

CITY OF SALISBURY
WORK SESSION
APRIL 15, 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, Deputy City Administrator John Tull, Police Chief Dave Meienschein, Fire Chief Rob Frampton, Housing & Community Development Director Muir Boda, City Attorney Laura Ryan, Assistant City Clerk Julie English and members of the public.

On April 15, 2024 the Salisbury City Council convened at 4:30 p.m. in Work Session in Council Chambers at the Government Office Building, 125 N. Division Street. The following is a synopsis of the items discussed.

President Doughty added two items to the beginning of the Work Session agenda. Those items were the TIF Policy and the International Building Code (IBC) in reference to the parking garage.

TIF Policy

President Doughty recalled at the April 1, 2024 meeting there was a verbal agreement between Council and Administration that the TIF Policy would be available to Council last week for review and discussed at today's (April 15th) meeting. He requested an update from Administration. Mayor Taylor had no comment. Mr. Kitzrow stated they were still working on revisions for the policy. President Doughty asked for the Council to be kept updated. Mayor Taylor added that he would have been more prepared if it had been listed on the agenda. He would like to speak privately with President Doughty before it was placed on a future agenda. He also added that the TIF policy had been around for a while.

President Doughty recapped that the policy was brought before Council and in a March meeting it was agreed upon that Council would receive it in early April for review and placed on the April 15th agenda. Mayor Taylor reiterated that he would like to talk privately with President Doughty before placing it on an agenda.

Public Comment on this topic:

Speaker had experience with the Aydelotte Farm TIF. He shared that he had reached out to public officials he knew, had sent some emails and would continue to send more.

International Building Code (IBC) - Garage

President Doughty referenced a letter that was received from a developer and shared that there was a May 1st timeline that needed to be met. If they did a parking garage after May 1st, the cost would increase substantially due to the new code regarding sprinklers. He also added that the conversations needed to be had soon to save the citizens and tax payers money.

Ms. Blake asked for clarification that Council was asking for the information on the parking garage (drawings, plans, etc.). President Doughty confirmed.

Mayor Taylor responded that there were no conversations currently going on regarding the garage.

Mr. Kitzrow added that the parking garage and the development in question were two separate projects but were “wrapped together.” The development as proposed had not been approved. The final design would depend if the development was adjacent to it, wrapping it, etc. There would need to be conversations with the developer for that to be determined.

Ms. Blake asked when they would be reaching out to the developer. Mr. Kitzrow corrected himself and said it would be the design staff rather than the developer. President Doughty stated that the parking is needed and that is his purpose in addressing this topic. He added that time is ticking and decisions needed to be made. Mayor Taylor stated that the City would not build a garage that would cost \$650,000. He added that the project was declined. He felt it was unfair to ask the developer to fund the request on the design side. He wanted to recalibrate the project to see where they were and determine the next steps. The sprinklers were “the least of his worries.” He added that the project would cost the City 6 million dollars over 10 years. He did not want to ask the developer to finish a design on a project that was not approved. Mayor Taylor believed they would have to temporarily dismantle the LDA to redesign the project. He invited the Council President to meet with him anytime to discuss the topic.

Ms. Blake asked what the City’s short-term plans were for parking. Mayor Taylor responded that there was an agreement built into the LDA that, until there was a permit received, parking would continue on the lot. Ms. Blake was happy to hear about that agreement and felt that type of information was good to know.

Ms. Gregory clarified that the parking garage would not be funded by tax payers’ dollars but my user funded revenue. She added that the current parking garage was past it’s expected lifespan and a new garage was needed. Speaking for the downtown businesses, she stated that they were struggling and seeing a loss in profit while the project sits in limbo. Mayor Taylor responded that the parking garage would not be paid for with user fees but would have a deficit, that already owes the City’s General Fund \$700,000. He also stated that there would not be enough revenue to pay for the garage.

President Doughty asked Mr. Kitzrow to speak to what Ms. Gregory and Mayor Taylor shared about the parking garage. In an effort to stay with the IBC conversation, Mr. Kitzrow responded that his plan over the next couple of weeks was to communicate with the design firm to determine if what was proposed is allowed to be submitted. He did not want the developer or others to spend a lot of money unnecessarily.

Public Comment on this topic:

Speaker had experience with the current parking garage as well as one in Ocean City. He questioned why President Doughty would not want a sprinkler system in the new parking garage. He referenced public safety and electric vehicles. He did not want safety to be short changed.

President Doughty responded that he was not short-changing safety in any way. Parking garages were not his forte.

Safari at the Quarry

Michael Goldberg, Shadow Hills resident, addressed Council regarding several concerns involving the upcoming Safari at the Quarry event on Connelly Mill Road. Those concerns included: the use and environmental sensitivity of the quarry site, the impacts of the event on the site, the application of the City's zoning ordinance with respect to use of the site. Mr. Goldberg shared that the site was originally slated to be a park. He shared the outdoor recreational benefits of the area, including the wildlife that reside there. Mr. Goldberg also shared that the park was crossed by the paleo channel. He was concerned that toxins from the site would end up in the Wicomico River.

He stated that Wicomico County accepted the land donation with the intention of creating a recreational park, which was endorsed by the Wicomico County Natural Resource Advisory Committee, the Department of Recreation, Parks and Tourism and the Wicomico Environmental Trust. Mr. Goldberg accused County Executive Julie Giordano of unilaterally entering into a contract (Memorandum of Understanding) with a private sector event promoter. He stated that the contract gives the event promoter the ability to use the property for multiple off-road events. He went on to share his opinions on what the contract would allow, who the events would include, and what the promoter's intentions were. He did not believe the events were the best use for the land. He noted that the City Mayor and Council had the ability to stop the off-road events since the property is entitled to follow the City's zoning code. He referenced Title 17 as well as Ordinance 2716. He claimed that Safari at the Quarry served no public purpose and was therefore violating the City's Code. Mr. Goldberg requested that the code be enforced and the events be stopped.

President Doughty asked that the City's legal team look into the referenced Code and legislation to ensure they were being followed.

Ms. Blake asked Mayor Taylor if he had a recent conversation with the County Executive in which he agreed that the Safari event should happen. He responded that he had the understanding that everything had been verified and the green light was given to proceed with the event. Ms. Blake then asked if the City had an agreement with the County on the use of that property. She also shared her concern for the paleo channel. Mr. Goldberg added that the quarry was on Parcel 168, which was supposed to be excluded from use, but would not be if the events happened.

Mr. Kitzrow pointed out that they were having a presentation about an event by a resident with no one there to speak on behalf of the County or the event promoter. He added that the statements made by Mr. Goldberg had not been fact checked.

Ms. Blake asked if the City had an understanding on how that property was to be used. She had researched and verified the property was zoned as residential. She wanted to know if anyone had consulted Cori, the Water Works Director, with regard to the water supply under that property. She urged the City Council and the City to take a stand against the events.

Ms. Dashiell agreed with Mr. Kitzrow about fact checking the information. She stated there were more questions than answers in the MOU. She did not understand how it could be a public park and deemed private for someone else. She questioned the hidden costs associated with the MOU. She gave the costs for security as an example. She felt there were no guidelines in the MOU.

Ms. Jackson asked where the Certificate of Insurance was. She believed the liability landed on the City and County. She was not in favor of the events.

Ms. Gregory questioned whether or not the liability and security for these events would fall on the City's police department.

Mr. Kitzrow stated that it was an event between the County and a private organization of which neither was part of the conversation. Since the events would take place within the City limits, the only thing they should be discussing is whether or not the property could be used for that.

Ms. Jackson disagreed with Mr. Kitzrow because part of the land was the City's. She believed the County infringed on the City's benefit.

Ms. Blake once again brought attention to the paleo channel stating the insurance certificate did not cover damage or contamination to the channel.

Mr. Kitzrow informed everyone that the channel also runs across route 13 with all the businesses, car lots, etc. He would need to get a legal opinion on the lease agreement.

City Attorney Laura Ryan shared that her understanding was that the event would be held on land owned by the County and within the City limits. That land was zoned R8A.

The question would be whether or not the events were a use allowed under that zoning and whether it was for a public or a private purpose. She would follow up with the zoning staff to determine whether or not it violated our Code.

Mayor Taylor had an opinion drawn up by the City's planning group as well as the County's planning group. The City group did not think it met the criteria of the code but the County group felt it did. He added that relief can be given if it is for a public purpose. The situation would need to be turned over to Planning and Zoning.

Ms. Jackson asked if the events were voted on by the County Council. Mr. Goldberg responded that the County Executive signed unilaterally and without the knowledge of the County Council or the tax payers. He explained that the County Executive had the authority to sign off on it since it was for less than a year (364 days).

President Doughty did not see the benefit to how this was done.

Public Comments on this topic:

Speaker #1 was a strong environmentalist. She shared how beautiful the quarry was. She was concerned for the wildlife on the property. She believed birders would spend money to come to that area.

Speaker #2 was the attorney for the County when they accepted the property and placed the environmental policy on it. He believed the City's zoning code was being violated because it was not a public event. He referenced information he emailed related to the event promoter.

Speaker #3 shared her love for the quarry. She was in favor of making the property a park. She shared her frustration on the lack of progress with the property becoming a park. She did not agree that decisions were being made without public input.

Speaker #4 was a Shadow Hills resident. She shared her concern about security on the property. She appreciated the conversations she had with Mayor Taylor and Chief Meienschein. She believed there would be issues with the paleo channel.

Speaker #5 stated he walked the property daily. He, too, commented on the beauty of the property. He added that "Wicomico County was the only county in the state of Maryland that did not have a state park" and that "every animal that lived in Maryland, except for the black bear, was back there." Lastly, he shared the Wicomico County health rankings. The only thing that was lacking in the rankings was 'access to physical activity.'

Budget amendment of the Grant Fund Budget to appropriate funds received from Wicomico County

Police Chief Meienschein requested a budget amendment to use funds the department received as a result of the dissolution of the Wicomico County Narcotics Task Force.

The assets of the organization were split evenly between the member organizations. The Salisbury Police Department received \$215,189.35. The funds were regulated through the Federal government and one of the qualifying uses of the funds were vehicles. The funds would allow for the purchase of four vehicles and also contribute to the upfitting of those vehicles. Chief Meienschein noted that the manufacturer would only “hand out” a limited number of VIN numbers (of this make and model) so time was of the essence.

Having no Council or Public comments, there was consensus to move this forward to legislative session.

Budget amendment of the FY2024 General Fund Budget and authorizing the Mayor to amend the authorized positions included in the FY24 General Fund Budget

Deputy City Administrator John Tull presented a budget amendment to Council that would reclass several positions and revise the Authorized Position Count for the Department of Infrastructure and Development. There was no request for funding as it would only involve position count and position title changes.

Council gave consensus to move this forward to legislative session.

SFD 1st Quarter Statistical Review

Fire Chief Frampton provided the 1st Quarter Statistical Review to Council. He pointed out that calls have increased when comparing the 1st quarter calls from 2023 with those from 2024. He attributed the increase to a mild winter, growth in the City, and the Covid fear going away.

Other topics that were presented included EMS Billing Revenue, Patient Resuscitation, SWIFT Enrollment, Fire Marshal’s Office stats, Community Events, and Personnel Successes.

Council thanked Chief Frampton for the update and expressed their appreciation for his department.

Spring Chase Community Discussion

Ms. Mary Huebner, a Spring Chase resident, spoke on behalf of the Spring Chase Community.

She provided the following information with regard to Spring Chase:

- February 2009 - the City determined the street lights in Spring Chase could no longer be repaired
- January 2011 - the City budgeted to replace all existing lights with new ones, which did not happen
- June 2011 – funding for the lights was removed from the budget
- August 2014 – Spring Chase contacted the City about having the streets repaved; the City responded that the streets would be paved and the lights replaced in a 5-year Capital Improvement Plan

- April 2024 – the streets (especially Edgewater) were in bad shape, lights continued to fail and light fixtures were outdated and inadequate; they would like the 30' cobra style light the City offered previously

Mr. Kitzrow added that the City was looking into the need for lights and street repairs. Those things were not in the Mayor's Proposed budget but could be added as an additional item to be considered.

Ms. Blake asked for clarification on whether or not Spring Chase was included in the areas that would receive funding in FY25. Mr. Kitzrow responded that it would be a consideration along with a long list of other things. He added that one of the areas on the list had gone without lighting at all. Those decisions would be made during the upcoming budget sessions.

Ms. Dashiell stated that street lights should be a basic service that should be provided to tax payers.

Public Comments on this topic:

- Speaker #1 lived at Spring Chase and shared that the base of the lighting there was rusted. She added that a lot of the residents of Spring Chase were older and with the trees around the perimeter it could be dark. She hoped that if lights were replaced, they would all be replaced at the same time so they were all uniform. She wanted to keep the "cookie cutter" look in the neighborhood. Lastly, she asked if the property boundaries were looked at when streets were redone.
- Speaker #2 lived at Spring Chase and she also advocated for more lighting.

LOT 10 DISCUSSION

Mr. Kitzrow announced that the City did not get the two million dollars from the state that would complete the funding of the project. The developer was asked to revise their Exhibit B to ensure it would comply with the grant funding requirements. Mr. Kitzrow explained that the State gave the City four million dollars for the project in the FY24 budget and planned to give an additional two million dollars in the FY25 budget but it did not make the cut.

President Doughty asked Mayor Taylor to confirm that the four million dollars had been received. It was confirmed that the funds were received. President Doughty then asked if it had been determined how the funds would be used. Mayor Taylor stated the funds had to be used for infrastructure but they were not tied to a particular location for use.

Ms. Dashiell asked if there would be a written description from the developer for the specific use of the property as opposed to a discussion. Mr. Kitzrow responded that the intended use of the money would be for a hotel and conference center. The funds that were reimbursable to the developer would need to be made clear. Mayor Taylor added that certain parts of the project had to be done before the developer was reimbursed.

Public Comment on this topic:

Speaker spoke about a letter from November in which the four million dollars (mentioned above) was broken down. She was concerned with the lack of specifics in the document as compared to the others listed.

SHORT-TERM RENTAL LEGISLATION

Housing and Community Development Director Muir Boda explained that the City had looked at regulating short-term rentals in the past but the missing piece was the ability to identify and audit those properties. Mr. Boda referenced GovOS software which had the ability to identify active short-term rentals, estimate confirmed stays, among other functions. He was before Council for feedback on whether or not to move forward with drafting the legislation, which would include defining short-term rental, setting guidelines and registration fees and determining liability policy requirements. He noted that Wicomico County did not tax short-term rentals as it was not a requirement.

President Doughty asked Mr. Boda to explain how he came up with the \$100,000 in revenue. Mr. Boda referenced a short-term rental transaction tax. He suggested giving a portion of the revenue to the Salisbury Zoo.

Ms. Dashiell asked if there were any tax or registration requirements for the Airbnb's in Salisbury. He responded that the short-term rental legislation would address them.

Council gave consensus to continue moving forward with legislation on this topic.

ADMINISTRATION AND COUNCIL COMMENTS

Mr. Kitzrow shared that Hops on the River was a success and incorporated Unity Square as well as the Games Park.

Mayor Taylor reiterated what Mr. Kitzrow said about Hops on the River and added that the "hands sculpture" was installed at Unity Square. He announced that his Meet the Mayor event went well, was very informative and would likely happen monthly.

Ms. Dashiell requested that 'updates' be placed on the agenda to address questions the public asked. She passed on appreciation from a citizen to the Mayor for addressing a flooding issue. She then thanked the community for helping with Hands and Hearts Ending Homelessness. However, she stated that she was heart-broken when ten of the men had to be put back in the woods while Anne Street Village was not at full capacity. Ms. Dashiell was looking forward to the upcoming Community Players event.

President Doughty added that he instructed the Clerk's Office to communicate any action items from the meetings to him and stated they could also be shared with the Administration if they would like.

Ms. Jackson stated she attended the City Parks and Rec meeting and shared the following requests:

- Updating the lighting at the City Park, requested it be added to the CIP for consideration as it would improve public safety and assist with the inhabitants of the park
- Lake Street basketball courts be resurfaced, and rims and nets be replaced
- Tennis courts at the City Park be resurfaced
- Greenery near the mural at Route 13 and Church Street get some attention to provide more visual appeal
- Discussion take place on programming on the City's parks since the County has stepped away
- Form teams to play sports against one another; for example, track and field or softball

Ms. Jackson passed along the following announcements from the City Parks and Rec meeting:

- Officer Hitty, with the Salisbury Police Department, was instrumental in getting a flag football team together. Games would be played at the Waterside Park, Billy Jean Jackson Park and Wicomico Stadium.
- Grant funding for Doverdale (Program Open Space) would be received
- Dorge Conway from the City's Field Operations department would retire May 1st, after his 20th year
- Trees would be planted at Monument Park, Boundless Playground, Doverdale, and West City Park
- Flowers would be planted at Waterside Park and Truitt Street

Ms. Gregory shared her appreciation for the SU students who were out planting trees in the park across the street from her house. She encouraged the public to participate in the upcoming Zoo Stampede run/walk as well as the Earth Day event at the Zoo. Ms. Gregory referenced the CIP and wanting to know when it would be sent to Council. She added that she attended the LHIC meeting, consisting of organizations and partners working together to improve the health in the community. During that meeting she requested a copy of the presentation (Health Equity Framework & Prioritization) that was given by an intern at the Health Department.


Ms. Blake expressed how pleased she was that the Meet the Mayor event went well. She felt people wanted to talk to him directly, on a personal level. She stated she heard back from Salisbury University (SU) in reference to Schumaker Pond. She was also hearing different narratives about how to proceed with the Pond. There was a group at SU ready to do research on it. She would like to have a broader discussion at the next Work Session about it. Ms. Blake sent an email to Ms. Huebner about taking a field trip to Spring Chase to take pictures of the lampposts and lights. She would like Legal to follow up with the Safari at the Quarry event. Lastly, she asked for those healthy enough to donate blood, being an organ or plasma donor. She shared a recent experience where she

needed a combination of blood, plasma, and bone marrow. She was grateful for those who had donated that for her procedure.

President Doughty began by appreciating some of the Council members for sharing things happening in the community. He echoed the comments about Hops on the River. He announced there would be a new Chick-fil-a coming to the south end of town. He thanked the Field Operations team for fixing a light at the Doverdale Park, which was brought to his attention by a resident as a safety concern. After conversation, the resident communicated an interest in starting a neighborhood watch. President Doughty shared that he worked with the SU United Way team on Saturday morning building a ramp for a resident in Crisfield. Through that event he was able to make connections with the students and encouraged them to apply for an internship with City Council. He added that one student had already applied. He gave kudos to the Salisbury Police Department for quickly handling a community concern, thus providing reassurance to those involved.

Adjournment

With no further business to discuss, the Work Session adjourned at 6:50 p.m. The Council immediately convened in the scheduled Special Meeting.



City Clerk



Council President