

The Wicomico County Council met in Legislative Session on Wednesday, January 2, 2019 at 10:00 a.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

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

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 Legislative Minutes from December 18, 2018 were unanimously approved.

On motion by Mr. McCain and seconded by Mr. Holloway, the Open Work Session Minutes from December 4, 2018 – Connelly Mill Land Donation, were unanimously approved.

On motion by Mr. Dodd and seconded by Mr. Davis, the Open Work Session Minutes from December 18, 2018 – Application for Water and/or Sewer Request for Amendments to the Wicomico County Water and Sewer Plan, were unanimously approved.

A proclamation was presented to Mr. Michael Pennington in recognition of his retirement from the Tri-County Council.

Laura Hurley, Council Administrator

Mrs. Hurley said they have several Board and Commission appointments on the Agenda today, and Agenda item numbers 1 through 16 are appointments of Councilmembers to various Boards and Commissions.

Resolution No. 01-2019 – Appointing John T. Cannon as a Voting Member of the Tri-County Council for the Lower Shore of Maryland. There being no discussion, on motion by Mr. Dodd and seconded by Mr. Davis, Resolution No. 01-2019 was unanimously approved.

Resolution No. 02-2019 – Confirming the reappointment of John T. Cannon to the Salisbury Area Chamber of Commerce. There being no discussion, on motion by Mr. Dodd and seconded by Mr. Kilmer, Resolution No. 02-2019 was unanimously approved.

Resolution No. 03-2019 – Confirming the reappointment of John T. Cannon to the Salisbury-Wicomico Economic Development “SWED” Revolving Loan Committee. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 03-2019 was unanimously approved.

Resolution No. 04-2019 – Confirming the appointment of John T. Cannon to the Wicomico County Airport Commission. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 04-2019 was unanimously approved.

Resolution No. 05-2019 – Confirming the reappointment of Joe Holloway to the Salisbury-Wicomico Economic Development “SWED” Board of Directors. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 05-2019 was unanimously approved.

Resolution No. 06-2019 – Confirming the reappointment of Joe Holloway to the Commission on Aging. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 06-2019 was unanimously approved.

Resolution No. 07-2019 – Confirming the appointment of Joe Holloway as a Designated Director of PAC 14, Inc. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 07-2019 was unanimously approved.

Resolution No. 08-2019 – Appointing Larry W. Dodd as a Voting Member of the Tri-County Council for the Lower Shore of Maryland. There being no discussion, on motion by Mr. McCain and seconded by Mr. Holloway, Resolution No. 08-2019 was unanimously approved.

Resolution No. 09-2019 – Confirming the Reappointment of Larry W. Dodd to the Wicomico County Recreation and Parks Commission. There being no discussion, on motion by Mr. McCain and seconded by Mr. Holloway, Resolution No. 09-2019 was unanimously approved.

Resolution No. 10-2019 – Confirming the Appointment of Larry W. Dodd to the Wicomico County Tourism and Civic Center Commission. There being no discussion, on motion by Mr. McCain and seconded by Mr. Kilmer, Resolution No. 10-2019 was unanimously approved.

Resolution No. 11-2019 – Appointing Josh Hastings as a Voting Member of the Tri-County Council for the Lower Shore of Maryland. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 11-2019 was unanimously approved.

Resolution No. 12-2019 – Confirming the Appointment of Josh Hastings to the Salisbury/Wicomico Metropolitan Planning Organization. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 12-2019 was unanimously approved.

Resolution No. 13-2019 – Confirming the Appointment of Josh Hastings to the Delmarva Resource & Development Council. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 13-2019 was unanimously approved.

Resolution No. 14-2019 – Confirming the Appointment of Josh Hastings to Shore Up!, Inc. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 14-2019 was unanimously approved.

Resolution No. 15-2019 – Appointing William R. McCain as a Voting Member of the Tri-County Council for the Lower Shore of Maryland. There being no discussion, on motion by Mr. Dodd and seconded by Mr. Davis, Resolution No. 15-2019 was unanimously approved.

Resolution No. 16-2019 – Confirming the Appointment of William R. McCain to the Natural Resources Conservation Advisory Committee. There being no discussion, on motion by Mr. Dodd and seconded by Mr. Davis, Resolution No. 16-2019 was unanimously approved.

Resolution No. 17-2019 – Approving a Transfer Between Major Categories of the Wicomico County Board of Education Operating Budget for Fiscal Year 2018-2019, Transferring a Total of \$265,000. Mr. Bruce Ford, CPA, Chief Finance and Operations Officer for Wicomico County Board of Education, Ms. Bonnie Walston, Director of Special Education, Birth through 21, Mrs. Kimberly Miles, Assistant Superintendent for Student and Family Services, and Mr. Jesse Reid, Comptroller, came before Council. Mr. Ford said, as they briefed Council at the last Council Work Session, they are coming forward with a request for a transfer, and he is going to turn it over to Mr. Reid to review that transfer with Council in detail, and Mrs. Miles and Ms. Walston will be able to answer any specific questions they may have.

Mr. Reid said the transfer request before Council is for \$265,000, and is necessary due to three students new to Wicomico County this year with severe medical needs who require one-on-one nurses. He said they did not anticipate these costs in the FY19 budget, and are, consequently, projecting a budget deficit

in the category Student Health Services. He said, fortunately, they are projecting budget availability in the categories Other Instructional Costs, and Special Education, so they have funds available to transfer to cover the nursing deficit, and they stand ready to answer any questions Council may have.

Mr. Cannon said he thinks they touched on some of this before, and this is for three students. He then asked, if there were four students, would it be an additional amount equal to what they are doing today. He said he knows this is for individual contractual one-on-one nurses because they have that information, but, for the public's information as far as how this breaks down, are some of these base costs, or, if there was an additional student, would it be another \$100,000, to which Mr. Reid responded, it is actually about \$80,000 per student, and there is a fourth student, who they expect to be coming along sometime this month, so the additional money is for that potential fourth student. He said they wanted to be safe rather than not budget for it.

Ms. Walston said this is extraordinary in light of the fact of the medical conditions of these students requiring the higher level of skilled nursing of at least a registered nurse to be with them at all times because of their presenting medical condition. She said, unfortunately, they cannot predict who is going to be moving into their County, nor the disabilities they are going to be presenting with, but they are obligated under the Individuals with Disabilities Education Act, as well as the American Disabilities Act of 1973 that says they have to provide that level of support in order for them to be able to access their general education curriculum, and participate as any other nondisabled student would have the opportunity to do.

Mr. Cannon asked if there are any additional funds that either the Federal Government or the State match for these families, or is the burden on the local Government, to which Ms. Walston responded, it is on the local Government for the education costs. She said she knows there are other supports for families outside of the school day, but they do not support the school. She said education is their right from the age of 5 through 21 if they are a student with a disability.

Mr. Dodd asked, if they come from another school district, is that school district required to forward any funding to Wicomico, to which Ms. Walston responded, no, just as if they were to leave Wicomico and go to another County, Wicomico is not under that obligation as well.

There being no further discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 17-2019 was unanimously approved.

Resolution No. 18-2019 – Approving Bylaws for the Wicomico Partnership for Families and Children. Mrs. Hurley said the last update to the Bylaws was done in 2017, and it is her understanding that this version before Council today is a complete rewrite of that version. Mrs. Michelle Bradley, Director of Wicomico Partnership for Families and Children came before Council. Mr. Cannon asked Mrs. Bradley to explain what is changing as a whole for operations, to which Mrs. Bradley responded, overall, the operations are not necessarily changing, but there was a lot included in the previous Bylaws that are already accounted for in the Charter, as well as in their procedural manual. She said there was really a duplication, so they took it out. She said there was one position on the Board that mandated for them to have a treasurer, but that is in direct conflict with the County Charter because the County is responsible for their finances, and their Board is all volunteer, and to leave that responsibility on a volunteer member with the budgets and numbers they work with did not seem very reasonable, so they eliminated the treasurer position. Mr. Cannon said he has heard, unsolicited from two different positions of people, that she is doing an excellent job, and they have said everything is in order, and that she has gone miles beyond even what the expectations were originally, to which Mrs. Bradley responded, that is nice to hear, and they are trying to streamline, and get everything in working order.

There being no further discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 18-2019 was unanimously approved.

Resolution No. 19-2019 (SM) – Authorizing Axon Enterprises, Inc. as a Sole Source Vendor for the Purchase of Tasers and Body Cameras, and to Waive the Formal Competitive Bidding Process for the Purchase of said Tasers and Body Cameras during Fiscal Year 2019. Mrs. Hurley said Council may recall that Axon Enterprises was authorized as a sole source vendor in August of 2018 for the Department of Corrections to purchase Tasers. She said this request is now coming before Council from the Sheriff's Department seeking to purchase Tasers and body cameras from Axon Enterprises. There being no discussion, on motion by Mr. Dodd and seconded by Mr. Kilmer, Resolution No. 19-2019 was unanimously approved.

Submission of Appointments to the Natural Resources Conservation Advisory Committee, Tourism and Civic Center Commission, and the Recreation and Parks Commission: Mrs. Hurley said, in accordance with Charter Section 315, the County Executive is to submit appointments to Boards and Commissions to Council for confirmation at a Legislation Session. She said the Director of Administration has formally submitted the names of several individuals to serve on the Natural Resources Conservation Advisory Committee, the Tourism and Civic Center Commission, as well as the Recreation and Parks Commission.

Mrs. Hurley said the Natural Resources Conservation Advisory Committee was established in 2009 for the purpose of developing a comprehensive GI plan with strategies to implement Green Infrastructure Conservation in Wicomico County.

Resolution No. 20-2019 – Confirming the Appointment of Jared R. Parks to the Natural Resources Conservation Advisory Committee. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 20-2019 was unanimously approved.

Resolution No. 21-2019 – Confirming the Appointment of Alyssa Massey to the Natural Resources Conservation Advisory Committee. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 21-2019 was unanimously approved.

Mrs. Hurley said next are several appointments to the Wicomico County Tourism and Civic Center Commission. She said this Commission is somewhat new. She said Council adopted Legislation in October 2018 to combine the Tourism Commission and Civic Center Commission into one Commission. She said the Director of Administration has submitted the names of several nominees for the initial appointments to the newly combined Tourism and Civic Center Commission.

Resolution No. 22-2019 – Confirming the Appointment of Sandra S. Fitzgerald-Angello to the Wicomico County Tourism and Civic Center Commission. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 22-2019 was unanimously approved.

Resolution No. 23-2019 – Confirming the Appointment of Kathleen G. McLain to the Wicomico County Tourism and Civic Center Commission. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 23-2019 was unanimously approved.

Resolution No. 24-2019 – Confirming the Appointment of Laura Soper to the Wicomico County Tourism and Civic Center Commission. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 24-2019 was unanimously approved.

Resolution No. 25-2019 – Confirming the Appointment of Michael E. Getzey to the Wicomico County Tourism and Civic Center Commission. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 25-2019 was unanimously approved.

Resolution No. 26-2019 – Confirming the Appointment of Stephanie Willey to the Wicomico County Tourism and Civic Center Commission. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 26-2019 was unanimously approved.

Resolution No. 27-2019 – Confirming the Appointment of William R. Chambers to the Wicomico County Tourism and Civic Center Commission. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 27-2019 was unanimously approved.

Resolution No. 28-2019 – Confirming the Appointment of Michael B. Delano to the Wicomico County Tourism and Civic Center Commission. There being no discussion, on motion by Mr. Dodd and seconded by Mr. Davis, Resolution No. 28-2019 was unanimously approved.

Resolution No. 29-2019 – Confirming the Appointment of Edward W. Urban to the Wicomico County Tourism and Civic Center Commission. There being no discussion, on motion by Mr. Dodd and seconded by Mr. Davis, Resolution No. 29-2019 was unanimously approved.

Resolution No. 30-2019 – Confirming the Appointment of Bakulesh Patel to the Wicomico County Tourism and Civic Center Commission. There being no discussion, on motion by Mr. Dodd and seconded by Mr. McCain, Resolution No. 30-2019 was unanimously approved.

Mrs. Hurley said the last appointment for consideration is to the Recreation and Parks Commission. She said this Commission acts in an advisory capacity to the Director of Recreation, Parks and Tourism on all matters concerning comprehensive planning, policy interpretation, budgeting, operations, maintenance, capital improvements, as well as the formulation of plans and policies for public recreation, the establishment of recreation programs, and the creation of recreation policies.

Resolution No. 31-2019 – Confirming the Appointment of Jermichael Mitchell to the Wicomico County Recreation and Parks Commission. There being no discussion, on motion by Mr. Holloway and seconded by Mr. McCain, Resolution No. 31-2019 was unanimously approved.

Public Comments:

Dr. Gerri Mason came to the podium and said she is a resident of Salisbury, Maryland, and she is also a realtor with ERA Martin. She said she is here because her sister is a patient at Wicomico County Nursing Home in Salisbury, and she is asking the Council to please reconsider any privatization of the Nursing Home. She said they are looking at working together as a community to come up with a proposal of some plan that they can keep it in the public sector, as it was established by the community on the Westside as a place where residents could keep their patients there at a low cost, and also support that. She said she does not know if all of Council knows this, but Phi Delta Kappa Sorority, which most of the members attend her church, started that with Ms. Agatha Polk being the leader in charge, and it has been in existence as of this year for 52 years. She said she is proud of the accomplishments and the support from the community thus far, but, if they do not know something, or if things are hidden from them, or people just do not let them know that they are in trouble budget wise, then there is nothing the community can do. She said now that it has been brought to their attention, they need to meet together with the community leaders, the churches, and everyone who has an interest, relatives or

family members in that Nursing Home to see what they can do to resolve this matter before the June deadline on when they will make the final decision. She said she is here to say that there are a lot of people in the community who look at Wicomico Nursing Home as one of the best nursing homes in this area. She said it has been in the Metropolitan Magazine as the number one choice for nursing homes. She said, if they look at the other nursing homes and wonder why they have low ratings, they are private nursing homes, and Wicomico Nursing Home is public, so that should tell them something. She said they might need updating and repairs, but, with what they have, they have kept the Nursing Home at a rating of 4 stars, and other nursing homes do not, so that speaks for itself. She said, by privatizing the Nursing Home, all they would be doing is shifting the responsibility of the repairs and the updating to a private company, a company who is looking at their bottom line, and at any time they are looking at the money they are going to make off the Nursing Home, and not at really doing anything significant to improve the situation, but just how much money they can make off the patients. She said she feels Wicomico County should stay in the forefront of this, and do everything they can, even if they have to start a Go Fund Me page, or whatever they can do to keep it in the hands of the County. She said she has been there when the heat did not work, and when the air conditioning did not work, and she has seen Mr. Culver there working with the staff trying to resolve problems, but they do not just throw their hands up and say there is nothing they can do because there is something they can do. She said this is a vital part of the community, and she begs them to meet with community members, Board members, and elected officials to get together on a consensus on how they can resolve this problem before it is too late.

Mrs. Mary Ashanti, President of Wicomico County NAACP came to the podium and said she is here to let Council know that Wicomico County NAACP supports everything Dr. Mason has said. She said, not only is Dr. Mason representing herself, but there are other churches that feel the same way. She said she has a question, but she is not expecting them to answer it right now. She then asked if there is an Advisory Commission to Wicomico Nursing Home, and, if there is, what is the composition of that committee, and what is their function. She said she heard Dr. Mason say that they have to make a decision by June, and she asked them to let that be a decision they make because they are well informed as to what the community wants, and what they can do because she thinks, working together, they can resolve the issue, whether it is finance or whatever, but she thinks they can resolve it working together.

Ms. Carol Ward came to the podium and said she talked to Council a couple of weeks ago. She said she has gotten in contact with four out of the seven Councilmembers, and she feels a little bit more comfortable about the situation, and she got to talk to some of them this morning. She said Wicomico Nursing Home is a vital part of this community, and they do not want to see it sold or closed. She said, yes, the building needs updates, but that does not matter. She said what matters are the nurses because those people have a heart of gold, they are there for the patients, and take care of the patients. She said she has been to other nursing homes, has worked on an ambulance, and her husband is a paramedic, and they have seen what other patients have to go through. She said, when her grandmother was in another nursing home, she had to take pictures every single day, and she had to go to Andy Harris' office to file a complaint, and they got fined \$40,000 at that other nursing home. She said, since her grandmother has been in Wicomico Nursing Home, she has had excellent care. She asked Council to please do whatever they can to save it.

Council Comments: Mr. McCain said they did several appointments today, and he just wants to thank all of those individuals for their willingness to serve their community, and serve on those different Committees and Commissions.

Mr. Dodd said a lot of people do not realize that they have quite a few Committees and Commissions, and it is really difficult at times to find people to serve on them because they are taking time away from

their family, and some of these appointees today have served on several different Committees, and he thanks them for stepping up to the plate, and he thanks all the new members as well.

Council President Comments:

Mr. Cannon said he noticed the same thing, and some of those names were on there in 2006, including Ed Urban and a few others, and it is really nice to see people in the community who are so effective in the community taking a part in actually working with the County on many Commissions that are so important to the County as a whole. He said they are doing great work, and, for the new individuals who have signed on, they do appreciate their support.

Mr. Cannon said, with what has been discussed during the Public Comments regarding the Nursing Home, the Council is very much aware of the community's concerns on the Nursing Home, and they want to make sure they tread very lightly as they review this. He said it has been said in the past that all of a sudden they have come out with this, and they have been asked why they have not discussed these problems before, as well as the fact that there is a funding issue, and they have been asked why all of a sudden at the last minute is it almost so urgent that they are saying they need to close it, or have someone else take over the management or ownership of it. He explained, they have found that what happens in the public arena so often is that, if they bring out publicly what some of the concerns are, they immediately have to be worried about what the ramifications might be, and that is why he thinks it came to such a head at this point in time that there is an issue with funding sources, and with the budgeting for the Nursing Home. He said, as soon as they have to do that publically, then all of a sudden, as the testimony he has heard, everyone is concerned about losing their jobs, or losing their tenancy at the Nursing Home, and that is a concern Council has. He clarified, they do not really try to make a secret of any of it. He said, if it were privately owned, the public would not know anything about it because the Board of Directors meet in private and review what the circumstances might be, and then when it is the appropriate time they will announce what actions will be taken. He said they try to avoid discussing it in full detail until it is absolutely necessary, not because they wanted to hide any of the facts or figures, but just simply to avoid any type of a panic in the community as to what may be happening. He said, with that being said, they do recognize the fact that there are concerns financially with the Nursing Home. He said the question is whether there is a method they can take to stop the excessive losses, and to bring that under control, and whether that is even within the ability for the County as a Body to do that. He said he guesses the second part of that is what they have been talking about at prior Work Sessions, which is that if they find out they have to bring a management group in to manage the Nursing Home, what is of paramount interest to the Executive and to this Council is that there is no compromise of services to this Nursing Home. He said, if it were to be that the Nursing Home is sold to a private company, they would want to try to make sure those same assurances are maintained. He clarified, granted, they cannot always do that because, once a property is sold, and once a new company comes in, they will most likely have the flexibility to do whatever they feel necessary to make it a profitable organization. He said they are very carefully trying to weigh that, and trying to balance out what the pros and cons might be, and what the true sustainability is to the taxpayers of Wicomico County. He said Council does appreciate everybody coming here because every time somebody comes to the podium and explains their concerns, he thinks it does shed new light as far as what some of the issues really are on a personal level, and that is important to the members of the Council. He said they will continue to review this, and he knows that Mr. Strausburg has been working very, very hard with different organizations and different companies to make sure that however they may transition within the next year that it will be to the best benefit of Wicomico County, to the individuals working there, and the individuals who are currently residing there.

Mr. Holloway asked how many people on the Council have visited the Nursing Home in the past couple of years, to which a few Councilmembers raised their hands. He then said he thinks they need to set up a tour where they can all go out there at one time, or three at a time so they do not have a conflict, and take a tour of the Nursing Home to see what is going on so they can have a better idea of what some of the concerns are. Mr. Cannon said they can let the staff and Director know in case any of the staff want to talk one-on-one while they are there because that would be a great opportunity. Mr. Strausburg, Director of Administration, said he will arrange it.

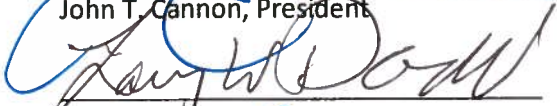
Dr. Gerri Mason then came back to the podium and said she understands Wicomico County took over the Nursing Home because the sorority could not continue to fund it, and they appreciate that, but she also says they should communicate, especially with the community at large who started that facility as to what is going on, and what is happening because they had an initial investment. She said she will ask the question Mrs. Ashanti did. She then asked if there is an Advisory Board, or is there just this Council, to which Mr. Cannon responded, it is just this Council. He said there is no Advisory Board, and he is not quite sure as far as the structure within the Nursing Home. He said he knows the Council does not make any appointments to an Advisory Board or Commission. Mr. Holloway said it was suggested at one of their Council meetings that there be an Advisory Board put together, but he does not think that has been put together yet. Mr. Strausburg said there are too many regulatory issues they have to go through within the next 30 days to deal with that. Dr. Mason said, as far as her background, she has served as Somerset County Assistant Director for 22 years prior to going into real estate, she managed a budget and an office, and was given accolades for being one of the best Directors they ever had in Somerset County, and she worked with the Somerset County Council. She said she will give her expertise and her knowledge as she has been to several trainings on public policy, and she would be glad to work with the Administration so they can get this resolved. She then addressed Mr. Strausburg, and said he can put her name down as one of the community leaders who is going to work with him. Mr. Cannon asked Dr. Mason to give her information to Mrs. Hurley because that would be a big help.

There being no further business, on motion by Mr. Holloway, seconded by Mr. Kilmer, and unanimously approved, the Legislative Session was adjourned.


**Legislative Minutes
January 2, 2019**




John T. Cannon, President



Larry W. Dodd, Vice President, District 3




Ernest F. Davis, District 1



Marc Kilmer, District 2

absent
Josh Hastings, District 4



Joe Holloway, District 5

William R. McCain, At-Large



Laura Hurley, Council Administrator