

## Minutes of the County Commissioners of Worcester County, Maryland

August 5, 2008

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

Following a motion by Commissioner Boggs, seconded by Commissioner Cowger, with Commissioner Gulyas absent, 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, Director of Public Works. Topics discussed and actions taken included: hiring Crystal Webster as an Accounting Clerk II within the Treasurer's Office; appointing Kelley Green, Kim Moses and Teresa Fields to the Worcester County Drug and Alcohol Abuse Council; appointing Brandon Thaler, Megan O'Donnell, Gwendolyn Jackson and LaTrele Crawford and reappointing Tommy Murray and Jackie Wangel to the Worcester County Youth Council; reviewing pending and potential litigation; receiving legal advice from Counsel; and performing executive actions.

Commissioner Gulyas was absent from the meeting.

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.

Commissioner Shockley announced that Commissioner Gulyas was absent from the meeting as she was still stuck at the Charlotte Airport awaiting her connecting flight to Salisbury since yesterday.

The Commissioners reviewed and approved the minutes of their July 22, 2008 meeting, as amended.

The Commissioners presented a commendation in recognition of the invaluable role that retiring arson detection K9 Fire Fox, a.k.a. Foxie, and her partner, Deputy Fire Marshal Rodney K. Sharpley, Sr. played in the investigation of hundreds of fires over the course of their nine-year partnership.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a

motion by Commissioner Boggs, the Commissioners unanimously approved bid specifications for a lead risk reduction project on a single family home in the Pocomoke City area, using funds from the Lead Hazard Reduction Grant and Loan Program (LHRGLP), the State Special Loans Program (SLP) and the Community Development Block Grant (CDBG) Program.

The Commissioners met with Ms. Bynum regarding a request by the Maryland Department of Housing and Community Development (DHCD) for Worcester County's continued participation in the "On Behalf Of" (OBO) program, which provides low interest loans primarily to first time home buyers as well as to those homebuyers who have not owned their principal residence within the last three years. Upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to irrevocably transfer to the Community Development Administration for use in issuing housing bonds on behalf of Worcester County, the full \$1,454,441 in tax-exempt housing bond allocation to Worcester County as set forth in the 2008 allocation of the Maryland State Ceiling for use under the Maryland Mortgage Program. In response to a question by Commissioner Boggs, Ms. Bynum advised that the maximum allowable income for one- to two-member households living in targeted areas, including parts of Berlin and Ocean Pines, is \$98,040 and for three-member households or larger, the income limit is \$114,380.

Pursuant to the recommendation of Budget Accountant Kim Johnson and upon a motion by Commissioner Purnell, the Commissioners unanimously authorized Commission President Shockley to sign the Combating Underage Drinking/Communities Mobilizing for Change on Alcohol (CMCA) Grant Award and Acceptance in the amount of \$38,356 to be used to fund programs that support a countywide, environmental underage drinking prevention effort. The program funds alcohol compliance checks, monitors training of retailers of alcohol, enforces sanctions for non-compliance, and recognizes compliant retailers. Additionally, the program recruits parents to participate in the Safe Homes program, assists in the coordination of the statewide Play It Safe project and in collaboration with the local underage drinking advisory council, educates the public.

Pursuant to the request of Budget Officer Kathy Whited and upon a motion by Commissioner Boggs, the Commissioners unanimously approved bid specifications for soliciting West Ocean City commercial boat slip leases.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized Commission President Shockley to sign the Fiscal Year 2009 Agreement Between the Maryland Department of the Environment (MDE) and the Board of County Commissioners of Worcester County for Supplemental Inspections and Monitoring of Sewage Sludge Utilization Activities in Worcester County. Mr. Mitchell advised that 181 tons of sludge had been applied to a tree farm owned by Billie Laws.

Public Works Director John Tustin updated the Commissioners on the success of the recent online sale of surplus vehicles, equipment, wood posts, tools and office furniture through

GovDeals. Mr. Tustin stated that 26 vehicles, 32 pieces of equipment and numerous miscellaneous items sold for \$144,720.05. He further stated that the commission to GovDeals totaled \$10,905.32, leaving the County with a net profit of \$133,814.73. He advised that in 2007, the GovDeals sale of 47 vehicles and 12 pieces of equipment yielded a gross profit of \$91,911.88 minus the \$6,897.73 commission paid to GovDeals for a net profit of \$84,580.39. He further stated that vehicles and equipment were purchased online through GovDeals by local residents as well as people from across the United States. He concluded that the program has been very successful and worth pursuing in the future. In response to a question by Commissioner Boggs, Mr. Tustin stated that using this method to dispose of surplus vehicles and equipment alleviates the large amounts of storage space previously required to house these items when they were auctioned locally.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Purnell, the Commissioners unanimously approved the proposal from GW Stephens, Jr. & Associates in association with JMW Consultants for the design of U.S. Rt. 50 Service Road Phase II at a total design cost of \$244,005 as follows: 30% design at a cost of \$30,265, 75% design at a cost of \$26,950 and 100% design at a cost of \$186,790. Mr. Tustin stated that an additional fee of up to \$84,000 may be required for right-of-way (ROW) negotiations by Mike Warring of JMW Consultants. Mr. Tustin further advised that \$859,000 is currently available for this project.

Mr. Tustin met with the Commissioners to discuss the results of a traffic survey taken on Cropper Island Road in response to a letter from Erin Fitzsimmons requesting speed humps to be installed on the road to calm traffic through the neighborhood. Mr. Tustin stated that while the posted speed limit is 30 miles per hour (mph) on Cropper Island Road, approximately 80% to 85% of the vehicles utilizing the road travel at 40 mph or less. He stated that this is a low volume road and speed humps would have to be placed at intervals of between 300 to 500 feet to adequately control speed, which would require the installation of 17 humps. He stated that such a proposal is neither feasible nor viable and instead recommended utilizing center striping and a wider white edge, giving the driver a sense of closeness which has been demonstrated to naturally slow their speed, coupled with increased speed enforcement by the Sheriff's Office as needed. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously approved the proposed measures as recommended by Mr. Tustin.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Purnell, the Commissioners unanimously accepted the proposal from EA Engineering, Science and Technology, Inc. of Sparks, Maryland for construction management services during the construction phase of the Newark Water Tower and Waterline installation project at a total proposed fee of \$17,900. Mr. Tustin stated that these services will be funded through the Maryland Department of the Environment (MDE) Revolving Loan for this project.

The Commissioners met with Mr. Tustin to review a letter from Tom Hicks, Director of the Office of Traffic and Safety for the State Highway Administration (SHA), informing them that the SHA will install new Traffic Control Signals on US Rt. 113 at the front entrance to the Board of Education (BOE) and new Worcester Technical High School (WTHS) beginning

August 1, 2008, with work to be complete within 90 days and at an estimated cost of \$173,330.00. In response to a question by Commissioner Boggs, Mr. Tustin stated that the County had not requested that signals be installed at this location. Commissioner Shockley stated that while he does not dispute that the signals are likely needed at this location, he was surprised by the SHA's decision to install them due to its adamant opposition to the County's request to consider installing signals on US Rt. 113 at its intersection with MD Rt. 12 in Snow Hill.

Comprehensive Planning Director Sandy Coyman updated the Commissioners on the status of the Bishopville Pond Project, advising that the extensive length of time required to complete the project is due to its highly unique situation, which involves the convergence of tidal and nontidal waters at the state-owned bridge located just below the dam on Bishopville Road. He advised that the bridge experienced a major scouring in 1989, which exposed 10'-12' of the support piling, and the State Highway Administration (SHA) has imposed tight restrictions on the project to assure that further stress is not placed on the bridge. Mr. Coyman stated that pre-permit work is progressing and design plans are now at 60% completion; however, the project's location at the head of tide has proven to be a significant challenge to hydrologic modeling, which is being used to develop a scouring study; and, the SHA will not approve the project until they can be assured that the plans will not pose a threat to the bridge. In response to a question by Commissioner Boggs, Mr. Coyman confirmed that plans for this project began five years earlier, and he advised that the project is expected to go out for bid by June 2009. In response to a question by Commissioner Busick, Mr. Coyman confirmed that funds are available to complete the project. Following some discussion, the Commissioners advised Mr. Coyman to update them on the status of the project on a monthly basis.

The Commissioners met with Mr. Coyman to review the Planning Commission's findings on a Comprehensive Water and Sewerage Plan amendment application submitted by the County for the replacement and expansion of the Mystic Harbour Wastewater Treatment Plant (MHWWT) and to request the County Commissioners hold a public hearing and take action on this proposal. The MHWWT proposal provides for a new plant to be constructed on the current site, which is located east of Stephen Decatur Highway about 280 feet south of its intersection with Sunset Avenue and identified on Worcester County Tax Map 27 as Parcel 629.. The new MHWWT will treat to enhanced nutrient removal (ENR) standards and have a capacity of 450,000 gallons per day (gpd) which will serve an additional 666 equivalent dwelling units (EDUs) which will provide service to infill lots within the existing Mystic Harbour and West Ocean City Sanitary Service Areas. Mr. Coyman noted that the Planning Commission found the proposal to be consistent with the Comprehensive Plan and recommended approval of the application. They further recommended that the Department of Comprehensive Planning develop a rating system to rank priority allocations of excess EDUs to give priority to infill lots, followed by expansion of existing facilities, replacement of septic tanks and then for new development. Upon a motion by Commissioner Church, the Commissioners agreed to schedule a public hearing on the proposed amendment to the Water and Sewerage Plan for the MHWWT replacement and expansion on September 2, 2008.

The Commissioners met with Mr. Coyman to review the Planning Commission's findings

on a Comprehensive Water and Sewerage Plan amendment application for the proposed construction of a wastewater treatment plant (WWTP) and expansion of the current water system to serve the Deer Run golf course and a proposed campground and recreation center and to request the County Commissioners hold a public hearing and take action on this proposal. Mr. Coyman stated that the Planning Commission had reviewed the proposal and determined that in order for this amendment to remain consistent with the Comprehensive Plan the following conditions should be required: the campground will not operate November - March, and camping site's sanitary service will be turned off during the winter to prevent anyone from residing there year-round; the campground shall not be converted into permanent housing; the recreation facility will be accessible year round to members only, and the general public may purchase a year-round membership; the landscaping and berm along U.S. Rt. 50 shall completely screen the site from view of the highway; only kayaks and canoes may be stored on the campground; and permanent structures shall not be permitted on the campsites, with all proposed cabins to remain mounted on wheels so they are not considered permanent structures. Mr. Coyman explained that the new WWTP will have a capacity of 80,000 gallons per day (gpd) and the water system will be expanded from 73,000 gpd to 100,000 gpd to meet potable water and fire protection needs. Although the planning area lies in an A-1 Agricultural Zone, which is generally not designated to receive public sanitary services, campgrounds are permitted by special exception in the A-1 zone; and all necessary special exceptions have been approved by the Board of Zoning Appeals. Upon a motion by Commissioner Busick, the Commissioners agreed to schedule a public hearing on the proposed amendment to the Water and Sewerage Plan for Deer Run on September 2, 2008.

Pursuant to the recommendation of Development Review and Permitting Director Edward A. Tudor and upon a motion by Commissioner Church, the Commissioners unanimously agreed to renew the Independent Contractor's Agreement between Shockley Environmental Services (Bobby Shockley) and Worcester County for the review and recommendation of approval, denial or revision of Stormwater Management Plans and applications for exceptions and waivers through June 30, 2009.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Purnell, the Commissioners voted 4-0-2, with Commissioners Boggs and Busick abstaining, to adopt the Findings of Fact and Zoning Reclassification Resolution No. 08-01, regarding Rezoning Case No. 391, filed by Hugh Cropper, attorney, on behalf of owners Oak-Kwang Park and Soon-Ae Park, which was heard by the Commissioners on July 22, 2008 and which formally rezones approximately two acres of land shown on Tax Map 21, located to the east side of MD Rt. 589 and north of Gum Point Road from A-1 Agricultural District to B-2 General Business District.

Mr. Tudor and Development Review and Permitting (DRP) Deputy Director Phyllis Wimbrow presented the Commissioners with draft Design Guidelines and Standards for Commercial Uses in Worcester County. Mr. Tudor explained that these guidelines and standards are a major element for the implementation of the Worcester County Comprehensive Plan, to be used in conjunction with the Zoning and Subdivision Control Article, and it was drafted in

response to specific recommendations and objectives contained within the Comprehensive Plan. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously remanded the document to the Planning Commission for review and comment by the beginning of October 2008 and agreed to schedule a public hearing for November 5, 2008, with a draft copy of the plan to be available for public viewing on the County website at [www.co.worcester.md.us](http://www.co.worcester.md.us).

The Commissioners met with Finance Officer Harold Higgins to discuss the proposed write off of \$335,400.94 in uncollectible business taxes from FY01 through FY07 as follows: \$46,771.15 for FY01; \$55,796.90 for FY02; \$60,632.91 for FY03; \$99,328.72 for FY04; \$54,414.27 for FY05; \$18,137.26 for FY06; and \$319.73 for FY07. Mr. Higgins stated that four of the 365 accounts represent 30% of the total proposed write off. He further explained that in many of the other cases owners have alleged that businesses no longer in operation continue to be assessed by the State; and other entities do not own real estate, so the County cannot attach a lien on their real property. Mr. Higgins advised that the Treasurer's Office has exhausted its efforts to contact the various entities, and where appropriate the personal property liability fee was used to offset the amounts due. He concluded that his department will continue to research delinquent personal property accounts on a yearly basis, and future accounts will be presented for write off after they have aged three years. In response to a question by Commissioner Boggs, Mr. Higgins stated that the State Department of Assessment has taken steps to assure that businesses that are no longer in operation provide documentation to that fact, so they will not be assessed in the future.

In response to a question by Commissioner Cowger, Mr. Higgins advised that the County could offer an amnesty program to encourage business owners to pay off their delinquent taxes by forgiving the interest and penalties that have accrued. However, he stated that many of the delinquent accounts are less than \$50, making it cost prohibitive to devote staff time to collect these small amounts. He advised that staff is developing enhanced collection methods to limit delinquent taxes in the future. Following much discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously directed staff to develop a list of possible methods for collecting on the delinquent accounts along with the pros and cons of each for their review before deciding whether to write off these delinquent accounts.

Pursuant to a request by Barry R. Laws, owner of the Pocomoke River Canoe Company and Chairman of the Pocomoke River Advisory Board, and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized the use of supervised inmate labor from the Worcester County Jail along with County equipment such as chainsaws, loppers, etc, to participate in an ongoing cleanup of portions of the Pocomoke River for canoe and kayak access.

Pursuant to the recommendation of County Attorney Sonny Bloxom and upon a motion by Commissioner Church, the Commissioners unanimously authorized Commission President Shockley to sign a Deed of Easement between the County Commissioners and Timmonstown Public Drainage Association (PDA) to reroute the PDA tax ditch, which crosses County property at the Northern Worcester Athletic Complex (NWAC) in Berlin, and grant a Maintenance and Utility Easement to Timmonstown PDA for the rerouted tax ditch.

The Commissioners answered questions from the press, after which they adjourned to meet in closed session.

Following a motion by Commissioner Boggs, seconded by Commissioner Purnell, with Commissioner Gulyas absent, the Commissioners unanimously voted to meet in closed session at 11:15 a.m. in the Commissioners' Meeting Room 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; and Jerry Redden, Economic Development Director. Topics discussed and actions taken included performing executive actions.

The Commissioners adjourned to meet again on August 19, 2008.