

The Wicomico County Council met in Legislative Session on Tuesday, August 20, 2019 at 10:00 a.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, William R. McCain, and Nicole Acle

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

On motion by Mr. Dodd and seconded by Mr. McCain, the Consent Agenda, consisting of the following items, was unanimously approved:

- Special Legislative Minutes from July 29, 2019
- Legislative Minutes from August 6, 2019
- Open Work Session Minutes from July 2, 2019 – Proposed Illicit Discharge Legislation
- Open Work Session Minutes from July 2, 2019 – Quarterly Stormwater Management Discussion
- Open Work Session Minutes from July 16, 2019 – Wicomico County Priority Letter-Recommended Transportation Improvements
- Open Work Session Minutes from July 16, 2019 – Amendment to the Capital Improvement Plan (CIP) – UAS Center for Innovation
- Open Work Session Minutes from July 16, 2019 – Water and Sewer Plan Amendment – Delmar Assisted Living Facility

Laura Hurley, Council Administrator

Public Hearing on surplus property list. Mrs. Hurley said, in accordance with Chapter 22 of the Wicomico County Code, the County Executive submitted a list of County-owned property he desires for Council to declare to be surplus. She said Council is required to have a Public Hearing on the list, and then at the next Legislative Session, by Resolution, Council may declare that any of the parcels are no longer needed for public use and therefore surplus. She said a Public Hearing notice was published on the County's website and in the Daily Times stating that a Public Hearing would be held this morning at 10:00 a.m. Mr. Cannon opened the Public Hearing. There were no public comments. Mr. Cannon closed the Public Hearing. Mr. Cannon said Council will have to decide whether they want to have another formal Work Session on this, to which Mrs. Hurley responded, this will be back on the Agenda at the next meeting for their consideration. Mr. Holloway asked if it will be a Work Session because he has some questions, to which Mr. Cannon responded, they can do that because he does not think there is any rush. He said he likes to get things moving as quickly as possible, but he believes a Work Session would probably be best because he has questions as well. Mrs. Hurley asked if Mr. Taylor has anything to add, to which Mr. Taylor responded, this can wait until the Work Session, but he will direct Council's attention to Code Section 22-1. He said there is a somewhat elaborate process for disposing of surplus property, so Council may want to look at that before the Work Session, but he will not go into it now.

Public Hearing: Resolution No. 118-2019 – Authorizing an Honorary Street Sign Entitled "L Jolley Way" to be placed at North Curlew Drive and South Curlew Drive in honor of Loretta B. Jolley. Mrs. Hurley said Council recently adopted an Honorary Street Sign Policy, and this is the first application for Council's consideration. She said the County Executive has approved the application, and the next step is for Council to hold a Public Hearing and vote on the request. She said a Public Hearing notice was published on the County's website and in the Daily Times stating that a Public Hearing would be held this morning at 10:00 a.m. Mr. Cannon opened the Public Hearing. There were no public comments. Mr. Cannon

closed the Public Hearing. Mr. Cannon said he does not think in this whole process they really initiated a dedication procedure as to where it goes from here, to which Mrs. Hurley responded, it is her understanding that the Resolution approving the request would then go to the County Executive who would then forward it to Public Works to work out the cost in getting that fee for the County. Mr. Cannon said he is hoping the Administration will develop some type of process whereby it will be a formal dedication on each of these signs instead of just posting it. He said they kind of left a loose end there, not that it is a Legislative matter to begin with, but, hopefully, there will be a dedication process with some consistency. There being no further discussion, on motion by Mr. Hastings and seconded by Mr. McCain, Resolution No. 118-2019 was unanimously approved.

Resolution No. 119-2019 (SM) – Authorizing TIX, Inc. as a Sole Source Vendor for the Purchase of Software and Support for Online Ticket Sales and to Waive the Formal Competitive Bidding Process for the Purchase of Said Online Ticket Sales Software and Support During Fiscal Year 2019. Mrs. Hurley said this Resolution requires a supermajority in order for it to pass. Ms. Pam Oland, Deputy Director of Recreation, Parks and Tourism, and Mr. Nick Rice, Purchasing Agent, came before Council. Mr. Dodd asked why they are waiving the bidding process, to which Ms. Oland responded, this is the ticketing system the County has had since 2002, and the system is kind of like having Munis as software. She said it is a software package, and they have to buy proprietary tickets, and it is labor intensive and cost-ineffective at times to change a software package, especially if a software package is working well, so they have elected to stay with the process they have. Mr. Rice added, this came before Council in the last fiscal year as well. Ms. Oland said this is the third year. She said they only charge the County 25 cents for tickets they sell through the box office, and she thinks they charge \$1.50 when they sell on-line through the County website. She said they have never changed their prices since they originally implemented this in 2002, so, again, they feel it is a cost-effective way to save the County money without having to go through the process of changing their whole product. Mr. Rice said this is common with software. He said, as Ms. Oland said, with the Munis software, the County does not go out to bid for that, and that is a software the County will utilize up until it fails, or if something were to happen where the company went under, and then they would bid something like that, but software related projects are a lot of times continued as long as it is working. Ms. Oland said they have excellent customer service from TIX to the County. She said when they had the transition in their box office back in December, they voluntarily flew someone out to spend multiple days training their next box office manager on the product, and they have direct cell phone numbers for high level employees at that company to be able to help them if they have an issue. Mr. Dodd said their explanation is important. Mr. Holloway said he understands the problem with changing a system and the cost in retraining employees to use a different system, but it would be nice if they had something to compare the cost to. He said that is something Council does not have, and, apparently something Ms. Oland and Mr. Rice do not have. He then asked if they checked to see if they are in-line pricewise with other companies before they decided to just go ahead and re-up with these folks, to which Ms. Oland responded, not for this year, but she can accomplish that for Mr. Holloway if he would like. Mr. Rice added, as Ms. Oland said, they held the prices from 2002 and never raised them. He said if and when there comes a time where they see a raise or something along those lines, then they would get together and ask if that is something they want to do for the following year. Mr. Holloway said he knows technology has changed a lot since 2002, and there could be better companies out there. He said he understands the problems with changing, but with nothing to compare it to, he thinks they are being shortsighted. Ms. Oland said they can do that informally for next year, but, at this point in time, they are requesting that at least for this year that Council approves this, and for next year when they come back they will have some additional information as to why they feel this is the best route to go.

Mr. Holloway said he has one other question that is kind of unrelated to this, but he is hearing complaints about people buying tickets on-line from a website that looks like Wicomico County's, but is not, and then they cannot get their money back, to which Ms. Oland responded, unfortunately, the County does not have any leg to stand on. She said, if they buy it from a scalper and not from the official website, that is like Mr. Holloway going out and buying from a scalper outside an event. Mr. Holloway said he has not looked it up, but how much does the site they are buying from look like Wicomico County's, to which Ms. Oland responded, because employees get blocked on certain websites, she cannot actually go to the website, but she has been told about it. She said their website is wicomicociviccenter.org, and she thinks there is one that has pretty much the same name .com. She said she has tried to go there on her computer but she cannot because she is blocked by IT's firewall making sure she does not go somewhere inappropriate. She said somebody brought this to their attention, but they do not have control over that. She said they try to advertise in all of their advertisements the correct website consumers need to buy from. Mr. Dodd said, if it is called scalping, that is illegal. He said if someone sold tickets in front of the Civic Center, that is scalping, to which Ms. Oland responded, the person who is buying it would then have to file a complaint, and she has no control. She said the County sells to legitimate customers at the price posted on their website, but what they do with those tickets she does not have control over. She said this came up during some of the recent cancellations where they had to refund money, but the person they have to refund it to is the person who legitimately bought it from the County, not the person who bought it from a reseller.

There being no further discussion, on motion by Mr. McCain and seconded by Mr. Davis, Resolution No. 119-2019 (SM) was unanimously approved.

Resolution No. 120-2019 – Authorizing the County Executive to Accept a Grant from the Governor's Office of Crime Control and Prevention in the Amount of \$24,389 for the Youth Diversion Mediation Program. Ms. Michelle Bradley, Director of Wicomico Partnership for Families and Children, came before Council. Mr. Cannon asked her to give Council an overview of the purpose of the grant and the benefits of the grant. He said they appreciate her reaching out to obtain the grant to begin with because it is critical to the County that they have as many grants as possible to take advantage of. Ms. Bradley explained, this is actually a bridge grant to get their program started until the actual funds come in on October 1, so it is very short, and only runs from July 1 to September 30, 2019. She said it is, basically, between the vendor, the State's Attorney's Office, and local law enforcement to work with juvenile offenders on minor offenses, such as runaways, shoplifting, simple assault, truancy, malicious destruction, and those kinds of things. She said they mediate with the parent and the offending child to talk about the impact it has on the household and how they are going to overcome that, and step two is to have the offending child mediate with the victim and/or witnesses that may have observed the crime. She said she thinks this is going to be very beneficial to the community, especially for first-time offenders. She said, when they have to face the person they hurt and see exactly those consequences, she thinks that is going to be a very effective tool to keep those children from getting into trouble, or getting referred to the Department of Juvenile Services in the future, so she thinks it is a very good preventative action. Mr. Dodd asked what a bridge grant is, to which Ms. Bradley responded, it is just going to take them until October 1 when the larger funding comes in. She explained, there was a larger grant that the Local Management Board applied for, and only four jurisdictions out of 24 were awarded the larger grant, so to get them started and keep them on the Governor's Office for Children's cycle, they gave them this bridge money to go from July until September when the Governor's Office of Crime Control and Prevention (GOCCP) money comes in, which will be for about \$98,000. Mr. Dodd asked if it is a matching grant, to which Ms. Bradley responded, no. She said they only have to report quarterly, and everything with GOCCP is digital, so there is no paper involved either. She said everything is just sent to them from the vendor, they verify it and upload it, and have to report to GOCCP. She said there

is only one other additional reporting, which is to the Bureau of Justice Assistance because it is Federal funds and has to do with their Accounting and Transparency Act, so they have to do duplicate reporting.

Mr. Cannon asked if this just helps fund her Department as a whole, and not add a new position, to which Ms. Bradley responded, correct. Mrs. Acle asked who the vendor is, to which Ms. Bradley responded, the vendor has been identified as Tri Community Mediation. Mrs. Acle asked if they have experience with this type of mediation with the offender and victim, to which Ms. Bradley responded, yes. Mrs. Acle asked if they have any data showing this is effective, to which Ms. Bradley responded, she did not bring that with her because she just brought the grant facts, and not the actual data sheets, but those are available because they had to use it when they applied for the grant. She said they have National statistics and Statewide statistics because they are also accredited, and they are monitored through a Statewide Mediation Certification Program, so they have to report all of that data locally to the State, and then it goes to National for accountability and fidelity. Mrs. Acle said she also noticed in the grant that it will be in conjunction with the State Police and the City of Salisbury Police Department. She then asked if they will also be working with the County Sheriff because one of her concerns is truancy, which is a problem and affects school funding, and so many other issues that go with that. She said the County Sheriff's Department is in the schools, to which Ms. Bradley responded, she does not think they specifically said County, but when they do their MOU with the vendor, they can stipulate that to make sure they are reaching out to all jurisdictions and municipalities in the County. Mrs. Acle then thanked Ms. Bradley, and said this is an amazing grant, to which Ms. Bradley responded, they were very excited to be one of four out of 24 who got it. Mrs. Acle congratulated Mrs. Bradley.

Mr. Dodd said Ms. Bradley mentioned data, and he was wondering about seeing results. He then asked if she will have anything to compare it to when this year is over, to which Ms. Bradley responded, not locally. She clarified, this has not been done locally. Mr. Dodd asked if she will be able to start, to which Ms. Bradley responded, they will start tracking that data, and they have specific performance measures for local data. She said the GOCCP gave them eight performance measures they have to track for the State, so all of that will be combined, and they will have that if Council would like a midyear and/or end-year report, and she will certainly be willing to do that, especially since this is a brand new program. Mr. Dodd said it would be nice to see the results and how effective this program will be, to which Ms. Bradley responded, she will do that.

There being no further discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 120-2019 was unanimously approved.

Resolution No. 121-2019 – To Authorize the County Executive to Acquire an Easement on 171.5 Acres, More or Less, Within the Quantico Creek Rural Legacy Area from Taylor Potter, Raymond Faby, and Tina Potter Doak Located on Cherry Walk Road Designated as Tax Map 35, Parcel 35. Mr. Frank McKenzie, Chief of Technical Services and Environmental Planning, and Mr. Jared Parks, Program Manager with the Lower Shore Land Trust, came before Council. Mr. Cannon asked Mr. McKenzie for an overview. Mr. McKenzie thanked Council for having them, and said today they are seeking approval for the purchase of an easement on a piece of property on Cherry Walk Road. He said it is 171.5 acres on the north side of Cherry Walk Road, and is owned by Taylor Potter, Raymond Faby, and Tina Potter Doak.

Mr. McKenzie said, for some Council who have not been through the Rural Legacy Program before, he will give just a little bit of history. He explained, their program was approved in 2002, and since then they have acquired properties in the Rural Legacy Area which, to date, have protected 4,553 acres through 17 projects ranging from 52 acres to 785 acres. He said they have a competitive grant process, so Wicomico County applies to the State of Maryland for grant funding, and, to date, they have received over \$8 million dollars, he believes, for the purchase of easements. He said they also receive funding

from the Maryland Department of the Navy, and there has also been an occasional private donation. He said, to date, they have spent over \$10 million dollars for protecting these easements, and currently they have about \$1.5 million dollars in their bank, so to speak, to purchase easements in the Rural Legacy area. Mr. McKenzie said in 2017 they applied to expand their Rural Legacy area. He said they were initially at 14,000 acres, but were running into the problem where they were pretty much sold out, and they were having a hard time finding properties with people willing to participate. He said, in working with the County Executive, they expanded Rural Legacy area to go up north towards the paleo channel, so they pretty much doubled the size of their Rural Legacy area and went from 14,000 acres and added 21,000, so now they have over 35,000 acres.

Mr. McKenzie said, as mentioned, today they are seeking funding for the Potter property, and they will be partners in this with the Department of Natural Resources, and the Lower Shore Land Trust. He said people ask how the Navy fits into this, and, primarily, they have the Patuxent Naval Air Station where they do a lot of test flights, and they try to protect their airspace as well as the ground underneath their airspace, so they partner with local government agencies and nongovernmental agencies to protect land under their flight path. He said they will front up to one-half of the easement cost for purchasing land so they will not negatively impact folks on the ground, and it is called Radiance Environmental Integration in the Atlantic Test Range. He said, in Council's packet, the last page shows the coverage they want to protect, but today they are talking about this particular property. He said there were previous concerns with issues with some of the properties being so big that they run out of the Rural Legacy area, so they had to expand the Rural Legacy area, but this particular property is entirely within the Rural Legacy area, so they will not have to request an expansion. He said there are also concerns that they are protecting properties that have development potential, so they look at County zoning to see how many lots would be allowed, and in this case it is zoned agricultural rural, which is a density of 1 per 15, so in this case they are allowed to have 11 lots. He said the Sustainable Growth and Ag Preservation Act limits them to 7 lots on an ag piece if it is not previously subdivided, so, essentially, they are acknowledging that, and it supersedes the County zoning, so, by purchasing this easement, the County will be reducing the lots in the rural area by 7 lots. He said this is a totally voluntary program, and the landowner is willing to do this, so that is where they are today. He said, as far as the value, there are two methods they go through. He said first they work with a firm getting a certified appraisal, and Mr. McCain's firm assisted them with that. He said they also do what is called an easement valuation system, and he will let Mr. Parks explain how that works. Mr. Parks said the Rural Legacy Board recommends use of the easement valuation system (EVS), which is more of an incentive based system where it takes the average fair market value of easements. He said, when they do the Maryland Ag Land Preservation Foundation program, they do appraisals of the properties as is without the easement, and there are usually about eight to ten appraisals. He said then they average that and start with a smaller percentage of that, and then add on incentive points for protection of resources, good soils, or land around it that is preserved. He said each property will end up with a different value just because of the nature of the property. He said, though that is DNR's favored method, the Navy requires a yellow book appraisal, so, therefore they try to use the yellow book appraisal to substantiate the value and make the offer, and then substantiate that value to DNR by showing them what the EVS value would be. He said often times they get a lower value on properties like this through an appraisal than they do through EVS, but it tends to be the other way around with waterfront property where the EVS does not do very well with waterfront property. He said they use the two to justify the value they are offering as a purchase price. Mr. McKenzie said, in this case, the certified appraisal came up much less than EVS. He said the landowners have accepted the certified appraisal, so they have accepted an easement cost of \$172,000.

Mr. McKenzie said on page 5 they breakdown how this money is being acquired, which are Rural Legacy funding, Navy funding, and some from the Forest Conservation Fund. He said the Forest Conservation

Fund is an account that developers put into where they cannot meet their forest conservation requirements on site, so they pay the County 30 cents a square foot, essentially, for the area they need to acquire. He said this is not general fund money, but this is money that is going specifically for the protection of forests. He said, in this case, the easement will have language in there that pretty much says the forest on site will remain a forest, and cannot be converted to another use, so that is a good use for this Forest Conservation Fund. He said, essentially, the easement cost is \$172,000, and the related costs, which include administrative, survey costs, title search, and appraisals, is an additional \$32,485 for a total of \$204,485.60, so they are asking for Council approval to proceed.

Mr. Cannon said in the past Mr. McKenzie had lists of priority properties he designated in the Legacy area. He then asked if he still follows that, or is he just trying to get whatever he can, to which Mr. McKenzie responded, that is where he starts. He said there are areas they look at that have good soils, good access, or waterfront properties, and they make sure they have value environmentally, but also they are not protecting something that does not need to be protected. He said they rank those, and those that meet certain standards all will have a priority 1, and then they start contacting those people. He said, if nobody on priority 1 is interested, then they go to priority 2, but they do not go to anybody below that because, if it is not developable, they are not going to waste their time on it. He said, when they did their initial program, they ranked around 140 properties, but they did not do that with their expansion. He said they do that on a case by case basis as projects come through that have the criteria they are looking for as far as developable and environmental assets. Mr. Cannon asked if he goes and tries to solicit owners, or is this where owners come to the County and say they want to take advantage of this? He also asked how this one developed, to which Mr. Parks responded, it is a little bit of both, actually. He said his experience, generally, is, if landowners know about the program, they heard about it from their neighbors who enter the program, and it spreads by word of mouth, and then they figure out who to contact. He said they do outreach as well, and usually try to send a letter every couple of years to anybody who is in the high priority tier just so they know the program is available, and who to contact to find out about it. Mr. McKenzie said he believes there was a community meeting, to which Mr. McCain responded, yes, there was an outreach at a community center in the Hebron area he thinks two years ago, and all the different agencies came and made people aware of all of the different types of easement programs that are out there. Mr. McKenzie said, once someone in the ag community finds out about this, all of them know, or once somebody finds out that someone is participating, they will start talking with each other and ask how it works, and that is how the word really spreads. Mr. Parks said the programs are all very different, so if they are going into the MALF program versus the Rural Legacy, it is helpful to know the differences, and what makes the most sense for the landowner.

Mr. McCain said he needs to point out that his company did the real estate appraisal, which, actually, was funded by the State. He said, actually, their client is the Lower Shore Land Trust, and the County is the administrator of the program, but he is still going to abstain from this.

Mr. Hastings said Governor Hogan, actually, appointed him to the Rural Legacy Advisory Committee, and he works for the Lower Shore Land Trust, and these are great programs and organizations, but he will be abstaining, just to be clear.

Mr. Holloway said Mr. McKenzie should be glad he has a good program with no controversy, or he would be in trouble.

There being no further discussion, on motion by Mr. Dodd and seconded by Mr. Davis, Resolution No. 121-2019 was approved. Mr. McCain and Mr. Hastings abstained.

Public Comments:

There were no public comments.

Council Comments:

Mr. Hastings said this was a short meeting.

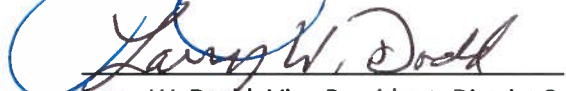
Council President Comments:

Mr. Cannon said he and Councilwoman Acle were invited to Sharptown last night by Doug Gosnell, and they met with the Sharptown Council. He said they had a very enjoyable exchange, and they appreciate being invited. He said they could not completely get the full experience of the carnival because there was a little bit of rain that started, but still they had a great time and appreciate their hospitality.


There being no further business, on motion by Mr. McCain, seconded by Mr. Davis, and unanimously approved, the Legislative Session was adjourned to go into an Open Work Session.



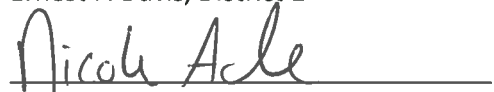
John T. Cannon, President



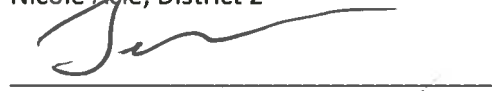
Larry W. Dodd, Vice President, District 3



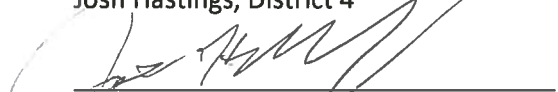
Ernest F. Davis, District 1



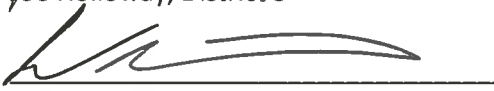
Nicole Acle, District 2



Josh Hastings, District 4



Joe Holloway, District 5



William R. McCain, At-Large



Laura Hurley, Council Administrator