

The Wicomico County Council met in Legislative Session on Tuesday, March 7, 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, James Winn, and Jeff Merritt. Shanie Shields participated in the meeting via Zoom. Josh Hastings was absent.

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

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

- Legislative Minutes from February 21, 2023
- Open Work Session Minutes from January 19, 2023 – Discussion with United States Senator Ben Cardin on Federal Funding for Local Projects
- Open Work Session Minutes from February 7, 2023 – Proposed Letter of Support for Seasonal Restaurant to use Graywater System
- Open Work Session Minutes from February 7, 2023 – Wicomico County Liquor Dispensaries
- Open Work Session Minutes from February 7, 2023 – Proposed Letter of Support to Allow Sunday Hunting in Wicomico County

A proclamation was presented to Dr. Katherine L.R. Jones in recognition of Women’s History Month.

A proclamation was presented to Ms. Shannon Hannawald in recognition of Endometriosis Awareness Month.

A proclamation was presented to Ms. Jamie Manning with the Life Crisis Center in recognition of Professional Social Work Month.

Mr. Cannon recognized Megan Outten as the newest representative on the Salisbury City Council.

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**Andrew Mitchell Jr., Council Attorney**

**Public Hearing: Legislative Bill 2023-01** – An Act to Amend the Purchasing Manual, Section IV (A)(2), Purchasing Procedures, Small Purchases to increase the amount of purchases not required to be competitively bid from under \$1,000 to under \$5,000.

Mr. Cannon explained that they are changing the Public Hearings just a little bit. He said he was called by a constituent who was concerned about the fact that they would have a Public Hearing before a Bill or Resolution being read, and no one really knew much about it before the Public Hearing was held, so they agreed that it would probably be better to do a brief synopsis before the Public Hearing.

Mr. Pate Matthews, General Services Supervisor, came to the podium and said basically what they are looking for in this Bill is a time versus money situation. He explained, right now in the County they have 35 to 40 employees who are authorized to make purchases over \$1,000. He said those employees are experienced employees who have been with the County for many years with an average pay including benefits of roughly \$65 an hour. He said all Departments make these purchases throughout the year. He said, if they took that \$65 an hour and multiplied it by the four hours it would take to get additional prices for a service just over \$1,000, that is \$260 additional dollars that it is costing for that product. He said, if they have 40 employees doing that once a week, that is \$10,400 being spent in employee wages

to save maybe \$200 a purchase, so it would take a lot of their time to save nothing. He said, therefore, it would streamline things and make the purchasing process so much easier, faster, and more effective if they could go to the \$4,999 limit that they did not have to take their time to spend to get additional prices to possibly save \$100. He said all of the Departments have enough experience with various vendors that they know they can call somebody, get an honest price, and go for it. He said, if that vendor cannot provide it, they all have other vendors they can go to. He clarified, they are not locked into anybody, it just gives them the ability to make a decision and make it quickly and efficiently for the best interest of the County. He said that is really what this comes down to.

Mr. Cannon thanked Mr. Matthews for his time and said he should note that the individual who called was Mary Ashanti, who is here tonight. He said she is always concerned about what best lines of communication there can be between this Government Body and the public as a whole, and she is constantly in communication with the Council to make sure she can improve that. He said he appreciates that recommendation from Ms. Ashanti and he thanks Mr. Matthews for taking the time.

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

There being no discussion, on motion by Mr. Baker and seconded by Mr. Merritt, Legislative Bill 2023-01 was unanimously approved.

Mrs. Hurley asked if it would be proper to do the vote by roll call since it is a Legislative Bill, to which Mr. Cannon responded, he would say so except that they know it was unanimous. It was then noted that Ms. Shields is on Zoom. Mr. Cannon said he thought about doing a roll call, but he thought this would be unanimous. Ms. Shields then clarified that she votes aye.

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**Laura Hurley, Council Administrator**

**Public Hearing: Resolution No. 37-2023** – To Approve the Relocation of a Portion of a Forest Conservation Easement Containing 0.92 Acres on Parcel 223, Tax Map 30, owned by Salisbury Ventures LLC.

Mrs. Hurley said the easement will be relocated onsite at the 1:1 ratio. She said a Public Hearing notice was posted on the County's website stating that a Public Hearing would be this evening at 6:00 p.m.

Ms. Cassie Dyson, Environmental Planner, came to the podium and said this project is for Parson's Lake. She said it brought in an original forest conservation plan in 2020 where they were required to have 19.76 acres placed in an easement. She said 14.08 acres of said easement were placed in a priority forest area. She said they are in support of the relocation of this 0.92 acres because it is going along Brewington Branch Creek and this is, again, in a priority forest area where previously it was not, so they would recommend this to pass.

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

Ms. Dyson came before Council. Mr. Cannon asked if she feels there is any need to elaborate any further on what she said previously, to which Ms. Dyson responded, she does not believe so. She said they are relocating it in preparation of phase 2, and they will likely see the subdivision plan come before the

Planning Commission once they get further in the planning process, but right now they are still in the preliminary stages.

There being no further discussion, on motion by Mr. Holloway and seconded by Mr. Merritt, Resolution No. 37-2023 was unanimously approved.

**Resolution No. 38-2023** – Amending the Position Control Document (Exhibit F) to Create a Duplicate Department Head Position for the Department of Corrections.

There being no discussion, on motion by Mr. Baker and seconded by Mr. Holloway, Resolution No. 38-2023 was unanimously approved.

**Resolution No. 39-2023** – Confirming the Appointment of Christina M. Tyler as Director of the Department of Corrections.

Mr. Bunky Luffman, Director of Administration; and Ms. Donna O’Hara, Director of Human Resources, came before Council.

Ms. Shields said she has a question and it is not about the person, it is about the process, and she had some calls. She then asked what other advertising venues they used for this position besides the County website, to which Ms. O’Hara responded, they used Twitter and it was kind of in a transition time where she was coming on-board, and they did use the County website. She said they were not up with Facebook at that point, that is just something they have started since she has been here, but it was kind of in her transition time, but she thinks that is about it.

Ms. Shields said her problem is that she has been spoiled by sitting on the City Council and they went to different venues, such as public safety locations and other institutions of corrections to have a choice of people, so they always had a choice of looking at different resumes. She said another question she has is if this is a political appointment or a job search appointment, and do they do political appointments like they do in D.C.? She said she just does not like the process they are going through because she likes objective things and she does not have an understanding of how these people are coming up.

Mr. Luffman said Department Heads are appointed by the Executive and potentially confirmed by the County Council, and this is a Department Head position as appointed by the Executive and potentially going to be confirmed by the County Council.

Ms. Shields said she suggests in the future in the next election that they change that because they are a small County and they do not want to wind up like Washington, D.C. with appointments and political persuasion gets the majority of people. She clarified, she does not know what her political thing is, but we are concerned about how these people are being appointed and other people do not have a chance to even apply because it is already done. She said she thinks the democratic process should be that other venues and other people should be allowed to apply for these positions so they make sure they get the best of the best for the taxpayers because they do work for the taxpayers, and some of these taxpayers are calling her asking her questions like this, and she is quite sure others are thinking about it even if they do not say it. She said that is all she is going to say, and she will be opposing this appointment, and she will probably be the only one. She clarified, the reason is because of the process, not because of the person.

Mr. Luffman said he appreciates Ms. Shields' comments and certainly they can advertise more. He said, as Ms. O'Hara said, she was not on fulltime yet. He said, just for the record, he has no idea of the political persuasion of Ms. Tyler; however, she has worked in the Wicomico County facility before and has a great resume. He said she was interviewed by this Council and presented herself and her resume, and they just feel like she is the best choice for the position.

Ms. O'Hara said it stayed posted for over a month on the County website, which basically was their primary advertising site at the time, and it is still out there right now as they left it open until today and it is still there.

There being no further discussion, on motion by Ms. Shields and seconded by Mr. Winn, Resolution No. 39-2023 was approved. Ms. Shields opposed.

**Resolution No. 40-2023** – Confirming the Nomination of Matthew McConaughy as the Health Officer for the Wicomico County Health Department.

A gentleman from the audience asked to speak, to which Mr. Cannon responded, sometimes he would love to take things off the floor, but they just cannot do it.

There being no discussion, on motion by Ms. Shields and seconded by Mr. Baker, Resolution No. 40-2023 was unanimously approved.

**Resolution No. 41-2023** – Declaring that Dynamic Development LLC is eligible to receive Enterprise Zone benefits for property located at 510 West Road, Salisbury, Maryland.

Mrs. Hurley explained, in order for a business to qualify for Enterprise Zone benefits, it must meet one of the two specific statutory requirements, which are that the business must either make an investment in capital improvements of more than \$50,000 or hire new employees since it has been located in the zone. She said Dynamic Development, LLC is eligible for Enterprise Zone benefits because of its investment of more than \$50,000 in the property.

There being no discussion, on motion by Ms. Shields and seconded by Mr. Winn, Resolution No. 41-2023 was unanimously approved.

**Resolution No. 42-2023** – Approving a Contract with Motorola Solutions, Inc. for providing cybersecurity equipment and services for the Department of Emergency Services Systems for a period of five years.

There being no discussion, on motion by Mr. Baker and seconded by Mr. Winn, Resolution No. 42-2023 was unanimously approved.

**Submission of Appointments:**

Mrs. Hurley said, pursuant to Section 413 of the Charter, the County Executive has submitted two individuals for confirmation, one to the Local Management Board, and one for the Wicomico County Commission for Women.

Mrs. Hurley said the Local Management Board promotes a safe, healthy, and stable environment for all County children and families by achieving a comprehensive system of education, health, and human services whose effectiveness and responsiveness addresses the needs of children and families through public and private interagency collaboration.

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

**Resolution No. 43-2023** – Confirming the Appointment of Kelly Ward as a Member of the Wicomico County Commission for Women

There being no discussion, on motion by Mr. Winn and seconded by Mr. Merritt, Resolution No. 43-2023 was unanimously approved.

**Resolution No. 44-2023** – Confirming the Appointment of Mary Ashanti as a Member of the Wicomico County Local Management Board, also known as the Wicomico Partnership for Families and Children.

There being no discussion, on motion by Ms. Shields and seconded by Mr. Baker, Resolution No. 44-2023 was unanimously approved.

Mr. Cannon thanked Ms. Ward and Ms. Ashanti for volunteering and undertaking these two Committees. He said the Council really does appreciate their support and their help.

**Public Comments:**

Mr. Bruce Robson came to the podium and asked, in terms of when people are recommended for positions, how does the public know and what information can they access to find out about the nominees? Mrs. Hurley responded, actually, most of the vacancies are gone through the County Executive's Office, so he would want to reach out to the County Executive's Office to see if there are any vacancies open. She said there is also a website on the Wicomico County page titled Boards and Commissions. She said he can read about each one of their Boards and Commissions on that website and there is a little synopsis for each one.

Mr. Robson said, in terms of knowing in advance who the nominees were tonight and finding out something about them so if there were concerns or questions, how would he do that, to which Mrs. Hurley responded, the nominees are submitted to the County Council from the County Executive's Office, so that would be something he would need to talk to their County Executive about. Mr. Robson clarified, he would need to reach out to the Executive's Office to find out what current nominees for different positions are.

Mr. Cannon said Mr. Robson makes a really good point and there could be a way they could improve that. He said maybe ahead of time they could put it out there a little broader perhaps on the web page so that people will know something is available because he does not know if it is posted that it is available. He said the positions and the organizations are certainly there, but Mr. Robson might be right. He said, in all of these years he has never asked about the outreach for the Committees, but maybe there is a way they could improve that. He said, after having received a request from individuals, he would think it would not hurt to post it on the website as well to say these are the people who are looking to be on these Boards for these appointments. Mr. Robson said he sort of feels like this is like the request earlier which Mr. Cannon addressed tonight in terms of somebody coming up and giving a little synopsis of what the Council is about to vote on.

Ms. Jamie Dykes, State's Attorney, came to the podium. She said she came from Annapolis and had a few minutes before going home to dinner, so she thought she would stop in. She said she wanted to publicly thank all of law enforcement, all the first responders, and civilians who assisted last night with the trooper's treatment and apprehension and identification of suspects. She said, as they all know, this is the third officer who was shot or killed in the line of duty in, she believes, three calendar years, but probably 23 months. She said law enforcement is facing challenges like they have never faced before, and soon the entire community will feel those in a way that they have not before, and she is grateful for everyone who is supportive, and that includes you for holding people accountable for offenses so they can keep their streets safe.

Mr. Cannon asked Ms. Dykes to briefly explain what happened last night as he does not know if everyone knows, to which Ms. Dykes responded, a Sergeant with the Maryland State Police was traveling into Wicomico County on the Vienna Bridge and saw a vehicle occupied by three people who were committing a not-insignificant traffic violation. She said the Trooper attempted a stop on that vehicle and the Trooper attempted a passenger side approach, and the Trooper was shot three times. She said his vest saved him. She said it is rare that the good guys get so lucky, but he had suffered what she thinks are fairly characterized as minor injuries. She said he was able to identify the suspect vehicle and the suspect who was the shooter. She said the Delmar Police Department became aware of that suspect vehicle description and was able to locate the suspect and able to stop it, though did not actively make a stop, but was able to resolve that situation.

Mr. Cannon thanked Ms. Dykes for taking the time to be here, to which Ms. Dykes responded, she is looking forward to getting some sleep. She said she used to be able to handle two hours when she was younger a little better, but she thanks them all.

Ms. Giordano said she just wants to follow up on that. She said, just to go off that, again, thank God the Trooper is okay. She said earlier today she received a message from Trooper Phillips' wife thanking the County for its support last night as Director of Administration Bunky Luffman, Sheriff Mike Lewis, State's Attorney Jamie Dykes, and herself made their way to the emergency room to support Trooper Phillips and his family. She said later she received a call from Governor Wes Moore checking in with her making sure that they were okay at the County level. She said he also planned to reach out to Trooper Phillips as well. She said she just wants to say that here in Wicomico they have the best protection between Wicomico County Sheriff's Office and the allied agencies that keep them safe on a daily basis. She said last night proved once again that between the prayers, shared posts, calls, messages, the 2,300 reactions, the thousands of comments, that they are a community that backs the blue and in Wicomico they stand with law enforcement. She said she stands before them here as their County Executive and she wants to emphasize that this anti-police rhetoric has to stop, and to reiterate the words of their State's Attorney that their law enforcement officers deserve better and their communities deserve better, but what are they willing to do about it? She said last night they got very lucky, so she just wants to say God bless to all of their first responders and the sacrifices they make each and every day.

Ms. Mary Ashanti came to the podium and said she is a resident of Wicomico and first wants to thank God for the opportunity to be here. She said she prays for the folks who are on the County Council who are still ill and prays for their full recovery. She said she prays for the family of this officer and also the law enforcement community in this trying time. She said it is sad.

Ms. Ashanti said she came up to talk about another situation in reference to education. She said, over the past few months since about December 2021 on three occasions, and this is in reference to the Kent Island School and Queen Anne's County athletic teams and Wicomico County Schools, especially Parkside High School. She said their community, the black community, is truly upset because they do not think their black athletes are being taken care of. She said they do not trust the Board of Education or the Superintendent because of the poor judgements they have made in the past three years. She said some of the questions that come up are student misconduct and inappropriate behavior related to racial discrimination, harassment, bullying, and other untoward pervasive conduct has been ongoing. She said the Superintendent of Wicomico County Schools and the Board of Education failed to cause a sensation about the racial activities with the Queen Anne's County School students, and the question is why? She said there existed a hostile environment and relationship between Wicomico County and the Queen Anne's County Schools, which were untenable. She said the Superintendent and the Board of Education failed miserably to alleviate these conditions, and the question is still why? She said it is obvious that the Wicomico County School Superintendent and the Board of Education devalue their black student athletes and cause racism to permeate the system, and the question again is why? She said the Superintendent and the Wicomico County Board of Education are responsible for mental anguish, trepidation, and direct duress of their black students, and this has been felt continually, and the question again is why? She said it is obvious that the Superintendent and the Wicomico County Board of Education are reticent in resolving this racially motivated discrimination environment, and, again, why? She said, at some point before they got into three years of this, the Wicomico County Public Schools should have said their students will not go to Queen Anne's County because it is a hostile environment. She said the black athletes have been spit upon, been called nigger, and in one situation the Kent Island High School players suspended a monkey with a hangman rope around the neck over the banner of Dr. Martin Luther King Jr. She said another time Black History Month was called Monkey History Month. She said parents have sent letters, and she has seen these letters, to the Superintendent of Schools about these issues, and the media even said that somebody from the Board of Education said that this has been going on. She said, if they know this has been going on, why haven't they stopped it? She said they no longer have trust in the Board of Education, and that is why they are sharing this with the Council. She said they are also asking the Governor to intervene and make the Wicomico County Board of Education and the school system keep their children safe.

Mr. Joshua Weeks came to the podium and said he is one of the 13 percent of black students on his campus at Wicomico. He said, as he hopes they all know, black people experience white supremacy, antiblackness, and racism in every aspect of their lives, from the killing of black people from police, such as Tyree Nichols and Keenan Anderson. He said he is here because white supremacy continues to spread on his campus, and Wicomico County has failed to hold his campus accountable to the racism that seeks to hold them down daily. He said he is asking for Wicomico County to create a race inequity-based commission to increase accountability for black issues as black issues in Wicomico need black solutions.

Ms. Kiara Deshield came to the podium and said she has experienced homelessness since the age of 18, so the last three years of her life. She said she has been discriminated against for not only being a woman of color, but a proud member of the LGBTQ community, and she feels that her experience would have been different had the County sat there and held shelters accountable not only against race, but against the fact of her being who she is and how she expresses who she is. She said, as a member of Wicomico County, she formally requests that there needs to be a race inequity commission for not only herself so that she can feel safe here to raise kids one day, and as far as other people that she has

witnessed and has seen. She said this is a constant issue, and she feels as if it is being overlooked and ignored at the same time.

Ms. Amber Green came to the podium and said she is the Executive Director and Founder of Fenix Youth Project where they service Wicomico County, Worcester County and Somerset County youth between the ages of 14 and 24. She said they provide direct services to the homeless youth community in the area, and what they find is that, of the homeless youth population, African Americans are over-represented in that population. She said African Americans make up about 13 percent of the general population of America, but make up 40 percent of the homeless population. She said she is very happy to know that their County does have a Police Accountability Board, but they need accountability on the County on all fronts, including education as they have heard from Ms. Mary Ashanti about the stuff going on in the schools, and as Councilwoman Shields has said in regards to the appointment of Department Heads. She said she believes, as well as a lot of other young people in the community, that their County is in desperate need of a race inequity commission here in the County so they can discuss those hard conversations, but really put black voices in front of these black issues so they can find black solutions. She thanked them for their time and said she really hopes that they listen to their words.

Ms. Lynn Mitchell came to the podium and said she lives in Powellville, which is on the east side of the County, and she is here tonight to express her hope for a playground area to be constructed at Adkins Mill Pond. She said it is a four acre complex that the County owns and it could be used for their kids, which they have nothing within a five mile radius. She said she met with Executive Giordano recently and she was very receptive to her concerns. She said here is what she knows so far: She has seven full pages of support signatures from local residents in favor of the addition; she has letters from the fire department, the Ruatan's for support, and also a letter coming from the Powellville Church; she has spoken with Councilman Baker and has his support. She said she knows the house located on the premises was supposed to have been torn down five years ago, and Ms. Giordano has been in touch with the fire department and other authorities about the removal that would give them ample space. She said she believes there have been some conversations with Steve Miller at Recreation and Parks, and they know that needs to be followed up on at some point in time. She said their community could possibly raise some money to help with ground cover or mulch if needed, and there are grants and Project Open Space funding she is sure, if they were able to find someone to help them with that. She said their community would be willing to help with the upkeep and the cleaning of the area, and she will personally go down there and make sure trash is picked up if that is what they have to do. She said she knows District 1 has also requested new playground equipment, so maybe it is a team effort. She said she is requesting support from the Council to please approve funds within the upcoming budget for a commercial-grade set with a few swings. She said there are a few members in her community who want to be involved with the location, size, and design based on the amount allotted. She said she is looking forward with optimism to their response.

**Council Comments:**

There were none.

**Council President Comments:**

There were none.



There being no further business, on motion by Mr. Holloway, seconded by Mr. Merritt, and unanimously approved, the Legislative Session was adjourned at 7:00 p.m. to go into Open Work Sessions.



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John T. Cannon, President, At-Large



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Shane Baker, Vice President, District 3



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James Winn, At-Large

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Shanie P. Shields, District 1




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Jeff Merritt, District 2

\_absent\_

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Josh Hastings, District 4



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Joe Holloway, District 5



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Laura Hurley, Council Administrator