

The Wicomico County Council met in Legislative Session on Tuesday, July 21, 2020 at 10:00 a.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

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

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

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

- Legislative Minutes from July 7, 2020
- Open Work Session Minutes from June 16, 2020 – Letter of Support for Habitat for Humanity
- Open Work Session Minutes from June 16, 2020 – Proposed Grant Funding Legislation
- Open Work Session Minutes from June 16, 2020 – To Discuss the Purchase of 810 Second Street, Delmar, Maryland
- Open Work Session Minutes from June 16, 2020 – Pay and Classification Plan
- Closed Work Session Minutes from May 5, 2020 – Personnel Matter
- Closed Work Session Minutes from June 16, 2020 – Consult with Legal Counsel-Hiring Outside Legal Counsel
- Closed Work Session Minutes from June 16, 2020 – Consult with Legal Counsel

A Certificate of Appreciation was presented to Otha Shockley for his years of service to Wicomico County.

A Proclamation was presented to Mr. Steve Miller on behalf of the Department of Recreation, Parks, and Tourism in recognition of National Parks and Recreation Month.

Laura Hurley, Council Administrator

Mrs. Hurley said there is one change to today's Agenda. She said the Council Office received a request to remove Legislative Bill No. 2020-06 from the Agenda.

Discussion with Dave Ryan, Executive Director of Salisbury-Wicomico Economic Development (SWED) on CARES Act Grant Funding:

Mr. Dave Ryan came before Council and said he is glad to be here to update Council on the Business Assistance Program associated with the CARES Act funding. He said, just for a brief background on how they tackled this, when they started this they wanted to do, basically, three things; first, they wanted to make it a fairly user-friendly process for businesses to apply for assistance. He said they recognized around the end of March 2020 that the PPP program was coming out, the State of Maryland had their COVID Relief Grant coming out, and the unemployment insurance claims were kind of overloaded. He said they knew businesses throughout their County and community were being disrupted in a large way, so they wanted to make this process as user-friendly as they possibly could. He said second, they wanted to make the amount as meaningful as they possibly could and still reach those most impacted, and reach those throughout a broad swathe of their economy covering all economic sectors as best they could. He said third, they knew the need was great, and they wanted to deploy those funds quickly, yet

in an accountable way. He said it was those three tenants in which they started to really devise a plan to deploy the CARES funding throughout the community. He said the first program they started with was the SWED Commerce Business Assistance Fund, which was a fund that kind of backfilled those businesses in Wicomico that applied for State funding, but were not able to receive funding because the money simply ran out in about two days. He said they had about 130 businesses that applied and did not receive funding just because the money was not there. He said they felt it was a good thing to do, and they felt it was the right thing to do, and it also gave them a beta test for the broader based program. He said they funded about 115 or so of those businesses, and then moved on July 1 with the SWED CV-19 Grant Program. He said they tried to reach out to those businesses with 25 or less employees and less than \$5 million in revenue that were impacted by the COVID pandemic. He said, to date, inclusive of the first tranche of funds with the SWED Commerce Fund, they have received a little over 750 applications, and they have funded a little over 520 applications, so they have some that are in process, and some are still coming through the system. He said they felt they would do about 800, and it looks like they are targeting this Friday to end the program. He said they will close the fund at 5:00 p.m. on Friday, so he appreciates the opportunity to get in front of Council to spread the word. He said there is still some capacity, but he would suggest to apply now at SWED.org. He said, if anyone knows of a business that is in need, please give them the website. He said they think they have a good program, and they think they have made the process user-friendly, so they invite those who have not yet applied to please consider applying. He said, if anyone has any questions, just contact SWED. He said they plan to conclude this Friday at 5:00 p.m., and they think they will run out of funds, so they are reaching as many businesses as they possibly can. He said they will then spend a couple weeks cleaning things up a little bit of any outlying issues, but they have extended it twice, and he does not see that happening at this point unless the applications just all of a sudden stop.

Mr. Holloway asked if Mr. Ryan thinks they are going to expend all of the funds available, to which Mr. Ryan responded, yes, he thinks they will spend the bulk of them.

Mr. McCain thanked Mr. Ryan for his leadership on this. He said Mr. Ryan is the point person, and readily got out in front of this and met the needs, and, as Mr. Ryan said earlier, made it user-friendly and as seamless as possible for local businesses. He said this helped really fill that gap of a lot of the small businesses in particular that missed out on the PPP money initially. He said it was a job well done, and he appreciates Mr. Ryan's leadership on this. Mr. Holloway added, he had someone contact him saying how easy the process was. He said most people he talked to were scared of it, and were afraid to get involved in it, but he said he heard it is a pretty easy process, to which Mr. Ryan responded, they have heard that. He thanked Mr. Holloway and Mr. McCain. He said, if they have made it look easy, thank you, but it has been a lot of work, and it is an honorable thing to do. He said they hope they have made a difference in a lot of businesses, and he thinks they have from the comments they have received. He clarified, it is not just him, but months before this they canvassed the business community from all sectors of the economy, and they had input. He said SWED was not afraid to reach out to anyone who they thought could add input and guidance to this process, so it has been a broadening, educational, and meaningful experience for SWED, and the County.

Mrs. Acle said there are several spots in her District that do not have internet or Wi-Fi, and she was wondering if there is a paper copy of the application, to which Mr. Ryan responded, they have had some paper applications, so they have adjusted along the way, and he is happy to email Mrs. Acle a hard copy. Mrs. Acle said she thinks those mentioned were probably the ones who reached out to Mr. Ryan to get

the hard copy, to which Mr. Ryan responded, they actually went to some of the businesses and picked them up, and they are happy to do that.

Mr. Dodd said he thinks it is most appropriate that SWED was the entity overseeing this application process. He said, by looking at 750+ applications, he thinks SWED has done a good job, so he thanks them, and everyone else who was involved in this. Mr. Ryan said it has been a large community effort. He said businesses ask what they can do for SWED, and he tells them to find another business to apply, and a lot of people have done just that. He said they will go up and down shopping centers and tell businesses they have had a good experience, so they can too, and that type of thing. He said, when they started the program, they had a lot of accountants filing for clients, and then it starts permeating word of mouth throughout the community and really getting those smaller businesses, which has been rewarding, and he thinks they have touched most parts of Wicomico all the way around. Mr. Dodd said, if this helps keep doors open, they have done their job. There was no further discussion.

Resolution No. 52-2020 – Declaring that ApartmentSmart.com, Inc. is Eligible to Receive Enterprise Zone Benefits for Property at 207 E. Market Street, Salisbury, Maryland. Mrs. Hurley said Council has seen these applications before, and, as a reminder, in order for a business to qualify for the 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 ApartmentSmart.com, Inc. is eligible for the enterprise zone benefits because of its hiring of two or more new full-time employees.

Mr. Cannon said he does not know exactly to what degree this has an impact on the Resolution as a whole, but he was surprised by the lease agreement that was prepared. He said, from what he can understand, both of these companies are run by the same individual, which is not unusual in the business arena, but he found it unusual that, in the lease that was prepared as far as the documentation for the Brief Book, they state the fact that it is a \$42,000 lease requiring 12 installments of \$4,500 each, yet that does not come anywhere near \$42,000, it is \$54,000. He clarified, he is only saying that, when he reviews these and tries to see what is at play for face value, he just found it a little bit disconcerting that the lease agreement for the owner who is going to be benefiting from this with a company he is leasing from has a lease that really does not make much sense. He said they are looking at a security deposit of \$1,000 on a lease where they are paying \$4,500 per month rent, and there are late fees of \$50, whereas late fees are pretty much, by law, established by percentages, not by flat rates. He said no one is here from the City, which normally there is someone at the meeting to address any of these types of concerns. He said he would assume the fact that the agreement in the lease is part of the application, they have to demonstrate that at least the lease would be somewhat legitimate. He clarified, he is not going to vote against this, he is just bringing that out as a point of concern.

Mrs. Hurley said Mrs. Laura Soper from the City of Salisbury normally attends the Council Meetings when they have enterprise zone applications, but she had a schedule conflict. She said she can follow up with Mrs. Soper to get clarification on that lease agreement if Mr. Cannon would like, to which Mr. Cannon responded, that would be fine, but, again, he really doubts that the lease itself is that critical as far as their qualifications for the enterprise zone, but it would not hurt.

There being no further discussion, on motion by Mr. Hastings and seconded by Mr. McCain, Resolution No. 52-2020 was unanimously approved.

Resolution No. 53-2020 – Authorizing the County Executive to Accept a Grant Award in the amount of \$180,000 from the Maryland State Department of Education, Division of Early Childhood.

Ms. Michelle Bradley, Director of the Local Management Board, came before Council. Mrs. Acle said she knows they talked a little bit about this at the last meeting, but it seems like with this particular grant, this would just be adding additional responsibility to Ms. Bradley's Department. Ms. Bradley replied, for the monitoring and the financial reimbursement, yes, but these will all get RFP'd out. She explained, they have a relationship with Salisbury University that is going to help with all of the training aspects for the tri-County area, actually, because they already do that. She said most of these things were already in place, so this was just to get everybody together on the same page, and put in the cognitive and behavioral piece. Mrs. Acle thanked Ms. Bradley for putting this together. She clarified, she just wanted to make sure they were not inundating Ms. Bradley's Department on things that the school system should be doing, to which Ms. Bradley responded, her Department does not actually do the work, they just hold them accountable.

There being no further discussion, on motion by Mr. McCain and seconded by Mr. Davis, Resolution No. 53-2020 was unanimously approved.

Resolution No. 54-2020 – Authorizing the County Executive to Accept a Grant Award in the Total Amount of \$1,177,120 from the Maryland Department of Housing and Community Development through the Community Development Block Grant Program (CDBG-CV) for Activities to Prevent, Prepare for, and Respond to the Coronavirus Crisis.

Ms. Lori Carter, Director of Planning, Zoning, and Community Development, came before Council. Mr. Cannon said this is a very generic Resolution, and he knows there are more specifics as far as how this amount of money is going to be distributed in Wicomico County, so he was sort of looking for the particulars on that, and he guesses more so as to why the Department of Planning and Zoning is overseeing the grants that are going to the Local Management Board and Habitat for Humanity. He then asked what Planning and Zoning's role is going to be, and exactly what the purpose of it is going to be, to which Ms. Carter responded, as Council knows, typically, under the CDBG, this is done by the Wicomico County Planning Office. She said they are just going to be making sure that all of the funding is actually expended the way it should. She said her Department has been the subrecipient for almost every application, and that is what they always have done. Mr. Cannon asked if Ms. Carter has been privileged as of yet to understand or recognize exactly what purpose the funding is going to be distributed for, to which Ms. Carter responded, yes. She said \$500,000 is going to be for assisting persons who have had some hardship as it relates to paying their actual rent, so that is what that money will pretty much be expended for. She said it will be \$500,000 for Habitat, and \$500,000 for the Local Management Board, and then there is \$177,120 for MAC. She said they hope to get this started by August 3, 2020.

There being no further discussion, on motion by Mr. McCain and seconded by Mr. Hastings, Resolution No. 54-2020 was approved. Mr. Cannon and Mrs. Acle abstained.

Resolution No. 55-2020 – Confirming the Appointment of Anthony M. Rudy as the General Manager for the Salisbury-Ocean City-Wicomico Regional Airport.

Mr. Cannon said Mr. Rudy is doing a great job. He said he has been fortunate enough to sit in on Airport Commission meetings, and they are very thorough, and Mr. Rudy is doing an excellent job as far as

picking up where Ms. Veatch left off. He said, even when Ms. Veatch was here, Mr. Rudy was an integral part of maintaining the structures in place, and he thinks has taken the ball and has just rolled with it very well, so he appreciates all the work Mr. Rudy has done.

Mr. Rudy came before Council and said he really appreciates the opportunity and confidence the County Executive, County Administrator, and County Council have with him. He said this has been an ongoing part of his career, and it is an interesting time for the Airport, especially with the coronavirus situation, but it is also an exciting time for the Airport. He said they are looking to build on a lot of the initiatives Ms. Veatch started a few years ago, and he thinks they will be in a better place as time goes on.

There being no further discussion, on motion by Mr. McCain and seconded by Mr. Cannon, Resolution No. 55-2020 was unanimously approved.

Resolution No. 56-2020 – Authorizing the County Executive to Acquire Lot 1 on the West Side of Second Street, Delmar, Maryland being shown on Tax Map 20, Grid 4, Parcel 22 for an addition to the Delmar Athletic Complex; and to Accept the Donation of \$3,000 from the Delmarva Shorebirds “Fly Together Fund” at the Community Foundation. Mrs. Hurley said Council had two Work Sessions on this request, which were held on June 16 and July 7, 2020.

Mr. Steve Miller, Director of Recreation, Parks, and Tourism, came before Council and said he just received an email after this meeting started. He explained, Mr. Marshall contacted the law office, and has stated that he will accept the purchase price of \$35,000 without the Shorebirds money. He said the one thing noted, and he will have to do further research on this, but Mr. Marshall has requested that they honor Mr. McCain, Sr. for his past contributions to the property and the Delmar Little League, and that they put recognition on the site, but he has indicated he will accept the \$35,000. He clarified, before Council votes, he wanted to make them aware of this late development.

Mr. Cannon said he would like to thank Mr. Marshall for his generous offer to step back to the \$35,000. He said he thinks that is great. He clarified, he appreciates the Shorebirds making that effort, and Mr. Chris Bitters has always been an integral part of this community, and Council knows that, so for them to step forward he thinks was very admirable. He said he thinks it is equally admirable for Mr. Marshall to step back also and accept the \$35,000, so he would like to thank them both for that.

Mr. Dodd said Mr. Cannon makes excellent points, but he wanted to point out that Mr. Bitters and the Shorebirds are very active in the local Little League community. He said, if he goes to any of the ballgames, their banner is up on some of the fencing, so they are very active in Little League, and they are to be commended for that as well.

Mr. Holloway said he wants to thank Mr. Marshall. He said the County has always had a practice of paying appraised value, and he understands that it was requested over appraised value. He said the County did go to the highest appraised value, and he understands there were some conversations about what Mr. Marshall would take, and he is glad he stepped back. He said, when there is a will, there is a way to get things done, and he thinks they worked through this very well. He then asked Mr. Miller to thank Mr. Marshall for him. Mr. Dodd added, Mr. Marshall should be commended.

There being no further discussion, on motion by Mr. Cannon and seconded by Mr. Hastings, Resolution No. 56-2020 was unanimously amended to strike the reference to the Shorebirds contribution.

There being no further discussion, on motion by Mr. McCain and seconded by Mr. Holloway, Resolution No. 56-2020 was unanimously approved as amended.

Robert Taylor, Council Attorney

Introduction: Legislative Bill No. 2020-05 – an Act to amend Chapter 29 of the Wicomico County Code, Article II, titled “Grant Funds” Sections 29-18 through 29-21, and to add Sections 29-22, 29-23, and 29-24 to provide for greater transparency and full accountability of the County’s allocation of grant funds.

Mr. Holloway asked if everybody is happy with what has been worked through, and did Mr. McCain and Mr. Taylor discuss this and get it squared away, to which Mr. McCain responded, they have not talked since the last meeting, but he is fine with it getting introduced. He clarified, there still may be some questions, like any Bill, but Mr. Taylor has inserted some language from the last meeting, and he was able to get the bulk of his questions addressed at the last meeting.

Mr. Taylor said he just has a couple of points. He said, in the Brief Book, and this is just an oversight, but it indicates this was introduced on July 7, 2020, and it should be July 21, 2020, of course. He clarified, that is not a substantive thing, just a typo type thing. He said, if Council wants, he can run through and quickly show how he has changed this from the version that was before Council at the last meeting. Mr. Dodd said he thinks everyone has had time to see this. Mr. McCain said Mrs. Hurley sent Council a version with the changes highlighted, to which Mr. Taylor responded, that is fine if Council has that, so he will not go through it, but it is probably a total of 25 words, maybe 30.

Mr. Dodd asked if Council needs to vote on the correction of the date, to which Mrs. Hurley responded, no, it would be considered a typo.

Mrs. Hurley said they can schedule the Public Hearing on August 18, 2020 at 10:00 a.m.

There being no further discussion, on motion by Mr. Holloway and seconded by Mr. Hastings, Legislative Bill No. 2020-05 was unanimously introduced.

Public Comments:

There were no public comments.

Council Comments:

Mr. Cannon said their sympathy rests with the family of Don Beach, Sr. after his unfortunate demise. He said Mr. Beach was a leader in Hebron, and he thinks everybody knows that. He said, when he first started out in the campaigning arena, one did not have to go to Hebron to know they needed to be in Hebron, they just needed to talk to the Beach family and know exactly the lay of the land. He said the family has been an example of such strong leadership within that community, and in Wicomico County. He said his thoughts and prayers go out to his family, and he hopes they continue the good work and legacy he left for his family, the County, and the Town of Hebron.

Mr. McCain said he was not able to make this comment during the purchase of the Delmar lot, but he wants to thank Mr. Marshall for his efforts on getting this done. He said it is just very much appreciated as that was his hometown, and that is where he grew up. He said his father was very instrumental in that complex, and was the former Mayor of Delmar, the President of the Lion’s Club, President of the

Lodge, and a lot of other things he did in Delmar during his lifetime. He said he just appreciates very, very much Mr. Marshall's comments and actions surrounding the park. He said it will be a great asset for the Little League there, and the future of Delmar.

Mr. Hastings said he received an email this morning saying that Hawkeye Med Tech, which is basically a larger State organization, just funded Wicomico and Somerset Counties for 25 telemedicine stations, and to distribute more than 2,000 telemedicine tablets. He said it was asked if Council could share that they have all of the equipment, but now they just need firehouses or any other kind of space for people to host that, and if anyone in Wicomico County is willing to host any of these telemedicine stations during the COVID time. He said it is specifically because of poverty and other issues that the Counties were awarded this. He clarified, it is outside the purview of the local government, but it is something where they are basically looking to try to support rural Maryland, and this is why they were targeted.

Mr. Holloway said he knew Don Beach back in the early 1980s when they both worked together at Chevrolet, and Mr. Beach was involved in the Fire Department back then. He said one thing he remembers about Mr. Beach is he always knew he was in the room by his laugh, and that is one recollection that he really remembers about him, even that long ago when they would have sales meetings. He said, then, when he got elected to the County Council, he got reacquainted with Mr. Beach through the Fire Department and through being on the Council. He said it is sad to see what happened because Mr. Beach was a good fellow.

Council President Comments:

Mr. Dodd said, being in the Fire Service, he knew Mr. Beach and the family for over 25 years, and they are a good family. He said they have contributed a lot of time to the citizens and visitors of Wicomico County, so it is good that they are remembering Mr. Beach and the family. He said it is a good family, and he appreciates everything they have done.

Mr. Dodd said, again, he commends Mr. Marshall, Mr. Bitters, and the Delmarva Shorebirds. He said they are very active in the community as well, and very appreciative.

Mr. Dodd said this morning Council gave a Certificate of Appreciation to an individual employee, but he wants to point out that this Council really does appreciate all County employees, and he thanks them for their service, especially during these trying times.

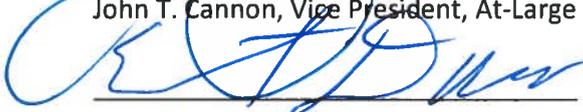
Mr. Dodd said it is hot outside, so everyone be safe. He said the County has opened a cooling center up at the Civic Center in the Midway Room. He said he believes it is open today from 11:00 a.m. until 8:00 p.m., and tomorrow as well. He said they may extend it, but these two dates are open. Mrs. Acle added, with the cooling stations, Shore Transit is providing transportation from the City and other areas of the County to the Civic Center.

Mr. Dodd said they have the USSSA Softball World Series going on, so, if anyone gets the time to go out to Henry Parker or any of the other ballfields, they can watch some very talented girls and very good ball players out there.

There being no further business, on motion by Mr. Hastings, seconded by Mr. McCain, and unanimously approved, the Legislative Session was adjourned at approximately 10:40 a.m. to go into Open Work Sessions.

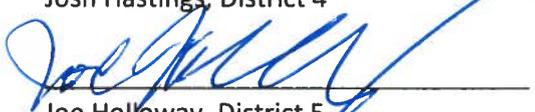

Larry W. Dodd, President, District 3


John T. Cannon, Vice President, At-Large


Ernest F. Davis, District 1


Nicole Acle, District 2


Josh Hastings, District 4


Joe Holloway, District 5


William R. McCain, At-Large


Laura Hurley, Council Administrator