

CITY OF SALISBURY  
WORK SESSION  
OCTOBER 16, 2023

Public Officials Present

Council President April Jackson (Zoom)	Acting Mayor John R. Heath
Council Vice-President Angela Blake	Councilmember D’Shawn Doughty (Zoom)
Councilmember Michele Gregory (Zoom)	Councilmember Megan Outten

In Attendance

City Administrator Andy Kitzrow, Department of Infrastructure and Development (DID) Director Rick Baldwin, Procurement Director Jennifer Miller, Deputy Fire Chief Chris O’Barsky, Housing & Community Development Department (HCDD) Director Muir Boda, Assistant City Clerk Julie English, City Attorneys Ashley Bosché and Laura Ryan, and interested members of the public

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On October 16, 2023 the Salisbury City Council convened at 4:30 p.m. in Council Chambers at Salisbury Headquarters, 115 S. Division Street. The following is a synopsis of the items discussed in Work Session.

**Water & Sewer Extension Policy**

Water Resources Engineer Amanda Pollack presented a follow up to a presentation that was done in September. The proposed Water and Sewer Extension Policy would apply to properties that had public health concerns. This would clarify what would be done if someone had a failing septic system or contaminated drinking water. The policy would prioritize the health issues and serving properties with water and sewer over annexations.

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

**Overview of Zoning as it pertains to halfway homes, group homes and recovery homes**

City Attorney Laura Ryan began by noting that there were layers of the City Code and State law. In looking at the City Code, the following information was located:

- Group Homes
  - provides housing for rehabilitation services typically associated with a delinquency or current addiction
  - allows up to 10 people
  - three zoning districts allow them by special exception
- Group Domiciliary Care Facilities

- defined as housing for elderly or individuals categorized as handicapped under the Fair Housing Act
- allows up to 10 people
- nine zoning districts allow them as a permitted use and one additional district allows them by special exception

The State law divides them into three categories:

- Halfway Houses
  - must be licensed and meet requirements
  - defined as clinically managed, low intensity, residential treatment
  - small is four to eight individuals
    - residential use and can be in any residential district
  - large is nine to sixteen individuals
    - multi-family use and can be in any multi-family district
- Group Homes
  - lesser degree of treatment in a home-like environment
  - must be certified and meet requirements
  - small is four to nine individuals
    - residential use
  - large is ten to sixteen individuals
    - multi-family use
- Recovery Residences
  - provides alcohol and drug free housing
  - does not provide clinical treatment
  - State does not have zoning restrictions, would resort to the City Code
  - if the residence does not fall under State nor City definitions, the owner would need to request an accommodation under the ADA (very fact specific situation)

Ms. Outten requested that a copy of the State Code be sent to the Council.

Mr. Doughty asked if other municipalities of similar characteristics and size were looked at for definitions or codes. Ms. Ryan responded that the codified definitions she provided from the State code would apply to all municipalities in the state of Maryland regardless of what was in their zoning code. The individual municipal codes serve to provide extra protection.

Ms. Jackson reviewed and clarified the information Ms. Ryan provided.

Ms. Gregory asked if the state had any staffing requirements for recovery homes. Ms. Ryan responded that she would assume the state would have some type of requirements if you were certified but she was unaware of what they were. Ms. Gregory requested that information be submitted to the Council.

Ms. Jackson asked if our municipal government could make it's own code for recovery houses. Ms. Ryan replied that we could not give less than what the state allows. We could not zone out a halfway house or a group home and the City had not tried to. With recovery residences, however, there are not similar state zoning regulations. We could add it into the Code, but Ms. Ryan stated it was likely there because we already had the group homes and group domiciliary care facilities built into the Code.

Ms. Gregory asked if we would need to identify recovery residences as a specific category. Ms. Ryan felt our Code did a good job of giving two types of facilities that would fall under a recovery residence. She added that the municipal code and the city code were not uniform in what they call things.

### **MOU to receive funds for the FY24 Safe Station**

Deputy Fire Chief O'Barsky presented a Memorandum of Understanding to Council to receive \$10,000 from the Wicomico County Health Department (WCHD) for the FY24 Safe Station. He stated the partnership between the Salisbury Fire Department (SFD) and the WCHD had been ongoing for a few years. The WCHD would pay us \$10,000 and the SFD would evaluate some of the patients that came in to ensure they did not need emergency room care rather than stay in their facility to begin their treatment.

Mr. Doughty requested some statistics on the program.

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

### **Annexation Fees**

City Attorney Heather Konyar explained that some of the City's local stakeholders complained that our annexation fees were too high. Ms. Konyar provided the survey Ms. Outten had previously asked for listing similar municipalities and their fees. Ms. Konyar reviewed the proposed changes and noted that would put the City within the jurisdiction of other municipalities.

With no questions from Council, consensus was reached to move this forward to legislative session.

### **LDA for Lot 16 and Lot 3**

Procurement Director Jennifer Miller presented the amended and restated LDA's for Lots 3 and 16. The parcels were originally bid in July 2017 and her office received two proposals, one for each lot. In 2018, Council approved the LDA's with Davis Simpson Holdings, LLC (Lot 16) and R. Miller Properties, LLC (Lot 3). On March 23, 2020 Council approved a different resolution containing the contract of sale of Lot 3 from R. Miller Properties, LLC to Davis Simpson Holdings, LLC and consolidated Lots 3 and 16 into one development parcel.

Ms. Miller explained that the information before Council would clean up the land disposition contracts, set new development timelines and delayed performance penalties.

Ms. Jackson asked why it took so long to get it where it was. Mr. Kitzrow explained the LDA was driven by the developer, the market, and some of the City's more recent incentives. A lot of developments were stalled during Covid and the developer was now ready to move this project forward. Ms. Jackson asked what the deadline was for this project. Ms. Miller responded it would be 18 months from the date of issuing the building permit. Ms. Jackson then asked about the length of time it would take to issue the permit. Mr. Kitzrow explained there were different phases of the process. He estimated it would be about 2 ½ - 3 years before people would begin to move in.

Mr. Doughty asked if the renderings in the packet were the most up to date. Ms. Miller confirmed they were the most recent she had received.

Council reached consensus to move this forward to legislative session.

### **Update and Budget Amendment on North Prong Park**

Mr. Baldwin reviewed slides that showed the current owners of the properties along the waterfront. He discussed the status and plans of the City owned properties.

Ms. Jackson asked how long it would take to complete this project. Mr. Kitzrow stated that it would depend on how quickly they were able to acquire the properties and funding. He estimated it would be about 2-5 years to start. It could be 10-20 years depending on grant funding awarded.

Ms. Jackson asked about a home near the boat ramp and if the projects would interfere with their property. Mr. Kitzrow shared that there would be low impact, if any. Ms. Jackson was happy to see this happening.

Mr. Doughty asked about several of the houses on Lake Street that had been empty for some time. Ms. Jackson stated those homes were owned by a housing authority. She believed those homes were now occupied.

Mr. Doughty referenced Mr. Kitzrows remark about working on the North Prong Park project in steps. Council requested the project be broken down to make it easier to present or discuss with residents.

Ms. Miller presented the budget amendment to Council for \$67,123 to allow the City, along with the Open Space grant funds, to purchase two parcels (313 and 315 Lake Street) and do an environmental assessment for each.

Council reached consensus to move the budget amendment forward to legislative session.

## **Memorandum of Agreement (MOA) for STEM Lab**

HCDD Director Muir Boda presented a resolution and MOA to Council for a STEM lab from the Cal Ripken, Sr. Foundation. The lab would go in the Newton Street Community Center. The lab would provide another 3-D printer, some Chromebooks, furniture and other items. Mr. Boda announced that once the Truitt Street Community Center was completed, another STEM lab would be installed there as well.

Ms. Gregory commented how fantastic it was. She referenced the Robotics Team that visited a council meeting last year. She felt they would be very interested in checking out the new lab.

Council reached consensus to move this forward to legislative session.

## **Public Comments (related to agenda items)**

Speaker #1 wondered if the City would have clarity on the density or occupancy of the recovery homes. She stated she was a home owner in Newtown. She believed there were at least six of those type of residences in the neighborhood. She also requested neighborhood input be allowed when the homes were proposed. In referencing Lots 1 and 16, she expressed concerns that developers didn't have to follow the rules but residents did.

Speaker #2 spoke to the difference in ADA guidelines versus occupancy limits. He noted that some occupancy limits could not be exceeded for any reason, such as fire, safety and health. He provided an analogy with a boat. He asked leadership to be aware of the difference between treatment outcomes and ADA accommodations as they were two separate issues.

Speaker #3 listed three items he believed should have been taken off the agenda: water and sewer extension, annexation fees, and the sale of the lots. He believe those matters should be left until after the election.

Speaker #4 addressed the North Prong Park discussion. He wanted to invite Mr. Baldwin to the next Parks Committee meeting to provide an update to them on the park. He also asked what the city's plan was to center equity into the design and decision making process around the park. He believed new parks should include community generated ideas. He hoped the commitment the City had for the parks continued.

## **Administration and Council Comments**

Mayor Heath reminded everyone of Third Friday coming up. He also asked those who were healthy to please give blood.

Mr. Kitzrow addressed the last speaker, Chair of the Parks & Rec Committee, and confirmed that he and the Committee would be involved in any decisions made about the

parks moving forward. He agreed that the community should be involved in those decisions as well. Mr. Kitzrow shared that several of the meeting participants were joining the meeting from their hotel rooms. He shared that they were attending the Maryland Municipal League (MML) Fall Conference. Some of the topics they were discussing at the conference were the same as the topics being discussed in Salisbury at the local level.

Ms. Jackson invited parents to bring their children needing tutoring to 821 W. Main Street on Mondays and Tuesdays. She also reminded everyone about the Trunk ‘N Treat at the VFW on October 31<sup>st</sup> from 6-8 p.m.

Ms. Gregory reminded everyone that tomorrow was the deadline to register to vote. She commented on how user friendly the website was.

Mr. Doughty was honored to represent Salisbury at the MML Fall Conference. He thanked all who spoke during Public Comments. He specifically thanked the Chair of the Parks & Rec Committee for emphasizing the need to get the community more involved in decisions regarding the parks in Salisbury. He referenced his excitement about some upcoming things with the Newton Street Community Center. He mentioned Third Friday, and Saturday’s events: Halloween Happenings at the Zoo and Delmarvacade of Bands at the County stadium.

Ms. Outten thanked everyone for coming out. She was excited to see the City moving forward with North Prong Park. She felt talking about community green spaces was important. Ms. Outten echoed Mr. Doughty’s comment regarding the importance of bringing the community into the conversations. She wanted the spaces to reflect the wants and needs of the community at large. She believed the legislation about the STEM labs was phenomenal.

Ms. Blake dittoed the comments and thanked everyone for coming out.

### **Adjournment**

With no further business to discuss, Vice President Blake adjourned the Work Session at 5:45 p.m.

  
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City Clerk

  
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Council President