

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

August 19, 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 Boggs, seconded by Commissioner Purnell, with Commissioner Busick absent at the beginning of the meeting, 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; Jerry Redden, Economic Development Director, Michael P. Pennington, Executive Director of the Tri-County Council (TCC) for the Lower Eastern Shore of Maryland, W. Patrick Mitchell, Executive Director of the Maryland Broadband Cooperative (MDBC); and Allan Taylor, Worcester County Information Technology Manager. Topics discussed and actions taken included: hiring Alan Jarmon, Stephanie Matthews, Eric Leatherbury, Robin Tatterson, Angela McCleary, and Leslie Payton as Communication Clerk Trainees within Emergency Services; appointing Margaret Dennis as a Private Business Representative to the Lower Shore Workforce Alliance Board; reviewing potential and pending litigation; receiving legal advice from counsel; and performing executive actions.

Commissioner Shockley was temporarily absent at the beginning of the open session.

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

Commissioner Shockley returned to the meeting.

The Commissioners reviewed and approved the minutes of their August 5, 2008 meeting, as submitted.

The Commissioners met with Health Officer Debbie Goeller to review and discuss her request to submit an FY10 Application for Administration-Sponsored Capital Program Grant (CPG) Worcester County Health Department to renovate a County-owned building for a new

dental clinic in Worcester County. Ms. Goeller explained that while the FY09 CPG had just been submitted on July 31, 2008, she had been advised that the FY10 CPG application is also due now. She urged the Commissioners to approve the proposed grant application for funding in the event that the FY09 grant request is not fully funded. She advised that the FY09 CPG application requires no County match, but does not yet know if matching funds will be required for FY10. The application, therefore, reflects a local match in FY10 of up to \$125,000. Chief Administrative Officer Gerald T. Mason warned that grants of this sort typically last only one to three years, after which local funding is required. Commissioner Gulyas cautioned that if future grants were not available, funding for the Dental Clinic may have to be provided within the Health Department's annual Operating Budget with no additional funds from the County. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized Commission President Shockley to sign the FY10 CPG application.

Tourism Director Lisa Challenger, Jim Rapp, Executive Director of Delmarva Low Impact Tourism (DLITE) and Ann McGinnis Hillyer of Maryland.com/OceanCity.com, met with the Commissioners to unveil the public and private partnership between the Maryland Office of Tourism, Worcester County Tourism, Maryland Department of Natural Resources, DLITE, Maryland.com/OceanCity.com, and Dave Messick (videographer) to create the Wilds of Worcester. Ms. Challenger explained that this web-based project will promote low impact and nature tourism in Worcester County using the internet and Web 2.0 features to attract visitors, increase tourism dollars spent within the county and to educate the public on the following three issues: low impact tourism; flora and fauna indigenous to the only seaside county in Maryland; and the many cultural, heritage, and nature activities tourists and residents alike can take advantage of in this area. Ms. Challenger stated that a new website [www.wildsofworcester.com](http://www.wildsofworcester.com) and You Tube will feature a series of about 16 to 20 two-minute "webisodes" that tout the wonders of Worcester County, and include a contest in which participants are asked to submit essays, pictures, videos and more explaining their own experiences with low impact tourism in the area. Mr. Rapp stated that the winner will receive a week of exploration in Worcester County. He stated that the submissions will be posted on the new website and will also serve as content for the site. Visitors will be directed to vote for their favorite submission. Ms. Hillyer stated that the videos are expected to draw 250,000 viewers or more to the new website. In response to a question by Commissioner Boggs, Ms. Challenger stated that funding for the new website would be minimal, since the site was donated by Maryland.com/OceanCity.com and DLITE was producing the webisodes at not cost. Following some discussion, the Commissioners thanked Ms. Challenger for the presentation.

The Commissioners conducted a public hearing to receive public comment on an amendment to the Worcester County Water and Sewerage Plan (the Plan) and a petition for establishment of a sanitary service area, filed by Richard Eisenberg on behalf of Allen and Connie, LLC, owner, and CAMBR Company, Inc., applicant, to add the Ocean Landings II Water and Wastewater Treatment System to the Plan and to establish the Ocean Landings II Sanitary Service Area (SSA). The proposed Plan amendment and service area establishment will accommodate the commercial retail needs at Ocean Landings II as well as the adjacent Wal-Mart/Home Depot stores, all of which are located on the south side of U.S. Rt. 50 east of

MD Rt. 589 and identified on Worcester County Tax Map 26 as Parcels 301, 302, 303, 305 and 455. Comprehensive Planning Director Sandy Coyman reviewed the applications which provide for the following: construction of an Enhanced Nutrient Removal (ENR) sewage treatment system with a treatment capacity of 23,000 gallons per day (gpd) serving 76 equivalent dwelling units (EDUs) at a rate of 300 gpd per EDU, with 15,000 gpd of flow to accommodate Ocean Landings II and the remaining 8,000 gpd of flow to serve Wal-Mart/Home Depot; a new water treatment plant (WTP) to be constructed on the Cordish property to replace the existing WTP for the benefit of the service area with a capacity of 33,000 gpd serving 94 EDUs at a rate of 350 gpd per EDU, with 17,500 gpd of flow to accommodate Ocean Landings II and the remaining 15,500 gpd of flow to serve Wal-Mart/Home Depot; and designating the subject properties W-1 and S-1, which implies that sanitary services would be provided within the next two years. Mr. Coyman stated that the Planning Commission found that in order to achieve this goal and remain consistent with the Plan, the amendment must be revised as follows: designate the agriculturally zoned portion of the proposed planning area W-6 and S-6, for no service; execute an appropriate Public Works agreement for the establishment of the SSA; and provide that the plantings for spray irrigation fields shall be native species rather than reed canary grass.

Commissioner Shockley opened the floor to receive public comment.

Mark Cropper, attorney for the applicants, stated his wholehearted support of Mr. Coyman's presentation. He reviewed plans for the new Super Wal-Mart, but noted that the proposed resolutions are site specific to Wal-Mart/Home Depot and should instead reflect the entire parcel, including outparcels which are zoned for commercial use and is included within the proposed service area. He stated that following the completion of the SSA, additional capacity may become available to serve future commercial development. He further stated that the applicants' original application proposed a capacity of 23,000 gpd to serve 77 EDUs at 298.7 gpd. However, it had been revised at the urging of the County, which requires sewer service to be provided at a rate of 300 gpd per EDU. He requested that if the plant capacity was increased by an additional 100 gpd by approval of the Maryland Department of the Environment (MDE) that the approval to serve 77 EDUs would be automatic. He asked the Commissioners to revise the resolutions to reflect these two changes. In response to a question by Commissioner Boggs, County Attorney Sonny Bloxom advised that it would be reasonable to reflect that the outparcels would be served if capacity was available, since it is their intention to develop these parcels for commercial use in the future. Mr. Coyman concurred, stating that the Planning Commissioner is aware of the intended future use for these properties. Environmental Programs Director Bob Mitchell concurred with the change requested by Mr. Cropper with respect to the resolution for establishment of the service area.

In response to a question by Ellie Diegelman of Ocean City, Chief Administrative Officer Gerald T. Mason advised that the revisions to the resolution presented to the Commissioners today were of a minor nature and simply clarified the proposed improvements by the applicant.

There being no further public comment, Commissioner Shockley closed the public hearing. Following some discussion, the Commissioners conceptually agreed to the proposed revisions to the two resolutions as requested by Mr. Cropper and directed staff to make those changes.

Recreation and Parks Director Sharon DeMar Reilly met with the Commissioners to

review a Request for Proposals for design of improvements to the Greys Creek Nature Park and introduced them to Bill Rodriguez, the new Parks Superintendent. Upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the Request for Proposals for a Master Plan and Renovations to Greys Creek Nature Park.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Purnell, the Commissioners unanimously awarded the sole bid for the purchase of asphalt coated corrugated metal (ACCM) pipe to be utilized by the Roads Division of Public Works to Lane Enterprises, Inc. of Dublin Virginia at a cost of \$23,958.

Pursuant to the request of Mr. Coyman and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to waive the standard bid process and declared ESRI of Vienna, Virginia to be the sole source for the purchase of new Geographic Information Systems (GIS) software and maintenance of the existing GIS software at a total cost of \$35,000. Mr. Coyman stated that the software would be purchased through the Small Municipal and County Enterprise License Agreement Program, and ESRI would provide unlimited licenses to GIS desktop software, extensions, server-based software, ArcIMS Server Extensions, and include \$7,500 for virtual campus web training and a 5% discount on instructor-led training. He further advised that the County had received a \$5,000 credit within their Maintenance Agreement for not over-utilizing this service in the past.

Pursuant to the request of Finance Officer Harold Higgins and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to waive the standard bid process and declared EMC to be the sole source provider for the purchase and maintenance of a storage area network (SAN) at a total project cost of \$149,948. Mr. Higgins stated that the storage would create centralized data storage and information security that would provide the flexibility needed to share remote devices and servers. In response to a question by Commissioner Gulyas, Mr. Higgins stated that currently all backup tapes are stored at a secure vault at a local bank. He advised that this new method of storage would free up the bandwidth needed for the County to provide additional web based services to constituents.

Pursuant to the request of Mr. Higgins and upon a motion by Commissioner Boggs, the Commissioners unanimously approved Resolution No. 08-20 providing for the issuance of up to \$400,000 Taxable General Obligation Drinking Water Bond, Series 2008 for the purpose of financing a portion of the costs of planning, design and construction of a water project in the Newark Sanitary Service Area, including, among other things, a water tower and water supply lines.

The Commissioners met in Legislative Session.

The Commissioners conducted a public hearing on proposed Bill 08-6 - which would authorize and empower the County Commissioners of Worcester County, Maryland to borrow on its full faith and credit and to issue and sell its General Obligation Bonds and its Bond Anticipation Notes therefor, at one time or from time to time within four years from the date the bill becomes effective, in an amount not exceeding \$35,000,000 to provide financing for a

portion of the cost of renovations and additions to Pocomoke High School (PHS), including payment of all related costs and costs of issuance of such bonds, which was introduced by Commissioners Boggs, Busick, Cowger, Church, Gulyas, Purnell and Shockley on July 22, 2008. Mr. Mason explained that proposed financing was estimated to result in an annual payment of \$3.1 million for 15 years.

Commissioner Shockley opened the floor to receive public comment.

In response to a question by Ellie Diegelman of Ocean City, Mr. Mason stated that the project came in under the original estimate of \$44.9 million due primarily to the increased number of bidders vying for the project as a result of the recent downturn in the economy. Ms. Diegelman commended the County on this savings.

There being no further public comment, Commissioner Shockley closed the public hearing.

Upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Bill 08-6 as introduced.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to discuss a proposed text amendment, which was drafted by DRP at the request of Kenneth Lambertson, Chairman of the Worcester County Board of Electrical Examiners (Electrical Board), to change the definition of "Electrician General." Mr. Tudor reviewed the proposed text amendment and stated that the Electrical Board was requesting this change to place limits on General Electricians who, due to the increase in demand for commercial products in residential homes, are installing appliances and wiring that was previously installed within commercial establishments by Master Electricians. In response to a question by Commissioner Shockley, Mr. Tudor stated that the change would not affect the construction of most single family homes; however, in some instances it would require the developer to hire both a General and Master Electrician to work on larger, three-phase projects and wiring for service over 400 amps. In response to a question by Commissioner Boggs, Mr. Tudor explained the requirements for a General Electrician to become a Master Electrician. Following much discussion, Commissioners Boggs, Busick, Church, Cowger, Gulyas, Purnell and Shockley introduced the proposed bill as Bill 8-7 (Building Regulations - Electrical Standards) and agreed to schedule a public hearing on the bill to be held on September 16, 2008.

Commissioner Shockley closed the Legislative Session.

The Commissioners reviewed the proposed amendments to Resolution No. 08-21, amending the Comprehensive Water and Sewerage Plan for Worcester County to add the Ocean Landings II Water and Wastewater Treatment System and Resolution No. 08-22 approving the establishment of the Ocean Landings II Water and Sewer Service Area. Upon a motion by Commissioner Church, the Commissioners unanimously approved the proposed amendments to both resolutions as presented.

Upon a motion by Commissioner Church, the Commissioners unanimously adopted both Resolution No. 08-21 and Resolution No. 08-22 as amended.

The Commissioners reviewed and authorized Commission President Shockley to sign a Boundary Line Adjustment plat of Eagles Nest Road adjacent to the Castaways development as

approved by the Town of Ocean City and the Federal Aviation Administration (FAA) to accommodate the required 100-foot setback for the equalization tank on the Castaways property as conceptually approved at their meeting of May 20, 2008.

At the request of Commissioner Gulyas, Mr. Mason agreed to copy and distribute an invitation to attend an event in Somerset County to honor Judge Simpkins.

The Commissioners answered questions from the press, after which they adjourned to meet again on September 2, 2008.