

**CITY OF SALISBURY, MARYLAND**

**REGULAR MEETING**

**MARCH 11, 2019**

**PUBLIC OFFICIALS PRESENT**

*Council President John “Jack” R. Heath  
Vice-President Muir Boda  
Councilman James Ireton, Jr.*

*Mayor Jacob R. Day  
Councilwoman Angela Blake  
Councilwoman April Jackson*

**IN ATTENDANCE**

*Deputy City Administrator Andy Kitzrow, Department of Infrastructure and Development (DID)  
Director Amanda Pollack, Human Resources Director Jeanne Loyd, Building Official William  
Holland, Police Chief Barbara Duncan, Assistant Chief James Gladwell, Grants Coordinator  
Nancy Talbott, City Clerk Kim Nichols, City Attorney Mark Tilghman, interested citizens and  
members of the press.*

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**CITY INVOCATION – PLEDGE OF ALLEGIANCE**

*On March 11, 2019 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 Rev. Dr. Maggie  
Gillespie, Pastor of Wicomico Presbyterian Church to the podium to provide the City Invocation,  
followed by the Pledge of Allegiance to the flag of the United States of America.*

**PRESENTATION**

- *Real Estate Market Report- presented by Sarah Rayne and Cameron Drew*

*Government and Public Affairs Director of Coastal Association of REALTORS® of MD,  
Inc. Sarah Rayne and Realtor Cameron Drew, a member of the Coastal Association’s  
Board of Directors and co-chair of the Government Affairs Committee were invited to the  
podium by President Heath to provide the Real Estate Market Report. Ms. Drew advised  
the numbers represent residential data for single-family homes. The report, which was  
handed out to Council at the table, is attached and part of the minutes.*

**ADOPTION OF LEGISLATIVE AGENDA**

*Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve the legislative  
agenda.*

**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. Ireton and Ms. Jackson, respectively:*

- January 28, 2019 Regular Meeting Minutes
- January 28, 2019 Work Session Minutes
- January 28, 2019 Closed Session Minutes
- February 4, 2019 Work Session Minutes
- Resolution No. 2919- approving the extension of the acting status for Acting Salisbury Police Corporal Brandon Caton, Acting Salisbury Police Corporal Michael Mitchell and Acting Salisbury Police Sergeant Jason Harrington, all assigned to the Patrol Division
- Resolution No. 2920- approving the appointment of Melissa Wilson to the Bicycle Pedestrian Advisory Committee for term ending March 2022
- Resolution No. 2921- approving the appointment of Dr. Samantha Scott to the Youth Development Advisory Committee for term ending March 2022
- Resolution No. 2922- declaring that 212 E Main Street LLC is eligible to receive Enterprise Zone benefits for property located at 207 E Market Street, Salisbury, MD

**RESOLUTIONS** – presented by Deputy City Administrator Andy Kitzrow

- Resolution No. 2914- pursuant to the authority of Article XI-E., Constitution of the State of Maryland, and Section 4-301, et seq., Subtitle 3, Title 4, Division II and Section 4-401, et seq., Subtitle 4, Title 4, Division II, Local Government Article, Annotated Code of Maryland, for the purpose of amending its corporate limits as required in its Charter (SC1-2), which covers the descriptions of the lands that make up the City, to correct an inadvertent property description involving a parcel of land owned by Kevin Leonard Smith, Jr., which was included in a prior annexation near Queen Avenue and West Road

*Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Resolution No. 2914.*

- Resolution No. 2923- making a Declaration Of Official Intent regarding reimbursing from proceeds of a future borrowing project expenditures made in connection with two projects identified as Bicycle Master Plan Implementation and Street Scaping

*Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Resolution No. 2923. (4-0 vote as Ms. Jackson exited the room before the vote was taken)*

- Resolution No. 2924- authorizing the Capacity Fee of the City's Comprehensive Connection Charge to be waived for the redevelopment of 130 and 132 East Main Street

*Ms. Jackson moved, Ms. Blake seconded and the vote was unanimous (5-0) to approve Resolution No. 2924.*

- Resolution No. 2925- authorizing the Capacity Fee of the City's Comprehensive Connection Charge to be waived for the redevelopment of 100 East Main Street, Suite 111

*Ms. Jackson moved, Ms. Blake seconded and the vote was unanimous to approve Resolution No. 2925.*

- **Resolution No. 2926**- *authorizing the Mayor to enter into a cooperative agreement with the Chesapeake Bay Trust to administer a grant program to implement*

*Mr. Boda moved, Mr. Ireton seconded, and the vote was unanimous to approve Resolution No. 2926.*

- **Resolution No. 2927**- *proposing the annexation to the City of Salisbury of a certain area of land contiguous to and binding upon the Northerly Corporate Limit of the City of Salisbury to be known as the “Route 13 North – PennTex 2 Property Annexation” the southerly boundary of which begins at a point on the Corporate Limit, said point lying at the intersection of the easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary line of the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line of the lands of PTV I, LLC*

*Ms. Jackson moved and Mr. Boda seconded to approve Resolution No. 2927. The motion passed with 4 votes in favor and 1 against. Mr. Ireton voted “nay.”*

- **Resolution No. 2928**- *to adopt an annexation plan for a certain area of land contiguous to and binding upon the Northerly Corporate Limit of the City of Salisbury to be known as the “Route 13 North – PennTex 2 Property Annexation” the southerly boundary of which begins at a point on the said Corporate Limit, said point lying at the intersection of the easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary line of the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line of the lands of PTV I, LLC*

*Ms. Jackson moved and Mr. Boda seconded to approve Resolution No. 2928. The motion passed with 4 votes in favor and 1 against. Mr. Ireton voted “nay.”*

*President Heath announced the Public Hearing was scheduled for the Route 13 North – PennTex 2 Property Annexation and Annexation Plan on April 8, 2019.*

### **ORDINANCES** – *presented by City Attorney Mark Tilghman*

- **Ordinance No. 2526**- *2<sup>nd</sup> reading- approving an amendment of the FY19 Budget to appropriate funds for surveying equipment*

*Ms. Jackson moved, Mr. Ireton seconded, and the vote was unanimous to approve Ordinance No. 2526 for second reading.*

- **Ordinance No. 2527**- *2<sup>nd</sup> reading- approving a budget amendment of the FY19 General Fund Budget to appropriate insurance proceeds received in FY19 to aid in the purchase of a new vehicle for the police fleet*

*Mr. Ireton moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2527 for second reading.*

- **Ordinance No. 2528**- 2<sup>nd</sup> reading- approving an amendment of the City's FY 2019 General Fund Budget to appropriate funding of the City Government Office Building improvements

Mr. Ireton moved and Ms. Blake seconded to approve Ordinance No. 2528 for second reading. The motion passed with 4 votes in favor and 1 against. Vice-President Boda voted "nay."

- **Ordinance No. 2529**- 2<sup>nd</sup> reading- to amend the Salisbury Municipal Code Chapter 8.16 – Garbage, Yard Waste and Refuse, Subsections .010, .020(D)(F), .060, .090(C), and .100(B)(C), to better define Yard Waste, to better define Bulk Collection Services for high density residential units, to update the collection rules and regulations, to add a new can replacement policy and to add corrugated cardboard to recycling

Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous (5-0) to approve Ordinance No. 2529 for second reading.

- **Ordinance No. 2530**- 1<sup>st</sup> reading- authorizing the Mayor to enter into a contract with the United States Department of Commerce for the purpose of accepting grant funds in the amount of \$37,500, and approving a budget amendment to the FY 2019 Grant Fund to appropriate funds to for a Salisbury Port Feasibility Study

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2530 for first reading.

Mr. Ireton asked to review a copy of the grant proposal and Grants Coordinator Nancy Talbott would send to Ms. Nichols to disseminate to Council.

- **Ordinance No. 2531**- 1<sup>st</sup> reading- authorizing the Mayor to enter into a contract with the Wicomico County Health Department for the purpose of accepting grant funds in the amount of \$20,934 and approving a budget amendment to the FY 2019 Grant Fund to appropriate funds to for the Housing First Program

Mr. Boda moved, Mr. Ireton seconded, and the vote was unanimous to approve Ordinance No. 2531 for first reading.

- **Ordinance No. 2532**- 1<sup>st</sup> reading- authorizing the Mayor to enter into a contract with the Carefirst Foundation for the purpose of accepting grant funds in the amount of \$75,000 and approving a budget amendment to the FY 2019 Grant Fund to appropriate funds for the Salisbury-Wicomico Integrated Firstcare Team

Ms. Jackson moved, Ms. Blake seconded and the vote was unanimous to approve Ordinance No. 2532 for first reading.

## **PUBLIC COMMENTS**

Two members of the Public provided the following comments:

- *This was the third time he has come before Council regarding the PennTex 2 Annexation and he appreciated the time he was allowed to speak.*
- *The PennTex representatives have left, but Mr. Smethurst and the speaker met with them last week and they reviewed the revised plan with them.*
- *They appreciate the efforts of Becker Morgan and PennTex to work with Neighborhood Associations. It is a difficult call and possibly will be resolved in Planning, but they still do not have a clear idea of how some of the concerns regarding sound and lighting will be addressed, because the revised plan does not give a clear idea, and it still must be worked out with the property owners.*
- *Asked if Public Comments would be allowed at the next Public Hearing, and President Heath answered in the affirmative.*

### **ADJOURNMENT**

*With no further business to discuss, the meeting was adjourned at 7:28 p.m.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
MARCH 4, 2019

**TIME & PLACE:** 4:51 p.m., Government Office Building – Room 301  
**PURPOSE:** to consult with counsel to obtain legal advice on a legal matter, and before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process

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

**CITATION:** Annotated Code of Maryland §3-305(b)(7)(14)

**PRESENT:** Council President John “Jack” R. Heath, Mayor Jacob R. Day, Councilman James Ireton, Jr., Councilwoman Angela Blake, Councilwoman April Jackson, City Attorney Mark Tilghman, and City Clerk Kim Nichols

**ABSENT:** Council Vice-President Muir Boda,

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The City Council convened in Work Session in Room 301 in the Government Office Building at 4:30 p.m. At 4:50 p.m., President Heath called for a motion to convene in Closed Session to consult with counsel to obtain legal advice on a legal matter, and before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process as permitted under the Annotated Code of Maryland §3-305(b)(7)(14).

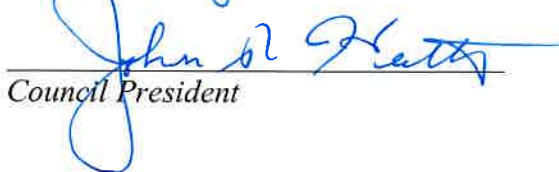
While in Closed Session, Mayor Day provided an update and recommendation on the negotiating strategy of both a contract and an agreement on proposed developments. City Attorney Mark Tilghman updated and advised Council on an ongoing legal matter the City was involved in.

At 5:45 p.m., Mr. Ireton moved, Ms. Jackson seconded, and the vote was unanimous (4-0) to adjourn the Closed Session.

Council immediately convened in Open Session and President Heath reported that while in Closed Session Council received an update on a legal matter and proposed development and discussed the negotiating strategy related to such. Mayor Day requested the timely repair of sidewalks by utility companies be a topic discussed on an upcoming agenda.

Thereafter, with no further business to discuss, the Open Session adjourned at 5:47 p.m.

  
City Clerk

  
Council President