

Open Work Session

June 1, 2021

Proposed Program Open Space Land Conversion from West Metro Core Park to Connelly Mill Property

Mr. Steve Miller, Director of Recreation, Parks and Tourism came before Council. He said this topic has already been a point of discussion tonight, but he appreciates this opportunity. He said he would like to present three possible courses of action for Council consideration.

Mr. Miller said the first option, and what they believe to be the best option, is the full land conversion, which has been proposed to Council. He said he understands the concerns brought forth, but they presented that as the best option for two primary reasons; number one, they believe, as far as the County as a whole, the Connelly Mill property has a greater opportunity for recreation value. He said a Program Open Space (POS) restriction is forever when it is an acquisition, and they feel like, if they are going to be restricted forever, it makes sense to be restricted where they have a greater opportunity and greater recreation opportunity for the residents. He said the second primary reason is that the full conversion would give the County the most flexibility and the most options. He said, again, he always thinks that is a good thing, and, to be clear, moving the restriction from one property to the other leaves every opportunity available for the County, and that includes building a park. He clarified, there would be nothing that would stop them from applying for Program Open Space or building a park. He said all that has been proposed is simply moving a restriction from one property to the other, which gives them options, and that is why this has been proposed. He said they feel like this is in the best interest of the County, and three Secretaries with the State of Maryland signed off and concurred with that assessment. He said he believes the residents of the County have an interest in restricting Connelly Mill for future recreation, and he would be happy to talk about that in more detail. He clarified, that is the first path that Council has heard about, and that is what has been on the table.

Mr. Miller said a second option, which he thinks could be a good option, is what is called a partial land conversion. He said essentially that would move part of the restriction from one to the other and would leave a portion of the West Metro property restricted under Program Open Space, which would guarantee a park in the future. He said, if Council were to opt for that type of a path, he would highly recommend keeping somewhere between 10 and 15 acres restricted at Levin Dashiell. He said, for reference, Winterplace Park is about 15 acres and is a very good sized park with multiple courts, multiple ballfields, a pavilion and restrooms, etc. He said Billy Gene Jackson Park, which is another nice park with several different amenities, is about 11 acres, and Mason Dixon is about 13 acres, so they can build a nice sized park between the 10 and 15 acre range.

Mr. Dodd asked, for the record, what is the total acreage at Levin Dashiell, to which Mr. Miller responded, it is about 100 acres.

Mr. Miller continued, the benefit of doing a partial conversion is they would move both projects forward simultaneously. He explained, Connelly Mill would be restricted and they would move that forward, and the West Metro Core would have 15 acres restricted, which would then have a path forward. He said they would have money in hand to develop a masterplan at both sites, which they would do over the course of the next year, and would still maintain flexibility at the West Metro Core, and that is the key part. He said, again, he is just throwing out a number, but if they were to keep 15 acres restricted, they would have the flexibility with the remaining 85 acres to farm it and the money could help support the

maintenance of the park. He clarified, they could still build a bigger park, so it would not limit them to 15 acres and they could still build a 50 acre park if they wanted to and if there was the need. He clarified, they would have options there and that would potentially move both projects in a forward path, so he thinks that could be a very good option for the County and for the residents.

Mr. Miller said the third option, which in his personal opinion he thinks would be the least beneficial, is to throw out the conversion altogether. He said essentially that is the status quo, and that would leave them in a place where Connelly Mill does not move forward at all, there is no restriction at Connelly Mill, and there would be no forward movement at Connelly Mill. He said, again, in the interest of trying to advance the West Metro, which he is not against as he is in the park business, so he is pro-park and wants to see as many parks as possible, but he thinks in many ways they would restrict themselves by having 100 acres when they may not need that. He said he thinks the status quo would be the least beneficial to the residents in his professional opinion.

Mr. Miller said he would be happy to answer questions or dive in further to any of those options, but those are three paths that he thinks they could take with respect to this.

Mr. Holloway asked, if they did not have Levin Dashiell, what is holding them up from applying for POS funds for Connelly Mill or from developing Connelly Mill, to which Mr. Miller responded, right now they could apply for grant funds at Connelly Mill. Mr. Holloway asked, so what is keeping them from doing that, to which Mr. Miller responded, he thinks right now they are not ready at this point in time because they need a masterplan at both sites, so they would not apply for development funds until they know what they are going to do. He said he thinks they are a ways away on both projects from applying for development funds. Mr. Holloway asked, why do a conversion if they are not ready to do anything anyway? Does that speed things along, to which Mr. Miller responded, it could. He said the conversion, again, is a forever restriction, and they have 235 acres at Connelly Mill and would restrict about 185 acres, but they would be restricted forever. He said the State has agreed, they have assessed it and looked at it, and they think Connelly Mill long-term has the greater recreation potential, and to restrict themselves where there is the greater potential makes sense. He said also right now they have no flexibility at the West Metro, but by giving themselves more flexibility they could actually open the door faster to develop a park than what they have right now.

Mr. Holloway said he hates to say this, but when they bought Levin Dashiell with POS money, they were told that it would be restricted forever when they used that money, but Mr. Miller is saying they can convert it to Connelly Mill. He said, in ten years if nothing happens they can convert it from Connelly Mill to somewhere else, so that thing about being restricted forever is not correct, to which Mr. Miller responded, technically, Mr. Holloway is right, but he will tell Council that a conversion process is a very difficult process. He said it is a process that the State does not encourage, and it took over two years to get to this point to get this conversion looked at, approved, and signed off on, so it does not just flip flop back and forth, it is a very difficult process for that to happen. Mr. Holloway said Mr. Miller said if they did the conversion to Connelly Mill that it would be park land forever, which is kind of what the Council was told when they bought Levin Dashiell, so that does not hold water.

Mrs. Acle said she is wondering why they cannot just apply for a separate POS for Connelly Mill leaving Levin Dashiell completely out of it and just doing a completely separate one for Connelly Mill, to which Mr. Miller responded, again, they could do that. He said they could apply for development funds when the time comes if they decide Connelly Mill is going to be a park, which he certainly hopes would be the

case. He said, again, he thinks if they are looking at West Metro as a future park, which, again, he is not opposed to, they have to ask if they need a 100 acre park, can they afford a 100 acre park and maintain a 100 acre park. He said they are building a 100 acre park at Pirate's Wharf right down the road. He said, if they do not need that, and they need to determine what they need and what the residents want, they give themselves a lot more flexibility by not being restricted on 100 acres. Mrs. Acle asked, if they keep the partial designation and they sell the rest of the land or farm it, would those funds then be used for West Metro, or would they be used for Connelly Mill, to which Mr. Miller responded, they would be at West Metro. He clarified, what was noted in the CIP was written some time ago. He said a partial conversion, whether the land is leased, would be dedicated to Levin Dashiell.

Mr. Holloway said Pirate's Wharf is not right down the road, it is way down the road, and it is a different kind of park. He said they are not going to have playing fields at Pirate's Wharf.

Mr. Dodd said he is looking at some figures and Mr. Miller said they could use 10 to 15 acres and make that a park out of the 100 acres. He then asked if Mr. Miller wants to convert the POS to give up 185 acres at Connelly Mill because he said they would restrict 185 acres at Connelly Mill, to which Mr. Miller responded, they would be removing the restriction from 85 and lifting that off and moving that restriction over to Connelly Mill, so they would have two restrictions at that point. He clarified, they would have 15 acres at West Metro restricted to be a park, and then 185 acres at Connelly Mill would be restricted. Mr. Dodd said that does not seem like it is fair and balanced, to which Mr. Miller responded, one of the requirements for a conversion to be approved is that it has to be greater acreage. Mr. Dodd said Mr. Miller said the conversion took about two years, but he could have sworn that two years ago they received that property as a donation for a tax write off, to which Mr. Miller responded, he believes it was the beginning of 2019. Mr. Dodd said they were told that the property was going to be used for the landfill, and there were no plans discussed about converting it to restricted land, to which Mr. Miller responded, that topic actually came up in 2018 at a Work Session when Connelly Mill was being debated, and at the time the Council was trying to consider whether or not to accept the property, so there were a number of options that were kicked around, to which Mr. Dodd responded, but he does not recall it being brought to the Council's attention about converting the West Metro Core to Connelly Mill. He said he thought Connelly Mill was going to be used strictly for landfill coverage, to which Mr. Miller responded, that was a part of the discussion at that time. He said they had agreed to pursue with the State if it could be an option to convert, so they have done that, and the State has approved it. He said what they have also done is carved out about 50 acres of the 235 acres at Connelly Mill that Public Works is using, so that would not be restricted. He said, again, this is giving the County flexibility that it could be part of a park or not.

Mr. Davis asked if 50 acres is for the park, to which Mr. Miller responded, no. He explained, they are proposing to restrict 185 acres at Connelly Mill and the remaining 50 is what Public Works is digging for dirt, so that would not be restricted at all. Mr. Davis asked how many years they have to dig dirt out of the 50 acres, for which Mr. Mark Whitelock, Deputy Director of Public Works, came before Council and responded, they figure it will take about ten years to dig that out. Mr. Davis said originally the Connelly Mill property was supposed to last 20 to 25 years for dirt for the landfill, so now they are cutting it down to ten, to which Mr. Whitelock responded, he never said 20 to 25. Mr. Davis clarified, the previous Director of Public Works and Deputy Director of Administration, who are both engineers, did a study and said that, so now they are cutting it in half to build a park. He said in ten years they are going to go after the Potts property again, to which Mr. Whitelock responded, even if they dug all of that out, Connelly

Mill is free dirt and it is good dirt, but the cost of removing that dirt and bringing it to the landfill has a significant price tag to it too at a time when Solid Waste is struggling financially itself. He said basically he gives Council the best information he has in front of him so they can make the best decisions they can, and however Council wants to do that is completely up to them. He said, when they asked him how long it would take to dig those two ponds out, he told them it would take him ten years, but what the Administration told Council was what they told Council. Mr. Davis said it was their understanding when they took the property that it was 20 years of free dirt, and now it is going to take ten years.

Mr. Holloway said it will take ten years to dig the holes he is planning to dig, but if it is not made into a park, it might take him 50 years to dig, to which Mr. Whitelock responded, they will get to the point where they get into wetland restrictions, which is not that far away from where they are right now. He said, going further back in there, the topography of that property is very interesting, and falls off into a creek bed really hard and they get into some environmental impact issues, so they are not going to be able to do a lot of what they think they can anyway.

Mr. Davis asked if where they are proposing the park is wetlands, to which Mr. Whitelock responded, no. He said he believes the front section that drops down was proposed to be a campsite and the usable property on that is not as large as the two holes that are there, or do not appear to him to be, but maybe it is equal. He said, once they get past that, the most they can hope for is to make a transition into Henry S. Parker because the environmental impacts in that streambed are going to be tough.

Mr. Cannon said Mr. Weston Young, who was the prior Public Works Director and then the Assistant County Administrator, did an excellent job convincing Council that Connelly Mill was needed by the County for fill dirt for the landfill, to which Mr. Whitelock responded, and he was correct. Mr. Cannon said Council bought into that 100 percent, so they are still on that same premise. Mr. Whitelock said he has 5 acres of his own pit that has nine years in it, so, if they add those two things together, it still does not carry the landfill where it needs to go with its expansion. He said what Mr. Young told Council was not wrong, he told them correctly that the landfill is going to have a dirt deficit at some point in time.

Mr. Cannon asked how many acres Henry S. Parker is, to which Mr. Miller responded, it is a little more than 40 acres. Mr. Cannon said he thinks Council followed the advice of prior Administrators, and Gary talked about wanting to get the West Metro Core, and Council took his advice because it is not always good to micromanage everything. He said he is inclined to appreciate what Mr. Miller is offering too, and he thinks the 85/15 sounds like a pretty good compromise. He said he is assuming part of this whole plan is that there is a buyer for the West Metro Core, to which Mr. Miller responded, no, not necessarily. He said it is not determined whether or not they would even sell part of that, and that could be decided at a future date. He said he thinks a logical approach would be, if they restrict the 15 acres, the next thing would be to figure out what they want to do at the property. He said they would go through a process, and maybe they would want to build a 15 acre park, or maybe they would want to build a 20 acre park, so he would not really consider selling until they decide what they want to do, but at that point they could decide to sell a portion or they could decide to lease it, or they could decide to build a park. Mr. Cannon said the masterplan does not say to get rid of the 85 acres, it just says release the POS restriction and transfer it, to which Mr. Miller responded, correct. Mr. Cannon said they would still have the full West Metro Core if they wanted to take 15 acres, or if they wanted to use the whole 100, to which Mr. Miller responded, correct. Mr. Cannon said all they are doing is releasing the restriction, and it is harmless, to which Mr. Miller responded, correct.

Mr. Whitelock asked what the restriction gets them beyond what they can get without it, to which Mr. Miller responded, it got them the money to buy the property. Mr. Whitelock asked if it had to be restricted to purchase it, to which Mr. Miller responded, they took State funds, that was what initiated the initial restriction. Mr. Holloway asked if they are transferring that money, to which Mr. Miller responded, in the State's eyes, yes.

Mr. Holloway said they do not have a masterplan for Connelly Mill and they do not have a masterplan for West Metro, and they have spent two years trying to do this conversion, and he guesses his outlying question is why they did not also try to apply for POS grants for Connelly Mill in those two years? He said they could have done both, they did not just have to do one, and they would not be sitting here tonight having this discussion, to which Mr. Miller responded, a lot of it depended on what the Council would decide to do with this because, if they are staying with Levin Dashiell or moving on from Levin Dashiell, whatever happens with that would impact it one way or the other, so he thinks they needed to see this process play itself out. Mr. Holloway said they could have done both at the same time.

Mr. Holloway said there is something the Council does not know here, and they say it is not for sale, but what he is hearing on the street is that the property is going to be sold in the future, and people are asking when it is going to be sold. He said he is out there, so he hears things, and maybe they are not all true, but questions are asked and accusations are made. Mr. Cannon clarified, the Council would have to surplus it if it were to be sold, to which Mr. Holloway responded, he understands that. Mr. Dodd said it will be a lot easier to surplus when they release the POS restrictions, and he has a hard time with that. Mr. Cannon clarified, the Council would still have control over that.

Mr. John Psota, Acting County Executive, came before Council and asked, just for clarification, is Mr. Holloway suggesting that they are being deceptive, to which Mr. Holloway responded, no, he is just saying what he is hearing. He said he is not accusing them of anything, and if he was, he would, to which Mr. Psota responded, he was just clarifying because that is kind of what he heard.

Mr. Holloway said what baffles him most about this is the sudden need to get rid of the West Metro Core park. He said that is baffling to him, as important as it was, and as important as it could be at some point in time. He said he understands what Mr. Miller is saying about the 15/85, but he could have done the legwork to try to get POS money for Connelly Mill in the past two years and they would not have to be here to discuss this. He said it does not make sense to him why this has not been approached in a different manner, to which Mr. Miller responded, again, he just wants to clarify that if they do the conversion, it does not get rid of West Metro, it just removes the restriction.

Mr. Dodd asked Mr. Miller to work on that and then come back to another Work Session, to which Mr. Miller responded, he would be happy to. He said, if they decide to go the route of a partial conversion, they would need to reinitiate with the State their process to approve a conversion like that. He said, if that is the will of the Council, he thinks it would be helpful if he could start that process, and that could take several months. He said, if there is no interest, they would kind of be in a holding pattern, so he needs to get Council's direction, to which Mr. Dodd responded, personally, he is not interested in that, he would rather keep the West Metro Core the way it is and then apply for the POS for Connelly Mill. He clarified, he cannot speak for the rest of the Council. Mr. Holloway said that is kind of the way he looks at it. He said he does not understand why it was not done to begin with.

Mr. Cannon said, as far as the original request, they could transfer the entire acreage over to Connelly Mill and they could still build a park at West Metro next week. He clarified, it does not keep the County from building a park there, and it does not get rid of that land, the land will still be there, to which Mr. Dodd responded, it makes it easier to sell. Mr. Cannon said Council can make all of those assumptions they want, but the reality is what they have said today and what Mr. Psota has again reiterated, there is not a plan to sell it, they just want to remove the restrictions. He said they could make it a park next week, but just transfer the restrictions to Connelly Mill so they can do more with Connelly Mill with the State of Maryland. He said he thinks the real issue here is whether or not the Council as a Body wants to see Connelly Mill restricted, that is the real argument.

Mr. Holloway asked, if they make the conversion, what kind of funds come from the State, to which Mr. Miller responded, none. Mr. Holloway said Mr. Miller said they needed to make the conversion to build the park, but they are not going to get any money to build a park. Mr. Cannon suggested not getting off track and said it does not impact the West Metro Core, which is what seems to be the concern here. He clarified, it will not impact the West Metro Core at all, so they should refocus on what they really want to see happening at Connelly Mill. He said maybe they want to see it restricted, or maybe there is more land they want to keep at Connelly Mill for the landfill, or do they only want to restrict half of Connelly Mill, and that is what he thinks they really need to evaluate here.

Mr. Miller clarified, money does not come with it; however, the farm lease money that has been collected over the years has to go with the restriction, so if they did a partial conversion, they would have enough money at each property to do a masterplan without having to come back to Council for additional money. He said, though it is not new money, it would free them up to use that farm lease money to develop a plan at both sites.

Mr. Holloway said they could put a restriction on Connelly Mill with POS money if it was applied for, but it has never been applied for, to which Mr. Cannon responded, from what Mr. Miller is saying, that would take about another two years down the road if they had to reinstate a whole new POS program for Connelly Mill.

Mr. Miller said, for Recreation and Parks, they have a lot of projects going and a lot of ambitious projects, and they have accomplished a lot and are continuing to accomplish a lot. He said POS is their primary capital funding mechanism, and with the amount of projects and the cost of what they have in the pipeline versus what they have in POS, they are programming out three to five years. He clarified, POS is not an endless pit where they can just go in and develop all of their parks. He said it is a long process and they try to prioritize every year to take full advantage of what they get from the State.

Mrs. Acle asked, if they are going to split these two properties, can they then make the West Metro restriction smaller so they can still keep POS there with 15 acres but then if they choose to sell or farm the rest of that, can they do that, and can they convert it and make it smaller, to which Mr. Miller responded, that is what the partial conversion would be. Mrs. Acle asked if that is separate from Connelly Mill, to which Mr. Miller responded, correct. Mrs. Acle asked if Connelly Mill would have its own separate conversion, to which Mr. Miller responded, yes, the partial conversion would restrict Connelly Mill and would leave a portion at West Metro restricted. Mrs. Acle asked if they can modify the West Metro restriction, to which Mr. Miller responded, they cannot shrink it. Mr. Whitelock said, by doing that, they are just protecting both pieces for future parks.

Mr. Psota suggested they keep in mind that when the restriction is lifted, a partial amount of those funds can go to each park to develop a masterplan, so he believes that is the incentive for the restriction. He said, as Mr. Miller said, it is not an endless pot of POS money, but he has this in the pipeline, and this is something where they felt they can release some of this money and use it to move forward like he has done at Pirate's Wharf. He said they can take a little bit of money and leverage it to increase the possibility and probability of Connelly Mill.

Mr. Holloway asked if there have ever been core samples done on Levin Dashiell to see if they can dig dirt there, to which Mr. Whitelock responded, no, he cannot drive an off-road truck over there. Mr. Whitelock said, when he looks at landfill operations, no matter which way he looks at this, if he is getting dirt from another location, he is handling that dirt twice. He clarified, he is bringing it to the landfill and putting it in a pile, and then reloading it on a truck and moving it again. He said his sole goal in doing anything with dirt is first to make sure there is enough, and second to reduce the cost of hauling the dirt as much as possible to reserve the cash that Solid Waste has so they can build new cells. He said, unfortunately, and he did not want to bring this up, but it was Mr. Holloway who did not want to raise the fees, which he needs to continue landfill operations, and he is not going to bring Council anything next year. He said he had a conversation with someone awhile ago and he does not think a lot of people understand that Solid Waste is an enterprise fund, and they do not understand what an enterprise fund is. He said that is something he thinks is valuable to most people who do not know. He said he hears all the time that the County pays his salary, but the landfill pays the salary. He said, regardless, it does not matter if Solid Waste is a pure enterprise fund; when it runs out of money, the taxpayers of Wicomico County, regardless of increasing fees, are going to pay the bill. He said they have to do something with the trash, and trash costs money, and taking care of trash costs money. Mr. Holloway said the taxpayers are already paying the bill, to which Mr. Whitelock responded, it is user fees. He said he does not care whether they look at it as fees or taxes, but somebody is going to pay the bill.

Mr. Dodd said Mr. Whitelock said he does not want to dig at Levin Dashiell Road, which is closer, and he does not want to build at Naylor Mill.

Mr. Dodd asked how the Council feels about this, to which Mrs. Acle responded, she thinks the partial conversion seems to be the most palatable. She said she would like to digest it and reach out to the citizens in that area and see what their feelings are on it.

Mr. Dodd said he is personally not comfortable with that. He said he would rather see a masterplan and Mr. Miller can tell Council what he is working on, so he would rather do another Work Session. He said maybe it will be more palatable the next time Mr. Miller shows up, as well as the rest of the Council because he does not know if they are very comfortable with this either.

Mr. Hastings said, if they do another Work Session, it might be good to have clarity as far as timing. He said Mr. Miller mentioned that with option B he might have to go back to the State, and how long that would take is important. Mr. Miller said he has asked that question and they said it has actually not been done before, so they do not know, but they estimated several months. Mr. Dodd said he trusts Mr. Miller will get an answer from them.

Mr. Holloway asked why not just apply for POS funds for Connelly Mill? He said he keeps asking that question and Mr. Miller keeps saying it will take time, and now he says this conversion will take time.

Mr. Cannon responded, he thinks Mr. Miller said there was not an endless pot of money with POS, to which Mr. Miller confirmed, that is correct.

Mr. Cannon said he thinks the partial is a good idea to try to work on, and that way at least they would transfer some of the funding to Connelly Mill to make a masterplan, to which Mr. Miller responded, that is correct, and that would be one of the benefits of doing the partial. He said they could then split the farm lease money to do a plan at both properties, so a year from now they would have a much better idea of where they want to go specifically with both of those parks. He said he thinks that is a very good option because it advances the ball on both.

Mr. Cannon said it all comes back to the question of how sustainable they are going to be at the landfill with fill dirt if they make this change, and how is this restriction going to impact the landfill. He said that is the bottom line. Mr. Whitelock responded, the bottom line is they would not have enough dirt either way. Mr. Cannon said the County picked it up for a reason and Mr. Whitelock said they have ten years.

Mr. Dodd asked Mr. Miller to let the Council know when he is ready to come back for another Work Session. There was no further discussion.



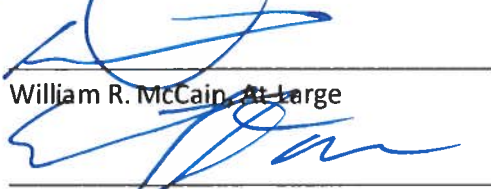
Larry W. Dodd, President, District 3



Joe Holloway, Vice President, District 5



John T. Cannon, At-Large



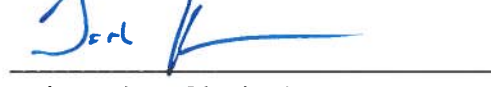
William R. McCain, At-Large



Ernest F. Davis, District 1



Nicole Acle, District 2



Josh Hastings, District 4



Laura Hurley, Council Administrator