

The Wicomico County Council met in Legislative Session on Tuesday, July 2, 2019 at 6:00 p.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

In attendance: John T. Cannon, President; Larry Dodd, Vice President; Ernest F. Davis, Josh Hastings, Joe Holloway, and William R. McCain.

Present: Laura Hurley, Council Administrator; Robert Taylor, Council Attorney; Lynn Sande, Executive Office Associate; and Steve Roser, Internal Auditor.

On motion by Mr. Dodd and seconded by Mr. McCain, the Legislative Minutes from June 18, 2019 were unanimously approved.

On motion by Mr. Dodd and seconded by Mr. McCain, the Open Work Session Minutes from May 21, 2019 – Surplus Property, were unanimously approved.

On motion by Mr. Dodd and seconded by Mr. Hastings, the Open Work Session Minutes from May 21, 2019 – Budget Session with the Sheriff's Office, were unanimously approved.

On motion by Mr. Dodd and seconded by Mr. McCain, the Open Work Session Minutes from May 21, 2019 – Budget Session with Board of Elections, were unanimously approved.

On motion by Mr. Dodd and seconded by Mr. McCain, the Open Work Session Minutes from May 21, 2019 – Revised Capital Improvement Program (CIP) for Fiscal Years 2020-2024, were unanimously approved.

On motion by Mr. Dodd and seconded by Mr. McCain, the Open Work Session Minutes from June 4, 2019 – Resolution to Hire Special Legal Counsel, were unanimously approved.

Laura Hurley, Council Administrator

Public Hearing: Honorary Street Sign Policy. Mrs. Hurley said Council held a couple of Work Sessions on the proposed policy, and, at the last Work Session, the recommendation was made to have a Public Hearing. Mr. Cannon opened the Public Hearing.

Ms. April Jackson came to the podium and said her concern is really not a concern, but she is actually just so glad this is coming to an end because there are some things that are very imperative that they would like to get done in their community. She said, as far as the color of the sign, it really does not make a difference. She said she knows they had some issues about the cost of the sign, and the cost of the application, and she is not sure what they were. She said it was said it would be \$70 for the application, and \$30 for the sign. She then asked if that is correct, to which Mrs. Hurley responded, it is actually in the application packet, and they have Mr. Weston Young, Assistant Director of Administration, at the meeting if she would like to review that with him. Mr. Young then came before Council and said the estimated cost right now is \$60 for each pole the sign is installed on, if the sign requires an additional pole to be put in. He said, if they can just put an extender, that is \$10 per location. He said she is looking at maybe \$70 to \$100 per sign depending on if they need to replace a pole or not. Ms. Jackson said that was the biggest concern she had, as well as how soon they can get this through so they can get this for Ms. Jolley on the way.

Mr. Cannon recognized that Ms. Jackson is the District 1 representative for the City of Salisbury Council. He also recognized Sheriff Mike Lewis in the audience.

There were no further public comments. Mr. Cannon closed the Public Hearing, and said Council will be addressing this at their next meeting on July 16, 2019. Mr. McCain asked if they will vote on it at the next meeting, or discuss it again, to which Mr. Cannon responded, he thinks it is ready to vote on. Mr. McCain said he would like to make one point. He said, when he was reading this, it says "For 20 years," but that language should probably say "Up to 20 years" as opposed to just saying it is 20 years.

Mrs. Hurley said the next two items on the Agenda are Enterprise Zone applications. She said, in order for a business to qualify for Enterprise Zone benefits, it must meet one of the two statutory requirements, which are that the business must either make an investment in capital improvements of more than \$50,000, or hire new employees since it has been located in the zone.

Resolution No. 96-2019 – Declaring that Northwood Professional Center, LLC is Eligible to Receive Enterprise Zone Benefits for Property at 2324 West Zion Road, Salisbury, Maryland 21804. Mrs. Hurley said this business qualifies for the Enterprise Zone benefits because they have invested more than \$50,000 in capital improvements. There being no discussion, on motion by Mr. Dodd and seconded by Mr. Hastings, Resolution No. 96-2019 was unanimously approved.

Resolution No. 97-2019 – Declaring that Opportunity Street, LLC is Eligible to Receive Enterprise Zone Benefits for Property at 200 E. Vine Street, Salisbury, Maryland, 21801. Mrs. Hurley said this business also qualifies for the enterprise zone benefits because they have invested more than \$50,000 in capital improvements. There being no discussion, on motion by Mr. Dodd and seconded by Mr. Hastings, Resolution No. 97-2019 was unanimously approved.

Resolution No. 98-2019 – Authorizing the County Executive to Accept a Grant Award from the Maryland Department of Natural Resources in the amount of \$34,200 to Renovate the Tee Ball Field at Mason Dixon Ball Field. Mrs. Hurley said this grant requires 10 percent of local funds, so the total project cost is \$38,000. Ms. Pam Oland, Assistant Director of Recreation, Parks and Tourism came before Council and said they have actually completed the work at this ballfield, so this grant would reimburse the County for money they have already spent. She said it came out of the Recreation and Parks budget, so this would alleviate those costs in the budget, and reimburse the County for the expenses they had. She clarified, the match is something they already had in their budget. Mr. Dodd said he is glad this was done, but what would have happened if they did not get the grant, to which Ms. Oland responded, they would have found money in the budget. She said they had made the decision that this met their plan to try to expand and renovate that ballfield to help with the USSSA and other tournaments the County hosts. Mr. Dodd thanked Ms. Oland for moving that forward, and said it was long overdue. There being no further discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 98-2019 was unanimously approved.

Steve Roser, Internal Auditor

Resolution No. 99-2019 – Adopting the Annual Audit Plan for Fiscal Year Ending June 30, 2020. Mr. Roser said each year his office is required to present an audit plan, and this plan is based on several criteria, including audits recommended based on risk assessment, selected audits recommended by interviewees during their annual risk assessment, cooperation with external auditors for mutually beneficial projects, and based on observations, perceptions, and other qualitative criteria gathered over the past few years. He said the plan includes five operational projects, three performance projects, and two other projects. He explained, this and all audit plans represent a roadmap. He said other priorities

of greater concern to the County will come to the forefront during the year, and may subordinate the plan, and, as such, there is no guarantee they can complete all the audits listed. He said every attempt will be made to complete the program. He said the Committee and the Auditors wish to thank the Council for consideration of their annual audit plan, and they look forward to working with management in this effort to improve the efficiency and efficacy of County Government.

Mr. Cannon asked if these projects are necessarily in chronological order as listed, to which Mr. Roser responded, no sir. He said they looked at the order of the projects, and he can get that for him. Mr. Cannon asked what the reason is for recycling being on there, to which Mr. Roser responded, they did a project at Solid Waste for recycling a number of years ago, and they are kind of circling back on it because a lot has changed since then. He said, Council may recall, at that time they were looking at going to a single stream, which was rejected for various reasons, and they were having problems at that time with the prices of recyclables steadily falling, so it really was not paying for itself. He said they just want to look at the situation now so they have an understanding of what the challenges are for Solid Waste in that regard to see if they can offer any suggestions. Mr. Cannon said the fuel audit is something they have seen before, to which Mr. Roser responded, yes sir, they do that routinely.

Mr. Hastings said he was happy to see recycling and the Civic Center events on the plan, and those will be interesting to jump into. He then asked if the projects listed as "Other Projects" are projects they plan to study if time is available, to which Mr. Roser responded, it is just called that because they do not fit into operational or performance audits, and are something else altogether. He said normally what they do for the budget each year for Council is review it once it is submitted by the County Executive, and all of these bullet points under that are just exercises they perform ancillary to that. He said it is an annual thing they do now for Council to try to get a concise picture of what the budget is so they do not have to thumb through 1,150 pages, and hopefully that will be of some benefit to Council.

Mr. Holloway asked how the fuel audit will be affected since they have gone to a leasing program, and will it change anything, to which Mr. Roser responded, fuel has changed a lot. He said it is their understanding they have gone to a program called WEX, which is attached to the leases on the vehicles they are currently undertaking. He said it is his understanding it will take the gasoline away from the Roads Division. He said, in other words, the Roads Division will eventually be out of the gasoline business, and they will be purchasing gasoline on the open market. He said what the auditors are interested in looking at are the internal controls on the new system. He said they know what the controls were on the old system, but they want to make sure they have good mapping and a good understanding on the internal controls of the new system. He said they have no idea what they are right now, and they are simply waiting for the system to generate enough data so they can audit it.

Mr. Dodd said the last time they talked about recycling he thinks Mr. Young said the County was at 35 percent, and he would like to see the County maintain that, or even do better than that.

There being no further discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 99-2019 was unanimously approved.

Resolution No. 100-2019 – Concurring with the Declaration from the Internal Auditor on Organizational Independence. Mr. Roser said the Institute of Internal Auditors, their governing body, publishes the International Professional Practices framework, which comprises the standards for internal auditing. Attribute Standard 1110 entitled Organizational Independence states the Chief Audit Executive must

confirm to the Board at least annually the organizational independence of the internal audit activity, and in Wicomico County the equivalent of the Board of Directors is the County Council. In accordance with Attribute Standard 1110, he is pleased to provide the following declaration; as Chief Audit Executive for the Office of the Internal Auditor for Wicomico County, he declares, to the best of his knowledge and belief, there have been no contraventions of auditor independence, requirements, or any applicable code of professional conduct in relation to the audits performed for Wicomico County. He said this is a declaration they are required by the standards to issue annually. He said, although they have had some disagreements, they do not believe their independence in the last 12 months has been curtailed in any meaningful way, so they are able to assert independence for the past year. There being no further discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 100-2019 was unanimously approved.

Public Comments:

Mr. TJ Mumford came to the podium, and said he lives on Porter Mill Road in Wicomico County. He said he is here to voice his concern, and register a complaint about two things. He said number one is the application of chicken processing wastewater on the farm adjacent to his farm, and the creation of a 3-million-gallon tank to store chicken processing wastewater at the far end of Porter Mill Road. He said he will focus on the problem incurred by property owners when the waste slurry is applied to the farmland. He said the application of this product is a recent occurrence at Porter Mill Road in the Hebron area, and the foul-smelling slurry creates a nuisance to property owners and businesses in the surrounding area. He said the smell is worse than any chicken manure, horse manure, or cow manure he has ever smelled, and it even out-stinks pig manure. He said his wife would be proud because she spent a week teaching him to say manure. He said the smell is the result of the application of the material that is put on the ground, the storage, and the spillage. He said the stink will stay in the air for the entire time they are applying it, and for a week afterwards. He said the smell limits outside activities, parties have been cancelled, picnics have been cancelled, and some businesses have had to close because of the smell. He said, as if the smell is not enough of a problem, the flies that accompany it are an additional nuisance. He said the flies swarm and gather in the pools of the slurry left by the spills, and excess slurry at the beginning and end of the roads when they try to inject the material into the ground. He said the flies will remain in the area for three to four weeks after the last application. He said the construction of the 3-million-gallon storage tank establishes an industrial business, and should be zoned, restricted, and monitored as an industry. He said, as a result of this industrial endeavor, environmental restrictions and safeguards should be in place. He said, as per the application, this 3-million-gallon tank is within 150 feet of the nearest water of the State. He said he does not see any precautions in the event the tank would rupture or leak, or an alarm system to alert the owner if there was a problem. He said Rewastico Creek and the Nanticoke could be impacted. He said they have attempted to settle this problem by contacting the farmer, the property owner, the tanking company that transports the material, and they have also contacted the Health Department, Hebron Town Officials, the Maryland Department of Agriculture, Wicomico County Officials, and Wicomico County Planning and Zoning. He said most recently he has had several conversations with Mr. Keith Hall with Wicomico County Planning and Zoning, and Julie Oberg, Deputy Secretary of Agriculture with the Department of Agriculture, and Assistant Secretary Hans Schmidt. He said all have been sympathetic, but have indicated it is not their responsibility, nor do they have the authority to intervene. He said the Department of Agriculture suggested that there are procedures and additives that could remediate the problem. He said an enzyme could be added to the

product that would reduce the smell, insecticides could be used to reduce the flies, and disking the field before and after the application could help it absorb. He said Mr. Hans Schmidt with the Maryland Department of Agriculture said that they can ask the farmer to be a good neighbor and use these techniques, but they cannot require it. He said the Department of Agriculture monitors the nutrient plan for compliance, but, when asked whether they follow up with Valley Protein to see the logs to verify the accuracy of those deliveries, they do not. He said a few meetings ago Mr. Wayne Strausburg, Director of Administration for Wicomico County, stated before this Council that the smell is terrible, and that something should be done. He said no one seems to have an answer, and no one seems to feel they have the authority to create a solution. He said he and his wife have registered formal complaints with Mr. Keith Hall under the Charter and Code of the County Chapter 186, Right to Farm. He said, under this provision, they hope this complaint of nuisance will be referred to the Wicomico County Reconciliation Committee for resolution, but he understands they have only met once in the past. He said they are here tonight to renew their request for a solution, or a direction in which to go, and they appreciate that. He said his wife has similar opinions, but not exactly his opinions, so he would like to submit hers if he could. He said, unfortunately, he only has one copy if that is okay, to which Mr. Cannon responded, that is fine. He asked Mr. Mumford to give it to Mrs. Hurley.

Mr. Jeff Kiley came to the podium and said he lives in Chapel Branch, which is a development over by where Mr. Mumford lives. He said he is the president of the homeowner's association, and he will try to keep this short because Mr. Mumford covered most of it. He said some of the people they have contacted were Larry Lembeck, who is the entomologist for Wicomico County Mosquito Control, to try to identify the flies they have, and they said it was not the normal type of fly, but some other type of fly. He said they also contacted Denali Water Systems Corporate Headquarters out of Arizona, who are the ones who place the sludge on the fields; Wicomico County Department of Environmental Health; Brian Littlefield with the State of Maryland Department of Environment; Dwight Draughter, Program Administrator of Nutrient Management Programs with the Town of Hebron; Chris Banks from Denali Water Systems; Avery Dunn from Denali Water Systems; and Mike Oliver, General Manager of the Mid-Atlantic Region of Denali Water Systems. He said he has emergency contact numbers for Mid-Atlantic Region for Mike Oliver, Lauren Miller, Avery Dunn, Chris Banks, Matt Knupp, Ashley Wentz, Brian Littlefield, the licensed environmental health specialist from the Maryland Department of Environment, Atlantic Materials Administration Solid Waste Programs out of Baltimore, Maryland, the Chief Compliance Division of Solid Waste, and Materials Administration for the Department of the Environment for Maryland, and also Executive Bob Culver. He said he has several letters. He said he was given short notice to come to this meeting two days ago, but he was able to collect 15 letters from the neighborhood people, which he would like to submit to Council so they can sit down and read them. He said they are all individual written letters, and are all different. He said he also has an iPad with him that has some pictures if Council would like to see the fly infestation. He said they have a small video and some photographs on that iPad, so, if anyone would like that forwarded to them, they will be glad to email it to show the infestation they have. He said he also has something a gentleman handed him just a few minutes ago about flies and the types of diseases they spread, and what could actually happen with all of these infestations of flies. He said they are there for the Chapel Branch community in the Town of Hebron. He said the Town of Hebron said, if he gives them the letters, they will write a letter of support for them and turn it into the Legislators who need to get involved. He said they would like to ask Council if they could do something a little bit faster than the normal Government. Mr. Cannon asked Mr. Kiley to give the letters to Mrs. Hurley, and to get her email so he is able to email her the pictures and video.

Council Comments:

Mr. McCain said, to address these concerns, ironically, they spread this on the field across from where he lives, and they have been doing it this past week. He said they pump it into the tanks, and the tank pulled behind the tractor has a chisel disk that chisels it into the soil. He said one of the things he is curious about, and Mr. Young might know something about this, is what controls the fact that they could just use this as a disposal site. He said that is what they do at the field across from where he lives because there has never been a crop harvested, which makes him curious. He said it appears to him that it is simply a disposal site because they have to dispose of it, so they put it in the field. He said they are putting it in now in early July, and they have not planted anything yet. He said, obviously, they are at the end of the planting season, but he knows a couple of years where they actually planted soybeans, but did not harvest them because they did not plant them until the end of July. He said he is curious about what control mechanisms there are for where they can dispose of the product, when they can dispose of the product, and how often. He said his biggest concern with this issue is what prevents them from simply using ag fields as nothing more than a disposal site because they have to get the stuff out of the tank. He said he thinks that, certainly, is a concern, so he just wanted to express that. He said he would still like for Council to have a Work Session with Ms. Lori Carter, and, from a long-term perspective, this also needs to be part of a bigger discussion about their land use policies in their ag districts.

Mr. Holloway said he is not sure if they can use it as a disposal, but he thinks the State regulates when they can apply it because he knows chicken manure is regulated that way, and they can only apply it certain times a year. Mr. McCain said he noticed it has always been this exact same time, and that is the routine. He said he has lived there six years or so, and every year, usually at this time of the year, they apply it. Mr. Holloway said he thinks it would be better in the wintertime when people were not outside.

Mr. Holloway said the Willards East Side Chamber of Commerce will have a fireworks display tomorrow night at 9:00 p.m. He said the festivities start at about 5:00 p.m. if anybody wants to go down and check it out. He said it did not make the paper, so he was called today and asked if he could bring that up tonight. He said they usually have a real nice crowd, and they have two to three hours of festivities before the fireworks. He said it is all free of charge.

Mr. Davis said he would like to commend Joshua Copeland, who is a member of their community who participated on a show that comes on that is called Sunday Best. He said there were 20 contestants, and he was one of the ones who made it to the next round, so he would like to congratulate him.

Mr. Hastings said Red, White and Boom is 4th of July night, and can be viewed from the Civic Center. He said also, for the first time in a while, he is not going to the Allen 4th of July Parade. He said it is always a wonderful event, so if anyone is looking for something to do during the daytime, that is a great event. He wished everybody a wonderful 4th of July.

Council President Comments:

Mr. Cannon said he would like to wish everybody a happy July 4th since that is coming up pretty soon right around the corner. He said, in reference to the Porter Mill issue, Council is very aware of what the concerns are, and they are doing quite a bit behind the scenes to try to make sure they are up to speed with what they feel are the issues at hand, not only just what the current regulations allow and whether or not it is a justifiable project, but also considering where they need to go from here, such as what Mr.

McCain suggested, so they will be addressing this. He said he plans to have this on the Agenda at their next County Council Meeting, so at that time it will give them a chance to talk with Ms. Carter and find out exactly what her take is on this, and what their options might be. He said he thinks Mr. McCain made an interesting point, and he does not know if they are just putting it on the field and it is not a farm, and he doubts there is any type of phosphorous management tools or regulations. He said it would bring up an interesting point as to what control measures are in place Statewide as a whole, so he thinks there will be a lot to come from this as far as what they need to do, and they are certainly keeping this at the top of their minds to make sure they address the concerns, and to see what they can do.

There being no further business, on motion by Mr. Dodd, seconded by Mr. McCain, and unanimously approved, the Legislative Session was adjourned to go into Open Work Sessions followed by Closed Work Sessions pursuant to the General Provisions Article, Section 3-105(b)(1)(7) to discuss the nominees for the District 2 Seat to protect the privacy of the individuals. Mr. Cannon clarified, this is not to be mistaken with the fact that Council will be talking to these candidates in Open Session first. He said the second Closed item is to discuss legal services to protect the confidentiality of individuals, and to consult with legal counsel to preserve the attorney-client privilege.

The Wicomico County Council met in a Closed Work Session on Tuesday, July 2, 2019 at approximately 9:00 p.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

In attendance: John T. Cannon, Council President; Larry Dodd, Vice President; Joe Holloway, Ernie Davis, William R. McCain, and Josh Hastings.

Present for the Closed Work Session: Laura Hurley, Council Administrator, and Lynn Sande, Executive Office Associate.

The purpose of the first Closed Work Session was to discuss the nominees for the District 2 Seat to protect the privacy of the individuals. No formal action was taken.

On motion by Mr. Dodd, seconded by Mr. McCain, and unanimously approved, the Closed Work Session was adjourned at approximately 9:15 p.m. The legal authority for the Closed Work Session is General Provisions Article, Section 3-305(b)(1).

The Wicomico County Council met in a Closed Work Session on Tuesday, July 2, 2019 at approximately 9:15 p.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

In attendance: John T. Cannon, Council President; Larry Dodd, Vice President; Joe Holloway, Ernie Davis, William R. McCain, and Josh Hastings.

Present for the Closed Work Session: Laura Hurley, Council Administrator, and Lynn Sande, Executive Office Associate.

The purpose of the second Closed Work Session was to discuss County Attorney legal services to protect the confidentiality of the individuals. No formal action was taken.

On motion by Mr. Dodd, seconded by Mr. McCain, and unanimously approved, the Closed Work Session was adjourned at approximately 9:20 p.m. The legal authority for the Closed Work Session is General

Provisions Article, Section 3-305(b)(1).

The Wicomico County Council met in a Closed Work Session on Tuesday, July 2, 2019 at approximately 9:20 p.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

In attendance: John T. Cannon, Council President; Larry Dodd, Vice President; Joe Holloway, Ernie Davis, William R. McCain, and Josh Hastings.


Present for the Closed Work Session: Laura Hurley, Council Administrator; Lynn Sande, Executive Office Associate; and Robert Taylor, Council Attorney.

The purpose of the third Closed Work Session was to consult with legal counsel to protect the attorney-client privilege. No formal action was taken.

On motion by Mr. Dodd, seconded by Mr. McCain, and unanimously approved, the Closed Work Session was adjourned at approximately 9:30 p.m. The legal authority for the Closed Work Session is General Provisions Article, Section 3-305(b)(7).



John T. Cannon, President



Larry W. Dodd, Vice President, District 3



Ernest F. Davis, District 1



Josh Hastings, District 4



Joe Holloway, District 5



William R. McCain, At-Large



Laura Hurley, Council Administrator