

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

MAY 13, 2024

PUBLIC OFFICIALS PRESENT

*Council President D’Shawn M. Doughty
Councilmember April R. Jackson
Councilmember Sharon C. Dashiell*

*Vice President Angela M. Blake
Councilmember Michele Gregory*

PUBLIC OFFICIALS ABSENT

Mayor Randolph J. Taylor

IN ATTENDANCE

City Administrator Andy Kitzrow, Assistant Chief – EMS Chris Truitt, Housing and Community Development Director Muir Boda, Executive Administrative Assistant Jessie Turner, Media Specialist Jordan Ray, Crime Analyst Walker Skeeter, City Attorney Heather Konyar, City Clerk Kim Nichols, and members of the public

PLEDGE OF ALLEGIANCE – CITY INVOCATION

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 the City Invocation presented by Pastor Bill Reid of Parkway Church of God.

PROCLAMATION- *presented by President D’Shawn M. Doughty*

Huntington’s Disease Awareness Month

President Doughty presented the proclamation to bring awareness to Huntington’s Disease. It is a rare, fatal and inherited condition causing nerve cells in the body to break down and die leading to physical and mental deterioration over a 10 to 25-year period. Symptoms include uncontrollable muscle movements, loss of coordination and personality changes. These become more severe as the disease progresses, which has been described as having ALS, Parkinson’s and Alzheimer’s disease at the same time. Proper identification by a blood test can slow down the spread of the disease. Citizens were encouraged to visit the Huntington’s Disease Society of America website (HDSA.org) to learn more about this fatal disease.

Councilmember Sharon C. Dashiell received the proclamation on behalf of Assistant City Clerk Julie English. Ms. Dashiell read Ms. English’s words, sharing that her son suffered from the disease. She wanted people to know about Huntington’s and how it was passed on to others.

ADOPTION OF LEGISLATIVE AGENDA

President Doughty called for a motion to adopt the legislative agenda. Ms. Jackson moved, Ms.

Blake seconded, and the vote was unanimous to approve the legislative agenda.

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:

- April 1, 2024 Work Session Minutes
- April 1, 2024 Special Meeting Minutes
- April 8, 2024 Council Meeting Minutes
- April 8, 2024 Closed Session #1
- April 8, 2024 Closed Session #2
- April 15, 2024 Work Session Minutes
- April 15, 2024 Special Meeting Minutes
- **Resolution No. 3341**- approving the appointment of Leslie Payton to the Youth Development Advisory Committee for term ending May 2027
- **Resolution No. 3342**- approving the appointment of Devin La Femina to the Human Rights Advisory Committee for term ending May 2026
- **Resolution No. 3343** - approving the appointment of Julie Peters to the Human Rights Advisory Committee for term ending May 2026
- **Resolution No. 3344** - approving the appointment of Virginia Bender to the Disability Advisory Committee for term ending May 2027

President Doughty thanked Leslie Payton, Devin La Femina, Julie Peters, and Virginia Bender for volunteering to join their respective committees.

AWARD OF BIDS- presented by Procurement Director Jennifer Miller via Zoom

The following items were unanimously approved on a motion and seconded by Ms. Blake and Ms. Gregory, respectively:

- | | |
|----------------------------------------------------------------|------------------------|
| 1. ITB A-24-113 Water Meters and Supplies | \$900,000 (3 yr. est.) |
| 2. ITB 24-115 Paleo Water Treatment Plant Well Flow Meters | \$338,850 |
| 3. RFP 24-102 Naylor Mill Water Main Extension Design Services | \$183,700 |
| 4. RFP A-24-109 SCADA Systems Maintenance | \$150,000 (3 yr. est.) |
| 5. RFP A-24-107 ESPP Billing and Consulting | TBD |

DECLARATION OF SURPLUS

- | | |
|-------------------------------------------------------------------|-----|
| 1. Salisbury Fire Department – 35 Motorola Radios | \$0 |
| 2. Salisbury Fire Department – Turnout gear and firefighter boots | \$0 |
| 3. Department of HCDD – Anne Street Village | \$0 |

RESOLUTIONS- presented by City Administrator Andy Kitzrow

- **Resolution No. 3345**- to authorize the Mayor to accept the donation of real property located at 404 Hastings Street, Salisbury, Maryland 21804 from Perry Willey

Ms. Jackson moved, Ms. Blake seconded, and the vote was 4-0 to approve Resolution No. 3345. Ms. Jackson was not present in the room at the time the vote was taken.

- **Resolution No. 3346-** *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 “Diya Patel Properties, XII, LLC – West Road Annexation”*

Ms. Gregory moved and Ms. Dashiell seconded to approve Resolution No. 3346.

Ms. Gregory moved to amend Resolution No. 3346 on Line 75 by striking “Salisbury Headquarters” and inserting “Government Office Building” and “115 S.” and inserting “125 N.”. Ms. Jackson seconded, and the amendment unanimously was passed.

Resolution No. 3346, as amended, was approved by unanimous vote.

Ms. Jackson asked if the twelve-unit apartment complex was going to be affordable housing. Mr. Kitzrow said he did not have the information, but would get it to Council.

- **Resolution No. 3347-** *approving the annexation plan of “Diya Patel Properties, XII, LLC – West Road Annexation”*

Ms. Blake moved and Ms. Gregory seconded to approve Resolution No. 3347.

Ms. Gregory moved to amend Resolution No. 3347 on Line 55 by striking “Salisbury Headquarters” and inserting “Government Office Building” and “115 S.” and inserting “125 N.”. Ms. Blake seconded, and the amendment unanimously was passed.

Resolution No. 3347, as amended, was passed on a 3-2 vote. Mses. Jackson and Dashiell voted “nay.”

Ms. Dashiell said her vote would be “nay” until they found out if the development was going to be affordable housing. President Doughty said the question was asked last week and the implication was that it was.

Ms. Jackson said she needed to know if the complex would be fair and affordable housing because that area needed it. We couldn’t tell developers what to build but we could tell them what we wanted in our communities. That’s what she said she was fighting for. She didn’t want new houses going up and landlords charging \$1,500 to \$1,700 for housing. People can’t afford it here. She said she needed information before she could vote “aye.”

President Doughty asked Mr. Kitzrow if this vote was to just annex the property into the City, and wasn’t a vote in the development. Mr. Kitzrow said the intended use was for a 12-unit apartment building. Affordable or not, conclusions could be based off of the drawings and recommendations from our City Planner. He added it would be out of turn for him to say exactly what the developer was going or intended to build without the developer presenting that information further.

President Doughty said that Council's role was not to decide to annex based on a certain reason. While it was a reason, would it be a clause to accept or deny an annexation of a property into the City. Mr. Kitzrow answered that for the specific use of the property, the City did not distinguish within the Zoning Code what type of housing. Anything other than that would be for further conversation. Ms. Jackson said she needed to know what was being built there before she said yes.

Ms. Dashiell stated this was separating the annexation out as a separate vote. What they did with the property became a different topic. When they decided what to do with it, she asked how Council would move forward to define whether or not it would be affordable housing, and asked if that was a separate vote from what was being asked this evening. Mr. Kitzrow said it would not come back before Council but was a decision point of what was to be developed that went before the Planning Commission. From a procedural standpoint, we were beginning to move into a work session conversation. The annexation plan was on the table, not what was being built there.

Ms. Blake said the annexation petition had been in existence since July 29, 2022. It was now time to bring it to annexation or not. In our packet it was on page 86.

President Doughty again called for the vote, which stayed the same as the earlier vote (3-2 vote). He announced that the public hearing for the "Diya Patel Properties, XII, LLC – West Road Annexation" would be held on June 10, 2024 at 6:00 p.m.

FY25 BUDGET ORDINANCES- presented by City Attorney Heather Konyar

- **Ordinance No. 2870**- 1st reading- appropriating the necessary funds for the operation of the Government and Administration of the City of Salisbury, Maryland for the period July 1, 2024 to June 30, 2025, establishing the levy for the General Fund for the same fiscal period and establishing the appropriation for the Water and Sewer, Parking Authority, City Marina and Storm Water Funds

Ms. Gregory moved, Ms. Dashiell seconded, and the vote was unanimous to approve Ordinance No. 2870 for first reading.

- **Ordinance No. 2871**- 1st reading- to amend Water & Sewer rates to increase by 9% and making said changes effective for all bills dated October 1, 2024 and thereafter unless and until subsequently revised or changed

Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2871 for first reading.

- **Ordinance No. 2872**- 1st reading- to set fees for FY2025 and thereafter unless and until subsequently revised or changed

Ms. Jackson moved, Ms. Dashiell seconded, and the vote was 0-5. All votes were "nay."

Ms. Blake said this was the first Council was seeing the Fee Schedule. She asked for it

the second day of the budget sessions. There were some things she didn't recognize.

President Doughty announced the Budget Public Hearings would be held on June 3, 2024 at 4:30 p.m.

ORDINANCES- *presented by City Attorney Heather Konyar*

- **Ordinance No. 2864-** *2nd reading- to authorize the City to sell and issue General Obligation Bonds, Bond Anticipation Notes and Refunding Bonds*

Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2864 for second reading.

- **Ordinance No. 2866-** *2nd reading- authorizing the Mayor to sign a grant agreement and accept grant funds in the total sum of \$25,000 from the Governor Highway Safety Association to continue the partnership of the City of Salisbury with Salisbury University to train and equip youth ambassadors in the Salisbury area*

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2866 for second reading.

- **Ordinance No. 2867-** *1st reading- approving a budget amendment of the FY2024 Parking Authority Fund Budget to appropriate funds for salaries*

Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve Ordinance No. 2867 for first reading.

- **Ordinance No. 2868-** *1st reading- approving a budget amendment of the FY2024 General Fund Budget to appropriate funds to the Salisbury Fire Department's Operating Budget*

Ms. Jackson moved, Ms. Dashiell seconded, and the vote was unanimous to approve Ordinance No. 2868 for first reading.

- **Ordinance No. 2869-** *1st reading- authorizing the Mayor to enter into a contract with the Chesapeake Bay Trust for the purpose of accepting grant funds in the amount of \$1,272.00 and to approve a budget amendment to the Grant Fund to appropriate these funds for the Salisbury Edible Community Garden*

Ms. Blake moved, Ms. Jackson seconded and the vote was unanimous to approve Ordinance No. 2869 for first reading.

PUBLIC COMMENTS

Ten members of the public provided the following comments:

- *Speaker said she discussed with Ms. Blake about a year ago about improvements needed on the streets in her community. Roads were being ignored. Shoemaker streets and guttering*

- were caving. It was time to do something and she wanted her streets fixed. Council was ignoring the community. We did not need more housing, but people to live in the houses.
- Johnson Retreat only had about ten people living there and it had over 100 homes. It was time to do something in our neighborhoods and stop focusing on downtown. John Palmer with the Board of Education was requesting four more million dollars for the schools. We couldn't retain teachers because we had 60 different languages coming into our schools.
 - Speaker said County Executive "pulled off" Safari At The Quarry a week ago and was clear with her intentions to move forward with more off-road events at the Connelly Mill quarry. She had objections from the City Council, County Council, City Attorney, and the public. They had 800 petition signatures to turn the quarry into a park. There was no law or legal precedent cited in the County Executive's attorney's response letter to the City's letter. The events violated the R8A Zoning. The City could do something about it and Mayor Taylor held the keys, and was not present this evening. Citations for the zoning code violation needed to be issued and the fines levied. The County Executive should terminate the MOU for convenience. If she refused, the City could file for a permanent injunction.
 - Speaker was president of the local Bird Club, a chapter of a 75-year-old state organization. Bird watching was a huge hobby. A friend wrote a letter to Bob Culver in 2016 fighting for Pirate's Wharf. Birding then was a \$50 billion industry, and Maryland was estimated to receive approximately \$1 billion. Wicomico County was one of the prime birding locations in Maryland. It was important to preserve the park to enjoy it in its natural state.
 - Speaker applauded Mses. Jackson and Dashiell for voting against the annexation due to not knowing if it would be fair and affordable. A 9% increase to Water & Sewer was quite high.
 - Speaker was concerned about the Safari At The Quarry. It proceeded despite a cease and desist letter from the City Attorney, a demand for termination letter from the County Council, letters of objection from respected environmental agencies in our community, and citizen opposition. The County Executive's decision to proceed was an act of bullying. The event advertised a 274-acre off-road park which far exceeded the 111.58 acres permitted in the MOU. This was a blatant disregard for the agreement and misuse of the property. Environmental organizations opposed the events due to the potential harm to the Paleo Channel, Wicomico River and the park's ecosystem. The City Attorney opined that the events were not a permitted use within the residential zoning district. The County Executive's attempts to deflect responsibility onto the Council and the supposed lack of public interest were disingenuous. Records showed consistent public support for the park's development. The signing of the 364-day MOU without public or Council input coupled with the disappearance of funds earmarked for the park's Master Plan raised ethical questions. The park was meant to benefit our entire community. We are grateful for the City's support.
 - Speaker asked that City Council and Mayor enforce the residential zoning code violations on the property and to inform the public of their intentions on this matter.
 - Speaker was passionate about outdoor recreation and the area could benefit from additional park space. The Connelly Mill location was a unique opportunity to create a park to serve as a gathering place for children and families and would promote physical activity and social interaction and a deep appreciation for the natural beauty of our region.
 - Speaker understood how off roaders felt but had to think about the rabbits, frogs and foxes.
 - The Mayor and Council needed to set a timeline for doing the right thing which was to shut down the Safari At The Quarry because it violated the Zoning Code. His letter was not a legal opinion but began by saying Ms. Giordano did not agree with the City's attorney. Ms. Giordano had limited time to rescind the MOU or they would file a permanent injunction.

- *Speaker asked why The Ross tenants received a special garage parking rate. Everyone should pay the same. The public paid \$75 per permit and The Ross only paid \$35.*
- *When he showed the map last week, he did not know about the Performing Art Center.*
- *City residents received a survey asking about the pipes that went into their homes. It was sent to all the occupants and some of hers were rental homes. Her rental clients were not interested in finding out what their pipes were or were able to hire someone to figure it out. She asked why they didn't use the water bill addresses. They were addressed to "Occupant." As Council went through the budget, made bond issue requests, and looked at Unity Square, remember that \$1.2 million was borrowed to fund Unity Square in the bond issues. We had the money to build it. She said to be frugal and mindful of the dollars.*
- *Speaker on Zoom agreed with the comments regarding parking fees. Her office paid \$70 per agent in addition to her tenants that were using Lot 1. They also had to pay that rate.*

ADMINISTRATION AND COUNCIL COMMENTS

Mr. Kitzrow stated the Mayor was excited to host the next "Meet The Mayor" at the Salisbury Headquarters this Wednesday at 5:00 p.m. The topic would be Vision Zero and some of the City's public infrastructure including bikeways and sidewalks. On the 17th the Official Ribbon Cutting would be done on Unity Square at 5:30 p.m. in conjunction with the Third Friday event.

Council Vice President Blake said she went to Schumaker Manor and reached out to the City Administrator about the streets. There was a formula used to determine the condition of any road for any repair, and were listed in the priority of the condition of the road being requested. She visited another community and emailed Administration, and they were looking into it. It may take a few weeks for someone to take a look. She asked those healthy enough to please donate blood.

Ms. Gregory reported she just attended the Disability Advisory Committee (DAC) meeting. A citizen who attended discussed needing to use Shore Transit, which was telling City residents that they did not actually live in the City limits and were ineligible for scheduling any day from Monday through Friday, and only eligible to schedule pickups or rides on Mondays and Thursdays. She urged the Mayor, when the DAC reached out about the issue, to have a dialogue with Shore Transit so that our residents would get the services they needed. Public transit was difficult as it was, and there was no need to make it more difficult for those who needed it the most. She promoted the 70th Anniversary Gala at the Salisbury Zoo, the only free zoo left of its size in the United States. The fundraiser helped support the Zoo. Please attend for a great dinner. There was a social hour, auctions and other things to help support the Zoo on June 8th.

Ms. Jackson was concerned with annexations because the City was allowing people and developers to come into our communities and build. We were allowing the annexation but don't know what they are going to build, only that they were building apartments. She said she was looking at several other developments that were built years ago that we approved and they were now in shambles because we won't hold their feet to the fire since they were in a predominately poverty-stricken community. She said she was tired of things coming into our community that was not cohesive or affordable. Probably 75% of our City would be unable to pay the rent. They were working two or three jobs, and nobody should have to do that to afford living in a dwelling. When she was on Planning & Zoning Commission she watched people come in and decide to build things or add on to developments. We needed fair and affordable housing. People were

living in the streets and homeless. We should be more worried about our citizens than our developers. Before the developers came in and built, we should know their plans.

Ms. Dashiell thanked everyone for coming out tonight. She added to Ms. Blake's comments about potholes, saying we may not know where they were or where the issues were, but we needed your help to report them by going online and reporting them on the City website at Citizen's Concern. Habitat For Humanity was having the blessing of two more homes. The Salvation Army had a nice community event on Saturday. She met with the Airport Commission. The training school was ready but government was holding them up, waiting for certification. The Chamber After Hours was a fun event to find out what people were thinking. We discussed the PILOT program last meeting, and as Mr. Kitzrow said, they were developing it. She would like to have a follow-up discussion and work session to discuss or evaluate what the following were doing or helping in our community: Horizon, TIF, Here Is Home, and PILOT. She thought that they should be publicly shared so that the community could know that things had taken place that could not be undone. Moving forward, she said she thought we needed to be more informed.

Ms. Gregory shared that she and Mr. Doughty attended Mayor Todd Nock's mother's funeral. A few days after she passed his grandmother passed away. She said she wanted to lift Mayor Nock up and keep him in prayer. It was evident that things could easily change in a short time.

President Doughty acknowledged Mayor Nock was on his mind, too. He wished Ms. Blake a belated happy birthday. There was a lot of change happening in our community especially with the library relocation and new Performing Arts Center. He advised the public to research and gather all the facts to help in the transitional period. The more he read, he knew it would be an incredible move that was good for our community. He urged the residents to be as informed as possible to see where they could help. As Mr. Taylor said, we had work to do as far as parking in our City. He shared some of the same sentiments regarding Safari At The Quarry. He had full faith that our Administration and Mayor would be the deciding factors as to how and when those fines would come into play. He looked forward to hearing how the conversation would be shaped in the near future. Council appreciated the public comments, questions and concerns and looked forward to the upcoming budget discussions. They spent a lot of time reviewing the budget and had a lot of concerns and were trying to make sure we spent the dollars and cents responsibly.

ADJOURNMENT

With no further business to discuss, the Legislative Session adjourned at 7:44 p.m.

CITY OF SALISBURY, MARYLAND
CLOSED SESSION
MAY 6, 2024

TIME & PLACE: 5:57 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 Director of Infrastructure and Development)
VOTE TO CLOSE: Unanimous (5-0)
CITATION: Annotated Code of Maryland §3-305(b)(1)
PRESENT: Council President D'Shawn M. Doughty, Mayor Randolph J. Taylor, Vice President Angela M. Blake, Councilmember April R. Jackson, Councilmember Michele Gregory, Councilmember Sharon C. Dashiell, City Administrator Andy Kitzrow, Human Resources Director Meg Caton, Deputy City Administrator John Tull, City Attorney Heather Konyar, Nicholas Voitiuc, and City Clerk Kim Nichols

The City Council convened in Work Session at 4:30 p.m. on May 6, 2024 in Council Chambers of the Government Office Building and via Zoom Video Conferencing. At 5:57 p.m. President Doughty called for a motion to convene in Closed Session 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. Blake seconded, and the vote was 5-0 to convene in Closed Session. The reason for the Closed Session was to select the Director of Infrastructure and Development. The Closed Session convened at 6:12 p.m. following the public exiting from Council Chambers.

Human Resources Director Meg Caton reviewed the interview process for the position and shared the candidate's background and qualifications for the position of Director.

Deputy City Administrator John Tull, who was involved in the interviews, also discussed the candidate's qualifications and when he would report to duty should Council reach consensus.

Mr. Voitiuc was invited into Council Chambers at 6:19 p.m. and asked to share about himself. After answering Council questions regarding relocating to the area and his former projects, Council reached unanimous consensus to the appointment of Nicholas Voitiuc as Director of Infrastructure and Development.

At 6:24 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 approve the selection of Mr. Voitiuc as Director of Infrastructure and Development as authorized by the State Government Article, § 3-305(b)(1).

With no further business to discuss, the Open Session adjourned at 6:25 p.m.



City Clerk



Council President