

CITY OF SALISBURY
WORK SESSION
JANUARY 16, 2024

Public Officials Present

Council President D'Shawn M. Doughty	Mayor Randolph J. Taylor
Vice President Angela M. Blake	Council member April R. Jackson
Council member Michele Gregory (via Zoom)	Council member Sharon C. Dashiell

In Attendance

City Administrator Andy Kitzrow, Director of Communications Shawn Yonker, Water Works Director Cori Cameron, Housing & Community Development Department (HCDD) Director Muir Boda, Director of Housing and Community Development (HCDD) Director Muir Boda, Fire Chief Rob Frampton, Deputy Chief Chris O'Barsky, Executive Administrative Assistant Jessie Turner, City Attorneys Ashley Bosché and Laura Ryan, City Clerk Kim Nichols and members of the public.

On January 16, 2024 the Salisbury City Council convened at 4:30 p.m. in Work Session in Council Chambers of SBY Headquarters, located at 115 S. Division Street. The following is a synopsis of the items discussed.

Budget amendment for providing an EMS crew and Gator to the 2023 Bay Bridge Walk

Fire Chief Rob Frampton explained on November 12, 2023 the Fire Department provided an EMS Crew and Gator to the 2023 Bay Bridge Walk. The budget amendment of \$1,400 was reimbursement for providing the crew's overtime and use of the Gator.

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

Budget amendment to approve WWTP Materials Building renovations

Water Works Director Cori Cameron requested transferring funds from the Skilled Services Operating Account into the budget account for the House Building. It went to bid twice, came in over budget both times, with the first time being \$580,000 over. They re-worked the proposal and did much of the work in-house to bring the price down.

The request was to move funds in the amount of \$67,543 from the Wastewater Treatment Plant Operating account 86083-523600 into the Project account 97010-513026-55022 for the Materials Building Renovations. The funds were from the BNR Grant originally for SCADA.

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

Recovery Homes discussion

City Attorney Laura Ryan and HCDD Director Muir Boda joined Council. Mr. Boda explained an issue they had from prior discussions about the Oxford House case was that there was no process and there was confusion around the multiple terms used for use. He presented the attached PowerPoint, which is included as part of the minutes.

He discussed three levels of recovery homes (In-patient Treatment Facilities, Residential Treatment Facilities, and Domiciliary Care Facility). Domiciliary Care Facilities/ Recovery Homes fell under HCDD Code Enforcement. They would have to register the property as a rental, register as a landlord and then Code Enforcement would inspect the property. He discussed the sizes of bedrooms and bathrooms, basement specs and multi-use rooms to determine how many people could safely reside. He also discussed the update to the Property Transfer Affidavit to include “Recovery Homes/Care Homes” as a use, the DID Change of Occupancy permit, and when complaints went to HCDD or DID.

City Attorney Bosche said Council previously wanted a corrective action or way to get on the front end of this by locating where the homes were in the City. Mr. Boda did this with the legal team and was why they amended the Property Affidavit and made changes to their internal forms to alert them to any potential issues early on so the appropriate team could be sent to identify what was going on and respond accordingly. Legal met with all the departments and walked through the process with the various kinds of homes that could be opened and indicated which department would handle what and when.

Mr. Boda answered President Doughty’s inquiry on how complaints were being tracked.

The following comments from three members of the public were received on this topic:

- The process did not account for zoning. There were other taxonomies of Group Homes not addressed in what was presented, such as Sober Living Homes. An issue not addressed was that to acknowledge halfway homes under Maryland, protections for zoning had to include an element of carcerality. If a recovery home claimed protection under halfway homes, then they were operating with some level with cooperation underneath the Justice System. There was some level of incarceration living in the home (such as having bracelets or some kind of monitoring system) and some type of protection. Small halfway homes could exist in R-1 or basically residential areas. He asked if the halfway homes were being claimed with carcerality or were they recovery homes only, and what was the nature of the relationship with the owner and the people living in the home.
- The process was incomplete but moving forward. Interested parties should meet and talk this through. The two homes on Middle Blvd. were Level II and seemed to be transitioning to Level 3.1 because they now had commercial fire connection hose inlets on the outside. One home was in the Historic District. They all had commercial surveillance systems on the outside that reached their neighbors. There were no Historic District Commission permits or signs displayed.
- Agreed with previous speaker and asked if zoning meant anything anymore. Asked about the people who wanted to live there as single-family and discussed

the rooming houses that were being allowed in Newtown. In a single-family neighborhood they had buses, vans, and transports present all day and they parked on sidewalks and used their horns. Asked where input would be provided before something permanent was done, and the public could speak longer than 4 minutes.

- The board outside should be lit to publicize the meetings in the building. The proliferation of group homes, treatment homes and halfway houses in Newtown was unacceptable. 8 ½% of the homes in Newtown were these types of homes. They should be spread out throughout the community to introduce them back into the community. To be successful, group homes should not be jammed up.

Mr. Kitzrow asked Ms. Ryan to clarify what controls in the Zoning Code we had and if there were opportunities legislatively to control proximity, as far as density, of these types of homes, particularly in Newtown. Ms. Ryan said it was built into the different layers that Mr. Boda went through. When someone came to the City to turn a residential home into one of these facilities, it went through the different departments and each of them had some say in zoning. She explained the difference uses and what course for City approval they would take. Answering Mr. Kitzrow's question about modifying the Zoning Code, Ms. Ryan explained the code seemed to cover the different uses that we were seeing. It could be changed, only to be trumped by state and federal code.

Mayor Taylor said years ago when the City went through 4 to 2 predominately because of the college students, it covered the entire City except for R-5A. Defining bedrooms for single family use versus unrelated occupancy could be two different things and he was unclear of the definitions. Mr. Boda answered in R-1 it was single family "use." R-2 was duplexes, and R-3 was "other uses." When it moved to R-4, where there were six or more residents, fire sprinklers were required which triggered a Fire Marshal inspection.

Ms. Ryan discussed special exceptions and accommodations for people with handicaps. The burden was on the property owner to prove and request the exception. Ms. Dashiell asked if any requests had been made by property owners, and Mr. Kitzrow said there had been communication with our legal team and the legal team of the properties in question. There were final recommendations, and the process was received by the property owner, which had not yet appealed. There was a request to possibly use the facility in a different capacity and it was currently in a limbo state. There were people already in the houses.

Ms. Jackson did not understand the criteria since college students lived with at least 4 unrelated people and were not disabled. Ms. Ryan said they were violating the Zoning Code, and if an accommodation was requested, the only way to do that would be under the federal law which related to people with disabilities in a recovery home.

Mr. Boda said that during the time that 4-2 was enacted there was a period of time where landlords had been operating with four or five students in a property were given time to seek being grandfathered in. There was a list of those properties on the HCDD webpage. If they violated the code they would lose the grandfathered status.

President Doughty asked for the most information on the pending case or complaint that Council could receive and asked to discuss why or how this was an ongoing issue, why it even came to play, and should they expect this for every case when someone wants to open up a recovery or halfway house in the future. Mr. Boda answered that a lot of it stemmed from the Oxford House lawsuits. Oxford House ran recovery homes across the country and there were multiple lawsuits, and Oxford House lost all of them. In reviewing the cases, we need to define the process. On Middle Boulevard they started their process on the assumption that they could do that. That was what triggered the issue here because there were complaints. The City had not defined the process.

Mr. Kitzrow said that when there was a violation of the Zoning Code, specifically occupancy, the clock would start. There was a corrective action period of time to allow modification of the housing situation, and if they did not, a citation or municipal infraction would apply. A timeline would exist. Because we had given a resolution and reached an agreement with the Middle Boulevard homes he didn't know if a timeline was still outstanding or if everything was still in that window. Mr. Boda said there was a resolution and a request for a change of use, and the timeline was initially set. Then this other request came in and it went to another department from his department.

Ms. Blake asked about any other homes in violation of our codes regarding halfway homes and treatment facilities. There was a cluster on North Division Street and in Newtown and were all 3.1 (other use). Mr. Boda said any discovered had been looked into. Ms. Ryan added if a home was brought to the attention of HCDD, they would decide. A list of those registered with the state was online and were reviewed.

Ms. Jackson asked if the complainants complained because they were not compliant or because there were masses of people and would eventually be drug use. She lived on Walnut Street and one was across the street from her home. She never heard complaints from the residents. She wondered if there was a misconception of recovery homes.

Mr. Kitzrow added that if Council wanted to explore the Historic District, fencing or other requirements they would present additional checks and balances. Ms. Dashiell said it was imperative that each of the five districts were represented and appreciated the comment that this showed things had gone awry in the past. It was Councils responsibility to fix some of these things, and we needed input in order to do so.

One member of the public provided the following comments from Zoom:

- Historically there was a home on Camden that had some of these issues which was now owner-occupied. The system worked because the people there did not meet some of the guidelines presented. She said that Mr. Kitzrow asked if anything needed to be taken into consideration, and reminded Council that many of these homes were on streets with no off-street parking in neighborhoods where families had one or two cars. If eight people were put into a home, the providers of services to the clients and perhaps the clients themselves would need parking places. That should be included in the guidelines. The ICC that Mr. Boda referenced only went as far as the square footage of the bedroom and the number

of bathrooms. When she applied for an exemption on 4-2, the amount of parking she could provide for four individuals living in a home had to be sufficient to sustain that request. The home behind her which faced Camden Avenue had people pulling into the back yard to pick people up and they stood out front waiting for rides. She never knew who lived there because the inhabitants changed daily. That was a concern of hers living in a single-family neighborhood, in a residential section and knowing there were multiple different people living in the home. Had it been a residence renting to three or four college students, the landlord would have had documentation as to who lived there. Council should continue discussing this since there was much that had not yet been addressed.

Council would continue the conversation at a later date.

Budget Amendment for ZenCity Community Engagement Platform contract

Mr. Kitzrow and Director of Communications (Comms) Shawn Yonker joined Council. Mr. Kitzrow said that the Mayor and Council wanted to increase transparency and interactive communication with the public. ZenCity 360 Essentials was a community engagement platform that was multiple pronged. It would allow the City to have a forward-facing domain in multiple languages, to provide surveys, project updates to the community and residents and also receive feedback and input in advance. An analytics tool data mined to receive public opinions towards happenings in the City. In real time if a question was asked, the information could be gathered to find out what people were thinking about hot topics. The City would receive reports from them on topics.

Mr. Yonker said that in addition to tracking there was passive tracking, too. ZenCity could identify things being discussed that the City was not seeking and not on our radar. The social media management component allowed posting several social media accounts simultaneously. We could make specific requests and they would gather the information. Mr. Kitzrow added we would have the platform and the team to tailor it to our needs.

President Doughty asked if this was for the Mayor's Office and why it was needed. Mr. Kitzrow said that since Comms was in the Mayor's Office, they would mine the information received and be available to the teams and Council. Mr. Yonker said the social media piece was included. ZenCity would monitor all the public sentiment.

Ms. Dashiell questioned spending \$26,000. A large group of City taxpayers did not participate in social media. To focus everything on social media denied them the privilege of participating and providing input. If this was used, she would like to see it openly shared, and to use the TV stations or have someone report on meetings.

Mr. Kitzrow said in the media when an article or video came out on a television station, they had a social media component where it was also shared. All of that information was part of this. If there was a digital footprint within our marketplace, we would be able to gather that information. Many of the newspaper articles in the Daily Times pop up in DelmarvaNow. It was not just social media.

Mr. Yonker noted the City encouraged the media to attend its meetings. Ms. Dashiell said it would be advantageous to designate someone to attend meetings, and have the TV stations cover regularly with a segment regarding what was happening in the City. Mr. Kitzrow thought it was important to hear on a firsthand basis rather than get information before the meeting was held. Mayor Taylor said he hoped it would lead to feedback.

Ms. Blake asked if other cities in the state were using this and Mr. Kitzrow said there were several in the region and would report back. Mr. Yonker said several counties on the Western Shore used it. Mr. Kitzrow said there was money no longer needed from another software project and they would like to try this system for a year.

Ms. Gregory asked if Council would be getting a full presentation of this with some visuals to make it easier to understand.

Ms. Jackson asked if this was a “need” or a “want.” Mr. Kitzrow responded that he had known about this company for three years. The robustness increased over the years, which made this software more enticing, and from the Mayor’s and Councils’ desire to increase engagement and transparency, he knew this useful tool could do that.

Comments from one member of the public included the following:

- Speaker was in favor of a community engagement project. There was a lot of community disengagement and this would enable the City to find out people’s thoughts before they began things. She asked what level would be deemed a success, what would the data be used for and where was it going. She asked what the cost benefit analysis would be after one year, and at what level and price would we say this was worth it. People thought engagement did not matter.

Mayor Taylor said this was quite an opportunity, engagement would increase in layers, and we would keep doing it better. He supported the platform.

Ms. Dashiell said the two surveys circulated in the past 24 hours had many questions surrounding them. She would support ZenCity if it would address transparency and engagement in big numbers, not just a select few.

Council reached unanimous consensus to support a presentation to see how it worked before bringing the budget amendment to Legislative Session.

Updating Council Rules of Order and Code of Conduct- Council Discussion

The Rules and Code of Conduct would be discussed when all of Council was present.

ADMINISTRATION AND COUNCIL COMMENTS

Mr. Kitzrow liked the stride and the dynamics of the Work Sessions. The teams were challenged to be prepared with more robust conversations. We may need stronger community conversations before meetings to get more input than three minutes allowed.

Mayor Taylor agreed, and said we were making progress and getting better.

Ms. Gregory thanked EMS for their care in taking care of her son. They were quick and professional, as always. She asked about the apology resolution status. It was sent to Legal to look at and something was drafted to include the Mayor's Office. She hadn't seen anything on it since then and asked President Doughty for an update. President Doughty deferred to Mayor Taylor who said that he and Legal coordinated and a resolution was prepared based upon the one done by Annapolis. He thought there was consensus to move forward, but changes were suggested. He encouraged an apology based on Council recommendation and was not interested in going any farther than the one prepared for Annapolis. President Doughty said it would be on an upcoming agenda.

Ms. Dashiell thanked those who picked up all the trash, Mr. Yonker and Mr. Kitzrow on the recommendation and input, and the public for coming out.

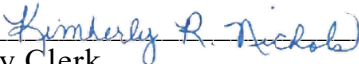
Ms. Jackson agreed with Ms. Gregory that the apology resolution was going to be pushed back. What happened in Annapolis did not happen in Salisbury. Why use the one prepared for Annapolis? We needed to do what was right for the descendants of the men lynched here. Mayor Taylor said he had an exchange with Mr. Yamakawa who thought the Annapolis apology was sufficient. Then he did not. If anyone wanted to prepare one, please do so. He wanted to ensure the City was not exposing itself. Ms. Bosche said they should discuss this at the next Work Session because it was not on the agenda.

Ms. Blake thanked Sanitation for their work and Mr. Yonker for the storm updates. She wanted Council to review the Rules of Order and Code of Conduct. Please email any ideas to the Clerks Office. January was National Blood Donation Month. Please donate.


President Doughty echoed the comments and thanked the Town of Berlin for their assistance. Yesterday was Martin Luther King Day and he hoped everyone recognized the wonderful man he was. Junior Achievement was holding an open house on January 29th from 4:00 p.m. to 6:00 p.m.

Adjournment

With no further business to discuss, President Doughty adjourned the Work Session at 6:12 p.m. The Council then immediately convened in the scheduled Special Meeting.



City Clerk



Council President



Residential Care and Treatment Centers

Joint effort between HCDD, DID, & Fire Marshall

Residential Care and Treatment Centers

Three Levels of Recovery Homes

1. In-Patient Treatment facilities (Hudson House)
2. Residential Treatment Facilities – 3.1
Treatment Facilities, Halfway House,
Residential Board & Care
3. Domiciliary Care Facility – Non-Treatment
Recovery Facility



Residential Care and Treatment Centers

In-Patient Treatment Facilities

- **DID Building Occupancy Inspection**
 - Inspects for Occupancy
- **Fire Marshall Inspection**
 - Sprinkler system required
 - Central fire alarm system



Residential Care and Treatment Centers

Residential Treatment Facilities

- **DID Building Occupancy Inspection**
 - Inspects for Occupancy
- **Fire Marshall Inspection**
 - Sprinkler system required
 - Central fire alarm system



Residential Care and Treatment Centers

Domiciliary Care Facility/Recovery Home

- **HCDD Code Enforcement**
 - **Owner Registers as a Landlord**
 - **Owner Registers property as a rental.**
 - **Code Enforcement inspects Property**



Residential Care and Treatment Centers

Domiciliary Care Facility/Recovery Home

- Code Enforcement Inspection
 - Zoning determines if it is 4-2
 - ICC Residential Housing Code



Residential Care and Treatment Centers

Domiciliary Care Facility/Recovery Home

- ICC Residential Housing Code
 - Bedroom 70sqft for 1 adult
 - 50 sqft per additional adult
 - Bathroom – 4 adults per full Bathroom
 - Full Bath is defined to include Toilet, Sink, and bathtub/shower.



Residential Care and Treatment Centers

Domiciliary Care Facility/Recovery Home

- ICC Residential Housing Code
 - Basements cannot have bedrooms unless the ceiling height meets regulations (7ft) and there is external ingress/egress from the basement.



Residential Care and Treatment Centers

How properties are identified

- Property Transfer Affidavit
- DID Change of Occupancy Request
- Complaint Filed



Residential Care and Treatment Centers

Property Transfer Affidavit

- Completed at time of sale
- Purchaser chooses property use
 - Owner Occupied
 - Rental
 - Commercial
 - Recovery Homes/Care Homes
- HCDD receives and determines what action to be taken



Residential Care and Treatment Centers

DID Change of Occupancy Permit Application

- Submitted through the Department of Infrastructure & Development
- Once use is determined inspects with Fire Marshall if it is:
 - In-Patient Treatment Facility
 - Residential Treatment Facility
 - Refer to HCDD if a Domiciliary Care Facility



Residential Care and Treatment Centers

Complaint Filed

- Department that receives the complaint will determine use and inspect or forward to appropriate department.



Residential Care and Treatment Centers

Questions or comments?

