

Open Work Session

Letter to Governor Hogan Seeking Guidance on Out of State Travelers Wanting to Stay in Wicomico County during the COVID-19 Health Crisis

April 7, 2020

Mr. Taylor said this letter derives from concerns expressed last week when some Councilmembers became aware that some of the surrounding Counties were passing these short-term rental bans, and the concern was that people might come down there, be turned away, and wind up here. He clarified, the letter does not exactly address that specifically because, in the course of looking at it, it came to his attention that there is some uncertainty whether they can even do that in Maryland. He said he might point out that some States do have enacting Legislation at the State level that allows local government to do that, and, in other States, New Jersey being a case in point, the Governor has specifically given the Counties just within the last couple of weeks permission to do things like that. He said it is unclear in Maryland at least, and, as he said earlier, this also came as a result of this inquiry that beginning very shortly they will be seeing people come here from the Western Shore or other States that have a much higher infection rate than Wicomico County. He said, number one, this letter would at least try to clarify what the State law in Maryland is, and if the Governor is in favor of Counties doing partial shutdowns like rentals, or any other kind of a shutdown, he should give them authority, or it should be clear. He clarified, there should be no uncertainty about it like there is now. He said that is the purpose, really, of this letter, and it derived from concerns that started last week when people began to hear about Worcester County and Ocean City in particular their short-term rental restrictions, which incidentally, as he understands it, expires at the end of the month, so that is the purpose of the letter.

Mr. Davis asked Mr. Taylor to clarify the reason people would come to Wicomico, to which Mr. Taylor responded, the concern last week was that they would come to these other Counties and be turned away and wind up here. He said he cannot specifically state the probability of that, but that was the concern expressed to him, and he was asked what they can do about it. He said he thinks, at least right now, from a lawful standpoint, there is probably not a whole lot they can do about it for the reasons he just explained. He said he does not know how successful they will be if there is an influx of short-term rentals, so this week may be a test. He said he thinks that the other concern, of course, is people who have actual second homes in Ocean City and elsewhere who come down and say they are staying in Maryland and have decided to shelter in place down at the beach rather than at their home on the Western Shore. He said he thinks it would be very hard to turn them away because they would not be breaking any laws. He said the people from out of State right now are subject to the Governor's Order about the 14-day self-quarantine, but how practical is that going to be to enforce is obviously another question. He said he might add that the notice they talked about earlier and he sent to Council regarding people entering Maryland also came as a result of this inquiry because that is at least one way of telling people, if they are going to come here from out of State, here is what they have to do because there has been very little publicity about that part of the Governor's Order. He said, getting back to the letter, the purpose of the letter is to try to get some clarification.

Mr. McCain said he is not real excited about the letter. He said he feels like they are wasting their time, and he does not really see what they are accomplishing here. He said there are already a lot of things at the State level addressing this in some capacity, and, as Mr. Taylor just said, trying to put parameters

around this and all the unforeseen circumstances that surround something like this is a good thought, but he cannot say he is a big fan of this letter, to be frank. Mr. Taylor said he thinks Council needs to realize they are going to get an influx here pretty soon, and it is probably going to start this weekend. He said, as he said, he does not think there is going to be any chance really of stopping people who are already living in Maryland. Mr. McCain said he is not so sure they will be coming to Wicomico County. He said Ocean City is certainly a second home market, and this is a much bigger issue for them, but Wicomico is a primary home market. Mr. Taylor clarified, he is not thinking so much of people staying here, but any sickness that develops either with the people who come, or if they spread it to the local residents, they are going to come to this hospital here. He said that is going to be the net result of what is going to evolve in the next several days. Mr. McCain said, but they already have a stay at home order, and if they are not abiding by that, what else can they do? Mr. Taylor explained, as he said, he thinks it would be very difficult to say someone is breaking the law if somebody says they are driving from their home in Gaithersburg and decided to shelter in place at their condo in Ocean City because they are just in their car going from one residence to another. He said they are staying in the State, not coming into the State of Maryland, so the self-quarantine regulation does not apply. He said, at the end of the month, presumably there are going to be some changes, certainly it looks right now, but in the short-term, rental bans in Ocean City and Worcester County of course remains to be seen, but that is going to open it up further. He said, come Memorial Day, how many hundred thousand people usually come? He said it may be off a bit this year, but not if these bans are not in place.

Mr. McCain said, before they get too much further, they are getting into whole other issue. He clarified, Mr. Taylor is sounding a lot like an 8th Councilperson and not their Council Attorney at the moment, so he does not know how much further they want to go with this. Mr. Cannon said he recognizes Mr. Taylor's concern, but he thinks it is a matter not so much of what they are saying, but how they present themselves. He said any time they are dealing with the Governor's Office or Annapolis, they look at Wicomico County as an Executive-Legislative form of Government, and the first thing they want to do is hear what the Executive Branch has to say, and on many occasions, they want to make sure they have the blessing of the Council. He said he thinks for Council to send a letter independently is a bit rogue, and they should work through the Executive Branch on this. He said Mr. Strausburg talks to the Governor every single week, so he thinks Council should go that route. Mr. Davis said Mr. Strausburg just spoke earlier in the meeting and said he has talked to them about this and has been pushing the issue. He said Mr. Dodd also said he was on that call, so he thinks what Mr. Taylor is talking about is already being addressed through Mr. Strausburg. He said, like Mr. Cannon said, it should go through the Executive, but he thinks it is already being addressed by Mr. Strausburg when he talks to the Governor. Mr. Taylor said it is Council's call. He said he thinks backup always helps, but it is Council's call.

Mrs. Acle said she wants to remind everyone there is a hospital in Berlin, and there is Beebe Hospital in Delaware, so as far as the fear of everyone coming to PRMC, there are other hospitals, to which Mr. Strausburg responded, that is not where they go. Mr. Taylor said the Delaware Beaches are going to be streaming to Beebe and Nanticoke, and the hospital in Milton was just recently sold. Mr. Davis said, in Delaware they blocked off all the beaches so they cannot come to the beach. He said, if someone has a home in Delaware or Ocean City but lives in Gaithersburg and are not allowed to go to the beach, that is what people come there for, so why would they come to Wicomico, to which Mr. Taylor responded, that is the situation now, but it is probably not going to be the situation in a few weeks. He said Ocean City is

already concerned about their loss of the room tax. Mr. Davis clarified, they will be going to Ocean City, not to Wicomico, so how can they stop everyone going from Gaithersburg through Wicomico to get to Ocean City, to which Mr. Taylor responded, the concern is, if the infection spreads, where it will be addressed, and at least in terms of the Maryland beaches, that is most likely going to be PRMC.

Mr. McCain said, if Council is going to send a letter they have to have overwhelming consensus, and he thinks it is pretty obvious from what he is hearing that three or four Councilmembers already are not jumping up and down about this letter. He said it is up to Mr. Dodd how they move forward, to which Mr. Dodd responded, he has been on the phone calls, and he agrees that Mr. Strausburg has been answering his questions. He said one of the main questions he asks Mr. Strausburg every day is the status on the Governor and his concerns with out of State visitors and people staying because they all know that Delaware has closed their border. He said Marylanders cannot go into Delaware, technically, and then they also heard tonight that their infection rate is three times higher, which is a big concern, especially when they are coming to PRMC and coming to the stores. He said he goes to Walmart a few times a week and just yesterday he counted nine Delaware tags, and he did not count the other row, but there were probably just as many tags in that row from Delaware, so it is a concern. He said he thinks Mr. Taylor is just asking for guidance, so that is what they are doing, they are just discussing this. He said he would like to hear from each Councilmember on this before they move further.

Mr. Holloway said Mr. Cannon brought up an interesting aspect of this about doing joint letters. He then suggested they send this letter to the Executive's Office to see if he wants to do a joint letter, and that way the State would know where they stand. Mr. Cannon said that is a good idea. Mr. Dodd said he is okay with that. Mr. McCain said he does not support sending this letter anywhere. Mr. Davis said he feels that Mr. Strausburg is part of the Executive's Office and he is doing a good job with Annapolis. Mrs. Acle said she does not think they should send the letter. Mr. Dodd said they have four people who do not want to send the letter. There was no further discussion.

Signatures on next page

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Larry Dodd, Council President




John T. Cannon, Council Vice President



Ernie Davis, District 1



Nicole Acle, District 2



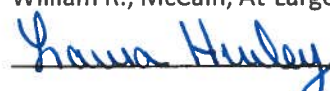
Josh Hastings, District 4



Joe Holloway, District 5



William R., McCain, At-Large



Laura Hurley, Council Administrator