

Minutes of the County Commissioners of Worcester County, Maryland

May 5, 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

Due to the current COVID-19 pandemic, this meeting took place virtually via Zoom for which the live stream and can be viewed at <https://media.swagit.com/zoom/worcestercountymd>.

At 9:00 a.m. Commissioner Mitrecic called the meeting to order and announced the topics discussed during the April 21, 2020 closed session, which took place immediately following the April 21 open session.

The Commissioners approved the closed-session minutes of their April 14 and 21, 2020 meetings and agreed to review and approve the open session minutes of their April 14 and 21, 2020 meetings at their May 19, 2020 meeting.

In follow up to a directive from the Commissioners on April 14, 2020, Library Director Jennifer Ranck provided construction cost estimates and building schematics for their consideration to either build a new facility or renovate and expand the existing Pocomoke Branch Library. Ms. Ranck reviewed the building schematic for Concept 1b to construct a new, 17,000-square-foot Library and senior center combined facility located downtown on vacant lots near the river at an estimated cost of \$8,535,691, at \$6,527,293 for the library portion and \$2,008,398 for the senior center. She then reviewed the building schematic for Concept 5 to renovate and expand the existing facility to a total of 11,000 square feet at the current location on Market Street at an estimated cost of \$5,213,698. Ms. Ranck advised that she can only request funding for the Library portion of the facility for funds that will be spent between July 1, 2021 and June 30, 2022, so if Scheme 1b is approved, Library officials will request authorization from the County to apply for a State capital project grant of approximately \$1.9 million toward the project in FY22 and apply for additional funding in FY23, while the Commission on Aging can request up to \$800,000 from the Maryland Department on Aging with a match from County funds. However, if the Commissioners select Scheme 5, Library officials will request authorization from the Commissioners to apply for a State capital project grant of approximately \$1.5 million toward the project in FY22 and apply for additional funding in FY23.

Commissioner Bunting expressed concern with moving forward with Concept 1b due to the recommendation in the phase 1 environmental test to conduct further testing and the need to purchase more property for parking. Commissioner Elder also expressed concern with the results of the environmental test and the potential liability any potential pollutants on that property could cause the County in the future. He also believed that the cost for Concept 1b was too great.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 4-3, with Commissioners Bertino, Bunting, and Elder voting in opposition, to approve Scheme 1b to construct a new Pocomoke Branch Library and authorized Ms. Ranck to apply for a State capital grant to help fund construction of the new facility and to move forward with the phase 2 environmental studies of the downtown properties.

Information Technology Director Brian Jones updated the Commissioners on the status of the countywide broadband feasibility study being conducted by CTC Technology & Energy of Maryland. He advised that CTC is currently conducting broadband coverage testing to identify where currently there is no fiber/cable broadband infrastructure to serve the needs of residents, businesses, and institutions in Worcester County. Since County staff began promoting a brief survey about broadband access and speeds on the County's social media platforms and through local media sources on April 2, 2020, more than 300 individuals have participated in the survey, with many indicating that they are very unhappy with the level of internet service available. Mr. Jones reviewed the results of the data collected to date and stated that the survey will continue to run through June, during the peak of tree foliage to better determine where the critical needs of the County exist. He concluded that the next step will be for the CTC to conduct field signal testing and in-home testing, both of which will be conducted after the Governor's stay-at-home order due to COVID-19 is lifted.

In response to a question by Commissioner Bunting regarding a constituent interested in receiving broadband service from Mediacom, a nearby provider, Mr. Jones suggested that the citizen contact Mediacom directly to determine whether this private organization is able to extend service to that residence since it is within one mile of the existing service. In response to a question by Commissioner Nordstrom, Mr. Jones advised that Bloosurf has protected status through 2021 as the rural utility service (RUS) borrower in the County, but that Bloosurf representatives have indicated that they will not contest any findings by the County that may identify gaps in service. He also confirmed that the Maryland General Assembly adopted an emergency bill authorizing Choptank Electric Cooperative to deliver broadband services, and now Choptank officials must receive approval from its members to move forward with the proposed project to provide rural broadband. Following some discussion, the Commissioners thanked Mr. Jones for meeting with them.

Pursuant to the recommendation of Tourism Director Lisa Challenger and upon a motion by Commissioner Bunting, the Commissioners unanimously authorized Commission President Mitrecic to sign a letter supporting the nomination of the Chesapeake Country National Scenic Byway, with a beginning and ending terminus at the Welcome Center in Pocomoke, as an All-American Road. Ms. Challenger advised that this designation would provide tremendous marketing benefits, and there is no cost associated with this program. Commissioner Elder thanked Ms. Challenger for the fantastic job she has done as Tourism Director.

The Commissioners met with Environmental Programs Director Bob Mitchell to review and discuss a request from Hugh Cropper, Esq. on behalf of Ayres Creek Family Farm, LLC to establish a shared sanitary facility for the onsite sewage system that has been constructed and which is currently operating and serving both a residence and a nonprofit office on property located at 8219 Stephen Decatur Highway, just south of the MD Rt. 376 intersection, and more

specifically as shown on Worcester County Tax Map 33 as Parcel 80. Mr. Mitchell stated that the applicant desires to use the existing system to serve the subdivision plat for the Ayres Creek Family Farm that is currently under review for the re-institution of previously consolidated lots, which will be done by a boundary line adjustment plat and minor subdivision, creating five lots all owned by Ayres Creek Family Farm, LLC, but which may later be sold.

Upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Resolution No. 20-8, Establishing the Shared Sanitary Facility for Ayres Creek Family Farm, LLC.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Bunting, the Commissioners unanimously approved the Small Project Agreement between the County Commissioners and Bay Marsh, Inc. (developer) for a 250-foot extension of a sanitary sewer line along Ridge Lane in West Ocean City (WOC) to serve a private dwelling.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications to rehabilitate Treatment Unit No. 3 at the Ocean Pines Wastewater Treatment Plant (WWTP) in the Ocean Pines Sanitary Service Area (SSA). Mr. Tustin advised that \$500,000 in funding is available within the 2019 bond issue for this project.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to waive the standard bid process and award the contract to David A. Bramble (DAB), Inc. of Chestertown, Maryland in the amount of \$56,750 to restore the paved parking lot at the Berlin Health Department, with funds of \$200,000 available within the Assigned Fund Balance for these types of projects. Mr. Tustin advised that the facility is currently closed and the parking lot will be void of any vehicles due to the COVID-19 pandemic, which will allow the project to be completed in a timely manner.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to review the nuisance abatement request for a property located at 2816 Snow Hill Road in Girdletree and identified on Tax Map 79 as Parcel 250. Mr. Tudor stated that the specific nature of the nuisance is an uninhabited structure that is in severe decay and is dangerous or prejudicial to the maintenance of property values, health, safety or general welfare of the public and meets the definition of a public nuisance as detailed in PH 1-101(a)(11), which states that "Any dilapidated, burned-out, fallen-down, ramshackled or decayed structure or remnant thereof which is unattended and uninhabitable or unusable for its intended purpose and is beyond reasonable hope of rehabilitation or restoration shall constitute a nuisance." He stated that letters sent to the owner by both regular and certified mail have been returned as undeliverable, property taxes for 2018 and 2019 remain unpaid, and the property taxes owed in 2017 were paid with cash, leaving no additional owner tracing. He stated that, if the Commissioners are inclined to find that the structure is beyond any reasonable hope of rehabilitation or restoration and therefore constitutes a public nuisance in accordance with the Code, he recommended that the Order of Abatement not exceed the minimum posting requirement, which is 15 days, given the length of time the property has been in its current state.

Upon a motion by Commissioner Nordstrom, the Commissioners voted 6-1, with Commissioner Bunting voting in opposition to declare the unattended and uninhabitable structure on the property to be beyond reasonable hope of rehabilitation or restoration, which constitutes a nuisance, and ordered the abatement of such nuisance pursuant to Section PH 1-102 of the Public Health Article of the County Code and specifically to send correspondence to notify the property owner to correct the nuisance conditions or to contact the County no later than 21 days following receipt of said letter to request a hearing before the Commissioners on this matter.

In follow up to a request from Commissioner Nordstrom at the Commissioners= April 21, 2020 meeting, Assistant Chief Administrative Officer Kelly Shannahan reviewed the history of street lights in Worcester County, and specifically street lights on Unionville Road southwest of Pocomoke City, along with the 1988 findings of the Worcester County Street Lighting Committee that Athe County should no longer pay for the existing street lights located throughout the County, with the exception of those lights that are deemed to be for public safety purposes or are located at public facilities.@ Mr. Shannahan noted that the County Commissioners approved a \$1,000 grant to the Unionville Area Neighborhood Crime Watch in FY01 and FY02 and for several years thereafter to help cover the \$1,400 annual cost to supply electricity to six street lights. However, these types of grants were discontinued in FY11. He noted that, while street lighting may be helpful to reduce criminal behavior and allay public fears, the best option for providing street lights in any neighborhood in the county would be to have individual homeowner=s associations contact the local electric company to privately request this service.

Commissioner Nordstrom thanked staff for their report.

Pursuant to requests from Assistant Finance Officer Jessica Wilson and upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to schedule public hearings on the requested FY21 Operating Budgets for the Water and Wastewater Enterprise Fund (Sanitary Service Area Budgets and Assessments), Solid Waste Enterprise Fund (Central Landfill), and Liquor Control Enterprise Fund on Tuesday, June 2, 2020.

The Commissioners answered questions from the press.

In response to concerns by Commissioner Bertino, staff advised that Public Works officials are tracking damages to water and wastewater infrastructure in Ocean Pines due to negligence from contractors working for Comcast to seek reimbursement for these costs.

Upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized electricity to supply the field lighting at Newtown Park in Pocomoke City to be turned back on now that work to repair these lines has been completed.

Commissioner Bunting noted that the U.S. Senate is conducting in-person meetings and urged his fellow Commissioners to do likewise, adhering to social-distancing requirements, due to the importance of FY21 budget work sessions. Commissioner Mitrecic noted that both County Attorney Roscoe Leslie and Health Officer Becky Jones are concerned that any potential

COVID-19 outbreak among the Commissioners could cripple Worcester County Government. Therefore, he was not comfortable resuming in-person meetings until it is deemed safe to do so by the State.

Following some discussion, a motion by Commissioner Bunting to resume in-person Commissioners= meetings, practicing social distancing to comply with State executive orders, failed 3-4, with Commissioners Bertino, Bunting, and Elder voting in favor of the motion and Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in opposition.

Following a motion by Commissioner Purnell, seconded by Commissioner Bunting, the Commissioners unanimously voted to meet virtually in closed session at 10:04 a.m. 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 (ACAO) Kelly Shannahan, incoming ACAO Weston Young; County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included: rehiring James Blades as a part-time, temporary Roads Worker III within the Roads Division of Public Works; hiring Michelle Carmean as the Enterprise Fund Controller within the Treasurer=s Office; transferring Donna Hughes from Executive Assistant within the State=s Attorney=s Office to Office Assistant III within Development Review and Permitting, and reposting to fill the position of Deputy Director within DRP; reviewing other personnel changes; receiving legal advice from counsel; and performing administrative functions, including: agreeing to reschedule the August 12, 2020 Volunteer Spirit Awards Dinner for a later date due to the COVID-19 pandemic; discussing hotspot purchases by the Board of Education (BOE) and other emergency purchases specifically related to the COVID-19 pandemic; reviewing COVID-19 relief funding and programs; and 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 11:02 a.m.

After the closed session, the Commissioners recessed until 7:00 p.m. to host the public hearing on the Constant Yield Tax Rate and the Requested FY21 County Operating Budget. Due to the COVID-19 pandemic, and in lieu of public appearance, the public hearing took place virtually via Zoom and can be viewed at <https://media.swagit.com/zoom/worcestercountymd>, and those interested in providing public comments were able to do so by registering in advance to speak during the hearing or by submitting written comment on or before 4:00 p.m. Monday, May 4, 2020 by email to wchearing@co.worcester.md.us or by standard mail to the County Commissioners Office at Room 1103 Government Center, One West Market Street, Snow Hill, MD 21863.

At 7 p.m. the Commissioners conducted a virtual public hearing on the FY21 Requested County Operating Budget. Commission President Mitrecic called the meeting to order and welcomed all participants. Chief Administrative Officer Harold Higgins advised that this year=s budget process differs significantly from those of the past and noted that, to address the potential

financial impacts of the COVID-19 pandemic, the Commissioners have accepted a revised Requested FY21 Worcester County Operating Budget to more accurately reflect the currently forecast economic conditions, which brings the expenditures of County departments and agencies in line with revised revenue projections. Mr. Higgins advised that the amended budget addresses the following budgetary directives: update and adjust revenues, fund the required Board of Education (BOE) Maintenance of Effort (MOE) budget, maintain a County salary package equal to that of the BOE, and address issues pertaining to ambulance funding. He then presented a PowerPoint presentation outlining the FY21 Requested Operating Budget that included the following graphs and information: FY21 Budget Issues; General Fund Estimated Revenues and Requested Expenditures for FY21; Worcester County Assessable Tax Base from FY16-FY21 from \$14.9 billion to \$16.8 billion; General Fund Major Revenues - Property Tax, Income Tax, and Recordation and Transfer Taxes from FY19-FY21; General Fund Revenue and Expenditure Comparisons from FY19-FY21; FY20 Real Property Tax Rates of counties on the Eastern Shore of Maryland of which Worcester County is 2nd lowest in Maryland at \$0.845 per \$100 of assessed value; 2020 Income Tax Rates of Eastern Shore counties of which Worcester County is the lowest in Maryland at 2.25%; the Worcester County Constant Yield Tax Rate of \$0.8278 per \$100 of assessed value to yield the current real property tax revenues; and the Schedule of Upcoming Budget Work Sessions on May 12, 19, and 26, 2020 (if all are necessary); and the Budget & Tax Rate Adoption on June 2, 2020.

Mr. Higgins explained that the requested expenditures of \$205,966,790 exceed the County=s estimated revenues of \$205,694,286 by \$272,504. He stated that this difference must be reconciled by the Commissioners either through reductions in expenditures, additional revenues or a combination of both. Mr. Higgins further explained that the Constant Yield Tax Rate (CYTR) represents the property tax rate that would generate the same amount of revenues the County received in the current fiscal year. He noted that in February the State informed Worcester County that, to fully offset the effect of increasing assessments, the real property tax rate would need to be decreased from the current tax rate of \$0.845 per \$100 of assessed value to the CYTR of \$0.8278 to remain constant with the current year, FY20. He stated that the CYTR would create no additional revenue above the current year=s total, but explained that the County Commissioners are not considering reducing the real property tax rate enough to fully offset increasing assessments and instead will consider maintaining the real property tax rate of \$0.845 per \$100 of assessed value to fully fund revised budget requests. This tax rate is 2.1% higher than the CYTR and would generate an additional \$2,766,853 in real property tax revenues.

Commissioner Mitrecic opened the floor to receive public comment.

Assistant Chief Administrative Officer Kelly Shannahan read written comments submitted by Kirby Brewington of Snow Hill strongly discouraging the Commissioners from increasing the property taxes. In her letter, Ms. Brewington stated that the property taxes on the new home her family built on her grandfather=s property are much higher than originally anticipated, she was unsuccessful in appealing the latest increase in the assessed value of her home, and she feared that her family would be unable to afford to shoulder any additional increases.

Mr. Shannahan read written comments submitted by Jeffrey Bacon of Snow Hill thanking the Commissioners for their past grants to Furnace Town and requesting that they preserve funding for Furnace Town and all other worthy nonprofit agencies in the FY21 budget, as without it all that Furnace Town officials have accomplished over the last 40 years will be lost.

Jack Ferry, Executive Director of the Worcester County Developmental Center (WCDC), reviewed the programs and services that the WCDC had been providing to the community for the past 47 years, funding cuts made by the State, and changes that have been made to protect programs and staff to weather the COVID-19 crisis. He thanked the Commissioners for their ongoing partnership and urged them to provide level grant funding to the WCDC in FY21.

Mr. Shannahan read written comments submitted by Denny Meetchum, Vice President of the Furnace Town Foundation Board of Directors, thanking the Commissioners for their past support to Furnace Town and urging them to continue that support in FY21 to assure the continuation of the programs and activities at the County=s most significant historical site.

Mr. Shannahan read written comments submitted by Ron Geesey of Snow Hill thanking the Commissioners for their past support and urging them to continue that support in FY21. In his letter, Mr. Geesey advised that last year=s \$40,000 County grant helped to fund educational programs and services for 3,284 visiting school students in 2019, and he urged them to continue that level of support in FY21.

Mr. Shannahan read written comments submitted by Furnace Town Director Jessica Evans, outlining the programs and services provided by Furnace Town in 2019, and seeking level funding from the County in FY21 to continue to provide these vital educational programs and resources to school students.

Superintendent of Schools Lou Taylor thanked the Commissioners for supporting the Board of Education (BOE) and recognized today as National Teacher Appreciation Day. He recognized the Commissioners= sound investment in education, which has helped the BOE to continue to lead the State in college and career readiness and maintain the highest kindergarten readiness rate, along with the highest graduation rate and lowest drop out rate. Mr. Taylor advised that the BOE=s top priorities are to maintain an exceptional school system, maintain small class sizes, materials for instruction, after school and summer programs, school safety, and a competitive salary and benefits package to attract and retain highly qualified staff. Because kids are at the heart of every decision the BOE makes, he asked the Commissioners to fully fund the requested BOE budget, to allow them to offer competitive salaries and benefits, keep class sizes small, cover transportation costs, and fund needed capital projects.

Stacey Weisner, Executive Director of the Delmarva Discovery Museum (DDM) in Pocomoke, thanked the Commissioners for their ongoing investment in the DDM. She stated that the DDM, which is a hands-on museum, is requesting a \$30,000 grant for FY21, which represents an increase of \$10,000 from FY20 to help cover additional operating costs to take over operations of the Sturgis One-Room Schoolhouse Museum in Pocomoke City and to complete other DDM facility and exhibit upgrades.

Mr. Shannahan read written comments submitted by J. Franklin Knight of Ocean City who requested that the County=s annual grant to the Ocean Pines Association (OPA) be reduced to offset the \$1.143 million Paycheck Protection Program (PPP) grant the OPA received.

Mr. Shannahan advised that the public record will remain open until noon on Wednesday, May 6, 2020 to assure that anyone who would like to comment on the requested FY21 budget may have the opportunity to do so.

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

Commissioner Mitrecic thanked everyone for participating in the public hearing on the

FY21 requested budget. He recognized that these are trying times and stated that the Commissioners would consider all the comments and suggestions presented this evening and the next morning. He also invited the public to view the virtual budget work sessions scheduled for May 12, 19, and 26, 2020 if needed. Commissioner Mitrecic concluded that the Commissioners will adopt a balanced FY21 County Operating Budget on June 2, 2020.

Upon a motion by Commissioner Nordstrom, second by Commissioner Bunting, the Commissioners adjourned at 7:47 p.m. to meet again on May 12, 2020.