

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

APRIL 22, 2024

PUBLIC OFFICIALS PRESENT

*Council President D’Shawn M. Doughty
Council Vice President Angela M. Blake
Councilmember Michele Gregory*

*Mayor Randolph J. Taylor
Councilmember April R. Jackson
Councilmember Sharon C. Dashiell*

IN ATTENDANCE

Deputy City Administrator John Tull, Fire Chief Rob Frampton, Procurement Director Jennifer Miller, Finance Director Keith Cordrey, City Attorney Laura Ryan, City Clerk Kim Nichols, and members of the public

PLEDGE OF ALLEGIANCE – SILENT MEDITATION

The City Council met in Legislative Session at 6:00 p.m. in Council Chambers of the Government Office Building and via Zoom. Council President D’Shawn M. Doughty called the meeting to order and invited everyone to recite the pledge to the flag, followed by a moment of silent meditation.

ADOPTION OF LEGISLATIVE AGENDA

President Doughty called for a motion to adopt the legislative agenda. Ms. Jackson moved and Ms. Blake seconded the motion. Ms. Dashiell motioned to amend the agenda by adding after Ordinance No. 2861 the following: Ordinance No. 2862- approving a budget amendment of the Grant Fund Budget to appropriate funds received from Wicomico County. Ms. Blake seconded, and the vote to amend the agenda was unanimous.

The legislative agenda, as amended, was approved by unanimous (5-0) vote.

CONSENT AGENDA- *presented by City Clerk Kim Nichols*

The Consent Agenda, consisting of the following items, was unanimously approved (5-0) on a motion and seconded by Ms. Jackson and Ms. Dashiell, respectively:

- *March 18, 2024 Work Session Minutes*
- *March 25, 2024 Council Meeting Minutes*
- *March 25, 2024 Special Work Session Minutes*
- *Resolution No. 3340- approving the appointment of Lily Chi-Fang Tsai to the Ethics Commission for term ending April 2028*

President Doughty thanked Ms. Lily Chi-Fang Tsai for volunteering to join the Ethics Commission and looked forward to what she would be bringing to the City.

AWARD OF BIDS- presented by Procurement Director Jennifer Miller

The following Declaration of Surplus items were unanimously approved on a motion and seconded by Ms. Gregory and Ms. Jackson, respectively:

1. SPD Vehicles – Qty 12
2. Salisbury Zoo Vehicle – Qty 1

PUBLIC HEARING- JD Oliver LLC Annexation- presented by Deputy City Administrator John Tull

- **Resolution No. 3334-** proposing the annexation to the City of Salisbury of a certain area of land contiguous to and binding upon the Corporate Limits of the City of Salisbury to be known as “2407 N. Salisbury Boulevard – JD Oliver, LLC Annexation”

Ms. Jackson moved and Ms. Blake seconded to approve Resolution No. 3334, and Mr. Tull presented the resolution.

President Doughty opened the Public Hearing at 6:07 p.m., and as there were no requests to speak by the public, he immediately closed the Public Hearing.

Resolution No. 3334 was approved by unanimous vote in favor.

- **Resolution No. 3335-** approving the annexation plan of “2407 N. Salisbury Boulevard – JD Oliver, LLC Annexation”

Ms. Jackson moved and Ms. Blake seconded to approve Resolution No. 3335, and Mr. Tull presented the resolution.

President Doughty opened the Public Hearing at 6:10 p.m., and as there were no requests to speak by the public, he immediately closed the Public Hearing.

Resolution No. 3335 was approved by unanimous vote in favor.

President Doughty announced that the JD Oliver Annexation would become effective on June 6, 2024.

ORDINANCES- presented by City Attorney Heather Konyar

- **Ordinance No. 2861-** 2nd reading- approving a budget amendment of the FY2024 General Fund Budget and the FY2024 Water Sewer Fund Budget to appropriate additional funds required for Field Operations

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2861 for second reading.

- **Ordinance No. 2862**- 2nd reading- approving a budget amendment of the Grant Fund Budget to appropriate funds received from Wicomico County

Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2862 for second reading.

- **Ordinance No. 2863**- 2nd reading- approving a budget amendment of the FY2024 General Fund Budget and authorizing the Mayor to amend the authorized positions included in the FY24 General Fund Budget

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2863 for second reading.

- **Ordinance No. 2865**- 1st reading- authorizing the Mayor to appropriate funds for various capital projects

Ms. Gregory moved and Ms. Jackson seconded to approve Ordinance No. 2865.

Ms. Blake asked if the projects were being planned for the 2025 Bond were now being consolidated to this year's budget, and the Mayor and Mr. Tull responded in the affirmative. She asked about the Bond for the garage and wondered if she was looping that in with another document and the City lost the garage in this. Mayor Taylor said there had been no discussion about the garage at this point, and Ms. Blake thought it was in the CIP for this year and they needed to issue a bond for that.

Finance Director Keith Cordrey joined Council and said the funds were appropriated by Council last year. What was before them now had not been funded. They were not getting funds in the bond ordinance for the garage for various reasons because it was not ready, which was why the parking garage was not included.

City Administrator Kitzrow joined via Zoom and said they were still finalizing the design concept and understanding the construction costs of the parking garage. They did not want to prematurely bond money without knowing a total cost. It would be treated separately if they decided to move forward with the bond in a separate bond ordinance. They had enough here with FY24 with the rest of the projects and did not want to sit still on these other outstanding obligations while trying to finalize the bond ordinance for the parking garage. It was still up for further conversations and was not happening right now. Ordinance No. 2865 needed to be moved forward legislatively. The issue was they still had an outstanding item with the adjacent property for a project. Committing to a parking garage in full scope without knowing what would be next to it was premature, and they did not want to hold the other projects up.

Ms. Blake stated there were 22 additional projects and she had not seen the CIP. Ms. Gregory shared she requested it in her Council comments and never got a response.

Mr. Kitzrow said they would begin the budget discussions on Tuesday (the next day) and

the details of essential items and CIP funding would be discussed then. With this being the first reading there were opportunities for adjustments based off budget discussions. These FY24 items were set because the City committed to them last year. The additional items that were read off this evening were the recommendations of the Mayor's Office to be funded in FY24 rather than doing a separate bond ordinance in FY25. Each time we went to Bond Counsel it cost the City significantly.

Mr. Cordrey further clarified that they waited until the last minute to bring this forward because they were waiting for the outcome of the parking garage. The bond ordinance was a combination of the FY23 and the FY24 projects, and they added the FY25 projects to get the best rates when going to the market. This ordinance brought an appropriation to the projects. Ms. Blake thought they were good projects and she would support this but she would vote "Nay" because she thought they needed to discuss this more. She wanted Council to fully understand how the 25 projects were picked. They also had not seen the CIP, as the timing was out of sync of when they usually received it. They used to get it in February, and tomorrow was our budget session and she did not know what was in it. If some of the projects on the list were slated for the 25 or if there were additional ones, she did not know what they were and would like to see how they would be prioritized.

President Doughty stated that Mr. Cordrey did say this was last minute and brought to us the day before the budget deliberation and that was why extra clarity was needed. Mr. Cordrey said if we could have all the discussion necessary in the budget sessions and could modify this because the timeline put us to issue bonds in late June. President Doughty said he felt angst because he needed to make a decision right now. Mayor Taylor did not know they were off track and said it was unintentional. President Doughty asked that for the future they be given more time so they knew what they were approving.

Mr. Kitzrow added that understanding that the FY23 and FY24 decision points were already committed to. If there were questions about FY25, he would implore Council to consider a modification rather than a unanimous "nay" vote tonight.

Ordinance No. 2865 for first reading failed with all five Council members voting "nay."

- ***Ordinance No. 2864***- 1st reading- o authorize the City to sell and issue General Obligation Bonds, Bond Anticipation Notes and Refunding Bonds

Ms. Jackson moved and Ms. Dashiell seconded to approve Ordinance No. 2864 for first reading. Ms. Ryan began presenting the ordinance, but President Doughty stopped her because this ordinance had to be approved in conjunction with Ordinance No. 2865.

Ordinance No. 2864 was not presented nor voted on by Council, and would be presented for first reading at a later date.

PUBLIC COMMENTS

Nine people provided the following comments:

- *Speaker asked Council to support stopping the Safari At The Quarry events, establish Connelly Mill Park and preserve its ecologically valuable land, protect the Paleo Channel and stop the County Executive Julie Giordano from acting in violation of the law. The City Attorney concluded that the events violated Title 17 of the City Zoning Code, as the property was zoned R-8a Residential and it was evident that such use was not permissible. The County Executive was trying to circumvent the law by claiming the County was not required to comply with the City Zoning Code. If not used for a public purpose, the property was subject to Salisbury's zoning regs. The events in question could not be interpreted as being for a public purpose as they are exclusive, private and being staged for a for-profit corporation. Participation was limited to those who owned an off-road vehicle. The City could stop these events by initiating the appropriate legal action to enforce its Zoning Code. More than 600 people have signed the Preserve Connelly Mill Park petition. The County Council has also expressed opposition to the events. He asked the Mayor and City Council what specific measures they intended to take to uphold and enforce the City's Zoning Code.*
- *Today was Earth Day and a great day to stand up and protect our most precious natural resources. Public parks give us healthier bodies (reduced diabetes, asthma and heart disease) and boosts our immune systems, and calms our minds by decreasing anxiety and depression. They help us build stronger communities. We are losing green space rapidly. Connelly Mill Park has been given over to private profit and the events are not allowed under the City Zoning Code. Please take action and enforce the Zoning Code.*
- *Speaker voiced his opposition to the Safari At The Quarry events and urged the Mayor to enforce the Residential Zoning Code.*
- *Speaker spoke in support of preserving Connelly Mill Park and was disturbed by the sound of ATV's all the time. She was afraid that there would be no park because of them.*
- *Speaker stated Ms. Blake had a good point about not issuing bonds for something that they have not authorized yet. The second reading of the ordinances was on May 13th, and Council could have discussed the 2025 CIP items before then and maybe worked it all out.*
- *Speaker said that, regarding the Safari At The Quarry, transparency was needed on this matter. A Special Meeting was needed before next Monday because the event was the weekend after that. It was unlawful to do what the County Executive wanted to do. Public purpose was the particular use of the property, and this did not promote public purpose.*
- *Speaker discussed operations of the Council. Topics were brought up one week and then you never heard about them again for updates.*
- *Speaker thought the City should take caution when going into anything that would utilize our income stream in the way of tax incomes or in any way encumber those further taxes that we may get from developers. The Horizon Program was up for renegotiation. There were a lot of expensive things that needed to get fixed, repaired, replaced and improved. She cautioned Council about TIF's, Horizon and whatever else, and just because we were going to build it did not mean it would end up increasing our tax base.*
- *Regarding the Quarry, follow the rules. There should be no exceptions in these cases.*
- *Speaker stated that the zoning exception ordinance that was being used that everyone was referring to that exempted the County did not exist in the Code when Shadow Hills agreed to support the donation for the free dirt and the future low impact park. It was added in May 2022 and as immediate stakeholders to a property affected by a blanket exemption from the Zoning Code altogether, there should have been required notification to them and a public hearing. This was not done and she challenged the legality of the clause. Neighbors were to be notified, but they were not. She asked if the City Attorney would weigh in on this. The*

exemption was only allowed for land used for public purpose. The Maintenance of Traffic Plan stated that the location was not open to the public. The Environmental Policy Task Force document on the City's website in reference to Maryland's law on Greenhouse Reduction Act was a detailed document outlining what the City had to do to comply with the Maryland law in terms of greenhouse gas reductions. If we were going to look at ways to reduce greenhouse gas emissions, why would we condone or endorse a project that would do the exact opposite and undo the progress on projects that we needed. This was not a matter of Shadow Hills versus anyone. It was a matter of Wicomico County citizens' asset being wasted for a few people instead of for a purpose that brought ongoing economic value to the County and City in perpetuity. The dirt expired at a point where the max was reached but the park would last forever. She suggested holding weddings in the park. When someone was hurt on the property while riding their dirt bike, the lawsuits would come.

- Speaker shared that Wicomico County finished 21 out of 23 in public health in the Maryland counties. Wicomico County's cancer and diabetes rate was three times as high as the state average, and heart disease two and a half times higher than the state average. Parks were needed for people to walk, recreate and rejuvenate which help the items that our county was marked so poorly on. Our lowest score was on the lack of access to exercise and was the lowest ranking in the state. Wicomico County was the only county in Maryland without a state park. The benefits this park could provide far outweighed the exclusive, elitist, invitation only, dirt bike-Jeep racetrack that was being proposed. Julie Giordano has pitted a lot of people against Shadow Hills and some nasty comments had been made.*
- Speaker agreed with all that was said before her. She had 27 years of federal service within the theater of civil rights and compliance. She said she worked extremely hard to ensure that all constituents and recipients of their programs and services were treated with dignity, equity and respect and that there were no barriers that prevented their participation. She shared it was beyond disturbing that Julie Giordano was allowed to usurp the authority of the Wicomico County Council and more so that she was allowed to violate established zoning laws. Ms. Giordano was beyond disrespectful to Wicomico County citizens and also beyond truthful. Her claims that the Wicomico County Sheriff's Office supported Safari At The Quarry was refuted in public during the last County Council meeting. Please convene a Special Meeting where we could have a redress of this matter.*

ADMINISTRATION AND COUNCIL COMMENTS

Mayor Taylor stated he immediately reached out to City Zoning Officer Henry Eure and County Zoning after hearing about this violation and the County agreed with the County Administration. The City Attorneys sent a letter to Live Wire and spelled out our position, and gave a timeline of the 24th to respond in terms of their position. He spoke with Ms. Giordano, Mr. Luffman, and their attorney and hoped to receive their letter of response tomorrow and see where we were. He would leave a Special Meeting decision up to Council. It was challenging because we had a partner in the County and were trying to do the right thing via the City's zoning code while also respecting the folks being negatively impacted. In that regard, he said the City was caught in the middle.

City Administrator Andy Kitzrow (via Zoom) stated that the rejection of Ordinance No. 2864 included about \$10 million worth of obligations that the Council had already approved in Ordinance No. 2721, 2774 and Ordinance No. 2802. By not passing the bond ordinance today

our ability has diminished to get funding to pay for these. We have positioned ourselves to have to pay cash to fund projects we have already spent money on, including Unity Square and the Fire Rescue Truck that we were about to get delivered. If Council did not like what they had in FY25 they could have modified the bond ordinance to remove those items. They rejected the additional \$10 million that they had already obligated themselves to spend in previous ordinances, and our ability to borrow money to pay ourselves back was rejected tonight.

Mayor Taylor stated his was not sure what the cure was, but was going to ask Mr. Kitzrow. He was not involved in the prior Council votes. He asked if it would be revisited after this discussion. President Doughty said they could have a Special Meeting but things we were obligated to do were coupled in with new things. He said he appreciated the comments but thought everyone stood firm on their votes.

Mayor Taylor said the practice had become that they bonded every other year, and they were trying to reconcile it for FY25.

Councilwoman Gregory said it was frustrating that the City Administrator knew that Council received the CIP in February. Council had not received things in a timely manner. For this to be dumped in their lap the day before a Budget Session was very frustrating. She asked for the CIP last Monday and was met with stony silence and no engagement afterwards. That was on the Mayor's Office exclusively. We had no control of when the CIP was released or sent to them, and they could not make educated decisions without that information. In the future, if the Mayor was unaware of the timetable, the City Administrator would be aware of it. She was disappointed that administration was dragging their feet on certain items.

Ms. Gregory said that the Poplar Hill Mansion festival would be taking place in two weeks. There was a lot of information on the City's history and a lot of vendors. The fundraising went to the Friends of Poplar Hill Mansion to help support the facility. It was a hidden jewel in the City.

Councilwoman Dashiell commended the residents of Shadow Hills for coming out in unison. She attended the Community Players and it was great. PEO was a philanthropic organization where women celebrated the advancement of women through scholarships and loans and stewardship. They had a full day event on Saturday. For everyone who missed the Eastern Shore Mission of Mercy Dental Clinic that took four times at the Civic Center, it was returning in September.

Councilwoman Jackson apologized to Ms. Purnell and said the comment was not meant for her. They were speaking about the Safari At The Quarry. On May 6th the PILOT Program would be updated, PFAS (she was very concerned about that for the citizens of Salisbury and Wicomico County). We would have an update on 617 West Isabella Street. The former City Council set aside of this for the first African American woman ever to be on City Council. Her family donated the land and she would like to see it in Ms. Gertrude Shockley's honor. She had not heard anything more about this for two or three years and wanted an update. The resurfacing of the Lake Street Playground was coming up for discussion. The PILOT Program gave people the opportunity to build and not pay taxes for a few years. There would be an update on the lighting in the City Park. She thanked the residents from Shadow Hills for coming out.

Council Vice President Blake said she requested the CIP about six weeks ago and asked again about a month ago. When you add things to the bond, it made it unclear. They would hold a Special Meeting, and after they looked at the budget on Thursday they could possibly hold a meeting then. Moving forward, since the Paleo Water Channel ran directly through there and it was not protected, she would like the City to have a MOU with the County for the use of the property. If healthy enough, please donate blood, plasma and consider becoming an organ donor.

President Doughty echoed his fellow Council members and appreciated everyone for their comments. As Mayor Taylor said, there was a letter sent on behalf of the City. We'll see what comes in the future. Tonight was evident of a lack of communication. He reported that Thursday at 2:00 p.m. was the PACE Showcase at SU. They had wonderful students doing great work in the community. Next Saturday, May 4th at 10:00 a.m. was a tree planting event at the Truitt Community Center. Today was Earth Day, and you could attend and plant a tree next Saturday.

Mayor Taylor restated that he was completely unaware that Council had not seen the CIP yet. Mr. Kitzrow was the point guy with the budget and they were deciding things as they went to the extend that they could while navigating the Union negotiations.

ADJOURNMENT

With no further business to discuss, the Legislative Session adjourned at 7:14 p.m.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION #1
APRIL 8, 2024

TIME & PLACE: 6:33 p.m., Council Chambers, Government Office Building
PURPOSE: To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals. (To discuss the selection of the Finance Director.)
VOTE TO CLOSE: Unanimous (4-0)
CITATION: Annotated Code of Maryland §3-305(b)(1)
PRESENT: Council President D'Shawn M. Doughty, Mayor Randolph J. Taylor, Councilmember April R. Jackson, Councilmember Michele Gregory, Councilmember Sharon C. Dashiell, City Administrator Andy Kitzrow, Human Resources Director Meg Caton, Sandy Green, City Attorney Heather Konyar, and City Clerk Kim Nichols
ABSENT: Vice President Angela M. Blake

The City Council convened in Legislative Session at 6:00 p.m. on April 8, 2024 in Council Chambers of the Government Office Building and via Zoom Video Conferencing. At 7:33 p.m. President Doughty called for a motion to convene in Closed Session #1 to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals as authorized under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b)(1).

Ms. Jackson moved, Ms. Gregory seconded, and the vote was 4-0 to convene in Closed Session. The reason for the Closed Session, which began at 6:37 p.m. following the public's exit from Council Chambers, was to select the Finance Director.

Human Resources Director Meg Caton reviewed the postings and interviews conducted for the Finance Director's position, which would be open due to the upcoming (July 1st) retirement of Director Keith Cordrey. She also shared the reasons for selecting the applicant for the position.

City Administrator Andy Kitzrow shared the applicant's background and qualifications, and outlined the timeline for the transition into the position.

The applicant was invited into Council Chambers at 6:45 p.m. whereby she shared her work experiences and knowledge of the City's financial standing. Council unanimously welcomed her back to the City and President Doughty said he appreciated that she was so highly regarded.

At 6:52 p.m. Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to adjourn the Closed Session. Council returned to Open Session and President Doughty reported that

Council had just returned to Open Session after convening in Closed Session to discuss the selection of the Finance Director as authorized by the State Government Article, § 3-305(b)(1).

President Doughty then 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 would consult with special legal counsel to consider all matters that related to ongoing collective bargaining negotiations.

*CITY OF SALISBURY, MARYLAND
CLOSED SESSION #2
APRIL 8, 2024*

TIME & PLACE: 6:53 p.m., Council Chambers, Government Office Building
PURPOSE: To consult with counsel to obtain legal advice on a legal matter, and to conduct collective bargaining negotiations or consider matters that relate to the negotiations. (To consult with legal counsel on strategy regarding the collective bargaining negotiations and
VOTE TO CLOSE: Unanimous (4-0)
CITATION: Annotated Code of Maryland §3-305(b)(1)
PRESENT: Council President D'Shawn M. Doughty, Mayor Randolph J. Taylor, Councilmember April R. Jackson, Councilmember Michele Gregory (left meeting at 7:45 p.m.), Councilmember Sharon C. Dashiell, City Administrator Andy Kitzrow, Human Resources Director Meg Caton, Special Counsel Daniel Altchek, City Attorney Heather Konyar, and City Clerk Kim Nichols
ABSENT Vice President Angela M. Blake

The City Council convened in Legislative Session at 6:00 p.m. on April 8, 2024 in Council Chambers of the Government Office Building and via Zoom Video Conferencing. At 6:37 p.m. Council convened in Closed Session #1. Upon the adjournment at 6:53 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 related to ongoing collective bargaining negotiations as authorized by the State Government Article, § 3-305(b)(7)(9).

Ms. Gregory moved, Ms. Jackson seconded, and the vote was unanimous to convene in Closed Session. The reason for the Closed Session was for Council to consult with legal counsel to consider all matters related to the ongoing collective bargaining negotiations.

City Administrator Andy Kitzrow reported on the status of the negotiations taken place between the City and the three bargaining units. He also discussed the financial components of the wage consideration being asked by the bargaining units to gauge Council's willingness to make additional adjustments outside of what they had already recently discussed.

Mr. Altchek updated Council on the negotiation progress with the three bargaining units and explained the arbitration process if an agreement was not reached very soon.

Council discussed some of the budget implications of the possible wage increases and how they could increase revenues should they need to.

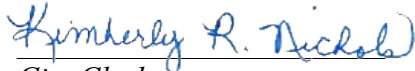
Mr. Altchek discussed with Council what would be their "best and final offer" and shared how an arbitrator would see the different scenarios they discussed.


Council reached consensus to their “best and final offer.”

At 7:54 p.m. Ms. Jackson moved, Ms. Dashiell seconded, and the vote was unanimous to adjourn the Closed Session.

Council returned to Open Session and President Doughty reported that Council had just returned to Open Session after convening in Closed Session to consult with counsel to obtain legal advice on matters that related to the ongoing collective bargaining negotiations as authorized by the State Government Article, § 3-305(b)(7)(9). While in Closed Session Council consulted with special legal counsel and considered all matters related to the ongoing collective bargaining negotiations.

With no further business to discuss in Open Session, the meeting was then adjourned.


City Clerk


City Council