

CITY OF SALISBURY
WORK SESSION
FEBRUARY 20, 2024

Public Officials Present

Council President D'Shawn M. Doughty
Vice President Angela M. Blake
Council member Sharon C. Dashiell

Mayor Randolph J. Taylor
Council member Michele Gregory (Zoom)
Council member April R. Jackson (Zoom)

In Attendance

City Administrator Andy Kitzrow, Fire Chief Rob Frampton, Department of Infrastructure and Development (DID) Director Rick Baldwin, Associate Planner Amanda Rodriguez, Arts, Business and Culture Department (ABCD) Director Allen Swiger, Sustainability Specialist Dylan Laconich, Ethics Commission Chair Dr. Tim Stock, Elections Board President Susan Carey, City Attorney Ashley Bosché, Assistant City Clerk Julie English and members of the public

On February 20, 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. President Doughty called for a moment of silence to remember Captain Bryan Lewis, an employee of the Salisbury Fire Department who recently lost his fight with cancer.

Due to a scheduling conflict, the Code of Ethics was moved to the beginning of the agenda. President Doughty asked for a motion to amend the agenda. Ms. Blake moved, Ms. Dashiell seconded.

The following is a synopsis of the items discussed during the Work Session.

Boards, Committees, Commissions and Task Force Code of Ethics

Ethics Commission Chair Dr. Stock began by explaining the purpose of the Ethics Commission. They provided advisory opinions on City matters that were not binding. The opinions were meant to contemplate the legal requirements and reflect the “likely judgements that city residents would reasonably make in reaction to the case.” The Commission also reviewed complaints they received in addition to the Financial Disclosure forms of City employees. In 2023 they met four times and so far this year they had already met three times.

The City requested that the Ethics Commission review a Code. They were given two different drafts of a code, which were created by City interns. The Commission decided it would like a restricted code which stated matters of principle. Using the drafts they received and by referencing the City Employee Handbook, they compiled a draft Code of Ethics to present to the City Council. The purpose of the Code was to assist with avoiding misunderstandings and inconsistencies, and to provide transparency to the

public. Dr. Stock noted that once the Code of Ethics was approved there would need to be updates to the City Employee Handbook. He added that a number of the advisory opinions they received involved the dual employment of City employees and was something they would need to address.

Mr. Kitzrow asked for clarification on the dual employment policy; whether it would be adopted or added as a piece of the Handbook. City Attorney Ashley Bosché recommended that it be adopted. Mr. Kitzrow added that the topic of dual enrollment had also been addressed in the bargaining discussions. Dr. Stock shared a few baseline things that should be considered during those conversations.

Mayor Taylor asked if the Ethics Commission had ever found anyone guilty of an ethical violation. Dr. Stock responded that on the quasi-judicial side of things they had not. However, regarding the advisory opinions they addressed, there were issues discussed. He pointed out that they were a deliberative body so in some cases there was consensus by the Commission members and other cases there was not, which was reflected in the advisory opinion.

Mayor Taylor asked if their primary interest was the Administrative members or employees. Dr. Stock and Ms. Bosché agreed it was both.

Ms. Dashiell shared her concern that the Code was too subjective. Dr. Stock responded that subjective judgements about right and wrong were relevant for public work and could never be totally eliminated. Ms. Bosché, from a legal standpoint, shared that the binding document was the Ethics Code. The Code of Ethics they presented was more of a guidepost. She also pointed out that the Ethics Code applied to elected officials, city officials, and only certain members of the Boards and Commissions.

The following public comments were heard on this topic:

Speaker #1 thanked the Commission for working on the Code. She felt it was still too lengthy and needed to be more concise. She was confused with the meaning of the line referencing “personal and organizational decision responsibility.”

Speaker #2 would like to see all committee and commission members held accountable. There should not be exceptions for certain members.

Speaker #3 agreed the Code should be more concise. She was concerned that Community Engagement was listed so far down in the Code. She spoke about an outreach plan for this document as well. She would like community engagement to be higher on everyone’s list.

Budget amendment to appropriate funds to the Salisbury Zoo

Arts, Business and Culture Department Director Allen Swiger explained to Council members that from mid-December into January, the Zoo experienced significant

equipment and facility failures. Among them was the roof of the Education building and the geo-thermal unit at the animal hospital. All invoices for the repairs/replacements were included in the agenda packet.

Mr. Swiger requested \$50,000 to replenish the building account for the Zoo to allow for the upkeep of the exhibits for the remainder of the fiscal year.

Mr. Kitzrow added that Administration had been tracking those things and were working on the funding for them but things declined quicker than anticipated. The Zoo had the full support of Administration.

Ms. Dashiell thanked Mr. Swiger for all the work done for the Zoo.

President Doughty asked if they were taking a deeper dive into the future of the Zoo. Mr. Swiger responded that this was the 70th year of the Zoo and there was a gala planned for June 8th from 5 p.m. until 9 p.m. In addition, there was a 5 year masterplan for the Zoo to regain it's accreditation. The recent repairs were done to AZA standards.

Ms. Blake asked about the gala and acknowledged that the Zoo was a lot to keep on top of. She stated the zoo was beautiful and she appreciated all Mr. Swiger did. Finally, she added her appreciation for the detailed information in the packet for Council's review.

Ms. Gregory thanked Mr. Swiger for getting the repairs done in a timely manner and for including all of the receipts.

Ms. Jackson asked if there was a plan in place or money set aside to address the flooding issue in the Zoo. Mr. Kitzrow responded that funding in the 5 year plan was geared toward exhibit upgrades and facility improvements. He added that the Zoo was in a flood plain. The sustainability of it was a bigger conversation that would need to be had. There was not funding set aside to assist with pending weather situations. Mr. Swiger shared that the safety of the animals were always taken into consideration. The alpacas received an upgrade that raised a portion of their exhibit to protect them from water.

Mayor Taylor asked, on average how many days per year of operation did the Zoo lose due to weather conditions. Mr. Swiger answered about 4 days.

The following public comments were heard on this topic:

Speaker #1 stated that this was an example of municipal management that the City Council needed to pay attention to. She did not believe the things listed in the invoices were emergency things. They were things caused by deferred maintenance and lack of municipal management.

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

Salisbury Fire Department (SFD) 2023 Statistical Update

Fire Chief Rob Frampton began the presentation by informing the Council that, in an effort for transparency, there would be quarterly statistical updates from the SFD. Chief Frampton provided a breakdown of the departments, staffing, stations, services and equipment used by the SFD. He provided a comparison and breakdown of calls received in 2022 and 2023.

Mr. Kitzrow asked Chief Frampton to highlight what defined which unit(s) responded. Chief Frampton explained that an automatic fire alarm in a residence, for example, required one engine truck or one ladder truck. However, if the call involved a higher occupancy building, an engine and a truck were dispatched. Structure fires received two engines, a truck and outside units.

Mayor Taylor asked if a structure fire call was considered three calls. Chief Frampton explained that it was considered one call with three units responding.

In continuing with the presentation, Chief Frampton pointed out the increase in EMS calls received in 2023 located outside of the SFD Districts was up 24%. He explained it was due to the decline in volunteers and the staffing of the stations outside the SFD district. He also pointed out the 6.67% decline in Fire calls in the Incorporated District and attributed that to the work of the Fire Marshal's office.

Chief Frampton also provided statistics on the following topics:

- EMS billing
- Calls SFD could not get to
- Cardiac arrests
- Civilian fire deaths and injuries
- SWIFT patients
- MDCN calls
- Fire unit response times
- Fire Marshal's office statistics
- Community events and programs
- Opioid calls
- Property loss
- Employee sick and FMLA hours
- EMS unit response times
- Return on investment
- Comparisons to others areas

In conclusion, Chief Frampton stated the department was busy but had made a tremendous impact. The numbers showed they were a fiscally responsible department.

Mayor Taylor asked for a percentage of calls around the nursing homes with respect to repetitive users. Chief Frampton responded that he did not have that information with him but Salisbury was the hub for skilled nursing facilities. Mayor Taylor then asked if

there was a lower cost delivery system for those areas. Chief Frampton shared that there were agreements being made and meetings that happened monthly to discuss those types of concerns. Mr. Kitzrow added that there may be a conversation down the road concerning a partnership with TidalHealth.

Ms. Dashiell thanked the firefighters for also saving animals in distress.

Ms. Blake stated there should not be any question about the Fire Service Agreement with the County at this point. She also shared a story involving one of her students. She appreciated all the department did.

Ms. Jackson commended Chief Frampton and Chief Meienschein for being so forthcoming with the public and Council. She appreciated the SFD and the work they did every day.

Ms. Gregory also commended the SFD. She shared the positive, personal experiences she had with them in taking care of her son. She assured Chief Frampton the Council would support them in their needs.

Critical Area Map Update

Infrastructure and Development Director Rick Baldwin introduced Associate Planner Amanda Rodriguez to Council. Ms. Rodriguez defined *critical area* as a “1,000 foot landward buffer from waters of the Chesapeake Bay that are marked for special protection by the State.” She gave a brief history and explained the request by the State to update critical area maps. In completing this task, goals of the Infrastructure and Development Department included making the map available to the public and notifying property owners of any changes in their lot greater than one percent. Ms. Rodriguez explained the different areas on the map.

Mr. Kitzrow asked Ms. Rodriguez to provide a high level definition of ‘critical area’ for those who were not familiar with it. Ms. Rodriguez reiterated her definition from earlier and added that those areas had limited development, multiple classifications, and areas of conservation. She stated the City of Salisbury’s critical area was almost entirely intensely developed.

At the request of President Doughty, Ms. Rodriguez explained that the State GIS team worked on the map and used it to gather their resources.

Mr. Kitzrow asked Ms. Rodriguez to explain what the process was if someone in a critical area wanted to develop it. She stated there were specific permits to be obtained and mitigation needed. The intensely developed areas had limited onsite mitigation.

Council reached unanimous consensus to proceed with the map as presented.

Green SBY Website Presentation

Sustainability Specialist Dylan Laconich presented the Green SBY website (bit.ly/greensby) to Council. It featured initiatives and provided ways for the public to engage. Some features Mr. Laconich pointed out were the Infrastructure Viewer Map, How-to Guides, Resident Resources for Cleanups and Environmental Advocacy Survey.

The following comment was heard on this topic:

Speaker #1 referenced an article that was submitted to Council. She spoke about previous administration and current council members. She added that the City would be losing the only Bed and Breakfast in Salisbury. At that point, President Doughty reminded the Speaker that she could only on the topic of the Green SBY website. The Speaker continued to reference subjects not directly associated with the website. Once again, President Doughty intervened and ended the public comment.

Proposed Ordinance and Charter Amendments associated with the Elections

City Attorney Ashley Bosché explained that the Election Board faced many firsts with the recent 2023 Election. They decided to take a holistic look at what occurred to determine where things could improve. In addition to proposed Charter and Code amendments, the Board would also be reviewing the Candidate Packet, drafting a policy on complaints, reviewing the rules and procedures that govern the Board and looking over the Campaign Financial Disclosure forms. Ms. Bosché stated that the four charter amendments being presented were a result of issues that came up during the 2023 Election.

The proposed amendments to §SC1-1 clarified that any references to the “City” or “Salisbury” in the City Charter or Municipal Code meant within the City of Salisbury.

Council reached unanimous consensus to move the legislation forward to legislative agenda.

The proposed amendments to §SC2-2 served to clarify the qualifications to run for Council. The most significant change was replacing any form of the term ‘resided’ with forms of the term ‘domiciled.’

Mayor Taylor asked what the technical difference was between resided and domiciled. Ms. Bosché explained that an individual could have multiple residences but only one domiciliary. She shared that the State and other locations provided criteria that could be used in determining an individuals domiciliary. She added that domiciliary would be explained further in the Candidate Packets.

Ms. Blake asked if one of the factors (to be considered in determining a domiciliary) was proof of residency. Ms. Bosché noted that changes to the Candidate Packet included having the candidates sign under the penalty of perjury that they met the requirements,

signatures would be notarized and verbiage added to allow the Board to request further documentation if anything came into question.

Unanimous consensus was reached to move the legislation forward to legislative session.

The following public comment was received on this topic:

Speaker #1 questioned if the language would include the corporate limits of Salisbury. Ms. Bosché referenced §SC1-1 discussed earlier, which clarified where the candidate was required to domicile.

The proposed amendments to §SC3-2 were similar to those in §SC2-2 except it addressed the position of Mayor rather than Council.

Mayor Taylor asked for clarification on the required time a mayoral candidate must live in the City of Salisbury and the required time a council candidate must live in the City of Salisbury. Ms. Bosché explained that a mayoral candidate was required to be domiciled in the City for at least one year, where a council candidate must be domiciled in the district for which they were running at the time of filing for the election.

Council reach unanimous consensus to move the legislation forward to legislative session.

The proposed amendments to §SC6-6, §SC6-9 and the addition of §SC6-16 included changes to the Certificate of Nomination and language allowing the Election Board to request additional information if needed, additional language referencing Maryland State law and regulations, and the addition of a new section addressing Write-in Candidates, respectively.

After hearing about the changes to §SC6-6, Ms. Dashiell questioned who the ‘person’ was in the phrase “...a statement that the person is qualified to be a candidate for that office...” Ms. Bosché answered that it referred to the person applying.

President Doughty referenced line 47 where “and any other information required by the City of Salisbury Election Board” was added. He asked for confirmation that the Board could not request information that was not pertinent to the candidates eligibility. There was discussion between council members, administration, and Ms. Bosché regarding the added language. Ms. Bosché offered examples of revised language that could be used.

Mayor Taylor then asked about what documentation could be provided to prove someone had lived in the City for one year. Ms. Bosché stated it would be up to the candidate to determine what documents provided proof of the matter in question. Mayor Taylor added that the two most likely things that would need to be proven were domicile and length of time.

Ms. Bosché clarified that she would make revisions to the language in §SC6-6 so it was not so broad.

She then moved forward and presented the proposed changes to §SC6-9. President Doughty pointed out that the City deferred to State law if a situation or question was not addressed in the City Code or Charter, rather than deferring to County rules and regulations.

Ms. Bosché explained §SC6-16 and that it provided direction with regard to Write-in candidates.

The following public comment was given on this topic:

Speaker #1 addressed §SC6-6. She believed the language was ambiguous. She requested specificity be given as to what documentation could be requested by the Board. She felt the language gave the Board too much power to determine whether or not someone qualified to run for office.

Ms. Bosché responded that it would be difficult to list specific documents since candidates had different circumstances. She explained that there was a list that could go in the Candidate Packet rather than in the Charter or Code. She did not recommend those specifics be included in the amendments.

Speaker #1 continued to state there should be more specificity and that any requests for documentation should be requested from all candidates for consistency. With that, Ms. Bosché recommended tabling the legislation until the Board was able to work on the Candidate Packet. She did not believe the intention of the Board was to ‘put someone through the ringer’ during the qualification process but there needed to be checks and balances for the candidates.

Ms. Jackson felt that a list of all possible documents proving a candidates qualification should be provided to all candidates.

Mayor Taylor shared a situation from a past election where a mayoral candidate used an address that was not his domiciliary.

Ms. Dashiell asked if there was a way to reference the Campaign Packet in the language.

Mr. Kitzrow asked, as a point of clarification, if the candidate would be the one to determine which document(s) from the list would be presented rather than the Clerk’s Office or Board members deciding. Ms. Bosché confirmed that was correct.

Assistant City Clerk Julie English asked Ms. Jackson and Speaker #1 for clarification as to whether they were requesting that all candidates to turn in required documents with the Candidate Packet or if they were requesting the documents be turned in if a discrepancy was located or a complaint was filed.

Mr. Kitzrow recommended that all candidates be required to submit the same documentation. Ms. English agreed and shared from her experience with the 2023 Election that things would go smoother if all candidates turned in the same documentation with their Candidate Packet.

Ms. Bosché recommended the legislation that had already received Council consensus be put on hold until this was resolved. She informed Council that the Election Board would meet on Thursday and discuss §SC6-6 along with the Candidate Packet. Everything then would return to a future Work Session for consensus on all legislation.

The proposed amendments to the Salisbury City Code, Chapter 1.08 Election Board, involved the applications for mail-in ballots and the canvassing of ballots.

Ms. Bosché explained that one of the amendments corrected the time at which the Wicomico County Board of Elections picked up their mail from the post office and the other amendment referenced current Maryland State law for deadlines to receive mail-in ballots.

After a question from Mayor Taylor, Ms. Bosché clarified that the amendment to Chapter 1.08.220 referred to the topic of requesting a mail-in ballot.

President Doughty requested that all proposed amendments that Ms. Bosché presented on behalf of the Election Board be held until all legislation received consensus. All legislation would then be moved forward together.

ADMINISTRATION AND COUNCIL COMMENTS

Ms. Blake requested that an update on the following projects be added to the next Work Session: Salisbury Town Center, Mitchell Landing, Anne Street Village. She also asked those who were healthy enough to donate blood.

Ms. Jackson provided a Black History moment highlighting the late Ms. Loretta B. Jolley. She owned a funeral home for 50 years in Salisbury. It was a family run business that continued to thrive.

Ms. Gregory also requested an update on the Town Center project. She requested that a Special Meeting be held on Monday to provide the update. President Doughty entertained a motion to hold a Special Meeting for an update on the Town Center project. Ms. Gregory moved, Ms. Blake seconded and the vote was unanimous. Council requested that the meeting be held on the upcoming Monday.

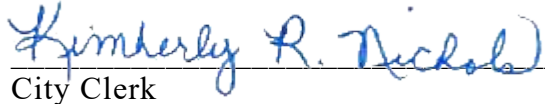
Ms. Gregory reminded everyone that Covid was still around and asked those feeling poorly, even if they tested negative, to please stay home. She also asked that people be mindful of those who were immunocompromised and those who were not vaccinated for various reasons.

Ms. Dashiell thanked Russell and Adam from the Water Works-Utilities department for their quick response and customer service. She also issued a challenge to all City of Salisbury departments to participate in the Hands and Hearts Ending Homelessness (HHEH) event after announcing that the Housing & Community Development Department would be providing dinner for the shelter one night. She added that Mayor Taylor would be working registration next Thursday.

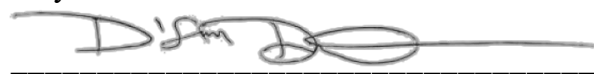
President Doughty asked for continued thoughts and prayers for Bryan Lewis' family as everyone would pay their respects the following day at the funeral. He thanked Ms. Jackson for the tribute to Black History Month. He shared that he had the pleasure of attending the Black History Celebration at the home of Governor Wes Moore. President Doughty made sure to underscore with the Governor the great work being done in Salisbury. He closed with sharing that the Wi-Hi girls basketball team was playing in the Bayside Championship game, which was where he was headed.

Adjournment

With no further business to discuss, President Doughty adjourned the Work Session at 6:48 p.m.



City Clerk



Council President