

CITY OF SALISBURY  
WORK SESSION  
SEPTEMBER 5, 2023

Public Officials Present

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

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

In Attendance

City Administrator Andy Kitzrow, Assistant City Administrator Tom Stevenson, Arts, Business and Culture Department (ABCD) Director Allen Swiger, Business Development Director Laura Soper, Acting Police Chief Dave Meienschein, Director of Communications Shawn Yonker, Field Operations (FOPs) Director Michael Dryden, FOPs Deputy Director Sam Ireland, Media Specialist Jordan Ray, Executive Administrative Assistant Jessie Turner, Events Technical Specialist Chris Ford, City Clerk Kimberly Nichols, City Attorney Ashley Bosché, and interested members of the public.

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On September 5, 2023 the Salisbury City Council convened at 4:30 p.m. in a Work Session in the Council Chambers of the Salisbury Headquarters Building located at 115 S. Division Street. The following is a synopsis of the item discussed in Work Session.

**Public Art Masterplan presentation**

ABCD Director Allen Swiger, Business Development Director Laura Soper, and Public Art Masterplan Consultant Todd Bressi were present for the presentation. Mr. Swiger said that about a year and a half ago ABCD began drafting the Master Plan while working closely with Jamie Heater, the former Director of the Salisbury Arts and Entertainment District now known as the Salisbury Art Alliance. Ms. Soper came into the conversation as Business Development Director, but everything was directed by Consultant Todd Bressi.

Mr. Bressi thanked the City for inviting him to consult on the Master Plan, as it was always a privilege. He presented a condensed version of the Salisbury Public Art Master Plan, which was in Council’s packets. He explained he assisted Salisbury in answering the following three questions:

- Big Picture: Why is public art important to Salisbury? What impact can it have on the city?
- Big Moves: What are the best opportunities for new projects that will fulfill the city’s vision?
- Toolkit: What tools will the city need – funding, project management, guidelines, partnerships – to make these projects happen? He said that working on this was a great privilege and pleasure.

Ms. Gregory said that as the daughter of a public school art teacher, she loved Public Art. The presentation in the packet went into incredible detail and included some great information.

Ms. Jackson said the murals were very beautiful and our history needed to be kept alive.

Ms. Outten thought this would bring about an opportunity for community engagement.

Ms. Blake concurred with all of the comments and said the presentation was fantastic.

Mr. Swiger said that the next phase was very important. On October 4<sup>th</sup> they would be back for a public introduction of the Master Plan. For about an hour they would go into a little bit more depth and have conversations with the community.

Mr. Boda also thought this was a great idea.

### **Resolution to establish a Public Art Committee**

Business Development Director Laura Soper explained this was the official resolution to create the Public Art Committee (PAC). The committee would vet applications and provide recommendations. It would be comprised of seven members and one non-voting Council member.

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

### **Ordinance to accept grant for expenses associated with a Public Art Fund for the Arts & Entertainment District**

Ms. Soper reported the City applied for the Maryland State Arts Council (MSAC), Arts and Entertainment Operating Grant to help a public arts fund for art projects in the District area. The purpose of the Arts and Entertainment Operating Grant is to enable eligible designated Arts & Entertainment Districts to obtain operating support through the designation.

This funding, in the amount of \$17,846, will be used to create a public art fund to be used to help support public art projects in the designated area.

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

### **Ordinance to establish a Downtown Ambassador Program**

Ms. Soper said the program would be split in to daytime and evening shifts with a focus on beautification, safety, and hospitality in the Downtown corridor. They would be checking in with businesses, picking up trash, providing hospitality calls, etc. They had

their first official day and the department was very excited to be able to provide this program to the citizens.

Ms. Blake asked about the several open positions that helped create the positions. Acting Chief Dave Meienschein approached the podium and announced the SPD recruiting numbers looked very good. It was a little early to say about the background checks, but it was unlikely that they would fill the ten vacancies in a year. It was more realistic that they would fill 5 – 7 positions.

Ms. Outten asked Ms. Soper to elaborate on the Ambassador program. Ms. Soper said the Daytime Program would focus more on Downtown beautification and hospitality. They would pick up trash, help prep for events, provide hospitality rides. She said the Nighttime team would focus on the safety aspect of Downtown. They would walk in the downtown and keep eyes and ears open. They would do regular sweeps of the Parking Garage checking for safety issues. The number to call for service was 1.833.DTWNSBY. They would operate Tuesdays and Wednesdays from 10:00 a.m. to 12:00 a.m. and Thursdays through Saturdays 10:00 a.m. to 2:00 a.m.

Mr. Kitzrow added that as they looked further beyond the FY24 Budget, they would explore how well the program was going and if they needed to amp up or scale back. This would be at the top of the discussion during the budget discussions.

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

### **Budget amendment for Field Operations overtime**

FOps Deputy Director Sam Ireland reported the department was in a bad situation with the Sanitation Division. The Overtime Budget was depleted due to the expanded residential footprint and the deteriorating state of the fleet. They did have two new side loading sanitation trucks and a rear loading sanitation vehicle ordered, but would not arrive until the overtime budget was depleted. The figure was calculated by the average of overtime.

Mr. Kitzrow said this would be short term this year. Luckily, the Council was able to fund additional sanitation trucks but because the current vehicles were not working they had to increase their days. This should be a one-time situation.

Council appreciated the Field Ops team and reached unanimous consensus to move the legislation forward.

### **RFP A-23-108 Off Site Net Aggregate Metered Solar System presentation**

Procurement Director Jennifer Miller and CQI Associates LLC Senior Associate Joe Tabeling joined Council to inform Council on the RFP A-23-108 that Procurement put out earlier in the year in response to the recommendations made in the FY24 to FY31 Energy Management Plan for the City of Salisbury. The Energy Plan addressed the

Climate Solutions Now Act of 2022 which called for Maryland businesses to reduce greenhouse gas emissions by 60% by 2031. In the Energy Management Plan developed by CQI Associates they listed several recommendations for the City and some producing greenhouse gas emissions more than others. About a year ago they solicited a proposal for a solar project at the Wastewater facility which was being worked on currently. This was the first phase of reducing those greenhouse emissions. This RFP went live on May 5, 2023 and three proposals were received. CQI Associates was the most competent firm to evaluate those proposals and provide a recommendation to the City. This was in advance of Ms. Miller bringing an award of bid to Council.

She provided information on the three proposals received from Nexamp Solar, LLC, CI Renewables, LLC and Ameresco, Inc. Nexamp Solar, LLC was the elected company. The Powerpoint presentation provided to Council by Mr. Tabeling has been attached as part of the minutes.

Ms. Jackson asked where they would go and Mr. Tabeling replied they were offsite because there was no space in the City.

Mayor Heath asked about maintenance requirements, liability and remediation, and Mr. Tabeling confirmed there was none. Mr. Kitzrow added that there was a solar project at the Wastewater Treatment Plant.

Ms. Miller said the next step was for it to go on the Award of Bids and from there they would work through the agreement with Legal.

### **Recovery Groups and Homes discussion**

City Attorney Ashley Bosché said the first discussion was held on August 7, 2023 at Work Session. She reported that on August 10 the City emailed Homes4Hope the same correspondence that was sent to Oxford House, which resulted in that 2017 lawsuit against under the Fair Housing Act. It was mentioned at that Work Session that we believed that court's decision guided how we were to handle this matter because it provided direct guidance. Ms. Bosché noted that all agreed that 15.24.1620 of the Code addressed this current issue and that section gave the authority to HCDD to decide whether a functional family existed. The City was without a director of HCDD which was why Mr. Stevenson joined her at the table. He was acting as a designee and when Mr. Boda officially came on board she and Mr. Stevenson would bring him up to speed and he would be taking point on this in his new role. The letter requested detailed information by Homes4Hope in order to determine about any request for accommodation and also imposed a deadline for response by September 8, 2023.

Through its attorney Homes4Hope responded fairly promptly with a detailed letter outlining legal authority but did not address the case as it pertained the homes on Middle Boulevard. Ms. Bosché said her office responded to the Homes4Hope attorney directly and that letter was dated August 24, 2023. It pointed out that Homes4Hope had yet to submit any supporting information to the City and neither informed the City of what

specific accommodations it sought or provided the City with any information that could be used to determine if a proposed accommodation was both necessary and reasonable. They also reiterated the September 8 deadline and notified the Homes4Hope attorney that they had instructed the City to proceed with code enforcement to correct any violations presented by Homes4Hope and we did not receive the information by the deadline. They have since received formal requests to 311 and 223 Middle Blvd. for reasonable accommodation and they were in the process of reviewing the requests and working with Homes4Home to try and schedule an inspection. A decision would not be made until after the September 8 deadline because they had up to Friday to present any other information that they thought was necessary.

Ms. Bosché said she and Mr. Stevenson would begin working with Mr. Boda to get the information submitted. Homes4Hope would bear the burden of proving that they needed the request for accommodation and why they needed it. They would have to present the evidence and there was nothing the City needed to do.

Ms. Bosche said they had submitted information but they would wait until 9/8 to see if they submitted anything else and would give them the opportunity to try and work with the City for an inspection. If they received no further information after the deadline, then they would decide based upon what was submitted.

Mr. Kitzrow said if nothing was submitted then they would be in violation and the City would begin issuing code enforcement action.

Ms. Outten said that to her it seemed that the conversation was a twofold. It was immediately addressing Homes4Hope but also the long-term discussion on making sure there was some oversight when it came to the housing. Ms. Bosché said they believed the code was specific enough to govern this instance. The onus was on those who wanted to start a recovery home to make that request.

Mr. Kitzrow said they would keep everyone posted on developments in the future.

### **Revision to Plastic Bag Ban**

Ms. Bosché reported she listened to the last discussion because there were a lot of points raised and she hoped she accomplished what Council landed on. She presented the ordinance to amend Chapter 5.69 which was the Plastic Bag Ordinance. She added an exclusion to the charge for plastic bags in certain instances. That was the only change made. She added that she did not change the “shall” to a “may” because it was her understanding that Council wanted the charge.

Ms. Blake said recently she learned that the State of Maryland would soon do the same ordinance and there was no need for us to do this if the State made the same requirement. Ms. Gregory and Ms. Jackson said they would be doing an ordinance but endorsing the bag and not the charge. Ms. Blake wanted to have a copy of what they did plan to pass before we do any more discussions on this. Mr. Boda said that the State would look at all

the different towns around the state. Ms. Blake asked again for the draft of the legislation.

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

### **Bird Scooter follow up**

Ms. Blake found out this week how those under the ages of eighteen were able to get scooters and apparently they were using a cash app card. In District 5 there was great concern with the scooters left on sidewalks and in people's yards. When left on sidewalks they obstructed passage for people in wheelchairs and pedestrians and people walking dogs. She said she wanted to bring it up again that there were concerns with the Bird Scooters.

Ms. Kitzrow said they operated as a business locally and from the enforcement standpoint it was difficult chasing down underage users on scooters. There were incentives and marketing, and the City could meet with our partners at Bird to educate the citizens together. Ms. Jackson said that when the scooters stop, they were heavy. That was why people were leaving them in different places. She said she had not seen as many young people riding them lately. She did see some riding, but not as many as there were last year. Wherever they were picked up the most was where there should be racks to place them in. They should not be on the sidewalks, in the street or on your driveway. We should ask Bird to facilitate that. Mr. Kitzrow said that Bird had what they called Nests, which was where they placed their scooters. He would reach out to Bird. Ms. Gregory thought we should look at what others did to regulate scooters.

Ms. Outten said she would like to hear what Mr. Kitzrow put together.

### **Administration and Council Comments**

Mayor Heath reported he would hold "Coffee With The Mayor" at Kellyn's Café from 8:00 a.m. to 10:00 a.m. If you were able to donate blood, please do so. He said he had a very enjoyable time at East Salisbury School welcoming the children back. However, right after he drive away he was following a school bus. The yellow lights went on, and a truck passed the bus going about 30 miles per hour. If there was any law that should be obeyed that was the one.

Ms. Outten said to be cautious while out on the road as people were walking to school. She was looking forward to conversations with constituents over the weekend.

Ms. Blake asked those able to donate blood to please do so.

Ms. Jackson reported she and Ms. Gregory took the youth to Killens pond over the weekend. They swam and had a cookout, and they were very well behaved. She thanked Ms. Gregory for attending with her and thanked the parents for allowing them to attend. She reported on the VFW#10159's essay contest in which students could win


scholarships. 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 for both was October 31st. There would be tutoring available at the VFW on Mondays and Tuesdays starting October 9, 2023.

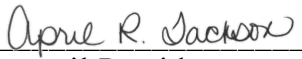
Ms. Gregory thanked Ms. Jackson for allowing her to attend the Killens Pond event. She reminded the public that the Downtown Ambassadors could be reached at 1.833.DTWNSBY. She presented President Boda, on behalf of the entire Council, a gavel. It was supposed to go along with the new room, but now that he was leaving Council and joining HCDD as Director, it was more of a going away gift.

President Boda said they all had been together almost eight years and he would miss everyone, but he would still be around. He was proud of everything they accomplished over the years but was excited for the new opportunity. He thanked everyone for the friendships.

### **ADJOURNMENT**

With no further business to discuss, President Jackson adjourned the Work Session at 5:56 p.m.. Council then convened in the scheduled Special Meeting.

  
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City Clerk

  
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Council President



# OVERVIEW



October 10, 2023

## City of Salisbury

### Off-Site Aggregate Net Meter

### Solar Photovoltaic Electricity Generation System

### Designated City Electricity Accounts

RFP A -23-108







# Background



October 10, 2023

- City has a current contract with **Constellation New Energy** for electricity supply services **until June 2025**.
- The contract rate is **\$0.05184 per kWh** and includes procurement of **100% Green Energy Certificates**.
- **FY 2024 - Electricity Budget: \$2,920,300.**
- **Annual Electricity Consumption: FY 2023 Data**

Street & Parking Lighting	3,937,925 kWh
Facilities & Pump/Lift Stations	7,498,125 kWh
WWTP	6,901,050 kWh
<b>Total</b>	<b>18,236,200 kWh</b>
- Electricity supply rates are expected to increase starting in June 2025 by up to 65% based on current market projections. The projected **FY 2026 budget** increase is over \$800,000.



# Background



October 10, 2023

- **Climate Solutions Now Act of 2022** Senate Bill 528 was signed on April 10, 2022.
- The Act calls for Maryland to **reduce greenhouse gas emissions by 60% by 2031, below the 2006 baseline levels** and for Maryland to reach **net-zero emission by 2045.**
  - City 2006 baseline Greenhouse Gas Emissions: 6,280 Metric Tons CO<sub>2</sub>e
  - Fiscal Year 2021 Greenhouse Gas Emissions: 5,530 Metric Tons CO<sub>2</sub>e
  - 2031 Greenhouse Gas Emissions 60% Reduction Goal: 2,510 Metric Tons CO<sub>2</sub>e Emissions
  - **Reduction Target is 3,020 Metric Tons CO<sub>2</sub>e Emissions.**



# Background



October 10, 2023

<b>Year/Amount</b>	<b>GHG Metric Tons</b>
<b>2006 Baseline</b>	6,280
<b>Reduction to Date</b>	750
<b>Balance as of 2022</b>	5,530
<b>Goal by 2031</b>	2,510
<b>Amount to be Reduced 2024 to 2031</b>	<b>3,020</b>



# OVERVIEW



October 10, 2023

- City conducted an assessment of City owned facilities and sites for development of on-site solar systems.
- The WWTP spoils site was selected as having the greatest potential for development of a solar system and is anticipated to be operational in **August 2024**.
- **WWTP** solar production estimate is **2,513,200 annual kWh** (Balance 4,387,850 kWh).
- WWTP solar reduction estimate is 1,100 Metric Tons CO<sub>2</sub>e Emissions starting FY 2025.
- Balance 1,920 Metric Tons CO<sub>2</sub>e Emissions to achieve 2031 goal.



# OVERVIEW



October 10, 2023

- Additional City site opportunities were limited.
- The solar assessment identified an option to have an **off-site solar system** developed by a third party solar contractor.
- This option was determine to provide the best opportunity to permit the remaining City electricity accounts to transition to a renewable energy source.
- The system operation is considered a **NET AGGREGATE METER INSTALLSTION.**
- The potential emission reduction is 1,850 to 2,200 Metric Tons CO<sub>2</sub>e.



# OVERVIEW



October 10, 2023

- A Request for Proposal was issued and proposals received May 2022.
- Following the evaluation of proposals, the submission by Nexamp Solar, LLC was selected for review and negotiation.
- Nexamp Solar, LLC proposes to build two systems:
  - Centerville: 4,196,650 kWh
  - Stockton: 4,682,100 kWh
  - Total: 8,878,750 annual kWh
  - Potential Start Date: October 2024 to May/June 2025
- Rate is **\$0.0785 PER kWh** with an annual escalation rate at 2%
- Contract is a **20 Year Power Purchase Agreement.**
- Agreement terms & conditions are pending final negotiation between Nexamp, the City Attorney, City Staff and CQI Associates.
- City would contract with a Third Party Supply Service supplier for the balance of the non-solar load beginning June 2025 - 6,844,250 kWh - Rate Est. \$0.08195 per kWh.



# OVERVIEW



October 10, 2023

## Key considerations for Council Review:

- 20 year agreement.
- Nexamp Solar, LLC solar system is off-site and turn-key: owned, constructed, operated and maintained by developer.
- City funding of construction is not required.
- City pays for the generated energy based on a per kilowatt rate.
- Nexamp Solar, LLC has agreed to a 90% performance guarantee
- City has no obligations at the end of the 20 year agreement.
- DELMARVA Power will allocate the solar production as a credit for the designated accounts.



# Offer Overview



October 10, 2023

- Contract Rate: \$0.0785 per kWh
- Term: 20 Years
- Annual Escalation Rate Starting Year Two: 2% per year
- Annual Solar Production: 8,878,750
- Year One Estimated Cost: \$697,005
- Estimated Date for Commercial Operation: October 2024 – June 2025
- Reduction in Greenhouse Gas Emissions: 1,850 to 2,200 Metric Tons CO<sub>2</sub>e





# Conclusion



October 10, 2023

- The proposed **off-site solar system**:
  - Additional 8,878,750 annual kWh to be produced by renewable energy source
  - Budget stability for 20 years
  - Additional emission reduction is 1,850 to 2,200 Metric Tons CO<sub>2</sub>e
- This option was determine to provide the best opportunity to permit additional City electricity accounts to transition to a renewable energy source.
- The combined WWTP and Off-site solar projects will reduce greenhouse gas emission by 2,950 to 3,200 Metric Tons CO<sub>2</sub>e beginning in June 2025.
- Reduction goal is 3,020 Metric Tons CO<sub>2</sub>e by 2031.



# Next Steps



October 10, 2023

- Finalize the Power Purchase Agreement for signature – October 2023.
- Apply to DELMARVA for utility interconnection approval – November 2023.
- NextAmp to conduct environmental assessments and permit application process – January to March 2024.
- NextAmp to proceed with final design – April – June 2024.
- Receive DELMARVA utility interconnection and related permit approval – June - July 2024.
- Installation: August 2024 to March 2025.
- Commercial Operation Approval: October 2024 – June 2025.
- Cost Impact FY 2025 Budget (July 2025 to June 2026).



# OVERVIEW



October 10, 2023



## Ground Mount Solar

## Net Aggregate Meter Installation

