

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

APRIL 24, 2023

PUBLIC OFFICIALS PRESENT

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

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

IN ATTENDANCE

*City Administrator Andy Kitzrow, Executive Administrative Assistant Jessie Turner,
Procurement Director Jennifer Miller, City Attorney Ashley Bosche, City Clerk Kimberly
Nichols, and members of the public*

CITY INVOCATION – PLEDGE OF ALLEGIANCE

*The City Council met in regular session at 6:00 p.m. via Zoom and in person. Council President
Muir W. Boda called the meeting to order. After the recital of the pledge to the flag, Pastor Greg
Carlson of the Park Seventh-day Adventist Church came forward to provide the City Invocation.*

PROCLAMATION

*Mayor John R. “Jack” Heath presented the Autism Acceptance Month proclamation. Autism
Spectrum Disorder (ASD) is a neurological disorder in the brain that affects anyone, but is more
common among boys than girls. It typically appears during early childhood and has no known
single cause. Autism Acceptance Month formally recognizes that individuals with autism often
require a lifetime of specialized and community support services to ensure their health and safety
as well as to support families. The citizens and residents were urged to help recognize, support,
promote and appreciate each individual with Autism Spectrum Disorder.*

ADOPTION OF LEGISLATIVE AGENDA

*Ms. Jackson moved and Ms. Gregory seconded to approve the legislative agenda. Ms. Blake
moved to amend the agenda to include Public Comments prior to Ordinance Nos. 2802, 2803
and 2804. Ms. Jackson seconded and the motion was unanimously approved. The vote was
unanimous to approve the legislative agenda as amended.*

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. Jackson and Ms. Blake, respectively.*

- *March 27, 2023 Council Meeting Minutes*
- *April 3, 2023 Work Session Minutes*
- *April 3, 2023 Special Meeting Minutes*

- **Resolution No. 3251-** to approve the appointment of Olivia Wackett to the Sustainability Advisory Committee (Green Team) for term ending April 2026
- **Resolution No. 3252-** to approve the appointment of Sandeep Gopalan to the Board of Appeals for term ending April 2026
- **Resolution No. 3253-** to approve the re-appointment of Jeremy Wolfer to the Disability Advisory Committee for term ending April 2026
- Approving the Manufacturing Exemption request for Ma-Tech for equipment purchased in 2020 and 2021
- Approving the Manufacturing Exemption request for Smith's Interconnect for equipment purchased in 2021

RESOLUTIONS- presented by City Administrator Andy Kitzrow

- **Resolution No. 3254-** to approve a service and equipment lease agreement between the City of Salisbury and the Wicomico County Board of Elections

Ms. Gregory moved, Ms. Jackson seconded, and the vote was unanimous to approve Resolution No. 3254.

ORDINANCES- presented by City Attorney Ashley Bosche

- **Ordinance No. 2789-** 2nd reading- to set fees for the newly created Board of Appeals and to amend and supplement the Fee Schedule for FY 2023

Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2789 for second reading.

- **Ordinance No. 2790-** 2nd 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 second reading.

- **Ordinance No. 2791-** 2nd 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. Outten moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2791 for second reading.

- **Ordinance No. 2792-** 2nd reading- to amend Authorized Positions to include an additional Event Coordinator for the Arts, Business and Culture Department

Ms. Jackson moved, Ms. Outten seconded, and the vote was unanimous to approve Ordinance No. 2792 for second reading.

- **Ordinance No. 2793**- 2nd 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. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2793 for second reading.

- **Ordinance No. 2794**- 2nd 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 second reading.

- **Ordinance No. 2795**- 2nd 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. Blake moved, Ms. Outten seconded, and the vote was unanimous to approve Ordinance No. 2795 for second reading.

- **Ordinance No. 2796**- 2nd 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. Blake seconded and the vote was unanimous to approve Ordinance No. 2796 for second reading.

- **Ordinance No. 2797**- 1st reading- approving a budget amendment of the FY2023 General fund budget to appropriate funds to the Salisbury Fire Department's Operating Budget

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2797 for first reading.

- **Ordinance No. 2798**- 1st reading- to 1) authorize the Mayor to enter into a contract with the Department of Housing and Community Development for the purpose of accepting grant funds in the amount of \$500,000; 2) authorize the Mayor to enter into a sub recipient agreement with Railroad Avenue Investments, LLC; and 3) to approve a budget amendment

to the Grant Fund to appropriate the aforementioned funds to be used for eligible expenses associated with the Union Railway Station Stabilization Project

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2798 for first reading.

- **Ordinance No. 2799**- *1st 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 \$25,000, and to approve a budget amendment to the Grant Fund to appropriate these funds to be used for eligible expenses associated with an event fund for the Main Street District*

Ms. Jackson moved, Ms. Outten seconded, and the vote was unanimous to approve Ordinance No. 2799 for first reading.

- **Ordinance No. 2800**- *1st reading- amending Chapter 1.08 of the Salisbury City Code, entitled "Election Board," and Chapter 1.12, entitled "City Campaign Advertising and Finance," to adopt recommendations made by the City of Salisbury Election Board*

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2800 for first reading.

- **Ordinance No. 2801**- *1st reading- to authorize the Mayor to enter into a contract with the Maryland Department of Housing and Community Development (DHCD) for the purpose of accepting funds from the Connected Communities Grant in the amount of \$34,228 for the Anne Street Village Fiber Internet Project*

Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2801 for first reading.

City Council President Boda thanked Olivia Wackett, Sandeep Gopalan and Jeremy Wolfer for volunteering to serve on the City's Boards and Commissions.

PUBLIC COMMENTS

In the interest of time, President Boda asked that instead of repeating ideas and points in the Public Comments, to just announce agreement with the previous speakers' points. The following is a synopsis of the comments made by 21 speakers:

- *SAPOA President said everyone supported clean water, sewer, fire and safety, and schools- these were a top priority of government. There was a very negative impact of the proposed increases to city citizens and the local economy. The \$300 fee was \$25 per month. \$80 monthly was the typical \$240 quarterly water & sewer bill. With a 12% increase it would be an additional \$10. Due to the roughly 6% inflation rate, an average monthly expense of \$1,000, equaled an additional \$60 per month. When added with the new water bill and Fire fee, it equaled an additional \$100 per month. If the typical person earning \$42,000 per year*

received a 5% pay increase, the extra \$1 per hour would equate to \$160 per month and would be completely consumed by the increases. Employers were struggling through the high inflation and will be squeezed even harder. Do not vote for these increases.

- *Speaker appreciated Council for doing their job. Several years ago the City had millions of dollars in Surplus. Water, sewer and trash were based on an event and decisions made ten or more years ago. Much was given away in permits and fees and would create an additional need for fire and police protection, medical and hospital. The City spent a lot of money on streets but potholes were not fixed. The \$300 fee would bankrupt his customers.*
- *Speaker on Zoom strongly agreed with the first two speakers. The increases were not trivial.*
- *\$300 was too much, and asked if the money would really go to where it was needed. This was a hard choice and Council had to balance the budget.*
- *Speaker worked in real estate and property management and saw citizens struggle for three years due to Covid and the economy. Inflation was highest in 40 years. Water bills increased 8% last year and another 12% increase was being proposed. The median household income for families in Salisbury was 31% lower than the national income. Citizens could not handle these increases. The City was not tightening its belt but expected citizens to do so. Supported the Fire and Police, but said in Title 2, Chapter 2 of the Municipal Code, taxes paid by citizens entitled them to receive emergency services. By imposing a tax fee, the City was setting a dangerous precedent that it could set a fee for any need in addition to property taxes. Small businesses tightened their belts; government should, too.*
- *Speaker admired Council for their inclusiveness and objected to the “God Loves You” Tour. He reported that Rev. Graham made derogatory remarks against LGBTQ people and other minorities, and said he referred to Islam as a religion of war, and that Muslims and Christians could not worship the same god. He said that on Rev. Graham’s Facebook page on November 18th it was sad to see a church open its doors to the worship of anything other than the one true God of the Bible who sent his son the Lord Jesus Christ to Earth to save us from our sins. This was criticized by Rev. Graham during a comment about a Muslim prayer service at the National Cathedral Episcopal Church established by a congressional charter more than 100 years ago in Washington, DC. He has denounced Islam as an evil religion and dismissed its veneration of multiple divine manifestations saying that none of its 9,000 gods would lead to salvation. The North Carolina Chapter of the NAACP objected to Rev. Graham’s comments regarding gay marriage and abortion during the 2012 presidential campaign. In Newsweek in 2021 more than 16,000 Christians signed a petition calling for him to be fired as the head of Samaritan’s Purse. In 2020, Rev. Graham said that the election was rigged or stolen, and referred to the Church of Jesus Christ of Latter-Day Saints as a cult. It was too late to prevent him from coming and he did not represent the values and opinions of large numbers of Christians nor the majority of the City citizens. His presence did not help support the City’s slogan, “We are all equal here.”*
- *Speaker objected to the \$300 Fire Fee and increase in water bills. She resided in a senior citizen neighborhood and seniors would struggle to pay the increases.*
- *President of the Coastal Association of Realtors said the timing of the fees was wrong. For rental owners, the fees would be passed down to the tenants. Many rentals he managed were financed with Adjustable Rate Mortgages and the increased payments would be passed on.*
- *Executive Director of Salisbury PFLAG said there was disappointment and sadness wrapped around the “God Loves You” Tour. The LGBTQ and minority communities have been persecuted and marginalized for many years and they were tired of it. He said that it*

was too late to oppose Rev. Graham to be here posed as a concert. The City took on a lot of responsibility regarding sponsorships, hosting and partnering with organizations and non-profits and he understood the desire to make this a large area in which various events were accepted, and then offered a neutral solution that as long as they completed the permit and all regulations were complied with, events would be allowed. Let the hate crimes, and the city, state and federal laws supersede to take over and let the first amendment rights take on. It was the City's responsibility to ensure all events were possible, not that all events should happen. He encouraged anyone agreeing with him to not encourage hatred and bigotry.

- *Speaker lived at a 55+ retirement community and asked Council to keep in mind that most of the residents were 75 -90 years old, on a fixed income, and paid their own water bills.*
- *Salisbury PFLAG member said that Salisbury was a city of love and should not stand with this hate and divisiveness. Everyone had their own beliefs, but she did not think the City should have promoted the "God Loves You" tour. She quoted trans activist Martha P. Johnson, "How many years has it taken people to realize that we are all brothers and sisters and human beings in the human race? How many years do we have to fight?"*
- *Speaker said that after 29 years she had a medical emergency with an ambulance and was charged even though she paid for it for 29 years in taxes. She was on a fixed income and \$300 was a lot of money. Exempt those over the ages of 65 if they were going to pass the fee.*
- *City employee said she was embarrassed and sad to be part of the organization after the comments were made at the last Council Work Session. It was stated that the Billy Graham Association was an anti-LGBTQ hate group. Viewing homosexuality as unbiblical did not qualify organizations as hate groups. She asked those Council members who said that events like that should never happen again, if they were saying that the message of God's word and hope should never take place in Downtown Salisbury. She said that 64% of the population in the U.S. were Christians and 7% was made up of the LGBTQ community. Three of the five election polling locations were churches. Why was the City able to use them for the election but the churches not allowed to practice their beliefs Downtown? She asked why the City couldn't fly the Christian flag since they could fly the Pride flag. "Equality for all" seemed to exclude Christians. The script of her testimony has been included as part of these minutes.*
- *Speaker thought people were upset because the citizens were now paying for the mistakes of the previous City administration, years of funding vanity projects that did not increase the quality of life or benefit the average citizen. The citizens were asked to pay the Fire Fee but the County was not asked to pay their fair share. The previous administration gave hundreds of thousands of dollars in tax breaks that have long-term effects to developers putting up huge buildings. He asked why the City was looking at increasing already bloated taxes. Before citizens were asked to pay the Fee, the County needed to pay their share. He was tired of seeing his Fire Department friends moonlight and work extra hours to make ends meet. After listening to the concerns of senior citizens, they had to find another solution.*
- *Speaker said that city residents paid taxes to the City and County. He was a senior citizen, retired building contractor and landlord. He would have to pass along the \$50 fee to his tenants. He was concerned about excluding Rev. Graham from coming to Salisbury. Everyone should have the opportunity to speak their religious feelings before the public.*
- *Homeowner owns rental properties, maintains affordable rent and values her rental clients. They live on budgets and need time to adjust to increases. She would increase \$25 per month to cover the Fire Fee. Since it would begin July 1st she had no time to provide notice to her clients of the increase. She mitigated prior increases in her own budget and did not*

pass it along to her clients. This was a much larger amount that she would have to pass along. To many this would present a real hardship when coupled with the 12% rise in water bills. For perspective homeowners, this could mean the debt to income ratios would no longer allow perspective homeowners to qualify for loans. She valued first responders and knew supplies had skyrocketed. She asked: 1) what caused this to become a cataclysmic situation, 2) who said it was alright to eliminate the fees for new construction, 3) who authorized the hiring of new employees, 4) who justified the purchase of new equipment, cars, office supplies, computer software, etc. 5) was the City financially sound and did we still have a great bond rating, 6) how was all this effecting those and other issues, 7) what was the money going for from the sale of parking lots and real estate. A budget shortfall should have been seen long before a new fee was deemed necessary. Citizens need answers.

- *Speaker said that Rev. Franklin Graham's hate speech was well documented. Based on an employee's comments demeaning others in the community, and that she and her family's presence and Pride month was offensive, she would be happy to deliver diversity, equity and inclusion training. Salisbury PFLAG came to Council last week and expressed their shock and hurt that the City was actively promoting the Tidewater Tour. While the event will still happen, the City was no longer actively promoting it. She said it would cause pain and further marginalization of the LGBTQ community in the City where they actively had individuals sitting on the school boards and in elected County offices who covert with the coalition of hate mongers, maintain a blog propagating cruel lies with the purpose to erase and ostracize LGBTQ youth in our schools and community. Diversity was one of our significant community assets, but groups that espouse intolerance and bigotry such as those led by Rev. Graham with a long history of anti-LGBTQ hate speech create division and conflict within communities and families. LGBTQ rights have been challenged in legislation and school board meetings across the nation and on the Eastern Shore. We can look fondly at events such as Juneteenth and the Salisbury Pride Parade and Festival to create a more welcoming community. She said her gay son applied to be an intern to the City of Salisbury and she now had to worry that the City employees were like the woman who called them offensive and an affront to her biblical values. She asked if this was the City we want to be. The script of her testimony has been included as part of these minutes.*
- *Speaker said he was present to engage with the closing statements of Mayor Heath, and Council women Gregory and Outten at last week's meeting regarding their disappointment with the "God Loves You" event scheduled for May 4th at the TidalHealth pavilion. He said that Ms. Gregory deemed the group a hate group, stating it would be harmful to her family members and the City constituency to have Rev. Graham come and spread a message of hope to the residents of Salisbury. It was also said the local body would do what it could to ensure such events did not happen especially because such successful work had been done by and for the LGBTQ community. He stated they were only opinions at that point, but did seem to suggest that they would work on making sure this did not happen again. Speaker asked who deemed which groups were hate groups, and was the "God Loves You" tour a hate event because it was coming. Rev. Graham leads Samaritan's Purse, one of the most accomplishing humanitarian endeavors in world history. They set up hospitals and help every type of person including gay, lesbian, and transgender people for every kind of crisis. They set up a hospital in Central Park in New York during the height of COVID and served people from every walk of life. No one was forced to attend the "God Loves You" event, but if you go, you will hear that God loves you. The vocal majority of Council was more content*

to have a month-long celebration that glorified expressions of sexuality which culminates in an all-day Pride event, kicked off by a drag queen leading child through Downtown. He asked what the collective effort was of LGBTQ. It seemed to evolve around the sexualization of children, the villainization of any affirmative therapy, and the targeting of socially and psychologically suffering children for mutilating medical experimentation. He asked if that group should be allowed to parade itself through the streets for an entire month, but for one night for a couple of hours, this Council could not stand the thought of having one of the most accomplished humanitarians in the world tell its citizens that God loves them. He asked who established what was hate, and when it came to hurt, what about the hurt that the LGBTQ also brings to families and groups. It would be unjust to exclude a group like Franklin Graham's Evangelistic Tour. He just wanted to promote a message that saves.

- Speaker's parents listened to Billy Graham when she was a child which set her foundation. When she grew up and moved away her life led into negative areas. She was now a 20 plus year recovered addict and grounded through her roots. She said she felt that the Grahams taught love and acceptance and disagreed with placing a contingency on who could speak.
- Speaker said that nearly 40% of the local constituency in Wicomico, Dorchester, Worcester, and Somerset were people of faith. If Council enacted legislation, it would be in direct contradiction to the rights enumerated in the U.S. Constitution. If that was the City's course of action, then they must allow for the same erasure of rights towards any group whenever petitioned here forward and in perpetuity, otherwise be in direct violation of Title 18, United States Code, Section 241, Conspiracy Against Rights. He asked Council to reconsider.
- Speaker and his wife were in the U.S. Army where they swore to defend the Constitution, religion, rights and freedom of speech. He said he understood some of the concerns regarding freedom of speech, such as if Rev. Graham was threatening violence against the LGBTQ Community., but he never called for violence against the LGBTQ Community.
- **Ordinance No. 2802**- 1st reading- appropriating the necessary funds for the operation of the government and administration of the City of Salisbury, Maryland for the period July 1, 2023 to June 30, 2024, establishing the levy for the General Fund for the same fiscal period and establishing the appropriation for the Water and Sewer, Parking Authority, City Marina and Storm Water Funds

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2802 for first reading.

- **Ordinance No. 2803**- 1st reading- to amend Water and Sewer rates to increase rates by 12% and making said changes effective for all bills dated October 1, 2023 and thereafter unless and until subsequently revised or changed

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2803 for first reading.

Ms. Blake clarified the upcoming Public Hearing was not approve the Budget legislation. Ms. Outten reiterated some of the statements heard about the hardship the fee would place on people with fixed incomes or just living paycheck to paycheck. President Boda said he thought everyone was hearing the same thing from their constituents, but would continue

discussion with Administration over the next few weeks. This first reading put the legislation in motion for the Public Hearing.

- **Ordinance No. 2804**- *1st reading- to set fees for FY 2024 and thereafter unless and until subsequently revised or changed*

Ms. Gregory moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2804 for first reading.

Ms. Blake clarified that moving this forward put the ordinance in the Public Hearing for May 8th, and it was not being approved for final reading.

ADMINISTRATION AND COUNCIL COMMENTS

President Heath thanked the City's grant writers who brought in \$596,000.00 today. The ribbon cutting on Anne Street Village was last week and the first residents would soon arrive. The Zoo Stampede and logo reveal was held Saturday. There would be a neighborhood walk in Pinehurst and a pop-up bus stop in Doverdale on Thursday. There would be a blood drive Downtown tomorrow. He clarified that last week he said his family was impacted by the LGBTQ community, but he also believed in the First Amendment.

Ms. Outten said the Salisbury Zoo's Earth Day celebration had a great turnout and thanked everyone for coming out and providing their comments and feedback.

Ms. Blake concurred with Ms. Outten about the public coming out. It was important for Council to hear and she thought it would bring about some fine tuning. She was unaware of legislation limiting events from coming to Salisbury and was for free speech. There would be a Press Conference at 11:00 a.m. about the Fire Fee. She invited everyone to participate in the blood drive tomorrow.

Ms. Gregory gave a shout out to Housing and Community Development for their amazing job with Anne Street Village. She clarified last week she wanted to ensure that the City was not endorsing any type of religious event, especially one that was being perpetuated by a hate group. Regardless of whatever good they did, she said it did not undo the harm that their words and actions did, and the work they did against our marginalized communities. She would always speak out against any group that did harm to any members of our community. She had family, friends and loved ones in the community, and would stand up for them. She said she believed in the First Amendment and there was never suggestion of legislation. Legislators should be contacted before accusations were made. The proposed budget was very difficult and everyone was feeling the pinch. Council would do the best to do the right thing for everybody. It would be a good idea to designate the money for the Fire Department and she hoped constituents would go to the County Council Meeting to voice their opinions.

Ms. Jackson appreciated the constituents coming out and speaking their minds and reminded everyone about the press conference tomorrow. Delegate Sheree Sample-Hughes was holding a Town Hall at the Community Foundation at 6:00 p.m. with Housing Secretary Jake Day.

President Boda said it was allergy season, so take your medication. He also said he stood with his friends in PFLAG and in the LGBTQ community. He was a friend and a partner to them all.

ADJOURNMENT


With nothing further to discuss, the meeting adjourned at 8:11 p.m.

MOTION TO CONVENE IN CLOSED SESSION


President Boda 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. Blake moved, Ms. Jackson seconded, and the vote was unanimous to convene in Closed Session. The Closed Session convened at 8:15 p.m.

MOTION TO ADJOURN CLOSED SESSION

At 8:38 p.m. the Closed Session was adjourned upon a motion and seconded by Ms. Jackson and Ms. Blake, respectively, and approved by unanimous vote in favor. Council convened in Open Session at 8:39 p.m. and President Boda reported to the public that Council had met in the Closed Session to discuss a legal matter with counsel. The Open Session was then immediately adjourned.



City Clerk



Council President