

**CITY OF SALISBURY, MARYLAND**

**REGULAR MEETING**

**APRIL 10, 2023**

**PUBLIC OFFICIALS PRESENT**

*Council President Muir W. Boda  
Council Vice President April Jackson  
Councilwoman Michele Gregory*

*Mayor John R. “Jack” Heath  
Councilwoman Angela M. Blake  
Councilwoman Megan Outten*

**IN ATTENDANCE**

*City Administrator Andy Kitzrow, Executive Administrative Assistant Jessie Turner, Director of Communications Kacey Martin, City Attorney Ashley Bosché, City Clerk Kimberly Nichols, and members of the public*

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**PLEDGE OF ALLEGIANCE / CITY INVOCATION**

*The City Council met in regular session at 6:00 p.m. via Zoom and in Council Chambers. Council President Boda called the meeting to order. After the recital of the pledge to the flag, President Boda invited everyone to a moment of silent meditation.*

**OATH OF OFFICE TO CITY ADMINISTRATOR ANDY KITZROW-** administered by James “Bo” McAllister, Clerk of Circuit Court

*Circuit Court Clerk James “Bo” McAllister administered the oath of office to City Administrator Andy Kitzrow, and afterwards Mr. Kitzrow signed the oath and register.*

**PROCLAMATION-** presented by Mayor John R. “Jack” Heath

**Fair Housing Month**

*Mayor Heath presented the Fair Housing Month proclamation and encouraged all residents to participate in promoting fair housing opportunities for everyone in the community. The Fair Housing Act prohibits discrimination in housing. The City’s Zoning Ordinance is intended to affirmatively further fair housing by abiding by the provisions of the Fair Housing Act of 1968 as amended, promoting fair housing choice for all residents in the City, assuring everyone’s rights identified as a member of a protected class by the Federal Government, and preventing housing discrimination based on race, color, national origin, religion, sex, familial status or handicap.*

**ADOPTION OF LEGISLATIVE AGENDA**

*Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous (5-0 vote) to approve the legislative agenda as presented.*

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

*The Consent Agenda, consisting of the following items, was unanimously approved on a motion*

and second by Ms. Blake and Ms. Jackson, respectively.

- February 27, 2023 Council Meeting Minutes
- March 6, 2023 Work Session Minutes
- March 13, 2023 Council Meeting Minutes
- March 20, 2023 Work Session Minutes
- March 20, 2023 Special Meeting Minutes
- Resolution No. 3247- to approve the appointment of Tanya Dickson to the Disability Advisory Committee for term ending April 2026
- Resolution No. 3248- declaring Red Brick Holdings LLC eligible to receive Enterprise Zone benefits for property located at 117-119 W Main Street, Salisbury, MD

President Boda thanked Tanya Dickson for volunteering to serve the City.

**AWARD OF BIDS**- presented by Contract Specialist Michael Lowe

The following items were unanimously approved on a motion and seconded by Ms. Jackson and Ms. Gregory, respectfully:

- |  |                         |
|--|-------------------------|
| 1. RFP 23-104 Salisbury Town Square Construction | \$3,468,944             |
| 2. ITB A-23-108 Citywide HVAC Services           | \$ 293,000 (3 yr. est.) |
| 3. RFP A-23-105 Citywide Generator Services      | \$ 203,000 (3 yr. est.) |

**RESOLUTIONS**- presented by City Administrator Andy Kitzrow

- **Resolution No. 3249**- to approve and adopt rules of procedure for the Salisbury Board of Appeals

Ms. Jackson moved, Ms. Gregory second, and the vote was unanimous to approve Resolution No. 3249.

- **Resolution No. 3250**- adopting a formal employment agreement for the position of City Administrator

## **PUBLIC HEARINGS**

**South Division Street Annexation**- presented by City Administrator Andy Kitzrow

- **Resolution No. 3201**- proposing the annexation to the City of Salisbury of a certain area of land contiguous to and binding upon the Corporate Limits of the City of Salisbury to be known as “South Division Street Annexation”

Ms. Blake moved and Ms. Jackson seconded to approve Resolution No. 3201. Mr. Kitzrow presented the resolution. At 6:28 p.m. President Boda opened the Public Hearing, and as there were not requests to speak, it was immediately closed.

Resolution No. 3201 was approved by unanimous vote in favor.

- **Resolution No. 3202-** proposing the annexation plan for the “South Division Street Annexation”

*Ms. Blake moved and Ms. Gregory seconded to approve Resolution No. 3202. Mr. Kitzrow presented the resolution. At 6:35 p.m. President Boda opened the Public Hearing. There were no requests to speak, and it was closed at 6:36 p.m. One person was sworn in but did not wish to speak.*

*Resolution No. 3202 was approved by unanimous vote in favor.*

**Permitting additional residential uses and revising development standards for Harbor Pointe Phase III-** presented by City Attorney Ashley Bosché

- **Ordinance No. 2785-** 2<sup>nd</sup> reading- amending sections 17.136.010, 17.136.030 and 17.136.050 of the Salisbury City Code to permit additional residential uses and revise development standards for Harbor Pointe Phase III

*Ms. Jackson moved and Ms. Gregory seconded to approve Ordinance No. 2875 for second reading. Ms. Bosché presented the ordinance. At 6:37 p.m. President Boda opened the Public Hearing. There were no requests to speak, and it was immediately closed.*

*Ordinance No. 2785 for second reading was unanimously approved.*

**ORDINANCES-** presented by City Attorney Ashley Bosché

- **Ordinance No. 2787-** 2<sup>nd</sup> reading- approving a budget amendment of the FY2023 General Fund budget to appropriate funds to purchase and customize Police Department vehicles with proper police equipment

*Ms. Jackson moved, Ms. Outten seconded, and the vote was unanimous to approve Ordinance No. 2787 for second reading.*

- **Ordinance No. 2789-** 1<sup>st</sup> reading- to set fees for the newly created Board of Appeals and to amend and supplement the Fee Schedule for FY 2023

*Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2789 for first reading.*

- **Ordinance No. 2792** – 1<sup>st</sup> reading- to authorize the Mayor to enter into a contract with the Department of Housing and Community Development (DHCD) for the purpose of accepting grant funds in the amount of \$20,000, and to approve a budget amendment to the Grant Fund to appropriate these funds to be used for eligible expenses associated with the 2023 Maryland Folk Festival

*Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2792 for first reading.*

- **Ordinance No. 2791**- 1<sup>st</sup> reading- to authorize the Mayor to enter into a contract with the National Endowment of the Arts (NEA) for the purpose of accepting grant funds in the amount of \$10,000, and to approve a budget amendment to the Grant Fund to appropriate these funds to be used for eligible expenses associated with the 81st National Folk Festival

*Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2791 for first reading.*

- **Ordinance No. 2790**- 1<sup>st</sup> reading- to amend Authorized Positions to include an additional Event Coordinator position for the Arts, Business and Culture Department

*Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2790 for first reading.*

- **Ordinance No. 2793**- 1<sup>st</sup> reading- to authorize the Mayor to enter into a contract with the Maryland State Arts Council (MSAC) for the purpose of accepting grant funds in the amount of \$4,000, and to approve a budget amendment to the Grant Fund to appropriate these funds to be used for eligible expenses associated with Bundle Up And Get Outside

*Ms. Jackson moved, Ms. Outten seconded, and the vote was unanimous to approve Ordinance No. 2793 for first reading.*

- **Ordinance No. 2794**- 1<sup>st</sup> reading- authorizing the Mayor to transfer from the Parking Fund and appropriate funds for the Parking Fund Automation Project in the Parking Capital Project Fund

*Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2794 for first reading.*

- **Ordinance No. 2795**- 1<sup>st</sup> reading- authorizing the Mayor to enter into a memorandum of understanding with the Wicomico County Local Behavioral Health Authority for the purpose of accepting Community Mental Health Services (COVID relief) Block Grant funds in the amount of \$12,562 and to approve a budget amendment to the Grant Fund to appropriate these funds for the Homeless Services Case Specialist position

*Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2795 for first reading.*

- **Ordinance No. 2796**- 1<sup>st</sup> reading- approving a budget amendment of the Water Sewer Capital Project Fund Budget to reallocate additional funds required for the Filter Project

*Ms. Jackson moved, Ms. Outten seconded and the vote was unanimous to approve Ordinance No. 2796 for first reading.*

## **PUBLIC COMMENTS**

*One member of the public expressed concern about the removal of the traffic signal at South Boulevard and Camden Avenue. There was not adequate sight distance through the intersection. Speaker said she hoped the Council would review the design. Intersection should at least remain a 4-way Stop and not have Camden yield to South Boulevard. More signage was needed during the transitional period because not everyone knew what a flashing yellow and flashing red light meant.*

*Administration would pass the concerns along to the Traffic Division.*

## **ADMINISTRATION AND COUNCIL COMMENTS**

*Mayor Heath congratulated Mr. Kitzrow on his appointment as City Administrator. Please donate blood as the area remained very low. Hops on the River and Opening Day for the Westside Little League was on Saturday. On Sunday, he was presenting Holocaust Memorial Day proclamation. The ribbon cutting for Anne Street Village would be held on April 21<sup>st</sup> at 12:00 p.m.*

*Ms. Outten announced a jobs fair on Friday, April 21<sup>st</sup> at the Newton Street Community Center.*

*Ms. Blake asked those healthy enough to please donate blood.*

*Ms. Jackson said she had a wonderful Easter holiday. She thanked Stations 2 and 16, the VFW #10159, We Here Car Club, the Thunderguards, and her family and friends who helped.*

*Ms. Gregory invited everyone out to Hops on the River. She would be volunteering by pouring beer.*

*Mr. Boda reported that Council would be starting their Budget Sessions next Tuesday at 8:30 a.m.*

## **ADJOURNMENT / MOTION TO CONVENE IN CLOSED SESSION / OPEN SESSION**

*With no further business to discuss, the Legislative Session was adjourned at 7:08 p.m. President Boda then called for a motion to convene in Closed Session to consult with counsel to obtain legal advice on a legal matter under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b)(7). Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous (5-0) to convene in the Closed Session.*

*At 7:49 p.m., Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous (5-0) to adjourn the Closed Session.*

## **CONVENE IN OPEN SESSION / REPORT TO PUBLIC**

*At 7:52 p.m. Council convened in Open Session and President Boda reported that Council had met in Closed Session and received advice from Counsel on a legal matter.*

*The Open Session was then adjourned.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
APRIL 3, 2023

*TIME & PLACE:* 5:04 p.m., Council Chambers, Government Office Building & Zoom  
*PURPOSE:* to obtain legal advice on a legal matter and to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals  
*VOTE TO CLOSE:* Unanimous (5-0)  
*CITATION:* Annotated Code of Maryland §3-305(b)(1)(7)  
*PRESENT:* Council President Muir W. Boda, Mayor John R. Heath, Vice-President April Jackson, Council member Angela M. Blake, Council member Michele Gregory, Council member Megan Outten, City Administrator Andy Kitzrow, City Attorneys Ashley Bosché and Heather Konyar, City Clerk Kim Nichols

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*The City Council convened in Work Session at 4:30 p.m. in Council Chambers of the Government Office Building and via Zoom Video Conferencing. President Boda called for a motion to enter into Closed Session to obtain legal advice on a legal matter and to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals as permitted under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b)(1)(7).*

*Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous (5-0) to convene in Closed Session.*

*City Attorney Heather Konyar provided an update on a law suit in which the City was involved and received feedback from Council to continue moving in the same direction.*

*Mayor Heath explained the reason for the employment contract with a particular City employee and details of the contract were discussed with City Administrator Andy Kitzrow and City Attorney Ashley Bosché.*

*At 5:22 p.m. Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous (5-0) to adjourn the Closed Session.*

*Council then convened in Open Session and President Boda reported that Council had met in Closed Session and discussed the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or evaluation of appointees, employees, or officials over whom Council had jurisdiction, and also discussed a legal strategy with counsel.*

*The Open Session was then adjourned.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
APRIL 10, 2023

*TIME & PLACE:* 7:08 p.m., Council Chambers, Government Office Building & Zoom  
*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 Muir W. Boda, Mayor John R. Heath, Council Vice-President April Jackson, Council member Angela M. Blake, Council member Michele Gregory, Council member Megan Outten, City Administrator Andy Kitzrow, City Attorney Ashley Bosché, City Clerk Kimberly Nichols

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*The City Council convened in Legislative Session at 6:00 p.m. in Council Chambers of the Government Office Building and via Zoom Video Conferencing. Council President Muir Boda called for a motion to enter into Closed Session to consult with counsel to obtain legal advice on a legal matter as permitted under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b)(7).*

*Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous (5-0) to convene in Closed Session.*

*City Attorney Ashley Bosché provided an update on the Labor Code with her recommendations and reviewed the road map for collective bargaining.*

*No votes were taken or consensus reached as the discussion was for Council information only.*

*At 7:49 p.m. Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous (5-0) to adjourn the Closed Session.*

*At 7:52 p.m. Council convened in Open Session and President Boda reported that Council had met in Closed Session to receive an update and advice on a legal matter.*

*The Open Session was then adjourned.*

  
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City Clerk

  
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Council President