

Minutes of the County Commissioners of Worcester County, Maryland

July 1, 2008

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

Following a motion by Commissioner Purnell, seconded by Commissioner Gulyas, 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; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Director of Human Resources; and John Tustin, Public Works Director. Topics discussed and actions taken included: promoting Kristen Haslam to Public Safety Answering Point Supervisor within Emergency Services; hiring William Rodriguez as Recreation and Parks Superintendent within Recreation and Parks; appointing Jennifer Standish as the Recreation and Parks representative to the Local Management Board; considering acquisition of real property for public purposes; 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 Shockley called the meeting to order and announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the minutes of their June 17, 2008 meeting, as amended.

Pursuant to the request of Economic Development Director Jerry Redden and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to schedule a public hearing concerning the County's application for a \$500,000 Community Development Block Grant (CDBG) to fund construction of a restaurant which will serve the Discovery Center in Pocomoke. The public hearing was scheduled for July 22, 2008. Mr. Redden stated that County matching funds are not a requirement of the grant.

Pursuant to the recommendation of Budget Accountant Kim Johnson and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Shockley to sign a Grant Agreement between the Maryland Department of Agriculture and

Worcester County that provides up to \$2,000 in funding for the control and eradication of specific noxious weeds, including Johnsongrass, shattercane, thistles and multiflora rose, for the period of July 1, 2008 through May 31, 2009. Ms. Johnson explained that the decrease in grant funds from \$2,500 the prior year was due to the decrease in hours worked to eradicate noxious weeds and since noxious weeds in Worcester County are not as severe as other counties.

Pursuant to the request of Tourism Director Lisa Challenger and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Shockley to sign a grant agreement with the Rural Development Center at University of Maryland Eastern Shore for funds of \$2,000 for the production of a visitors' guide entitled *Beach and Beyond Art Guild: Art, Theatre & Galleries*. Ms. Challenger explained that this grant is in addition to grant funds received in June by the Lower Eastern Shore Heritage Council (LESHC) for this same purpose. The estimated cost to produce and print 10,000 copies is approximately \$15,000.

Pursuant to the request of Recreation and Parks Director Sharon DeMar Reilly and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved bid specifications for the purchase and installation of softball field lighting at Showell and Newtown Parks. Ms. Reilly expressed her appreciation to County Engineer Bill Bradshaw for reviewing and assisting with the preparation of the bid documents.

Pursuant to the request of Budget Officer Kathy Whited and Mike Pennington, Executive Director of the Tri-County Council (TCC) for the Lower Eastern Shore, and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Shockley to sign the annual lease agreement to rent office space located at 100 Pearl Street, Suite A in Snow Hill to the TCC from July 1, 2008 to June 30, 2009 at a cost of \$5,000 per year.

The Commissioners met with Ms. Whited to review and discuss a memo from Liquor License Administrator April Payne regarding the proposed distribution of \$310,032 in alcoholic beverage license fees to the municipalities for FY07/08 as follows: \$293,625 to Ocean City; \$9,375 to Pocomoke; \$4,688 to Berlin; and \$2,344 to Snow Hill based upon the number and type of licenses issued in each town. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the distribution of alcoholic beverage license fees as proposed.

The Commissioners discussed a letter from Benet McCormick, Vice President of Harley Davidson of Ocean City requesting that they send a letter to the local delegation asking them to draft legislation that would exempt the County from Section 18-101 (d) of the Business Regulations Article of the Annotated Code of Maryland which prohibits the sale of motor vehicles, including motorcycles, on Sundays. Chief Administrative Officer Gerald T. Mason explained that Howard, Montgomery and Prince George's Counties sought and received exemption from this law. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to send a letter to Delegates James N. Mathias, Jr. and Norman H. Conway, as well as Senator J. Lowell Stoltzfus asking them to introduce

legislation that would amend Section 18-101 in Subsections (d) and (e) to add Worcester County to the list of counties in which the sale of motor vehicles, camping trailers, mobile homes or travel trailers is permitted on Sunday.

The Commissioners met with Comprehensive Planning Director Sandy Coyman to review the Planning Commission's finding of consistency with the Worcester County Comprehensive Development Plan and their favorable recommendation to amend the Worcester County Water and Sewerage Plan to add the Ocean Landings II Water and Wastewater Treatment System to serve commercial retail development at Ocean Landings II and the adjacent Wal-Mart/Home Depot stores, and to request the County Commissioners hold a public hearing and take action on this proposal. The application, if approved, would create a water and wastewater treatment system on the south side of U.S. Rt. 50, east of its intersection with MD Rt. 589. Upon a motion by Commissioner Gulyas, the Commissioners agreed to schedule a public hearing on the proposed amendment to the Water and Sewerage Plan to be held on August 5, 2008.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the list of Waterway Improvement Project Grant applications for the FY10 budget in the following order of priority: \$75,000 for relocation of finger piers and ramp at South Point Landing; \$99,000 for general repairs at all locations; \$99,000 for replacement of existing finger piers and ramps at Cedar Hall; \$50,000 to resurface existing parking lot at Shell Mill Landing; \$25,000 to resurface existing parking lot at Mason Landing; and \$25,000 for sanitary services and trash removal at all locations.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously approved a proposal from EA Engineering, Science and Technology, Inc. of Sparks, Maryland to design the proposed waterline extension to serve the Worcester County Developmental Center in Newark at a cost of \$13,854. Mr. Tustin explained that once designed, the waterline would be constructed as a change order to the contract with Bunting and Murray for waterline construction to the new water tower.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved bid specifications for design and permitting services for the South Point Boat Ramp relocation project. Mr. Tustin advised that \$50,000 in Waterway Improvement Grant funds are available to fund the reconstruction.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously approved bid documents for the replacement of the Blake Road bridge. Mr. Tustin advised that State Aid Bridge funding will cover 80% of the replacement costs, leaving the County responsible to fund the remaining 20% of the cost.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to waive the standard bid process and declared

Stormwater Facilities, Inc. of Pasadena, Maryland to be the sole source for the purchase and installation of two isolation valves to be installed along 6,000 feet of force main behind Tale of the Fox Lane in Ocean Pines at a cost of \$16,200. Mr. Tustin stated that the work would be performed at night during a less busy time of use, so there would be no disruption of sanitary services to Ocean Pines residents during the installation process.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Shockley to sign Change Order No. 2 for Phase 1A of the U.S. Rt. 50 Service Road construction project. Mr. Tustin advised that since this project was bid as a unit price contract, the overall current contract value had decreased by \$254,730.33 based upon actual quantities. Commissioner Church commented that improvements to Holly Grove Road alone were a vast improvement over prior road conditions. In response to a question by Commissioner Boggs, Mr. Tustin stated that the Ocean Landings II, Wal-Mart and Home Depot developers have tentatively agreed to construct the portion of the service road on their property using their contractors and our design at the County's expense. He advised that this procedure will save time and money, although cost estimates for the construction are not available as yet. He concluded that in the near future the County should resume talks with Donald Fisher for acquisition of a portion of his property to serve as a right-of-way (ROW) for the proposed US Rt. 50 Service Road.

Pursuant to the request of Emergency Services Director Teresa Owens and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Shockley to sign the Enhanced Digital Access Communication System (EDACS) Maintenance Agreement between M/A-COM, INC. of Lynchburg, Virginia and Worcester County for repair and maintenance services and parts for the County's 800 MHZ radio system for a one-year period from July 1, 2008 through June 30, 2009 and renewable annually thereafter, at a monthly cost of \$13,325.

The Commissioners met with County Attorney Sonny Bloxom to review the Restated Sewer Agreement between the County Commissioners of Worcester County, Maryland in its capacity as the governing body of the River Run Sanitary Service Area (RRSSA) and River Run Development Associates, LLC (Developer) for the expansion of the sewer facility, allowing for the increased treatment and storage of 43,566 gallons per day (gpd) of wastewater in addition to the current capacity of 69,050 gpd for a revised total capacity of 112,616 gpd as permitted by the Maryland Department of the Environment (MDE) Groundwater Discharge Permit, as well as reserved disposal capacity of 29,076 gpd. This expansion will provide service to a total of 448 equivalent dwelling units (EDUs) at a rate of 250 gpd per EDU as originally agreed. This treatment capacity will serve the 243 EDUs currently in service as well as 117 EDUs designated for construction of single family homes (38 EDUs), townhouses (66 EDUs) and additional restaurant capacity (13 EDUs), leaving an additional 88 EDUs to be reserved for use by the developer. Mr. Bloxom stated that the original document had been revised to include minor changes required by the State. Following some discussion and upon a motion by Commissioner Church, the Commissioners unanimously authorized Commission President Shockley to sign the Restated Sewer Agreement as presented.

The Commissioners answered questions from the press, after which they adjourned to meet again on July 22, 2008.