

CITY OF SALISBURY
WORK SESSION
NOVEMBER 6, 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, Water Works Director Cori Cameron, Acting Fire Chief Darren Scott, Arts, Business and Culture Department (ABCD) Director Allen Swiger, City Clerk Kimberly Nichols, City Attorney Ashley Bosché and interested members of the public

On November 6, 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.

Presentation- Wicomico County Health Dept Yearly Report- Matthew McConaughey, Health Officer, Wicomico County Health Department

Mr. McConaughey provided an overview of the Health Department's accomplishments over the past year and discussed the following: COVID, flu, RSV and their vaccines. The Eastern Shore had an increase in overdoses of Xylazine. Wicomico County had 45 fatal overdoses from May 2021 to May 2022 and 39 from May 2022 to May 2023.

The Health Department participated in many events including Overdose Awareness Day and the Go Purple Kick Off Event. They received three accreditations for five years, and were the 4th Health Department in Maryland to receive re-accreditation for the next five years meaning they upheld quality improvement, quality assurance, and the best standard of care. They had improvements in mental health clients and increased training in mental health first aid and Narcan training. The Strategic Plan was recently developed and would carry them to 2027. The Annual Report was on the Health Department's website.

Ms. Gregory said the vaccine for RSV was a huge deal. Mr. McConaughey said it was also available for young patients. Ms. Outten asked for the overdose decrease (13.4%).

The report was provided for Council information only.

Budget amendment to accept funds from the State of MD Grant for Infrastructure Improvements

City Administrator Andy Kitzrow reported the City received \$4 million in PAYGO funding and received \$2 million authorized next year for infrastructure improvements to

Lot 10. Without it, the redevelopment of the site to include a hotel and conference center would likely not happen due to rising costs and interest rates.

Council reached unanimous consensus to move forward with the budget amendment.

Budget amendment to appropriate fund for the Maryland Folk Festival

ABCD Director Allen Swiger requested an amendment to appropriate funds for the 2024 Maryland Folk Festival (MDFF) scheduled for September 20-22, 2024 to be used for all operations of Folk Festival including staffing, production fees, artists fees and equipment, staging, lighting and more. \$85,012 would be required for this program to be transferred from the General Fund in addition to the revenues listed below:

ABCD determined that \$589,700 in appropriations were required for the 2024 MDFF, exclusive from grant funding (below). \$125,000 in grants should be awarded.

The current forecast for the MDFF FY24 Revenues is as follows:

Event Revenues (Beverage, Vendors)	55,000
Sponsorships and Donations	449,688
Transfer – General Fund	85,012
Total	\$589,700

Ms. Outten asked when they could hear responses on the grants and Mr. Swiger said it would be early Spring.

Mr. Doughty asked if the budget and schedule were altered for next year in case of inclement weather and Mr. Swiger said funds were built into it for that. They saw the risks with rainouts two years in a row but did not lose money despite the rain.

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

Cannabis- Zoning Code modification

City Planner Brian Soper and City Attorney Laura Ryan presented the proposed amendments to the Zoning Code to permit growing, processing and dispensing cannabis in the City. The districts for growing and processing were Light Industrial and Industrial Park. The Industrial Zoning District was not included due to the location and existing uses. The locations were the Cato Office Building on Parsons Road, the Wastewater Treatment Plant location, and the old Dresser-Wayne facility. The dispensary would be located in the General Commercial District via an Ordinance Permit. This allowed additional review by the Planning Commission and Council to pass an ordinance after Planning Commission recommendation and public hearing. The Planning Commission held their public hearing on October 19th and forwarded a favorable recommendation.

President Jackson asked if most dispensaries would be placed in poorer neighborhoods. Mr. Soper said they did not know of any locations yet and would let Council know.

Council reached unanimous consensus to proceed to the text amendment's next phase.

Public Comments (related to agenda items)

The following public comments were received by five members of the public:

- Asked if the City could exist without grants. We are taking money from the rest of Maryland so the City could be in the development business. Only doing projects when we get special grants was not sustainable. Other things needed addressing. Affordable housing was promised but all the apartments were luxury.
- Asked if the possible huge lines at dispensaries were being considered.
- Asked why the City applied for infrastructure grant money for Lot 10 and learned some facts regarding the lot. Asked what criteria were used in choosing Mentis.
- Asked why City grant funds went to the developer and not our own infrastructure.
- Asked why Council was going to be updated in Closed Session on PFAS lawsuit.
- Council was opposite of transparent.
- Speaker submitted a letter which has been included as part of the minutes.
- It looked suspicious that the City awarded the lot for \$75,000 when we had a 500,000 offer. Asked what improvements to Lot 10 were more important than our infrastructure in the City. We need roads, traffic lights, garbage disposals.
- Should not give millions of dollars to a contractor benefitting from the HORIZON Program. We get no tax revenues for (5) years and only 10% for (10) years.
- Anything could be discussed in Closed Session and the public saw no minutes.
- Agenda items could have waited until the new Council and Mayor were elected.
- State grant was the beginning of the public subsidy of the project.
- There was no reason to discuss PFAS in Closed Session this evening.

Administration and Council Comments

Mr. Kitzrow thanked Council for moving vital projects forward because Downtown redevelopment was crucial to our future. He thanked the Legal Team, City Clerk and the department heads for advancing sound legislation and for being transparent.

Mayor Heath said he would comment at the next meeting.

Ms. Outten thanked everyone for attending. Polls were open from 7:00 a.m. to 7:00 p.m. Asbury United Methodist Church was the polling location for District 3. Everyone was invited to Bagel Bakery's mural unveil dedicated to the City on Friday at 9:30 a.m.

Ms. Blake asked those healthy enough to donate blood and save a life. Her son was married last weekend in Manhattan and she was very happy, but also very tired.

Ms. Gregory reiterated what others said, and said to go vote, as many people had fought and died for that right. She hoped to see residents from District 4 at the Wicomico Presbyterian Church polling location. Have a safe and healthy week.

Mr. Doughty encouraged everyone to vote. The District 2 polling location was Oak Ridge Baptist Church near the new Junior Achievement where he was a proud board member. Last week he attended Wicomico High Schools Instructional Leadership Teams meeting to discuss the roundabout and hear concerns. Today he attended an affordable housing conference in Hanover. We aren't alone and need local support in this statewide and national issue. He encouraged the County to become vocal on affordable housing.

Ms. Jackson reported 244 children attended the VFW #10159 Trunk or Treat and everyone had a great time. She encouraged everyone to vote tomorrow. District 1 voters' polling location is 325 Cypress St at the Salisbury Fire Department.

Adjournment

With no further business to discuss, President Jackson adjourned the Work Session at 5:21 p.m.

Motion to Convene in Closed Session

President Jackson immediately called for a motion to convene in Closed Session to consult with counsel to obtain legal advice on a legal matter and to consult with staff, consultants, or other individuals about pending or potential litigation as permitted under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b)(7)(8). The Council would receive an update on the PFAS litigation from counsel and City staff.

Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to convene in Closed Session. Following a brief break by Council and while the public exited the chambers, Council convened in Closed Session at 5:29 p.m.

Motion to end Closed Session / Reconvene in Open Session / Report to Public

At 6:01 p.m. upon a motion and seconded by Ms. Outten and Ms. Blake, respectively, Council unanimously voted to end the Closed Session and immediately returned to Open Session. President Jackson reported that Council had met in Closed Session to consult with counsel to obtain legal advice on a legal matter and to consult with staff, consultants, or other individuals about pending or potential litigation as permitted under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b)(7)(8). They received an update on the PFAS litigation from counsel and City staff.



City Clerk



Council President

City Council Work Session 11/06/2023
Comments by Nancy Roisum

Ref: Agenda Item entitled "Budget amendment to accept funds...State of MD Grant for Infrastructure Improvements..."

I have just completed looking at the Sanborn Maps for the Lot 10 area: 1931 - 1950 Image 5, enclosure below. This is the Lot bounded by E. Church St, S. Salisbury Blvd (now known as Rte 13), Calvert St and Poplar Ave. It is being considered for a hotel-conference center and associated parking garage.

I do not see any major source of contamination such as filling stations or auto repair facilities. (Please note that I am not qualified to make such a preliminary assessment of this risk. That is the job of City Staff and I hope they are "on it." But prior council agenda items and discussion lead me to believe this may not be the case, so I am trying to make you aware of my concern.)

Due to the many dwellings, a church, undertaker and other commercial-light industrial buildings, shops, once located there, one may safely assume that each has associated with it an underground heating fuel oil storage tank . These eventually rust and leak. Sometimes the owner uses them up before abandoning and the empty tank is left in place. For an individual homeowner or farmer, the state allows the empty tank to be excavated and hauled away to a landfill or metals recycler that accepts such items. (From my experience renovating a MD farm in 2005)

However for non-individual homeowners (governments, businesses) there are more stringent and costly requirements for disposal. The City could be on the hook for excavating and properly disposing of dozens of underground fuel oil storage tanks (empty or with product) and any associated contamination of the soil or removal and proper disposal of "product" left in or around them.

Back in 1960s when the City declared these areas surplus and bulldozed down the structures, *they may have* had the foresight and taken care to excavate these tanks. Records must be found to document it and precisely locate where. In the meantime it would be realistic and prudent to utilize the services of a licensed environmental engineering consultant to investigate the entire site for the presence of these tanks and other underground anomalies that would predicate further testing and possible remedial action.

So I firmly recommend the City proceed to secure proof that the sight is "clean" before entering into any real estate transaction involving Lot 10 (and/or any other parking lots that cover over prior structures). This is standard due diligence in managing and planning real property transactions. It is something that cannot be ignored since past, present and future owner(s) of a contaminated site are financially liable for any environmental contamination it causes. Ref. RCRA (Resource Conservation and Recovery Act), Title 40 of the CFR, and US Code Title 42. Other regulations and laws such as the Toxic Substances Control Act may pertain depending on the type of contamination found. I hope there is none, for the taxpayers' sake.

Please consider this potential cost in using the \$4-6 million grant.

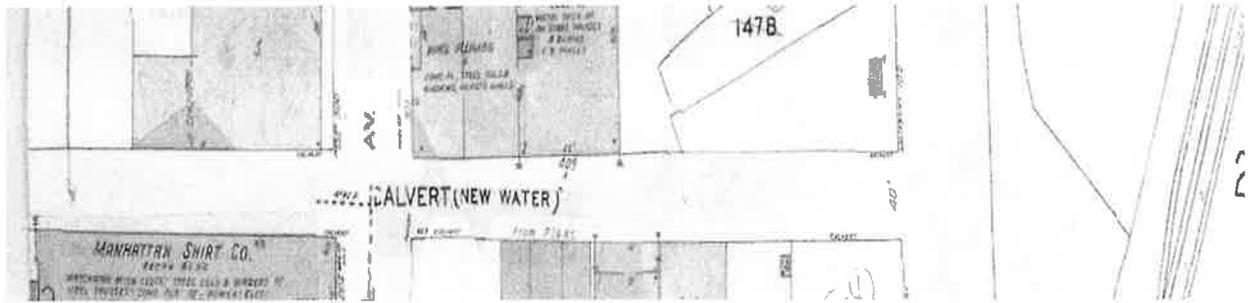
MAP

Image 5 of Sanborn Fire Insurance Map from Salisbury, Wicomico County, Maryland.

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Image 5 of 33 Pages View Single image





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About this Item

Title

Sanborn Fire Insurance Map from Salisbury, Wicomico County, Maryland.

Created / Published

Sanborn Map Company, Mar 1931 - Aug 1950

Notes

- Mar 1931 - Aug 1950.
- 32.
- Hebron, Mordela Springs.
- 506.

Repository

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

Digital Id

http://hdl.loc.gov/loc.gmd/g3844sm.g3844sm_g036511950

Online Format

image

IIIF Presentation Manifest

Manifest (JSON/LD)

Part of

Sanborn Maps (35,105)

Geography and Map
Division (56,216)

American Memory
(507,684)

Format

Map

Dates

1950

Location

Hebron
Maryland
Mordela Springs
Salisbury
Wicomico County

Language

English

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