

CITY OF SALISBURY  
WORK SESSION  
SEPTEMBER 18, 2023

Public Officials Present

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

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

In Attendance

City Administrator Andy Kitzrow, Fire Chief John Tull, Deputy Chief Chris O’Barsky, Director of Communications Shawn Yonker, Media Specialist Jordan Ray, Executive Administrative Assistant Jessie Turner, City Clerk Kimberly Nichols, City Attorney Ashley Bosché, and interested members of the public.

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On September 18, 2023 the Salisbury City Council convened at 4:34 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.

**Water & Sewer Extension Policy**

Amanda Pollack, Water Resources Engineer at Center for Watershed Protection and City Attorney Laura Ryan joined Council. Ms. Pollack was a consultant to the City to help draft a water and sewer extension policy.

Ms. Pollack said there was a section in the City Code that discussed properties with public health concerns which has been interpreted in different ways over the years. With the County establishing a sanitary district and serving those with failed septic systems, the City needed a policy to protect it’s best interests and to show how they wanted each project to be handled. This would not affect new development which would always be handled the same way, but would address properties with public health concerns such as failing and failed septic systems or drinking water contaminations, and was environmentally driven with some of the practices already being done.

Ms. Pollack said the policy did not change the code, but supplemented it. She read the key language, which she said she would keep coming back to. It read, “The Director of Infrastructure and Development shall have the authority to approve water and or sewer connections to properties outside the corporate limits of the City where water and/or sewer was available when the County Health Officer or his designee provided a notification of a need of an immediate concern.” They discussed this with the Health Officers to ensure they were on board with the language because it was in the Code but was challenging in the past to actually get the documentation they requested. It was very important moving forward they would get documentation from the Health Department.

Some of the drivers was to not burden the City's resources and to ensure the applicant was responsible for implementation.

She reviewed some of the highlights of the policy, as listed below:

- It defined the eligibility and discussed an application process.
- If within the priority areas on Exhibit A, and contiguous to City limits, the City would ask these property owners to annex, however with the Out of Town Service Agreement, it would put off deferred taxes for a certain amount of time.
- Rates would be the Out of Town rates.
- These properties would need to pay a Connection Fee.
- The utilities would be turned over to the City.
- The Department of Infrastructure and Development (DID) would need to evaluate any downstream or system wide impacts and have that be the responsibility of the applicant.
- The applicant was responsible for all phases of implementation with DID's oversight.
- The City a MS4 Permit and would get credit for serving septic systems.

Ms. Blake asked if the priority was determined by the Health Department. Ms. Pollack answered they were asking the Health Department to let them know if it was urgent. MDE would classify an area if it could be proven that an area had bad soil, high ground water, other properties with holding tanks, mound systems or failing septics, and not have to test every septic system on the street. She added that it came down to eligibility for funding and how much the state would fund.

Ms. Blake asked if each individual homeowner had a right to deny annexation, and was told that it would be an all or nothing per Mr. Kitzrow. She asked if they would be mandated, and Mr. Kitzrow explained that if enough properties (25% of an area) wanted to annex, then annexation could be forced.

City Attorney Ryan said the goal of the policy was to ensure the properties in the donut holes annexed into the City. The portion of the Out of Town Service Agreement was very similar to what we used right now in our annexation agreement for other properties not contiguous nor within the donut holes.

Ms. Pollack would return in a month to answer Council's questions and concerns.

### **Budget amendment for Six Points Roundabout and Lot #5 investigation**

Supervisory Civil Engineer Mike Zimmerman explained the requested budget amendment was for two things. The first was a feasibility study for a roundabout at Main Street and Truitt Street. State Highway Administration and the Metropolitan Planning Organization (MPO) was funding \$28,000 and the City was asked to fund \$22,000. The second item being funded was for the Lot 5 investigation of six locations for potential contaminants. MDE required the City perform this work.

Ms. Gregory said it was a terrible intersection and she was glad for the roundabout. Ms. Outten confirmed that MDE was requiring the Lot 5 investigation and asked how long the feasibility study would take. Mr. Zimmerman would find out and let Council know.

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

### **Budget amendment to accept State Transportation Improvement grant funding**

Mr. Zimmerman explained the budget amendment to accept the grant from MDOT-MTA and to accept the Statewide Transit Innovation Grans in the amount \$79,997.00 with a City match of \$19,975.00 to do a study for transportation in the City for planning of Citywide flex route and fixed route service.

Mr. Kitzrow said that this grant would explore the different opportunities of getting people in and around Salisbury.

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

### **Budget amendment for Raw Water Line Meters**

Water Works Superintendent Ron Clapper explained Water Works was asking for an additional \$40,000 for the Paleo Raw Meter extension. They found \$236,000 in funds from completed pay go projects that could be put towards the completion project. An additional \$40 thousand would be needed from surplus.

Council reached unanimous consensus to advance the budget amendment to legislative session.

### **Budget amendment to update position counts in FY24 Budget**

Mr. Kitzrow informed Council that when the City was upgrading their different positions a couple slipped through with the wrong titles. There was no monetary difference, but just a correction of the titles and position counts in a couple of areas and no new positions were being added. The Housing & Homelessness Coordinator was missing but was already funded and there were some title changes. He added that because Council approved the Authorized Positions count they needed to also approve these changes to it.

Council reached unanimous consensus to move forward with the amendment.

### **Resolution requested by NAACP and Wicomico Truth & Reconciliation Initiative**

Wicomico County NAACP President Monica Brooks and James Yamakawa joined Council. Ms. Blake asked if the NAACP wrote the resolution and Ms. Brooks said it was written by the NAACP and Wicomico Truth & Reconciliation together.

Ms. Outten said she wanted to hear the process they took in preparing the resolution and perhaps they could identify questions as they proceeded.

Ms. Brooks thanked Council for having them and explained the focus on the resolution regarding the City and firehouse started in February 2023 whereby she had been talking with the City back and forth for months in emails, calls and meetings. The NAACP had also been contacted by the family who was here for the ceremony that took place when they put in the Lynching Memorial. They have also said they just wanted an apology. She said in conjunction with what they were already doing in Town Halls planned for the Fall, they did not anticipate that they would not have this resolved by now. To help move things along they decided to just write something up. They invited the City to discuss this with them but decided to give them a space to start from. There were discussions with the families, MD State Lynching, WCNAACP and Wicomico Truth & Reconciliation about justice, fairness, and celebrating this new space in the right way and drafted the resolution presented. Ms. Brooks said this should not be placed in the category of politics and it was not fair to diminish its significance. Nobody reached out directly to her about this before today.

Ms. Gregory said it was long overdue and it should have been resolved before now.

Ms. Outten thought there were citizens of the City who felt unaccepted. This was at least a small step in the right direction. She thought it would have been better to have done this before the official open but they could make the right choice moving forward today.

Ms. Blake had no problems addressing the resolution but her concern was that the City had never had an outside group write a resolution for the City. She clarified these groups wrote the resolution for the City to read. Ms. Brooks said the groups never talked about a resolution, but kept asking the City to do something. She thought Ms. Jackson made a good point when she said she did not want an apology that was not authentic and it spoke volumes. She asked Council to put their mark on it as coming from them as the City owed this to the relatives. The Fire Chief gave them the rope to hang the gentleman. It was wrong, and we must admit when we are wrong. She said Council was not there, but they could apologize and pray that it never happens again. Council President apologized to the families of Matthew Williams and Garfield King.

Mr. Yamakawa said that the reason why it took 100 years for our government to come to this was because they were not all on the same page about what the right thing to do was. He said that was why it took that long for the government to admit it was a crime and why it was seven years since they started this quest.

Ms. Blake said she would like to see them table this because a resolution presented by these groups for the City to read back to the groups or the public was contrived. The authenticity of an apology should come from the Council truly sitting down, discussing and having a sincere, unified presentation. She did not think the City ever had a resolution presented to the City to apologize to a group. She wanted it to be presented in the most respectful manner given the nature of the crimes.

President Jackson suggested the groups meet with the Council as soon as possible. Ms. Blake said she would like to sit down and look at a comprehensive approach so it is a true apology from anyone interested in doing that. There had been no discussion about it and she preferred to have a meeting with both groups with the City Council, and anyone else who would like to join to find the most dignified manner in which to move forward.

Ms. Gregory thought this offered a very good template in which to build a resolution. It had all the information they needed and if they wanted to add their own language to it, they could. It was a very good overview of what the victims and the families went through. She would support rewording the resolution if Council wished, but wanted to see it done because it had been long enough.

Ms. Outten said we needed to do it authentically and make it right the first time. It shouldn't be done because we are pressured to, but because we want to.

Ms. Jackson said the next step would be to meet with the attorney and City Clerk to sit down and talk about this. Ms. Gregory thought that having the groups as part of the conversation would be good in case we needed information. Ms. Brooks thought the families were the ones needed in the discussion, as it was about them. Mr. Yamakawa commented that this was not about Council as individuals, but the Council as the City.

### **Cannabis zoning discussion**

City Planner Brian Soper, City Attorney Laura Ryan and City Administrator Andy Kitzrow joined Council to discuss the cannabis zoning. Ms. Ryan indicated since they now knew what the County was doing with their cannabis zoning, the question was where the City wanted to allow the different types of growing dispensaries, and much of it depended on what the City felt was most appropriate.

Mr. Soper reported the County's current proposal put the growing, processing, and dispensaries in their industrial zones, which for the City was adjacent to everything around Naylor Mill and Northwood. City staff agreed that growing and processing were industrial processes and were working towards them being in the industrial and light industrial zones. The main question was about the retail sale of cannabis. The state required a 1,000-foot setback from additional dispensaries and licenses, and a 500-foot setback from items related to schools, public parks, gyms and recreation areas. The important impact was they were not sure how many licenses they wanted to receive in the area. They currently had one that was a conversion of a medical license to a recreational medical license for a business on Mt. Hermon Road. There were two options available, whether it was an overlay zoning or special exceptions and permitted use. Ms. Ryan said they thought they could figure out locations and get the zoning in place by the end of the year before the new licenses came out. Staff agreed that dispensaries or uses would not be permitted in shopping centers and thought that shopping centers and strip malls would have some repurposing.

Mr. Kitzrow shared discussions with potential business owners interested in a dispensary into the area, and being too restrictive with the zoning would be counterproductive to the economics of having a dispensary. The City should have oversight over it and zone it appropriately so they could control their own narrative with it. One of the reasons it was coming to Council early one was as they started to draft legislation before the Planning Commission they wanted to gather feedback about the idea of an overlay zone.

Ms. Ryan indicated the County identified the zones they thought were appropriate and were limited to industrial zoning. The question was whether we wanted to expand that overlay zone to a more commercial zone. Mr. Kitzrow said if we did an overlay map, essentially we would pick an area likely in the General Commercial area to encourage economic development but there would be areas within that area that could not be. Other communities did this same thing with cannabis on other states.

Mr. Soper said the next step would be a public hearing with the Planning Commission to make a recommendation to City Council. City Council would then adopt an ordinance. Mr. Kitzrow said that January was coming fast so they wanted to move quickly with the Planning Commission.

The discussion was for Council information only.

### **Annexation fee schedule**

City Attorney Heather Konyar joined Ms. Ryan at the table. Ms. Konyar shared that other municipalities were surveyed around the state and found the City's fees were higher than most of the municipalities. She recommended the fees be brought in line with what other municipalities were charging. Mr. Kitzrow said Administration was very comfortable with the proposed rates and offered to answer questions.

Ms. Blake asked if the \$500 per additional acreage was too low and Ms. Outten asked if they could have numbers so that they could comprehensively compare to other similar sized municipalities. Mr. Kitzrow answered that most of the municipalities had that first acre as the bulk of the it and then charged per additional acreage. The City did not have a drop off. Ms. Konyar provided an example that in the City of Frederick, the charge was \$4,400 for the first acre and then \$10 for every acre after that. The City of Cambridge had an application fee of \$5,000, and Annapolis charged \$4,000.

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

### **Boards and Commissions Council Reps**

President Jackson announced she was going to serve on the Planning & Zoning Commission. The Town Gown, SWMPO, and Zoo Commission were all available. Ms. Outten said that Town Gown was in her district so it would be nice to be appointed to that one, and would also serve on the SWMPO. Ms. Gregory said she would like the Zoo Commission. The Council Boards and Commissions Reps list is as follow:

Planning & Zoning Commission – Ms. Jackson  
Town Gown – Ms. Outten  
SWMPO – Ms. Outten  
Zoo Commission – Ms. Gregory  
Wicomico Truth & Reconciliation- Ms. Jackson  
Parks & Rec – Ms. Jackson  
Youth Development Advisory Committee – Ms. Blake  
Bicycle and Pedestrian Advisory Committee – Ms. Blake  
Human Rights Advisory Committee – Ms. Blake  
Wicomico Library Committee – Ms. Gregory  
Disability Advisory Committee – Ms. Gregory  
Sustainability Advisory Committee - Green Team – Ms. Outten  
Airport Committee – Ms. Outten  
PAC14 – Ms. Outten  
Tri-County Council – No rep available at this time

### **Ordinance to approve grant funds through Rural Maryland Council SWIFT Grant**

Deputy Chief Chris O’Barsky announced the Fire Department was once again successful in obtaining a grant through the Rural Maryland Council. Through partnership with the SWIFT program, the City was a sub-grantee of \$85,012.00 to help fund the program from Monday through Friday. Currently, from the grant received last year, they could only sustain a couple of days per week. Through the additional money they received this year, they could run the program Monday through Friday.

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

### **Public Comments**

The following comments were received from eleven (11) members of the public:

- Recovery homes were certified by the State and Health Departments to meet standards and requirements. State of MD adopted the NARR Standards. Homes 4 Hope has worked closely with Wicomico, Worcester, and Somerset Health Departments and provide much recovery support.
- Stats prove recovery homes do not increase crime and there have been no issues. The residents are supervised, healthy and thrive. Speaker recommended allowing the facilities.
- Speaker said recovery homes were an essential part of the recovery process. The epidemic was devastating to families.
- Speaker, who was President of Worcester Goes Purple, said the organization supported recovery homes and the community.
- Speaker said that recovery was possible and recovery homes were a crucial asset to Wicomico County.

- Speaker was in recovery since 2018 and a lot of her success was attributed to the program and home she was living in. She described the rules and leadership program of the home she recovered in. Recovery homes were very important.
- Speaker received a new beginning in a recovery home. These people can change, as speaker did. The bonds formed within these homes with both housemates and staff give the individuals the strength and accountability needed to be successful. For those saying “not in my backyard”, addiction was already in your backyard, schools, churches, streets and stores.
- Speaker had a recovery home and fully supported them. He brought a resident and Assistant House Manager in a recovery home. The structure was tremendous in her recovery process.
- Speaker was from Frederick and lives at Bayside Housing. She said it would be heartbreaking if Bayside was closed down. She was now a productive member of society.
- Speaker was in recovery and said they worked. Addiction was a disease, and he asked those opposed to the Recovery homes why they would wish ill will on anyone who fell into addiction.
- Speaker thanked Council for taking on the six-point intersection. The intersection was troubling for a number of reasons, one of which was the number of students that had to walk to school every day. His partner was struck by a vehicle at that intersection because the driver was speeding through it. As Council continued through the process, he was really excited to see progress. He also wanted to comment on the positions funded for the Parks Department. It seemed people were being transitioned away from those positions.

### **Comments from Administration and Council**

Mr. Kitzrow explained that, in reference to the last comment, the ordinance could be confusing. The position was the same position with the same responsibilities, only the General Parking Maintenance person who worked Downtown had a new title. It did seem as if it were coming out of Parks & Recreation, but it was not. It was the same position, but with a different title.

Mayor Heath announced this week they were going to hold the first inaugural Maryland Folk Festival. He invited everyone to come out and pray the weather was good. He asked those able to donate blood to please do so.

Ms. Outten reminded the public there were a number of Maryland Folk Festival volunteer opportunities available. It was a fun time and if anyone had a couple of hours to donate over the weekend, it would be appreciated. Or, just come out and listen to the music, it was a genuinely good time. She reminded everyone about the Patio Chats event on Tuesday from 6:00 p.m. to 7:00 p.m.

Ms. Blake thanked all of the speakers for sharing and praised everyone who was in the recovery process. It was very heartwarming. Please donate blood if healthy enough. She

briefly discussed balance disorders. She would be talking more about these disorders this month.

Ms. Gregory thanked everyone who came out and provided their comments. It was very brave to stand up and tell the public you were in recovery. She extended her condolences to Pocomoke Mayor Todd Nock and the Jones family who recently lost his aunt. She thanked the City for holding the event for the potential Police Chief, but wished there had been more notice about it. She wanted to hire someone part time to be an Administration / Council liaison. She said the new beautiful Unity Square was being built and Bull's poster was no longer in its frame. She suggesting making a more permanent memorial to Bull because he was part of Downtown, and Unity Square was an ideal place to have a memorial for him. Many people were upset that his poster was replaced by a political sign.

President Jackson thanked everyone for coming forward. She was clean for 27 years and look where she was now. She wanted everyone healing from addiction to stay on that straight path. People needed to know people could change. She said transparency went a long way, and she agreed with Ms. Outten regarding the Police Chief Meet and Greet. More people should have been there.

### **Adjournment**

With no further business to discuss, President Jackson adjourned the Work Session at 6:28 p.m.. Council then immediately convened in the scheduled Special Meeting.

  
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City Clerk

  
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Council President