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CITY OF SALISBURY
WORK SESSION
MAY 1, 2023

Public Officials Present

Council President Muir Boda
Council Vice-President April Jackson
Councilmember Michele Gregory (Zoom)

Mayor John R. “Jack” Heath
Councilmember Angela Blake

Public Officials Absent

Councilmember Megan Outten

In Attendance

City Administrator Andy Kitzrow, Grants Manager Jo Ellen Bynum, Communications Director Kacey Martin, Procurement Director Jennifer Miller, Housing and Community Development (HCDD) Director Ron Strickler, Field Operations Asset and Facility Manager Jake Pavolik, FOps Deputy Director Sam Ireland, Deputy Fire Chief Chris O’Barsky, City Attorney Ashley Bosché, City Clerk Kimberly Nichols and interested members of the public

On May 1, 2023 the Salisbury City Council convened at 4:30 p.m. in a Work Session in Council Chambers of the Government Office Building.

The following is a synopsis of the items discussed in Work Session.

Resolution to approve the City’s Action Plan for Community Development Block Grant (CDBG) funds for the CDBG Program Year 2023

Grants Manager Jo Ellen Bynum announced the following projects which totaled \$363,857 were being submitted in the Community Development Block Grant (CDBG) Program Year 2023. She requested Council’s approval to the Action Plan so that it could be submitted by the May 17, 2023 deadline.

- General Administration- \$72,771
- Low-Mod Sidewalk Construction & Pedestrian Improvements- \$222,086
- Part-time Homeless Services Intensive Case Manager- \$19,000
- Anne Street Village Construction/Rehab- \$50,000

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

Resolution to approve property transfers connected to the Community Development Projects Fund

43 Procurement Director Jennifer Miller and HCDD Director Ron Strickler joined Council.
44 Ms. Miller told Council the resolution cited the City’s Charter and Code procedural
45 regulations for the sale or other disposition of surplus, obsolete or unused property. It
46 defined the Community Development Project Fund (CDPF), provided public disclosure
47 and requested approval of three properties, sale and transfers under the CDPF and
48 requested transfer permission or disposition of an additional property (527 Wales) under
49 the CDPF.

50
51 Council reached unanimous consensus to advance the resolution to legislative agenda.
52

53 **Ordinance to amend the FY23 General Fund Budget and the FY23 Water and Sewer**
54 **Fund Budget to appropriate additional funds for Field Operations (FOps)**

55
56 FOps Asset and Facility Manager Jake Pavolik requested the use of surplus funds from
57 the recent sale of equipment and vehicles via online auction totaling \$29,157.55. FOps’
58 request was for \$24,492.97 and Water Works requested for \$4,664.58.

59
60 Council reached unanimous consensus to advance the ordinance to legislative agenda.

61
62 **Ordinance to amend the FY23 General Fund Budget to appropriate funds received**
63 **from the recycling of scrap metal**

64
65 FOps Deputy Director Sam Ireland reported the department provided manpower,
66 equipment, and technical expertise during the demolition of structures on 317-325 Lake
67 Street. The structures were composed of various metals which were sold to Donovan
68 Salvage Works for \$3,574.80. The request was for the funds to be transferred from the
69 General Fund Revenue to the FOps Roadwork Operating Account.

70
71 Council reached unanimous consensus to advance the ordinance to legislative agenda.

72
73 **Ordinance to amend the FY23 General Fund Budget to appropriate funds to the**
74 **Salisbury Fire Department’s Operating Budget**

75
76 Deputy Chief Chris O’Barsky informed Council that a few weeks prior the Fire Inspector
77 vehicle was involved in an accident. The insurance company of the driver responsible
78 for the accident sent the check to the City, and it was deposited. The request was for the
79 \$1,219 to be returned to the Fire Department General Fund account for the repairs.

80
81 Council reached unanimous consensus to advance the ordinance to legislative agenda.

82
83 **Discussion on Shopping Carts and Vagrants**

84
85 Mr. Kitzrow reported that it was brought to Administration’s attention that some people
86 wanted to determine if the City wished to create further legislation regarding the
87 abandonment of shopping carts. Property owners, where carts were abandoned, were
88 being cited, and there were concerns that the citations should be on the owner of the cart

89 to regulate and control the removal of their carts more effectively. Many properties,
90 including vacant lots, had abandoned carts on them. The request was to discuss
91 regulations and harsher penalties on the owners of the carts.
92

93 Mr. Boda said in Fruitland, if a retailer’s cart ends up off its property, the retailer
94 receives a \$25 fine per cart. Other cities in the state have similar legislation.
95

96 Ms. Jackson asked how stolen carts could be managed, and Mr. Boda replied that Wal-
97 Mart hired someone to retrieve carts. Ms. Blake disagreed with the \$25 fine per cart left
98 on personal property.
99

100 Council reached consensus for Administration to research and report on the topic.
101

102 **Discussion- Labor Code**
103

104 City Attorney Ashley Bosché reported on “terms and conditions of employment,”
105 informing Council that the Department of Labor defined the term as *all aspects of the*
106 *employment relationship between an employee and his or her employer including but not*
107 *limited to hiring, compensation, fringe benefits, leave policies, job placement, work*
108 *related rules, work assignments, training and education, and opportunities for*
109 *promotion*. There were a couple of decisions reflected specific to Maryland case law
110 involving unions with their firefighters. In the *Atkinson v. Anne Arundel County*
111 *decision* in 2018, the firefighter union argued that a reduction in staffing levels and
112 accrued vacation leave were disputes that involved terms and conditions of employment
113 that was within the context of the City Charter. There was a subsequent case involving
114 retirement benefits. The City Council wanted to retain discretion to say they were the
115 arbiters of what constituted “terms and conditions” so that they were non-negotiable and
116 the Appellate Court upheld that all of the issues fell under “terms and conditions of
117 employment.” Ms. Bosché said the term virtually included everything. As the Labor
118 Code was currently drafted, the scope of the subjects were wages, hours, uniform and
119 dress code, and promotional schedules and training. If Council wished, the intent for
120 wages and hours was more inclusive in terms of it including parental leave, overtime,
121 holidays, etc. and not specific in terms of pay. We could elaborate on hours and wages
122 but it did not include the language “other terms and conditions of employment.”
123

124 Ms. Blake asked if a correction was made on Mgmt. Employee and Assistant Chief, and
125 Ms. Bosché confirmed it was corrected. Mr. Kitzrow said exclusions from the union
126 representation were Department Heads, Deputies, and WWTP and WTP Superintendent.
127

128 Ms. Blake said the budget was a current heavy lift, and when Council was hit with too
129 many things at once, they were criticized for doing too many things at once. She
130 suggested tabling the Labor Code until they could complete budget deliberations.
131 Deadlines were coming up and the Labor Code was more flexible. Both were very
132 important and deserved their separate process and time for discussion.
133

134 Ms. Jackson concurred, adding that it was overwhelming and time consuming. They
135 needed time to process both the budget and Labor Code.

136

137 Ms. Gregory said they had been working on the Labor Code longer and thought they
138 could do both, and said “terms and conditions of employment” should be included. She
139 did not wish to impact the timeline but wanted it done as soon as possible.

140

141 President Boda said the discussion would be tabled until budget deliberations concluded.

142

143 **Council Comments**

144

145 Ms. Gregory apologized for not being present in person today due to a health issue.

146

147 Ms. Jackson said she was sorry the Labor Code had to be put on hold. It took a lot to run
148 a City- more than just coming to a meeting or reading a passage. She asked City workers
149 to give Council time to evaluate this to ensure we were doing the right thing, and to
150 allow time to complete the budget. They would then resume working on the Labor Code.

151

152 Ms. Blake said they had to figure the budget out to give the raises the workers deserved.
153 The budget was priority and they could not rush it. It was already complicated enough
154 and did not need to further those complications. Please donate blood if healthy enough.

155

156 **Public Comments**

157

158 Seven members of the public, including one on Zoom, provided the following comments:

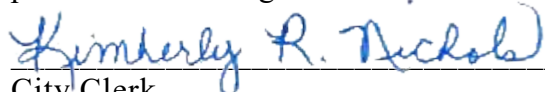
159

- 160 • Workers want a voice in the workplace and a handbook codified and put in a
161 contract. Looking for Council’s support to have collective bargaining rights.
- 162 • Speaker’s brother works at WWTP. She was a state worker and wanted her
163 brother to have the same rights as she had.
- 164 • Speaker worked in the Meter Department. Tabling the Labor Code was a mistake
165 and morale will go further down. (Ms. Jackson remarked that Council did not say
166 they were not passing the Labor Code. They needed to concentrate on the budget
167 first. Ms. Blake said they were working hard to get the raises. Council was not
168 responsible for busting down the morale. If you want a raise, Council needed to
169 get the budget taken care of first. It was top priority.)
- 170 • Speaker, a City Zookeeper, thanked Council for agreeing to consider the Labor
171 Code, the budget and their raises which were very important to them. Many of the
172 workers also did many things concurrently. They were excited for the raises.
173 Unlike the budget, there was not a timeline for the Labor Code. Could it exist?
174 (Mr. Kitzrow said that once they were done with the budget they would consider
175 additional changes to the Labor Code. If there were additional changes they
176 wanted to make the draft Labor Code, then there currently was not a timeline.)
- 177 • Speaker said “other terms and conditions of employment” was pertinent to the
178 Labor Code. Like Fire and Police, they worked 365 days and were outside in all
179 weather conditions. They sometimes had to spend the night.

- 180 • The ABCD had strange hours with all of their events. Training and networking
181 were difficult due to the distance from other similar zoos. Cape May was closest.
- 182 • Speaker thanked Council for working on the budget and allowing her to speak.
- 183 • Speaker was sorry that Council felt attacked. The discouragement this evening
184 was because in February 2023 it was made clear that “other terms and conditions”
185 were non-negotiable. It did not have to appear in the Labor Code- it could be
186 passed without it, but Fire would not sign a collective bargaining agreement
187 without it. The greatest fear they had was losing their retirement. Ms. Bosché said
188 in the last meeting that it was as simple as the stroke of a pen. They could be out
189 of LEOPS had no legal recourse. (Ms. Bosché clarified that she said if they were
190 vested, they were protected.) Speaker said that 65% of them were not vested. It
191 was a very real fear, and former Mayor Jake Day promised Fire and Police it
192 would be done for this budget year. The original provision said they would have a
193 one-year contract, with renewals beyond that being two years. Without discussion
194 or any consideration for its employees, the City has omitted that provision and
195 went to a two year. He understood that by June 15th the budget had to be passed,
196 and this code would not pass by July 1st, meaning they would not be able to
197 renegotiate for two budget cycles on the bargaining agreement that was there.
198 That was why they were pushing to get it in this budget year. The City has
199 continually asked them to do more for less, and they have risen to the occasion.
200 Every year Administration turns their back on the Fire Department and ignores
201 them once they get what they want. This is the last year that happens. Thirteen fire
202 personnel were actively seeking other employment. If they did not get what was
203 promised, he would make it fourteen. (Ms. Jackson said Council fought hard for
204 the Fire Department and needed to complete the budget first. Mr. Boda said if the
205 Labor Code was passed now, it would still not be negotiable until the Fall.)
- 206 • Field Operations worker asked for the vested time of ten years to be lowered.
- 207 • Speaker said they were frustrated because employees had reviewed drafts of the
208 Labor Code since January and identified the need for “other terms and conditions
209 of employment.” He knew Administration had changed and Council wanted to be
210 thoughtful and careful with the budget, but he also heard the general agreement
211 that everyone wanted to ensure the employees they were hearing today and the
212 ones in the bargaining unit would have the right to provide input. If they did not
213 include “other terms and conditions of employment,” they were really tying one
214 hand behind their back. The phrase was standard in every other bargaining code.

215
216 **Adjournment / Convene in Special Meeting**

217
218 With no further business to discuss, President Boda adjourned the Work Session at 5:40
219 p.m. and following a five-minute recess, Council convened in the Special Meeting.

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222 _____
223 City Clerk

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226 _____
227 Council President