

Minutes of the County Commissioners of Worcester County, Maryland

January 2, 2008

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

Following a motion by Commissioner Boggs, seconded by Commissioner Shockley, with Commissioner Cowger absent, the Commissioners unanimously voted to meet in closed session at 9:30 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: promoting George Bradley to Human Resources Director; reappointing Shirley Dale to the Board of Library Trustees, Donnie Powell to the Agricultural Preservation Advisory Board, Bob Arnold and Carl Smith to the Board of Electrical Examiners, Burton Anderson to the Recreation Advisory Board, and Gary Weber to the Tourism Advisory Committee; appointing Edith G. Barnes to the Board of Library Trustees; reviewing pending and potential litigation; receiving legal advice from Counsel; and performing executive actions.

Commissioner Cowger was absent from the meeting.

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 December 18, 2007 meeting, as amended.

The Commissioners presented a retirement commendation to Chief Animal Control Officer Clyde Curtis and thanked him for all that he has accomplished for the betterment of Animal Control.

Pursuant to the request of Volunteer Services Manager Cyndy Howell and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized Ms. Howell to schedule the local Annual Maryland=s Most Beautiful People Awards Dinner to be held at the Ocean Pines Yacht Club on March 18, 2008. Ms. Howell explained that in the past the dinner had been

held in September with the State dinner being held in November. However, the State dinner has been moved to spring 2008 by the Governor=s Office on Volunteerism.

Pursuant to the recommendation of Budget Accountant Kim Johnson and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Purnell to sign the 2008 Rental Allowance Program Grant Application and Grant Agreement in the amount of \$20,000 between the Maryland Department of Housing and Community Development (DHCD) and Worcester County.

Pursuant to the request of Comprehensive Planning Director Sandy Coyman and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized payment of \$132,864.35 in County match funds for an agricultural easement to be purchased with FY07 Maryland Agricultural Land Preservation Foundation (MALPF) funds. Mr. Coyman stated that the entire purchase price for the easement is \$838,590.00, though the easement was valued by the State at \$1,004,653.20. Mr. Coyman advised that the County=s matching funds would be drawn from Worcester County=s Agricultural Transfer Tax fund, of which \$204,440.90 was authorized as matching funds for the purchase of easements applied for in FY07 and which is comprised of the following: an estimated Agricultural Land Transfer Tax for FY07 of \$67,500.00; unencumbered retained Agricultural Land Transfer Tax collected in previous years in the amount of \$126,940.90; and the minimum of non-Transfer Tax match required of certified counties, estimated at \$10,000.00 for FY07 which must be drawn from the County=s General Fund.

Pursuant to the request of Mr. Coyman and upon a motion by Commissioner Church, the Commissioners unanimously authorized the restoration of the shoreline at the Gum Point Road boat ramp to serve as a Aliving shorelines@ demonstration project at a cost of approximately \$10,000, with half of the funding to be provided by the Maryland Department of the Environment (MDE) Tidal Wetlands Division and a County match to be drawn from the Atlantic Coastal Bays Critical Area Program (MCBP) mitigation fund. Mr. Coyman stated that the restoration work would entail removing rip rap from the shoreline and using it to create an off-shore sill. Sand would be placed at the shoreline and tidal grasses would be planted to stabilize it. Shrubs and other upland plants would be planted landward of the newly created marsh. Mr. Coyman further advised that grant funding may be available to create and install an interpretive sign that would highlight the details of the project.

Public Works Director John Tustin provided the Commissioners with advance notice regarding the Revised Schedule of Values for Phase 1A of the U.S. Rt. 50 Service Road construction project. Mr. Tustin stated that currently there is an estimated under run of \$259,650. He reiterated that this is only an estimate and would keep them informed of any potential change orders.

In a related matter and in response to a question from Commissioner Gulyas, Mr. Tustin advised that the intersection of U.S. Rt. 50 and Holly Grove Road is currently under construction and would be a straight intersection upon completion.

The Commissioners met with Board of Education (BOE) President Garry Mumford and Superintendent of Schools Dr. Jon Andes to review and discuss bid recommendations for the Pocomoke High School (PHS) renovation and addition project. Also present were Assistant Superintendent of Schools Ed Barber, Facilities Manager Joe Price and Chief Financial Officer Vince Tolbert along with Joe Duncan and Nelson Young of SPN. Mr. Mumford thanked the Commissioners for their commitment to the project and asked them to approve the bids as recommended. Dr. Andes advised that the proposed bid contracts came in at approximately \$2.1 million below the estimates established in October 2006. Dr. Andes reviewed the proposed bids in the amount of \$32,495,186.60 along with bid alternates of \$1,932,751.60 for a revised construction bid total of \$34,427,938.20 as follows: 1A - Demolition - to BARCO Enterprises, Inc. of White Marsh, Maryland in the amount of \$607,233.00; 2A - Earthwork/Sitework/Stormwater Management - to J.M. Bryan & Sons of Easton, Maryland in the amount of \$1,726,800.00; 2B - Utilities - to Melvin L. Joseph, Inc. of Georgetown, Delaware in the amount of \$171,663.00; 2C - Paving/Site Concrete/Athletic Fields - to J.M. Bryan & Sons in the amount of \$1,573,300.00; 2D - Landscaping - to J.M. Bryan & Sons in the amount of \$72,098.60, with a bid alternate of \$678,291.60 for synthetic turf; 3A - Building Concrete to Evans Builders, Inc. of Salisbury, Maryland in the amount of \$1,191,922.00, with a bid alternate of \$23,464.00; 4A - Masonry - to Lifetime Masonry of Salisbury, Maryland in the amount of \$3,477,909.00, with a bid alternate of \$117,466.00; 5A - Structural Steel/Misc. Metals - to Evans Builders, Inc. in the amount of \$2,258,519.00, with a bid alternate of \$2,843.00; 5B - Light Gauge Steel Truss - to KB Coldiron, Inc. of Frankford, Delaware in the amount of \$99,375.00; 6A General Trades/Carpentry - to KB Coldiron, Inc. in the amount of \$2,487,225.00, with bid alternates totaling \$123,665.00; 7A - Roofing/Metal Panels - to Wilkinson Roofing of Stanton, Delaware in the amount of \$2,867,400.00, with a bid alternate of \$70,700; 8A - Glass and Glazing - to Service Glass Company, Inc. of Seaford, Delaware in the amount of \$641,000.00, with a bid alternate of \$24,465.00; 9A - Drywall/Ceilings - to KB Coldiron, Inc. in the amount of \$977,120.00, with a bid alternate of \$12,230.00; 10A - Ceramic Tile - to Value Carpet One of Salisbury, Maryland in the amount of \$86,960.00, with a bid alternate of \$12,860.00; 10B - Epoxy Flooring - to R&R Coatings, Inc. of Salisbury, Maryland in the amount of \$30,060.00; 10C - Flooring/Carpet/VCT - to Value Carpet One in the amount of \$258,974.00, with a bid alternate of \$82,540.00; 10D - Wood Flooring - to Miller Flooring Co., Inc. of Bel Air, Maryland in the amount of \$154,800.00; 10E - Paint - to Cassidy Painting, Inc. of Newport, Delaware in the amount of \$191,891.00, with a bid alternate credit in the amount of \$1,057.00; 11A - Food Service Equipment - to Essbar Equipment Company of Wilmington, Delaware in the amount of \$409,400.00; 12A - Gym Equipment - to TJ Distributors, Inc. of Forest Hill, Maryland in the amount of \$219,500.00; 13A - Grandstands/Bleachers - to Evans Builders, Inc. in the amount of \$339,491.00; 15A - Fire Protection - to Bear Industries, Inc. of Newark, Delaware in the amount of \$361,780.00, with a bid alternate in the amount of \$12,200.00; 15B - Mechanical - to JM Zimmer, Inc. of Salisbury, Maryland in the amount of \$6,249,000.00, with a bid alternate in the amount of \$87,600.00; 16A - Electrical - to Rommel Electric of Delmar, Delaware in the amount of \$3,835,450.00, with bid alternates totaling \$578,800.00; and 17A - Low Voltage - to Baltimore Sound Engineering, Inc. of Baltimore, Maryland in the amount of \$2,206,316.00, with bid alternates totaling \$106,684.00. The total project cost, including non-construction costs of \$8,373,980.00, requires total funding of \$42,801,918, with a maximum of \$7,229,000.00 in State

funding and at least \$35,572,918.00 in County funding of which \$1,304,144.00 has already been spent for architectural and engineering fees as well as construction management fees, leaving at least \$34,268,774.00 to be bonded by the County.

Commissioner Boggs thanked the BOE for their work on the project and applauded the savings of approximately \$2.1 million. She then made a motion to approve the bids as presented; however, she withdrew the motion pending further discussion on the bid alternates. Dr. Andes reviewed the bid alternates with the Commissioners. He stated that the bid alternate for Landscaping is for the purchase and installation of synthetic turf, which would allow for multi-uses and thereby make up for the limited space that is available for playing and practice fields at the school. He further advised that the number of injuries sustained on synthetic turf versus those on natural fields are equivalent. He advised that the use of a synthetic turf would eliminate maintenance costs associated with mowing and re-seeding grass fields and the additional cost would be recouped within five to seven years. He agreed that a synthetic turf field at PHS would set a precedent for all schools. Commissioner Gulyas recommended the BOE postpone renovations to the sports fields until school construction has been completed. In response to a question from Commissioner Purnell, Dr. Andes advised that the County could postpone work to the athletic fields until school construction has been completed, but noted that the cost of the field construction would likely increase. Commissioner Church supported the BOE's request as presented. Commissioner Shockley suggested delaying alternates #13 and #20 for the stadium support building and synthetic turf which totals \$1,219,140.60 and to consider funding that expense in future budget years. Mr. Mason cautioned that funding may not be available in the County's General Fund in future years due to possible State cuts to local revenues. Following much discussion and upon a motion by Commissioner Church, the Commissioners voted 5-1, with Commissioner Boggs in opposition, to approve the bids and bid alternates as requested by the BOE in the amount of \$34,427,938.20, for a total project cost of \$42,801,918.00.

The Commissioners reviewed and discussed a proposed resolution, which would end the transfer of allocations of sewer service, expressed in equivalent dwelling units (EDUs), in the West Ocean City Service Area. Mr. Mason reviewed the proposed resolution and stated that the original resolution permitting the transfer of EDUs has outlived its usefulness to the County and should be discontinued. He advised that if the Commissioners pass the resolution as presented, the transfer of EDUs would be discontinued on June 30, 2008, allowing for final transfers over the next six months. Commissioner Church stated that a large number of West Ocean City residents who own multiple EDUs were unaware the County was planning to terminate the transferability of the EDUs and should have an opportunity to comment on the proposed termination date of June 2008. Commissioner Boggs stated that the County did not conduct a public hearing prior to instituting the transferability of the EDUs and advised that residents would have six months to transfer their EDUs if so desired. Commissioner Gulyas stated that six months might not be enough time for those who own multiple EDUs. In response to a question from Commissioner Busick, Enterprise Fund Controller Jennifer Savage estimated that there may be roughly 100 to 200 excess EDUs in the West Ocean City Sanitary Service Area (WOCSSA) that would be affected by the resolution and perhaps 600 currently unused EDUs. Environmental Programs Director Bob Mitchell advised that there are a total of 4,310 EDUs in

the WOCSSA and there have been 186 EDU transfer requests, or 513 total EDUs transferred since 1997. Mr. Hammond advised that the intent of the original resolution was that the EDUs would be used, not banked as some have apparently done. Following some discussion and upon a motion by Commissioner Church, the Commissioners unanimously agreed to schedule a public hearing to receive public comment on the proposed resolution before taking action.

The Commissioners met with Development Review and Permitting Director Ed Tudor to review and discuss a letter from State Highway Administration (SHA) Administrator Neil Pederson concerning the SHA's development of a permitting process that authorizes counties to remove advertising signs from the SHA rights-of-way and inviting the Commissioners to participate in this program. Mr. Tudor stated that such a program would allow the County great flexibility in addressing what is referred to as Abandoned signs that pop up all along the State Highway right-of-ways, generally on weekends. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized staff to contact SHA regarding possible participation in the program.

Pursuant to the request of Kelly Shannahan, Assistant Chief Administrative Officer, and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved out-of-state travel and authorized Mr. Shannahan, Development Review and Permitting (DRP) Director Ed Tudor and Phyllis Wimbrow, Chris McCabe and Kelly Henry of DRP, Comprehensive Planning Director Sandy Coyman, and Jimmy Garrity of Comprehensive Planning to attend the American Planning Association's National Planning Conference in Las Vegas, Nevada from Sunday, April 27 - Thursday, May 1, 2008. Mr. Shannahan stated that the funds were available in each department's travel and training account.

The Commissioners reviewed and discussed a letter from Michael Pennington, Director of the Tri-County Council (TCC) for the Lower Eastern Shore, advising that the cost of providing shuttle bus service from the MD Rt. 90 Bridge to MD Rt. 589 during the temporary closure of the U.S. Rt. 50 Bridge to provide citizens with transportation to work in the Ocean City and West Ocean City areas would be \$55 per hour and run 20 hours per day for a daily cost of \$1,100 for 35 days. Shore Transit Program Director Warner Sumter advised the Commissioners that he was informed by Donnie Drewer of the State Highway Administration (SHA) that no funds were available through the SHA to supplement the additional cost of transportation created by the bridge closure. In response to a question from Commissioner Shockley, Mr. Sumter stated that Shore Transit normally transports riders to Division Street in downtown Ocean City during the off-season when the Park and Ride shuttle bus is not operating. Commissioner Gulyas recommended Shore Transit request funding from the Town of Ocean City and the Ocean City business community to help cover the cost of providing the temporary shuttle service. Commissioner Shockley stated that the Commissioners should defer discussions on this matter until Shore Transit meets with the Town of Ocean City to determine what portion of the costs the town and area businesses would be willing to contribute to this additional expense. Commissioner Purnell stated that the bridge will close on January 17, 2008 and there is not time to wait. Commissioner Church stated that the County has an obligation to area residents to provide transportation to their jobs and therefore supported the additional \$38,500 in

necessary funding for the temporary shuttle service. In response to a question from Commissioner Busick, Mr. Sumter advised that there are roughly 25 riders on each shuttle going in to Ocean City. Following some discussion and upon a motion by Commissioner Church, the Commissioners voted 5-1, with Commissioner Boggs voting in opposition, to fund the cost of \$1,100 per day for up to 35 days for a total cost of \$38,500 to provide the additional shuttle service while the U.S. Rt. 50 Bridge is being repaired, with the understanding that Mr. Sumter and the TCC will seek financial support to offset some of this cost from the Town of Ocean City and local businesses through the Ocean City Chamber of Commerce and the Ocean City Hotel-Motel-Restaurant Association (HMRA) who will benefit from this temporary shuttle service.

The Commissioners answered questions from the press, after which they adjourned to meet again on January 15, 2008.