

Minutes of the County Commissioners of Worcester County, Maryland

March 3, 2020

Joseph M. Mitrecic, President
Theodore J. Elder, Vice President
Anthony W. Bertino, Jr.
Madison J. Bunting, Jr.
James C. Church
Joshua C. Nordstrom
Diana Purnell

Following a motion by Commissioner Bunting, seconded by Commissioner Bertino, 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 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Kelly Shannahan, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, Worcester County Jail Warden Donna Bounds and Assistant Warden Fulton Holland, and a County employee. Topics discussed and actions taken included conducting an employee disciplinary hearing.

Following a motion by Commissioner Church, seconded by Commissioner Bunting, the Commissioners unanimously voted to adjourn their morning closed session at 10:23 a.m.

After the closed session, the Commissioners reconvened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Father Matthew D'Amario of St. Paul's by the Sea in Ocean City and pledge of allegiance, announced the topics discussed during the afternoon session on February 18, 2020 and the March 3, 2020 morning closed session.

The Commissioners reviewed and approved the February 18, 2020 closed session minutes as presented and open session minutes as revised.

The Commissioners presented a proclamation recognizing March as Professional Social Work Month to Julie Rayne and Rhonda Bavis of the Health Department and Jamie Manning, Assistant Director of Services for the Department of Social Services (DSS) and other DSS staff members to honor social workers for striving to improve lives locally.

The Commissioners presented a proclamation recognizing March as Women's History Month to Commission for Women Chair Tamara White and members Gwen Lehman, Laura Morrison, Vanessa Alban, and Coleen Colson, honoring the contributions of these and other exemplary women to the economic, cultural, and social well-being of Worcester County.

The Commissioners reviewed a memo from Budget Officer Kathy Whited to review the

FY21 Municipal Tax Rates and Constant Yield Tax Rates for Berlin, Ocean City, Pocomoke City, and Snow Hill. They then met with representatives from the towns of Pocomoke City, Snow Hill, and Berlin, as well as the Ocean Pines Association (OPA) regarding their FY21 grant requests from the County, with Ocean City representatives unable to attend due to a prior commitment to attend a hearing in Annapolis. The Commissioners announced that they will meet with Ocean City representatives on March 17, 2020.

The Commissioners met with Pocomoke City Interim Manager Jeremy Mason who advised that town officials are requesting that the County maintain funding to Pocomoke City in all categories for FY21, including categorical funding and pass-through grants totaling \$1,565,973. He also requested new funding of \$42,854 or 10% of the Ocean Downs Casino table games revenues and to provide funding to help cover the \$1 million cost to replace the lift stations and water system to address serious overflow issues.

The Commissioners met with Snow Hill Mayor Gary Weber who thanked the Commissioners for their prior support and stated that the town is seeking funding for FY21, including an unrestricted grant of \$500,000 (a \$35,000 increase); \$200,000 payment in lieu of taxes (a \$25,000 increase); a new grant request for \$100,000 to help cover the cost of a \$1.4 million Purnell Street sewer project; \$42,854 or 10% of the Ocean Downs Casino table game revenues; ambulance and fire department funding of \$110,000 (a \$31,000 increase); and other shared revenues and State aid pass throughs for a total of \$1,987,155 for FY21.

Berlin Mayor Gee Williams and Town Administrator Jeff Fleetwood thanked the Commissioners for their prior support, which has been instrumental in helping Berlin to reinvent itself for the 21st century. He asked the Commissioners to increase grant funding to include a \$480,000 unrestricted grant (a \$15,00 increase) and requested funding assistance from the County to help cover the accelerating demand for emergency medical services (EMS) vehicles, equipment, and rising operational costs. Along with ambulance and fire department funding and other shared revenues and State aid pass throughs, the grand total request for Berlin is \$2,141,665.

The Commissioners met with Ocean Pines Association (OPA) President Doug Parks to discuss their FY21 grant requests from the County. Mr. Parks stated that the OPA is seeking funding in the following areas: a public safety grant of \$525,000 for police services (a \$50,000 increase); passthrough of Highway User Revenues (HUR) as well as new County funding of \$100,000 for the restoration of roads and bridges, a grant of \$25,000 for tourism (a \$15,000 increase) to partially offset the cost of executing high-quality events, such as the 4th of July fireworks; and \$40,000 for Recreation and Parks programs (a \$30,000 increase). In total, including fire and ambulance funding, the OPA requests \$1,650,423 in funding from the County in FY21.

The Commissioners thanked officials from the towns and OPA for taking time to meet with the Commissioners to review their FY20 grant requests.

Commissioner Mitrecic invited Mayors Morrison, Weber, and Williams back up to the podium to discuss a letter from the mayors from the four municipalities, Berlin, Ocean City, Pocomoke, and Snow Hill, for the County to increase funding for emergency medical services (EMS) to address the growing need for more full-time EMS personnel in the County. Mayor Williams reviewed the letter, stating that there is an immediate need for increased EMS funding in FY21 in every town and region of the County and requested the Commissioners form a task

force to address this issue in greater depth. He stated that this task force should include representatives from the four municipalities and each of the fire companies. Commissioner Mitrecic stated that the Commissioners will be conducting a work session to consider the needs of all County EMS providers and will consider the mayors' requests at that time.

Atlantic General Hospital (AGH) President and Chief Executive Officer Michael Franklin met with the Commissioners to discuss the "Atlantic General Hospital and Health System 2019 in Review/What's Coming in 2020" community update. Mr. Franklin presented a PowerPoint, which covered AGH's 2020 Goals (Quadruple Aim - improving the health of the population, enhancing patient experience and outcomes, reducing population healthcare costs, and care of the physicians/providers); FY20 Strategic Initiatives (ambulatory surgery center, breast diagnostic services, integrated behavioral health, school-based telehealth, outpatient rehabilitation services, clinical communications systems, Ocean Pines planning strategy, and safe seniors); Survey - how their strategic focus has affected the community; 2019 County Health Rankings for Maryland; Rate Year 2020 Quality-Based Reimbursement Program Revenue Adjustments and Impacts; Community Impact of \$16.6 million on the economy and quality of life; Year over Year Comparison - Hospital and Health System Activities; Expanding Access to Care; Strategic Investments in Our Community - the AGH Foundation raised \$12.5 million during the capital campaign to upgrade five existing facilities, and he shared the following: Women's Health Center project; Vision for Regional Cancer Care Center; Inpatient Center Redesign; Surgical Services/Ambulatory Surgery Center; Emergency Department expansion; and finally Design Concepts for Ocean Pines Facility - outpatient surgery center, specialty offices, Atlantic ImmediCare, primary care, wellness and integrative health, and imaging and laboratory services; Healthcare in Maryland - 2020 and Beyond; AGH Community Health Needs Assessment 2019-2021; GrayShore - enhancing quality of life for the Delmarva aging population; Population by Age Group in Worcester County, including care givers and care receivers; Bienvenidos Delmarva - enhancing quality of life for the Delmarva immigrant community; Areas of Opportunity; and Partners: Online Access and Virtual Care.

Commissioner Bertino noted that, of all the healthcare providers operating in Worcester County, AGH is the only provider to request annual funding from the County. Mr. Franklin noted that, though providers from other jurisdictions may operate satellite offices in the County, AGH is the only health system that resides in and gives back to the County. He noted, for example, that Peninsula Regional Medical Center's (PRMC) home base is in Salisbury, Maryland, so resources generated by PRMC satellite offices operating in Worcester County go back to Salisbury, while AGH's resources are dedicated back into this community.

In response to a question by Commissioner Mitrecic, Mr. Franklin confirmed that Sussex County residents utilize AGH services and that he requests funding annually from Sussex County Government; however, no funding has been allocated for these requests. Commissioner Mitrecic shared concerns regarding his recent experience at the emergency room at AGH and stated that he would prefer to see less emphasis on expansion and more on making the existing hospital the best that it can be. Mr. Franklin apologized for Commissioner Mitrecic's recent experience and noted that this is why it is so important for AGH to comply with the community's requests to expand access to care. He stated that this approach includes expanding and hiring enough providers to assure that residents have timely access to medical staff, so that they receive the right care when it is needed, and thus prevent the need for emergency room visits. Following

some discussion, the Commissioners thanked Mr. Franklin for his presentation.

The Commissioners met in special legislative session.

The Commissioners conducted a public hearing on Emergency Bill 20-1 (Zoning - Off-Premises Parking), which was introduced by Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom, and Purnell on February 18, 2020. Assistant Chief Administrative Officer Kelly Shannahan stated that if adopted this emergency legislation would increase the percentage of off-premises parking allowed in the CM - Commercial Marine District from 50 to 90 percent. He noted that the request was made by Attorney Hugh Cropper to assist a pending project in the CM District in the WOC harbor area. Mr. Shannahan stated that the Planning Commission gave the proposed legislation a unanimously unfavorable recommendation due to concerns with persistent illegal parking and traffic congestion in the WOC commercial harbor area and the excessive nature of this request.

Commissioner Mitrecic opened the floor to receive public comment.

Hugh Cropper, IV, attorney for Cole Taustin, owner of Mad Fish Bar & Grill in West Ocean City (WOC), stated that his client's restaurant burned down last year and cannot be redeveloped as currently planned unless the Commissioners adopt Emergency Bill 20-1. He stated that there are approximately 19 parking spaces adjacent to the restaurant, while the remainder of the required parking is located on the opposite side of South Harbor Road. He stated that redevelopment plans include constructing a smaller building pushed back from the water to provide open space along the harbor, which will reduce parking on the site to just nine or 10 spaces. He noted that this does not reduce the amount of required parking, rather it will allow for up to 90% of the parking to be located off-premises, subject to meeting certain Code conditions, including being 500 feet from the front door to the furthest parking space. He stated that this will allow flexibility in parking, which will allow people to redevelop their properties in the commercial harbor.

Leighton Moore of West Ocean City reviewed building plans for the proposed new restaurant, noting that the open spaces and additional setbacks proposed in the plans will only be possible if the Commissioners adopt Emergency Bill 20-1.

There being no further public comment, the Commissioners closed the public hearing.

Upon a motion by Commissioner Church, the Commissioners unanimously adopted Emergency Bill 20-1 (Zoning - Off-Premises Parking) as presented.

Commissioner Mitrecic closed the special legislative session.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Bunting, the Commissioners unanimously agreed to appoint Steve Ashcraft to the Local Development Council (LDC) for the Ocean Downs Casino for the remainder of a four-year term expiring December 31, 2020 to replace Rod Murray.

Upon a nomination by Commissioner Elder, the Commissioners unanimously agreed to appoint Mayor Gary Weber to the LDC for the remainder of a four-year term expiring December 31, 2020 to replace Charles Dorman and to reappoint Curt Lambertson to the Agricultural Preservation Advisory Board for an additional four-year term expiring December 31, 2023.

Pursuant to the recommendation of Office Assistant IV Karen Hammer and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the following

Worcester County Government Employee Appreciation events and programs for 2020: Night at The Shorebirds on Friday, June 26, at 7:05 p.m., with free tickets available for each employee and additional tickets for family and friends sold for \$5 each, at a total County cost of \$1,000 (for 200 tickets), less income from ticket sales; and Jolly Roger Day on an as-yet to be determined Saturday or Sunday in August, from 10:00 a.m. until 6:00 p.m., at no cost to the County, with special pricing available to all County staff, family, and friends. These events, which have been conducted over the past several years to improve morale and demonstrate the Commissioners' support and appreciation of County staff, have been extremely successful and sincerely appreciated by County employees.

The Commissioners met with County Attorney Roscoe Leslie to discuss the request from Chesapeake Utilities/Sandpiper to enter into a new 25-year franchise agreement to replace the existing agreement, which will expire on March 6, 2020. Also in attendance were Steve Ashcraft and Lindsay Orr of Chesapeake Utilities. Mr. Leslie advised that the new agreement will maintain the same franchise fee of \$2 per customer per year as the prior agreement; however, while the prior agreement was only partially-exclusive, the new agreement will be fully exclusive. He stated that an exclusive contract is not unreasonable given that Chesapeake is the only natural gas distributor in the County and will be making a significant investment to build a natural gas distribution network.

In response to a question by Commissioner Bertino, Mr. Leslie explained that the new agreement will make Chesapeake the exclusive provider for natural gas in Worcester County. Mr. Leslie stated that he had compared the agreement to those in other nearby jurisdictions, which were only recurring a flat fee of \$10,000 and found this renewal to be more favorable to Worcester County. In response to a question by Commissioner Elder, Mr. Ashcraft stated that the new contract will continue to pay the county a franchise fee of \$2 cost per customer per year, and these costs are passed on to Chesapeake customers. In response to questions by Commissioner Mitrecic, Mr. Ashcraft confirmed that the County received \$21,808 in FY19 and is anticipated to receive \$22,312 in FY20 and \$23,632 in FY21. He confirmed that franchise fees are awarded to the County, not to the municipalities therein.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners voted 6-1, with Commissioner Bertino abstaining, to authorize Commission President Mitrecic to sign the Chesapeake Utilities/Sandpiper Energy Franchise Agreement Extension.

Pursuant to the recommendation of Recreation and Parks Director Tom Perlozzo and the request of Phil Houck of the Offshore Powerboat Association, and upon a motion by Commissioner Church, the Commissioners unanimously approved the use of two-thirds of the West Ocean City Commercial Harbor parking lot from September 25-27, 2020 for the annual National Championship Offshore Powerboat Association Race at Ocean City, with Mr. Houck to provide insurance, security, traffic control, and other assistance to the County as specified by Recreation and Parks.

Pursuant to the request of Emergency Services Director Billy Birch and upon a motion by Commissioner Bertino, the Commissioners unanimously approved out-of-state travel for Communications Manager Tim Coale to attend the Central Square 2020 Conference from March

16-21, 2020 in Las Vegas, Nevada at a cost of \$3,172 for registration, flights, lodging and meals.

Development Review and Permitting (DRP) Director Ed Tudor presented a status report on the new Rental License Program that went into effect on January 1, 2020, following the August 20, 2019 adoption of the following bills: Bill 19-4 (Taxation and Revenue-Rental Licenses), Bill 19-5 (Taxation and Revenue -Hotel Rental Tax), and Bill 19-6 (Taxation and Revenue -Mobile and Manufactured Home Park Licenses), which established the requirements for a rental license for all properties offered for rent, established the room tax at 5%, and eliminated the license and excise tax requirements that were limited to manufactured home parks, and Bill 19-3 Zoning-Boarding and Lodging Rentals, which provided specific standards for short-term rentals within the Zoning Code, cleaned up outdated terminology and streamlined various uses that had been listed in the code. Mr. Tudor praised the efforts of Assistant Finance Officer Jennifer Swanton, Zoning Administrator Jennifer Keener, and Management Information Systems (MIS) Supervisor Missy Mason, who were also in attendance at the meeting, for their tireless efforts to organize and implement the new Rental License Program and to inform the public about the program by sending notifications, emails, and paper mailings with a copy of the rental license guide and all applicable forms to existing trailer camp and tourist permit holders along with interested parties and former license holders. He noted that DRP has been receiving three to 10 applications per day since staff began accepting applications on January 13, and has received 96 applications and generated revenues of \$37,355 to date. This leaves no time for staff to research and contact unlicensed properties given the current workload, and he anticipates this workload to continue through spring 2020. However, he felt that the initial wave of applications could taper off in mid-to-late summer, allowing the Rental License Program Coordinator to start conducting online research at that time.

In response to questions by Commissioner Elder, Mr. Tudor confirmed that property owners are required to provide the County with basic information about the nature of each rental, even verbal agreements, and he confirmed that any inspections that may occur would be solely complaint driven. Commissioner Purnell thanked staff, and particularly Ms. Swanton, Keener, and Mason, for the good work that they are doing for the County.

The Commissioners met with Mr. Tudor to revisit their August 6, 2020 discussion regarding adopting the resolution establishing the 2018 local amendments to the Maryland Building Performance Standards for Worcester County, Maryland, which the County must adopt and notify the State by the March 25, 2020 deadline for the local standards to take effect.

In response to a question by Commissioner Bunting, Mr. Tudor confirmed that, under the State code, a permit is only valid for six months, while the County local amendment would follow the County Zoning Code, which would allow permits to remain active for up to three years if construction is ongoing. Commissioners Bunting and Elder expressed concerns with several sections of the State Code.

Following some discussion, a motion by Commissioner Nordstrom to adopt the resolution as presented failed 2-5, with Commissioners Nordstrom and Purnell voting in favor of the motion and Commissioners Bertino, Bunting, Church, Elder, and Mitrecic voting in opposition.

Environmental Programs Director Bob Mitchell presented a PowerPoint outlining the

Assawoman Bay Watershed Plan. Environmental Programs Planner V Katherine Munson was also in attendance. Mr. Mitchell reviewed the plan, which follows the “A-I criteria” established by the U.S. Environmental Protection Agency to address non-point source total maximum daily load (TMDL) management measures to restore impaired waterways in the County and to allow County partners to utilize Clean Water Act Section 319 funding through the Maryland Department of the Environment (MDE) as part of local cooperative restoration efforts. Mr. Mitchell advised that runoff from urban, agricultural, and forest/barren land, on-site wastewater disposal systems, atmospheric deposition, and shoreline erosion are the primary non-point sources of pollution in the Maryland Coastal Bays watersheds, and this plan will be used as the basis for planning future restoration projects to meet TMDL reductions. Mr. Mitchell confirmed that both MDE and the EPA have tentatively approved this specific subwatershed plan subject to the addition of the Delaware portion of Assawoman Bay to the plan. In response to a question by Commissioner Elder, Mr. Mitchell advised that the TMDL index is the standard nationwide for determining water quality. Following some discussion, Commissioner Mitrecic thanked Mr. Mitchell and Ms. Munson for updating them.

The Commissioners answered questions from the press.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the Commissioners unanimously voted to meet in closed session at 12:32 p.m. in the Commissioners’ Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Kelly Shannahan, County Attorney Roscoe Leslie, and applicants for the position of Assistant Chief Administrative Officer (ACAO). Topics discussed and actions taken included conducting interviews for the ACAO position, reviewing personnel changes within the County Jail; acknowledging the hiring of Sean Murphy and Patricia Perison as Library Services Assistant I’s for the County Library and Jason Burns as a Deputy Sheriff for the Sheriff’s Office; receiving legal advice from counsel; and performing administrative functions, including receiving the FY20 monthly financial update.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bunting, the Commissioners unanimously voted to adjourn their closed session at 3:31 p.m. to meet again on March 17, 2020.