

Minutes of the County Commissioners of Worcester County, Maryland

February 20, 2007

James L. Purnell, Jr., President
Louise L. Gulyas, Vice President
Judith O. Boggs
Linda C. Busick
James C. Church
Robert L. Cowger, Jr.
Virgil L. Shockley

Following a motion by Commissioner Gulyas, seconded by Commissioner Shockley, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 10-508(a)(1), (7) and (8) of the State Government Article of the Annotated Code of Maryland and to perform executive actions. Also present at the closed session were Gerald T. Mason, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Edward H. Hammond, Jr., County Attorney; Kim Moses, Public Information Officer; and Deedee Rouse, Director of Human Resources. Topics discussed and actions taken included: hiring a Parks Worker II for Recreation and Parks and a Roads Foreman for the Roads Division of Public Works; appointing Bill Sparrow to the Shoreline Commission, and Jerry Barbierri to the Wor-Wic Community College (WWCC) Local Advisory Council, and Lawrence Devlin, Shirlene Church, Mary Stevens and Rob Hart to the Health Planning Advisory Council; reappointing Rosalie Smith to the Agricultural Reconciliation Board and David Stokes to the Plumbing Board; reappointing Gloria Bassich, Audrey Wahl, Jo-Anna Schanno, R.N., Douglas Wilson, and Kim Justice to the Worcester County Health Planning Advisory Council; reviewing potential and pending litigation; receiving legal advice from counsel; and performing executive actions.

After the closed session, the Commissioners reconvened in open session. Commissioner Purnell called the meeting to order and announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the minutes of their February 6, 2007 meeting and February 12, 2007 special session as presented.

Pursuant to the recommendation of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved bid specifications for the rehabilitation of two single-family homes located in the Berlin and Snow Hill areas.

Pursuant to the recommendation of Ms. Bynum and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved bid specifications for the demolition of two

existing single-family homes and subsequent construction of two replacement homes located in the Pocomoke and Whaleyville areas.

Pursuant to the recommendation of Tourism Director Lisa Challenger and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Purnell to sign a University of Maryland Eastern Shore (UMES) Rural Development Center Cooperative Extension Project Agreement awarding Worcester County \$3,000 in grant funds to be used for conceptual renderings for a proposed performing arts center in northern Worcester County. In response to Chief Administrative Officer Gerald T. Mason, Ms. Challenger confirmed that the use of the grant funds does not commit the County to a specific site for the performing arts center.

The Commissioners met with Kathy Whited, Budget Officer, to review the requested 10-year Capital Improvement Plan (CIP) FY2008 - FY2017. Ms. Whited advised the Commissioners that projects totaling \$388,687,585 are proposed over the 10-year period. Of the proposed projects, 5.76% or \$22,404,946 is proposed to come from the General Fund and 49.15% or \$191,044,368 from Bond funds. The remaining portion would come from user fees, grant funds, state match funds, state loans or enterprise fund bonds. Upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to schedule a public hearing for March 20, 2007 to receive public comment on the proposed CIP.

Pursuant to the recommendation of Recreation and Parks Director Sharon DeMar Reilly and upon a motion by Commissioner Gulyas, the Commissioners unanimously awarded the low bid which met all specifications for the purchase of a 72" front mounted mower to Burke Equipment Co. of Salisbury, MD for Option I at a cost of \$14,557.12.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously awarded the low bid for pest control services in 29 County facilities to Home Paramount Pest Control of Salisbury, Maryland for a monthly price of \$420.00 for the 16 buildings listed on Schedule I and an hourly price of \$60.00 for services as-needed at the remaining 13 facilities for a period of two years ending February 1, 2009.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Cowger, the Commissioners unanimously agreed to reject the four bids received for the construction of a new Burn Tower stairway at the Fire Training Center in Newark, as each bid received exceeded the project budget of \$15,480, and to revise the scope of work and rebid this project. Mr. Tustin stated that after reviewing the schematic drawings for the stairway, it appears that modifying the proposed design and deleting one painted finish coat on the galvanized steel could provide cost savings if rebid. In response to a question from Commissioner Shockley, Mr. Tustin explained that the lowest bidder, which was Vertical Services for \$18,600, did not meet the required specifications and was not willing to reduce their price in response to the proposed changes. He further noted that Fire Marshal Jeff McMahon was in agreement with each of the proposed cost savings measures and explained that none of the proposed revisions would reduce

safety.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Cowger, the Commissioners unanimously agreed to reject the bid of \$33,600 from DJ Contracting, LLC of Fruitland, Maryland for the construction of a new training building at the Firing Range on Langmaid Road in Newark since it exceeded the budget, and directed Public Works to procure contractual services and materials to complete the project within the approved budget of \$27,000.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously accepted the proposal from Fitzgerald's Auto Salvage of Lincoln, Delaware to continue recycling white goods and scrap metal at the Central Landfill, for which they have agreed to pay the County \$85.00 per ton beginning on February 2, 2007, with no charge for removal of Freon from units requiring this process. In response to a question from Commissioner Boggs, Mr. Tustin stated that not too long ago Worcester County paid to have the scrap metals recycled. However, now the same service generates between \$30,000 to \$50,000 in additional revenue at the Landfill. Mr. Tustin explained that the recycling markets fluctuate and revenues are not easily projected.

Upon a motion by Commissioner Cowger, the Commissioners unanimously adopted Resolution No. 07-2 amending the Comprehensive Water and Sewerage Plan for Worcester County to expand the Riddle Farm Sewer Planning Area to add properties on the south side of US Rt. 50 to serve WalMart, Home Depot, the Ocean Landing II commercial development and the Berlin Fire Department property. This issue was reviewed and conceptually approved by the Commissioners during their February 6, 2007 meeting.

Pursuant to the request of Comprehensive Planning Director Sandy Coyman and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized Comprehensive Planning to mail a letter and post card to each landowner with 50 + acre properties located within the A-1 Agricultural or C-1 Conservation zones that are not currently protected by the Maryland Agricultural Preservation Program to determine interest. Mr. Coyman stated that mass mailings are an effective way of informing eligible residents about protecting their properties through the Maryland Agricultural Land Preservation Foundation (MALPF).

Development Review and Permitting (DRP) Director Ed Tudor updated the Commissioners with regard to ongoing steps being taken by Mark Cropper, attorney for ADC Builders and Perdue, for a rezoning to accommodate the proposed ADC development. Mr. Tudor stated that a previously scheduled rezoning case had been postponed at the request of Mr. Cropper who cited that the incompleteness of a traffic report by ADC's consultant and the finalization of the County consultant's report on sewer issues were key components for his request. Mr. Tudor stated that he anticipates that Mr. Cropper will revive the rezoning request in the near future, but that he was unsure how to handle the request given the recent directives from the Commissioners that staff should not be given any large additional special projects until the Comprehensive Plan can be implemented. The Commissioners confirmed that staff is to

concentrate their efforts on the Comprehensive Plan implementation and process the rezoning request as time allows.

The Commissioners met with Nelson Young of SPN, the County's Construction Manager, to review bid specifications for the Worcester County Jail addition and renovation project. Mr. Young stated that the project cost is estimated at \$22,859,150. While \$14 million in local and stated funding has been secured for this project, an additional \$4 million from the State and \$4.8 million from the County will be needed over the next two years. Commissioner Shockley expressed concern that the State may not commit to its share. In response to a question from Commissioner Gulyas, Mr. Young stated that County funding could cover project costs for the first year of construction. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the bid specifications and agreed to move forward with the project.

In a related matter, upon a motion by Commissioner Cowger, the Commissioners agreed to send a strong letter to the Town of Snow Hill encouraging them to commit to the provision of sewer service to this project as the County will have to consider other options.

The Commissioners met with Environmental Programs Deputy Director Bob Mitchell to discuss their opposition to proposed House Bill 376, Environment - Bay Restoration Fund - Users, which would alter the definition of "user" to include only persons discharging wastewater to an onsite sewage disposal system or sewage holding tank located in a drainage basin or watershed that flows into the Chesapeake Bay and excluding the Atlantic Coastal Bays. Mr. Mitchell reviewed the bill and stated that, if passed, the bill would have a devastating effect on the County's efforts to fund nutrient reduction efforts for the Atlantic Coastal Bays. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized staff to send a letter strongly opposing the proposed bill and requesting that the bill include the Atlantic Coastal Bays.

The Commissioners recessed until 10:50 a.m.

The Commissioners met with Ocean City Mayor Rick Meehan, City Council members Jim Hall, Mary Knight, Margaret Pillas, Jay Hancock, City Manager Dennis Dare and City Engineer Terry McGean, Ocean City Development Corporation (OCDC) Executive Director Glen Irwin and their consultant, Colonel Jim Peck of Buchart Horn, Inc. to discuss a proposal from Ocean City to construct an approximately 80,000-square-foot parking garage on a full block in downtown Ocean City, bounded by Baltimore Avenue (east), Worcester Street (north), Philadelphia Avenue (west), and South Division Street (south).

Mayor Meehan thanked the Commissioners for meeting with them and presented a PowerPoint presentation outlining the need for the proposed parking garage, which included recommendations from prior studies, project design and cost projections. Mr. Meehan stated that the proposed parking garage was first identified as a need in 1975, and at that time it was estimated to cost approximately \$1.5 million to construct. He stated that the most recent study continues to confirm the need for the parking garage, which is now estimated to cost \$15 million. He reviewed the use of User Fees, Fee in Lieu, State Grant, and County and City Tax Increment

Financing (TIF) as means of covering construction costs. Under the TIF option, Ocean City projects that property tax revenues in downtown Ocean City will generate an additional \$33,934,635 for the City and County over the next 20 years with the town receiving an additional \$12,913,180 and the County receiving an additional \$21,021,455. The town proposes that 50% of the new revenues be dedicated to pay down the bond for the parking garage through the TIF.

Mr. Peck reviewed design plans, stating that the 4 to 5 level parking garage would include a lighthouse-style tower, lighted observation areas on each floor and an elevator. He stated that the project would include plenty of landscaping and safety features, including a raised pedestrian crosswalk over Baltimore Avenue that would extend to the Boardwalk. In response to a question from Commissioner Gulyas, Mr. Peck advised that the garage would comply with the Americans with Disabilities Act (ADA).

Mr. McGean stated that the garage would operate at peak capacity for four to five months per year. He advised that due to the seasonal nature of the resort, user fees would cover only operating expenses. He stated that if the City is to proceed with construction of the proposed parking garage, they will need funding commitments from both the State and County. Mr. McGean stated that Ocean City would encourage companies and condominium developments to purchase space in the garage to help cover costs. In response to questions from Commissioner Shockley, Mr. McGean stated that the average parking space at the inlet parking lot generates about \$1,600 in revenue each season, but that this garage was estimated to generate between \$600-\$1,000 per space and would cost roughly \$300 per space to maintain and operate.

Mr. Irwin stated that the City plans to bond the project over a 20-year period and anticipates that increased property tax revenue will be generated during this period which could help offset the repayment of the bond. He stated that the concept of a TIF, whereby future growth in property tax revenues are earmarked to pay for initial and ongoing improvements in the TIF district, has been used in the United States since the 1950's and in Maryland since the 1980's. Mr. Irwin explained that the conceptual TIF district in downtown Ocean City would encompass an area from the US Rt. 50 Bridge/North Division Street south to the inlet.

In response to a question from Commissioner Boggs, Mayor Meehan stated that the City is seeking \$3 million in funding from the State to complete the project. He stated that the City is not dependant upon State funding to complete the project; however, County funding is a necessity if the Town is to move forward with construction of the proposed parking garage. In response to a question from Commissioner Gulyas, Mayor Meehan stated that Town officials would provide the Commissioners with the amount of local grant funding that would be needed from the County for this project if the TIF concept was not acceptable. In response to a question from Commissioner Boggs, Mayor Meehan stated that the OCDC has introduced the concept of the fee in lieu proposal to address parking deficiencies to area businesses and developers and received a great deal of positive response. Following much discussion, the Commissioners thanked City officials for the presentation and agreed to consider their request during upcoming budget deliberations.

The Commissioners met with Local Management Board (LMB) Executive Director Jenna Miller and Claudia Nagel, Executive Director of Diakonia and Chair of the LMB Homelessness Committee to review a report on homelessness in Worcester County. Ms. Nagel presented a PowerPoint presentation defining and determining the causes of homelessness and reviewing the

primary goals of the Homelessness Committee as follows: making homelessness rare and brief; approving 2007 initiatives; making housing rates proportionate to wages; and promoting diversified communities. In response to a question from Commissioner Boggs, Ms. Nagel stated that well over 80% of those who are homeless in Worcester County are in fact born and raised in the area. Ms. Nagel advised that an undetermined number of individuals and families who move frequently, finding only temporary shelter with families and friends in the area, are referred to as “doubled up.” She stated that these individuals live primarily in the northern area of the County and many are employed full-time in the seasonal food and beverage industry and earn an average income of \$325 per week. Ms. Nagel stated that these individuals could be better defined as the “working poor” because they are employed yet unable to afford permanent housing for themselves and their family. In response to a question from Commissioner Boggs, Ms. Nagel stated that the current homeless population of 120 individuals does not include those whose living conditions are “doubled up.” Ms. Nagel stated that Worcester County needs to work together with the communities to address these issues. Following much discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the LMB 2007 Initiatives on Homelessness.

Upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Purnell to sign the Letter of Understanding between the Maryland Department of Business and Economic Development, Worcester County, and Royal Plus, Inc., transferring ownership of the Former Moore Business Forms/Aluglass Property from the County to Royal Plus.

In a related matter and upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Resolution No. 07-3 authorizing the disposal of the Former Moore Business Forms/Aluglass Property at 201 Belt Street, Snow Hill, Maryland to Royal Plus, Inc.

The Commissioners answered questions from the press, after which the Board adjourned to meet again on March 6, 2006.