

CITY OF SALISBURY  
WORK SESSION  
MARCH 4, 2024

Public Officials Present

Council President D'Shawn M. Doughty  
Vice President Angela M. Blake  
Council member Michele Gregory

Mayor Randolph J. Taylor  
Council member April R. Jackson  
Council member Sharon C. Dashiell

In Attendance

City Administrator Andy Kitzrow, Fire Chief Rob Frampton, Field Operations Director Mike Dryden, Housing & Community Development Director Muir Boda, Media Specialist Jordan Ray, City Planner Amanda Rodriguez, Assistant City Clerk Julie English, Executive Administrative Assistant Jessie Turner, Special Counsel Reena Patel, City Attorney Ashley Bosché, City Clerk Kim Nichols and members of the public.

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On March 4, 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.

**JD Oliver Annexation**

City Administrator Andy Kitzrow introduced the City's newly appointed City Planner, Amanda Rodriguez, who joined Council to provide an overview of the JD Oliver Annexation. She reported the annexation was about a year old and had been forwarded to the Planning Commission where the zoning was recommended to be General Commercial. That was adopted and it was back to Council for their review before moving on to legislative agenda. The site was approximately 13.5 acres and improved with an industrial and commercial trucking facility that did wholesale parts sales, repair and service. The business would continue but with new owners.

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

**Rear Loader Trash Truck purchase discussion**

Mayor Taylor reported the three new trucks ordered about four years ago were still on order, and they were still six to eight months behind for delivery. He recommended finding a finished truck to purchase outright. They were going to change the three existing commitments from the prior years. The first one, a rear loader, would be substituted with the one they would discuss this evening that was in the packet. The differential was about \$35,000; however he reported the City would be purchasing a two-year younger machine with the appropriate upgrades. The machine was in Florida, and they would have to fund the \$35,000 difference. They planned to wait for the two side machines, due in late March and late May. He added that by early Spring the City should have three new machines.

Ms. Blake asked if this was one that the City wanted, and Mr. Dryden replied it was. Mr. Kitzrow said that two rear loaders and two side loaders would get us operational on a routine basis.

Ms. Jackson asked and it was clarified that the loader would be \$35,000 more than what was already budgeted.

Ms. Gregory asked when we could get it, and Mr. Dryden said it was a matter of weeks.

President Doughty asked what was planned for the machine this one would replace, and Mr. Dryden said they would keep it and piece together what they were using. They would continue using what they currently had and when the new equipment arrived they would add them to the fleet and rehab what they were using. They would keep the four old ones and were using 2 ½ trucks right now. We could use parts from the older ones.

Council reached unanimous consensus to advance this to legislative agenda.

### **Apology Resolution**

TRUTH Committee Vice-Chair Kenisha Le’Cole and Staff Liaison Jessie Turner joined Council. Ms. Turner reported the TRUTH Committee reviewed and discussed the most recent draft of the Apology Resolution, received from the Mayor. On February 21, 2024 the Committee unanimously voted (4-0) to advance the resolution to Work Session.

Ms. Blake asked how many members were on the TRUTH Committee, and Ms. Turner replied there were six. Ms. Jackson thought the way it was presented before without input from the attorney was fine, and she was not pleased with this resolution.

Ms. Blake asked Mayor Taylor if he had gotten back to the TRUTH Committee about the presentation of the resolution. He replied that they voted on it. Ms. Turner said that the next step was for her (Staff Liaison) to create a memo on behalf of the Committee and for it to be presented.

Council reached consensus to advance the resolution to legislative agenda. Ms. Jackson did not wish to move forward with the resolution.

### **Student/Senior discount or other Downtown parking options**

President Doughty said he requested the update after seeing citizens concerned since our recent garage situation.

Mr. Kitzrow said there were different rate structures in the Fee Schedule adopted last year. There were General Permit Fees for those wanting a permit in a different lot. There was a Non-Profit Fee reduction of 25% for non-profits. There was also a Bulk Rate for student housing. The Ross was the only entity taking advantage of that currently. 30 or

more permits would qualify for the Bulk Rate, which was \$35.00. Bulk permits were located in the parking garage which charged \$70 per month for parking. These were the three types of parking fees and when Council had budget discussions they could add or modify the rates by changing the Fee Schedule. If Senior Rates were discussed during the budget they would consider that in the fee structure and establish any stipulations. He said they had no additional discounts or rate reductions for transient parking, which were the pay stations and meters, other than free hours. The meters had one and the parking garage had two free hours. There were also special hours during the holidays.

President Doughty requested an update on the garage. Mr. Kitzrow said they were still transitioning to moving into the automated parking system which would track and follow the same hours and fee structure. There were a couple of hiccups with the new software.

President Doughty added there were constituent questions regarding Unity Square. Mr. Kitzrow reported it should be fully open on April 10<sup>th</sup>. Over the next couple of weeks the greenery would be put into place. Hops on the River was scheduled for the second weekend in April, so hopefully it could be incorporated by then.

### **Public Comments**

Two members of the public provided the following comments:

- There was a lack of parking and speaker was uncomfortable using the garage.
- Why was Unity Square needed since the City Park was less than a mile away. Asked how much Unity Square was costing the City.
- Unity Square seemed to be taking a long time. The parking lot that used to be was there was perfect.
- Unity Square was costing the City a lot, and not just in money, but it messed up the parking situation downtown.
- If one did not have a credit card, could they exit the garage with cash? If you exited the garage after 6:00 p.m., did you have to pay to exit? Will we now have to pay to come to City Council meetings?

### **Update on Salisbury Town Center**

Mayor Taylor stated the proposal for Lots 1, 11 and 15 was denied in November of 2023. An appeal was scheduled to today. There was a motion to dismiss the appeal, which was granted. The status of the case was it was denied and would be subject to another appeal. He asked Special Counsel Reena Patel to provide a legal analysis.

Ms. Patel stated the project was up to the Board of Appeals to increase the density to move the project forward as stated in the LDA. The Board of Appeals denied the increase in density. Both the developer and a group of concerned citizens filed separate appeals from the board's decision. The developer's appeal was to either reverse or remand the decision. A remand would send it back to the Board of Appeals for additional findings of fact. The interested citizens appealed on a different issue which

was whether or not the Board of Appeals had the right to decide a density issue under the Special Exemption at all. The Board of Appeals did not, in their decision, rule on whether or not they could do it by Special Exception or Variance. Those issues were raised in motions to dismiss and responses thereto. That motion to dismiss was heard (this day) on March 4, 2024 at the Circuit Court before Judge Jackson. After hearing arguments from both sides, Judge Jackson dismissed the developers' appeal, essentially finding our City Code was preempted by State legislation. Ms. Patel added that a written order had not been issued yet, and we would have to see how the order was written. There were other projects including one that was approved that very day that Special Exception was granted under these circumstances. She said, as of right now, the density was denied. However, there were additional levels of appeal that either party could file.

Ms. Dashiell stated she was going back, so in the future we did not have all the concerns and questions that have taken place. There was the contract of the original RFP, which was back in 2015. Then there was an amended and restated LDA that was this past year. When would we have to present another original RFP, stating all the new changes that have been made, to be sent for approval?

Ms. Patel restated Ms. Dashiell's question: At what point, in light of the denial of the density, which would not allow us to build the project that was stated in the LDA, would that come back for re-discussion as to what the project is? Ms. Patel said at this particular point there were still appeals pending and there was a lot up in the air and whether or not there would be re-discussion about what the project was and what it was going to be. She said to bear in mind that any project to be built was going to go through the normal processes of site plan approval, permit approval and all those things.

Ms. Gregory asked when it would end. Ms. Patel answered it was hard to say as we were at the mercy of the court schedules. She anticipated the next level of appeals would take about 14 months.

Mayor Taylor asked that even with a favorable result it was conceivable that this other interested party could appeal that decision, and it could take longer? Ms. Patel answered that she believed that was correct.

Ms. Blake said she heard there was another project today approved by the Board of Appeals for increased density with a Special Exemption (separate from the Salisbury Town Center project). Ms. Patel did not have details of the project since another counsel presented it and shared that the Special Exemption process statute had been on our books for decades and was used multiple times to approve these types of density variances. The Ross went through the same process for its approval for its density variation. There was another project on the same day directly ahead of the Salisbury Town Center Project in which a density increase was granted. President Doughty said most of the apartment complexes in Salisbury were approved with Special Exception. Ms. Patel said the Zoning Code had been used and was very wide reaching and not just limited to ongoing projects, current, within the last year, or even five years. This code was on the books for decades.

Ms. Gregory said there was a discussion to be had about revisiting the code and fixing it because if everybody had to get a special exemption, were they really exemptions. She asked if this was the direction we had to go to get housing built in the City.

Mayor Taylor said the challenge was where the local Zoning Code got its authority from the enabling legislation, which provided for both variance and special exception. Variances dealt specifically with density, which was the subject here. The difference was that our Code, at some point ten or twelve years ago, deviated and put Variance Exceptions under Special Exceptions. A variance, authorized by the enabling legislation, had very specific criteria, one of which was hardship. It was very hard to get a Density Exception because with a rogue Zoning Board you could have a thousand units per acre. We had to dovetail with the state level zoning code.

President Doughty asked why we just realized this issue with this project today and why were we so consumed with this. Now, we've allowed this to go on until this one project and now there were several issues. It seemed as though we ought to fix it and why let this stunt this one project that had been approved. The LDA stated that this project shall continue, and the City had obligations per the LDA. Nothing in the LDA stated "pending Board of Appeals approval." Ms. Patel said the project still had to run its normal course. Mr. Doughty added that if Council was to assume that when we get a project here we should say, yes, we approve this project pending A through Z, but if A through Z doesn't work in its processes, then he saw no reason to approve or disprove projects.

Ms. Patel said that a project could be stunted at several places in its linear time. Water sewer problems and environmental hazards were a couple of ways they could be stunted. In approving the LDA the Council was approving a project move forward to the next steps of what needed to be done to construct that project including whether or not the City needed to expend funds. For example, there was the parking garage component to the LDA. There were different reasons to approve or disapprove the LDA. There was no guarantee once a project was approved that it would not run into snags along the way.

President Doughty asked, if Council changed the City's Code, shouldn't that move the project forward. The next step in the LDA was to have a conversation on the bond ordinances. (Ms. Patel confirmed that was correct). He asked that if Council initiated the City on the conversation of the bond ordinances, and if Council was looking to change the zoning in the Code, this project should continue forward. Ms. Patel said that was correct, and she said it was a matter of what the City wanted for its development, and if that changed since that first density requirement was put in. If the intent was to create an easier mechanism for which density could be increased based on project, location, etc., that may have been the original intent. The question was why we were now facing this when the statutes have been on the books for decades. It was because there was a legal challenge and we were now forced to look closely at what we were and were not allowed to do. If the intent was to allow a mechanism whereby density could be increased, because for instance, in a part of Salisbury we wanted to be able to have apartment complexes. She said she wanted to set aside those projects where people had particular feelings. If we went back and took a look at a study, it might impact a very broad range

of projects that were not controversial or subject to disagreement. It was a good idea to look at the impact and how often that Special Exemption was used, and if the Special Exemption was the exception or the rule. If it was our rule then it would follow legally that it would make sense.

Ms. Blake said she believed the same group of individuals, same Board members, that approved the Ross's density for that project denied the density for this project. Mr. Kitzrow said the Board was a different make up, some were the same and some were not. Also, a restructure combined three of the boards into the Board of Appeals.

### **Public Comments**

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

- The system needed reviewing in regards to transparency. She emailed Council today asking why they would not release the minutes from the Closed Session in June of 2023. The Open Meetings Compliance Board ruled the meeting was not held in compliance with the OMA. The processes were built in for checks and balances. Council did not represent everyone in the City as there would be differing opinions. It had no resemblance to anything in the Historic District.
- The project went from selling lots for less than appraisal to increased density. Let's make sure everybody mattered in this and not just five Council members. It added to the perception that the citizens did not matter to the few who were supposed to represent all of them.
- Zoning Appeals stated the Community Impact Statement was not required, but it was. These were important and include everyone if the rules were to be amended. Council's reputation was that they did not care about everyone.
- Speaker emailed Mayor and Council this weekend and did not receive a response, so read the email which has been attached and included as part of the minutes.
- A vote of the Council to release the minutes could be done this evening. Asked Council what they were waiting for. They would go after things in a legal way and this morning proved the public did not want this and it was not legal.
- He raised the issue at the Board of Appeals about the variance defense. Under Maryland enabling legislation the only way density could be changed was by a variance. The attorney for the Board at the time did not take it seriously and they denied the application and made the right decision for the wrong reason. They should have thrown the case out because under Maryland Law you could not get a Special Exception to change density. Speaker emailed Council over the weekend, one of which was the Maryland Department of Planning discussion on Special Exceptions and Variances. The law was clear - variances were for density.
- The developer's attorney argued that it did not preclude from doing the Special Exception and the judge saw that as a bogus argument.
- Everyone the speaker talked to did not want this and the developer was the only one who did. If parking had not been destroyed there might have been a way to work something out and to have at least some apartments there, but it took prime

parking away. He would email Council on changes needed to the code to keep this from happening again. The City Code was not in compliance with Maryland Law.

- The project failed to address many community and City issues in the preliminary plan. High apartment density only exasperates the effects of a poorly planned project. Too many units upsets the district balance instead of helping it. Detail assessment of current and future effects on the citizens and businesses both inside and outside the City was not done. The community impact study was waived. The project had no return on investment to the City, which would have the additional costs for an expanded police force, fire protection, increased landfill capacity, other services, new and unbudgeted infrastructure, new interfaces required to integrate with this project, and increases in City personnel. There was no idea how much the environmental issues would cost. Once ground was broken there may be contamination. The LCC could wash their hands of it to and it would return being a City obligation. Financial giveaways and tax waivers would worsen what the current City's physical and future financial burdens were, the risk and sustainability to our financial solvency. We barely provided the trash fleet for the City, had a lot of unfunded mandates coming this year, and were unable to afford these huge unaffordable costs. It was claimed to provide affordable housing but there was none in the Town Center. The required evaluation and recommendation by Planning & Zoning was not done. These issues must be addressed first.
- The issue was complex and multifaceted. The hearing this morning was about whether increased density could be granted with Special Exceptions. Mill Pond Village, Jasmine Drive, Northport Commons, Martin's Mill, The Grove, Oceans Isle, Marley Manor, potentially 500 Riverside, Summersgate, and Miller's Edge could not happen because of today's decision. It was no longer about SBY Town Center. It became a crisis for the City and their vehicle associated with a Special Exception. They were at a fork in the road with the project. Both ways would have no more surface level parking- the parking has been gone since 2002 when it was surplus. If the community did not want this project, he was alright with that. The project would not stall and they were moving it forward with or without the Mayor's cooperation. Please help move this project forward or with an alternative project, which he was happy to consider and discuss with the Mayor.
- Speaker gave notice to the City on February 9, 2024 that he was moving forward with the projects, received a demo permit, and was going to close the parking lots. The Mayor had not engaged with him and it was time to do so.

### **Update on Mitchell Landing**

President Doughty recused himself from the discussion and asked Vice President Blake to conduct the discussion. Mayor Taylor asked if they were going to discuss all of the topics before going into Closed Session. Ms. Bosche suggested summarizing an update at high level and taking legal questions for the Closed Sessions.

Mayor Taylor stated the City entered into an agreement with Mitchell Landing in 2021 in a prior administration. He found some irregularities in the agreement and wanted to

discuss legal options. There was a little confusion as to what was actually being offered and what was being paid for the property. That was what the Closed Session was about.

Ms. Blake thought this was on the agenda to find out the status. Council knew that Mitchell Landing was in terrible condition and only four or five units were functional. Muir Boda, Director of Housing and Community Development, said there were eight units currently occupied and sixteen unoccupied. One of the buildings was condemned and all of the occupied units were on the first floor. The City was supporting affordable housing and this project not only encompassed Mitchell Landing in itself to be totally rehabbed, redesigned and used for subsidized housing, but there was also a Senior Project that went along with it. She asked how many other affordable housing units did the Senior portion encompass, and Mr. Boda was unsure of that project because it was owned by the Housing Authority. She asked if the agreement was not just for rehabbing Mitchell Landing, and Mr. Kitzrow said funding from the state through tax credits included Riverside Homes and Mitchell Landing, and then they named it River Mitch, but they packaged it together when they got funding from the state. Ms. Blake asked if it was all HUD subsidized housing. Mr. Boda replied that Mitchell Landing was not subsidized housing, but income-based housing. The individuals that lived there could only make so much money per year and their rent could not be more than 30% of their income. If at some point they exceeded the income qualification, they had two years to move out. It was not subsidized but income based. They did not receive a subsidy for their housing there and only paid what they could afford out of the income they earned.

Ms. Blake asked if all of the units would be returned to that model, and Mr. Boda said it depended on the agreement the Housing Authority had with the state because they would own it and the City would not. Mr. Kitzrow said it would remain income driven or income restrictive housing which meant they would have to be below a threshold to be able to live there. Ms. Blake asked if the Senior Housing would be the same.

Ms. Jackson said the Housing Authority had the senior home, which was income based. She said she was upset and discouraged because it should never have gotten in the condition it was in. We were not holding developers accountable for their developments and should have taken better care of our property. When she spoke about it in the past she was told that the City should not own the property and added that whether or not we owned it, it should have been maintained better than it was. Some of the people were still living in deplorable conditions because they could not find anywhere else to live.

Ms. Gregory asked if the residents would be given an option to remain and Mr. Boda said they would have the first right to refuse. Ms. Blake asked if it had been sold and Mayor Taylor said there was an existing contract. She asked if there was anything the City had not held up on the contract in order to get the rehab moving and to get these affordable housing options back to our residents. Mayor Taylor said no, and there was one issue relative to the deposits which would be discussed as part of the legal matter. They were the reserves that were supposed to go with it as part of the agreement. He thought everyone wanted it returned to affordable housing as quickly as possible with someone other than the City owning it, and the purchase price was misunderstood.



Ms. Jackson commended Mr. Boda for the steps he took to keep the people in the housing. Most of the ones who remained there had apartments in good condition because of the upkeep they themselves made. Mayor Taylor informed Council he would be looking at them with Mr. Boda this week and the State was coming on the 19<sup>th</sup>.

### **Public Comments**

Comments from – members of the public included the following:

- While happy to see something productive happen with Mitchell Landing, the previous administration was lacking in their responsibility to it. It looked like a dump site and this was property the City owned, while City homeowners were not given consideration to get their properties up and functioning. Do not give the property away to a developer even though the City allowed it to become derelict. Consider how homeowners can be shown some favor. Waive fees and give a break on taxes and water fees just as the City gave developers a break.
- Asked if the parking discussion topic meant “seniors” as in senior citizens.
- Heard the City was not going to get much money from the settlement of the sale. This was built 30 years ago with a loan from the DHCD and was a 40-year loan for originally \$1.4 million. According to public documents, it had been paid down to \$1.3 million. Never saw a loan for that duration with virtually no principal pay down. The loan agreement was unknown but the deed of trust was public record. It did not give details and looked like a grant. If the loan which appeared to be a grant was not being paid off, then they were essentially just getting the property.
- The deed should not include the pond. The original deed did, but the contract itself did not call for the pond. It could be a nice recreation area someday. If the buyer assumed the DHCD arrangement, the City should be fully released.

### **ADMINISTRATION AND COUNCIL COMMENTS**

Mr. Kitzrow was happy to return after being away last week and was looking forward to continuing conversations on all of the topics.

Mayor Taylor told Mr. Gillis he was trying to do his job because that was what he was here for. He was not shying away from what they had going on.

Ms. Gregory was glad to be back in person, as her husband had been ill and this was her first time out in weeks. She thanked everyone for their patience. Happy Women’s History Month to an almost all-woman Council. She was happy to serve with fantastic women from the City Attorney, Clerks Office and all the women who worked for the City. Please try to attend the March 12, 2024 DAF Tank discussion at Wor-Wic Auditorium. The tanks held waste from animal production plants and were highly toxic.

Ms. Dashiell met last week with the Dean of Students regarding guidelines for the responsibility for the Salisbury University Police and the Salisbury Police Department with the help of Chief Meienschein. The Fire Department was providing five dinners for

the homeless shelter. Please sign up, if interested. City Council and HCDD were also signing up. The Carroll Street /Eastern Shore Drive update would be on March 18.

Ms. Jackson said she had been sick in the past few months. March was National Women's History Month, and she thanked God for all the women in her life. She thanked everyone for wishing her a happy 66<sup>th</sup> birthday!

Ms. Blake asked those healthy enough to donate blood as the area was critically low.

President Doughty appreciated the public input. The WiHi Girls Basketball team would compete in the Bayside Conference this week and his cousin Se'Lah Foreman was a sophomore on the team. She would get her thousand points on Wednesday! He wished his nephew, Khiree, a happy 2<sup>nd</sup> birthday.

Ms. Dashiell thanked Ms. Wohlgemuth, Mr. Taylor, Ms. Gingrich and anyone else when they emailed the Council information. President Doughty wished all the ladies on the Council, City Clerks Office and City Attorney a Happy Women's History Month.

### **Adjournment**

With no further business to discuss, the Work Session adjourned at 5:51 p.m.

### **Motion to convene in Closed Session #1**

President Doughty called for a motion to convene in Closed Session #1 to consult with counsel to obtain legal advice on the land disposition agreement governing the proposed Salisbury Town Center development and other legal issues surrounding the development of Lots 1, 11, and 15, as authorized by the State Government Article, § 3-305(b)(7), and to consult with staff and the City Attorney about the pending appeal involving Salisbury Town Center Apartments, LLC, as authorized by the State Government Article § 3-305(b)(8).

Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to convene in Closed Session. Following a brief break, Council convened in the Closed Session at 5:59 p.m.

### **Motion to adjourn Closed Session #1 / Convene in Open Session**

At 6:41 p.m., Ms. Jackson moved, Ms. Dashiell seconded and the vote was unanimous to adjourn Closed Session #1. At 6:44 p.m. Council convened in Open Session and President Doughty reported that Council had just returned to Open Session after meeting in Closed Session. While in Closed Session, Council received legal advice on the Land Disposition Agreement for the proposed development of Lots 1, 11, and 15. Council also consulted with staff and special counsel about the pending appeal involving the Salisbury Town Center Apartments in accordance with State Government Article § 3-305(b)(7)(8).

**Motion to convene in Closed Session #2**

At 6:45 p.m. President Doughty called for a motion to convene in Closed Session #2 to consult with counsel to obtain legal advice on matters that relate to ongoing collective bargaining negotiations as authorized by the State Government Article, § 3-305(b)(7)(9). Council will consult with special legal counsel to consider all matters that relate to ongoing collective bargaining negotiations.

Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to convene in the Closed Session.

**Motion to adjourn Closed Session #2 / Convene in Open Session**

At 7:26 p.m. Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to adjourn Closed Session #2. After Council convened in Open Session, President Doughty reported that Council had just met in Closed Session and received legal advice on the City’s ongoing collective bargaining negotiations and consulted with special counsel to consider matters related to the collective bargaining negotiations in accordance with State Government Article, § 3-305(b)(7)(9).

**Motion to convene in Closed Session #3**

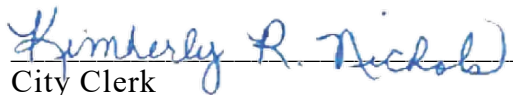
At 7:28 p.m. President Doughty recused himself from the last Closed Session and left the room. Vice President Blake presided over the meeting and called for a motion to convene in Closed Session #3 to consult with counsel to obtain legal advice regarding the land disposition agreement governing Mitchell Landing and legal issues surrounding the management of Mitchell Landing as authorized by the State Government Article, § 3-305(b)(7). Ms. Gregory moved, Ms. Dashiell seconded, and the vote was unanimous (4-0) to convene in Closed Session #3.


**Motion to adjourn Closed Session #3 / Convene in Open Session**

At 7:55 p.m. Ms. Jackson moved, Ms. Gregory seconded and the vote was unanimous to adjourn Closed Session #3. The vote was 4-0.

Council immediately convened in Open Session whereby Vice President Blake reported that Council had just convened in Closed Session. While in Closed Session, Council received legal advice from the City Attorney regarding the land disposition agreement governing and legal issues surrounding the management of Mitchell Landing, as authorized by the State Government Article, § 3-305(b)(7).

The Open Session was then immediately adjourned.

  
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City Clerk

  
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Council President

Dear City Council and Mayor,

Please accept and include this email as my comments regarding the March 4, 2024 Work Session Agenda Items relating to Salisbury Town Center Apartments, update and closed session:

Board Of Appeals Hearing 11022023  
Comments by Nancy Roisum  
209 Beaverdam Drive, Salisbury, MD

Re: Salisbury Town Center Request for Special Exception for Density

I wish to bring to your attention that there are important documents and information lacking in today's agenda package. These are critical to the consideration of the zoning density increase being requested.

I will individually list and then summarize the missing information as it pertains to the project's density.

### **COMMUNITY IMPACT**

The P&Z C approved the project without having been provided a Community Impact Statement (CIS) to review. The CIS is a standard requirement of the Preliminary Comprehensive Development Design Approval process, as described in Chapter 17 of the Municipal Code.

A partial list of density-related CIS concerns include:

#### During and post construction,

How will the project effect traffic flow during weekday rush hours, when the two nearby draw bridges are up, and during shift changes at big downtown employers? Those include Perdue Poultry, Chesapeake Shipbuilding, Pepsi Bottling, and the Regional Hospital, all located within 1/4/ to 1/2 mile of the site. This data is missing.

#### During and post construction,

What are impacts on the existing businesses and residents located on adjoining and nearby properties, such as the Market Street Inn, Opportunity Shop, Salisbury University, Ward Museum, Main County Library, Health Department, the bank, attorney offices, Plaza retailers, and rental apartments. Concerns include relocation of Lot 15 dumpsters so that the City and private trash services are not disrupted, negative effects on businesses and rentals by making customers and residents lose convenient parking.

It is stated in the Request letter from Parker and Associates that the developer asked to waive the Community Impact Statement, "to expedite the project in order to meet the deadlines of the Here Is Home (HIH) Program." Incidentally that deadline, October 1, has already passed.

11022023commentCIS-density

Information about During and post- construction impacts on- utility grid, landfill capacity, sustainability, storm water runoff, maintenance activities, shopping, medical specialties and veterinary services was not done and has effects directly related to density.

As a result, by waiving the CIS, the Planning and Zoning Commission inadvertently caused the design of this project to fail to adequately address many important community issues at the Preliminary Phase. Increasing the residential density of this project exacerbates the effects of this oversight. Putting too many residential units in the CBD upsets the balance of the district instead of benefitting it. Detailed assessment of the current and future effects on citizens and business communities, both in and outside of the City, was not done, except to produce forward-looking statements only accentuating the positives, to promote this project. Other information needed to produce an informed reality-based decision, is lacking.

## **PARKING AND LOADING**

The P&Z C approved the project without the required parking evaluation. Per Ordinance No 2506, Chapter 17.196, OFF-STREET PARKING AND LOADING STANDARDS, it clearly states for existing facilities, "any requirement for parking spaces, lots, or facility now serving such structures or uses shall not in the future be increased **or otherwise changed in kind or extent.**" It also clearly states that for the Central Business District (CBD) and Retail Redevelopment and Mixed Use (RRMU) districts, "**Parking for proposed developments within these districts will be evaluated on a project by project basis with a recommendation from the Planning and Zoning Commission to the Mayor and City Council.**" This was not done because during the P&Z Commission meeting on July 20, 2023, Mr. Sullivan, the legal agent of the developer told the Commission that they did not have the authority, which was and still is wrong. This was a grave mistake and should be addressed by following the Ordinance procedures as stated therein.

The project designs so far do not indicate any areas set aside for off-street parking serving the proposed apartments nor the existing nearby properties whose parking lots that once served them are gone:

- where will deliveries and pickups drive up and park--UPS, FED EX, Walmart, pizzas?
- Where and how will large box trucks, tractor trailers and tour buses maneuver and park?

- -Where will shuttles and buses stop to pickup residents without interfering with traffic on the streets?
- How and where will apartment building services like carpet steam cleaners, lawnmower and landscaper crews and their trailers, and cleaning people park for extended periods of time?

Areas for these afore-mentioned purposes could be available, if the density were reduced to allow it.

Almost doubling the recommended density will exacerbate the effects of the associated removal of the existing parking lots from nearby properties. The developer's and planner's remedy is to force them to use alternative means of travel and/or to use the not- so -convenient proposed parking garage. This does not address the vehicles that cannot fit in a parking garage and need access alongside the proposed apartment buildings and existing properties.

BTW, the three parking lots have already been removed from these folks and the garage is months, perhaps years away from being completed.

#### CONCLUSION/RECOMMENDATION:

For this or any similar project downtown to be successful and safe, there needs to be an adequate and convenient area devoted to parking and loading, which means less area designated for apartment units. 40 units per acre is what the Comprehensive Plan asks for. Almost twice that density is what the developer wants. The required evaluation and associated recommendation by P& ZC to the City was skipped, so you, the Board of Appeals, do not have the benefit of that information in your decision.

Also, in your decision, crucial information from the Community Impact Statement is not available, because that was skipped.

In my opinion, there is not enough information to justify almost doubling the Salisbury downtown residential density at such a cost to the City and surrounding County car-based citizens who must use it. The two pieces of information are crucial to making an informed decision about this extremely important land development, right in the middle of the Wicomico County seat of government its Central Business District.

**From:** [Carolyn Wohlgemuth](#)  
**To:** [All City Council Members](#); [Mayor Email Distribution List](#)  
**Subject:** Update on Salisbury Town Center  
**Date:** Sunday, March 3, 2024 3:36:21 PM

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City Council Members:

On July 4, I joined 17 other city residents to file a complaint under the Maryland Open Meetings Act regarding the Closed meeting held by the Salisbury City Council on June 20, 2023, to discuss a contract by which the City agreed to sell public parking lots for development.

On September 11, 2023, the Open Meetings Compliance Board concluded that the Council violated the Act when it closed a meeting to the public under the legal advice exception of § 3-305(b)(7) but then engaged in closed-session discussions that exceeded the bounds of that exception.

I have repeatedly requested that the minutes of the June 20, 2023 meeting be made public. To date, my requests have neither been acknowledged nor addressed publicly. In the interest of TRANSPARENCY, I again call on you to release the minutes! All it takes is a majority vote by this council to do so! This can easily be accomplished at Monday's worksession during Agenda item: Update on Salisbury Town Center-Administration.

Carolyn Wohlgemuth