

**CITY OF SALISBURY, MARYLAND**

**REGULAR MEETING**

**AUGUST 14, 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**

*Assistant City Administrator Tom Stevenson, Human Resources (HR) Director Meg Caton, HR Specialist- Benefits Melissa Becker, Acting Chief Dave Meienschein, Business Development Director Laura Soper, Field Operations Director Michael Dryden, Deputy Fire Chief Chris O’Barsky, Executive Administrative Assistant Jessie Turner, Procurement Director Jennifer Miller, City Attorney Ashley Bosche, City Clerk Kimberly Nichols, and members of the public  
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**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, President Boda called for a moment of silent meditation.*

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

*Mayor John R. “Jack” Heath presented the Black Philanthropy Month proclamation to Sonya Whited, Sharon Morris and Lori Carter. Black Philanthropy Month is an annual, global celebration of African-descent giving in all its forms. The month-long observance invites all people of African ancestry and allied brothers and sisters to promote the power of giving to transform lives. An extraordinary legacy of philanthropy merits a concerted effort to lift up important stories, spotlight good work, educate and inspire giving.*

**PRESENTATION**

*Joining Council were Wicomico County Health Planner Lisa Renegar, MA and TidalHealth Director of Community Health Initiatives and Population Health Management Kat Rogers, MPH. They presented the new website ([healthydelmarva.org](http://healthydelmarva.org)) for the Local Health Improvement Coalition (LHIC) and discussed the health priorities for the LHIC. These included Access and Health Equity, Behavioral Health, and Chronic Disease and Wellness. The website launched in April 2023 and included information on the latest Community Health Needs Assessment and Community Health Improvement Plan. It also provided interactive tools and graphs for key health data in the community and could be a tool for non-profits and the community.*

*Ms. Blake asked if any other agencies were using the tool and Ms. Renegar said that TidalHealth was using the find help piece of it and were just starting to get the word out about all the data*

anyone could use. Ms. Gregory said it was a great tool in the City for those seeking housing and was also a great grant resource.

**ADOPTION OF LEGISLATIVE AGENDA**

Ms. Blake moved and Ms. Jackson seconded to unanimously approve the legislative agenda.

**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. Gregory, respectively.

- **Resolution No. 3268-** appointment of Daniel Green to the Human Rights Advisory Committee for term ending August 2025
- **Resolution No. 3269-** appointment of Mikayla Somers to the Human Rights Advisory Committee for term ending August 2025
- **Resolution No. 3270-** appointment of Jonathan Moore to the Human Rights Advisory Committee for term ending August 2025
- **Resolution No. 3271-** appointment of Maria Cornman to the Human Rights Advisory Committee for term ending August 2025
- **Resolution No. 3272-** appointment of Chalarra Sessoms to the Historic District Commission for term ending August 2026
- **Resolution No. 3273-** appointment of Amber Green to the TRUTH Committee for term ending August 2027
- **Resolution No. 3274-** appointment of JoAnn Morissette to the TRUTH Committee for term ending August 2027

President Boda read each appointee’s name and thanked them for volunteering to serve.

**AWARD OF BID**

The Award of Bid, consisting of the following item, was unanimously approved on a motion and seconded by Ms. Jackson and Ms. Gregory, unanimously.

1. ITB 24-105 Sub-Compact Sweeper \$146,720.00

**PUBLIC HEARING #1**

**Re-designation of Enterprise Zone-** presented by Assistant City Administrator Tom Stevenson

- **Resolution No. 3275-** authorizing the submission of an application to the Maryland Department of Commerce for the re-designation of a Regional Institutional Strategic Enterprise Zone

Mr. Stevenson presented Resolution No. 3272.

Ms. Blake moved and Ms. Gregory seconded to approve the resolution.

*One member of the public was sworn in by City Clerk Kimberly Nichols. The Public Hearing was opened at 6:32 p.m. and with the following public comments were provided:*

- *This was the renewal of the existing RISE ZONE. The yellow section was what was currently in the zone, and to authorize it as proposed would include the light red area title CBD which was where the parking lot sale development programs were planned. It would set up another potential freebie for developers, their customers and tenants in the CBD zone. He had heard nothing about what was happening so far in the yellow, existing part and asked if there had been any development. If there was development in the CBD he asked what it would cost the City, as he had heard no estimates. He suggested this be postponed until provided accurate information and they knew what it was.*

*The Public Hearing closed at 6:35 p.m.*

*Ms. Blake commented that this opened up the possibility to give incentives to the businesses when they came. They went where they received the biggest incentives. It would bring in more employment, revenue and people, and was a good idea.*

*Ms. Jackson said she had mixed emotions and did not concur. There were already businesses located there and asked if they were we going to be disenfranchised.*

*Mr. Boda said any business located in the Zone seven less or less could qualify for it. It had nothing to do with parking lots and he was in favor of expanding the Zone.*

*Ms. Gregory commented that many of the small business owners Downtown were our neighbors and people who needed help at one time or another. Many of them were in their first seven years, and she thought it would be very good for them and the City. Ms. Outten concurred.*

*Resolution No. 3275 was approved on a 4-1 vote. Ms. Jackson voted “nay.”*

## **PUBLIC HEARING #2**

**Text Amendment-** presented by City Attorney Ashley Bosché

- **Ordinance No. 2814-** 2<sup>nd</sup> reading- amending Section 17.76.020A of the Salisbury City Code to add service, rental and repair establishments to the category of Uses Permitted in the Light Industrial Zoning District

*Ms. Blake moved and Ms. Gregory seconded to approve Ordinance No. 2814 for second reading.*

*The Public Hearing was opened at 6:39 p.m. and one member of the public already sworn in provided the following comments:*

- *The purpose of the Light Industrial District as specified in 17.76.010 of the City Code was to “foster the continuance of existing manufacturing and other light*

*industrial uses and encourage the location of new industries within the City to improve the economic base of the community. When this district was set up over forty years ago, we are way behind in comprehensive rezoning which included a comprehensive look at the entire Zoning Code to see what uses what uses should be where and where the districts should be.*

- *Over the years, some of these piecemeal amendments have had very little to do with industrious manufacturing which have resulted in an amended, contorted Zoning Code that badly needed to be straightened out. As far at this particular amendment, he asked why stop now, as it was already messed up. Restaurants could be permitted by Special Exception, and if schools of special instruction and hairdresser shops were allowed, why not restaurants.*
- *The proposed language, “service, rental, or repair establishments limited to laundry or laundromat, automobile rental, car wash, appliance repair, equipment repair or rental, dry cleaning pick up station, pet grooming shop, upholstery shop, tailor and tattoo parlor,” all had nothing to do with the basic purpose of the Light Industrial Zoning District. He asked why not just allow anything but asked that the tattoo parlor be the one exclusion. More of them were not needed in the Light Industrial District or anywhere else in the City.*

*Another member of the public was sworn in by City Clerk Kimberly Nichols and provided the following comments:*

- *Speaker said his lawyer was not with him today but he would give it his best effort. Several businesses including Women Supporting Women supported him in his efforts to tattoo in the Light Industrial District. He offered specialized services such as areola and other scars reconstruction that he could do with his craft, as well as regular tattooing.*

*The Public Hearing closed at 6:44 p.m. President Boda noted that this went before the Wicomico County Planning & Zoning Commission and they gave a unanimous recommendation. There were other things that they thought could be fit into a Light Industrial District and that was the reason other types of businesses were listed.*

*Ordinance No. 2814 for second reading was approved by unanimous vote in favor.*

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

- **Ordinance No. 2816**- 2<sup>nd</sup> reading- authorizing 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 Digital Inclusion Grant in the amount of \$18,700 for the Anne Street Village Resident Technology Education Project

*Ms. Jackson moved and Ms. Blake seconded to approve Ordinance No. 2816 for second reading.*

*City Attorney Ashley Bosché said that there were suggested amendments before the passage of second reading. IT Director Bill Garrett had conversations with the Department of Housing and Community Development and learned that the grant funds could be used for all City residents and not limited to the residents of Anne Street Village.*

*She proposed to revise the ordinance accordingly to clarify that it was a benefit to all City residents. She then read Ordinance No. 2816 as amended by replacing “Anne Street Village” on Lines 7 and 8 with “City of Salisbury,” inserting “all” before “residents” on Line 15, and striking the words “at the Anne Street Village location.”*

*Ms. Blake motioned to amend as ready by Ms. Bosché, Ms. Outten seconded, and the vote was unanimous.*

*Ordinance No. 2816, as amended for second reading, was approved by unanimous vote in favor.*

- ***Ordinance No. 2817-*** *2<sup>nd</sup> reading- to amend the Salisbury City Code to add Chapter 2.25 entitled “Labor Code” in furtherance of Charter Amendment Resolution 2022-4, which authorized collective bargaining for certain employees of the City*

*Ms. Jackson moved, Ms. Outten seconded and the vote was unanimous to approve Ordinance No. 2817 for second reading.*

- ***Ordinance No. 2815-*** *2<sup>nd</sup> reading- authorizing the Mayor to defund the Computer Aided Dispatch Project and to appropriate funds for the purchase of portable radios*

*Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2815 for second reading.*

- ***Ordinance No. 2818-*** *1<sup>st</sup> reading- authorizing the Mayor to appropriate funds for the Raw Water Line Naylor Mill Project*

*Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2818 for first reading.*

- ***Ordinance No. 2819-*** *1<sup>st</sup> reading- to accept grant funds from the Maryland Department of General Services in the amount of \$250,000 for the design of the Zoo Andean Bear Exhibit*

*Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2819 for first reading.*

## **PUBLIC COMMENTS**

*The following comments were provided by five members of the public:*

- *Speaker emailed Council regarding “accommodation” for recovery homes- was an ADA specific question. It was a question about the disabilities of the people in that home and the accommodation was to be made by the entity requesting the special treatment to the Housing Authority, and must include justification for why the four disabled people in that house needed additional people in the house in order to fully use that home. Under Homes for Hope’s current scenario and their own admission, they had between eight and eighteen people living in their various homes in Salisbury with one part-time counselor. Speaker sent Council an email with greater detail because Mr. Kitzrow and Mr. Thomason described an expedited process for getting this underway, but then immediately either misunderstood or mischaracterized what Ms. Bosché said was an accommodation. They were talking about an accommodation in terms of a permission to do something the building code did not allow. The accommodation was a very specific thing that required specialized knowledge. HCDD was currently claiming they would entertain an accommodation request to put two people per bedroom without any current consideration of what the disability concern was for that accommodation. The Wicomico County Behavioral Health Department under Michelle Hardy appeared, by her own words, not to consider the housing being used for the recovery houses that her office was not able to permit. Under the ADA guidelines for fraud, self-referral was Medicaid fraud. If Homes for Hope were claiming someone disabled, and were using that definition to house those people and bill Medicaid, that would be at least bordering on self-referral. Mr. Kitzrow said that HCDD mistakenly gave wrong advice for the accommodation request. He asked if that effected the Newtown house, and did they have accommodation there, and if so, they knew it needed to happen and did not ask for one on Middle Boulevard. If they did not, that house should not be operating. Speaker said that Mr. Kitzrow opined on the value of the neighbors, saying they were great neighbors, and he disclosed that he was the President of the Advisory Board for Homes for Hope’s first home in Newtown. He said Mr. Kitzrow stated that if she did have eighteen people in the Newtown house it would be very hard to have her back, and then corrected himself and said for any of us to have her back. He asked why it was Mr. Kitzrow’s job to have anyone’s back.*
- *Speaker lived on Middle Blvd. and addressed three things: 1) she was excited about the new layout for the bike lanes on Waverly. It would put the driving lanes in the middle of street where they belonged, 2) the curb was broken in front of her house on the corner of Middle Blvd. It was hit by a driver going fast due to being either intoxicated or on drugs. Please fix the curb, and 3) the water bill late fee needed to be placed on the bill, 4) speaker owned a bakery in Worcester and Dorchester Counties and stated she went through quite a number of hoops to go through before ever being allowed to allow public or employees into her building to do any services. The hoops included fire code, health and building inspections, historic committee approval – all for the safety of her and her employees. This limited where she could conduct her businesses. She asked Salisbury to make clear guidelines for recovery houses in the same way. Salisbury had the power to make the City better. There were sixteen children on her street and they were .9 miles from an elementary school and .5 from SU.*
- *Speaker asked the City to rescind the HORIZON and the HERE IS HOME program. Her property tax bill in July was higher due to the 5-cent increase and her water and sewer bill went up 12%. The former mayor used government COVID funds like there was no tomorrow and she was not happy that he pushed HORIZON and other giveaways to subsidize*

developers. While developers got a huge tax break, homeowners like her got increased taxes and water fees. All of the new proposed development in Salisbury meant more people and their increased need for infrastructure and services. She asked where the increased tax revenue would come from. Mayor and Council attempted to impose an illegal \$300 Fire Fee on the citizens which was proof that there was a deficit already in existence. Council raided the rainy day fund this year to balance the budget and they could not keep doing that. The City's bond rating will drop and the City would run the risk of bankruptcy.

- Speaker said it was apparent there would be no end to the increases to fund the giveaways. Housing was all around us, and how would anyone come to downtown to live with parking destroyed and no place for the tenants to park. We will fund the parking garage for the developer out of a bond that the City was funding. Why were we funding parking for the contractors? Businesses will fail downtown without parking for their customers and the City's tax base will disappear downtown. The only people left to pay for it will be retirees like he and his wife. He said he would live in a lesser quality of life to fund developers.
- The speaker said the citizens working Downtown were getting shafted. He used to have a parking permit in the Parking Garage at \$35 per month and it went up to \$70 in the current budget. It doubled in four years. The Ross tenants can park in the garage at \$35 per month. Hard working people who worked Downtown had to pay the full amount. When John Pick resigned things really started to go downhill in 2015. The Council had no idea what was being pulled on them.

### **ADMINISTRATION AND COUNCIL COMMENTS**

President Heath asked those able to donate blood to do so. The area was still in desperate need. This Friday was Third Friday, so please come out. The Ribbon Cutting for the new Headquarters Building was at 5:30 p.m. He was happy about all the people volunteering on City committees.

Ms. Gregory thanked the Local Health Improvement Coalition for coming out. She was excited about the tools for the community and organizations and hoped everyone would check it out.

Ms. Jackson said she was glad the speakers came and spoke out. She said they would try to do the right thing for the constituents. It felt like Council was being slapped around. What Council had to do was not always considered right but they always had to do what was right by the City. Salisbury Advisory and Youth Activities and the community raised money to take forty youth to Killen's Pond to swim and have a cookout. She said she would like to see the City step up and do something with the youth as far as crime was concerned. She attended the Black Business Expo and had a lovely time. Everything about the City was not bad. Council had the citizen's best interest at heart.

Ms. Blake asked for blood donations if healthy enough.

Ms. Outten thanked everyone for coming out and voicing their opinions. She said there were still boards and commissions that needed members. She also attended the Black Business Expo and it was lovely to see the community out in full force. This felt like the year for community revival in Salisbury and she was really excited for the number of events the rest of the year.

*President Boda congratulated Crisfield on getting the world's largest rubber duck. It was still hot out and he asked everyone to make sure they hydrated. He also congratulated The Ugly Pie on their recent move.*

**ADJOURNMENT**

*With nothing further to discuss, the meeting adjourned at 7:29 p.m.*



CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
JULY 17, 2023

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5 *TIME & PLACE:* 5:10 p.m., Council Chambers, Government Office Building  
6 *PURPOSE:* to consult with counsel to obtain legal advice on a legal matter and to consult  
7 with staff, consultants and other individuals about pending or potential  
8 litigation

9 *VOTE TO CLOSE:* Unanimous (5-0)

10 *CITATION:* Annotated Code of Maryland §3-305(b)(7)(8)

11 *PRESENT:* Council President Muir W. Boda, Council Vice-President April Jackson,  
12 Councilmember Angela M. Blake, Councilmember Michele Gregory, Councilmember Megan  
13 Outten, Acting Assistant City Administrator Tom Stevenson, City Attorneys Ashley Bosché and  
14 Heather Konyar, Special Counsel Reena Patel, City Clerk Kimberly Nichols

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16 *The City Council convened in Work Session at 4:30 p.m. in Council Chambers of the Government*  
17 *Office Building and via Zoom Video Conferencing. At 5:10 p.m. Council President Muir Boda*  
18 *called for a motion to enter into Closed Session to consult with counsel to obtain legal advice on a*  
19 *legal matter and to consult with staff, consultants and other individuals about pending or potential*  
20 *litigation (an annexation) as permitted under the authority of the Maryland Open Meetings Law,*  
21 *Annotated Code of Maryland General Provisions Article § 3-305(b)(7)(8).*

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

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26 *City Attorneys Ashley Bosché and Heather Konyar briefed Council on the potential litigation*  
27 *concerning an annexation and offered a course of action to take to prevent further threats. No votes*  
28 *were taken or consensus reached as the purpose of the discussion was to provide legal advice.*

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30 *Ms. Bosché provided her opinion on the Open Meetings Act complaint. She first reminded Council*  
31 *that Cockey, Brennan and Maloney, PC (CBM) did not represent the City with respect to Lots 1, 11*  
32 *and 15, which was why Attorney Reena Patel was present.*

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34 *Attorneys Ashley Bosché and Heather Konyar exited the Closed Session at 5:35 p.m.*

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36 *Ms. Patel then discussed attachment “E” in the LDA and explained why it was not included in the*  
37 *June 20<sup>th</sup> legislation.*

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39 *At 5:55 p.m. Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous (5-0) to adjourn*  
40 *the Closed Session.*

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42 *Council immediately reconvened in Open Session and President Boda reported that Council had*  
43 *met in Closed Session to discuss an annexation update and obtained legal advice from counsel on*  
44 *pending or potential litigation. The Open Session was then adjourned.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
AUGUST 7, 2023

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*TIME & PLACE:* 6:11 p.m., Council Chambers, Government Office Building  
*PURPOSE:* to discuss a utility easement agreement involving a cell phone tower  
*VOTE TO CLOSE:* Unanimous (5-0)  
*CITATION:* Annotated Code of Maryland §3-305(b)(14)  
*PRESENT:* Council President Muir W. Boda, Council Vice-President April Jackson, Councilmember Angela M. Blake, Councilmember Michele Gregory, Councilmember Megan Outten, Acting Mayor John R. Heath, City Administrator Andy Kitzrow, City Attorney Ashley Bosché, Procurement Director Jennifer Miller, City Intern Kaya Manizade, Assistant City Clerk Julie English

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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. At 6:11 p.m. Council President Muir Boda called for a motion to enter into Closed Session, before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process as permitted under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b)(14).*

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

*Procurement Director Jennifer Miller presented a utility easement agreement to Council and explained the details of the agreement. She noted that the terms of the current and proposed agreements were marked confidential by the vendor.*

*Mr. Kitzrow assisted Ms. Miller by answering questions from the Council. They discussed the advantages and disadvantages of the agreement.*

*Council agreed that they needed more time to research and review the information before making a decision. They requested the discussion be brought back to Work Session in two weeks.*

*At 6:34 p.m. Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous (5-0) to adjourn the Closed Session.*

*Council immediately reconvened in Open Session and President Boda reported that Council had met in Closed Session to discuss a utility easement agreement involving a cell phone tower. The Open Session was then adjourned.*

*Kimberly R. Nicholas*  
City Clerk

*April R. Jackson*  
City Council President