

Minutes of the County Commissioners of Worcester County, Maryland

July 21, 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 Nordstrom, seconded by Commissioner Bertino, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Meeting 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 (ACAO) Kelly Shannahan, ACAO Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included: hiring Keith Donaway as a Maintenance Worker I within the Water and Wastewater Division of Public Works, and Adam Powell and Andrew DiGiammo as Correctional Officer Trainees within the County Jail, and other personnel matters; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments.

Following a motion by Commissioner Elder, seconded by Commissioner Bunting, the Commissioners unanimously voted to adjourn their closed session at 9:54 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 Pastor Dale Brown of the Community Church at Ocean Pines and pledge of allegiance, announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the open and closed session minutes of their July 7, 2020 meeting as presented.

The Commissioners presented a commendation to Pocomoke Middle School Principal Matthew Record, a dedicated and innovative administrator, in recognition of being named the Maryland Middle School Principal of the Year by the Maryland Association of Secondary School Principals. The Commissioners noted that Principal Record earned this recognition for his outstanding leadership and the tremendous impact he is making by creating an environment with diverse learning experiences to inspire students to grow and achieve academically while becoming good citizens.

The Commissioners presented a commendation to 2020 Snow Hill High School graduate

and Eagle Scout Craig Birkhead-Morton for serving as Worcester County's Page to the 2020 Maryland General Assembly, as well as his dedication to academic excellence, keen interest in political science, and demonstrating a great potential for leadership. Commissioner Bertino commended Mr. Birkhead-Morton for also serving as a Page to the United States Senate.

Pursuant to the request of Superintendent of Schools Lou Taylor and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the reallocation of \$267,000 within the Board of Education (BOE) budget to complete the following capital improvement projects: replace the intercom at Snow Hill Middle School, resurface the Pocumoke High School gym floor, install a fence to enclose the early childhood area at Snow Hill Elementary School, increase electrical capacity at Worcester Technical High School, and complete various other projects, which were not initially approved in the BOE's requested FY21 budget due to necessary budget cuts that resulted from the COVID-19 pandemic. These funds are now available due to cost savings in FY21 health insurance rates, which were budgeted as Fixed Charges in the approved FY21 BOE budget.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Bunting, the Commissioners unanimously agreed to appoint Kerrie Bunting to the Commission for Women (CFW) for a three-year term expiring December 31, 2024 to replace Bess Cropper whose term expired (Following the meeting it was determined that Ms. Bunting, who is not a County resident, is not able to serve on the CFW, as Section CG 6-101(c) specifically states that "The Commission for Women shall consist of eleven persons, all of whom shall reside in Worcester County.").

Upon a motion by Commissioner Bunting, on behalf of nominations by Commission President Mitreicic, the Commissioners unanimously agreed to reappoint Frank Knight to the Ethics Board and Michael Donnelly to the Local Development Council for the Ocean Downs Casino for four-year terms each expiring December 31, 2023, Jay Knerr to the Planning Commission for a five-year term expiring December 31, 2024, and Maria Campione-Lawrence to the Social Services Advisory Board for a three-year term expiring June 30, 2022.

Upon a nomination by Commissioner Elder, the Commissioners unanimously agreed to submit the names of Richard Thompson and Dr. Scott Tingle to Governor Larry Hogan for his consideration and appointment as an alternate on the Worcester County Property Tax Assessment Appeal Board to replace Gary M. Flater who resigned. The name of Captain Bruce Wooten, who was previously nominated, will also be submitted, as the Governor's Appointment Secretary has advised that the Governor requires at least three nominations for his consideration in making this appointment.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications for a septic system to be installed in conjunction with the construction of a single-family, replacement home in the Stockton area, which is to be funded through the County's new Community Development Block Grant (CDBG).

Pursuant to the request of Senior Budget Accountant Kim Reynolds and upon a motion by Commissioner Elder, the Commissioners unanimously authorized Commission President

Mitretec to sign the Maryland CDBG COVID-Round 1 Grant Agreement between the Maryland Department of Housing and Community Development (DHCD) and the County Commissioners, awarding a special allocation of CDBG funds to the County of \$64,265, with an in-kind match of \$3,000 from Diakonia, Inc. and an in-kind match of \$3,000 from County Administration to assist with the impact of the coronavirus. Ms. Reynolds advised that the Worcester County Developmental Center was awarded funding of \$31,400 for Chrome Books and Information Technology programming, and Diakonia was awarded \$32,865 for staff salaries and COVID supplies for homeless assistance.

The Commissioners met with Tom Perlozzo, Director of Recreation, Parks, Tourism, and Economic Development, to review eight bids received for the eight available West Ocean City Commercial Harbor boat slips. Pursuant to the recommendation of Mr. Perlozzo and upon a motion by Commissioner Elder, the Commissioners voted unanimously to accept the high bids and award the eight lease agreements for five-year leases of the commercial boat slips at the West Ocean City Harbor, subject to proof of liability insurance, as follows: award of the three 100-foot slips to H. Drexel Harrington for 'Tiki XIV, Inc.' at \$5,675, Sam A. Martin of Martin Fish Co., LLC, FV for 'Atlantic Girl' at \$6,000, and Sam Martin of Martin Fish Co., LLC, FV for 'Second Wind' at \$5,500; and award of the five 75-foot slips to Jeffrey Eutsler for 'Tony & Jan' for \$5,001.99, Micah Fooks for 'Dream Catcher' for \$5,250, David Trader for 'Valerie Marie' for \$4,500, Earl R. "Sonny" Gwin for "Skilligalee, Inc." at \$3,724, and James Hahn, Stormy Seas, LLC for 'Allison' at \$7,005, for a total rent of \$42,655.99 for the first year, with a 2% escalator each year during years two through five.

Pursuant to the request of Assistant Finance Officer Jessica Wilson and upon a motion by Commissioner Elder, the Commissioners unanimously adopted Resolution No. 20-22 providing official intent for the issuance and sale of tax-exempt water quality bonds not to exceed \$1,046,771 for the purpose of financing the Newark spray irrigation project. Ms. Wilson advised that the \$2,093,542 project will be funded through the Maryland Department of the Environment by way of a low-interest loan of \$1,046,771, and loan forgiveness (grant funds) of \$1,046,771.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications for bituminous concrete asphalt overlay for resurfacing approximately 12.16 miles, roughly 64,244 feet, of County roadway, with funds of \$1 million available within the FY21 budget.

Pursuant to the request of Information Technology Director Brian Jones and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized Commission President Mitrecic to sign the annual Worcester County Shared Communications Network Design, Implement, and Support Contract for managed WAN (Wide Area Network) Services Agreement between the Worcester County Commissioners and Skyline Technology Solutions (Contractor). Mr. Jones explained that Skyline will continue to provide WAN monitoring, alerting, and maintenance support for 43 County network devices and locations, which include the libraries, emergency service radios, public safety buildings, telephone systems, and HVAC (heating, ventilation, and air conditioning) systems at a total cost of \$6,859.96 per month through June 30, 2021, with funds available in the FY21 budget for this service.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners further authorized this request to be approved administratively in the future by the Chief Administrative Officer, provided the contract does not change substantially by more than 5% total cost.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to discuss a request from Gerhard J. Norkus, Minister, Jehovah's Witnesses, for a waiver of \$250 in fees for certain global information system (GIS) data layers, with the address point data to be used as a tool to perform ministry outreach to people in the community. In response to a question by Commissioner Nordstrom, Mr. Tudor stated that the County has not waived DRP fees in the past, though they have occasionally issued grants equal to the amount of said fees at budget time.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously denied the requested fee waiver.

The Commissioners met with Emergency Services Director Billy Birch to discuss the proposed 2020 Hazard Mitigation and Resilience Plan, which must be updated every five years to remain eligible for disaster relief funding from the Federal Emergency Management Agency (FEMA). Mr. Birch stated that FEMA has approved the plan, which is available for public viewing at www.co.worcester.md.us prior to the required public hearing.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule a public hearing to receive public comment on the 2020 Hazard Mitigation and Resilience Plan on August 18, 2020, as recommended by Mr. Birch.

The Commissioners met with Health Officer Becky Jones, Environmental Health Director Ed Potetz, and State's Attorney Kris Heiser to discuss policies and procedures regarding COVID-19 enforcement in light of Governor Larry Hogan's press conference on July 14, 2020 regarding concerning trends. These include increasing infection rates among young people and an increasing number of COVID-19 cases connected to non-compliance with public health requirements, particularly in bars and restaurants, which jeopardizes their customers and employees as well as the State's overall safe, effective, and gradual recovery, which could result in the reclosing of bars and restaurants. Commissioner Mitrecic stated that the County must be vigilant and all partners must understand their roles to avoid the reclosing of bars and restaurants.

Ms. Jones stated that the Health Department has stepped up community-based screenings, which are available four days a week (Mondays and Wednesdays at the West Ocean City Park and Ride and Tuesdays and Thursdays at the Pocomoke Health Department). She provided an update on the Health Department's response to COVID-19, stating that the number of positive cases are rising in response to increased testing, with 417 positive cases identified after completing roughly 7,200 COVID-19 tests. She stated that her office is currently monitoring 280 individuals in isolation and quarantine (I/Q), all of whom have been compliant with the two-week isolation requirements. She further stated that her office has received 230 complaints regarding businesses alleged to be noncompliant with the State guidelines, and her office investigates each complaint. She also noted that, of all the complaints received, the Health Department has only closed one establishment for failing to correct ongoing violations.

However, after being closed, that establishment submitted an action plan and has since reopened. Ms. Jones confirmed that the temporary closures of other establishments have all been voluntary, and her office has been working closely with and providing guidance to these businesses. She then reviewed the protocols for addressing businesses that violate State guidelines.

Ms. Heiser stated that her office has remained in close contact with the Health Department and law enforcement from the beginning of the pandemic with regard to noncompliance, and as of today four individuals have been charged with violating Governor Hogan's COVID-19 restrictions. She stated that they will continue working together to maintain safety and encourage voluntary compliance.

Commissioner Nordstrom commended Health Department officials for their efforts to make COVID-19 testing available and for keeping positive cases low. He expressed his hope that individuals and businesses would comply with the State guidelines.

In response to a question by Commissioner Mitrecic regarding working with the Board of License Commissioners, Mr. Potetz stated that his office typically receives 30 complaints each weekend, most of which involve individuals standing at bars who are not wearing masks and are failing to practice social distancing. He confirmed that most of the complaints are associated with facilities in Ocean City. He then reviewed how his staff works with businesses to seek voluntary compliance.

In response to a question by Commissioner Elder, Ms. Jones stated that her office does test summer workers and then reports positive cases to their home counties to maintain State tracking. She confirmed that the Worcester County residents who died of COVID-19 had underlying health conditions or co-morbidities. In response to a question by Commissioner Church, Ms. Jones advised that a recent New York Times article may have been referencing the seven-day positivity rate included in State data when alleging that the chances of being infected with COVID-19 are higher in Worcester County than anywhere else in Maryland.

In response to a question by Commissioner Bunting, Ms. Jones confirmed that, of the 17 County residents who died of COVID-19, two contracted and succumbed to the virus while in another jurisdiction and three were under Hospice care. She confirmed that the cause of death is determined by the attending physician. Commissioner Bunting stated that Worcester County is doing a great job combatting COVID-19. Ms. Jones concurred, noting that hospitalizations, those in intensive care units, and those on ventilation have declined. In response to a follow up question by Commissioner Elder, Ms. Jones stated that this is an ever-changing virus, with the potential of reinfection, and her staff reminds everyone they work with to continue practicing basic prevention strategies: wash your hands, cover your mouth, wear a face covering, and practice social distancing.

Commissioner Purnell thanked Ms. Jones and Ms. Heiser for their efforts. In response to a question by Commissioner Purnell regarding whether the Health Department receives statistics from outside of the County after major holidays of those who say they contracted COVID-19 when visiting the County, Ms. Jones confirmed that her office has asked the State to include the question "What was your recent travel and to where?" when completing contact investigations.

Commissioner Mitrecic stated that all need to be vigilant and work together to keep Worcester County safe, and he urged Ms. Jones to advise the Commissioners if there is anything the Commissioners and law enforcement can do to help keep the County safe and to reinforce the Governor's orders. He also urged Ms. Jones to schedule a meeting with the local mayors and city managers and provide them with guidance, so that they can work together to keep Worcester as

safe as possible.

The Commissioners recessed for 10 minutes.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing on Bill 20-6 (Zoning-Home Occupations in E-1 District), which was introduced on June 16, 2020 by Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom, and Purnell. Development Review and Permitting Director Ed Tudor stated that this bill would amend Section ZS 1-339(a)(10) of the Zoning and Subdivision Control Article to include the E-1 Estate District as one of the zoning districts in which a home occupation of up to 3,000 square feet in gross floor area may be permitted in an accessory building on a lot greater than 80,000 square feet in area. Mr. Tudor stated that such home occupations are currently limited to the A-1 and A-2 Agricultural Districts on parcels of greater than 80,000 square feet. He stated that a home occupation in general must be an incidental use, with no more than one employee who does not reside on the premises, with no visible change to the property, no noise or odors, no substantial traffic generated, and shall not be interpreted to include animal boarding facilities, restaurants, lounges, overnight exterior storage, body piercing establishments, or tattoo establishments, among other limitations. He stated that the proposed text amendment received a favorable recommendation from the Planning Commission.

Commissioner Mitrecic opened the floor to receive public comment.

Mark Spencer Cropper, applicant, concurred with the findings of the Planning Commission and County staff. He noted that his client owns property on St. Martins Neck Road that is surrounded by A-1 and A-2 properties, where home occupations are already permitted. Furthermore, if the Commissioners had eliminated the E-1 zoning district as proposed during the 2009 comprehensive rezoning, his client's property would have been rezoned A-1 or A-2 where home occupations are already permitted. He concluded that passage of this bill would make the permitted uses in the E-1 District consistent with the surrounding area and urged the Commissioners to adopt Bill 20-6 as presented. In response to a question by Commissioner Church, Mr. Cropper stated that his client intends to use his property to store plumbing supplies for his business, which is a very low impact activity that would be perfectly appropriate in the St. Martins Neck area and would be restricted as outlined by Mr. Tudor.

Michael LeCompte, president of the South Point Association, stated concern that allowing home occupations in the E-1 District could result in the construction of pole buildings or 50x60 pads to establish yacht or car repair businesses, or to store materials for bulk online sales in South Point, where retirees have established beautiful homes worth millions of dollars and do not want to see any commercial activity. In response to a question by Commissioner Bertino, Mr. Tudor advised that a homeowner could build a large (ten, twenty, or thirty thousand square foot) accessory structure in South Point today, provided it was not used for a home occupation. He further confirmed that a mechanic shop is a permitted home occupation today in both the agriculture and residential zoning districts. In response to a question by Commissioner Bunting, Mr. Tudor confirmed that, if the Commissioners had rezoned E-1 to R-1 in 2009 or approved a subsequent sectional rezoning a few years ago to make South Point R-1, the Commissioners would not be conducting this public hearing today.

Rick Martello of South Point expressed concern that under this amendment someone

could develop a car repair shop or other retail establishment. In response to a question by Commissioner Bertino, Mr. Tudor confirmed that, while an individual whose home occupation was quilt making could have someone come to her home to purchase that quilt, an individual could not open a retail shop to sell items that said individual did not produce.

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

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners voted 6-1, with Commissioner Church voting in opposition, to approve Bill 20-6 (Zoning-Home Occupations in E-1 District) as presented.

Upon a motion by Commissioner Nordstrom, the Commissioners unanimously agreed to appoint Mike Pruitt to serve on the review committee for the Workforce Back to Business COVID-19 Assistance Grant Program.

In response to a question from Commissioner Elder, incoming Assistant Chief Administrative Officer Weston Young advised that Somerset and Wicomico Counties received grants in the first round of the State Eviction Prevention Partnership, while Worcester County had not been notified about this opportunity, and information about the grant was not published on the State website. He advised that, since that time, County staff has researched this grant opportunity and will potentially partner with subrecipients Diakonia, Inc. and the Department of Social Services (DSS) to submit a grant application during the second round of funding.

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

Following a motion by Commissioner Bertino, seconded by Commissioner Nordstrom, the Commissioners unanimously voted to meet in closed session at 11:27 a.m. in the Commissioners' Meeting Room to discuss personnel matters permitted under the provisions of Section 3-305(b)(1) of the General Provisions (GP) Article of the Annotated Code of Maryland. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer (ACAO) Kelly Shannahan, ACAO Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton; Warden Donna Bounds, Assistant Warden Fulton Holland, and a County employee. Topics discussed and actions taken included conducting an employee disciplinary hearing.

After the closed session, the Commissioners adjourned to meet again on August 4, 2020.