

The Wicomico County Council met in Legislative Session on Tuesday, February 4, 2020 at 6:00 p.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

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

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

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

- Legislative Minutes from January 21, 2020
- Open Work Session Minutes from December 17, 2019 – Appointment of Human Resources Director
- Open Work Session Minutes from January 7, 2020 – County Legal Services
- Open Work Session Minutes from January 7, 2020 – Possible Legislative to Prohibit the Consumption of Marijuana in Public Areas

A Certificate of Appreciation was presented to Mr. James Johnson for participating in Wreaths Across America.

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**Laura Hurley, Council Administrator**

Mrs. Hurley said, before they begin, she has one announcement to make, and that is there is one change to the Agenda this evening. She said the Open Work Session to discuss the 457B Deferred Compensation Plan will be postponed to a future meeting date.

Mrs. Hurley said there is one Resolution on the Agenda this evening for Council's consideration. She said they are doing some cross-training in the Council Office, so, with Mr. Cannon's permission, she would like to have Mrs. Lynn Sande read the Resolution summary.

**Resolution No. 10-2020** – To Authorize the County to Acquire an Easement on 270.81 Acres, more or less, within the Quantico Creek Rural Legacy Area from John T. Williamson, Granville J. Williamson, and Susan B. Lokey, the Property Being Located on Porter Mill Road and Designated as Tax Map 17, Parcel 123, and Tax Map 26, Parcels 13 & 28. Mr. Frank McKenzie, Chief, Technical Services & Environmental Planning, came before Council and introduced Gerald Parks with the Lower Shore Land Trust. He explained, Mr. Parks is their field person who works with the local landowners putting the deals together for them. He said he met with Council back in August to talk about the Potter project, and at that time he gave everybody a history of the Rural Legacy Program, so this time he thought he would just go into the information about this particular project rather than give a history of the program.

Mr. McKenzie said, since 2002, the Rural Legacy Program has received over \$8,514,000 to purchase easements in the Rural Legacy area. He said, to date, the County has spent over \$10 million dollars for those easements. He said they also receive money from the Department of the Navy Conservation Reserve Program, and the County Forrest Conservation Program because they all have different interests in Rural Legacy Protection. He said the Navy, in particular, likes to contribute money in their flight path easements, so they are willing to contribute 50 percent of the cost of the easement itself in

order to eliminate and prohibit excessive development within their flight path areas, and, to date, they have protected 4,553 acres of land.

Mr. McKenzie said tonight they have before Council a request to protect 270.81 acres of land for John Williamson, Granville Williamson, and Susan Lokey on Porter Mill Road. He said they plan to partner with the Department of Natural Resources, the Department of the Navy, Chesapeake Conservancy, and the Lower Shore Land Trust for this project. He said with all of their projects there is always a concern of whether the project they are trying to protect needs protection. He clarified, in other words, can it be developed, are the soils good for percolation, or is the zoning proper that would allow development to occur, so they go through a series of analyses looking at their zoning codes and subdivision regulations to see exactly what they are protecting on the property. He reported, in this case, going through the zoning code and subdivision regulations, it was determined that the property they were looking at could allow 17 lots on this piece of property. He said they also looked at the septic Bill, which also can be a limiting factor in how much land they can develop on a piece of property. He said, in this case, the septic Bill, which people think is more restrictive, would allow more lots than the zoning code would allow. He said the septic Bill will allow seven dwelling units per lot, and in this case, there are four parcels they are dealing with, so they would allow 28 lots. He said the subdivision regulations and County zoning code will have precedent over this, and, therefore, they are limiting it to 17 lots that would be allowed. Mr. Cannon asked if Mr. McKenzie is saying it is excellent soil for development, to which Mr. McKenzie responded, yes. He said only 10,000 square feet of good soil is needed for a septic system, and there are approximately 30 good acres of soil that are percable. He said, in addition to that, there are mound systems that are being built throughout the County, so pretty much everything is game.

Mr. McKenzie said the next question is how many lots they are really extinguishing? He said they will be allowed to have dwellings on existing parcels, but they cannot subdivide properties. He said, ultimately, they are reducing development potential in an area that is an agricultural resource in nature and limiting that to 17 lots, and the landowner has agreed to not pursue any development of that parcel.

Mr. McKenzie said, when they try to figure out the value of this, there are two methods they can use, and the Department of the Navy will only recognize a certified appraisal for this. He said, in this case, a consultant was hired to do the appraisal, and they estimated the easement value is \$1,495 per acre for a total of \$405,000, and that is money that will go to the landowner. He said, in addition to that, there are other funds that are necessary to make this deal happen, and that includes legal work, the cost of the appraisal, survey work, and several other items. He said they are requesting Council's recommendation for approval to proceed with this acquisition to purchase the easement on 270 acres, and on page 5 there is a breakdown on how the funding works out. He said, basically, in this project they are only requesting \$37,500 from the Rural Legacy Program. He said the Navy is contributing \$202,500, the Chesapeake Conservancy has expressed an interest in Wicomico County and they are willing to donate \$150,000 for this easement, and the Wicomico County Forrest Conservation Fund is going to contribute \$15,000 for a total of \$405,000 for the easement. He explained, the related costs include administrative, appraisals, survey, title insurance, and monitoring they have to do where they have to go out there every several years to make sure they are still in compliance with their easement, and that is all for a total of \$55,270. He said the total cost of this project would be \$460,270.50.

There being no further discussion, on motion by Mr. McCain and seconded by Mr. Holloway, Resolution No. 10-2020 was approved. Mr. Hastings abstained.

## Public Comments:

Mr. Steve Merritt came to the podium and said he moved here three years ago from Montana and lives here in town. He said he probably does not have all the information, but he has just a couple comments on the proposed cannabis regulations. He said, in 2014 he consulted with doctors and stopped using pharmaceuticals for a couple of different conditions, osteoarthritis and fibromyalgia, and he has never regretted that decision. He said this proposal scares him a little bit as a cannabis user who is a law-abiding citizen, and he guesses he has more questions about it than he has answers, but maybe some of those questions have been answered. He said he thinks it is reasonable to have some concern. He said the State has decriminalized cannabis, they have a medical cannabis program, and cannabis is not going to go away. He said he thinks it is reasonable to expect there are going to be some use conflicts and he thinks it is reasonable to discuss that. He said he thinks the concern is reasonable, and he would just like to see more information, and he would like to see more community involvement, and he guesses that is pretty much what he has to say. He said he has read all the stuff he could in the newspapers, and he has watched the videos, but, again, he just has a number of questions, such as if this is going to result in blood tests for civil fines and stuff like that, so there are a bunch of questions. He said it was his understanding that it was presented as an emergency regulation, and he also does not understand why this has to be an emergency, and why they cannot have more of a community kind of discussion. Mr. Cannon suggested Mr. Merritt leave his contact information with Mrs. Hurley.

Ms. Joan Smith came to the podium and said she is a Wicomico County educator, a Wicomico County taxpayer, and the President of the Wicomico County Education Association. She said for the past several years they have all been working hard to improve education funding and they have made some real progress. She said this year is their chance to win long-term solutions that will help to solve the crisis of underfunded schools. She reported, as Thornton funding was phased in, test scores jumped, class sizes shrank, educator pay improved, and headlines of teacher shortages receded. She said Maryland reached the top rankings of the school systems in the Country, but then the funding flatlined during the great recession. She said how they fund schools has not changed since the beginning of Thornton in 2002, yet statistics on poverty, special education needs for their students, and English language learners has all increased. She said this leaves them in desperate need of an update to the school funding formula to address the needs of their schools and their students.

Ms. Smith said, in 2016, Governor Hogan appointed Rick Kirwan to lead the Commission on Innovation and Excellence in Education to address these issues. She said the team was charged to tell how to move their schools from middle of the road to world class within ten years. She reported, after three years of research, the team produced a report that focused on policy recommendations as well as updates to the school funding formula. She said the five areas the team focused on are interconnected. She said they already know that Wicomico County has been a leader, really, in investing in early childhood education and in teaming with the general public in increasing the capacity of both public and private providers. She said they have encouraged an increased number of family resource centers and Judy Centers, and that is all supported by Kirwan. She said, second, the transformation of teaching into a high-status profession, elevating the rigor of teacher preparation programs and teacher certification standards is essential in the Kirwan report. She said cultural competence by awareness and restorative justice training for all teachers is another essential component. She said expanding scholarship programs to help recruit talented students into teaching careers and hopefully keep them in Wicomico County is a third priority. She said establishing a career ladder for teachers so they do not need to leave the

classroom and move into administration or career changes in order to make more money is a fourth priority that Kirwan cited in transforming teaching into a high-status profession. She explained, she likes working with her students, and she has been in the profession for more than 30 years, and it is important to her to stay in the classroom, though they have opportunities to plan and collaborate with their colleagues. She said they do not really need more supervisors and coordinators and such, they need to be with the kids, and that will help in itself to reduce the class size. She said, to provide benchmark salaries against other professions requiring similar levels of education, she wants to share with Council a comparison of why they cannot keep their teachers, their best teachers, and their veteran teachers in Wicomico County. She said a large part of it has to do with salary, and she wants to share that with Council. She then passed out a handout to Council.

Ms. Smith said college and career ready pathways is a third priority of the Kirwan report, expanding CTE programs and ensuring that all students are successful by providing intensive services for students and their families to enable them to succeed in school. She said one of the most important features of Kirwan is the accountability column, and the blueprint created an Inspector General for Education that will help make sure these new investments are not susceptible to waste, fraud, and abuse, but that the money gets to their students, into their classrooms, and into the programs they know are going to make the biggest difference for educational outcomes. She said, in November, the Kirwan Commission voted 19 to 3 in favor of a new funding formula that includes a new way of factoring concentration of poverty in the County and significant funding increases per pupil, special ed, and English as a second language learners. She said this is what is important because this is what distinguishes the Counties. She said she has heard some people say that some Counties are being better paid than others to help with the schools, but those are the schools with the greatest need. She said, for Wicomico, the new formula would not require new local funding over what the current formula would require until fiscal year 2026 with a total of \$24.7 million dollars in County aid over the full phase in. She said this new formula would bring \$354 million in new State aid over the full phase in.

Ms. Smith said students in the Wicomico County community are counting on Council to support their educational and future success. She said they must not merely stay the course, and they must not ignore the opportunities Kirwan is affording them at this time, and that goes not only for teachers, but also for their educational support staff who every single day are dedicated to making the schools work, opening them up, helping their students, and making sure everything is in the best order possible. She said she would like to share with Council how they really need to address the coming Maryland minimum wage increases and their support staff pay schedule. She then passed out handouts to Council, and thanked them for their time. She said she knows Council makes the best decisions, and she appreciates them.

**Council Comments:**

Mr. Hastings said he wants to keep things on the education front by congratulating his twin sister, Stephanie McCoy, and all of the other semi-finalists for Wicomico Teacher of the Year. He said his sister represents Wi-High, and he is very proud of her.

Mr. Hastings said this past weekend he went to the Parkside CTE Skills USA Competition and Open House. He said that was an amazing event, and he thinks a lot of the folks in the room know this, but it is pretty amazing what students can do in Wicomico schools, and it is amazing what is being done to everything from computer technology to masonry to machinery. He said it was a great open house, and he is really proud of their County for what they are doing, and he knows they are going to do even more.

Mr. Hastings said today is Rural Maryland Day, and he actually spent most of today in Annapolis going around and talking with not just their representatives on the Shore, but the urban representatives across the State to let them know what is being done in rural Maryland, why they do what they do, and why it is important. He said he was very happy to be a part of that.

Mrs. Acle thanked everyone on the west side of town. She said she had the opportunity to attend the Sharptown Town meeting last night, and got quite a bit of feedback from the citizens there in support of Mardela being back in the CIP and having that happen. She said it was a very nice turnout to hear from everyone. She said, to Ms. Smith's comment regarding the letter of support to the governor for an internal auditor for the education system, she thinks that is something Council should look at.

Mr. McCain thanked Ms. Smith for sharing the information and comments regarding the Kirwan Commission. He said he appreciates her comments regarding summarizing the five priorities of Kirwan, particularly accountability because often when talking to people in the public he hears that they support everything in Kirwan, but they are concerned about the accountability, but they need to realize it is actually one of the five pillars of the Commission. He clarified, it is one of their main priorities, so he appreciates Ms. Smith sharing that.

Mr. McCain reminded everyone that this weekend is the annual Rock and Roll Revival show at Bennett High School, and hopefully they will have the opportunity to attend that. He said there are three showings, and if they have never attended that, he encourages them to.

There being no further business, on motion by Mr. McCain, seconded by Mr. Hastings, and unanimously approved, the Legislative Session was adjourned to go into Open Work Sessions followed by an Administrative Closed Session pursuant to General Provisions Article, Section 3-104 to provide direction to the Council Administrator.

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The Wicomico County Council met in an Administrative Closed Session on Tuesday, February 4, 2020 at approximately 8:00 p.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

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

Present for the Administrative Closed Session: Laura Hurley, Council Administrator; Levin Hitchens, Internal Auditor; Bob Taylor, Council Attorney; and Lynn Sande, Executive Office Associate.

The purpose of the Administrative Closed Session was to provide Council Administrator Direction. No formal action was taken.

There being no further discussion, on motion by Mr. McCain, seconded by Mr. Hastings, and unanimously approved, the Administrative Closed Session was adjourned at approximately 8:30 p.m. The legal authority for the Administrative Closed Session is General Provisions Article, Section 3-104.

*Signatures on next page*

**Legislative Minutes**  
**February 4, 2020**

absent  
Larry W. Dodd, President, District 3

  
John T. Cannon, Vice President, At-Large

  
Ernest F. Davis, District 1

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Nicole Acle, District 2

  
Josh Hastings, District 4

  
Joe Holloway, District 5

  
William R. McCain, At-Large

  
Laura Hurley, Council Administrator