

CITY OF SALISBURY
WORK SESSION
APRIL 17, 2023

Public Officials Present

Council President Muir Boda
Council Vice-President April Jackson
Council member Michele Gregory

Mayor John R. Heath
Council member Angela Blake
Council member Megan Outten

In Attendance

City Administrator Andy Kitzrow, Fire Chief John Tull, Deputy Fire Chief Chris O'Barsky, Computer Tech Will Schmager, Human Resources Director Meg Caton, Human Resources Specialist-Benefits Melissa Becker, Information Services Director Bill Garrett, Attorney Ashley Bosche, City Clerk Kimberly Nichols, and interested members of the public.

On April 17, 2023 the Salisbury City Council convened at 4:30 p.m. in a Work Session in Conference Room 306 of the Government Office Building following the adjournment of the Special Meeting. The following is a synopsis of the items discussed in Work Session.

Ordinance to accept a DHCD grant for internet service at Anne Street Village

Information Services Director Bill Garrett explained the grant was to provide high speed internet services to the residents of the Anne Street Village community. IS used estimated construction costs and averaged internet costs for locations across the City.

Council reached unanimous consensus to advance the ordinance to legislative session.

Ordinance to accept a DHCD grant for expenses associated with an event fund for the Main Street District

Business Development Director Laura Soper joined via Zoom and explained the \$25,000 DHCD TAG Grant would help create a competitive events fund for Downtown Salisbury. This was a Technical Assistance Grant to help with tech assistance for community needs.

Council reached unanimous consensus to advance the legislation to legislative agenda.

Updates to the Employee Handbook- Human Resources Director Meg Caton

Human Resources Director Meg Caton explained the overhaul of the employee handbook took about a year to accomplish. The last update was in April 2020. A Code of Ethical Conduct, Respect for Individuals, Building Trust and Credibility, Creating a Culture of Open and Honest Communication, Confidentiality, Metrics, Record Retention and Accountability were added to the handbook where there currently were none.

She reported SBY CARES (Culture, Affirmation, Readiness, Excellence and Service) was also created to ensure new hires became familiar with City culture and their new environment and responsibilities by establishing a 30, 60- and 90-day check-in process and a grievance process.

Ms. Blake asked about an effective date and Ms. Bosché recommended there be an educational element for employees. President Boda said July 1st would be a good date.

Council reached unanimous consensus to advance the legislation to legislative agenda.

Ordinance to amend the Fire Department Fuel Budget

Deputy Fire Chief Chris O’Barsky explained the amendment was for \$45,000 to the Fuel Account. The current budget had not been able to keep up with the current fuel prices this year and the amendment should get the department through the rest of the year.

Council reached unanimous consensus to advance the legislation to legislative agenda.

Ordinance to accept grant funds for expenses associated with the Union Railway Station Stabilization Project

City Administrator Andy Kitzrow said the Union Railway Station needed some care and was recipient to a \$500,000 grant from the Maryland Department of Housing and Community Development (DHCD) Strategic Demolition Fund. The awarded funding would be used to stabilize activities at the station ensuring preservation for future development. A subrecipient agreement would be executed with Railroad Avenue Investments LLC to do the stabilization activities upon the City’s receipt of the executed agreement from DHCD. He thought the overall project would take around \$1.5 million to get the project where it needed to be ready to be used.

Council reached unanimous consensus to advance the legislation to legislative agenda.

Resolution to approve lease with Wicomico County Board of Elections

City Clerk Kim Nichols explained the lease was for the Digital and Optical Scan units and other equipment and services, and approved every election with the County Board of Elections.

Council reached unanimous consensus to advance the resolution to legislative agenda.

Ordinance to amend Chapter 1.08 and 1.12 Election Bd, City Campaign Advertising & Finance

Ms. Nichols discussed the suggested updates made by the City Election Board. Council reached unanimous consensus to advance the legislation to legislative agenda.

Charter Amendments to amend Elections, Campaign Finance, Challengers and Watchers

Ms. Nichols reviewed the Charter Amendments recommended by the Election Board. Council reached unanimous consensus to advance the legislation to legislative agenda.

Labor Code discussion

Mr. Kitzrow recapped the four-step process to proceed with development of the Labor Code. The adoption of the Labor Code would come next, followed by unionizing. The actual collective bargaining agreement would be negotiated as defined in the Labor Code between October and December this year and would be adopted in the FY25 Budget.

Ms. Blake asked for clarification on retirement, and Ms. Bosché said it was not included in the scope of bargaining and the Labor Code was silent regarding retirement. Anyone vested by law could not lose their retirement.

President Boda opened up the discussion to Public comments which are recapped below.

- FOP attorney Dowdy discussed page 3 of the Labor Code. The Police suggested employees ranked Captain and above be considered management employees. Currently, it read lieutenants, Those with the authority to hire, fire and promote were considered management. Lieutenants did not have that authority at the SPD.
- On page 6 of the Labor Code concerning retirement, attorney said that every labor code in the state traditionally included bargaining tools such as wages, hours and other terms and conditions of employment. It seemed broad but the terms were well understood in the labor community. His client was comfortable with the phrase, “other terms and conditions excluding healthcare” since it was understood that the trend considered healthcare a single consolidated item everyone bargained jointly. Bargaining (3) separate health insurances would be difficult.
- Attorney noted the unions were eager to move through the process and the City should consider allowing the parties to seek immediate recognition after the Labor Code passes and to begin bargaining for a new labor agreement once passed.
- Speaker asked for clarification because he noticed that with Fire, Captain and above were considered management employees. At the last meeting it was concluded that Captain and below was included in the bargaining unit. (Mr. Kitzrow noted that for the Fire Department, Captain and below was what was requested and Lieutenant and below was requested for the Police Department.)
- If “other terms and conditions of employment” was not used, they wanted something similar. If it was not included, he requested clarification of retirement. (Ms. Bosché confirmed the law protected retirement for all vested employees.)
- Asked about the verbiage “no less than a two year” for any contract. (Ms. Bosché answered that everything was a two-year contract. The expedited one year would not have been feasible.)
- Originally when former Mayor Day announced collective bargaining he said employees would be able to bargain for better pay and benefits. Based on the scope of bargaining, what benefits were included? He saw wages, hours, uniforms and promotional but retirement was not included and was a big issue. (Mr.

Kitzrow answered he was unsure what Mr. Day was speaking to. Benefits was a broad term, and most people considered healthcare and retirement to be primary benefits. He said that on lines 96 and 97 it read that for the purposes of the Labor Code an employee holding rank of Captain or above within the Fire Department and rank of Lieutenant or above within the Police Department was deemed to be a management employee. He said the City was fine with Captain and Lieutenant not being part of the management employees. They could change the title of Captain to Assistant Chief for the Fire Department, and rank of Captain and above within the Police Department. Ms. Bosché would incorporate that into the draft code.)

- AFSME rep said the management employee definition for General Government Employees could be cleaner and exclude those who disciplined. Other municipalities created a Supervisor Bargaining Unit and some just exclude them.
- Rep wanted bargaining to include working conditions such as wages, hours, uniforms and promotional schedules. (President Boda asked how the supervisor role was classified in General Government. Mr. Kitzrow it was typically a Director, Deputy, or a Superintendent. There were several Assistant Directors to be included in the bargaining unit. Others that the definition described in the Mayor's Office or the Assistant Director of Finance would be excluded. They were similar in line with the Fire and Police Department ranks, and as positions in the departments grew, more rank may be created. Ms. Outten thought it was vague and did not state what Mr. Kitzrow said. Ms. Bosché thought the intent was to do an org chart because of the different ranks of General Government they were difficult to identify. They could exclude Director, Deputy Director and every Superintendent. Mr. Kitzrow said General Government was not as clear with their rank structure as Police and Fire and they could list all those excluded.)
- Speaker asked for "working conditions" to be included in the Labor Code, as it was a large portion of what they would be able to bargain for. She asked why there was reluctance to include "Other terms and working conditions of employment with the exception of health insurance benefits." Mr. Kitzrow said the City was picking out what they wanted employees to be able to bargain on and what they did not want to negotiate including benefits as related to healthcare because of the consortium and retirement. A lot of time and energy went into the new employee handbook including a fair document that protects the employee as much as the employer. With the Labor Code, this could be updated at any point via Council. Ms. Bosché shared that Frederick and Greenbelt did not include other terms and conditions and the term was only used with County governments.
- Speaker had a list of cities and counties that used the terminology. It would ensure them a voice to bring to the table. As the draft code stood currently, they could not bring the following grievances to arbitration: pay grade, increment step, performance appraisal, unsafe working conditions, etc.
- Some of the things that should be open for negotiation included the work schedule (overtime, 40-hour work week, holidays). Some of the brand-new equipment was difficult to work with and the old equipment was not safe at all times. Sanitation trucks broke down all the time but they found a way to get the job done.
- An example was given of an employee needing to have surgery but had exhausted all of their sick pay. They could telework but their department head would not

allow it. Clarifications for supervisors was needed. They sent out forms to employees- working conditions was most important to 50% of them, followed by wages and hours. Some of the people felt as if they were not being heard.

- Mr. Kitzrow noted that General Government sounded as if it was interested in having potentially more supervisors included, which was different from Fire and Police. It was a different union; he would want to make sure from the supervisors.
- Speaker said that many codes included the phrase in question. To leave that phrase open-ended without including it was dangerous.

Mr. Kitzrow said they would give Council time to digest the ideas. Mr. Boda suggested and Council reached consensus to hold another discussion at the May 1st Work Session. In the meantime, Council would forward any questions to Mr. Kitzrow.

Ms. Blake asked for confirmation that the City was the only municipality except for Baltimore City that unions represented all three (Fire, Police, General) and Ms. Bosché agreed. Baltimore City was the only other municipality with three units, and Mr. Dowdy said that Baltimore County had recently begun police bargaining. Their Fire, Nurses, Corrections, and other employees had bargaining rights. State employees and university employees had broad bargaining rights through the state. Mt. Rinnier's sanitation workers were unionized. As a labor bargainer, these three broad units was the way to go.

Mr. Dowdy discussed the phrase "other terms and conditions of employment" and Ms. Blake asked for its definition. He said it was developed by case law, and although not binding on public sector bargaining, the National Relations Labor Act in Maryland was considered widely persuasive on the issue. The case law on that was well organized to include wages, premium payments, overtime, promotional rules, in service training, mandatory meetings, indemnification, bereavement pay, on-call pay, changes in job duties, mileage issues, leave of absence rules, etc. When bargaining was limited to a few things people tended to dig in. Ms. Blake asked where the case law was written and he answered in a publication from the NLRA that listed them. There was no official list or code, and it has developed over time. There was no risk from a budgetary standpoint.

Administration and Council Comments

Mayor Heath discussed the death of two community teenagers. In today's world, when there are disagreements, someone was likely to pull a gun or knife and kill the other person. We could not go on like this and needed to figure out what was going on.

Ms. Gregory discussed the "God Loves You Tidewater Tour," concert, and Franklin Graham, who were coming to Salisbury on May 4th. She called them an anti LGBTQ hate group and asked why they were being allowed to come Downtown. Mr. Kitzrow said the City was approached by the organization to host an event. They were looking for a large outdoor space, and the Jay Copeland concert had just taken place. It was an outdoor venue of which the City was in partnership with TidalHealth. It was approved by the previous Administration as an event.

Mayor Heath said the City would not promote it, and Ms. Gregory said it was promoted by the City Facebook page. She was disappointed because the City had prided itself on being accepting and open to the LGBTQ groups and the City was allowing the platform to be used by that kind of messaging. The City’s Facebook post said it was a “free, one-night, evangelistic event with a hope-filled message.” She asked who the hope-filled message was for, as it was not for her friends and family. She objected to the event being held Downtown, but did not know what could be done to stop it. She asked that the City be very careful who they allowed to have a platform in the streets and on the City’s resources. The event would hurt family members, friends, all of Salisbury’s constituents and she was extremely disappointed when she heard the event would be held Downtown.

Mayor Heath said that he and his family were equally offended. He was sorry it happened, and the City would do a better job of screening from now on.

Ms. Jackson concurred with Mayor Heath that the violence had to stop and that the young man murdered was her nephew and another family friend was shot at the same place that evening. It hurt that our children were destroying themselves. She said adults needed to be adults and parents, and not their children’s friends. It was sad that this was happening in our City and Wicomico County. She pled for something to be done right now- it started at home, school, society and our judicial system. We had to do better.

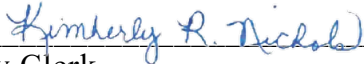
Ms. Blake asked those healthy and fortunate enough to donate blood to consider doing so. A pint of blood could save up to three lives. The City had a blood drive coming up.

Ms. Outten thanked everyone for attending and said their comments were heard. She agreed with Ms. Gregory as she was also concerned with the information Council learned over the weekend about the “God Loves You” tour. Clearly there were no ill intentions on the City’s part, but they needed to work on their vetting and screening processes so that events like this would never happen again. They were weeks away from the Pride event and this did not make our LGBTQ community feel like they were welcome. She thanked Mayor Heath and Mr. Kitzrow for their attention to the matter. She seconded the words of Ms. Jackson. This was a tough time and a time for our community to come together. Find ways to get involved because our kids were our future.


President Boda agreed with everyone’s comments. It was a tough weekend. Tomorrow, the budget sessions would begin in Conference Room 306.

Adjournment / Convene in Special Meeting #2

With no further business to discuss, the Work Session was adjourned at 6:18 p.m.



City Clerk



Council President