

CITY OF SALISBURY
WORK SESSION
AUGUST 7, 2023

Public Officials Present

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

Mayor John R. Heath
Councilmember Angela M. Blake
Councilmember Megan Outten

In Attendance

City Administrator Andy Kitzrow, Assistant City Administrator Tom Stevenson, Acting Police Chief Dave Meienschein, Department of Infrastructure and Development (DID) Director Rick Baldwin, Zoo Director Chuck Eicholz, Procurement Director Jennifer Miller, City Intern Kaya Manizade, Housing & Community Development (HCDD) Assistant Director Michael Thomason, Sustainability Specialist Dylan Laconich, Assistant City Clerk Julie English, City Attorneys Ashley Bosché and Laura Hay, and interested members of the public

On August 7, 2023 the Salisbury City Council convened at 4:30 p.m. in Council Chambers Room 301 in the Government Office Building. The following is a synopsis of the items discussed in Work Session.

Resolution to re-designate the RISE Zone

Business Development Director Laura Soper explained the RISE Zone was a Department of Commerce designation that allowed qualified institutions and governments to account for certain incentives to attract businesses and jobs. Recently the legislation was overhauled, creating the opportunity to capitalize a Rental Assistance Program and an Enhanced Investor Tax Credit for qualified Maryland technology companies.

The proposed zone encompassed a total of 191 acres on Route 13 from Salisbury University through Downtown Salisbury.

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

Budget Amendment to complete Naylor Mill Raw Water Line Project

DID Director Rick Baldwin expressed the need for a budget amendment in the amount of \$150,000.00 to complete the construction of the raw water line for the Naylor Mill Project.

President Boda noted the Paleo Water Treatment Plant provided about 65 percent of the City's water supply.

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

Ordinance to accept grant funds for the Andean Bear Exhibit

DID Director Rick Baldwin requested permission to accept grant funds from the Maryland Department of General Services for the Andean Bear Exhibit. Mr. Kitzrow added the grant was for \$250,000 and would go toward the design of the exhibit. The City also received \$175,000 from Perdue, Inc. for the design.

Council discussion on recovery/group homes

The following individuals approached Council for the discussion: City Administrator Andy Kitzrow, HCDD Assistant Director Mike Thomason, City Attorneys Laura Hay and Ashley Bosché.

Mr. Kitzrow began by directing the Council to Chapter 15 of the Code to answer the question of what was allowed in residential neighborhoods. He explained there was an accommodation required to be requested if someone would like to have a recovery residency in a residential neighborhood that is more than two unrelated people. The Housing & Community Development team runs the request through two factors: determining if they were defined as a “functional family” according to the Code and determining if they were requesting “reasonable accommodations”. Mr. Kitzrow added there were a couple residences currently going through this process.

Mr. Boda asked about residences that did not meet the definition of “functional family.” Mr. Kitzrow explained the outcome would depend whether the situation involved a protected class of individuals. He noted there was case law and regulatory agency around recovery residency.

Ms. Hay also explained the City would have to give an accommodation when it’s necessary for the individuals to enjoy equal opportunity to the use and enjoyment of a dwelling. The ADA and Fair Housing Act required an accommodation as long as it was determined to be reasonable and necessary.

Ms. Jackson asked if anything was known about the current homes in question. She also asked if they were following the guidelines and if the City had any awareness of the homes. Mr. Thomason responded his department would have received information on the transfer of the property and to whom. They were working through what the City’s limit of accommodation was and if denied what the liability would be.

Ms. Blake wanted to know if the properties in question came to the City and asked for an accommodation, and if the City knew how many people were living in those homes. Mr. Thomason responded the property owners did not ask but there was not a policy in place. He also said the City did not know how many people were living in those homes. Mr. Kitzrow added the City was actively working through what policies and guidelines needed to be in place to address these situations.

Mr. Boda questioned whether these policies and guidelines should be included into the ordinance. He mentioned if there were violations of a policy, there should be repercussions to follow. Mr. Kitzrow deferred to the Legal team and stated there still needed to be research done to answer that question.

Ms. Bosché shared the initial focus should be on the current residences in question and then turn the attention to what policies and guidelines needed to be established and how.

Ms. Blake wanted to clarify her understanding that anyone could come into the City and start a recovery home with 15 people living there and they may or may not know to request an accommodation. Mr. Kitzrow explained at that point the home would be in violation of the Zoning Code for over occupancy and at that point they would receive a violation notice.

Ms. Blake then asked if the homes in question had received notice of a violation. Mr. Thomason answered that the owners of the properties in question had not received a violation notice. It was then the responsibility of HCDD to notify them, within the next 10-15 days, of the requirement to request an accommodation and provide the guidelines. They would be given 30 days to apply for the accommodation.

Ms. Jackson asked if the individuals living in the recovery homes were criminals or had been in trouble with the law. She acknowledged she believed in people having recovery but she also believed in people having safe communities. Mr. Kitzrow explained there were Federal regulations (NARR Standards) for certified recovery homes. The City's current Code did not include specific regulations but instead was based off of zoning. Ms. Hay referenced a similar situation from 2018 involving the Oxford House where a letter was sent requesting specific information associated with the individuals living there. After a court hearing, it was determined the requested information was reasonable and the Oxford House was required to provide it. Ms. Bosché added the City was planning to send a similar letter to the owners of the properties in question. It was noted the owners of the recovery homes had a choice whether or not to be a part of the NARR program and receive additional funding. If they chose to, background checks would be a requirement.

Ms. Blake asked if there were any records of our Fire Department doing any inspections of the homes in question. Mr. Kitzrow responded there is a difference in a recovery residence and a halfway house, and they were regulated differently. Halfway houses required a full fire inspection, where recovery houses would be regulated by the HCDD team. Ms. Blake asked Mr. Thomason if they had done any inspections on those homes yet. Mr. Thomason responded they have not.

Ms. Jackson added she didn't want recovery homes existing everywhere for the safety of the community. She emphasized she supports recovery but we should be mindful of who was coming into our communities.

Ms. Blake asked how soon an inspection could be done by HCDD of these homes. Mr. Thomason responded they should be able to do them within 15 to 30 days.

Mr. Boda requested this topic be put on the next Work Session agenda for further discussion.

Council discussion on the plastic bag ban

City Administrator Andy Kitzrow, Sustainability Specialist Dylan Laconich, and Sustainability Advisory Committee Chair Elise Trelegan introduced themselves. In reference to the new plastic bag ban, Mr. Kitzrow shared his office was getting the most calls regarding the ten cents charge for each paper bag and it centered around restaurants and carry out locations. Mr. Laconich informed Council there had been acceptance of the ordinance across the board. The frustration had less to do with the philosophy behind it and more with the implementation of the new ban and the implications if it were not followed. Mr. Laconich acknowledged the concerns with the ten cents charge and frustrations with how to change their point of service. Finally, he stated the City was ahead of the State as they had not implemented a bag ban. Ms. Trelegan added the Green Team and partners had been doing a lot of communication and community engagement to get bags out to the community. She noted the City of Laurel implemented a bag ban in January 2020 with no 10 cents fee. They had recently implemented the fee since residents had defaulted to using paper bags.

Mayor Heath stated we should address the companies who had always used paper bags and were now being told to charge ten cents per bag. Mr. Laconich explained the intention for charging the flat rate regardless of the type of business was to incentivize people to bring their own reusable bags. He stated if a business had already been using paper bags and the concern was passing the cost onto the resident, there was nothing in the ordinance preventing the business from distributing the cost throughout the rest of their costs. In addition, he mentioned the paper bags could still be sources of litter, not all paper bags are environmentally friendly and some did have harmful chemicals on them. The idea was to have people opt out of using the bags. Mayor Heath responded that businesses who had to adjust their whole automated billing system to incorporate this additional fee was another unintended consequence. He understood the goal but he did not want to discourage businesses from doing business in an environmentally sound way if they were already doing that.

Mr. Boda added a point of contention was the fee was not optional. The businesses were forced to charge the additional ten cents.

Ms. Jackson shared her granddaughter, who worked at a fast food restaurant, was attacked every day by customers as a result of this ban.

Ms. Blake shared an experience where someone was charged incorrectly for the number of bags they received. She believed fast food was in a unique position in that regard and also questioned health and safety concerns with the new regulations.

Mr. Kitzrow noted that some topics of discussion for changes to the legislation could be:

- Changing “shall” to “may” in section 5.69.020B
- Creating exclusions for the legislation
- Removing the charge from the legislation

Ms. Gregory supported giving businesses the option whether or not to charge the ten cents.

Mr. Laconich shared there were discussions with HCDD as to what was classified as a paper bag versus packaging. Ms. Trelegan responded getting rid of the fee would move them backwards in what they wished to accomplish with the legislation.

Ms. Outten agreed with keeping the ten cents fee. Ms. Jackson disagreed. Ms. Outten explained that the legislation was to help reduce trash. The purpose of the fee was to prevent the cycle of paper to plastic back to paper. Ms. Trelegan believed there was room for compromise, especially in the area of carry out, delivery, and drive thru.

In response, Ms. Gregory expressed concern over the logistical aspects of it where one business would be favored over another. She felt giving businesses the option to charge the fee was best.

Mr. Kitzrow stated some industries were required to provide a bag for health and sanitary reasons. Those businesses could be exempt.

Ms. Blake felt the list had already been started with the exemptions listed in the legislation. She was in favor of changing “shall” to “may”.

Ms. Outten would like to keep the legislation as is.

Ms. Trelegan recommended holding off and doing a six month check in. Ms. Blake was not in favor of waiting since constituents were already upset.

Mr. Boda added that businesses could reduce the cost of their goods by ten cents in order to charge that amount for a bag, but they were not allowed to advertise that. He addressed the issue of certain products requiring their own bag; for example, certain medications.

Mr. Kitzrow summarized that there were categories of food: drive thru, fast food pick-up, take out and take out delivery.

In closing, the legal department would work with HCDD to draft changes to the legislation and bring it back to council.

Council discussion on bird scooters

Ms. Blake shared her constituents had complained that the scooters were left places that inconvenienced them. She asked what the benefit was for them and what the City made from them. She also mentioned DC had docking stations for their scooters and would like Salisbury to have something like that to keep them from being left everywhere.

Mr. Kitzrow informed Council there was an option to have “nests” the scooters could be returned to for penalty or profit. The disadvantage of them would be they may not be located near the destination. He did feel a campaign on the scooters would be beneficial. In addition, if we felt the scooters were not getting rebalanced quick enough, that was something that could be addressed with the provider. Council would need to determine what the goal was for the discussion.

Mayor Heath shared he, too, got frustrated with seeing the scooters laying on their sides in a crosswalk or in a driveway. He was still concerned with the young kids who ride the scooters. He would like to look at the financial aspect of the scooters to see if they made sense. Initially the plan was for the college students to get around but they weren't allowed to use them on campus.

Ms. Outten questioned the reason behind the students not being allowed to ride the scooters on campus. Mr. Kitzrow responded that, in the initial conversation, the decision was made at a higher level not to allow them on any campuses.

Administration and Council Comments

Mr. Kitzrow applauded Council for how well they worked with Administration and were able to discuss difficult topics. He was proud of their behavior and relationships. Local governments should be able to function that way.

Mayor Heath attended Unity Day and enjoyed the car show, people and food. He asked anyone capable to please give blood.

Ms. Outten spent the weekend with family. She thanked everyone who came out to the meeting and encouraged them to continue to come out. She highlighted the Friday Night Live event that was coming up.

Ms. Blake reminded Mr. Kitzrow about the Dan Quinn for the Win statue. She pleaded for those healthy enough to give blood to do so. One pint of blood saved about three lives.

Ms. Jackson thanked members of the VFW 10159 and their Auxiliary, VFW state and local officials, members of SACYA and We Here car club, Acting Mayor Jack Heath, Councilwoman Blake and Michele Gregory, and all the information persons and vendors that attended Unity Day/Day in the Streets. It was a great day to come together in unity. She gave deepest condolences from the City to the family of Keith Chaney who was murdered at Pemberton on Monday. She spoke of the value of our kids and her concern

for keeping kids safe in the community. She shared she would be taking kids to Killan's Pond and looked forward to the opportunity to talk with them. Lastly, she shared Friday would be Dre Day. She encouraged everyone to participate in that event at Washington High School.

Ms. Gregory thanked Ms. Jackson for her efforts in making Unity Day a success. She acknowledged the new semi-pro soccer team coming to Salisbury, the Salisbury Steaks. She encouraged everyone to support them. First game was September 9th.


Mr. Boda shared he worked all weekend.

Adjournment / Convene in Closed Session

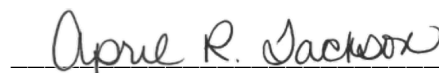
With no further business to discuss, President Boda adjourned the Work Session at 6:11 p.m. and Council immediately convened in the scheduled Closed Session. President Muir Boda called for a vote to convene in Closed Session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b)(14) to discuss a utility easement agreement involving a cell phone tower. The reason for closing the session was due to expressed confidentiality of current and proposed vendor agreements as protected from disclosure under the Maryland Public Information Act of which public discussion at this juncture would adversely impact the ability of the City to participate in the proposal process. Ms. Blake moved, Ms. Jackson seconded, and the vote was 5-0 to convene in Closed Session.

Motion to Adjourn Closed Session

At 6:35 p.m. the Closed Session was adjourned upon a motion and seconded by Ms. Jackson and Ms. Gregory, respectively, and approved by unanimous vote in favor. Council convened in Open Session at 8:36 p.m. and President Boda reported to the public that Council met in Closed Session in accordance with the Annotated Code of Maryland § 3-305(b)(14) to discuss a utility easement agreement involving a cell phone tower. The reason for closing was due to expressed confidentiality of current and proposed vendor agreements as protected from disclosure under the Maryland Public Information Act of which public discussion at this juncture would adversely impact the ability of the City to participate in the proposal process.



City Clerk



Council President