



CITY OF SALISBURY CITY COUNCIL AGENDA

NOVEMBER 27, 2023

6:00 p.m.

Salisbury Headquarters at 115 S. Division St. and Zoom Video Conferencing

Times shown for agenda items are estimates only.

- 6:00 p.m. CALL TO ORDER
- 6:01 p.m. WELCOME/ANNOUNCEMENTS/PLEDGE
- 6:02 p.m. SILENT MEDITATION
- 6:03 p.m. PROCLAMATION- Mayor Randolph J. Taylor
- Municipal Government Works Month
- 6:10 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:11 p.m. CONSENT AGENDA- City Clerk Kimberly Nichols
- October 9, 2023 Council Meeting Minutes
 - October 9, 2023 Closed Session Minutes (separate email)
 - October 16, 2023 Work Session Minutes
 - **Resolution No. 3306**- approving the reappointment of Charles “Chip” Dashiell to the Salisbury/Wicomico Planning & Zoning Commission for the term ending December 2028
 - **Resolution No. 3307**- approving the appointment of Daniel Moreno-Holt to the Salisbury/Wicomico Planning & Zoning Commission for the term ending March 2027
 - **Resolution No. 3308**- approving the appointment of Kenisha Le’Cole to the TRUTH Committee for the term ending November 2026
- 6:13 p.m. ORDINANCES- City Attorney Ashley Bosché
- **Ordinance No. 2838**- 2nd reading- approving a budget amendment to appropriate funds for the Maryland Folk Festival
 - **Ordinance No. 2839**- 2nd reading- to accept grant funds from the Maryland Department of General Services in the amount of \$4,000,000 for infrastructure improvements
- 6:18 p.m. PUBLIC COMMENTS
- 6:28 p.m. ADMINISTRATION and COUNCIL COMMENTS
- 6:35 p.m. ADJOURNMENT / CONVENE IN SPECIAL WORK SESSION

Copies of the agenda items are available for review in the City Clerk's Office, Salisbury Headquarters Building, 410-548-3140 or on the City's website www.salisbury.md. City Council Meetings are conducted in Open Session unless otherwise indicated. All or part of the Council's meetings can be held in Closed Session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b) by vote of the City Council.

NEXT COUNCIL MEETING – December 11, 2023

- Resolution concerning forgiveness for the racial terror lynching of three black citizens
- Resolution No. _ to re-appoint Greg Tyler to the Disability Advisory Committee
- Ordinance No. _ - 2nd reading- approving budget amendment for Salisbury Fire Department
- Ordinance No. _ - 1st reading- accepting grant for \$4 million for Water Main on Naylor Mill Rd

Join Zoom Meeting

<https://us02web.zoom.us/j/88163253286?pwd=K3RtZUhUMHNucDRPU2IHbnROQzZVUT09>

Meeting ID: 881 6325 3286

Passcode: 812389

Phone: 1.301.715.8592

1 **CITY OF SALISBURY, MARYLAND**

2
3 **REGULAR MEETING**

OCTOBER 9, 2023

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 Council President April R. Jackson
8 Council Vice-President Angela M. Blake
9 Councilmember Megan Outten

Mayor John R. "Jack" Heath
Councilmember Michele Gregory
Councilman D'Shawn M. Doughty

10
11 **IN ATTENDANCE**

12
13 City Administrator Andy Kitzrow, Police Chief Dave Meienschein, Housing & Community
14 Development Director Muir Boda, Fire Chief John Tull, Lieutenant Zach Bridges, Procurement
15 Director Jennifer Miller, City Attorney Ashley Bosche, City Clerk Kimberly Nichols, and
16 members of the public

17 *****
18 **PLEDGE OF ALLEGIANCE / MOMENT OF SILENT MEDITATION**

19
20 The City Council met in Legislative Session at 6:00 p.m. in Council Chambers of the Salisbury
21 Headquarters Building and via Zoom on October 9, 2023. Council President April Jackson
22 called the meeting to order. After the recital of the pledge to the flag, President Jackson invited
23 everyone to participate in a moment of silent meditation.

24
25 **SWEARING IN NEW POLICE CHIEF DAVE MEIENSCHIEIN**- Clerk of Circuit Court
26 James "Bo" McAllister

27
28 President Jackson invited Acting Chief Dave Meienschein and Clerk of the Circuit Court James
29 "Bo" McAllister forward to podium. Mr. McAllister administered the Oath of Office to Chief
30 Meienschein, who was the newly appointed Chief of the Salisbury Police Department.

31
32 **PROCLAMATION**- Mayor John R. "Jack" Heath

33
34 **Fire Prevention Week**

35 Mayor Heath, joined by Lieutenant Zach Bridges, presented the proclamation to proclaim
36 October 8-14, 2023 as Fire Prevention Week 2023 with the theme, "Cooking safety starts with
37 YOU. Pay attention to fire prevention." All citizens were encouraged to check their kitchens for
38 fire hazard and use safe cooking practices during Fire Prevention Week 2023 and to support the
39 many public safety activities and efforts of the Salisbury Fire Department.

40
41 **ADOPTION OF LEGISLATIVE AGENDA**

42
43 President Jackson called for a motion to adopt the legislative agenda. Ms. Blake moved, Ms.
44 Gregory seconded, and the vote was unanimous (5-0) to approve the legislative agenda.

45
46 **CONSENT AGENDA**- presented by City Clerk Kimberly Nichols

48 *The Consent Agenda, consisting of the following items, was unanimously approved on a motion*
49 *and second by Ms. Gregory and Mr. Doughty, respectively.*

50

- *August 21, 2023 Work Session Minutes*
- *August 28, 2023 Special Work Session Minutes*
- *August 28, 2023 Closed Session Minutes (emailed separately)*
- *August 28, 2023 Council Meeting Minutes*
- *September 5, 2023 Work Session Minutes*
- *September 5, 2023 Special Meeting Minutes*
- **Resolution No. 3284**- *approving the reappointment of Mary Buffington to the Bicycle & Pedestrian Advisory Committee for the term ending October 2026*
- **Resolution No. 3285**- *approving the reappointment of Brenden Frederick to the Historic District Commission for the term ending October 2026*

51

52 *President Jackson thanked Ms. Buffington and Mr. Frederick for volunteering to serve.*

53

54 **AWARD OF BIDS**- *presented by Procurement Director Jennifer Miller*

55

56 *Ms. Blake moved, Ms. Gregory seconded and the following Award of Bids was approved on a 4-1*
57 *vote. Ms. Jackson voted “nay.”*

58

- *ITB 24-102 Town Center Parking Garage Construction* *\$10,750,000.00*

60

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

62

- **Resolution No. 3286**- *authorizing the Mayor to accept a donation from Shore Appliance Connection of a washer & dryer for Anne St. Village*

65

66 *Ms. Gregory moved, Ms. Blake seconded, and the vote was unanimous to approve*
67 *Resolution No. 3286.*

68

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

70

- **Ordinance No. 2829**- *2nd reading- approving a budget amendment of the FY2024 General Fund Budget to update authorized position counts and grades*

73

74 *Ms. Gregory moved, Ms. Blake seconded, and the vote was unanimous to approve*
75 *Ordinance No. 2829 for second reading.*

76

- **Ordinance No. 2830**- *2nd reading- authorizing the Mayor to appropriate funds for the Raw Water Line Naylor Mill project*

79

80 *Ms. Gregory moved, Ms. Outten seconded, and the vote was unanimous to approve*
81 *Ordinance No. 2830 for second reading.*

82

- **Ordinance No. 2832**- *2nd reading- to accept grant funds from the Maryland Department of Transportation – Maryland Transit Administration (MDOT-MTA) for the feasibility study of*

84

85 fixed and flex route transit services and approving an amendment of the FY24 budget to
86 allocate said funds for purposes of implementation

87
88 Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve
89 Ordinance No. 2832 for second reading.

- 90
91 • **Ordinance No. 2833**- 1st reading- authorizing the Mayor to appropriate funds for the
92 Newton Community Center Project

93
94 Ms. Outten moved, Ms. Gregory seconded, and the vote was unanimous to approve
95 Ordinance No. 2833 for first reading.

- 96
97 • **Ordinance No. 2834**- 1st reading- to authorize the Mayor to appropriate funds for the Lot 5
98 Compliance project

99
100 Ms. Blake moved and Ms. Gregory seconded to approve Ordinance No. 2834 for first
101 reading.

102
103 Ms. Gregory motioned, Ms. Blake seconded, and the vote was unanimous to amend
104 Ordinance No. 2834 with the following:

- 105 ○ Line 15- Strike “four” and insert “two”
106 ○ Line 15- insert “and” before “Main”
107 ○ Line 16- Strike “North Prong Park, and Riverfront Games Park”

108
109 Ordinance No. 2834 for first reading was approved by unanimous vote in favor.

- 110
111 • Ordinance No. 2835- 1st reading- authorizing the Mayor to appropriate funds for land
112 acquisition for North Prong Park project

113
114 Ms. Gregory motioned, Ms. Outten seconded and the vote was unanimous to table
115 Ordinance No. 2835 until it could be presented to Work Session.

116
117 **PUBLIC COMMENTS**

118
119 The following comments were provided by 8 members of the public:

- 120
121 • The Rules of Order governed the conduct of meetings and referred to Roberts Rules
122 • The Maryland Open Meetings Act required public business to be conducted openly and
123 the public to be given adequate notification of meetings.
124 • Salisbury’s Rules state Work Sessions are public meetings and the public could attend.
125 • On September 18, 2023 President Jackson allowed comments on a non-agenda topic.
126 This was in conflict of the Rules of Order and perhaps violated the Open Meetings Act.
127 • Speaker asked last week about allowing the comments on the 18th and was politely
128 denied by Vice President Blake because it was not on an agenda item. He asked to
129 explain why and Ms. Blake denied him again- did what was required under the Rules. A
130 group on one side was given public platform that was not given to the other. Ms.
131 Jackson allowed the group of speakers without stating whether or not they were City

- 132 *resident (most were not) and allowed them to slander City residents which violated the*
133 *Rules. Requested Ms. Jackson to recommit herself to the Rules or not be president.*
- 134 • *Did not receive response to the cash flow he provided showing the garage would lose*
135 *\$400,000. We have not received a parking or environmental impact study, or prepared a*
136 *formal cash flow as a municipality. He wanted a response to show the City had given*
137 *thought to the topic and provide a counter argument. Think this project through.*
 - 138 • *Was surprised to see the Award for the garage. Why not bid a \$10 million contract to*
139 *one of the 18 bidders? Why was Sole Source made to Gillis-Gilkerson? City Planner and*
140 *Developer's attorney lied to Planning & Zoning when preliminary approval was sought.*
141 *They said they could not do anything, but did have authority to make a recommendation.*
142 *Giving a \$10 million contract Sole Source award was outrageous. Exhibit E, the CMA,*
143 *was missing from the LDA approved on June 20, 2023 where Council illegally discussed*
144 *and approved the LDA. Today, the missing Exhibit E was still missing.*
 - 145 • *Financing the parking garage should stop. It had the wrong type of contract and was*
146 *very risky to use estimated construction costs not verified by a bid process. Sole Source*
147 *required fixed price contracting based on actual costs and require a full summation of*
148 *all the costs. It should be based on verified proposals, which did not exist. Estimated*
149 *costs meant nothing in Cost Plus; the City had to pay all costs. Costs may not be*
150 *determined for a while, but the City was trying to quickly push this through. Worse, they*
151 *had a contract clause saying Prime could raise the maximum contract cost whenever its*
152 *cost approached the maximum for the duration of the contract. Bond costs resulted in a*
153 *huge obligation of over \$20 million. Borrowed money results in large amount of interest.*
 - 154 • *Suspected contaminants were under the parking lots. In Sanborn Maps, some businesses*
155 *including a paint shop, were there in the 1800's. Also, a car dealership had been there.*
156 *The Lot 5 Compliance Project ordinance stated contamination was not discovered until*
157 *after the FY24 Budget process and after the lot was proposed for sale an environmental*
158 *assessment done. It would cost the City \$89,000 for year one of a detailed investigation*
159 *and mediation mandated by MDE. Additional funds in FY25 and beyond that may be*
160 *required.*
 - 161 • *Concerned about selling the land for the Salisbury Towne Center. Contamination from*
162 *abandoned underground storage tanks and possibly ground water contamination by*
163 *petroleum products from the previous car dealership was likely. The paint shop could*
164 *have left lead and solvents and cause a serious financial burden to the City.*
 - 165 • *Was environmental assessment done and what was discovered. If not, it risked putting*
166 *the City leaders, bond investors and taxpayers in a financial and legal bind. Did the*
167 *proposed agreement outline how costs and time delays were shared? Until these were*
168 *addressed, vote against the Award. Speaker's comments are included in the minutes.*
 - 169 • *Discussed diversity in the City's bidding process. Many projects over the past five years*
170 *were awarded to the same few bidders. It was important, even if Gillis did the project,*
171 *that there was transparency in the process. The justification of the Sole Source started in*
172 *2015, and then went up to 2021, and the last mentioned was 2022. She was trying to*
173 *figure out what happened between February 2022 and now for the sole source. Asked*
174 *how \$750,000 was pulled out of the \$10,750,000 pie. Her company was asked by Gillis*
175 *to bid on this project, and they may have submitted a bid. She did not know about the*
176 *Sole Source and people in her organization brought this up.*

- 177 • *Looking forward to the Feasibility Study since it was needed. Many of the residents were*
178 *still walking in harm's way. The current transportation system was not equally serving*
179 *the community. She would rather see transportation before a parking garage.*
- 180 • *Thanked Council for recognizing Breast Cancer Awareness Month and encouraged*
181 *women to get their mammogram.*
- 182 • *Appalled that a \$10,750,000 bid would be given out with a Sole Source. Procurement*
183 *Director said it was her decision and if not passed it would go to bid, which is what*
184 *should have happened. Open Source bidding should be used for that amount of money.*
- 185 • *Selling Lot 5 would require them to spend over \$89,000 on remediation. Once ground*
186 *was opened, more could be found. It should be left as paved lots for parking.*
- 187 • *The elected officials made him unhappy and less proud to be a resident. The reason for*
188 *the Sole Source designation was there was a contingency in the LDA that required a*
189 *signed CMA before the LDA went to closing. Designating the sole source removed the*
190 *public bidding process. They could sign the contract before the election and that was*
191 *what was going on here. This was the biggest scam by local government that he ever*
192 *saw. On election day he would attempt to get rid of this Council, except for maybe one.*

193
194 **ADMINISTRATION AND COUNCIL COMMENTS**
195

196 *Mr. Kitzrow would provide a follow-up to the last speaker and Council to help them understand.*
197

198 *Mayor Heath requested citizens to donate blood. This was Fire Protection week, and one of our*
199 *good friends lost his home this week. He asked for prayers for him and his family and also the*
200 *family of the young man who was fatally injured in the crash.*
201

202 *Ms. Blake remarked the past weekend was very rough and requested prayer for the community.*
203

204 *Ms. Outten urged everyone to reach out to the Berkman's. Delegate Sheree Sample-Hughes would*
205 *hold a prescription drug affordability workshop at the Mac Center on October 11th at 11:00 a.m.*
206

207 *Ms. Gregory wished everyone a happy Indigenous Peoples Day. The beautiful Pride crosswalk was*
208 *repainted over the weekend. She congratulated Police Chief Meienschein on his promotion.*
209

210 *Mr. Doughty thanked the public for their comments. It was not an easy decision and many were*
211 *made before his tenure. He thanked Ms. Miller for her thorough explanation. Morgan State and*
212 *Bowie State had tragedies at their homecoming events. His thoughts were with Delmar and the*
213 *Delmar High School students. He wore pink in memory of his Great- Aunt Teresa Jordan Arrington.*
214

215 *Ms. Jackson started her first tutoring session and there were many kids there. Salisbury University*
216 *students were helping in the endeavor.*
217

218 **ADJOURNMENT / MOTION TO CONVENE IN CLOSED SESSION**
219

220 *At 7:25 p.m. Council President Jackson adjourned the Legislative Session and then called for a*
221 *motion to convene in Closed Session to discuss the appointment, employment, assignment,*
222 *promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of*
223 *appointees, employees, or officials over whom this public body has jurisdiction; or any other*
224 *personnel matter that affects one or more specific individuals as permitted under the authority of*

225 *the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-*
226 *305(b)(1). The reason for the Closed Session was to interview the candidate for the Deputy City*
227 *Administrator position. Mr. Doughty moved, Ms. Outten seconded, and the vote was unanimous to*
228 *convene in Closed Session.*
229

230 *Ms. Gregory exited the room briefly and returned at 7:27 p.m. at which time discussion was held*
231 *concerning the candidate for the Deputy City Administrator position.*
232

233 **ADJOURNMENT OF CLOSED SESSION/ RECONVENE IN OPEN SESSION/ REPORT OUT**
234

235 *At 7:52 p.m. Ms. Gregory moved to adjourn the Closed Session. Ms. Blake seconded, and the vote*
236 *was unanimous.*
237

238 *Council returned to Open Session at 7:54 p.m. whereby President Jackson reported that Council*
239 *had met in Closed Session to discuss the appointment, employment, assignment, promotion,*
240 *discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees,*
241 *employees, or officials over whom this public body has jurisdiction; or any other personnel matter*
242 *that affects one or more specific individuals. She added that Council interviewed the candidate for*
243 *Deputy City Administrator.*
244

245 **ADJOURNMENT**
246

247 *With no further business to discuss, the Open Session was then adjourned.*
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
SEPTEMBER 25, 2023

277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321

TIME & PLACE: 8:19 p.m., Council Chambers, Salisbury Headquarters Building

PURPOSE: To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom the public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;

VOTE TO CLOSE: Unanimous (4-0)

CITATION: Annotated Code of Maryland §3-305(b)(1)

PRESENT: Council Vice-President April R. Jackson, Councilmember Angela M. Blake, Councilmember Michele Gregory, Councilmember Megan Outten, City Administrator Andy Kitzrow, Acting Assistant City Administrator Tom Stevenson, City Attorney Ashley Bosché, Assistant City Clerk Julie English, Dave Meienschein, D'Shawn M. Dougherty

The City Council convened in a Work Session at 4:30 p.m. in Council Chambers of the Salisbury Headquarters Building and via Zoom Video Conferencing on September 25, 2023. At 8:19 p.m. upon the adjournment of the Work Session, Council President Jackson 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). Council would interview candidates for Salisbury City Police Chief and District 2 Council member.

Ms. Gregory moved, Ms. Outten seconded, and the vote was unanimous (4-0) to convene in Closed Session. Following two minutes to allow Ms. Outten to take a break, the Closed Session convened at 8:21 p.m.

Mr. Kitzrow explained the search and interview process conducted by Administration for filling the Police Chief position. The candidate was invited into the meeting and answered questions from Council. He was asked to exit the Closed Session.

The candidate for District 2 Council was then briefly discussed and invited into the room. After answering questions from Council, Council agreed that he was the best candidate for the position.

At 8:58 p.m., Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to adjourn the Closed Session.

Council reconvened in Open Session and President Jackson reported that City Council had met in Closed Session in accordance with the Annotated Code of Maryland §3-305(b)(1) to discuss the appointment, employment, assignment, promotion discipline, demotion, compensation, removal,

322 *resignation, or performance evaluation of appointees, employees, or officials over whom this public*
323 *body has jurisdiction; or any other personnel matter that affects one or more specific individuals.*
324 *The reason for closing the session was to interview candidates for Salisbury City Police Chief and*
325 *District 2 Council member.*

326
327 _____
328 *City Clerk*

329
330 _____
331 *City Council President*

332
333
334
335
336
337
338
339
340
341

10/9/2023

COMMENTS BY NANCY ROISUM PRESENTED AT THE SALISBURY MD CITY COUNCIL MEETING

I am a retired construction project manager for Arlington County, VA, where my job duties included advising the County Real Estate Section on property acquisitions as relates to possible environmental concerns. I also oversaw many environmental cleanup projects and large building renovations. One project was overseeing the major soil and groundwater remediation project at the County's 40 acre Equipment Division and Trades Center, which morphed into a 15- plus year EPA and State monitored cleanup, costing millions and resulting in the property being declared suitable only for industrial purposes.

When I heard of the plans for downtown, I suspected there might be some contaminants under the parking lots. Based on the historic Sanborn maps, a number of typical town businesses including a paint shop had been there in the late 1800s. Just recently, in a radio interview, a NABB center historian told us that a car dealership was there. In the 1960s the City tore down and paved over the abandoned businesses and created the current parking lots.

Then, I learned in the recent Council Agenda, about proposed Ordinance No. 2834 to authorize funds for Lot 5 Compliance Project. It states that this contamination was *not discovered until after the FY24 budget process. And not until the lot was proposed for sale, was an environmental assessment done*, which revealed the problem, which for starters is costing the City \$89,000 in the first year of a more detailed investigation & remediation mandated by MDE. "Additional funding in FY25 may be required." And likely for years after that.

So, this leads back to a big concern with sale of property for the SalisburyTown Center. At minimum likely there is some contamination from abandoned underground heating fuel storage tanks for each building. And there might be a full-blown groundwater and soil contamination by petroleum products like benzene & MTBE, from the car dealership, which typically includes vehicle repair facilities, with hydraulic lift pits, fueling stations and the like. the old paint shop could be a source of lead and solvents. These could add up to a serious financial burden on city, as owner/seller of these properties.

So, I beg the question, has due diligence in the form of an environmental assessment been performed by both parties for the Downtown property sale? Already we know the developer's lender is concerned with flooding and requiring the site be raised 2-1/2 feet. And if so, what has the Buyer discovered in their environmental assessment? Has this information and associated cost been provided to the City? And even more important, has the City conducted an environmental audit and shared our findings?


If this is not done and the proposed sale of lots for Salisbury Town Center proceeds, along with the Sole Source for a garage construction, it risks putting the City Leaders, the Bond investors and taxpayers in a real big complicated financial and legal bind. How, and where, in the proposed agreement, will such costs and time delays be shared?

I hereby assert and advise that this is a reasonable concern and must not be ignored.

Until these matters are addressed, I urge the City Leaders to vote against Award of Bid ITB 24-102, Town Center Parking Garage Construction. I also urge the City to revise the Town Center Plan and associated Agreement to reflect this and the many other concerns that are threatening the success of improving the Downtown area.

OATH OF OFFICE

I, DAVID MEIENSCHIN, DO SWEAR THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES, AND THAT I WILL BE FAITHFUL AND BEAR TRUE ALLEGIANCE TO THE STATE OF MARYLAND, AND SUPPORT THE CONSTITUTION AND LAWS THEREOF; AND THAT I WILL TO THE BEST OF MY SKILL AND JUDGMENT, DILIGENTLY AND FAITHFULLY, WITHOUT PARTIALITY OR PREJUDICE, EXECUTE THE OFFICE OF CHIEF OF POLICE FOR THE CITY OF SALISBURY ACCORDING TO THE CONSTITUTION AND LAWS OF THIS STATE.



DAVID MEIENSCHIN

SUBSCRIBED AND SWORN TO BEFORE ME, CLERK OF THE CIRCUIT COURT FOR WICOMICO COUNTY, MARYLAND, THIS 9th DAY OF OCTOBER, 2023.



JAMES "BO" MCALLISTER,
CLERK OF CIRCUIT COURT

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

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

- 43 ○ defined as housing for elderly or individuals categorized as handicapped
- 44 under the Fair Housing Act
- 45 ○ allows up to 10 people
- 46 ○ nine zoning districts allow them as a permitted use and one additional
- 47 district allows them by special exception
- 48

49 The State law divides them into three categories:

50

51 ● Halfway Houses

- 52 ○ must be licensed and meet requirements
- 53 ○ defined as clinically managed, low intensity, residential treatment
- 54 ○ small is four to eight individuals
 - 55 ■ residential use and can be in any residential district
- 56 ○ large is nine to sixteen individuals
 - 57 ■ multi-family use and can be in any multi-family district

58 ● Group Homes

- 59 ○ lesser degree of treatment in a home-like environment
- 60 ○ must be certified and meet requirements
- 61 ○ small is four to nine individuals
 - 62 ■ residential use
- 63 ○ large is ten to sixteen individuals
 - 64 ■ multi-family use

65 ● Recovery Residences

- 66 ○ provides alcohol and drug free housing
- 67 ○ does not provide clinical treatment
- 68 ○ State does not have zoning restrictions, would resort to the City Code
- 69 ○ if the residence does not fall under State nor City definitions, the owner
- 70 would need to request an accommodation under the ADA (very fact
- 71 specific situation)
- 72

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

74

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

80

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

82

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

87

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

94
95 Ms. Gregory asked if we would need to identify recovery residences as a specific
96 category. Ms. Ryan felt our Code did a good job of giving two types of facilities that
97 would fall under a recovery residence. She added that the municipal code and the city
98 code were not uniform in what they call things.

99

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

101

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

108

109 Mr. Doughty requested some statistics on the program.

110

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

112

113 **Annexation Fees**

114

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

120

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

123

124 **LDA for Lot 16 and Lot 3**

125

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

133

134 Ms. Miller explained that the information before Council would clean up the land
135 disposition contracts, set new development timelines and delayed performance penalties.
136

137 Ms. Jackson asked why it took so long to get it where it was. Mr. Kitzrow explained the
138 LDA was driven by the developer, the market, and some of the City's more recent
139 incentives. A lot of developments were stalled during Covid and the developer was now
140 ready to move this project forward. Ms. Jackson asked what the deadline was for this
141 project. Ms. Miller responded it would be 18 months from the date of issuing the
142 building permit. Ms. Jackson then asked about the length of time it would take to issue
143 the permit. Mr. Kitzrow explained there were different phases of the process. He
144 estimated it would be about 2 ½ - 3 years before people would begin to move in.
145

146 Mr. Doughty asked if the renderings in the packet were the most up to date. Ms. Miller
147 confirmed they were the most recent she had received.
148

149 Council reached consensus to move this forward to legislative session.
150

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

152

153 Mr. Baldwin reviewed slides that showed the current owners of the properties along the
154 waterfront. He discussed the status and plans of the City owned properties.
155

156 Ms. Jackson asked how long it would take to complete this project. Mr. Kitzrow stated
157 that it would depend on how quickly they were able to acquire the properties and
158 funding. He estimated it would be about 2-5 years to start. It could be 10-20 years
159 depending on grant funding awarded.
160

161 Ms. Jackson asked about a home near the boat ramp and if the projects would interfere
162 with their property. Mr. Kitzrow shared that there would be low impact, if any. Ms.
163 Jackson was happy to see this happening.
164

165 Mr. Doughty asked about several of the houses on Lake Street that had been empty for
166 some time. Ms. Jackson stated those homes were owned by a housing authority. She
167 believed those homes were now occupied.
168

169 Mr. Doughty referenced Mr. Kitzrows remark about working on the North Prong Park
170 project in steps. Council requested the project be broken down to make it easier to
171 present or discuss with residents.
172

173 Ms. Miller presented the budget amendment to Council for \$67,123 to allow the City,
174 along with the Open Space grant funds, to purchase two parcels (313 and 315 Lake
175 Street) and do an environmental assessment for each.
176

177 Council reached consensus to move the budget amendment forward to legislative
178 session.
179

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

181
182 HCDD Director Muir Boda presented a resolution and MOA to Council for a STEM lab
183 from the Cal Ripken, Sr. Foundation. The lab would go in the Newton Street Community
184 Center. The lab would provide another 3-D printer, some Chromebooks, furniture and
185 other items. Mr. Boda announced that once the Truitt Street Community Center was
186 completed, another STEM lab would be installed there as well.

187
188 Ms. Gregory commented how fantastic it was. She referenced the Robotics Team that
189 visited a council meeting last year. She felt they would be very interested in checking
190 out the new lab.

191
192 Council reached consensus to move this forward to legislative session.

193
194 **Public Comments (related to agenda items)**

195
196 Speaker #1 wondered if the City would have clarity on the density or occupancy of the
197 recovery homes. She stated she was a home owner in Newtown. She believed there were
198 at least six of those type of residences in the neighborhood. She also requested
199 neighborhood input be allowed when the homes were proposed. In referencing Lots 1
200 and 16, she expressed concerns that developers didn't have to follow the rules but
201 residents did.

202
203 Speaker #2 spoke to the difference in ADA guidelines versus occupancy limits. He noted
204 that some occupancy limits could not be exceeded for any reason, such as fire, safety and
205 health. He provided an analogy with a boat. He asked leadership to be aware of the
206 difference between treatment outcomes and ADA accomodations as they were two
207 separate issues.

208
209 Speaker #3 listed three items he believed should have been taken off the agenda: water
210 and sewer extension, annexation fees, and the sale of the lots. He believe those matters
211 should be left until after the election.

212
213 Speaker #4 addressed the North Prong Park discussion. He wanted to invite Mr. Baldwin
214 to the next Parks Committee meeting to provide an update to them on the park. He also
215 asked what the city's plan was to center equity into the design and decision making
216 process around the park. He believed new parks should include community generated
217 ideas. He hoped the commitment the City had for the parks continued.

218
219 **Administration and Council Comments**

220
221 Mayor Heath reminded everyone of Third Friday coming up. He also asked those who
222 were healthy to please give blood.

223
224 Mr. Kitzrow addressed the last speaker, Chair of the Parks & Rec Committee, and
225 confirmed that he and the Committee would be involved in any decisions made about the

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

232
233 Ms. Jackson invited parents to bring their children needing tutoring to 821 W. Main
234 Street on Mondays and Tuesdays. She also reminded everyone about the Trunk ‘N Treat
235 at the VFW on October 31st from 6-8 p.m.

236
237 Ms. Gregory reminded everyone that tomorrow was the deadline to register to vote. She
238 commented on how user friendly the website was.

239
240 Mr. Doughty was honored to represent Salisbury at the MML Fall Conference. He
241 thanked all who spoke during Public Comments. He specifically thanked the Chair of the
242 Parks & Rec Committee for emphasizing the need to get the community more involved
243 in decisions regarding the parks in Salisbury. He referenced his excitement about some
244 upcoming things with the Newton Street Community Center. He mentioned Third Friday,
245 and Saturday’s events: Halloween Happenings at the Zoo and Delmarvacade of Bands at
246 the County stadium.

247
248 Ms. Outten thanked everyone for coming out. She was excited to see the City moving
249 forward with North Prong Park. She felt talking about community green spaces was
250 important. Ms. Outten echoed Mr. Doughty’s comment regarding the importance of
251 bringing the community into the conversations. She wanted the spaces to reflect the
252 wants and needs of the community at large. She believed the legislation about the STEM
253 labs was phenomenal.

254
255 Ms. Blake dittoed the comments and thanked everyone for coming out.

256
257 **Adjournment**

258
259 With no further business to discuss, Vice President Blake adjourned the Work Session at
260 5:45 p.m.

261
262
263 _____
264 City Clerk

265
266 _____
267 Council President



City of
Salisbury
John "Jack" R. Heath, Mayor

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Salisbury/Wicomico Planning & Zoning Commission
Date: November 13, 2023

The following person has applied for appointment to the Salisbury/Wicomico Planning & Zoning Commission for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Charles "Chip" Dashiell	December 2028

Attached is the applicant's information and the resolution necessary for this appointment. If this appointment is approved, it will be placed on the next City Council agenda for review.

Attachments



City of
Salisbury
John "Jack" R. Heath, Mayor

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Salisbury/Wicomico Planning & Zoning Commission
Date: November 9, 2023

The following person has applied for appointment to the Salisbury/Wicomico Planning & Zoning Commission for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Daniel Moreno-Holt	March 2027

Attached is the applicant's information and the resolution necessary for this appointment. If this appointment is approved, it will be placed on the next City Council agenda for review.

Attachments

1 **RESOLUTION NO. 3307**

2
3 BE IT RESOLVED, by the City of Salisbury, Maryland that the following
4 individual is appointed to the Salisbury/Wicomico Planning & Zoning Commission for
5 the term ending as indicated.

6
7

<u>Name</u>	<u>Term Ending</u>
Daniel Moreno-Holt	March 2027

8
9
10
11
12 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
13 Council of the City of Salisbury, Maryland held on November 27, 2023.

14
15 ATTEST:

16
17
18 _____
19 Kimberly R. Nichols
20 CITY CLERK

D'Shawn M. Doughty
PRESIDENT, City Council

21
22
23 APPROVED BY ME THIS

24
25 _____ day of _____, 2023

26
27
28 _____
29 Randolph J. Taylor
30 MAYOR



City of
Salisbury
John "Jack" R. Heath, Mayor

To: Jack Heath, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the TRUTH Committee
Date: November 13, 2023

The following person has applied for re-appointment to the TRUTH Committee for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Kenisha Le’Cole	November 2026

Attached is the applicant’s information and the resolution necessary for this appointment. If this appointment is approved, it will be placed on the next City Council agenda for review.

Attachments

1 **RESOLUTION NO. 3308**

2
3 BE IT RESOLVED, by the City of Salisbury, Maryland that the following
4 individual is appointed to the TRUTH Committee for the term ending as indicated.

5		
6	<u>Name</u>	<u>Term Ending</u>
7	Kenisha Le’Cole	November 2026
8		
9		

10
11 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
12 Council of the City of Salisbury, Maryland held on November 27, 2023.

13
14 ATTEST:

15
16
17
18 _____
19 Kimberly R. Nichols
20 CITY CLERK

21
22 _____
23 D’Shawn M. Doughty
24 PRESIDENT, City Council

25
26 APPROVED BY ME THIS
27 _____
28 _____ day of _____, 2023

29
30 _____
31 Randolph J. Taylor
32 MAYOR

33
34
35
36

Section 3. The City of Salisbury’s Maryland Folk Festival Special Revenue Fund be and hereby is amended as set forth below:

Increase (decrease)	Account Type	Account	Description	Amount
Increase	Revenue	10125-469110	Transfers from General Fund	85,012
Increase	Revenue	Various	Anticipated revenues as set forth Exhibit A	504,688
Increase	Expenditure	Various	2024 MD Folk Festival	589,700

37
38
39

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

40
41
42
43

Section 3. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

44
45
46
47
48

Section 4. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

49
50
51

Section 5. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 5.

52
53

Section 6. This Ordinance shall take effect from and after the date of its final passage.

54
55
56
57
58
59

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 13th day of November, 2023 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 27th day of November, 2023.

60
61

ATTEST:

62
63
64
65

Kimberly R. Nichols, City Clerk

D’Shawn M. Doughty, City Council President

66
67

Approved by me, this _____ day of _____, 2023.

68
69
70
71
72

Randolph J. Taylor, Mayor

73
74
75

Schedule A – 2024 MD Folk Festival

					2024 MD FF
	CT	PROJECT	ACCOUNT DESCRIPTION		Budget
0125	10125	456121	73045	Beverage Sales	35,000
0125	10125	456123	73045	Vendor Revenue	20,000
0125	10125	456124	73045	Sponsorships	374,188
0125	10125	456400	73045	Donations	75,500
0125	10125	469110	73045	Transfers from General	85,012
				Total Revenue	589,700
0125	10125	501001	73045	Salaries -Clerical	57,640
0125	10125	501002	73045	Salaries-Non-Clerical	57,235
0125	10125	501006	73045	Salaries-Part-Time	10,000
0125	10125	502010	73045	Fica	9,553
0125	10125	502020	73045	Health Insurance	28,004
0125	10125	502030	73045	Life Insurance	78
0125	10125	502040	73045	Retirement-Employees	12,779
0125	10125	502070	73045	Workers Comp Ins.	3,161
0125	10125	513000	73045	Professional Services	155,000
0125	10125	513100	73045	Artist Fees	134,500
0125	10125	546006	73045	Operating	51,000
0125	10125	546012	73045	Equipment & Maintenance	70,450
0125	10125	555402	73045	Cellular Phones	300
				Total Expense	589,700

76

1 **ORDINANCE NO. 2839**

2 **AN ORDINANCE OF THE CITY OF SALISBURY TO ACCEPT GRANT FUNDS FROM THE**
3 **MARYLAND DEPARTMENT OF GENERAL SERVICES IN THE AMOUNT OF \$4,000,000 FOR**
4 **INFRASTRUCTURE IMPROVEMENTS.**

5
6 **WHEREAS**, the City declared Municipal Parking Lot 10 (“Lot 10”) surplus property on November 14,
7 2016; and

8
9 **WHEREAS**, by the majority vote of Council the City of Salisbury, the City entered into a contract of sale
10 for Lot 10 (Resolution No. 3212) for the purpose of redeveloping a mixed-use of the site, including construction of
11 a hotel, conference center, residential units, and retail shops; and

12
13 **WHEREAS**, Lot 10 would require significant infrastructure improvements to accommodate the
14 redevelopment plan; and

15
16 **WHEREAS**, the City of Salisbury applied for a grant funding opportunity with the Maryland Department
17 of General Services (“DGS”) PAYGO seeking Four Million Dollars (\$4,000,000.00), which, if awarded, was to be
18 allocated to infrastructure improvements in the City; and

19
20 **WHEREAS**, DGS has awarded the City \$4,000,000 in grant funds for infrastructure improvements; and

21
22 **WHEREAS**, no expenditures of the aforementioned grant funding will be permitted until all conditions of
23 the pre-award process are met, such as a fully executed subrecipient agreement with Mentis Lot 10 LLC, who is the
24 subrecipient of the funding and the owner of Lot 10; and

25
26 **WHEREAS**, the City departments will ensure that contracts and bids will be obtained, pursuant to the
27 terms of the grant agreement when issued; and

28
29 **WHEREAS**, appropriations necessary to execute the purpose of this grant must be made upon the
30 recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

31
32 **NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
33 **SALISBURY, MARYLAND**, as follows:

34
35 **Section 1.** Mayor Randolph J. Taylor is hereby authorized to establish a grant account for DGS,
36 on behalf of the City of Salisbury, for the City’s acceptance of the Capital Grant monies in the amount of \$4,000,000.

37
38 **Section 2.** The City of Salisbury’s Grant Fund Budget be and hereby is amended as
39 follows:

- 40 1) Increase DGS Revenue Account 10500-426000-xxxxx by \$3,000,000
41 2) Increase Construction Expense Account 10500-513026-xxxxx by \$3,000,000
42 3) Increase DGS Revenue Account 10500-426000-xxxxx by \$1,000,000
43 4) Increase Construction Expense Account 10500-513026-xxxxx by \$1,000,000
44

45
46 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
47 **SALISBURY, MARYLAND**, as follows:

48 **Section 3.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this
49 Ordinance shall be deemed independent of all other provisions herein.

50 **Section 4.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section,
51 paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise
52 unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section,
53 paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and
54 shall be deemed valid and enforceable.

55 **Section 5.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such
56 recitals were specifically set forth at length in this Section 5.

57 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.

58 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
59 Salisbury held on the 13th day of November, 2023 and thereafter, a statement of the substance of the Ordinance
60 having been published as required by law, and in the meantime, was passed by the Council of the City of Salisbury
61 on the 27th day of November, 2023.

62

63 **ATTEST:**

64

65 _____
66 **Kimberly R. Nichols, City Clerk**

_____ **D'Shawn M. Doughty, City Council President**

66

67 Approved by me, this _____ day of _____, 2023.

68

69

70

71 _____
Randolph J. Taylor, Mayor