

The Wicomico County Council met in Legislative Session on Tuesday, January 3, 2023 at 6:00 p.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

In attendance: John T. Cannon, President; Shane Baker, Vice President; Joe Holloway, Josh Hastings, Shanie P. Shields, James Winn, and Jeff Merritt.

Present: Laura Hurley, Council Administrator; Lynn Sande, Executive Office Associate; Julie Giordano, County Executive; and Andrew C. Mitchell Jr., Council Attorney.

On motion by Mr. Winn and seconded by Mr. Merritt, the Legislative Minutes from December 20, 2022 were unanimously approved.

A proclamation was presented to Big Brothers Big Sisters of the Eastern Shore, Inc. in recognition of National Mentoring Month.

Mr. Cannon recognized Superintendent Stauffer, Ms. Beauchamp with the Board of Education, Delegate Carl Anderton, States Attorney Jamie Dykes, and County Executive Giordano who were in attendance.

Laura Hurley, Council Administrator

Public Hearing: Capital Improvement Program for Fiscal Years 2024-2028.

Mrs. Hurley said there are copies of the CIP summary page on the table, and she will read each Department and the totals through 2028. She said, once she is finished reading the totals by Department, the Council President will open the floor for the Public Hearing.

<u>General Fund</u>	
Sheriff's Office	\$2,336,000
Health Department	\$680,000
Emergency Services	\$23,575,000
Elections	\$1,000,000
Corrections	\$4,467,000
General Services	\$1,650,000
Public Library	\$2,615,400
Wor-Wic	\$6,539,888
Board of Education	\$33,288,600
Public Works-Engineering	\$6,150,000
Public Works-Roads	\$6,150,000
Civic Center	\$14,942,500
Recreation & Parks	\$28,960,991
<u>Enterprise Fund</u>	
Public Works - Solid Waste	\$18,310,000
Tourism	\$480,000
Airport	\$45,340,150
Total All Funds	\$196,485,529

Mr. Cannon opened the Public Hearing.

There were no public comments. Mr. Cannon closed the Public Hearing.

Public Hearing: Resolution No. 01-2023 – Authorizing the County Executive to accept a Revised Grant Agreement from the Maryland Department of Housing and Community Development through the Community Development Block Grant Program for the repurposing of Grant Funds (CDBG-CV-2-16) approved by Resolution 98-2020 in the approximate amount of \$250,000 in CDBG funds for Community Service Projects in response to COVID-19 for MAC Inc. to serve low-to-moderate income families in Wicomico County.

Mr. Cannon opened the Public Hearing. There were no public comments. Mr. Cannon closed the Public Hearing.

Mr. Jesse Drewer, Community Development Planner, and Ms. Giordano came before Council. Mr. Drewer passed out a handout and said this is a quick update for expenses where they stand for this grant. He said this grant has been before this Council two times in the past. He said it was originally an emergency rental assistance grant put together in 2020 when COVID was really a major issue. He said they will notice that Salisbury Neighborhood Housing was a recipient of this grant and spent \$148,000 with this grant. He said it has since been repurposed to three other community organizations and, as required by the Community Development Block Grant Program, they are looking to add another organization to this grant to help them expend the funds by the deadline, so they are looking to add Maintaining Active Citizens (MAC, Inc.) for \$250,000, which he believes is in the brief book. He said they are requesting the \$250,000 to assist the Meals on Wheels program for people 60 and over who are shut in due to issues with COVID. He said, to date, they were awarded \$900,000, and they have to expend that by June 30, 2023, and to date they have spent \$273,739, and with this expense from MAC it will help them get towards their expenditure deadlines quicker.

There being no further discussion, on motion by Mr. Hastings and seconded by Mr. Winn, Resolution No. 01-2023 was unanimously approved.

Resolution No. 02-2023 – To authorize a Continuation of an Appeal of a Circuit Court Order in the Michael Bowers versus State of Maryland, et al., Civil Case No. C-22-CV-22-000095 and Samuel Workman versus State of Maryland, et al., Civil Case No. C-22-CV-22-000229.

On motion by Mr. Hastings and seconded by Mr. Winn, Resolution No. 02-2023 was unanimously introduced.

Mr. Winn made a motion to postpone Resolution No. 02-2023 until the next Council meeting on January 17, 2023.

Resolution No. 02-2023 was later reconsidered to include a second on the motion made by Ms. Shields.

Submission of Appointments to the School Building Commission, Agricultural Preservation Advisory Board, and the Wicomico County Commission for Women.

Mrs. Hurley said, in accordance with Charter Section 315, the County Executive has submitted the names of three individuals for the Council's confirmation.

Mrs. Hurley said the School Building Commission assists the County School Board in planning building construction, rehabilitation, and maintenance projects. She said they also audit building designs, specifications, and contracts prepared by architects and/or contractors to determine the best technical and most practical approaches for the benefit of the community.

Mrs. Hurley said the Agricultural Preservation Board meets in response to applications for formation of an Agriculture Preservation District. She said the Advisory Board reviews the applications for compliance and makes recommendations to the County Council on the merit of each application.

Mrs. Hurley said the Commission on Women is a nonpartisan organization dedicated to enriching the lives of women and families by focusing on issues of importance and concerns to them including education, economic opportunities, healthcare, social issues, and legislation. She said the Commission advocates for women and advises the County Executive and County Government on all areas of concern.

There being no discussion, on motion by Ms. Shields and seconded by Mr. Merritt, the consent agenda consisting of the following Resolutions was unanimously approved:

- **Resolution No. 03-2023** – Confirming the Appointment of Philip Marshall Wells as a Member of the Wicomico County Agricultural Preservation Advisory Board.
- **Resolution No. 04-2023** – Confirming the Appointment of Jared A. Shelton as a Member of the School Building Commission
- **Resolution No. 05-2023** – Confirming the Appointment of Megan Outten as a Member of the Wicomico County Commission for Women

Resolution No. 06-2023 – Confirming the Appointment of Thomas “Bunky” Luffman, Jr. as the Director of Administration.

There being no discussion, on motion by Mr. Hastings and seconded by Mr. Winn, Resolution No. 06-2023 was unanimously approved.

Resolution No. 07-2023 – Confirming the Appointment of Donna Pierce O’Hara as the Director of the Department of Human Resources.

There being no discussion, on motion by Ms. Shields and seconded by Mr. Winn, Resolution No. 07-2023 was unanimously approved.

Resolution No. 08-2023 – Confirming the Appointment of Lorenzo R. Cropper as the Director of the Department of Emergency Services.

There being no discussion, on motion by Mr. Merritt and seconded by Mr. Baker, Resolution No. 08-2023 was unanimously approved.

Resolution No. 09-2023 – Confirming the Appointment of Christopher D. Hopkins as the Deputy Director of the Department of Emergency Services.

There being no discussion, on motion by Mr. Baker and seconded by Mr. Winn, Resolution No. 09-2023 was unanimously approved.

Resolution No. 10-2023 – Confirming the Reappointment of Pamela B. Oland as the Director of the Department of Finance.

There being no discussion, on motion by Ms. Shields and seconded by Mr. Merritt, Resolution No. 10-2023 was unanimously approved.

Resolution No. 11-2023 – Confirming the Reappointment of Steven E. Miller as the Director of the Department of Recreation, Parks and Tourism.

There being no discussion, on motion by Mr. Hastings and seconded by Mr. Merritt, Resolution No. 11-2023 was unanimously approved.

Resolution No. 12-2023 – Confirming the Reappointment of Anthony M. Rudy, A.A.E. as the Director of the Department of Aviation.

There being no discussion, on motion by Mr. Hastings and seconded by Mr. Merritt, Resolution No. 12-2023 was unanimously approved.

Mr. Cannon thanked all those who are newly appointed and congratulated them and those who have been reappointed. He said they are very much looking forward to working with each and every one of them.

Resolution No. 13-2023 – Designating persons for training under the Open Meetings Act.

Mrs. Hurley said State Law requires each Public Body to designate at least one individual who is an employee or member of the Public Body to receive training on the requirements of the Open Meetings Law. She said this Resolution is designating all Councilmembers to receive the training, and training is to be completed within 90 days after being designated. She said the training can be taken on-line or in a class on the requirements of the Open Meetings Law offered by the Maryland Association of Counties through the Academy of Excellence in Local Government.

There being no discussion, on motion by Mr. Baker and seconded by Mr. Winn, Resolution No. 13-2023 was unanimously approved.

Public Comments:

Mr. Scott Hamilton came to the podium and said he resides in Wicomico County and he is also the President of the Fraternal Order of Police (FOP) in Wicomico County representing over 231 active members and some retirees as well with a total membership of about 260. He said, in reference to Resolution No. 02-2023 on continuation of the appeal of the pending lawsuit against Wicomico County by an FOP member and retiree, he can only stress to the Council that it is important that they continue to work together to make the best outcome possible to resolve this situation civilly. He said he wants to make sure that the Council understands that his door is open and his phone is on to work with each and every one of them to do the best job they can to ensure that everyone in this County, to include their Sheriff's deputies, police officers, and first responders, are taken care of the best way they can.

Mr. Darren Lombardo came to the podium and said he wanted to come here this evening and welcome the new Councilmembers here and to express that he was disappointed in the last meeting as it relates to a decision that was made regarding a million dollars that this County allocated for school resource officers (SROs). He said what he witnessed at the last meeting was administration sitting up front and saying that they cannot use the money for SROs because they are reoccurring funds, so instead they would like to use it and repurpose it for things that are not necessary. He said not necessary would mean backup cameras for school buses. He said school buses are not supposed to back up while they are on the route. He said he does not know if they know that, so that is a meaningless upgrade. He said there are things that they have seen a lot of patterns over the years of bait and switch tactics with taking funding and reallocating it for something other than what it was purposed for. He said they have 25 schools and ten SROs. He said their schools are getting bad, they are really bad, so he does not have to reiterate that. He said a lot of people who ran in their campaigns all pretty much said school safety is a

huge issue, so here they are today where that was seed money designed to get the ball rolling to expand their SROs, and the responsible thing would have been to hand it back to the County and then the County find a way, whether through other funds or other methods, to get that to the Sheriff's Office even if it is to have four or five SROs over a period of three years while funding is secured until they get that long-term funding for the school system. He said they need to do that. He said he is coming here tonight and they have an awesome team sitting here between the Executive's Office and the County Council, and they can fix this. He said they can find a way as they have to secure their schools, that is the bottom line. He said he just wanted them to consider that and see whatever it is that they can do because they absolutely need to secure their schools. He said that is a top priority.

Mr. Cannon said, as a point of clarification, he does not believe the money was ever transferred from SRO funding, it was actually an error on the part of the State of Maryland in evaluating the maintenance of effort that the County was required to pay. He said, once they realized there was an error to that affect, they made the decision based on the request from the BOE to apply those funds as they requested. He clarified, he does not recall it ever having been originally approved for SROs.

Speaking from the audience, Mr. Lombardo responded, what is very disappointing is that the Elected Board had no idea that that decision was made, so their authority was circumvented in that process.

Mr. James Adkins came to the podium and said he lives in Mardela. He said he wanted to address and bring to the Council some notes and attention. He said recently there seems to be some activity related to rebuilding Barren Creek Road in Mardela Springs. He said, for those who do not have a lot of history on Barren Creek Road, it was washed out in the summer of 2016. He said, at that time, there was an estimate given to the County to replace the road at a cost of \$400,000, which would not replace the dam but would replace the road. He said replacing the dam at that time was estimated to be \$3 million dollars. He said nothing happened. He said, through two County Executives there was no work and no progress done on the road, and every time he would speak to someone it was still in the planning and research stage due to the State with the Environmental Protection, Department of Natural Resources, Department of Agriculture, and just about any other department that wanted to ride down and look at it. He said his concern now is that they seem to be talking about replacing Barren Creek Road. He said there are two homes on Barren Creek Road, and one of them is his. He said that home was built in the 1800s and is about 17 feet off the road. He said, for a country road, that is not a problem, but that road is a problem. He said, prior to it washing out, all the residents in Mardela who say they want it replaced is because it is a shortcut from Route 54 Delmar Road to Route 50. He said it saves them a mile or mile and a half from going up to the stoplight. He said, in the morning or the evening when that road was there, they could see the high school students come out of the school and take that shortcut, and you could see the accidents that occurred on Route 50. He said now his understanding is that, if they are going to replace that road, it has to be built to State specifications, which means that road will be wider than it currently is, and will probably be a lot smoother than it ever was from day one, and his concern besides his home is the speed limit on that road, which will not be enforced, and the truck weight enforcement on that road, which will not be enforced because it never was. He said that road had a 16,000 pound weight limit and three axel limit on it when it was in existence, and if he had a dollar for every tractor trailer that rumbled by his front door he would not be here talking to them tonight, but nobody bothered. He said another thing to think about is, if they notice lately with the traffic concerns in this County, when leaving Salisbury heading west, Porter Mill Road at Route 50 is the only road that currently has not had to have something done on Route 50 to control the traffic. He said they are getting

to be like New Jersey with jug handles where they have to pull out and make a U-turn and come back. He said Old Railroad Road, which the State five or six years ago spent a whole lot of money widening the median strip and doing everything it needed, it is his understanding now that the State is getting ready to come back and make adoptions to that road so you cannot go across it, you are going to have to zig zag. He said, moving down to Barren Creek Road, are they going to open that road back up, increase the traffic on that road so that the State can come in because there is so much traffic up there, and have to do an adaption to a highway to control the traffic on it. He said the Council sat here tonight and talked about the budget for the County and he does not know the numbers to replace Barren Creek Road, he does not think anybody in this room knows. He said, when they get done with the environmental studies and the natural resources and all the other things that have to be done, the number he is told is between \$5 and \$7 million dollars. He said is there not something in this County that they can use \$5-\$7 million on that is not a convenience or a shortcut from one road to the other. He said it really needs to be looked at, and there are only two residences on that road, and neither is in favor of that road being reopened, and he would be interested to see when the Department of Environment and other State agencies start looking around down there and they see the growth of the pine trees and other growth that has occurred in the pond since it left, the amount of animals that have come into that area that the State wants to protect, and low and behold right on the corner at the bottom are two pine trees which, if they are not 100 years old, they are 10 years old on either side, and there is a pair of bald eagles that love to sit up in those trees and the State is going to have to come in and cut those trees down. He said, if anybody would like to talk to him or come down and see his version of it, there have been tours given down there during the past six years, and the funny thing about the tours is that the two homeowners who live on that road find out about them after they happen. He said nobody wants to hear what they are looking at, so if anybody would like to talk to him later or contact him, Mr. Merritt has his name and number and knows how to get a hold of him.

Dr. Micah Stauffer, Superintendent of Schools, came before Council and said he will take a couple minutes to make sure the community is aware of any pieces of clarification regarding increasing their SRO division, as well as one-time funding they received from the Council at the last meeting, which he thanks the Council for.

Dr. Stauffer said a couple points of clarification are that last May the MOE calculation from the State and the Department of Legislative Services were going back and forth and ended on one number that was about \$1 million shorter than the number the Council had originally budgeted for at that time. He said that was right around the time of the Uvalde school shooting as well, just to bring that to the forefront as school safety is always a concern and a priority for the school system as he knows it is for the County Council, Executive, and Administration as well. He said he believes a number of Councilmembers, specifically Joe Holloway, had mentioned what good uses for that money would be to go towards school safety and security. He said it was one-time funding and it has to be approved by MSDE as one-time funding and go through eligibility criteria to be approved as well. He said that list was put together for items that would be eligible for that one-time funding and would be approved through MSDE, which is currently in the process now that the document has been signed by both the Council and the Board of Education and they are awaiting that news.

Dr. Stauffer said, as far as the Superintendent and Board of Education, he is very much interested in increasing the SRO division and he made that very clear both during the time that he interviewed for this position and also since then in Board meetings and also to Board members. He said that is something

they have been actively pursuing. He said he met with Sheriff Lewis this past summer and they have coordinated a plan both with Chairman Malone, Sheriff Lewis, and himself. He said they are working to increase that and Sheriff Lewis knows that he has to get that information and then go through the Criminal Justice Academy and recruit more officers as well as increase his FTE through Council approval. He said that takes time and they have a plan, and he is hopeful by this time next year that they will have five more SROs in their schools. He said they will be working to increase that each year until their plan to hopefully have one per school over the course of the next handful of years.

Dr. Stauffer thanked the Council for their support and for giving him the opportunity to clarify any information. He said, as always, if they have questions, please email or give him a call as well as any of his staff and they will be very responsive to those questions.

Delegate Carl Anderton came to the podium and said a week from tomorrow the Legislative Session begins and they will all be in Annapolis, so he is going to run down the roster of the new County Delegation. He then listed the Delegation for the Eastern Shore and said they are working for the County during the Legislative Session and the Council is all more than welcome to come there any time they want. He said he always loves it when folks from home come up because they are across the Bridge and it is like seeing his mama when someone spends time with them. He said, when he is in that bubble, any time someone from home comes, it is a big deal. He said their office will be available, especially for the County Executive because he knows she will be up there, and she is coming on a regular basis. He said there is a conference room that is available for them to use. He said he will be contacting the Council frequently as they will be needing letters of support for various pieces of Legislation that are beyond their control and maybe they want to be a part of or not be a part of. He said he knows there are local Legislative ideas that have come out of the Executive Office and he knows the Council has not had a chance to go over them and he knows, due to the time constraints from the election to the Bill guarantee date, which is January 20, they are going to submit for drafting, which is the initial step in the Bill process, all of the ideas, and then as the Council vets them at their next meeting or whenever they are on the docket, whatever letters of support they send will be the ones they actually submit. He said he wants to get ahead and does not want to be stuck behind the date of the 20th and then if there is something they really want to work on this year and they miss the guarantee date. He said, just to do some homework, they will have that ready to go, and whatever the Council does not agree on they will just put it in file 13 and look at it later. He said it is going to be an exciting time. He said they have a new Administration, new leadership, and it is going to be great building new relationships to make sure they can continue the successes they have had working together in Annapolis. He said they are available and will do whatever they need to make sure the County has the tools they need to make their lives better. He said he will be talking to them frequently, but he will not be in here again until April, and hopefully by then he will lose a little weight or might be heavier, but they will find out together.

Mr. Cannon said they have to revisit Resolution 02-2023. He said they started changing the process a little bit when postponing resolutions as they were always using the terminology of tabling, so they would table something until the next meeting. He said, for Roberts Rules of Order, tabling requires the motion, no second required, no discussion, but Mrs. Hurley has informed him that they have now switched over to postponement that does require a second and does allow for discussion. He said, from Mr. Winn they had the motion to postpone, so he is reintroducing the Resolution so they can get a second and make sure if there is any discussion that they have it. Mrs. Hurley said she thinks the proper process would be to ask for a motion to reconsider that Resolution and then go through the formalities.

Resolution 02-2023 - To authorize a Continuation of an Appeal of a Circuit Court Order in the Michael Bowers versus State of Maryland, et al., Civil Case No. C-22-CV-22-000095 and Samuel Workman versus State of Maryland, et al., Civil Case No. C-22-CV-22-000229.

On motion by Mr. Hastings and seconded by Mr. Winn, Resolution No. 02-2023 was reconsidered for discussion.

There being no discussion, on motion by Mr. Winn and seconded by Ms. Shields, Resolution No. 02-2023 was unanimously postponed to January 17, 2023.

Council Comments:

Ms. Shields said she would like to talk to Scott Hamilton by phone to discuss the FOP. She said she knows what it stands for, but she needs to know what they do because she supports the Police Department as they need police officers.

Ms. Shields said she would like to meet with Mr. Adkins because she loves tours and it scares her when State Highway wants to come in and do something and might take someone's house. She said that is the first thing that comes to her mind that they will take someone's home because they will do that, so she supports keeping it closed. She said he is 17 feet from the highway, that is close, so, if they widen it, they will probably take part of his yard. She said she wants to contact him to get a tour because she loves tours.

Ms. Shields said she believes in transparency and she believes in sharing information to the community. She said, with things she can discuss, she will definitely communicate with people, and she will keep it to herself. She said she believes they should share information to their constituents and make sure they share factual information because, when they do not communicate, that is when confusion starts, and she is at the age where she does not like drama. She said she keeps it out of her home and she intends to keep it out from behind this table. She said, when they see her back away, that means she is ready to go, so she is just saying she is not going to agree with everybody behind this table, but she would like to make it fun and interesting and learning, so she is going to learn from the gentleman from the FOP and she is going to learn from Mr. Adkins hopefully.

Mr. Baker asked if they can give any information on why that Resolution was continued, to which Mr. Cannon responded, he has a statement he was going to read, and he will even let Mr. Baker go after him if he is not happy with what he says.

Mr. Hastings wished everyone a happy new year.

Mr. Winn said people have mentioned to him about Cove Beach being an issue with the rip rap that they have around the beach. He said he has had a lot of people complain to him about that and they are very upset. He said they are scared it is going to turn into Cedar Hill that apparently used to be a nice beach and the State did the same thing with rip rap around it and it turned into a mud pit pretty quick apparently. He said he has been blown up with pictures about the beaches and comparison to Cedar Hill and Nanticoke, and it seems to him they might have to look into this issue before it becomes a big issue.

Council President Comments:

Mr. Cannon said, as Mr. Baker eluded to, he wants to apologize for the postponement of the Resolution that was on the table. He said they know many people are very, very anxious to see this issue come to

some type of resolution, as is the Council. He said they have had numerous discussions among each other individually and he has spent many hours trying to sort through all the documentation, and there are volumes of documentation, but there are still numerous issues they feel need to be resolved at this time. He said they even had a special work session one hour before this meeting to try to bring this to some resolution. He said they received documents about two hours before their meeting, so there is reason for the delay, and they are hoping to still move forward. He said, as a matter of fact, they will most likely have another Closed Session sometime between now and their next meeting because they recognize the importance of trying to get through all the details and getting it absolutely right. He said he wanted to make that comment so everyone is rest assured that they are working on this diligently.

There being no further business, on motion by Mr. Merritt, seconded by Ms. Shields, and unanimously approved, the Legislative Session was adjourned to go into an Open Work Session followed by two closed Work Sessions pursuant to General Provisions Article Section 3-305(b)(1)(7) to consult with counsel to obtain legal advice to protect the attorney-client privilege, and to discuss the resignation of an employee over whom this Body has jurisdiction to protect the confidentiality of the employee.

The Wicomico County Council met in a Closed Work Session on Tuesday, January 3, 2023 at 7:21 p.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

In attendance: John T. Cannon, Council President; Shane Baker, Vice President; Joe Holloway, Josh Hastings, Shanie P. Shields, James Winn, and Jeff Merritt.

Present for the Closed Work Session: Laura Hurley, Council Administrator, Andrew C. Mitchell Jr., Council Attorney, Lynn Sande, Executive Office Associate, and Levin Hitchens, Internal Auditor.

The purpose of the first Closed Work Session was to consult with counsel to obtain legal advice. No formal action was taken.

There being no further discussion, on motion by Mr. Merritt, seconded by Ms. Shields, and unanimously approved, the Closed Work Session was adjourned at 8:34 p.m. The legal authority for the Closed Work Session is General Provisions Article, Section 3-305(b)(7).

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In attendance: John T. Cannon, Council President; Shane Baker, Vice President; Joe Holloway, Josh Hastings, Shanie P. Shields, James Winn, and Jeff Merritt.

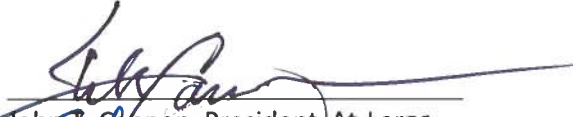
Present for the Closed Work Session: Laura Hurley, Council Administrator, Andrew C. Mitchell Jr., Council Attorney, Lynn Sande, Executive Office Associate, and Levin Hitchens, Internal Auditor.

The purpose of the second Closed Work Session was to discuss the resignation of an employee over whom this Body has jurisdiction. No formal action was taken.

There being no further discussion, on motion by Mr. Merritt, seconded by Ms. Shields, and unanimously approved, the Closed Work Session was adjourned at 8:50 p.m. The legal authority for the Closed Work Session is General Provisions Article, Section 3-305(b)(1).

Signatures on next page

**Legislative Session
January 3, 2023**



John T. Cannon, President, At-Large



Shane Baker, Vice President, District 3



James Winn, At-Large

Shanie P. Shields, District 1



Jeff Merritt, District 2



Josh Hastings, District 4

Joe Holloway, District 5



Laura Hurley, Council Administrator