

**CITY OF SALISBURY, MARYLAND**

**REGULAR MEETING**

**AUGUST 28, 2023**

**PUBLIC OFFICIALS PRESENT**

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

*Mayor John R. "Jack" Heath  
Councilmember Angela Blake  
Councilmember Megan Outten*

**IN ATTENDANCE**

*City Administrator Andy Kitzrow, Acting Assistant City Administrator Tom Stevenson, Acting Police Chief Dave Meienschein, Media Specialist Jordan Ray, Infrastructure and Development Director Rick Baldwin, 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 a Special Work Session at 6:00 p.m. in Council Chambers of the Government Office Building and via Zoom. Following the adjournment of the Special Work Session at 6:02 p.m., Council Vice President April Jackson called the regular meeting to order. After the recital of the pledge to the flag, President Jackson called Rev. Dr. David L. McLendon of the St. James A.M.E. Zion Church forward to provide the City invocation.*

**ADOPTION OF LEGISLATIVE AGENDA**

*Ms. Gregory moved, Ms. Blake seconded, and the vote was unanimous to 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 Mr. Boda and Ms. Gregory, respectively.*

- *June 20, 2023 Work Session Minutes*
- *June 20, 2023 Special Meeting Minutes*
- *June 20, 2023 Closed Session Minutes (separate email)*
- *July 5, 2023 Work Session Minutes*
- *July 10, 2023 Council Meeting Minutes*
- ***Resolution No. 3276-** to approve the appointment of Luc Angelot to the Youth Development Advisory Committee for term ending August 2026*
- ***Resolution No. 3277-** to approve the appointment of Amy Gonzales to the Disability Advisory Committee for term ending August 2026*
- ***Resolution No. 3278-** to approve the appointment of Alicia Miller to the Youth Development Advisory Committee for term ending August 2026*

- **Resolution No. 3279-** to approve the appointment of Andrea Post to the Youth Development Advisory Committee for term ending August 2026
- **Resolution No. 3280-** to approve the appointment of Joseph Venosa to the TRUTH Committee for term ending August 2027

President Jackson read each appointee's name and thanked them for volunteering to serve.

**RESOLUTION-** presented by City Administrator Andy Kitzrow

- **Resolution No. 3281-** to appoint Dan Altchek, Esquire and the attorneys of Saul Ewing, LLP as Special Counsel

Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve Resolution No. 3281.

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

- **Ordinance No. 2818-** 2<sup>nd</sup> reading- authorizing the Mayor to appropriate funds for the Raw Water Line Naylor Mill Project

Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2818 for second reading.

- **Ordinance No. 2819-** 2<sup>nd</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. Gregory moved, Ms. Outten seconded, and the vote was unanimous to approve Ordinance No. 2819 for second reading.

- **Ordinance No. 2820-** 1<sup>st</sup> reading- to approve a budget amendment of the FY24 General Fund Budget to appropriate funds received from the Blue Heron Agility Association of Delaware

Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2820 for first reading.

- **Ordinance No. 2821-** 1<sup>st</sup> reading- to amend section 17.04.120 of the Salisbury City Code to include a definition for "clinic-residential" and amend 17.160.030 of the Salisbury City Code to add clinic-residential to the category of uses permitted by special exception in the R-5A zoning district

Ms. Gregory moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2821 for first reading.

- **Ordinance No. 2822**- 1<sup>st</sup> reading- to convert Calvert Street from US 13 Business North to 300 feet west to one way westbound traffic only

*Ms. Boda moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2822 for first reading.*

- **Ordinance No. 2823**- 1<sup>st</sup> reading- to approve a budget amendment of the FY2024 General Fund Budget to appropriate additional funds required for legal services

*Ms. Outten moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2823 for first reading.*

### **PUBLIC COMMENTS**

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

- *Speaker said people were troubled with the lack of transparency especially with the Downtown project. He met with the developer and asked why were they were not handling the parking and was told they could not make the numbers work. He went into the existing audit in the Parking Authority and looked at the cash flow. On \$600,000 of revenue it appeared the City made \$60,000 to \$70,000. He put a pro-forma cash flow based on the 455 lots, bonding at \$10 million at 2.5% and allotted operating costs similar to the existing garage, and gave credit for \$75 per space. Assuming it was full, it would lose \$430,000. He was being very conservative and thought the losses would be closer to \$1 million. He wanted this on the record and asked if anyone on Council had seen a projected cash flow on the parking garage. He asked for a formal response.*
- *Speaker said he wrote the Mayor and Council last week and was not sure that they had read it. He read the letter asking Vision Zero to be stopped. It was intended to enhance safety but has made the streets more dangerous. Concrete islands have been hit by cars regularly and did not enhance safety and did not make pedestrians or bicyclists safer.*
- *Speaker said that Council passed three sets of minutes tonight for meetings held on June 20, 2023. (Work Session, Closed Session and Special Meeting) The resolution was passed in the Special Meeting to approve the agreement to sell the three parking lots Downtown to the developer and build the parking garage. The minutes of the Work Session were very accurate and described the motion made to go into the Closed Session very accurately to discuss a legal contract and seek advice from counsel. That was then seconded and passed. The short report or statement for the Closed Session did not accurately describe that motion. They said the Mr. Boda called for a motion to enter into a Closed Session to consult with counsel to obtain legal advice on a legal matter, and nothing about discussing the contract. He said that there was a legally difference on the minutes. After the Closed Session there was no significant discussion on the contract or the land sale. However, there was something that Ms. Outten referred to that the population growth in Salisbury was not nearly as much as it had been in the past. She mentioned a New York Times article that said that Salisbury was in the top 10 to see an influx of remote workers. He said the article did not say that, and it did mention*

Salisbury but in terms of the Salisbury Metropolitan Statistical District, which was a four-county area. The growth was actually contributed to the Sussex County area (speaker handed out copies of the article).

- Speaker asked what was being done to diversity City bids and opportunities for People of Color to contract with the City. The TRUTH committee held their first meeting last week and she was looking forward to their recommendations. The NAACP asked for an atoning from the City for the actions at the firehouse where City offices were located. She said she reached out to Council members and the Mayor and was told that the Mayor would make an apology on behalf of the City.
- Speaker asked for a sidewalk project on Glen Avenue to become wheelchair accessible and asked what happened to emails sent to [allcitycouncilmembers@salisbury.md](mailto:allcitycouncilmembers@salisbury.md).
- Speaker was a filmmaker who wanted to be a voice so he had less contempt. He wanted to film his story as a TV show to determine what was most important – a TV show or contempt. He said Salisbury was the third worst in the State for drugs, homelessness and crime. After being mugged, he determined it had only gotten worse since he left. He was never assaulted while living in Baltimore and felt less safe in Salisbury but hoped that would change. He applauded the long-awaited sidewalks coming to the north end of Salisbury that was most dangerous for pedestrians. It seemed Salisbury was trying to become like Baltimore. He hoped to see a change in Salisbury and improvement.
- Speaker requested to know how many and the addresses of condemned properties in Salisbury and was told the information was not available. She was sure the City had a list. She also requested the locations of drug and alcohol treatment centers in Salisbury and was told it did not exist. Things could be done such as requiring registration, density regulation, limit distance from schools and playgrounds, fire suppression, and Health Department inspections. Speaker was concerned for hedge heights on corner properties.

## **ADMINISTRATION AND COUNCIL COMMENTS**

Mayor Heath asked drivers to be careful as schools were opening soon. Salisbury University was back in session and there were more cars on the road. If you want to have your voice heard, please apply to serve on a City committee to make a difference.

Mayor Heath also said that publicly he made a condemnation of the actions of the lynching on the media on Don Rush's interview and he would stick by that statement. No one deserved to be lynched and the people who did it should have been punished. He still upheld that condemnation.

He thanked the speaker for the comments on the sidewalks for the disabled. The City would carefully look into them. If able, please donate blood. The supply was still extremely low.

Mr. Kitzrow said they were unable to have a back and forth conversation during public comments. If anyone had questions, he would love to follow up with clarifications or answers and chat later.

Ms. Outten thanked everyone for coming out. Council always appreciated Public Comments because it helped them to know they were heading in the right direction. She thanked the committee appointees. It was nice to see some younger faces and . She was excited to see the next generation get involved. Please encourage friends and family to join as there were plenty of openings still

available. She thanked Monica Brooks for coming out and commenting. She was looking forward to seeing a formal follow through. This was a chance for the City to reclaim a space once used for hate and turn it into an opportunity for community. She and Ms. Jackson joined the Watchmen in District 1 over the weekend for a walking prayer vigil at Pemberton Apartments. It was a lovely opportunity to see the community gather as she, Ms. Jackson and Chief Meienschein represented the City. We were here in a pivotal point in the City as the community was hurting and speaking out to express their needs and the City was listening. She had conversations with Chief Meienschein about how we could address some of the public safety issues. She wanted this to be a collaborative opportunity to work with the Council and Administration to make our streets and children safer.

Ms. Blake wanted to make sure the Calvert Street redirection was rolled out prior to the change so that the public could get used to that change. She received a lot of requests for listing upcoming projects. Several constituents were concerned with the design for Eastern Shore Drive. Council discussed it a while ago in several different sessions. She did not know when it would be coming up and asked that any new projects that were beginning could be announced and fully exposed. She said that following up with Ms. Brooks, there was a book called "The Silent Shore" written by Dr. Chavis. It was about the lynching of Matthew Williams, and she read it three times. She was stunned by the details of the investigation. Dr. Chavis recovered a box in the Governor's Office years ago and in the bottom were the notes and information on this case. At the time, the State ordered an undercover investigation and the information recovered was stunning. The book talks about our City's history. There were so many great things going on. Our area remains in critical need of blood and plasma. Please sign up to either donate blood or be an organ donor.

Ms. Gregory said that next month was packed with events. The Folk Festival was September 22 – 24 and did not happen without the hard work and dedication of dozens of volunteers. She loved working the Bucket Brigade and she highly encouraged everyone to volunteer in some way.

Mr. Boda said the website was MDFolkFest.com. There were still some hot days and this was hurricane season so please be prepared.

Ms. Jackson reported on the VFW#10159's essay content in which students could win scholarships. The deadline was October 31<sup>st</sup>. One was Voices of Democracy for grades nine to twelve. An audio recording was required and the theme was "What are the greatest attributes of our democracy." The next one was the Patriots Pen for grades six through eight. There was a 300 – 400 word essay on "How are you inspired by America." The deadline was also October 31<sup>st</sup>. Please contact her with any questions at 410-726-8478. She was also going on a trip with 20 – 30 youth to Killens Pond on Saturday for a cookout and day at the water park. Donations were given to sponsor the trip for youth who did not get a chance to go anywhere during the summer. The prayer vigil, crab feast, Thunderguards anniversary, Riverwalk Amphitheatre for music and everything else she attended over the weekend were wonderful. She told Mayor Heath she would miss him and she enjoyed working with her colleagues. They had a great team here. Please join the committee you are interested in and have your voice heard.

### **ADJOURNMENT / MOTION TO CONVENE IN CLOSED SESSION**

At 7:13 p.m. Ms. Jackson adjourned the Legislative Session and called for a motion to convene in Closed Session to discuss the appointment, employment, assignment, promotion, discipline, \_\_\_\_\_

*demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals as permitted under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article 3-305(b)(1).*

*Ms. Blake moved, Ms. Outten seconded and the vote was unanimous (4-0) to convene in Closed Session.*

**MOTION TO ADJOURN CLOSED SESSION**

*At 7:27 p.m. Ms. Outten moved, Ms. Gregory seconded, and the vote was unanimous (4-0) to end the Closed Session.*

**CONVENE IN OPEN SESSION / REPORT TO PUBLIC / ADJOURNMENT**

*At 7:28 p.m. Council convened in Open Session and Vice President Jackson reported that they had met in Closed Session in accordance with the Annotated Code of Maryland General Provisions Article 3-305(b)(1). While in Closed Session, Council interviewed the candidate recommended by the Mayor for Director of Housing and Community Development. The meeting was closed to protect the confidentiality of the candidate. The Open Session was then adjourned.*

CITY OF SALISBURY, MARYLAND  
CLOSED SESSION  
AUGUST 21, 2023

*TIME & PLACE:* 5:07 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. Jackson moved, Ms. Blake seconded, and the vote was unanimous (5-0) to convene in Closed Session.*

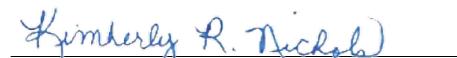
*Procurement Director Jennifer Miller presented a utility easement agreement to Council and explained the details of the agreement. She noted that the terms of the current and proposed agreements were marked confidential by the vendor.*

*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 5:20 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.*

  
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City Clerk

  
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City Council President