

The Wicomico County Council met in Legislative Session on Tuesday, March 21, 2023 at 10:00 a.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

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

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

On motion by Ms. Shields and seconded by Mr. Merritt, the Consent Agenda consisting of the following items was unanimously approved:

- Legislative Minutes from March 7, 2023
- Open Work Session Minutes from February 7, 2023 – Capital Improvement Program for FY24-28 – Public Works (Roads and Solid Waste) and CIP Recap
- Open Work Session Minutes from February 21, 2023 – Approving Daniel L. Cox, Esquire, and the Cox Law Center, LLC as Special Legal Counsel
- Open Work Session Minutes from February 21, 2023 – Proposed Letter of Support to Establish a Class B-CL (Cigar Lounge) Beer, wine and Liquor License in Wicomico County
- Open Work Session Minutes from February 21, 2023 – Amendment to the Position Control Document for the Department of Corrections
- Open Work Session Minutes from February 21, 2023 – Proposed letter of Support to Remove time Restrictions on Sunday Hunting

A proclamation was presented declaring the Month of March as March for Meals Month.

A proclamation was presented in recognition of the 100th Anniversary Celebration of the Meat Chicken Industry.

A proclamation was presented recognizing the month of March as National Nutrition Month.

Laura Hurley, Council Administrator

Resolution No. 45-2023 – To authorize the expansion of the City of Salisbury Sustainable Community Area Boundary to include 510 West Road, Salisbury, Maryland.

Mr. Jesse Drewer, MPA, Community Development Planner, came before Council. Mr. Drewer said this is a request to support the City of Salisbury adding the property known as 510 West Road into their sustainable community area boundary. He said the property currently is in Wicomico County and through the process of this grant and over time the intention is for it to be annexed into the City of Salisbury.

Mr. Winn said, from his understanding, to get the grant they have to be part of the City, to which Mr. Drewer responded, right now Wicomico County does not have any recognized sustainable community area boundaries, only the City of Salisbury does, and as a requirement for this grant, the property has to be located inside this boundary. He said he gave Mrs. Hurley a map and he thinks on the last page you can see it literally stops right on the property line of this property. He said this is a requirement to take advantage of the \$500,000 grant Wicomico County has already been awarded for the strategic demolition and revitalization of the property.

Ms. Shields said she is happy as a lark as the Campbell Soup building has been vacant and the peeling paint has always been a concern. She said they have a new apartment complex across the street and the property manager would always ask when she was on the City Council what they are going to do with the building, as they need to paint it, they need to strip it, and it is very expensive, but with it not being in the City, they knew they could not do anything. She said it was like fine them or get on them about it, so she is happy that they are looking at annexing the property into the City of Salisbury. Mr. Drewer said he cannot speak to the full details of the annexation, but he knows that the developer, Mr. Davis, said that is the long-term intention of the plan as it is working through the process.

Mr. Hastings said it is amazing that it was not in the City of Salisbury in the first place. He said everyone who grew up here and knows where the property is at would think it would be in the City, but obviously it is not. He said he is happy to support this request.

There being no further discussion, on motion by Ms. Shields and seconded by Mr. Hastings, Resolution No. 45-2023 was unanimously approved.

Resolution No. 46-2023 – Amending the FY 2023 Position Control Document (Exhibit F) to increase the salary for Position No. 100302, Job Class #249 to \$31,658 per year.

Mr. Michael Jamison, Deputy Director of Operations at the Wicomico County Detention Center, came before Council.

Mr. Jamison said they had one of their employees take on a slight promotion from the position that is described in the Resolution to a position in their finance department, and there is an increase in salary with that, which he believes has to be authorized by Council.

There being no further discussion, on motion by Mr. Winn and seconded by Mr. Merritt, Resolution No. 46-2023 was unanimously approved.

Resolution No. 47-2023 – Regarding the Settlement of a Lawsuit against Teva, Allergan, CVS, Walgreens, and Walmart.

Mr. Paul Wilber, County Attorney, came before Council. He said, as Council has discussed in a work session, this is the continuing settlement on the opioid cases.

Mr. Winn said he feels like Council has already had lots of discussion on this topic. Mr. Wilber said he thinks they have worked through this in a work session.

There being no further discussion, on motion by Mr. Winn and seconded by Mr. Holloway, Resolution No. 47-2023 was unanimously approved.

Resolution No. 48-2023 – Approving a Zoning Classification of Light Business and Institutional Upon Annexation by the City of Salisbury of property located on Sharen Drive, 2538 Old Ocean City Road, Tax Map 39, Grid 07, Parcel 269, Lots 1 and 2.

Mr. S. Mark Tilghman, Esquire, and Mr. L.B. Steel came before Council. Mr. Tilghman said he just noticed that the Resolution is approving the classification of Light Business and Intuitional, which was apparently taken from an earlier version. He said the actual planned zoning is Planned Development District No. 1 Robertson Farm (PDD #1). He said both of those classification would allow the use that is proposed as there is no difference other than the fact that ultimately the City chose to go with PDD #1 instead of the

Light Business. He said his request asked for the PDD #1 and he was not aware until he came this morning that the wrong classification was on the proposed Resolution, so he guesses Council should amend the Resolution because that is not the request.

Mr. Baker asked Mrs. Hurley if Council can amend the Resolution, to which Mrs. Hurley responded, yes, there would need to be a motion and a second to amend the Resolution.

Mr. Winn said he is trying to figure out what they are amending. Mr. Tilghman explained, the County is consenting to the City classification of PDD #1 and the City of Salisbury has approved the proposed project. He said there was an earlier version where the City of Salisbury proposed that they use the Light Business classification, but the project is going to remain the same. He said there is no difference in what is being planned to be built, but ultimately the City thought it was easier because, instead of changing the zoning, all they had to do was amend the Code to include this area within that zoning district, which is what was ultimately done.

On motion by Ms. Shields and seconded by Mr. Holloway, Resolution No. 48-2023 was unanimously amended to reflect the correct zoning classification as stated by Mr. Tilghman.

Mrs. Hurley asked what the parcel is going to be used for, to which Mr. Steel responded, they will be developing a self-storage facility. Mrs. Hurley then asked if that is consistent with the zoning in the general area, to which Mr. Steel responded, yes, it is consistent with everything to the west side of this piece of property, and to the east side is County property. He said this is in-between where everything to the west was City and everything to the east was County and they annexed into the City so they can develop for this use. Mr. Tilghman added, the PDD #1 is basically mixed-use. He said, if you ride out that way, it is easy to see what is going on there. He said there are a number of different uses, primarily more dense residential uses, and then this use is considered to be self-storage, a garage type use for the more dense residential area next door.

Mr. Hastings clarified that the PDD #1 stands for planned development district number one, to which Mr. Tilghman responded, correct.

There being no further discussion, on motion by Mr. Hastings and seconded by Mr. Holloway, Resolution No. 48-2023 was unanimously approved as amended.

Andrew Mitchell Jr., Council Attorney

Legislative Bill No. 2023-03 – An Act to Amend Chapter 225 Of The Wicomico County Code, Titled “Zoning” Part 8, Titled “Special Standards For Particular Uses,” Article XX, Titled “Uses And Standards Enumerated,” and Part 6, Titled “Accessory And Principal Uses,” Article XVIII, Titled “Principal Uses,” Section 225-67, Titled “Table Of Permitted Uses-Designations” and Chapter 174 of the Wicomico County Code, Titled “Nuisances,” Article I, Titled “Nuisances, Abandoned Vehicles And Firearms,” Section 174-1, Titled “Nuisances Enumerated” to Regulate the Installation, Construction, Location and Size Of Solar Energy Systems in Wicomico County.

Mr. Winn asked if this is exactly what Council was talking about at the last work session, to which Mrs. Hurley responded, the Planning Department added the language the Council President suggested into the Legislation. Mr. Winn asked what was added to the Legislation, to which Mrs. Hurley responded, the suggestion the Council President made was to make sure there was a County representative who would attend the Public Service Commission meetings, so that language was added.

Mr. Mitchell clarified, they were asking that they be permitted, and he thinks President Cannon wanted them to be required to be there. Mrs. Hurley said they typically give testimony at those hearings anyway, but Mr. Cannon asked that it be included in the Legislation.

Mr. Hastings said he was listening to the last meeting and, for clarity, anything over two megawatts has to have to a Certificate of Public Convenience and Necessity (CPCN). He said he did not understand from the last conversation if they looking to regulate things below two megawatts, such as setbacks. He then asked, for anything above two megawatts, can they still dictate, regardless of who approves the final project, things like the vegetative ground cover and those kinds of pieces that go along with zoning? He clarified, he would like to still make sure that the County can set parameters, such as aesthetics, for all of the different pieces that were mentioned at the last meeting because those things still apply to projects over two megawatts. He said he understands, however, that whether or not the project is approved may be out of their hands to some degree.

Mr. Clark Meadows, Zoning Administrator, and Mr. Paul Wilber, County Attorney, came before Council. Mr. Wilber said the Public Service Commission is the final answer for anything over two megawatts, but he thinks they will look at what Wicomico County has in place and try to incorporate a lot of it, but they do not control the process at the end. Mr. Hastings clarified, that is the final approval. He then asked if the County controls the parameters like the setbacks or things like that for the two megawatts projects, to which Mr. Wilber responded, he thinks the Public Service Commission will look at what is in the County Code for guidance, but they do not have to follow it. Mr. Meadows said that is the most accurate answer they can give. He said the experience with these projects has been that the consultant has consistently recommended what their suggestions are moving forward in the CPCN application process, and the final design has reflected anything that they have asked for in the process.

Mr. Hastings said the reason they want to move forward with a process to zone renewable energy, such as solar, is similar to other counties. He said Kent County was one of the first counties in the state to actually zone renewable energy and in doing so, they had a wind farm that was actually going to happen in Kent County, but that then shifted to become the Bay Solar Project, but, at the end of the day, it got rejected and pushed out. He said, basically, what they took out of that is because the County, the local Governing Body, took the time to say this is what they want for their area, that was then taken into account. He said he does not know how many to date, but a couple of the projects that are over two megawatt have either been stopped or the courts have taken local zoning into account. He said he likes the fact that Wicomico County is going through this process. He said neighboring counties like Caroline County have a 2,000-acre limit to how much they want to develop as they want to make sure their agricultural land is protected, and he does not think Wicomico is going too far, but if it wants to go in that direction, he is sure they could as other counties have done so. Mr. Wilber said Legislation can always be amended.

Mrs. Hurley said this Legislation will come back for a public hearing on April 18, 2023 at 10:00 a.m.

There being no further discussion, on motion by Mr. Holloway and seconded by Mr. Winn, Legislative Bill 2023-03 was unanimously introduced.

Public Comments

There were no public comments.

Council Comments

Ms. Shields said she is glad to be back to get some work done and she is taking one day at a time and is trying to follow her doctor’s orders. Mr. Baker said they are glad both of them are back, Shanie and Josh.

Mr. Winn asked if there is a Red Cross in the County, to which Ms. Shields responded, yes, on Emerson Avenue.

Mr. Hastings said it is good to be back to see everyone again and thanked everyone who reached out while he was in the hospital. He said he is on the full track for recovery has been out and about in the community. He said multiple Councilmembers, including Joe Holloway and Jeff Merritt, attended the 90th Annual Wicomico County Farm Bureau Banquet. He said it was great to see so many folks that he grew up with. He said he also wants to recognize Holly Porter and seeing the Chicken Festival coming back. He said, as a farm kid, he spent a lot of time year after year attending that event. He said he loved being able to get chicken from the world’s largest frying pan and he would love to do that again. He said he is glad to see it come back and for it to be in Wicomico County.

Mr. Winn said the Sanitation District Bill has passed through the House, which is good. He said the Sunday Hunting Bill passed through the House with a 10:30 a.m. restriction on all new Sundays, not the existing Sundays, so the existing Sundays that have full days will continue to have those full days. He said it has passed through the House, but it has to go through the Senate, but they are going to allow hunting on Sunday until 10:30 a.m. Ms. Shields clarified, for how long, to which Mr. Winn responded, it is until 10:30 a.m. in the morning as you cannot hunt at night. He said he is not sure what is happening with the Bull Lips situation.

Council President Comments.

There were no comments.

There being no further business, on motion by Ms. Shields, seconded by Mr. Holloway, and unanimously approved, the Legislative Session was adjourned at 10:38 a.m. to go into open work sessions.

Absent

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

