

The Wicomico County Council met in Legislative Session on September 3, 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; William R. McCain, and Nicole Acle.

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 Consent Agenda, consisting of the following items, was unanimously approved:

- Legislative Minutes from August 20, 2019
- Open Work Session Minutes from July 16, 2019 – Discussion on Resolution No. 103-2019 – Appointing a Nominee to the Wicomico County Council District 2 Seat
- Open Work Session Minutes from July 16, 2019 – Review of Zoning and Use for Storage Tank on Porter Mill Road
- Open Work Session Minutes from July 16, 2019 – Letter of Support for House Bill 19 to Remove Single-Family Dwellings from the Mandated Requirements for Automatic Sprinkler Systems

A proclamation was presented to the Fruitland Little League 12-Year-Old Allstar Team for winning the Maryland State Championship for 2019.

A proclamation was presented to the Fruitland Little League 11-Year-Old Allstar Team for winning the district title for 2019.

A proclamation was presented to Joshua Copeland for singing in the final round of national gospel singing competition “Sunday Best.”

Laura Hurley, Council Administrator

Resolution No. 122-2019 – Declaring 11 Lots as Surplus Property. Mrs. Hurley said the County Executive submitted a list of County-owned real property that he desires Council declare as surplus, and, at the last Council Meeting held on August 20, a Public Hearing was held on the proposed surplus property list. She said, in accordance with Section 22-1 of the County Code, at the next Legislative Session, which is today, Council, by Resolution, may declare that any of the parcels are no longer needed for public use and are, therefore, surplus. She explained, if the properties are determined to be surplus, the County Executive may dispose of the properties by public auction. She said, if the County Executive and County Council determine it is in the best interest of the County to dispose of the property by means other than public auction, the County Executive can seek approval by the County Council and sell the property for a price and under terms the County Executive determines to be in the County’s best interest. She said, if any of the properties are determined not to be surplus, the property may not be disposed of.

Mrs. Hurley said the Resolution before Council is written such that, if Council determines the properties are surplus, they can be disposed of by public auction, but, if Council wants the properties to be disposed of in any other manner, the Resolution would have to be amended, and there are six scenarios written out on the Council table in which they can do that.

Mr. Weston Young, Assistant Director of Administration, came before Council. Mr. Holloway asked, for the benefit of the public and himself, can Mr. Young explain how the public auction would take place, to which Mr. Young responded, ideally, they would have the flexibility to go to auction or to a realtor on these properties, but they would find a local auctioneer that does real estate and have them listed that way. He clarified, the Charter defaults to auction. Mr. Holloway asked if that would be an on-line auction, or would it be a public auction, such as when the County sells properties for tax sales, to which Mr. Young responded, they would have to consider their options and see what would reach the broadest audience. He said, ideally, with any of these, they will get the maximum price, and they will work with Purchasing to see what the best course of action is. Mr. Holloway asked if they will put a minimum on any of them, to which Mr. Young responded, they will have to look at the properties individually. He said in some cases he thinks the County may never recoup the taxes that were owed back when they were acquired from tax sale, but he thinks they want something. He clarified, ultimately, they want them back on the tax rolls, and they are not doing anything other than costing the County maintenance to maintain, so he would think they would consider a minimum.

Mr. McCain said, being in the valuation industry, first and foremost they need to know what the properties' values are before they go to any sales so they can determine whether they are getting something close to fair market value. He said, like was said, they want to maximize what the County can get out of them. He said, personally, he is not really concerned about what method they dispose of them because there are pluses and minuses to all the options. He explained, public auction can work in their favor, but a lot of times it can work against them because a lot of times people do not show up, or they may only get a couple of people there. He said they could have a \$30,000 piece of real estate, if they had it valuated so they know that, and they might only get one person who offers \$1,000. He said that gets into Mr. Holloway's question of whether they have a minimum established, but, to establish a bare minimum, they would have to have some type of appraisal done by a certified appraiser so at least they know what values they are dealing with. He said, as far as the actual disposal method, he thinks that is the whole reason they have the Executive side of Government, so he will leave that up to them to pick the best method. He said, unfortunately, the Charter defaults to public auction unless Council does some kind of amendment to address that, but he would like to see them have all three options on the table because in some cases a public auction may be best or it may not, or going with a realtor may be best or may not depending on the type of property, and, in some cases, simply a private sale. He said, if they have a piece of property with an adjacent property owner who has an interest in it, it could benefit them and the neighborhood by potentially just having a private sale. He said, once again, if they know the fair market value, as long as they are getting that, he does not care what method they choose. Mr. Young said he agrees with all of that, but the first step is for Council to declare these surplus, and, again, they are going to try to get as much as possible for each of these parcels. He said he thinks appraising them makes sense. He said he hears what they are saying about the auctions, and the Resolution submitted provides flexibility either way, so, again, he thinks the best course of action is allowing either a private sale to an adjacent property owner, auction, or realtor. He said flexibility will help them maximize the amount they get for each of these, but, again, they are not generating any taxes where they are now, so there will be revenue generated no matter what is paid for them.

Mr. Dodd said he agrees with Mr. McCain and thinks it is a good idea to find out the values of the properties so when they relieve the County of this excess surplus they get the best bang for their buck.

Mr. Cannon asked if any of these properties are encumbered by Project Open Space (POS), to which Mr. Young responded, these parcels are not. He said these were the low-hanging fruit when he went through all the County-owned properties, but there are other properties that have strings attached to them or require more research. He said the memo attached is dated April, but he thinks he submitted these at the end of 2018 when he submitted the first twelve low-hanging fruit. He said one of those twelve, which was the Barren Creek property, did not have an individual State Department of Assessment and Taxation number associated with it, so they could not include it in this round, but once they get through the low-hanging fruit, that is when they will invest the time and energy into looking at other properties, including POS properties, and ask whether the County needs it. He said, specifically, with the POS parcels, they have to have a property of equal or greater value to transfer that to if they go the transfer route, or they have to pay whatever they paid previously. He clarified, again, these properties were simply the low-hanging fruit, and a lot were acquired during tax sale or for some other reason, such as they thought they were going to extend a road at some point so they acquired the parcel. He said, again, these were the easiest properties to put forward, and at least paves the way for future properties once they know what Council is comfortable with in regards to surplus properties.

Mr. Holloway asked Mr. McCain what the minimum charge for an appraisal would be because he knows some of these pieces are very minimal pieces of property that could not be built on, to which Mr. McCain responded, he thinks the vacant lots, particularly, have a lot of synergy and are similar, so, in those cases, he thinks they are probably looking at literally under \$300 for properties like that. He said, with any of the properties that have improvements, they could be looking at \$400, but they are definitely looking under \$500. Mr. Holloway said some of them are not worth a lot, so he did not want to end up with an appraisal costing more than the property, to which Mr. McCain responded, they would like to know that, so that would be the advantage of getting a valuation first.

Mr. Cannon asked, if Council approves this tonight or amends it, is there a limited period of time in which the Administration has to act, and would they still be allowed to do this three years from now, hypothetically, to which Mrs. Hurley responded, to her knowledge, the County Code does not address that; it just talks about the Executive submitting a list each year for Council to consider as surplus. Mr. Cannon said he asked that because he would want to make sure they try to take advantage of the best economic period whereas they might be able to sense values are really high and people might be really anxious to purchase these properties. He said with some of the properties maybe they could work towards some type of veteran's homeownership. He said he has seen some of these, and possibly they could coordinate with the City of Salisbury because he knows they have done a lot of very aggressive work with veterans, so it might be a possibility to see if the property could be donated to veterans, and the City of Salisbury might also give some type of relief on hookups to make it possible for a veteran to buy the home. He clarified, he says veterans, but it could be anyone who might be in need, so this is something to consider. Mr. McCain said he thinks this gets back to the earlier comments in terms of the methods, and he would like to see Council give the Administration flexibility, and maybe amend this Resolution to say public auction, realtor, or private method of sale that brings the best value to the County. He said the third option would address Mr. Cannon's comment if someone wanted to work with a veteran group, and that would fall under that third category. Mr. Cannon asked Mr. Taylor if that would be a seventh option out of the six options he gave Council, to which Mr. Taylor responded, he had not thought of the veteran option, but it could possibly fit into one of those categories, and he thinks the Resolution tonight could possibly be amended if they want to have a veterans preference to allow

for that. Mr. Cannon clarified, he would not want it to say it would have to be a veteran, but it could be a homeless initiative, so, as Mr. McCain said, maybe they could amend it to include private sale. Mr. Taylor asked if Mr. Cannon is thinking of tonight's Resolution, or amending the Code, to which Mr. Cannon responded, he was thinking of the Resolution, and was not going to get into a Code amendment. Mr. Taylor said he would need to know specifically what Mr. Cannon would want it to say, to which Mr. Cannon responded, he does not know what he wants it to say, but he can tell Mr. Taylor what he would like the end to be whereas they would have the option as a County not to be restricted to just auction or realtor sale, but also to allow for private sale. Mr. Taylor said, if anything is going to be done other than by a public auction, they will have to amend the Resolution. Mr. Cannon then asked what the best terminology would be. Mr. McCain said, if they look at scenario #2, it says all parcels are declared surplus, which he thinks they are in agreement on. He said the second part of that is it must be sold by different private sale methods, but then Council can insert the methods, and item 1 could say public auction, item 2 could say realtor, and item 3 could say private method of sale. Mr. Cannon then asked if they would have to restrict that to some type of nonprofit status as opposed to private sale, to which Mr. McCain responded, they do not necessarily want to do that either. He explained, there was an example Mr. Young gave of an adjacent property owner willing to pay fair market value, and they may be the only interested party the County is aware of. Mr. Young said the one property that did not make this list due to the SDAT information is not accessible by public access, and it is adjacent to a property where it would make sense to sell to that specific owner, so that is a case where they would like that option for that property. He said maybe some of the obscure parcels that are not developable may be where an adjacent property owner is the best course of action.

Mr. Taylor said part of the problem is they are really circumscribed by the Code, and after they got through the general discussion tonight he was actually going to say that they might want to consider changing it. He said there are some Counties that just do not have anything like this in their Code, so, as properties come up, they decide on the spot how they want to dispose of them, and that might be the most flexible way of doing it. He said there are other Counties that have provisions, but he has only found one that has anything similar to Wicomico's, which is really tight, and they are in a box with public auction, or they have to specify specifically how otherwise they want to do it. Mr. Cannon said he guesses they have two options, and one would be if Council chooses to approve this as is today, they could do such, and possibly introduce an amended Resolution at one of the next meetings that would amend this Resolution and also amend the Code, or they could table this. Mr. Taylor said there is another aspect of the Code, unfortunately, that says after the Public Hearing, which they had at the last meeting, Council has to do their declaration of surplus if they are going to declare it as surplus at the very next meeting, which is tonight, and that is another reason why they might want to change the Code because it is really a tight box. Mr. McCain said it sounds to him that they should amend it because they have to address the properties they have before them, and they are not going to be able to change the Code this evening, obviously. Mr. Cannon asked if Council can legally amend a Resolution that is in violation of the Code, to which Mr. Taylor responded, he thinks the problem is that under this particular section of the Code it says Council has to make their declaration tonight, and he thinks amending it afterwards would be risky. He said, if it were him, if there are some properties that Council does not want to just go straight to public auction with, probably the best thing tonight is to remove them from the Resolution and come back again, to which Mr. Cannon responded, Council does not know which ones those might be, and all they are trying to do is broaden this a little bit to allow some flexibility.

Mrs. Acle asked Mr. McCain if having an appraisal would tell them if the land was able to be perked, or if there was septic, to which Mr. McCain responded, it may or may not. He clarified, they are experts in valuation who have to rely on the Health Department, the Planning Department, and other people to give them information as far as the quality and potential of the property.

Mrs. Hurley said Council could approve the properties tonight that they want to declare as surplus, and then, if the public auction method does not turn out to be the best method, the County Executive could come back before Council and ask for permission to dispose of it in another manner, to which Mr. Cannon responded, that might be the best solution to try to move forward as it is now. He said then if the Administration sees some benefit to what Mr. McCain suggested, he would encourage them to come back to Council however they might have to do it, whether it is with a Resolution or Legislation for the Code, or however it has to be done. Mr. McCain said he thinks the Charter just says that it goes to public auction. He then asked if they have to take the best offer at public auction, to which Mr. Taylor responded, he will read from the Code, and that might be the best way to clarify. He read, "County property having been determined to be surplus shall be disposed of by public auction as provided for herein unless otherwise stated," and the otherwise stated, of course, is to do it other than by public auction, so the problem is, if they do not otherwise state some method, it says it shall be disposed of by public auction, and that is the difficulty with the Code. He said it is a tight Code, and he does not know why it was written this way, and he is sure it was years ago, but to him in today's environment it just is not very reasonable. Mr. Holloway asked if they can amend it to broaden it to give the Executive's Office the leeway to dispose of it to the best of their ability, to which Mr. Taylor responded, he thinks the way it is written it either has to be by public auction, or it has to be by some other method, so they could do some method other than public auction on a particular property. Mr. Holloway said they could say to either do it by public auction or the best means the Executive sees fit. He then asked if they can amend it that way, to which Mr. Taylor responded, he does not think that fits what the Code says, but they can try it. Mr. Cannon suggested they try to move forward with this as is because they know it is in line with the Code, and, again, if the Administration wants to open this up to a broader series of objectives, then maybe at that time they can come back to Council with a Resolution if they want to, or a process that is going to be necessary to amend the Code and to amend this Resolution at the same time. Mr. Taylor said he thinks Council would certainly want to think about amending the Code under any circumstances because, as they can see, it is just a very tight box they are in. Mr. Cannon said he was surprised it says "shall" instead of "may" because, to him, that limits the process.

Mr. Dodd asked what happened to the property that was on Beaglin, to which Mr. Young responded, that is the Old Ocean City property. He said it is sort of at the corner, and he thinks it had an Old Ocean City Road address before that section of Beaglin came through.

Mr. Holloway asked if any of these properties are in the City of Salisbury, to which Mr. Young responded, he believes several are, but he would have to check where the line is. He said there is a line that sort of crosses the City with Wood and Delaware Avenue. Mr. Holloway asked if they will have City taxes attached to them for the new purchaser, to which Mr. Young responded, he does not know, but, if they are in the County's name, there would be no City taxes, and all of these properties are in the County's name right now, so they may have had them, but it must have gotten settled or written off.

Mr. Cannon asked Mr. McCain if he feels comfortable with moving forward with this as is, to which Mr. McCain responded, yes, he definitely wants to see them move forward this evening, but he thinks

certainly long-term he would definitely suggest coming back with a broader proposal. He said he thinks everybody is in agreement that they want to see as many options available as possible, and he thinks the Code does kind of box them in, so he would certainly suggest coming back for long-term purposes to just change the Code, and that way they would not have to deal with this every year, and they would just have to determine whether they are surplus or not.

Mr. Holloway said he had a person contact him about one of the parcels. He then asked Mr. Young who the contact person would be to get in touch with if they want to know what is going on with it, to which Mr. Young responded, they can call for him, and he will make sure they are part of the process.

Mr. Hastings said he was in a meeting this afternoon and they were basically discussing pocket parks or other parks throughout the County where the municipal areas do not have a lot of parks. He said a lot of questions came up about having more pocket parks or smaller parks towards West Road, and certainly a lot of these properties would be in the middle of that, and it would be a way to lift some of these communities up. He said he was going to try to find out more information from the Administration, but he does not know what the process is of evaluating which one of these properties would be good for those kinds of things, but there are certainly a lot of interested folks in the communities, and they are already having meetings regarding how they can do that with County properties that are what many would consider in the City, but are not actually in the City. Mr. Young said there is something called the Land Preservation and Parks & Recreation Plan that Mr. Steve Miller, Director of Recreation and Parks brings forward, which is a Countywide park plan that looks across the County where there may be a gap in parkland in a certain area. He said, as to what was mentioned earlier, he attended something in Sharptown called Home for the Heroes where they did a veteran home. He said the Administration can reach out to those organizations, and they can reach out to Recreation and Parks and look at that. He said they would have to, of course, budget for maintaining what would go into improving a park on one of these lots. He said for the Home for the Heroes he could see if they are looking for a donation versus a private purchase. He said they can look at those options, and if they think they are something worth bringing forward, they will be glad to divert a property or two in that direction.

There being no further discussion, on motion by Mr. Dodd and seconded by Mr. Holloway, Resolution No. 122-2019 was unanimously approved.

Robert Taylor, Council Attorney

Legislative Bill No. 2019-06 – An Act to Amend Chapter 196 of the Wicomico County Code Titled “Stormwater Management” to add Article VIII to be entitled “Illicit Discharges” and to renumber the existing Article VIII titled “Miscellaneous Provisions” to become Article IX. Mr. Dallas Baker, Director of Public Works, came before Council and said they have discussed this previously at a Work Session, but this is part of the requirement for the County’s Municipal Separate Storm Sewer System Permit, which is called the MS4 permit. He said it allows the County to go on properties and inspect storm drain outfalls to detect if anything illegal is being dumped into storm drains, and then track that down to its source to stop the dumping. Mr. Holloway asked if the State already has the right to do that if they see something illegal being dumped in a drain or ditch, to which Mr. Baker responded, the State probably would not, but the County is required to monitor their own system. Mr. Holloway said, if they saw something in there, would they call the State to find out what it was or if it was illegal, to which Mr. Baker responded, they can. He said he knows they received calls before about people seeing illegal dumping that was on

State property, and they forwarded those concerns onto the State who sent their own personnel out. He said he suspects what they are probably doing is that the State does not have the resources to have their folks inspect State property, County property, and local municipal properties, so they are trying to delegate that authority to the various other Government agencies underneath them.

Mrs. Acle asked what Mr. Baker considers to be hazardous material because they had this come up in Sharptown. She said she does not know if Mr. Baker is familiar with some issues they had with possible high levels of formaldehyde and acetone, to which Mr. Baker responded, there are common things that they will test for. He said, for instance, they will test the pH of the water to see if it is too acidic or too basic, and they will test to see if there are soaps present, which is usually indicative of some carwash that is discharging it into the storm drain that should be discharging into the sewer. He said they will test for coliforms to make sure that no one's sewer system is accidentally tied in. He said he can get her a list of all the specific things they test for when they come through, to which Mrs. Acle responded, that would be great, and she will forward that on to the Commissioner of Sharptown.

Mrs. Hurley said they can have a Public Hearing on October 1 at 6:00 p.m. There being no further discussion, on motion by Mr. Dodd and seconded by Mr. Hastings, Legislative Bill No. 2019-06 was unanimously introduced.

Public Comments:

Mr. John Palmer came to the podium and said he lives in Delmar, Delaware. He thanked Mr. Cannon for giving any consideration to the veterans housing. He said that is always a great thought because he remembers times when veterans were given very little consideration, but now things have changed, and he really appreciates that. He said, secondly, he sees on the Agenda where Council will be going over the procedures for filling vacancies on the Board of Education, and he is glad they are getting that now instead of waiting until it is needed again because that was a real mess, and he hopes they do not have to put everybody through that again. He thanked Council for doing that. He said the third item is that he was not there for a couple of the Work Sessions, but he wanted to say a couple things about the Bill for the sprinkler systems. He said, if he remembers, that was not a standalone Bill, and he does not think they thought it could pass on its own because there was not a lot of popular support for it except in some special circles, so it was put in with an environmental Bill, and then it passed. He said he thinks it has caused a lot of hurt to single-family construction, especially new families with lower incomes who are just getting started. He said anything Council can do to advance changing this Bill to making that optional he thinks would be a great help to the County, and help to build their base, so anything they can do he would really appreciate. He said, finally, he has not been following real closely about the sludge tank that wants to be put on the west side of town, but he googled it, there was just a road map, and he saw the location which did not mean much to him. He said he has not been over to that section of the County in 25 to 30 years, so he pulled up the topography and started seeing all of these rooftops and homes that are near that location, so his interest got peaked a little more and he rode over there. He said that place has really changed in the last 25 to 30 years, and there are some beautiful homes out there, and a lot of people out there. He said he does not know what the influence of this type of a tank or operation is going to have in that area, but he asks that Council looks really close at it to see what is going on, and consider everything in this endeavor.

Mr. Cannon thanked Mr. Palmer and then noted that Mr. Palmer is also one of their elected officials with the Wicomico County Board of Education, as well as Mr. Mike Murray in the audience tonight.

Mrs. Mary Ashanti came to the podium and said she is the President of the Wicomico NAACP and also a citizen of Wicomico County. She said she really did not have anything to say until Mr. Palmer mentioned the sludge, and homes, and things of that nature. She said she wants to piggyback on what he said because last month she visited Somerset County, and it was evident that the County Commissioners were not looking out for the citizens of that County. She said on Backbone Road there is a cluster of a lot of what she calls factory chicken houses around beautiful homes. She said these are homes that were there before all those places were put up, so she is asking Wicomico County to be cognizant of that. She said those people are there, so the County needs to be cognizant of what they are putting in their neighborhoods. She said Wicomico County is large, and there are a lot of open spaces where there are not any homes, so some of these things need to be put out there where there are probably never going to be homes. She asked Council to please continue to protect the citizens of Wicomico County when it comes to environmental issues.

Ms. Cynthia Daughtery came to the podium and said she lives on Porter Mill Road in Hebron, and she also wants to address the sludge issue. She said she does not know how many on Council read the comments associated with blogs, but some of them have not been very complimentary to the County Council, so she wants to assure them that did not come from her group. She said they are very grateful that Council has been listening to them, and their issue is with the sludge tank being permitted to be built among them. She said they disagree with the Planning and Zoning Code interpretation, and the way the permit was issued. She said a couple of weeks ago one of their members was complimented by someone in Planning and Zoning for respecting the process, but that process is becoming increasingly difficult to respect. She said, before this permit was issued, complaints were being called in about the odor and the flies, and it was affecting neighborhoods in the Town of Hebron, children at Westside Intermediate, and the neighbors on Porter Mill Road near Route 50, so it was a known problem to the County. She said the President of the Hebron Town Commission is also an inspector with Planning and Zoning. She said, when her group learned about the plans to build the tank, they bombarded the County Executive's Office, the Health Department, the Maryland Department of Environment, the Maryland Department of Agriculture, Planning and Zoning, and anyone else they could think of to let them know about their fears and their opposition. She said no one in any of those Departments can say they did not know the neighbors were against it. She then asked why this was allowed under an application for a residential plan review. She said there is nothing customary about this monster of a tank that will hold 3 million gallons. She said it will be half the size of a football field, over 20 feet tall, and will be open. She said they do not believe the storage tank memo from Mr. Meadows to Mr. Culver accurately describes the situation. She said a 1-million-gallon tank on a century farm with five residents within half a mile of it, each of them related to that farming operation, cannot be compared to a 3-million-gallon tank with at least 24 residents on Porter Mill and Riggins Road within half a mile of it, and that is a very conservative estimate. She said she is sure the people on Athol, Mill Branch, Rewastico and Deerfield will also be affected by the traffic, the flies, and the odor. She said the proposed site is on approximately 85 acres, however, it is within 200 yards of homes on Porter Mill and Riggins Road. She said of course no one has complained about the 1-million-gallon tank because the few who live around it are part of the farming operation, and they were asked about it before it was transformed from a cow manure storage tank into a tank that contains this sludge. She said there may be times when the 3-million-gallon tank will only hold residential sludge, but nobody wants an empty garbage truck parked in their driveway, and that is about what it amounts to. She said it will still stink, and it will still draw flies. She said not addressed in this memo is the truck traffic it will generate. She said they estimate it will take 500 trucks to load it, and

she thinks everybody agrees with that figure, but 500 trucks is not actually 500 trucks because the trucks have to go to the tank, and then they have to leave that location because they are not left on the lot, so that is 1,000. She said then when spring comes they have to come back and unload it and take it to the fields, and that is 500 to get to the tank, and 500 to leave the tank, so they are talking about 2,000 additional opportunities for a truck to pass a property. She said Riggin Road and Porter Mill Road are not meant for that, and there are a number of blind curves, particularly on Riggin Road, which she believes will be the main access coming from Valley Protein onto that property because that would be the closest. She said all of this traffic will not be spread out over a year's time, but it will be during the winter when it cannot be spread, and during the intense time of spring field preparation, so it will not be an additional five trucks per day over a year, but it will be a lot more than that over a short period of time. She said the permit itself is questionable, and she only hopes if she ever needs a permit that it will be approved as quickly as this one was. She said, according to the application and the permit itself, Zoning Building Forest Conservation, Building Health Department, and Building Stormwater Management signed off or approved the permit the same day it was submitted on May 7. She said their Mardela High School graduates seem to be better able to calculate area and read a map than the experts at Planning and Zoning. She said this permit needs to be rescinded. She said they request a moratorium on the building of sludge tanks until this is all sorted out. She said, in the future, a sludge tank should require a special exception permit which would open it up to public comment and any adverse effects that it might have on the neighbors around it rather than the way it was done now. She said she just wanted to address the sludge issue, and she appreciates Council listening. She clarified, her group is not badmouthing anybody, and there would be more of them at the Council meeting, but there are 70 of them at a meeting in Mardela concerning this. She thanked them all for hearing her.

Council Comments:

Mr. Holloway said all the young folks in tonight about the Little League reminded him that school is back in session, so there will be a lot of school buses on the roads, and a lot of kids walking to school, so he wants to remind everybody to drive cautiously, and watch out for the kids because they are their future leaders. He said, for the benefit of the folks who talked about the sludge tank, he talked to Mrs. Hurley today and she contacted MDE and the Department of Agriculture to find out what the situation is over there. He said he understands both those entities have been involved somewhat, so Council is following up on that, and hopefully they will be getting back to Mrs. Hurley tomorrow.

Mr. McCain said, in response to the comments that were just made at the podium, the three speakers talked about three different angles regarding the issue, but they are really saying the same thing. He clarified, Mr. Palmer talked about how much that area had changed in 25 years, and Mrs. Ashanti talked about the inconsistency of use, which is actually a basic valuation concept, consistency of use. He said the issues Cynthia brought about with the special exception and so forth are all issues that, as a County, can be addressed via zoning. He said Mr. Palmer said how much that area has changed in 25 years, but their AG zoning code has not changed in 25 years, and that is what they need to get up to date. He said a lot of these issues would not be before them in the situation they are now if they had a more contemporary AG zoning classification. He said the bulk of their land area in the County is zoned AG, but AG is very different in different parts of the County. He said, obviously, the County varies very much from the north to the south, and from the east to the west, and in the municipalities. He said this is something that has been talked about with this Council, and they had a Work Session with Planning and Zoning, so hopefully they will see that move forward as part of this whole process.

Mr. McCain said, on another note, he does not normally dress in purple, but Wicomico Goes Purple has had quite a few events going on in the County, and it is great to see all of the things that are being done to fight addictions and so forth. He said just Saturday night the Shorebirds had an event that several Councilmembers were at. He said Mr. Culver threw out the first pitch, and he will not call it a fast ball, but will call it a straight change. He said it was a little high inside, but he did a nice job of getting things started. He said a really big event they had last week was the back to school event at the Civic Center. He said they had a sea of purple, and every single person in that Civic Center was wearing purple. He said every educator, and everyone associated with the education system was there wearing their purple, and they had Ron Clark speak, who is often referred to as America's number one educator. He said having someone of his stature in Wicomico County speaking was tremendous. He said he gave an hour and a half speech, and ran out onto the stage, so if this guy did not energize them, something is wrong with them because when people left there they were energized. He said he encouraged people to think outside of the box, and he guarantees with today being the first day of school there were probably a lot of educators that did something different in their classroom today because they were sitting in that Civic Center listening to Ron Clark's presentation. He said it was great to see someone with that much energy, and kudos to the Wicomico Education Foundation and the other folks who helped sponsor that along with the Greater Salisbury Committee to make that happen.

Mr. Hastings congratulated Mr. Young and his wife on their twins, and said he is glad to hear they are doing well. He said he is a twin also, and it is the best way to grow up. He said he also wants to correct Ms. Daughtery who said there were 70 people in Mardela at the meeting, but it looks like it is closer to 80 because he is looking at a picture of that situation right now. He said that meeting started at 6:30 p.m., and it is a big issue they should address. He has said before that they need to have a moratorium, and he will say it again now that they likely need to have a moratorium on something of this size. He said he has had more calls about this since that is where he is from, so he hears more about it, but this is an issue that he thinks they need to find a resolution to, and eventually change their zoning.

Mr. Hastings said the National Folk Festival is coming up, and it is going to be a really big deal, and they should really call it the International Folk Festival given the acts that are going on. He said it is a really special thing for their community, and he really hopes folks get out there. He said a lot of people are going to be there, and they are projecting 80,000 or so coming to town, which is a big deal, and hopefully there will not be a hurricane.

Mrs. Acle said she wants to speak to the sludge tank issue that is in her District. She said she has spent quite a bit of time with the citizens who are at the meeting in Mardela tonight, and they made her aware there was a meeting tonight. She said she has been to the site with the sludge tank, and she has some concerns about the process on how this was moved forward. She said she does not know what the answer is, and she does not know if they need a program appraisal to make sure they are following a procedure where everyone is on the same page because there are several different entities involved, including the Maryland Department of Agriculture, MDE, and the County, so they need to have a consistent flow with permitting. She said she wanted to put it out there that she thinks they need to strongly consider that.

Mrs. Acle said she also had a few requests to have some publications done in Spanish, so she does not know if it is a possibility to have a translator. She said she posts things that are relevant to the community in Spanish, and she does not know Creole, and they currently do not have a Creole

translating service, so that is something to think about if they could possibly get that on an Agenda. She said, finally, some good news is that the Township of Mardela applied for a grant, and they were awarded the grant. She said they currently have their own grant writer and are doing very well with it, so kudos to them. She said they have taken that lead, and are doing a great job.

Mr. Dodd thanked everybody for coming to the meeting, and thanked Ms. Daughtery for attending the Council meeting instead of the meeting that 80 people showed up to, and he thanked her for her kind words because Council has caught a lot of grief from this when they did not even know anything about the process. He said, unfortunately, it takes situations like this for Council to make change, but he thinks she sees that everybody is concerned about that situation over there, and Council is going to talk about it and see what they can do to assist the citizens over there. He said he is sure anybody sitting in this room would not want to be living next door to that sludge tank either, so he thanks her for saying her kind words about Council.

Mr. Dodd said today they gave proclamations to a room full of kids, and some people may not realize it, but he thinks that goes a long way with those kids and means the world to them. He said a couple of months ago they did the same thing because they won a championship then as well, and the kids remember it, and he thinks they will always remember it. He said he thinks it is going to make good character for those kids in the future, he thinks they are going to be good students, he thinks they are going to be good athletes, and they definitely are going to respect adults, so he is very appreciative of kids that are very aggressive in sports like that, so many kudos to them.

Mr. Dodd said next week is Delmarva Bike Week, and he guesses the Shorebirds will still have the event there even though they are in the playoffs, so they will be seeing 100,000+ motorcycles coming through the area who will be spending money at the hotels and restaurants, so that is usually a good thing.

Council President Comments:

Mr. Cannon said he was not aware that this was an open tank because the only thing he has seen is a picture which showed a closed tank, so he was not aware one way or the other. He said Council was taken by surprise with this just as much as the public. He said the first thing Council did once the public brought it to their attention was made certain to have Planning and Zoning review it to make sure everything was done, and the permit was issued in the proper fashion, and they asked Legal to make sure they reviewed it to make sure it was done in proper fashion, so that is pretty much what their options are. He said that is the only direction they can take in regard to trying to see how they can possibly find any type of measures that were taken that maybe were not appropriate where they might be able to then take action. He said so far, as it is now, they have been told that everything was done in proper fashion. He said, as Mr. Holloway said, that may not be the case, so if there is a window there for Council to take action, they certainly will take action. He said a lot of people ask why they do not just have a moratorium to stop it right now, but even if they were to establish a moratorium tonight, they could not necessarily stop that particular project from occurring because they would have every right to sue the County, and they would probably win based on the fact that it would be grandfathered in no matter what Council did. He said they will have to see whether or not there is an open window, but they could create a moratorium to stop anything like this in the future, and that may be something Council will strongly consider, but, as far as this initial project, hopefully there may be some bump in the road where they can possibly intercede and do what they can to try to help everyone with that. He said, as it is right now, they are trying to take whatever measures they can to address it from where they are. He


said, as he understands, these items do not come before Council unless they have a special exception, and that is why it went to Planning and Zoning, stayed in Planning and Zoning, and came out of Planning and Zoning, and was not something that had to be brought to the attention of Council. He said, if they had needed a special exception, that is something that probably would have gotten more attention, and could have been addressed in a different fashion.

Mr. Cannon said, as was mentioned earlier, the National Folk Festival is coming, and they need volunteers, so if someone would like to volunteer, it could be fun. He said they need volunteers for what they call the bucket brigade where they go around with a bucket and ask for donations. He said it is a lot of fun. He said he remembers last year when he was at the Festival volunteers would just walk around and ask if people wanted to make a contribution, and it raises a lot of money for the Festival, and is an integral part of their success. He said, if anyone would like to volunteer, they can contact the City of Salisbury and let them know they would like to help during the Festival. He said volunteering with the bucket brigade does not change the volunteer's day much because they just simply walk around and at the same time try to get contributions from the people who are attending.

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.



John T. Cannon, President




Larry W. Dodd, Vice President, District 3



Ernest F. Davis, District 1




Nicole Ache, District 2



Josh Hastings, District 4



Joe Holloway, District 5



William R. McCain, At-Large



Laura Hurley, Council Administrator