

CITY OF SALISBURY, MARYLAND

REGULAR MEETING

JULY 22, 2024

PUBLIC OFFICIALS PRESENT

Council President D'Shawn M. Doughty Mayor Randolph J. Taylor
Vice President Angela M. Blake Councilmember April R. Jackson (via Zoom)
Councilmember Michele Gregory Councilmember Sharon C. Dashiell

IN ATTENDANCE

City Administrator Andy Kitzrow, Wicomico County Executive Julie Giordano, Housing and Community Development Director Muir Boda, Police Chief Dave Meienschein, Assistant City Clerk Julie English, Former Assistant City Clerk Diane Carter, Former Housing & Homelessness Manager Christine Chestnutt, Fire Chief Rob Frampton, Acting Director Information Services Steve Dickerson, Executive Administrative Assistant Jessie Turner, City Attorney Ashley Bosché, 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 requested for everyone to stand and recite the pledge to the flag, followed by inviting Pastor Greg Morris of Parkway Church of God to present the City Invocation.

PRESENTATIONS- *Mayor Randy Taylor*

Disability Pride Month

Mayor Randy Taylor presented the Disability Pride Month proclamation to recognize Disability Pride which accepts and honors each person's uniqueness. The City of Salisbury works with its own Disability Advisory Committee which was established on October 1, 1991 to ensure that those with disabilities had an equal opportunity to participate in, benefit from, and relish the opportunities their Community provides. The Disability Advisory Committee assists the Mayor through advocacy, education, and referral in order to develop a broader appreciation and understanding of the attributes of people with disabilities.

Mayor Taylor declared July 2024 as Disability Pride Month in the City and everyone was invited to learn more about the significance of the celebration of those who were differently abled and to advocate for a more inclusive and accessible world for all.

Ms. Dominique Sessa, via Zoom, accepted the proclamation. She said it was important to acknowledge disabilities because many times there was a huge stigma to the word disability. One in every four persons had a disability. She was excited that Disability Pride was being acknowledged in the City.

48 **Kimberly R. Nichols Day**

49

50 *Council President Doughty presented the proclamation to City Clerk Kim Nichols to recognize*
51 *and celebrate her twenty-eight years' service to the citizens and the City of Salisbury. She will*
52 *retire from the City of Salisbury on August 2, 2024.*

53

54 **Certificate of Appreciation**

55

56 *Mayor Randy Taylor presented the Certificate of Appreciation to City Clerk Nichols for her*
57 *twenty-eight years of service to the City of Salisbury.*

58

59 **PRESENTATION AND ADOPTION OF LEGISLATIVE AGENDA**

60

61 *President Doughty presented the Legislative Agenda for July 22, 2024 and called for a motion to*
62 *adopt the legislative agenda. Ms. Jackson moved, Ms. Dashiell seconded, and the vote was*
63 *unanimous (5-0) to approve the legislative agenda.*

64

65 **CONSENT AGENDA-** *presented by City Clerk Kim Nichols*

66

67 *The Consent Agenda, consisting of the following items, was unanimously approved (5-0) on a*
68 *motion and seconded by Ms. Blake and Ms. Gregory, respectively:*

69

- 70 • *April 25, 2024 Budget Work Session Minutes*
- 71 • *June 10, 2024 Council Meeting Minutes*
- 72 • *June 17, 2024 Work Session Minutes*
- 73 • *June 17, 2024 Special Meeting Minutes*
- 74 • *July 1, 2024 Work Session Minutes*
- 75 • *July 8, 2024 Council Meeting Minutes*
- 76 • **Resolution No. 3356-** *approving the appointment of Jeremy Alexander to the Human*
77 *Rights Advisory Committee for term ending July 2026*

78

79 *President Doughty thanked Jeremy Alexander, who was present in the meeting, for volunteering*
80 *to join the Human Rights Advisory Committee.*

81

82 **ORDINANCES-** *presented by City Attorney Ashley Bosché*

83

- 84 • **Ordinance No. 2878-** *2nd reading- amending Title 10, entitled "Health and Safety" of the*
85 *Salisbury City Code, by adding a new Chapter 8.36 entitled "Abandoned Shopping*
86 *Carts"*

87

88 *Ms. Gregory moved and Ms. Jackson seconded to approve Ordinance No. 2878 for*
89 *second reading.*

90

91 *A member of the public then requested to speak during the meeting. As this was not*
92 *allowed during the Legislative Sessions until the Public Comments section of the agenda,*
93 *President Doughty denied her request. After she insisted, she was asked to leave the*
94 *meeting and was then led out of the meeting by the officer on duty.*

95
96 *Ms. Bosché presented the ordinance and noted a change to the ordinance after the first*
97 *reading was made to Lines 131 through 133. The change was the added language to the*
98 *above lines that read, “unless the cart owner can demonstrate it took adequate*
99 *procedures to prevent cart abandonment, loss, or theft, as reasonably determined by the*
100 *Director or his or her designee.”*

101
102 *Ms. Gregory moved to amend the ordinance as read by Ms. Bosché. Ms. Dashiell*
103 *seconded the motion and the vote was unanimous to approve the amendment.*

104
105 *Ordinance No. 2878, as amended for second reading, was approved by unanimous vote.*

- 106
107 • **Ordinance No. 2879**- 2nd reading- to approve a budget amendment of the FY24 General
108 *Fund Budget to appropriate funds received from the Blue Heron Agility Association of*
109 *Delaware*

110
111 *Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous to approve*
112 *Ordinance No. 2879 for second reading.*

- 113
114 • **Ordinance No. 2880**- 2nd reading- amending Section 15.26 of the Salisbury City Code,
115 *entitled “Rental of Residential Premises”, to require registration of short-term rental*
116 *properties*

117
118 *Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous to approve*
119 *Ordinance No. 2880 for second reading.*

- 120
121 • **Ordinance No. 2881**- 1st reading- to authorize the operation of a cannabis dispensary at
122 *733 South Salisbury Boulevard in the General Commercial District as required by*
123 *Section 17.36.040 of the Salisbury Municipal Code*

124
125 *Ms. Gregory moved, Ms. Blake seconded, and the vote was unanimous to approve*
126 *Ordinance No. 2881 for first reading.*

127
128 **PUBLIC COMMENTS**

129
130 *Seven members of the public provided the following comments:*

- 131
132 • *Wicomico County Executive Julie Giordano commended President Doughty for his comment*
133 *the other week on the importance of the balance of government for the executive and*
134 *legislative branch. They had a very well-funded and with influential people campaign*
135 *coming. She spoke about the encryption that had occurred. The County understood the*
136 *importance and necessity of encryption but recognized the importance of transparency and*
137 *adhering to PIA requirements. She applauded the Salisbury Police Department for not*
138 *adhering to switching everything over. Because the County had moved over to encryption*
139 *without really following through with a lot of different things, they put an email out to*
140 *people who were willing to partner with them to make sure the County was adhering to*
141 *transparency and PIA requirements. They put that out to numerous news agencies and have*

142 talked about what they would like and what they would like out of it to make sure that the
143 media and public had access to that information because per the Attorney General it was
144 deemed as public information.

- 145 • Speaker discussed the Goal Setting Session. The meeting agenda was posted two days before
146 the meeting and the agenda gave no clue regarding what the Council was planning to
147 discuss. Her emailed questions to the Council prior to the event went unanswered. Why was
148 only two days public notice given? Why was the space above a bar chosen for an official
149 City meeting? Why wasn't the meeting video recorded by PAC14? Why was a Zoom option
150 not offered? What wasn't there a City press release on Facebook? Who were the scheduled
151 speakers and what was their topics? Why were public comments not allowed? Over the last
152 year, last minute meetings have increased in number and have resulted in some immediate
153 and devastating changes such as the sale of the downtown parking lot. Last week the Circuit
154 Court again denied Brad Gillis a special exception for increased density to build nearly
155 double the maximum number of apartments allowed in the downtown area. Judge Jackson's
156 ruling called into question the City's belated entry into the matter. Following the March
157 denial, the City Council employed a law firm behind closed doors to support the developer
158 in his efforts to relitigate the case at the May re-hearing. The judge ruled that the City had
159 no standing. Council's behavior opened the door for increased scrutiny regarding
160 questionable motives relative to personal financial considerations. Some of Council
161 represented the Public rather than developers, however leadership has repeatedly
162 demonstrated their desire to fast track actions that only benefited developers over taxpayers.
163 A City taxpayer and resident were just removed from the Council Chambers. Speaker quoted
164 Section 6. F. in Resolution No. 2396, which was the Council Rules of Order. She added that
165 citizens had a right to speak to anything that was up for second reading prior to your vote.
- 166 • Speaker owned Worthington Realty across from Lot 15. She had apartments that were there
167 for many years and the residents utilized Lot 15 for their parking. There was no special
168 exception for density. The City made her go to great monetary efforts to try and correct its
169 decisions regarding the density ruling. The City Library now had plans for a 1,000 seat
170 auditorium in its place. Where would everyone park during events? This past Tuesday at
171 11:34 a.m. speaker observed 34 cars in Lot 15. This lot was part of the development plan for
172 apartments and not part of the original Envision Salisbury Downtown Master Plan. It was to
173 remain a lot. Lot 15 was added when they decided to build Unity Square, which took some of
174 the development area away from the developer. This kept going, costing money with
175 attorneys. Every time they get the same ruling and it was obvious that the development
176 should not be done. There was a reason why the courts denied it twice and the Board of
177 Zoning Appeals denied it.
- 178 • Speaker said the speaker was attempting to address something under consideration by the
179 Council. The rules expressly provided the right to do so. The City owed a lot of people an
180 apology for what happened in the litigation mentioned by the previous speaker. The whole
181 matter of the case that was resolved last week came about because the City thought they
182 could use a Special Exception by the Board of Appeals to increase the density above what
183 was provided as the maximum in the Code. Maryland Law has been clear for fifty years
184 when they changed the state zoning enabling law that it could not be done. It was brought to
185 the attention of the City and the Boards attorney back in November when the hearing was
186 held. The City owed the citizens their legal fees for getting this straightened by going to
187 court. This was essentially illegal. It was time to change the Zoning Code to remove the
188 provision about having a Special Exception to increase density. Its been illegal for fifty

189 years. Changes needed to also be made in the density for apartments and parking in
190 Downtown. The requirement to have off-site parking apartment projects was removed at the
191 same time all of the parking lots were sold. 40 units per acre was very high density so
192 density had to be reduced. Also, a parking requirement had to be done. If there was no on-
193 site parking for apartments, where would handicapped people park? We could probably
194 rescind the deal that was made with Gillis because they had not performed their part of the
195 contract. It was held up because of the zoning and speaker thought they were in arrears.
196 Speaker thought there was contract law doctrine that something like that could be rescinded
197 even though the property had been deeded over.

- 198 • Speaker thanked Council for the amendment made to Ordinance No. 2878. It made so much
199 more sense and doable to all parties involved. Declaring those parking lots surplus
200 happened when she served as President of City Council. She did not agree with it then nor
201 now. It was unfortunately causing a whole lot of problems. She added that it really hurt to
202 see a citizen ejected from the meeting and thought she should have been allowed to say what
203 she wanted to say. She hoped for a little less rigidity and more finesse. She said she was out
204 of order according to the standards that were established. Speaker thanked Ms. Nichols for
205 her years of service and wished her well.
- 206 • Speaker considered Ms. Nichols a friend and told her that she would be missed. Several
207 members of the Council routinely had asked for updates on Vision Zero, Carroll Street,
208 Highways, Circles, Bike trails, etc. and thought it was time we got back to the \$12 million
209 Vision Zero issues. There were rapid developments made on Waverly to make it look like we
210 did something. We needed to revisit all of our decisions to see if they did any good or any
211 harm. If harmful, let's correct them. How much money did it cost to originally do the things
212 at Waverly Drive. She was seeing a few bikers on Waverly because it made sense. We
213 needed to look at Carroll and potentially done at Eastern Shore Drive. We needed to look at
214 how many deaths it prevented. We seemed to have more reports of hit and run accidents
215 than ever. Do not do rapid developments in honor of a grant that we received. We needed to
216 know where the money went that hired Ms. Patel to represent the City.
- 217 • Speaker on Zoom spoke on behalf of the Maryland Retailers Alliance. She thanked Council
218 for their attention to their concerns about the shopping cart ordinance. The Alliance
219 supported the amendment that was added today and looked forward to working with the City
220 as they moved forward.

221 ADMINISTRATION AND COUNCIL COMMENTS

222
223
224 Mayor Taylor said that a couple of months ago he brought in a few local architects and an engineer
225 who were concerned enough with the advent of the Performing Arts Center that they wanted to be
226 part of a design team to develop a comprehensive plan for the Downtown that incorporated the
227 needs and uses for all that was being planned. There were many moving parts including parking.
228 That project was 30 % done and have already notified Mr. Gillis and the University to look at
229 options and put some pieces together. They were hoping to get a little bit different mix and different
230 options. We were in a better position they've been in as it related to the whole town's
231 redevelopment position and we would prepare to share it with the public to give them options.
232 Councilwoman Blake brought the Water Quality Report to his attention and that shared good news.
233

234 Mr. Kitzrow said that the updates on the items requested were forthcoming and scheduled for the
235 August 5th Work Session. A lot of federal funding was awarded to them, but we wanted to make

236 *sure that we were spending our match money and the funding appropriately. There was a lot of*
237 *review going on internally. Deferred infrastructure maintenance was going on in the Parking*
238 *Garage. It was a safe parking garage. Unity Square was down for a couple of weeks but would be*
239 *back online this week.*

240
241 *Ms. Jackson told Ms. Nichols she would be missed and she considered her family. August 5th at the*
242 *Work Session they would have a Discussion on the Hometown Heroes. She invited all veterans and*
243 *their families to attend the 4:30 p.m. meeting. On August 10th the VFW #10159 would host Unity*
244 *Day. Come out and enjoy and support the veterans and our community. She wished her*
245 *granddaughter a happy 17th birthday. Her oldest daughter's birthday was July 24th. She said she*
246 *missed being at the meetings and would be back in August.*

247
248 *Ms. Dashiell thanked Ms. Nichols for her guidance and service. She thanked Mr. Taylor for his*
249 *research and communication he gave Council regarding the zoning issue. If it was this unequal with*
250 *what the state had written already, it would behoove the City to be on the same page with other*
251 *established Zoning Codes by using the verbiage we were not consistent with. She thanked Ms.*
252 *Bratten for bringing up Carroll Street. Rachel Manning was doing her best to do Neighborhood*
253 *Walks. The next walk was this Wednesday in Doverdale. She shared the free dental clinic happening*
254 *on September 13th and 14th. Dentists and hygienists from around the state volunteer their services. It*
255 *would be held at the Civic Center and would be free. Visit easternshoremom.org. There were plenty*
256 *of slots for volunteers. Please make sure you support it any way you can.*

257
258 *Ms. Gregory shared her unique perspective because when she started on Council, COVID*
259 *happened right after. She told Ms. Nichols she would be missed. She announced a ribbon cutting*
260 *this Wednesday from 4:00 p.m. to 5:00 p.m. for Delmarva Home Grown downtown. It was the cutest*
261 *plant shop! The owners were lovely people and she highly recommended supporting them.*
262 *Disability parking was something she had discussed long and hard with the previous and current*
263 *administration. They always listened to her concerns. They did walks downtown to identify the best*
264 *locations. She personally pulled her son downtown and tested the streets, and that was why there*
265 *was a crosswalk from the parking garage to the Headquarters Building. There were people*
266 *listening and those behind the scene getting things done.*

267
268 *Ms. Blake announced the Blood Drive on Friday, July 26 from 9:30 a.m. to 2:30 p.m. in front of the*
269 *GOB. Last week, the Blood Bank announced they were in critical shape regarding having O and O*
270 *Positive Blood. She attended the trolley tour with the new City employees. It was nice to be able to*
271 *welcome them. Last Friday, Third Friday was a huge success. There was a table with some of the*
272 *City Committees out there. Last Saturday, the retreat with the Mayor and Council went very well.*
273 *We spent a large portion of our time talking about our vision for the City, where we wanted to go*
274 *moving forward, and different priorities. We came up with some very interesting and collaborative*
275 *things. She was excited to put those things in motion. She said the Council really needed Ms.*
276 *Jackson back, and missed her. She gave her thank you to Ms. Nichols. She was all the comforting*
277 *things to Ms. Blake. She guided so many council members through the process, keeping us on track*
278 *with the agenda, answering questions, and being patient. She said Ms. Nichols would be missed.*

279
280 *President Doughty concurred with Ms. Blake regarding Ms. Nichols and added they met fifteen or*
281 *so years ago when they attended Church together. He appreciated her and who knew they would*
282 *end up working together. She did her tasks with patience and a smile. The Doverdale Neighborhood*

283 *Walk was happening on Wednesday in District 2. Immediately following, they would have the*
284 *Housing Action Committee. They would finish a topic they discussed last time. He thanked Council*
285 *and Mayor for the Visioning Session. It was very good. He also thanked Dr. Memo Diriker and his*
286 *assistant Irina Piatselchyts for lending their time to the City pro bono, and for Roadie Joe's for*
287 *offering their space pro bono. He thanked the public for attending and he looked forward to sharing*
288 *their vision and topics of discussion.*

289
290 *President Doughty welcomed former City employees Assistant City Clerk Diane Carter and*
291 *Housing and Homelessness Manager Christine Chestnutt.*

292
293 **ADJOURNMENT**

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295 *With no further business to discuss, the meeting was adjourned at 7:03 p.m.*

296
297 **MOTION TO CONVENE IN CLOSED SESSION**

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299 *President Doughty called for a motion to convene in Closed Session to discuss the appointment,*
300 *employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or*
301 *performance evaluation of appointees, employees, or officials over whom this public body has*
302 *jurisdiction; or any other personnel matter that affects one or more specific individuals as*
303 *authorized under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland*
304 *General Provisions Article § 3-305(b)(1). The purpose of the Closed Session was to select the*
305 *Director of Information Services.*

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307 *After the public left the Council Chambers, the Closed Session began at 7:09 p.m.*
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CITY OF SALISBURY, MARYLAND
CLOSED SESSION
JULY 22, 2024

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334 *TIME & PLACE:* 7:09 p.m., Council Chambers, Government Office Building
335 *PURPOSE:* To discuss the appointment, employment, assignment, promotion, discipline,
336 demotion, compensation, removal, resignation, or performance evaluation of
337 appointees, employees, or officials over whom this public body has
338 jurisdiction; or any other personnel matter that affects one or more specific
339 individuals. (To discuss the selection of the Director of Information Services)
340 *VOTE TO CLOSE:* Unanimous (4-0)
341 *CITATION:* Annotated Code of Maryland §3-305(b)(1)
342 *PRESENT:* Council President D'Shawn M. Doughty, Mayor Randolph J. Taylor,
343 Vice President Angela M. Blake, Councilmember Michele Gregory,
344 Councilmember Sharon C. Dashiell, City Administrator Andy Kitzrow,
345 Human Resources Director Meg Caton, Acting Director Information Services
346 Steve Dickerson, City Attorney Ashley Bosché, and City Clerk Kim Nichols
347 *ABSENT:* Councilmember April Jackson
348 *****
349 The City Council convened in Legislative Session at 6:00 p.m. on July 22, 2024 in Council
350 Chambers of the Government Office Building and via Zoom Video Conferencing. At 7:03 p.m.
351 President Doughty called for a motion to convene in Closed Session to discuss the appointment,
352 employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or
353 performance evaluation of appointees, employees, or officials over whom this public body has
354 jurisdiction; or any other personnel matter that affects one or more specific individuals as
355 authorized under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland
356 General Provisions Article § 3-305(b)(1).
357
358 Ms. Gregory moved, Ms. Dashiell seconded, and the vote was 4-0 to convene in Closed Session. The
359 reason for the Closed Session was to select the Director of Information Services. Council convened
360 in Closed Session at 7:09 p.m. following the public exiting from Council Chambers.
361
362 Human Resources Director Meg Caton reviewed the interview process and applicant details for the
363 position of Director of Information Services and shared the candidate's background, qualifications,
364 education, experience and certifications that qualified him for the position.
365
366 Mr. Dickerson was invited into Council Chambers at 7:19 p.m. and he discussed his vast experience
367 and work history with the City, and discussed the IT Department's diversity make-up following
368 President Doughty's questions.
369
370 Council reached unanimous consensus to the appointment of Steve Dickerson as Director of
371 Information Services.
372
373 At 7:22 p.m. Ms. Gregory moved, Ms. Blake seconded, and the vote was unanimous to adjourn
374 the Closed Session. Council convened in Open Session and President Doughty reported that
375 Council had just returned from Closed Session whereby they discussed and reached consensus to

376 *the appointment the Director of Information Services as authorized by State Government Article*
377 *§ 3-305(b)(1).*

378

379 *With no further business to discuss, the Open Session adjourned at 7:24 p.m.*

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382 *City Clerk*

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385 *Council President*