

The Wicomico County Council met in Legislative Session on Tuesday, September 1, 2020 at 6:00 p.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

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

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

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

- Legislative Minutes from August 18, 2020
  - Open Work Session Minutes from July 21, 2020 – To Discuss a Supplemental Appropriation from Contingency to the Department of General Services for Funding to Connect new Delmarva Power Equipment to the Government Office Building
  - Open Work Session Minutes from July 21, 2020 – Discussion on Proposed Legislation Regarding the Employment Status of Certain County Employees
  - Open Work Session Minutes from July 21, 2020 – Amendment to the Wicomico County Solid Waste Management Plan to add an Office Building Recycling Plan
  - Open Work Session Minutes from July 21, 2020 – Letter of Support for SHORE UP!
  - Closed Work Session Minutes from August 4, 2020 – Consult with Legal Counsel
- 

**Robert Taylor, Council Attorney**

**Public Hearing:** Legislative Bill No. 2020-06 – An Act to Amend the 2020 Operating and Capital Budget to Increase the Wicomico Youth and Civic Center Budget in the amount of \$530,000 by transferring \$200,000 from the Recreation and Parks Prior Year Funds Balance; by transferring \$75,000 from the Recreation and Parks Current Year Budget Savings; and by transferring \$255,000 from the General Fund Contingency.

Mrs. Pam Oland, Acting Director of Finance, came before Council. She said, as she is the one who has helped craft this Legislation, she is asking Council to have the Public Hearing this evening, and then she has actually made a request to not vote on this Bill this evening so she can talk to Council more fully in a Work Session at the next meeting. She then suggested, since this was already advertised, hold the Public Hearing, but hold off on the vote at this moment, if Council is agreeable.

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

Mr. Holloway asked, when they have the Work Session, for the benefit of the citizens, will Mrs. Oland be able to explain exactly what this money is going for, and why they are having to do the transfers, to which Mrs. Oland responded, yes. She said she will give the explanation and reason why they believe 2020 is the appropriate year for the amendment to happen versus 2021.

Mr. Cannon asked, how many days after the Public Hearing will Council have left to pass this Bill, to which Mrs. Hurley responded, the drop-dead date is actually October 3, so, to have the Work Session at the September 15 meeting, Council would also need to adopt a Resolution to extend the vote on that

Bill to October 6, which is their first meeting in October. Mr. Cannon suggested, or they could have the Work Session before the Legislative Session, to which Mrs. Hurley responded, that is a possibility.

Mr. Holloway said he knows there has been some discussion back and forth about whether it should be done in 2020 or 2021, and it would be nice if Mrs. Oland could get all of that worked out before the next meeting so they are not arguing about it then, to which Mrs. Oland responded, that is her hope.

---

**Laura Hurley, Council Administrator**

**Submission of a new appointment to the Social Services Advisory Board:** Mrs. Hurley said, in accordance with Sections 315 and 413 of the Wicomico County Charter, the Acting County Executive has submitted an appointment to the Social Services Advisory Board. She explained, this Board selects a Director for the Department of Social Services and advises the Director and State Director as to the local application of State policies or procedures. She said Members are to be well informed on local Department activities, and to communicate to residents of the County information as to the objects, policy, programs, and problems with Social Services and Public Assistance Administration.

**Resolution No. 89-2020** – Confirming the Appointment of Nicole Acle as a Member of the Social Services Advisory Board.

There being no discussion, on motion by Mr. Hastings and seconded by Mr. Holloway, Resolution No. 89-2020 was unanimously approved.

**Resolution No. 90-2020** – To make a Supplemental Appropriation from Contingency to the Department of Finance in the amount of \$50,000 for TGM Group, LLC Accounting Services.

Mrs. Pam Oland, Acting Director of Finance, came before Council. Mr. Holloway asked if they are through this, or are they done, or will there be more bills, to which Mrs. Oland responded, this actually is to authorize the County to be able to use them. She explained, \$25,000 is currently available to use TGM Group, but their estimate is significantly more than that. She clarified, their estimate was based on the idea that there was not going to be an Acting Finance Director, so they thought they were going to have to step in and kind of take on the whole role and get prepared for the audit. She said, through discussions with Mr. Psota, she has brought the number down from what their original estimate was. She said she believes with her sitting in that seat and being able to help get the Department ready, they will be able to accomplish it for the \$25,000 that is already on the books, and she is hoping to not use all of this additional \$50,000 they are asking for, but they only started this week.

Mr. Holloway said this is highly unusual. He clarified, this is the first time the County has actually had to bring in somebody else to try to get ready for the budget, to which Mrs. Oland responded, they used TGM last year as well. Mr. Holloway said he is talking about this situation. Mrs. Oland explained, TGM was brought in last year to help with the 2019 audit, and they have been brought in to also help get prepared for the 2020 audit.

Mr. Dodd said Mrs. Oland said \$25,000 and \$50,000, but she is hoping it is going to be less than \$75,000, to which Mrs. Oland responded, her hope is to be under \$75,000, but it would not go over \$75,000.

There being no further discussion, on motion by Mr. Davis and seconded by Mr. McCain, Resolution No. 90-2020 was unanimously approved.

---

**Robert Taylor, Council Attorney**

**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. Taylor said Council may recall, at the last meeting they discussed two different types of amendments to this, and they have had further discussions on at least one type of amendment with Mrs. Oland, and have some other suggested language for that, but he will defer to Mrs. Hurley because she was kind of the recordkeeper on their discussions on that.

Mrs. Hurley said the Bill on the Council table shows the proposed changes in yellow. She said it was discussed initially that Section 29-19C would say “effective upon receipt thereof”, and it was discussed at the last meeting. She said Mrs. Oland suggested Council change the language to say “effective upon grant award”, and Mr. Taylor agreed to that change, so that is one of the amendments. She said Item E is language Mr. Taylor recommended at the last meeting, and says, “If the grant is for reimbursement for other funds expended for the grant, the grant revenue shall be applied to restore any appropriation or borrowing of other County funds expended in order to obtain the reimbursement and to discharge County debt for any funds borrowed for such expenditure”. She said Item E was then changed to F. She said those changes are all highlighted for Council. She said the very last paragraph of Section 29-20 also says “effective upon grant award”.

Mr. Cannon asked if this is an introduction, to which Mrs. Hurley responded, Council has already introduced this Bill, and already had a Public Hearing on it, so it is on Council’s table for a vote tonight. Mr. Taylor said it was introduced on July 21.

Mr. Hastings said the pronoun in Section 29-19A at the bottom of page two has a “his” for the County Executive. He said they could have a County Executive who is a woman, and he does not like that language in there, so maybe they can clean it up. Mr. Dodd asked what pronoun Mr. Hastings would like, to which Mr. Hastings responded, take it out completely. Mr. Cannon said he believes the Charter specifies that any reference in any Legislative Bills to he, his, or whomever it might be actually take into consideration he or her. Mr. Dodd asked if Mr. Cannon is saying that would cover this, to which Mr. Cannon responded, there is a section in the Charter that actually covers that and says no matter what the particular gender is noted in the Bill, it is to be reflected as he or her, or his or hers. Mr. Dodd asked Mr. Hastings if he is okay with that, to which Mr. Hastings responded, that is fine, but there is not even a pronoun really needed there because it should read “The County Executive shall also provide written recommendations”, not “his written recommendations”. Mr. Cannon said he will second that.

There being no further discussion, on motion by Mr. McCain and seconded by Mr. Davis, Legislative Bill No. 2020-05 was unanimously amended to accept the Bill with the amendments Mrs. Hurley discussed, and to strike the pronoun “his” from Section 29-19A.

There being no further discussion, on motion by Mr. McCain, seconded by Mr. Holloway, and by roll call, Mr. Cannon, aye; Mr. Hastings, aye; Mrs. Acle, aye; Mr. Holloway, aye; Mr. Davis, aye; Mr. McCain, aye; and Mr. Dodd, aye, Legislative Bill No. 2020-05 was unanimously approved as amended.

---

## **Levin Hitchens**

**Resolution No. 91-2020** – Amending the Annual Audit Plan for Fiscal Year Ending June 30, 2021 to Include a Workplace Culture Audit.

There being no discussion, on motion by Mr. Cannon and seconded by Mr. Davis, Resolution No. 91-2020 was unanimously approved.

### **Public Comments:**

Mr. Darren Lombardo came to the podium and said he is a fellow member of the Delmarva Parent-Teacher Coalition. He said he did not plan to come this evening, but something was published today that he wants to inform Council about. He said today the Wicomico County Board of Education academic schedules were released and provided to students. He said, to their surprise, there were not four core subjects on the schedule, there were only two core subjects. He explained, that means each student receives only two core subjects in the first semester, or the first half of the school year, and then in the second half of the school year, the second semester, they receive two more core subjects. He said he has an example; in the first semester the student has English and History for half of the school year, and in the second half, Algebra II and honors chemistry. He said, in order for the school system to teach a core subject in four months flat, the school system must remove certain lessons or content within the lesson plan in order to reduce the time it takes to complete the course in half the time. He said the quality of the curriculum is designed to be taught over an entire school year, and this practice will compromise the quality and completeness of providing an adequate education. He said the school system could not achieve this in an ordinary day with in-person instruction, let alone be able to achieve this in a distant learning environment. He said he wanted to present this to the Council this evening, and ask that the Council make some phone calls and talk to some people in the Board of Education because maybe they will answer Council's phone calls as parents are having difficulty there. He said Council can look at the last page on their own, but the terminology used in accordance with the Wicomico County Board of Education Recovery Plan Assurance, this opening schedule seems to conflict with their promises, so he just wants to point that out to Council so they are informed and know what is going on.

Mr. David Cooper came to the podium and said he is a Wicomico County resident from District 4, and he comes before Council tonight because he has a few things he would like to address. He said one of the things he definitely wanted to bring to Council's attention is that they would really like to see a more expeditious manner for the selection of their upcoming Executive. He said they understand that Council is considering a lot of different things, but he just wants to make sure, when Council makes this choice, they do their interviews and select the best candidate at the time of the interviews, and not drag it out any further. He said it is a real disservice to all of them. He said, if they can help in any way, let them know, if they need public input, let them know, but the way it has been handled up to this point, Council has seen all of the comments.

Mr. Cooper said one other thing he would like to bring up that has really been dragging on that they really need to get back on the Agenda is a Second Amendment Resolution. He said there has been more and more push for it, and he knows, as being one of the administrators for that group, they definitely want to see that come back onto the Agenda soon.

Mr. Martin Hutchinson came to the podium and said he lives in Wicomico County, and has been here for 21 years. He said he watched with great interest the interview process a couple of weeks ago, and he watched with great interest the Work Session Council held last week, and these are unprecedented times, and times that their County finds themselves in that none of them want to be in. He said they did not expect Bob Culver to die, and they did not expect to be in a position to need to name, outside of an election, a successor to him. He said, that being said, they find themselves in a situation that is even more difficult and challenging because the candidate the majority of Council selected has withdrawn, and that left two further candidates, which, for some reason, the four of Council who voted for Dr. Desmarais are not willing to entertain. He said the role of a leadership, and he is just there to simply remind them that, as leaders in their County, it is their job to listen. He said, as he listened from a distance to both the public comments after the interview process, and as he listened to the comments in the community in the time between the interview and now, it feels that there is a strong urge of Council's constituents to go with the strongest candidate that was presented that night, and that is Delegate Carl Anderton. He said he does not know what is going on, but his perception of what is happening is that there is something happening behind the scenes and under the table that does not look good, and if Council would maybe listen, then maybe they could get this done and move on. He said they do need to move on because their County does need to know where they are going to go in the future. He thanked Council for their time, and said he recognizes that their job is hard, and he encourages Council very strongly to listen to the people who put them in the seats they sit in tonight.

Mr. Scott Hamilton came to the podium and said he is a Wicomico County resident, and the president of the Fraternal Order of Police in Wicomico County and represents all the agencies in Wicomico County. He said they were unable to formally endorse any particular candidate for the position of County Executive, but he would also like to echo the expressed interest of getting this done expeditiously, and sticking with the rules that were already laid out, and not change them midstream again now that things have not typically gone the way Council anticipated them to go. He said, personally, as an individual, as a voter in this County, he also supports Carl Anderton, and he is here to show him his support tonight.

Mr. Rick Green came to the podium and said he appreciates the opportunity to again address Council for a moment. He said he would first like to say to several Members of the Council that he very much appreciates them accepting his phone calls in the last week, and they graciously explained to him their thinking and position, and that is much appreciated. He said that, to him, speaks of leadership as well. He said quite often he knows they gather in sessions and there is critique from those perhaps in the public versus those in the position of having to make difficult decisions, and Council is in the position of having to make those difficult decisions. He said it is important to him to at least say thank you, and to let Council know that all of their efforts are very much appreciated. He said he would also like to again endorse Carl. He said he believes Delegate Anderton is the man for the job. He said there may be political interests here, or perhaps not, but, nonetheless, as Council considers and deliberates over the next period of time, whatever that may be, may he just simply suggest that, rather than on a lower level that they have had discussions on, they move the bar even higher as political individuals and people in the community, and, regardless of their personal thoughts, do what is very best for Wicomico County, and he believes that is Carl. He again thanked Council for all they do.

Mr. Bruce Robinson came to the podium and said he is a Wicomico County resident, and he is basically going to echo what the previous folks have said, it does look bad. He said it looks bad, and he cannot tell Council how many people have asked what is going on, and have said there is something going on

behind the scenes. He clarified, he personally does not believe that, but the fact that the reasons, and Mr. Green apparently got more than is publicly acknowledged, but the reasons given are either nonexistent, or, frankly, weak. He said, as a result, even though he does not believe that there is anything untoward happening, the fact that people say it, he thinks, is very understandable, and reflects badly on all of them, on their County, not just the Council. He said he also supports Delegate Anderton. He said he seems like a perfectly good choice. He said Council has 45 days, as he gathers from what the Charter says, so let's just do it, let's get it done.

Mr. John Tarr came to the podium and said he is a Wicomico County resident as well, and would just like to echo as others have done in their comments before. He said he thinks they have 45 days to get this done, and they had a good candidate come in and give an interview. He said he agrees and thinks there are some things he does not want to think are happening, and he is sure they are not happening, but it does kind of give a bad impression for a lot of folks. He said hopefully they can get this done, and he supports Delegate Anderton as well.

Mr. Joey Gilkerson came to the podium and thanked Council for hearing him out. He said, like many have said before, he does not envy Council's position. He said it is a very difficult job to try to make a decision that over 30,000 people made just two short years ago, but, like many others, he is very disappointed. He said he is disappointed in the process through and through, he is disappointed in moving the goalpost, and he is disappointed in the interpretation of the Charter to be able to move the goalpost. He said he supports Delegate Anderton, but more so he supports democracy, and he thinks Council is failing them as a constituent base.

**Council Comments:**

Mr. Hastings said, on the topic of the County Executive appointment, he appreciates the public and their comments, and the folks who have come out. He said he will echo that, however Council goes forward, they should make sure Council as a Body are crystal clear in how they will go about the interviews, as well as the deadlines, and the process itself. He said he does not know how they are going to determine that, maybe that will be later today, but he is not quite sure himself, and he is a Member of the Council, but he does want to make sure that it is clear to the public, and Council puts out a press release.

**Council President Comments:**

Mr. Dodd thanked everyone for showing up and offering their thoughts. He said Council really appreciates it, so thank you. He said he hopes everyone has a good Labor Day weekend coming up.

There being no further business, on motion by Mr. McCain, seconded by Mr. Holloway, and unanimously approved, the Legislative Session was adjourned to go into Open Work Sessions followed by a Closed Work Session pursuant to General Provisions Article, Section 3-305(b)(7) to consult with legal counsel to protect the attorney-client privilege.

---

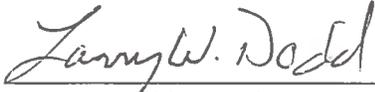
The Wicomico County Council met in a Closed Work Session on Tuesday, September 1, 2020 at approximately 6:50 p.m. in Council Chambers, Government Office Building, Salisbury, Maryland.

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

Present for the Closed Work Session: Laura Hurley, Council Administrator; Robert Taylor, Council Attorney; and Lynn Sande, Executive Office Associate.

The purpose of the Closed Work Session was to consult with legal counsel to protect the attorney-client privilege. No formal action was taken.

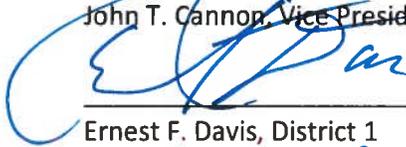
There being no further discussion, on motion by Mr. Holloway, seconded by Mr. Hastings, and unanimously approved, the Closed Work Session was adjourned at approximately 7:50 p.m. The legal authority for the Closed Work Session is General Provisions Article, Section 3-305(b)(7).



Larry W. Dodd, President, District 3



John T. Cannon, Vice President, At-Large



Ernest F. Davis, District 1



Nicole Acle, District 2

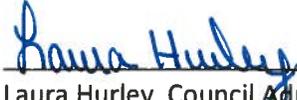


Josh Hastings, District 4

Joe Holloway, District 5



William R. McCain, At-Large



Laura Hurley, Council Administrator