FIRM MAP #24045C0114E, DATED 08/11/2015.
3. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. LANDSCAPING PLANTING DETAILS:
 THREE (3) GRAPE MYRTLE TREES: *Lagotis indica* Muskogee, 5' - 6' HEIGHT, BALL & BURLAP ROOT
 FOUR (4) HOLLY TREES: *Ilex Nellore R. Stevens*, 5' - 6' HEIGHT, BALL & BURLAP ROOT

LEGEND

| | |
|-------------------------------|-------|
| EXISTING RIGHT-OF-WAY | ----- |
| EXISTING 1' CONTOUR | ----- |
| EXISTING 5' CONTOUR | ----- |
| EXISTING EDGE OF CURB | ----- |
| EXISTING EASEMENT | ----- |
| EXISTING BUILDING | ----- |
| PROPOSED UNDERGROUND PIPELINE | ----- |
| PROPOSED GRAVEL | ----- |
| PROPOSED PAVEMENT | ----- |
| PROPOSED FENCE | ----- |
| PROPOSED GRAPE MYRTLE (3) | ----- |
| PROPOSED HOLLY (4) | ----- |



VICINITY MAP
 SCALE: 1" = 1,000 FT
 USGS TOPO QUAD DELMAR, MD & SALISBURY, MD, 2023.

SITE DATA

| | |
|---------------------------|---|
| TAX MAP & PARCEL: | 0104-0012-2544 BLOCK B, LOT 1 |
| CURRENT OWNER: | 60-GETTERS FOUNDATION P.O. BOX 37318 CHARLOTTE, NC 28237 |
| FUTURE OWNER: | EASTERN SHORE NATURAL GAS 500 ENERGY LANE, SUITE 200 DOVER, DE 19901 MARK PARKER (302) 213-1210 |
| SITE ADDRESS: | ALLOWAY STREET SALISBURY 21801 |
| TOTAL AREA OF SITE: | 0.54 ACRES |
| PROPOSED IMPERVIOUS AREA: | 3,110 S.F. (0.07 ACRES) |
| PROPOSED FENCE AREA: | 2,025 S.F. (0.05 ACRES) |
| DRAINAGE BASIN (12-DIGIT) | 021303040566 |



**Know what's below.
Call before you dig.**

PROTECT YOURSELF. GIVE THREE WORKING DAYS NOTICE.
 THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPURTENANT.

EXCAVATE WITH CAUTION!!! EXACT LOCATION OF EXISTING UNDERGROUND PIPES AND UTILITIES IS UNKNOWN.

ORDINANCE PERMIT PLAN

SALISBURY LOOP
 CITY OF SALISBURY
 WICOMICO COUNTY, MD

| | | | |
|--------------------|---------|--------|-----------|
| ESNG PROJECT CODE: | 22394 | DATE: | 9/19/2024 |
| MRA PROJECT NO: | JTH/CWB | SCALE: | 1" = 30' |
| DESIGN/CHECK BY: | JTH/CWB | SHEET: | 1 OF 1 |



MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
 111 RUTHAR DRIVE
 NEWARK, DE 19711
 (302) 326-2200

MRA@GTA.COM
 © 2024 MORRIS & RITCHIE ASSOCIATES, INC.



500 ENERGY LANE, SUITE 200 DOVER, DE 19901
 TELEPHONE (302) 734-6710 - FAX (302) 734-6745





City of Salisbury

November 22, 2024

Charlie Barnett
Morris & Ritchie
111 Ruthar Drive
Newark, DE 19711

**RE: PUBLIC HEARING– ORDINANCE PERMIT- UTILITY SUBSTATION – Eastern Shore Natural Gas/
Morris & Ritchie Associates, Inc.– Calloway Street – R-5A Residential Zoning District – M-0104, G-
0012, P-2594 B-B, L-1**

Dear Mr. Barnett,

The Salisbury Planning Commission, at its November 21, 2024 meeting, forwarded a **FAVORABLE** recommendation to City Council for the Ordinance to Permit a Utility Substation at Calloway Street, Map 0104, Grid 0012, Parcel 2594, Block B, Lot 1 based on the findings in the Staff Report.

If you have any questions or concerns regarding this matter, please call our office at 410-548-3170.

Sincerely,

Amanda Rodriguez
City Planner

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21801
410-548-3170 (fax) 410-548-3107
www.salisbury.md

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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 9 day of December, 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:

Julie A. English, City Clerk

D'Shawn M. Doughty, City Council President

Approved by me, this _____ day of _____, 2024.

Randolph J. Taylor, Mayor



City of Salisbury

To: Andy Kitzrow, City Administrator
From: Amanda Rodriguez, City Planner
Date: October 18, 2024
Re: Ordinance to Permit the Operation of a Daycare Center by The Night Watch Childcare Center LLC at 224 Phillip Morris Drive in the Light Business & Institutional District

The Department of Infrastructure and Development received an application for an Ordinance Permit for the operation of a day-care facility to be located at 224 Phillip Morris Drive in the Light Business & Institutional Zoning District. On September 19, 2024, the Salisbury-Wicomico Planning and Zoning Commission reviewed the request, and forwarded a favorable recommendation to City Council. A day-care center is an allowable use in the Light Business & Institutional District with the granting of an Ordinance Permit, per Ch 17.28.040.

During their review, the Commission noted that this request has more than adequate parking, and that limited changes to the property should have a minimal effect on the surrounding businesses. The purpose of the Light Business & Institutional District (LBI) is to recognize that lands located along major limited access highways running through Salisbury are exposed to large volumes of traffic and high degrees of visibility and to provide for their development while protecting adjoining residential areas. To provide for development of these lands and to afford some protection to adjoining residential areas, the uses permitted in this district are those which may benefit from this exposure but which primarily do not generate continuous heavy volumes of traffic, noise, dust or odor, do not primarily have late evening or weekend hours and do not have the detrimental effects that intensive commercial development may have on the property values of nearby residential neighborhoods.

Prior uses of this property include various office spaces, including educational, financial, and medical offices. Surrounding properties include a banking establishment to the east, residential uses to the north, and Emmanuel Wesleyan Church to the west. The proposed use is consistent with surrounding uses and meets the purpose and intent of the LBI district.

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



**Infrastructure and Development
Staff Report
September 19, 2024**

I. BACKGROUND INFORMATION:

Project Name: The Night Watch Childcare Center
Applicant/Owner: Dr. Amy Stewart, on behalf of The Night Watch Childcare Center, LLC
Nature of Request: Ordinance Permit
Location of Property: 224 Phillip Morris Drive
Existing Zoning: Light Business and Institutional Zoning District

II. SUMMARY OF REQUEST:

A. Introduction:

The Night Watch Childcare Center LLC has submitted an application for an Ordinance Permit for the operation of a Day-care center as defined in Ch 17.220 to be located at 224 Phillip Morris Drive. The property is currently zoned Light Business and Institutional, and is improved with a 36,807 sf building divided into multiple units. This request is for the occupancy of Unit 2. A day-care center is an allowable use in the Light Business and Institutional Zoning district with the granting of an Ordinance Permit, per Ch 17.28.040.

Ch 17.12.060 states the Planning Commission has the authority to hear and review applications for Ordinance Permits and forward on a recommendation to City Council for final approval.

B. Surrounding Area Development:

The purpose of the Light Business and Institutional (LBI) district is to recognize that lands located along major limited access highways running through Salisbury are exposed to large volumes of traffic and high degrees of visibility and to provide for their development while protecting adjoining residential areas. These lands are generally located between the major highways and parallel streets which border adjoining residential areas.

Prior uses of this property include various office spaces, including educational, financial, and medical offices. Surrounding properties include a banking establishment to the east, residential uses to the north, and Emmanuel Wesleyan Church to the west. The proposed use is consistent with surrounding uses and meets the purpose and intent of the LBI district.

III. LIGHT BUSINESS AND INSTITUTIONAL DISTRICT DEVELOPMENT STANDARDS:

Staff notes the following with regard to Zoning Code requirements:



City of Salisbury

A. Site Plan Review:

- 1. Minimum Lot Requirements:** The existing structure is expected to remain, with no changes to the size or dimensions of the existing building lot. The lot currently meets all minimum lot size requirements as set forth in Ch.17.28.060.
- 2. Building Setbacks/Spacing/Height:** Structures as shown meet the setback, spacing, and height requirements as stated in Chapter 17.28.060. The applicant is not seeking to alter the placement or footprint of this existing building.
- 3. Parking/Loading:** The plan shows a loading zone to be located at the rear of the building, and meets all requirements set forth in Ch 17.196.020. Existing parking spaces will be sufficient for this use.
- 4. Access:** The site currently has frontage along Dallas Drive. Access to Dallas Drive from Phillip Morris Drive serves all units within this building.
- 5. Sign Plan:** A formal sign plan has not been submitted at this time. Signs will be subject to review before approval.
- 6. Landscaping and Screening:** While there is existing landscaping on site, a formal landscaping plan has not been submitted at this time.

IV. PLANNING COMMENTS

The applicant seeks to use this site in a manner that is consistent with the surrounding properties in intensity. The operation of a daycare center is an allowable use in the LBI district after the granting of an Ordinance Permit. Formal plans will be submitted for review and approval to the Department of Infrastructure and Development, City of Salisbury Fire Department, and other applicable agencies prior to the issuance of any building permits.

V. RECOMMENDATION

Staff recommends a favorable recommendation be made to forward this Ordinance Permit application onto City Council.

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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 9 day of December, 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:

Julie A. English, City Clerk

D'Shawn M. Doughty, City Council President

Approved by me, this _____ day of _____, 2024.

Randolph J. Taylor, Mayor



Memorandum

To: Salisbury City Council

From: Muir Boda, Director HCDD

Subject: Litter Enforcement and Fines

Date: 11/6/2024

Council,

We have been working with the Litter Committee this year on addressing litter within the city and the county. One of the items brought up was increasing fines and working to be more in line with the county. During the course of reviewing the existing code we found some inconsistencies within the code and state law in regards to fines, language of the code, and items in different chapters. So, we worked to achieve the following goals:

- Increased the overall maximum fine allowed for municipal infractions, civil zoning violations, and misdemeanors from \$500 to \$1000.
 - Creates consistency throughout code.
 - Updated to reflect state law which caps fines at \$1,000.
- Move all littering violations into its own chapter.
- Specify the fine amount sentencing in the code of each violation.
- Expand the violation for littering in the Wicomico River and its tributaries and set the penalty at the level of a misdemeanor.

If you have any questions, feel free to reach out.

Muir Boda
Director HCDD



Housing & Community Development Department
207 W. Main St, Suite 102 Salisbury, MD 21801

45 **1.16.020 - Declaration as infraction or civil zoning violation—Violations and penalties.**

46 The council declares the violation of which ordinance or ordinances shall be infractions or civil
47 zoning violations, and for each such violation, a fine shall be set. The fine shall not exceed **one**
48 **thousand dollars (\$1,000)** ~~five hundred dollars (\$500.00)~~ for any single, initial infraction and shall
49 not exceed **one thousand dollars (\$1,000)** ~~five hundred dollars (\$500.00)~~ for any single civil
50 zoning violation. Each day the violation continues shall constitute a separate offense. The authority
51 to declare infractions and civil zoning violations, and set fines shall not be delegated by the council
52 to any other administrative or legislative body.

53
54 **1.16.021 - Misdemeanors—Violations and penalties.**

55 The council declares the violation of which ordinance or ordinances shall be misdemeanors, and
56 for each such violation, a penalty shall be set. Every act or admission designated as
57 a misdemeanor shall be punishable by a fine not exceeding **one thousand dollars (\$1,000)** ~~five~~
58 ~~hundred dollars (\$500.00)~~ or imprisonment for not more than ninety (90) days, or both. The party
59 aggrieved shall have the right of appeal as is provided under the general laws of the state. Where
60 the act or admission is of a continuing nature, conviction for one offense shall not be a bar to a
61 conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

62
63 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
64 **SALISBURY, MARYLAND,** as follows:

65 **Section 2.** Title 12 of the Salisbury City Code is hereby amended by eliminating the language that
66 is marked with a strikethrough and adding the bolded and underlined language as follows:

67 ~~Section 12.04.010 Throwing Litter into streets and sidewalks.~~

68 ~~It is unlawful for any person to cast, throw or sweep into any of the streets, public alleys or~~
69 ~~sidewalks within the corporate limits of the city any trash, refuse, leaves or sweepings.~~

70 ~~Section 12.04.020 Throwing or discharging from vehicles.~~

71 ~~Any person who shall suffer or permit any garbage and refuse materials, including liquids derived~~
72 ~~therefrom, or any other odoriferous or unsanitary material to escape, fall or to be discharged from~~
73 ~~any vehicle upon any public street or way in the city shall be deemed guilty of a misdemeanor.~~

74 ~~Section 12.24.020 Throwing litter into river prohibited.~~

75 ~~No person shall throw into, deposit in or place where the same may fall or be washed into the~~
76 ~~Wicomico River or its tributaries within the corporate limits of the city any material, refuse or other~~
77 ~~matter of any kind detrimental to navigation or health.~~

78 **Chapter 12.25 – Littering**

79 **Section 12.25.010 - Prohibition of Littering on Streets and Sidewalks**

80 **Any individual who disposes of, casts, throws or sweeps trash, refuse, leaves or debris onto**
81 **the streets, public alleys or sidewalks within the city limits shall be guilty of a municipal**
82 **infraction and shall be subject to a fine not to exceed one thousand dollars (\$1,000) per**
83 **violation. Each day the violation continues shall constitute a separate violation subject to an**
84 **additional citation and fine.**

85
86 **Section 12.25.020 – Prohibition of Littering from Vehicles**

87 **Any individual who allows or causes any garbage, refuse materials, including liquids, or other**
88 **foul or unsanitary substances to be released, spilled or discharged from a vehicle onto any**
89 **public street or right-of-way within the city shall be guilty of a municipal infraction and shall**
90 **be subject to a fine not to exceed one thousand dollars (\$1,000) per violation. Each day the**

91 violation continues shall constitute a separate violation subject to an additional citation and
92 fine.

93
94 **Section 12.25.030 - Prohibition of Littering in the Wicomico River**

95 Any individual or entity who throws, deposits or places any materials, refuse, or substances
96 into the Wicomico River or its tributaries within the city limits that may harm navigation,
97 restrict stormwater flow or negatively impact public health shall be guilty of a municipal
98 infraction and shall be subject to a fine not to exceed one thousand dollars (\$1,000) per
99 violation. Each day the violation continues shall constitute a separate violation subject to an
100 additional citation and fine.

101
102 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
103 **SALISBURY, MARYLAND,** as follows:

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

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

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

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

114 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City
115 of Salisbury held on the 9 day of December, 2024 and thereafter, a statement of the substance of the
116 Ordinance having been published as required by law, in the meantime, was finally passed by the Council
117 of the City of Salisbury on the ____ day of _____, 2024

118 **ATTEST:**

119
120 _____
121 Julie A. English
122 City Clerk

120 _____
121 D'Shawn M. Doughty
122 City Council President

123
124 Approved by me, this ____ day of _____, 2024.

125
126 _____
127 Randolph J. Taylor
128 Mayor



MEMORANDUM

TO: City Council

FROM: Chad Goblinger, Building Official

SUBJECT: Ordinance to adopt 2021 State Building Codes

DATE: December 4, 2024

The State (The Department of Labor) has adopted codes the 2021 edition of IBC, IRC, IECC, IgCC & IEBC for

(I) COMAR 09.12.50 Model Performance Code & COMAR 09.12.51 Maryland Building Performance Standards

(II) COMAR 09.12.57 International Green Construction Code

(III) COMAR 09.12.58 Maryland Building Rehabilitation Code Regulations

The effective date is May 29, 2023. State law requires local jurisdiction to start implementing & enforcing the new requirements as of May 29, 2024.

This ordinance will adopt these State required codes with local amendments and codify them.

The Department of Infrastructure and Development will now be able to start enforcing these updated State codes with the passage of this ordinance.

Should there be no objections, please forward a copy of the Draft Ordinance onto City Council for readings and adoption per City Code.

Chad Goblinger
Building Official
Department of Infrastructure & Development

- 41 A. Chapter 1 ~~delete~~ **amend** Section 101.2.1 Appendices, and replace with the following: Paragraph
 42 101.2.1 Appendix provisions on Appendix B. ~~Building~~ Board of Appeals and Appendix I. Patio
 43 Covers are adopted as part of the IBC.
- 44 B. Chapter 1 delete [A] 101.4.4 Property Maintenance.
- 45 C. Chapter 1 amend [A] 102.6 Existing Structures. The legal occupancy of any structure existing
 46 on the date of adoption of this code shall be permitted to continue without change, except as
 47 otherwise specifically provided for in this code, the International Existing Building Code, City
 48 of Salisbury Property Maintenance Code, or the NFPA Life Safety Code 101 **(2021)** ~~(2018)~~.
- 49 D. Chapter 1 delete [A] 105.2 Work exempt from permit: 2. Fences not over 7 feet (2134 mm) high
 50 and replace with the following:
- 51 [A] 105.2 Work exempt from permit.
- 52 2. Fences less than fifty (50) lineal feet.
- 53 E. Chapter 1 add [A] 105.2.14 Work exempt from permit: 14. to read as follows: "Replacement
 54 windows, doors, vinyl/aluminum siding and custom trim."
- 55 F. Chapter 1 amend [A] 109.4 Work commencing before issuance of a permit issuance. Any person
 56 who commences any work on a building, structure, electrical, gas, mechanical or plumbing
 57 system before obtaining the necessary permits may be subject to a permit fee two times the
 58 amount of the original fee.
- 59 G. Chapter 1 add Section [A] 111.1.1, Change of Use Group, Owner or Tenant. No change in use,
 60 group, owner or tenant of a building or structure shall be permitted, wholly or in part, until a
 61 new Certificate of Occupancy has been issued by the Building Official certifying compliance
 62 with applicable parts of this chapter and other applicable State or local laws, ordinances, and
 63 regulations. This provision shall not apply to a change of tenant for R-2, change of owner or
 64 tenant for R-3, or change of tenant for R-4 structures. For purposes of this section, "R-2", "R-3"
 65 and "R-4" shall be defined in accordance with the International Building Code (2018). Further,
 66 this provision shall not apply to any property used for a residential purpose, which shall be
 67 defined as a property designed to be lived in or otherwise providing living accommodations.
- 68 H. Add Section [A] 104.1.1. Fire Safety Provisions. The Fire Marshal or the Fire Marshal's
 69 authorized representative shall enforce all fire safety provisions of this code. Where references
 70 to fire safety provisions in this code indicate the term "Building Official or Code Official," they
 71 shall be construed to refer to the Fire Marshal or the Fire Marshal's authorized representative.
 72 In any conflict of opinion concerning fire safety of a structure, the decision of the Fire Marshal
 73 shall control. In all other matters relating to structures, the decision of the Building Code Official
 74 shall control. The Fire Marshal shall be responsible for the final technical interpretation of all
 75 fire safety provisions within this code.

76 **I. Chapter 1 Amend: [A] 110.5. Inspection requests. ADD: The permit holder or their**
 77 **authorized agent shall be present for all required inspections.**

78 **Section 3.** Chapter 15.04, Building Code the of the Salisbury City Code is hereby amended by the
 79 addition of 15.04.025 entitled "Amendments to the International Residential Code" as follows:

80 **15.04.025 Amendments to the International Residential Code**

81 **The following additions and deletions are made to the International Residential Code (2021), as**
 82 **incorporated in the Maryland Building Performance Standards:**

- 83 **A. Chapter 1 amend [A] 102.7 Existing Structures. The legal occupancy of any structure**
 84 **existing on the date of adoption of this code shall be permitted to continue without change,**

85 except as otherwise specifically provided for in this code, the International Existing
86 Building Code, City of Salisbury Property Maintenance Code, or the NFPA Life Safety
87 Code 101 (2021).

88 B. Chapter 1 delete 105.2 Work exempt from permit: 2. Fences not over 7 feet (2134 mm) high
89 and replace with the following:

90 105.2 Work exempt from permit.

91 2. Fences less than fifty (50) lineal feet.

92 C. Chapter 1 add to 105.2 Work exempt from permit: 11. to read as follows: "Replacement
93 windows, doors, providing the rough opening framing is not altered. Exception: All newly
94 created sleeping rooms or existing sleeping rooms where window rough opening framing
95 is altered, shall require at least one code compliant Emergency Egress Rescue Opening
96 (EERO)."

97 D Chapter 1 add 105.2 Work exempt from permit: 12. to read as follows: "vinyl/aluminum
98 siding and custom trim provided no structural elements are compromised or need to be
99 replaced."

100 E Chapter 1 amend 105.2 Work exempt from permit: 1. Other than storm shelters, one-story
101 detached accessory structures, provided that the floor area does not exceed 120 square feet.

102 F. Chapter 1 amend 105.2 Work exempt from permit: 10. Decks not exceeding 120 square
103 feet in area, that are not more than 30 inches above grade at any point, are not attached to
104 a dwelling, and do not serve the exit door required by Section R311.4.

105 G. Chapter 1 amend 108.6 Work commencing before issuance of a permit. Any person who
106 commences any work on a building, structure, electrical, gas, mechanical or plumbing
107 system before obtaining the necessary permits may be subject to a permit fee two times the
108 amount of the original fee.

109 H. Chapter 1 amend 109.3 Inspection requests. ADD: The permit holder or their authorized
110 agent shall be present for all required inspections.

111 Section 4. Section 15.04.030 of the Salisbury City Code, entitled "Amendments to the
112 International Plumbing Code" shall be amended as follows:

113 **15.04.030 Amendments to the International Plumbing Code (~~2018~~2021).**

114 The following additions and deletions are made to the International Plumbing Code (~~2018~~2021):

115 A. Chapter 1 delete [A] 106.1 Where Required in its entirety and replace with the following:
116 Any Master Plumber who desires to construct, enlarge, alter, repair, move, demolish or to
117 erect, install, enlarge, alter, repair, remove, convert or replace any plumbing system, the
118 installation of which is regulated by this code, or to cause any such work to be performed,
119 shall first make application to the Department of Infrastructure & Development. No work
120 regulated by this chapter shall be commenced without a permit issued by the Department
121 of Infrastructure & Development approved by the Plumbing Inspector or Building Official.
122 Licenses and Permits or, in the case of septic installers, shall be issued by the Wicomico
123 County Health Department. Only a Master Plumber shall be eligible to apply for permits
124 authorized by this chapter.

125 B. Chapter 1 Amend [A] 112.2. Required inspections and testing. ADD: The permit holder or
126 their authorized agent shall be present for all required inspections.

127 C. Chapter 10 delete Chapter 10 Traps, Interceptors and Separators in its entirety and replace with
128 the following:

129 The 2019 Washington Suburban Sanitary Commission Fats, Oils and Grease
130 Requirements.

131 **Section 5.** Chapter 15.04, Building Code the of the Salisbury City Code is hereby amended by the
132 addition of 15.04.035 entitled “Amendments to the International Fuel Gas Code” as follows:

133 **15.04.035 Amendments to the International Fuel Gas Code 2021.**

134 **The following additions and deletions are made to the International Fuel Gas Code 2021:**

135 **A. Chapter 1 delete [A] 106.1 Where Required in its entirety and replace with the following:**
136 **Any Master Plumber or Master Natural Gas Fitter who desires to erect, install, enlarge,**
137 **alter, repair, remove, convert or replace an installation regulated by this code, or to cause**
138 **such work to be performed, shall first make application to the Department of Infrastructure**
139 **& Development. No work regulated by this chapter shall be commenced without a permit**
140 **issued by the Department of Infrastructure & Development approved by the Plumbing**
141 **Inspector or Building Official. Only a Master Plumber, Master Natural Gas Fitter, or on**
142 **site utility contractor shall be eligible to apply for permits authorized by this chapter.**

143 **B. Chapter 1 amend [A] 112.2. Required inspections and testing. ADD: The permit holder or**
144 **their authorized agent shall be present for all required inspections.**

145 **Section 6.** Section 15.04.040 of the Salisbury City Code, entitled “Reference Standards” shall be
146 amended as follows:

147 **15.24.040 – Referenced standards.**

- 148 A. Where the following codes are referenced within this Code, they shall be considered part
149 of the requirements of this Code to the prescribed extent of each such reference:
- 150 1. International Building Code (~~2018~~**2021**) (IBC);
 - 151 2. International Residential Code (~~2018~~**2021**) (IRC);
 - 152 3. International Energy Conservation Code (~~2018~~**2021**) (IECC);
 - 153 4. International Mechanical Code (~~2018~~**2021**) (IMC);
 - 154 5. International Plumbing Code (~~2018~~**2021**) (IPC);
 - 155 6. International Fuel Gas Code (~~2018~~**2021**) (IFGC);
 - 156 7. International Existing Building Code (~~2018~~**2021**) (IEBC);
 - 157 8. Maryland Accessibility Code;
 - 158 9. National Electrical Code (~~2014~~**2017**); and
 - 159 10. International Green Construction Code (~~2018~~**2021**) (IGCC).

160 **Section 7.** It is the intention of the Mayor and Council of the City of Salisbury that each provision
161 of this Ordinance shall be deemed independent of all other provisions herein.

162 **Section 8.** It is further the intention of the Mayor and Council of the City of Salisbury that if any
163 section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,
164 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication
165 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other
166 provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

167 **Section 9.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as
168 if such recitals were specifically set forth at length in this Section 9.

169 **Section 10.** This Ordinance become effective as of January 1, 2025

170 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City
171 of Salisbury held on the 9 day of December, 2024 and thereafter, a statement of the substance of the
172 Ordinance having been published as required by law, in the meantime, was finally passed by the Council
173 of the City of Salisbury on the __ day of __, 2024.

174 ATTEST:

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177

178 _____
Julie A. English, City Clerk

D'Shawn M. Doughty, City Council President

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181 Approved by me, this _____ day of _____, 2024.

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186 _____
Randolph J. Taylor, Mayor