

**CITY OF SALISBURY, MARYLAND**

**REGULAR MEETING**

**NOVEMBER 13, 2023**

**PUBLIC OFFICIALS PRESENT**

*Council President April R. Jackson  
Council Vice-President Angela Blake  
Councilmember Michele Gregory*

*Acting Mayor John R. Heath  
Councilmember D'Shawn Dougherty  
Councilmember Megan Outten*

**IN ATTENDANCE**

*City Administrator Andy Kitzrow, Acting Chief Darren Scott, Deputy Chief Chris O'Barsky, Acting Deputy Chief Rob Frampton, Water Works Director Cori Cameron, Assistant City Clerk Julie English, City Attorney Ashley Bosché and members of the public*

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**CITY INVOCATION – PLEDGE OF ALLEGIANCE**

*The City Council met in Legislative Session at 6:00 p.m. in Council Chambers of the Salisbury Headquarters Building and via Zoom. Council President April Jackson called the meeting to order. She then invited everyone to recite the pledge to the flag. Pastor Greg Morris from the Parkway Church of God was invited to the podium to provide the Invocation.*

**ADOPTION OF LEGISLATIVE AGENDA**

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

**CONSENT AGENDA-** *presented by Assistant City Clerk Julie English*

*Ms. Jackson called for a motion and a second to adopt the Consent Agenda. Ms. Gregory moved and Ms. Blake seconded, respectively. The Consent Agenda consisted of the following items:*

- *September 18, 2023 Work Session Minutes*
- *September 18, 2023 Special Meeting Minutes*
- *September 25, 2023 Council Meeting Minutes*
- *September 25, 2023 Closed Session Minutes*
- *October 2, 2023 Special Meeting Minutes*
- *October 2, 2023 Work Session Minutes*
- ***Resolution No. 3291-** approving the reappointment of Alexander Pope to the Bicycle & Pedestrian Advisory Committee for term ending November 2026*
- ***Resolution No. 3292-** approving the reappointment of David Scheid to the Friends of Poplar Hill Mansion Board of Directors for the term ending November 2026*
- ***Resolution No. 3293-** approving the reappointment of Virginia Hussey to the Friends of Poplar Hill Mansion Board of Directors for the term ending November 2026*
- ***Resolution No. 3294-** approving the appointment of Kenisha Le’Cole to the Youth Development Advisory Committee for the term ending November 2026*

- **Resolution No. 3295-** approving the appointment of Naryah Miles to the Youth Development Advisory Committee for the term ending November 2026
- **Resolution No. 3296-** approving the appointment of Tara O’Barsky to the Youth Development Advisory Committee for the term ending November 2026
- **Resolution No. 3297-** approving the appointment of Brandon Bell to the Public Art Committee for the term ending November 2026
- **Resolution No. 3298-** approving the appointment of KT Tuminello to the Public Art Committee for the term ending November 2026
- **Resolution No. 3299-** approving the appointment of Heather McCarty to the Public Art Committee for the term ending November 2026
- **Resolution No. 3300-** approving the appointment of Susan Holt to the Public Art Committee for the term ending November 2025
- **Resolution No. 3301-** approving the appointment of Max Verbits to the Public Art Committee for the term ending November 2025
- **Resolution No. 3302-** approving the appointment of Shelly Cruz to the Public Art Committee for the term ending November 2025
- **Resolution No. 3303-** approving the appointment of Mandel Copeland to the Public Art Committee for the term ending November 2024
- **Resolution No. 3304-** approving the appointment of Craig Faunce to the Sustainability Advisory Committee for the term ending November 2026
- **Resolution No. 3305-** approving the appointment of Mark Flounlacker to the Parks & Recreation Committee for the term ending November 2026

Mr. Doughty pointed out that Ms. Jackson was listed twice in the September 25, 2023 Council Meeting Minutes under the attendance section. Mr. Doughty motioned to approve the minutes as amended with a second by Ms. Gregory. The vote was unanimous to approve the Consent Agenda as amended.

Ms. Jackson asked the individuals mentioned in the Consent Agenda to stand and be recognized.

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

Ms. Jackson called for a motion and a second to approve Resolution No. 3290. Ms. Gregory moved and Ms. Blake seconded.

- **Resolution No. 3290-** to authorize the Mayor to enter into, on behalf of the City of Salisbury, an amended and restated Land Disposition Agreement (LDA) with Davis Strategic Development, LLC, setting forth the terms and conditions governing the sale and redevelopment of Lot 3 and Lot 16

After reading the resolution, Mr. Kitzrow was asked by Mr. Doughty to explain to the public what the consequences would be if Davis Strategic did not hold up their end of the bargain. Mr. Kitzrow pointed out the section of the LDA referenced as “delayed performance penalties.”

The vote was unanimous to approve Resolution No. 3290.

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

- **Ordinance No. 2835**- 2<sup>nd</sup> reading- authorizing the Mayor to appropriate funds for land acquisition for North Prong Park Project

*Ms. Gregory moved, Ms. Outten seconded, and the vote was unanimous to approve Ordinance No. 2835 for second reading.*

- **Ordinance No. 2836**- 2<sup>nd</sup> reading- to set fees for FY2024 and thereafter unless and until subsequently revised or changed

*Ms. Gregory moved, Ms. Blake seconded, and the vote was unanimous to approve Ordinance No. 2836 for second reading.*

- **Ordinance No. 2837**- 2<sup>nd</sup> reading- authorizing the Mayor to enter into a memorandum of understanding with the Wicomico County Health Department and approving a budget amendment of the FY2024 General Fund Budget to appropriate funds received from the Wicomico County Health Department in the amount of \$10,000.00

*Ms. Outten moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2837 for second reading.*

- **Ordinance No. 2838**- 1<sup>st</sup> reading- approving a budget amendment to appropriate funds for the Maryland Folk Festival

*Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2838 for first reading.*

- **Ordinance No. 2839**- 1<sup>st</sup> reading- to accept grant funds from the Maryland Department of General Services in the amount of \$4,000,000 for infrastructure improvements

*Ms. Gregory moved, Ms. Outten seconded, and the vote was unanimous to approve Ordinance No. 2839 for first reading.*

- **Ordinance No. 2840**- 1<sup>st</sup> reading- amending Section 17.04.120 of the Salisbury City Code to include definitions for adult use cannabis businesses and amending sections 17.36.040, 17.36.045, 17.36.060, 17.76.020, 17.76.025, 17.76.050, 17.80.040 and 17.80.060 of the Salisbury City Code to regulate cannabis businesses to include growing, processing and dispensing, and to prohibit on-site consumption establishments

*Ms. Blake moved, Ms. Gregory seconded and the vote was unanimous to approve Ordinance No. 2840 for first reading.*

### **PUBLIC COMMENTS**

*The following comments were provided by members of the public:*

- *Speaker, City of Salisbury resident, felt Resolution No. 3290 should have been tabled until after swearing in the new council members. She provided history of Lots 3 and 16 based on her research.*
- *Speaker stated she hoped the new council would see opportunity for a new approach. The same problems kept coming up again and again. She would like to see a civic minded council.*
- *Speaker, city resident and tax payer, brought a Google Earth visual aid to share with the Council to show the number of cars parked in the lots pictured. He shared loan numbers from various banks.*

### **ADMINISTRATION AND COUNCIL COMMENTS**

*Mr. Kitzrow shared that it was a pleasure and honor to work with Mr. Heath.*

*Mayor Heath shared his final remarks as Acting Mayor. He asked Council to keep in mind that there were approximately 34,000 residents in the City of Salisbury, over 17,000 of who are registered voters. He stated the Lot 1 issue had nothing to do with the parking lots. It was about supply and demand and referenced experiences during Covid. He felt if the developers did not feel wanted, they would move on to other projects and the City would return to empty storefronts down Main Street. He added that the City received \$25,000,000 in grant funds. The grants were mostly used for infrastructure and public safety. If the funds were not used, it would put the City at risk to no longer receive grant funding. He thanked the City Team, Council, Mayor's staff, Clerk's Office, and especially City Administrator Andy Kitzrow. He wished the best to the Council and new Mayor.*

*Ms. Outten thanked the public for coming out. She also thanked the Council as that was her last meeting as councilwoman. She shared it was a joy getting to work with the council members and the community.*

*Mr. Doughty acknowledged and appreciated Mr. Heath. He agreed with one of the speakers in that the Council should remain civic first. He shared the various events he was involved in through the week. He acknowledged the Salisbury Fire Department as he had seen their accomplishments online. Lastly he appreciated his current council members, highlighting his short time with Ms. Outten. He was looking forward to the new council member and Mayor.*

*Ms. Gregory thanked Mr. Heath for explaining the ropes to her when she joined the council. She was grateful for the guidance and leadership from him. She thanked those in District 4 for allowing her to serve another term. She shared that her father-in-law passed away that morning. Coastal Hospice on the Lake did a great job caring for him over the last 6 months.*

*Ms. Jackson referred to Mr. Heath as "Papa Bear." She shared that he would be missed. Ms. Jackson believed that doing what was right was important. The people were her agenda. It was impossible to satisfy everyone but they try their best. She welcomed Ms. Outten to continue being connected with the Council. She acknowledged Mr. Kitzrow and appreciated him as well.*

### **ADJOURNMENT**

*With no further business to discuss, the Legislative Session adjourned at 7:06 p.m.*

*Kimberly R. Nichol*  
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*City Clerk*

*[Signature]*  
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*Council President*