

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

NOVEMBER 13, 2018

PUBLIC OFFICIALS PRESENT

*Council President John “Jack” R. Heath
Councilman James Ireton, Jr.
Councilman R. Hardy Rudasill*

*Council Vice-President Muir Boda
Councilwoman April Jackson*

PUBLIC OFFICIALS NOT PRESENT

Mayor Jacob R. Day

IN ATTENDANCE

Deputy City Administrator Andy Kitzrow, Assistant Fire Chief James Gladwell, Infrastructure and Development Director Amanda Pollack, Assistant City Clerk Diane K. Carter, City Clerk Kimberly R. Nichols, City Attorney Mark Tilghman, and interested citizens.

CITY INVOCATION – PLEDGE OF ALLEGIANCE

The City Council met in regular session at 6:00 p.m. in Council Chambers. Council President John R. Heath called the meeting to order and invited Pastor Betty Cropper of Riverside United Methodist Church to the podium to provide the City Invocation, followed by the Pledge of Allegiance to the flag of the United States of America.

PRESENTATIONS – presented by Deputy City Administrator Andy Kitzrow

• **Salisbury Poem Presentation and Certificate of Appreciation**

Deputy City Administrator Andy Kitzrow presented the poem entitled Salisbury City. The poem was published in 1904 in the Sun, now known as the Baltimore Sun, by Folger McKinsey, who went by the pen name The Bentztown Bard. Folger McKinsey was born in Elkton, Maryland in 1866 and wrote for the Sun for 42 years.

The poem was donated by Barbara Lee Evans, who was unable to attend the meeting. Her husband Teddy Evans and daughter Dana Bell joined Mr. Kitzrow at the podium to receive the Certificate of Appreciation for sharing the poem. Mae P. Richardson, Ms. Evans’ mother, had saved the poem from The Bentztown Bard, as published in 1904. Ms. Evans found the poem among her mother’s keepsakes and shared it with the City of Salisbury, to be kept among its historical memorabilia.

• **Municipal Government Works Month Proclamation**

Mr. Kitzrow presented the Municipal Government Works Month proclamation to proclaim November 2018 as Municipal Government Works Month to promote awareness and interest of citizens in the City of Salisbury’s local government.

ADOPTION OF LEGISLATIVE AGENDA

Mr. Rudasill moved, Ms. Jackson seconded, and the vote was unanimous to approve the legislative agenda as presented.

CONSENT AGENDA – presented by City Clerk Kim Nichols

The Consent Agenda, consisting of the following items, was unanimously approved on a motion and seconded by Mr. Boda and Mr. Ireton, respectively:

- **October 22, 2018 Council Meeting Minutes**
- **October 22, 2018 Closed Session Minutes**
- **Resolution No. 2877-** approving the reappointment of Albert G. Allen, III to the Board of Zoning Appeals for term ending November 2021
- **Resolution No. 2878-** approving the appointment of Virginia Bender to the Election Board for term ending November 2024
- **Resolution No. 2879-** approving the appointment of Dr. Katherine Jones to the Disability Advisory Committee for term ending November 2021
- **Resolution No. 2880-** approving the reappointment of Dr. Francis Kane to the Ethics Commission for term ending November 2022
- **Resolution No. 2881-** approving the appointment of Louise Smith to the Housing Board of Adjustments and Appeals for term ending November 2022
- **Resolution No. 2882-** declaring that 500 Riverside Realty, LLC is eligible to receive Enterprise Zone benefits for property located at 500 Riverside Drive in Salisbury, Maryland
- Approving the Manufacturing Exemption request for Delmar Brewing Company, LLC
- Approving the Manufacturing Exemption request for Delmarva Printing & Design, Inc
- Approving the Manufacturing Exemption request for LWRC International, LLC
- Approving the Manufacturing Exemption request for Mason Dixon Machining, Inc
- Approving the Manufacturing Exemption request for Relcomm Technologies, Inc

President Heath thanked Albert G. Allen, Virginia Bender, Dr. Katherine Jones, Dr. Francis Kane, and Louise Smith for serving on City Boards and Committees. He remarked that it was good for the City when the manufacturers are investing, and it was great seeing the Manufacturing Exemptions.

RESOLUTION – presented by Deputy City Administrator Andy Kitzrow

- **Resolution No. 2883**– authorizing the Capacity Fee of the City's Comprehensive Connection Charge to be waived for the redevelopment of 132 East Main Street

Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous to approve Resolution No. 2883 as presented.

PUBLIC HEARING / ORDINANCES – presented by City Attorney Mark Tilghman

- **Ordinance No. 2506-** 2nd reading- pursuant to Chapter 17.228 of Title 17, Zoning of the Salisbury Municipal Code and Section 4-203 of the Land Use Article of the Annotated Code

of Maryland to amend Chapter 17.196 Off-Street Parking and Loading Standards, Sections .020 E and H, .030 and .060, to reduce the number of vehicle parking spaces required and add requirements for bicycle parking

President Heath asked anyone wishing to testify during either of the two Public Hearings scheduled for the meeting to stand and be sworn in. No one requested to be sworn in.

Mr. Ireton moved and Mr. Boda seconded to approve Ordinance No. 2506 for second reading. Mr. Tilghman presented the Ordinance.

President Heath opened the Public Hearing at 6:28 p.m. and as no one stood to speak, the Public Hearing was immediately closed.

Ordinance No. 2506 was approved by unanimous vote in favor.

- **Ordinance No. 2507**- 2nd reading- pursuant to Chapter 17.228 of Title 17, Zoning of the Salisbury Municipal Code and Section 4-203 of the Land Use Article of the Annotated Code of Maryland for the purpose of amending Section 17.76.020 A., to add Church or other place of worship as a permitted use in the Light Industrial District

Mr. Tilghman presented Ordinance No. 2507 for second reading.

Mr. Ireton moved and Ms. Jackson seconded to approve Ordinance No. 2507 for second reading.

President Heath opened the Public Hearing at 6:30 p.m. and as no one stood to speak, the Public Hearing was immediately closed.

Ordinance No. 2507 was approved by unanimous vote in favor.

ORDINANCES – presented by City Attorney Mark Tilghman

- **Ordinance No. 2509**- 1st reading- authorizing the mayor to enter into a contract with the Department of Justice for the purpose of accepting grant funds in the amount of \$433,469, authorizing the mayor to enter into a sub-recipient agreement with Wicomico County Circuit Court and approving an amendment to the FY 2019 Grant Fund Budget to appropriate funds to enhance the Wicomico County Adult Drug Treatment Court

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2509 for first reading.

- **Ordinance No. 2510**- 1st reading- approving an amendment to the FY 2018 Grant Fund budget to appropriate funds for improving Waterside Park through a new playing field, playground signage, parking lot, and stormwater improvements

Ms. Jackson moved, Mr. Ireton seconded, and the vote was unanimous to approve Ordinance No. 2510 for first reading.

- **Ordinance No. 2511**- 1st reading- renaming a portion of North Division Street to Nock Way

Mr. Boda moved and Ms. Jackson seconded to approve Ordinance No. 2511 for first reading.

Mr. Boda moved to amend Ordinance No. 2511 by striking “Street” and inserting “Avenue” on Lines 11 and 37. Mr. Ireton seconded, and the amendment was unanimously passed.

Ordinance No. 2511 for first reading, as amended, was approved by unanimous vote in favor.

- **Ordinance No. 2512**- 1st reading- to remove parking from Waverly Drive between Carroll Street and South Boulevard

Ms. Jackson moved, Mr. Ireton seconded, and the vote was unanimous to approve Ordinance No. 2512 for first reading.

- **Ordinance No. 2513**- 1st reading- authorizing the mayor to enter into an agreement with the Department of Homeland Security for the purpose of accepting grant funds in the amount of \$42,577 and approving a budget amendment of the grant fund to appropriate funds for the purchase of enhanced marine/dive operational equipment to be used by the Fire Department in the protection and delivery of emergency services to the citizens of the Salisbury Fire District

Mr. Rudasill moved, Mr. Boda seconded, and the vote was unanimous to approve Ordinance No. 2513 for first reading.

MOTION TO CONVENE IN CLOSED SESSION

As there were no comments from the public, at 6:50 p.m. President Heath called for a motion to convene in Closed Session to obtain legal advice on a legal matter in accordance with the Annotated Code of Maryland §3-305(b)(7). Mr. Ireton moved, Mr. Boda seconded, and the vote was unanimous. Council immediately convened in Closed Session.

CONVENE IN OPEN SESSION / REPORT TO PUBLIC

While in Closed Session, at 7:10 p.m., Mr. Rudasill moved, Mr. Boda seconded, and the vote was unanimous to close the Closed Session. Council immediately convened in Open Session whereby President Heath reported that Council had met in Closed Session and received an update on the Federal Communications Commission (FCC) Small Cell Order.

With no further business to discuss, the Open Session adjourned at 7:11 p.m.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
NOVEMBER 13, 2018

TIME & PLACE: 6:50 p.m., Government Office Building, Council Chambers, Room 301
PURPOSE: to consult with counsel to obtain legal advice on a legal matter
VOTE TO CLOSE: Unanimous (5-0)
CITATION: Annotated Code of Maryland §§3-305(b)(7)
PRESENT: Council President John "Jack" R. Heath, Council Vice-President Muir Boda, Councilwoman April Jackson, Councilman James Ireton, Jr. (left at 7:04p.m.), Councilman R. Hardy Rudasill, Deputy City Administrator Andy Kitzrow, City Clerk Kimberly Nichols, City Attorney Mark Tilghman and Associate Attorney Peter Golba (arrived at 7:03 p.m.).

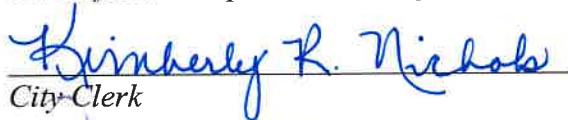
The City Council convened in Legislative Session on November 13, 2018 in Council Chambers, Room #301 of the Government Office Building. At 6:50 p.m., Mr. Ireton moved, Mr. Boda seconded, and the vote was unanimous to convene in Closed Session to consult with counsel on a legal matter.

City Attorney Mark Tilghman and Associate Attorney Peter Golba (arrived at 7:03 p.m.) explained the FCC Small Cell Order. After discussion with Council, counsel provided their recommendation on how the City should move forward.

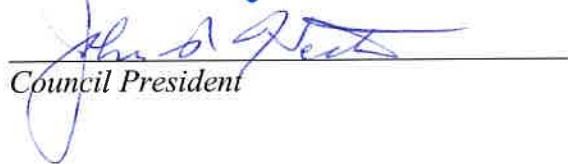
At 7:10 p.m., the Closed Session adjourned on a motion by Mr. Rudasill which was seconded by Mr. Boda and approved by unanimous vote in favor.

Council then immediately convened in Open Session and President Heath reported to the Public that Council had met in Closed Session and discussed the FCC's Small Cell order with legal counsel and received a recommendation.

Thereafter, the Open Session adjourned.



City Clerk



Council President