

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

January 7, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas (Absent)  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Boggs, seconded by Commissioner Lockfaw, 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) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; and George Bradley, Human Resources Director. Topics discussed and actions taken included: filling critical vacant positions, including transferring Jason Windsor from Parks Worker II in Recreation and Parks to Roads Worker II within the Roads Division of Public Works, hiring Lea Cataggio as a Recreation Program Manager II within Recreation and Parks, and agreeing to advertise to fill the position of Warehouse Operations within Liquor Control; reappointing Carl Smith to the Board of Electrical Examiners, Betty McDermott to the Agricultural Reconciliation Board and David Massey to the Local Development Council for the Ocean Downs Casino; receiving legal advice from counsel; and performing administrative functions.

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

Commissioner Gulyas was absent from the meeting.

The Commissioners reviewed and approved the minutes of their December 17, 2013 meeting as presented.

The Commissioners presented a proclamation to Kelsi Owens of Big Brothers/Big Sisters (BBBS) recognizing January as National Mentoring Month. Ms. Owens advised that her organization partners with County organizations, including the Health Department, Atlantic General Hospital and Stephen Decatur High School, to provide community-based mentoring programs that match positive adult role models with youth. She encouraged those in attendance

to donate time each month to make a positive difference in the life of a young person and invited interested individuals to contact BBBS to find out more.

The Commissioners met with Fire Marshal Jeff McMahon to discuss his request for an authorized over-expenditure to replace one of the two vehicles in the Fire Marshal's Office recently involved in collisions with deer. Mr. McMahon stated that the 2012 Chevy Tahoe, with 49,565 miles, was involved in a collision with a deer on November 21, 2013, and it was able to be repaired at a cost of \$1,562 and returned to service. However, the 2007 Ford Expedition, with 125,976 miles, was severely damaged when it collided with a deer on November 27. It also needed additional repairs, and the two separate estimates he solicited to complete the work totaled \$13,835 and \$16,380, respectively. The current Kelley Blue Book value of this vehicle is only \$11,676. Mr. McMahon further explained that he had planned to request replacement of this vehicle in his FY15 budget. As a result of the repair estimate, which exceeds the current value of the vehicle, Mr. McMahon requested replacement with a 2013 Chevrolet Tahoe that is currently available from Hertrich Fleet Services by piggybacking on the recent bid award for the Sheriff's vehicles at a cost of \$29,960. Mr. McMahon advised that additional equipment will also be required for a new vehicle at a cost of \$6,333, bringing the total cost of the new vehicle to \$36,293. Following some discussion and upon a motion by Commissioner Purnell, the Commissioners unanimously approved the purchase of the new 2013 4WD Chevrolet Tahoe under the recent contract with Hertrich Fleet Services and the requested over-expenditure in the amount of \$36,293 to replace this vehicle in the Fire Marshal's Office.

In a related matter, County Attorney Sonny Bloxom suggested installing deer whistles on County vehicles, which have reportedly reduced the number of such collisions. After some discussion, the Commissioners requested staff investigate the cost and consider outfitting all County vehicles with deer whistles to attempt to prevent such collisions in the future.

The Commissioners reviewed a requested easement for Maryland Broadband Cooperative, Inc. to the Glen Riddle Water Tower site. Commissioner Shockley recused himself from the discussion due to a potential conflict of interest as a board member of Maryland Broadband. Pursuant to the recommendation of Mr. Bloxom and upon a motion by Commissioner Bunting, the Commissioners voted 5-0 to authorize Commission President Church to sign the Easement Agreement between the County Commissioners of Worcester County, Maryland (Grantor) and Maryland Broadband Cooperative (Grantee), in which the Grantor conveys an easement located at the Glen Riddle water tower site to the Grantee for the construction and operation of certain telecommunications facilities. In response to a question by Commissioner Purnell, Public Works Director John Tustin advised that the County typically receives free internet service at the site from the provider in exchange for the easement.

Pursuant to the recommendation of Mr. Bloxom and upon a motion by Commissioner Purnell, the Commissioners unanimously authorized Commission President Church to sign the Agreement between Seaside Acquisition, LLC, Seaside Village Community Association, Inc., Stockyard, Inc. and the County Commissioners of Worcester County, Maryland to approve a boundary adjustment and other considerations to resolve building permit violation issues with

regard to encroachments by Stockyard, Inc. onto Seaside property, which were constructed by Stockyard without valid permits and approvals. In response to a question by Commissioner Bunting, Mr. Bloxom advised that the remedies outlined in the agreement will all meet the current code requirements.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Church to sign the Amendment to Agreement of Sale between Benjamin and Elizabeth Aydelotte (Seller) and the County Commissioners of Worcester County, Maryland (Buyer) for the purchase of a Rural Legacy easement for \$480,000 on approximately 153.87 acres adjacent to Swan Gut Creek, a Wetland of Special State Concern, and identified on Tax Map 101 as Parcels 5, 8 and 9. Mr. Tudor stated that the original agreement of sale was approved by the Commissioners on August 7, 2012, and an amended agreement of sale occurred in March 2013 due to delays in federal processing. However, due to the continued cumbersome federal process associated with the Federal Farm and Ranchland Protection Program (FFRPP) Grant, which provides a portion of the funding, and now a delay in the receipt of the State funds, settlement will not occur before the revised deadline, necessitating a second amended agreement of sale. He further advised that the easement purchase is to be funded by the County's FY 2011 FFRPP grant and the FY10 Coastal Bays Rural Legacy Area grant, at no cost to the County. In response to a question by Commissioner Bunting, Mr. Tudor confirmed that no County match for this State and federally-funded easement purchase is required, and he agreed to provide Commissioner Bunting with the exact breakdown of State and federal funding once he reviews the file.

The Commissioners reviewed the notice informing residents about the Worcester County Coastal Flood Risk Open House on Thursday, January 16, 2014, at the Stephen Decatur Middle School (SDMS) cafeteria from 6:00 to 9:00 p.m. The Department of Development Review and Permitting, on behalf of the Commissioners, will host the open house with representatives from the State and Federal Emergency Management Agency (FEMA) and their mapping partners to present the updates to the coastal flood maps, also known as the Flood Insurance Rate Maps (FIRMs), which were recently released by FEMA. The Commissioners strongly encouraged the public to attend and to know their flood risk.

The Commissioners conducted a public hearing to receive public comment on the Requested Five-Year Capital Improvement Plan (CIP) for FY14 through FY18. Budget Accountant Kim Watts met with the Commissioners to review the requested CIP. Chief Administrative Officer Harold Higgins informed the Commissioners and the public that the CIP is strictly a planning document the County will use in preparing future operating budgets, anticipating the future financial needs of the County and to identify possible funding resources; therefore, a project's inclusion in the CIP does not constitute a guarantee of funding from the County. He stated that the CIP is like a wish list. Ms. Watts advised the Commissioners that projects totaling \$142,647,466 are proposed in the five-year CIP. She stated that, of the proposed projects, \$15,566,498 or 10.91% is proposed to be funded by the General Fund and \$82,615,470 or 57.92% from bond funds. The remaining portion would be funded by user fees, grant funds,

State match funds, designated funds or enterprise fund bonds. She reviewed recent changes to the requested CIP based on the Commissioners' comments at their prior meeting on December 17, 2014, including a reduction of the cost estimate for land acquisition for Showell Park and proposing general bonds to fund the Jail HVAC project rather than the General Fund. Ms. Watts stated that the CIP projects and estimated costs include the following: Snow Hill Health Department Worcester Addictions Cooperative Service (WACS) Center Improvements of \$1,007,000; Jail HVAC Replacement/Upgrade of \$10 million; 800 MHZ Radio System Enhancement of \$5,131,355; a new Berlin Branch Library at a cost of \$4.9 million; Berlin Rubblefill Cap and Closure project at a cost of \$3.1 million; Roads Division Asphalt Overlay Road Paving in the amount of \$5.75 million; a new County storage building and central purchasing offices for Public Works at a cost of \$3.632 million; Mystic Harbour Water System Interconnections at a cost of \$2 million; Mystic Harbour Effluent Disposal at a cost of \$1.6 million; Ocean Pines Force Main Replacement at a cost of \$1.12 million; Snow Hill Gas Remediation Project at a cost of \$1.5 million; construction of Cell No. 5 at the Central Landfill at a cost of \$8,634,231; Landfill Administration Scale House Renovation and Addition at a cost of \$1 million; replacement of the 500,000 gallon leachate storage tank at the Central Landfill at a cost of \$1.12 million; Showell Park land acquisition at a cost of \$2.33 million; Worcester County Recreation Center expansion at a cost of \$951,437; Snow Hill High School Addition/Renovation project at a cost of \$49,639,958; Showell Elementary School Addition/Renovation project at a cost of \$47,075,509; Stephen Decatur Middle School Addition at a cost of \$8,287,125; Wor-Wic Community College (WWCC) Academic & Administrative (AAB) and Maner Technology Center (MTC) Building Renovation at a cost of \$322,039; and WWCC New Academic Building at a cost of \$2,114,906.

In response to a question by Commissioner Shockley, Emergency Services Director Fred Webster advised that the 800 MHZ Radio System Enhancement Project involves replacing hardware and existing infrastructure, which is now 15 years old, but that existing antennas and other equipment would not need to be replaced.

In response to a question by Commissioner Boggs, Recreation and Parks Director Paige Hurley stated that the County hopes to purchase approximately 40 acres of land adjacent to the Showell Park to create a multi-use sports complex, complete with walking trails, to accommodate the rapid growth in recreational sports leagues and to develop partnerships with the Town of Ocean City and the Ocean Pines Association to host revenue-generating sports tournaments, such as lacrosse and soccer, which draw athletes and sports fans from all over the tri-state area. In response to a question by Commissioner Bunting, Mr. Hurley stated that he proposes that the County purchase only the 40-acre portion of the adjacent property that is usable for recreation purposes rather than the entire site, which may contain some nontidal wetlands. He advised that Wicomico County hosts an annual softball tournament that generates between \$8-\$9 million in revenues, and the proposed Showell Park expansion would make it possible to bring such revenue-generating events to Worcester County, where participants and their families would rent hotel rooms, shop, dine at area eateries and purchase gasoline from local business owners. He also advised that Maryland Department of Natural Resources (DNR) Program Open Space (POS) funds originate from land transfer taxes and cover 100% of land acquisition costs and 90% of park development costs in the jurisdiction where the taxes were collected; however, the

County has only a limited window of time to use these moneys or they may revert back to the State to be allocated elsewhere.

In response to a question by Commissioner Shockley, Public Works Director John Tustin advised that the Solid Waste Enterprise Fund has \$6 million set aside to help cover the cost of constructing Cell #5 at the Central Landfill; however, the project will require another \$1 million in bond funds to cover the total cost.

Commissioner Bunting stated that the new County Storage Building and Central Purchasing Offices in Snow Hill should be postponed. He further requested a cost-benefit analysis of central purchasing to justify the proposed expense before this project is given serious consideration.

Commissioner Church opened the floor to receive public comment.

Grant Helvey of Ocean Pines stated concern regard the number and cost of projects included in the requested CIP and pointed out that, even if this is just a planning document, there is a certain degree of expectation that these projects will be approved simply because they are in the CIP. He also opposed the Showell Park Land Acquisition project and stated that, based on the County's Parks and Recreation Plan, additional parklands are unneeded, since Worcester County already exceeds the State land acquisition goal of 30 acres of parkland for every 1,000 citizens.

Ellie Diegelman of Ocean City opposed several projects in the CIP, stating that the County cannot take on excessive debt by bonding projects, particularly at a time when funding for the CIP projects is ultimately borne on the backs of citizens who have been negatively impacted by continued economic decline. She questioned the cost of the Berlin Rubblefill Cap and Closure project, the Berlin Library, Showell Park and the Jail HVAC Replacement/Upgrade project and stated that the County should decline State funds for the SHHS renovation and addition project and build the school to County specifications rather than State specifications to save money. In response to assertions made by Ms. Diegelman, Mr. Bloxom advised that cost estimates for these projects are derived from informed estimates developed by experts and based on their knowledge of costs associated with similar projects in the area, but that they are still just estimates and subject to change based upon actual bids. Commissioner Church extended an open invitation to Ms. Diegelman to meet with County staff to review line item details for the projects she mentioned to avoid espousing unfair and inaccurate information. Commissioner Boggs stated that local government truly represents area residents and advised that the Commissioners and County staff have a well-established history of being extremely frugal in their approach to spending, and this approach is the reason Worcester County has a solid financial reputation.

Elena McComas of Ocean Pines asked for a detailed breakdown of the proposed costs for the SHHS Renovation and Addition project and questioned the need for all proposed components. Commissioner Shockley reviewed Interagency on School Construction (IAC) specifications and explained that school construction projects must be built to State specifications, leaving very little leeway for savings.

Frank Gebhardt of Berlin opposed plans for a new Berlin Branch Library, stating that he very seldom sees many cars in that parking lot. Library Director Mark Thomas stated that the parking lot is extremely limited, and fortunately it's in a walkable and bikeable location that attracts a high number of users. He stated that, unlike other libraries in the County, the Berlin Branch has no meeting rooms and extremely limited computer space, making the facility

woefully inadequate to fit the needs of the community, but that the facility has a loyal and dedicated customer base that continues to increase dramatically. He stated that the Library offers a number of children's activities, lectures, concerts and other programs that must be staged in the library itself. In response to a question by Commissioner Bunting, Mr. Thomas stated that the Library was built in 1970, but that both the building and the land belong to the Berlin Volunteer Fire Company, which has plans for its use if the County discontinues using it as a library. Commissioner Bunting stated that he fully understands that the Town of Berlin needs a new library, but that the Commissioners must carefully prioritize the projects they can complete with available funds.

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

Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously adopted Resolution No. 14-1 approving and adopting the Worcester County Five-Year Capital Improvement Plan - FY 2014 to FY 2018.

The Commissioners met in special legislative session.

The Commissioners conducted a public hearing to receive public comment on Bill 13-4, bond authorization for the Snow Hill High School (SHHS) Renovations and Additions project. The bill would specifically authorize the issuance and sale by the County Commissioners of Worcester County of one or more series of its General Obligation Bonds in an amount not to exceed \$45,000,000 for the purpose of financing a portion of the costs of renovations and additions to SHHS, including payment of all related costs and costs of issuance of such bonds. Finance Officer Phil Thompson reviewed the bill. He stated that the project is anticipated to cost \$49.6 million, with the State funding of just under \$4 million. He advised that bids for the project were accepted in September 2013, and project construction is slated to begin later this month, with a groundbreaking scheduled for January 21, 2014.

Commissioner Church opened the floor for public comment.

Ellie Diegelman of Ocean City, opposed the bill and stated that the Commissioners will leave a legacy of indebtedness. She further questioned language in the bill regarding exemptions from certain provisions of Article 31 of the Local Government Article of the Annotated Code of Maryland and for providing that the bonds shall constitute a pledge of the full faith and credit of the County. Mr. Bloxom explained the meaning of the language.

There being no additional public comment, Commissioner Church closed the public hearing.

Upon a motion by Commissioner Shockley, the Commissioners unanimously adopted Bill 13-4 as presented.

Commissioner Church closed the legislative session.

The Commissioners met with Environmental Consultant Spencer Rowe and John Martin, owner of Martin Fish Company, LLC, a wholesale/retail seafood company that has been in operation in West Ocean City (WOC) since 1958, to discuss their request for support in petitioning the State and Federal government to increase the depth of shoal dredging between red buoy #12 and green buoy #11 in the Ocean City Inlet in front of the WOC Harbor. Development Review and Permitting Director Ed Tudor and Public Works Director John Tustin, Economic

Development Deputy Director Merry Mears and Melanie Pursel, Executive Director of the Greater Ocean City Chamber of Commerce (GOCCC), were also present at the meeting. Mr. Martin reviewed the situation, advising that despite maintenance dredging in the Ocean City Inlet by the U.S. Army Corps of Engineers (COE) last October, the return of a sandbar has made it difficult for commercial vessels loaded with seafood to navigate between the two buoys upon their return to the WOC Harbor, except at high tide. Mr. Martin advised that a similar situation occurred in the coastal waters of North Carolina, but was resolved through the development of a long-term dredging agreement between federal, state, county and municipal officials. He asked the Commissioners to consider whether such a partnership may work locally to protect the economic viability of the commercial harbor and the seafood industry in Worcester County. He also presented letters from a number of commercial fishermen supporting his request. Mr. Tudor pointed out that the partnership in North Carolina occurred because the COE was no longer funding dredging projects there; however, he is not aware of any such plans to discontinue federal funding for maintenance dredging of the inlet or the other federal channels in the Ocean City area. Mr. Tustin agreed and stated that he recently spoke to Bob Blama with the COE who committed to returning later this month or in February to dredge the shoal area in the inlet.

Mr. Rowe stated that the COE currently dredges to 10 feet, but at this depth there is no margin of error for boats trying to navigate around the sandbar, particularly as boats that go outside the buoy markers face large fines from the U.S. Coast Guard, if they get stuck. Mr. Rowe suggested that the COE needs to dredge to a depth of 14 feet, and he asked the Commissioners if they would support him in making this request to the proper state or federal office. Mr. Martin informed the Commissioners that, though the North Carolina partnership includes the provision of matching State and local funds, he is not seeking a commitment of funding from the County at this time. Rather, he would like the County to put together a task force to develop a long-range plan, including funding partnerships, to keep the channel open. Commissioner Boggs expressed concern that the County may be required to pay the full amount of dredging from the 10 feet to 14 feet.

Ms. Pursel stated that, not only is the inlet a drawing point for tourism, but that a substantial percentage of the seafood brought into the commercial fishing harbor makes its way to tables in area restaurants. She stated that the GOCCC has agreed to lend its support to Mr. Martin's request. Commissioner Church advised that he understood the difficulty large sailing vessels face, particularly as the sandbar seems to infill in as little as 60 to 90 days after each dredging. Ms. Mears stated that the Economic Development Department lends its support to Mr. Martin's request too.

In response to questions by Commissioner Boggs, Mr. Tudor stated that local costs would be very high to undertake a long-term dredging project of the area. Additionally, given the complex dynamics of the hydrology in the inlet area, the County should be certain not to place itself in a position of liability relative to damage that may result from dredging. He reminded the Commissioners of problems with the Harbor Lights project and the draft Phase 1 Initial Assessment Report for Stinky Beach prepared by the COE, which indicates that the COE routine dredging project may have contributed to the scour hole near Harbor Lights. Following much discussion, the Commissioners unanimously agreed to send a letter to U.S. Senator Barbara Mikulski seeking her assistance in working with the COE to address issues regarding the need for

additional dredging in front of the West Ocean City Commercial Harbor as requested. Commissioner Church summarized that, while the County fully supports the commercial fishing industry at the WOC Harbor and their desire to deepen the channel at the WOC Inlet, they will be pleased to write letters of support for their efforts, but cannot make a local financial commitment to the proposed maintenance dredging project.

The Commissioners answered questions from the press, after which they adjourned to meet again on January 21, 2014.

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

January 21, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Purnell, seconded by Commissioner Lockfaw, 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), (3), (4) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; and Bill Badger, Economic Development Director. Topics discussed and actions taken included: filling critical vacancies, including hiring Rachel Cagle as a License Permit Clerk I within Development Review and Permitting, Katherine "Katy" Reed as Warehouse Operations within Liquor Control and Stephanie Schramm as an Emergency Management Intern within Emergency Services; agreeing to advertise to fill two vacant part-time Store Clerk I positions and two vacant full-time Store Clerk II positions within the Shore Spirit Retail Liquor Stores and one vacant Parks Worker II position within Recreation and Parks; appointing Jennifer Cropper to the Shoreline Commission and Glen Holland to the Agricultural Preservation Advisory Board; considering acquisition of real property for public purposes; considering the proposal of a business organization to locate in the County; receiving legal advice from counsel; and performing administrative functions.

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

The Commissioners reviewed and approved the minutes of their January 7, 2014 meeting as presented.

The Commissioners presented a proclamation to Volunteer Services Manager Kelly Brinkley and Jennifer Small, Managing Director of the Maryland Food Bank (MFB), recognizing February as National Canned Food Month and urging all County employees and area residents to help kick off the month early by participating in the County's local food drive, which runs from January 27 to February 7, 2014. Commissioner Boggs advised those in attendance that food items can be deposited in specially marked MFB barrels at these participating locations: County Jail in

Snow Hill, all five Branch Libraries, Department of Liquor Control Shore Spirit Retail Liquor Store locations, Worcester County Recreation Center in Snow Hill, Central Landfill storage building in Newark, and Isle of Wight offices in Bishopville. Ms. Small advised that nearly 12.7% of Worcester County residents, including one in five children, are food insecure, meaning they are uncertain where their next meals are coming from. She noted that this is the third highest food insecurity rate on the Eastern Shore, behind Somerset and Wicomico Counties.

The Commissioners conducted a public hearing to receive public comment on the proposed inclusion into the Inventory of County Roads of the following public roads, all of which are located on the west side of Racetrack Road (Maryland Route 589), west of Ocean Pines, in the Third Tax District of Worcester County, Maryland, as shown on Worcester County Tax Map 21 as Parcels 61, 62, 93 and 144 and known as the Pennington Commons residential subdivision: Pennington Place, 0.21 mile in length; Emory Drive, 0.15 mile in length; Commons Drive, 0.10 mile in length; and Manklin Creek Road, 0.03 mile in length. Public Works Director John Tustin advised that Manklin Creek Road was included in the notice of public hearing regarding amendments to the County Roads inventory, but work on the road is not complete. Therefore, it was not included in the proposed Resolution for acceptance at this time. County Attorney Sonny Bloxom advised that it should be considered in the public hearing process because it was advertised as such. However, the Commissioners do not have to accept it into the County Roads Inventory at this time. In response to a question by Commissioner Boggs, Mr. Tustin confirmed that all but this small portion of Manklin Creek Road on the west side of MD Rt. 589 is already a County Road and listed in the inventory.

Commissioner Church opened the floor to receive public comment.

There being no public comment, Commissioner Church closed the public hearing.

Upon a motion by Commissioner Lockfaw, the Commissioners unanimously adopted Resolution No. 14-2 amending the Inventory of Public Roads of Worcester County, Maryland to include these three Pennington Commons Residential Roads: Pennington Place, Emory Drive and Commons Drive and conceptually approved acceptance of Manklin Creek Road, once all work has been completed and the outstanding issues have been resolved to staff's satisfaction.

Pursuant to the recommendation of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Gulyas, the Commissioners unanimously awarded the low bid for a general rehabilitation project in the Berlin area to J&G Maintenance and Repair of Berlin, Maryland at a cost of \$20,580.

Pursuant to the request of Recreation and Parks Director Paige Hurley and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the proposed Recreation Program Fee Schedule for Recreation and Parks for FY14/15, which takes effect on July 1, 2014 and includes no change in program fees for the coming fiscal year; however, it establishes the financial aid pricing at 40% of the regular fees. Mr. Hurley advised that staff completed a cost analysis of current financial aid pricing, which is offered to youth participants who show a demonstrated need, and found that the discount offered by his department was substantially more than other recreation departments in Maryland, which offer no more than a 50% discount. The current discount program resulted in \$14,700 in lost revenue in FY14. Therefore, he proposed a

discount of 60%, which would still be the highest in the State. He stated that, even with this increase, County programs continue to be offered at a reasonable price for all citizens. In response to a question by Commissioner Boggs, Mr. Hurley stated that proceeds from the Recreation and Parks scholarship fundraiser golf tournament help make it possible to offer financial aid scholarships to those in need.

The Commissioners met with Mr. Hurley to review the proposed Non-Program Fee Schedule, which he proposed to take effect immediately as follows: \$25 fee increase for private and individual tournaments and games, which brings the fee to \$125 for County residents and \$150 for non-residents; implement a \$200 rental fee per field, per day for partnership and municipality tournaments and games on County fields; implement an initial \$5 fee per field for setup and lining of softball/baseball fields; and establish a \$25 fee per field for setup and lining of multi-purpose fields. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously approved the Non-Program Fee Schedule as presented.

Pursuant to the recommendation of Mr. Tustin upon the written request of Sheriff's Deputy Dale Trotter and upon a motion by Commissioner Lockfaw, the Commissioners unanimously agreed to post a speed limit of 30 miles per hour (mph) on Trappe Road from Germantown Road to Harrison Road, which is consistent with the posted speed limit on adjoining streets within this residential area. Mr. Tustin explained that there is no posted speed limit on Trappe Road, so a speed limit of 50 mph currently governs. Once the new speed limit is posted, the Sheriff's Office will be able to carry out uniform enforcement actions to help enforce the new limit.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bunting, the Commissioners unanimously approved bid specifications for the reconstruction of the boat ramp and finger piers at Shell Mill Landing. Mr. Tustin advised that all regulatory permits have been acquired and project funding is available through a combination of Waterway Improvement Grants (WIG) from the Maryland Department of Natural Resources and assigned designated funds from Worcester County.

In a related matter and in response to questions by Commissioner Lockfaw, Mr. Tustin advised that \$99,000 in WIG funds are available to complete a similar project at the Cedar Hall boat ramp and that this project is currently in the permitting process. In response to a question by Commissioner Shockley, Mr. Tustin advised that the bulkheads at the Public Landing boat ramp are still under construction and should be complete by spring 2014, but that the boat slips would not be constructed until later by another contractor, since the current contractor has not performed their work in a timely fashion.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously approved bid specifications for the purchase of one towable boom lift to be utilized by the Maintenance Division of Public Works. Mr. Tustin advised that FY13 Unassigned Fund Balance monies are available for this purchase.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Purnell, the

Commissioners unanimously agreed to waive the standard bid process and accept the State discount contract pricing for the purchase of one John Deere Model 2032R 4-wheel drive compact tractor, with HS130 front-end loader and pallet forks, to Atlantic Tractor, LLC of Salisbury, Maryland at a total cost of \$19,935.24.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to extend the County's contract for custodial services with Mr. Meticulous Cleaning Service, Inc. of Salisbury, Maryland for an additional five years under the terms of the existing contract, and subject to a 3% increase in the fee for most facilities, with a slightly higher percentage increase at other more complex facilities, resulting in a total increase of roughly 8% or \$22,551.27 annually, bringing the total estimated annual contract cost to \$296,834.11. Mr. Tustin explained that the revised fees would be fixed for the five-year term through March 1, 2019.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to waive the standard bid process and accept the proposal from Sherwood-Logan & Associates, Inc. of Annapolis, Maryland to purchase two new Flygt Pumps for the West Ocean City Pump Station 4 at a total cost of \$19,440. Mr. Tustin advised that Flygt Pumps are being used in all the new and upgraded pump stations throughout the County to standardize the manufacturer of the pumps for maintenance purposes and because these are the most reliable, durable and operator-friendly pumps available. In response to a question by Commissioner Lockfaw, Public Works Deputy Director John Ross stated that the pumps to be replaced in West Ocean City Pump Stations were installed in 1987. He also noted that there is only about a 10% price variance between most manufacturers for this product.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously approved bid specifications to lease one off-road dump truck to be utilized by the Solid Waste Division of Public Works. Mr. Tustin advised that FY14 funds are available for this lease.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the lease of one hydraulic crawler excavator to be utilized by the Solid Waste Division of Public Works.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to scheduled the next E-Cycle and Household Hazardous Waste Collection Day for Saturday, April 19, 2014 from 10:00 a.m. to 2:00 p.m. at the Park and Ride in West Ocean City. The County, in cooperation with the Maryland Department of the Environment (MDE) and Maryland Environmental Service (MES), sponsors this program. Mr. Tustin advised that the County-incurred expense for this event is approximately \$18,000 to \$20,000 and is available in the FY14 budget.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor and Maryland Coastal Bays Program (MCBP) Executive Director Dave Wilson to review

the draft Management Plan for the former Adkins property on Assateague Road, which the Commissioners acquired on March 16, 2010 and then on February 1, 2011 entered into a Memorandum of Understanding (MOU) with the MCBP to provide the restoration and management of the property. Mr. Tudor stated that, as a condition of the MOU, the MCBP was required to develop a management plan for the property. He stated that his staff has reviewed the plan and feels it adequately addressed these requirements. Mr. Wilson stated that the property includes 440 acres of land that connect Assateague Road and Sinepuxent Road. He stated that future plans for the property include nature trails and horse trails, restoring the hydrology and possibly allowing deer hunting on the site in the future. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the draft Management Plan as presented.

In a related matter, the Commissioners agreed to the request of the MCBP to name this property in honor of the late Ilia Fehrer, a local conservationist and former Planning Commission member. At the Commissioners' request, Mr. Wilson agreed to develop a sign and to schedule a naming ceremony for the Ilia Fehrer Nature Preserve.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign an Agreement of Sale between Jeffrey R. Brummitt and April J. Brummitt (Sellers) and the County Commissioners of Worcester County, Maryland (Buyer) for the purchase of a Rural Legacy easement for \$368,266 on approximately 164.787 acres located on the easterly side of Scotty Road, and identified on Tax Map 70 as Parcel 1. Mr. Tudor stated that the easement purchase is to be funded by FY13 and FY14 Dividing Creek Rural Legacy Area (RLA) funds at no cost to the County. He stated that the property is identified as Worcester County's top priority for FY14 acquisition because of landowner interest, excellent farm soils, development threat, and contiguity with protected lands. He stated staff obtained two "before and after" appraisals for this property, \$265,000 (\$1,608 per acre) and \$478,000 (\$2,900 per acre) respectively. Because these values were so different, they used the State-approved Dividing Creek RLA Easement Valuation System (EVS) to obtain a value of \$368,266 (\$2,234.80 per acre), which the property owners had accepted. In response to a question by Commissioner Bunting, Katherine Munson, Planner IV within DRP, stated that, without the easement, eleven lots could be subdivided and developed from this property.

Pursuant to the request of Mr. Tudor and upon a motion by Commissioner Purnell, the Commissioners unanimously authorized Commission President Church to sign two RLA grant applications for FY15, including a \$1.3 million grant request for the Coastal Bays RLA and a \$2.62 million grant request for the Dividing Creek RLA, stating a preference for the Coastal Bays RLA in the coming year. Mr. Tudor explained that, because the County has two RLAs, they are required to indicate which area is preferred for the funding applications. He further advised that in past years they have always alternated preference between the two areas, and this year's application process follows that same pattern. In response to a question by Commissioner Bunting, Mr. Tudor stated that RLA grants are entirely State funded at no cost to the County, and, if Worcester County did not apply, the funds would be used elsewhere in the State to purchase other RLA easements.

The Commissioners met in legislative session.

The Commissioners met with Mr. Tudor to review a draft bill requested by staff that would amend the home day-care regulations to include a new category entitled “large day-care home,” which would permit in-home day-care for up to twelve children. Mr. Tudor stated that effective June 24, 2013 State day-care regulations were amended to include this new category, and the County’s draft legislation recognizes this change. Mr. Tudor advised that the draft bill provides the following: a definition of a large day-care home; amends the V-1, E-1, RP and all R Districts to make the new category a special exception use in those zoning districts; amends the E-1 District regulations to allow day-care centers as special exceptions, as it’s former omission is believed to have been a simple oversight; makes changes to the home occupation section of the Zoning Code to allow two, instead of one, outside employees for day-care homes and large day-care homes; and makes large day-care homes a home occupation instead of a special exception use in the more rural A-1, A-2 and E-1 Districts. Following some discussion, Commissioners Boggs, Bunting, Church, Gulyas, Lockfaw, Purnell and Shockley introduced the aforementioned bill as Bill 14-1 (Zoning – Large Day-Care Homes) and agreed to conduct a public hearing on the draft bill on February 18, 2014.

Commissioner Church closed the legislative session.

The Commissioners met with Board of Elections Supervisor Patti Jackson to review the new precinct and polling places for the seven Commissioner Districts, which were developed to reflect revisions made to the redistricting maps for Worcester County Commissioner Districts in response to the County population changes reflected in the 2010 Census. Ms. Jackson reviewed the new precinct boundaries and the location of each of the polling places within the seven districts. Commissioner Boggs pointed out that the Ocean Pines Country Club, a polling place within District 5, may not be easily accessible to those with mobility issues, as the site does not have an elevator. Rather, it has a handicap lift that can accommodate one wheelchair and one standing individual at a time. In response to her concerns, Ms. Jackson advised that this location has served as a polling place in the past without incident. In response to a question by Commissioner Bunting, Ms. Jackson advised that a polling place does not have to be located within the district it serves, but that her staff makes every effort to identify sites within each district that are suitable for use as polling places.

In a related matter, County Attorney Sonny Bloxom advised Ms. Jackson that all candidates filing for election must submit a detailed ethics report at the time they file for office. Ms. Jackson advised that she had not been aware of the form until now, but that she would be sure each candidate who has filed for office is notified of this requirement. Following some discussion, the Commissioners thanked Ms. Jackson and her staff for meeting with them.

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

Following a motion by Commissioner Lockfaw, seconded by Commissioner Shockley, the Commissioners unanimously voted to meet in closed session at 11:25 a.m. in the Commissioners’ Conference Room to perform administrative functions. Also present at the closed session were Harold Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant

Chief Administrative Officer; Sonny Bloxom, County Attorney; and Kim Moses, Public Information Officer. Topics discussed and actions taken included an administrative matter.

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

The Commissioners adjourned to meet again on February 4, 2014.

February 4, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr. (Absent)  
Virgil L. Shockley

Following a motion by Commissioner Shockley, seconded by Commissioner Boggs, with Commissioner Purnell 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) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; Bob Mitchell, Environmental Programs Director; John Tustin, Public Works Director; John Ross, Public Works Deputy Director; and Bobby Cowger, Liquor Control Director. Topics discussed and actions taken included: hiring Brandon Kitching and Wesley Reed as Correctional Officer Trainees within the Jail and Jessica Meeks as a Vehicle and Equipment Mechanic III within the Fleet Management Division of Public Works; agreeing to advertise to fill the position of Landfill Operator II within the Solid Waste Division of Public Works; appointing Lauren Taylor to the Tourism Advisory Committee, Jack Ferry to the Adult Public Guardianship Board and Mary Beth Quillen to the Commission for Women; receiving legal advice from counsel; and performing administrative functions.

Commissioner Purnell was absent from the meeting.

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

The Commissioners reviewed and approved the minutes of their January 21, 2014 meeting as presented.

The Commissioners presented a proclamation recognizing February as Black History Month to Dr. Roxie Dennis, President of the Worcester County Branch of the National Association for the Advancement of Colored People (NAACP). Throughout February, the Government Center will be adorned with interpretive signs that highlight African American people and places that helped shape our county.

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

motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign a letter agreeing to continue participating in the Maryland Housing Rehabilitation Program, which includes funding of \$55,906 for Worcester County in 2014, offered through the State Special Loans Program and targeted to Maryland residents with acceptable credit whose income is below 80% of the State median income of \$65,680 for a family of four.

The Commissioners met with Economic Development Director Bill Badger and Fawn Fitzgerald Mete, of the Red Doors Community Center at St. Paul's By the Sea Episcopal Church on 3<sup>rd</sup> Street in Ocean City, to discuss the proposed 2014 StepUp Internship and Reach for the Stars Worcester County STEM (Science, Technology, Engineering and Mathematics) Enrichment Programs. Mr. Badger reviewed the proposal, noting that the program, which is funded by area businesses and a County match of \$77,000, is set to enter its second year following the elimination of federal funds for the former StepUp program at NASA Wallops. He reviewed the success of the 2013 program and asked the Commissioners to approve the requested County match of \$77,000 as budgeted for the 2014 program and to agree in concept to continue funding the program for a full five-year period through summer 2017, with program officials tracking student participation from camp to internships to their fields of study in college to determine the program's success in inspiring young people to pursue STEM-related studies and career paths.

In response to a question by Commissioner Boggs, Mr. Badger stated that a portion of last year's funds were used to purchase equipment, with remaining funds able to provide internships for 14 students in summer 2013. However, this year 100% of the funding would go directly to oversight of the summer camp and providing summer internships for 20 students. Ms. Mete reviewed the area STEM-related businesses that partner with the County to provide summer internships. These included State Ventures, LLC, Habitat for Humanity, Atlantic General Hospital, Martin Physical Therapy, Maryland Coastal Bays Program, Bel-Art, TR Group, T3 Corporation and others. She stated that these opportunities help inform students of possible STEM-related careers. Following some discussion, the Commissioners unanimously approved the requested County match of \$77,000 for the 2014 StepUp Internship and Reach for the Stars Program, with funds available in the FY14 budget, and conceptually agreed to provide continued funding for the remainder of the five-year program as requested.

The Commissioners met with Fire Marshal Jeff McMahon to discuss a request from the Federal Bureau of Investigation (FBI) to conduct a live demonstration at the Langmaid Road Borrow Pit in Newark during their annual two-day Basic Anti-Terrorism Training for Law Enforcement (BATTLE) conference in Ocean City from April 15-18, 2014. Mr. McMahon advised that the course will be for the region's bomb technicians and post-blast fire/explosives investigators, and the demonstration will take place on either Wednesday or Thursday. He further advised that all area property owners are to be informed of the training by the FBI prior to the actual event. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners approved the request.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell and a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission

President Church to sign a letter of support for House Bill 11 - Environmental - Bay Restoration Fund (BRF) - Authorized Uses, which will permit BRF grant funding to be utilized for properties not located in a Priority Funding Area (PFA) and will also allow the payment of principal on the debt for sewer connection projects undertaken by local governments. Mr. Mitchell stated that these amendments will assist Worcester County with additional tools to complete projects that will help achieve nutrient reduction goals in both the Maryland Coastal Bays and the Chesapeake Bay Watersheds and will greatly assist with efforts to extend sewer to failing septic's within previously approved sewer planning areas, such as the Gum Point Road area.

Mr. Mitchell provided the Commissioners with an update on the project to extend natural gas lines into Worcester County. He stated that County staff has been working with Chesapeake Utilities Corporation (CUC) and their affiliated Sandpiper Energy leadership team members since early 2013 to go over inspections and review procedures for the conversion process. He stated that the first conversions began in the industrial facilities on US Rt. 113 in Showell, followed by the installation of a transmission line and conversions at Stephen Decatur Middle and High schools in November. He stated that lines are now being installed in the Old Ocean City Boulevard area across from the MD Rt. 113 intersection to the Food Lion Shopping Center and will proceed along the northern part of the Town of Berlin in a circular fashion along the west side. He stated that, once crews complete about 75% of the conversions in Berlin, they plan to embark on upgrades in the northern part of Ocean Pines and in the commercial area around Walmart. He concluded that the project is on schedule. Following some discussion the Commissioners thanked Mr. Mitchell for the update.

The Commissioners met with County Attorney Sonny Bloxom to review the Worcester County Small Project Wastewater Agreement between the Commissioners, in their capacity as the governing Body of the Mystic Harbour Sanitary Service Area (SSA), and Suns Castaways RV, LLC (Developer), which would allow the County to move forward with the proposed sewer connection of Castaways to be served by the Mystic Harbour SSA. It would also allow the County to piggyback on the design and construction contracts for its six-inch treated effluent force main for spray irrigation, which will be placed in the same easement area at the same time, saving the County considerable time and expense as compared to bidding this work separately. Mr. Bloxom reviewed the agreement, stating that the County's costs will be approximately \$211,675 plus 40% of the total costs of the survey. He also recommended amending the agreement to state "any variance from the estimates greater than 10% must be approved by the County" to protect the County's interests. Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to waive the standard bid process for the project as requested and to piggyback on the design and construction contracts for its 6" treated effluent force main. Upon a second motion by Commissioner Bunting, the Commissioners unanimously authorized Commission President Church to sign the amended agreement.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously awarded the low bid for the first phase of the Snow Hill Landfill Gas Remediation Project to Penn E&R, Inc. of Hatfield, PA

at a total cost of \$100,873.34. Mr. Tustin stated that funding is available in the Designated Fund Balance for this project.

The Commissioners met with Mr. Tustin to discuss the Maryland Department of the Environment (MDE) requirement for the County to install additional shallow groundwater monitoring wells within the boundaries of the Central Landfill in Newark. Mr. Tustin explained that staff and EA Engineering, Science and Technology of Hunt Valley, Maryland have been involved in ongoing discussions with MDE since 2010, arguing historic analytical data verifies that there have been no leaks from the Landfill, thereby making additional monitoring wells unnecessary. He stated that, as a result of their discussions, MDE agreed to increase spacing of the wells from every 300 feet to every 500 feet along the property boundary. Following some discussion and pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously agreed to waive the standard bid process and accept the proposal from EA Engineering to install six shallow groundwater monitoring wells and provide analytical services at the Landfill through December 2014 at a total cost of \$38,023.78

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously approved bid specifications for the purchase and application of bituminous concrete blacktop to resurface approximately 3.83 miles of County roadway.

In a related matter, Commissioner Shockley asked Mr. Tustin to find out if there is enough right-of-way available to widen Hayes Landing Road beyond its 18-foot width to accommodate two-way traffic flow when farm equipment is on the road.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the purchase and installation of chip seal to resurface approximately 26.87 miles of County roadway, with funds of \$1 million available in the Designated Fund Balance for road surfacing projects, including both the blacktop and chip seal projects.

The Commissioners reviewed a draft resolution increasing the salary for the Worcester County Sheriff for the 2014-2018 term from \$85,000 to \$88,000 annually to reflect a 3.5% increase, which mirrors the percentage increase in salary for the Worcester County State's Attorney by virtue of the increased salary of the Maryland District Court Judges. Upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Resolution No. 14-3 establishing the salary and allowances for the Worcester County Sheriff for the 2014-2018 term as presented.

The Commissioners reviewed a letter from Register of Wills Charlotte Cathell seeking an increase in the salary of Orphans' Court Judges from \$5,000 to \$8,500 annually. In her memo, Mrs. Cathell pointed out that if approved this would be the first increase they have received in eight years. Following some discussion and upon a motion by Commissioner Bunting, the Commissioners adopted Resolution No. 14-4 establishing the salary and allowances for Orphans' Court Judges for the 2014-2018 term, which includes increasing the salary for each judge from

\$5,000 to \$7,000 annually.

The Commissioners answered questions from the press, after which they adjourned to meet again on February 18, 2014.

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

February 18, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

The Commissioners met at Snow Hill High School at 9:00 a.m. to break ground on the school renovation and addition project and convened their open session meeting at 10:00 a.m. at the Worcester County Government Center.

Commissioner Lockfaw was absent at the beginning of the meeting.

The Commissioners reviewed and approved the minutes of their February 4, 2014 meeting minutes as presented.

The Commissioners reviewed a press invitation from Public Information Officer Kim Moses regarding Students in Government Day, which is to take place this year on Tuesday, February 25, 2014.

The Commissioners met with Public Works Director John Tustin to review bids for the construction of the Shell Mill Landing Boat Ramp and Finger Piers. Mr. Tustin stated that on Monday, February 10, 2014, one bid was received from Somerset Paving and Marine, Inc. of Crisfield, Maryland in the amount of \$134,400 for the reconstruction of the Shell Mill Boat Ramp and Finger Piers. Mr. Tustin stated that the bid was within budget, and the contractor has successfully completed other projects for the County in the past. However a second bid from Bay Country Marine was received Friday, February 7, 2014, in the County Administration Office, but, due to the lack of the required identification on the front of the envelope, it was placed in the Department of Public Works inner-office mailbox at the Worcester County Government Center. The bid was noticed in the box at 1:30 p.m. following the bid opening. Mr. Tustin pointed out that the bid was received on time but misidentified and therefore routed to Public Works, and he asked the Commissioners whether to open the bid.

Upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to open the bid from Bay Country Marine, and upon opening the envelope it was determined that the company was simply announcing that they were unable to bid on this project at this time.

Upon a motion by Commissioner Gulyas, the Commissioners unanimously awarded the bid for construction of the Shell Mill Landing Boat Ramp and Finger Piers to Somerset Paving and Marine, Inc. at a total cost of \$134,400.

Pursuant to the recommendation Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously awarded the low bid for the provision of one Caterpillar model 336EL Hydraulic Crawler Excavator for use within the Solid Waste Division of Public Works to

Alban Tractor Company, Inc. of Baltimore, Maryland at an acquisition cost of \$325,682, less a guaranteed buy back at the end of five years at \$130,500, for a net adjusted price of \$195,182, with a final cost to the County after monthly lease payments of \$5,887 for 60 months totaling \$222,720.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously awarded the low bid for the provision of one Caterpillar Model 725C Off-Road Dump Truck for use within the Solid Waste Division of Public Works to Alban Tractor Company, Inc. of Baltimore, Maryland at an acquisition cost of \$357,531, less a guaranteed buy back at the end of five years at \$125,000, for a net adjusted price of \$232,531, with a final cost to the County after monthly lease payments of \$6,462.04 for 60 months totaling \$262,722.40.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously approved a Request for Proposals (RFP) for engineering services for preparation of the final design report for wastewater collection system improvements in the Ocean Pines Sanitary Service Area (SSA). In response to a question by Commissioner Bunting, Mr. Tustin stated that he anticipated the cost of such services to be about \$25,000, with the improvement project to cost approximately \$2 million. He concluded that the scope of these services was too large to be completed in-house with existing staff.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign Change Order No. 3 for the Mystic Harbour Wastewater Treatment Plant (WWTP) construction contract, for 15 changes to the original contract, including time extensions and a credit to the County for delays, all of which resulted in a net increase to the total project cost of \$3,149.04. Mr. Tustin announced that the new WWTP began operating on Friday, February 14, 2014, and, while a few outstanding cosmetic improvements are still pending, the plant seems to be operating as designed.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized staff from the Solid Waste and Recycling Division of Public Works to participate at no cost in the 40th Annual Spring Trade Expo sponsored by the Ocean City Hotel-Motel-Restaurant Association from March 9-10, 2014 and the 31<sup>st</sup> Annual Home, Condo and Outdoor Show from March 21-23 at the Roland E. Powell Convention Center in Ocean City to provide a booth to encourage residents and visitors to recycle. Mr. Tustin stated that the County would maintain a booth at both events that touts the importance of recycling and highlights County recycling efforts to date. He advised that give-away items at the booth will include pencils, frisbees, post-it-notes and cups, all of which are made from recycled materials.

The Commissioners met with Environmental Programs Director Bob Mitchell to discuss the request from Castaways Campground with regard to a Sewage Sludge Utilization Permit application. Mr. Mitchell stated that Castaways Campground is about to embark on a connection project to the Mystic Harbour Wastewater Treatment Plant (WWTP) and the decommissioning of

their existing WWTP. He advised that, as part of this project, Castaways is applying to the Maryland Department of the Environment (MDE) for a Sewage Sludge Utilization Permit to transport wastewater sludge from their existing plant to the Berlin WWTP for treatment and disposal in the interim, and they have asked the County to waive its 20-day notification period to help expedite the permit process. Mr. Mitchell stated that County staff are not opposed to this request and in fact have granted similar waivers in the past for municipal and private applicants. Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously authorized Commission President Church to sign a letter to Horatio Tablada, Director of Land Management Administration for MDE, formally advising that Worcester County waives its 20-day comment period for this permit to expedite the processing of the application.

The Commissioners met with Mr. Mitchell to review the Planning Commission's findings of consistency with the Comprehensive Development Plan for Worcester County and existing zoning classifications and giving their favorable recommendation to amend the Comprehensive Water and Sewerage Plan to expand the Island Resort Campground and the water and sewer planning areas to accommodate a 32-lot expansion to the existing 110-lot campground, with a proposed maximum service commitment at build out proposed to be 182 equivalent dwelling units (EDUs) of water and sewer service. Upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to schedule a public hearing to consider the proposed amendment on March 18, 2014.

The Commissioners met with County Attorney Sonny Bloxom to review a deed of exchange to align Eagles Nest Road. Mr. Bloxom explained that when Castaways Campground was sold recently it was discovered that a portion of the actual roadbed of Eagles Nest Road did not align with the description contained in the 1965 Deed to the County for the road. He advised that the new owners of Castaways Campground are proposing to rectify this with a Deed of Exchange, which will align the legal description of the road with its actual location. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the proposed Deed of Exchange between Sun Castaways RV, LLC and the County Commissioners of Worcester County, Maryland as presented.

Pursuant to the recommendation of Mr. Bloxom and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the Contract of Sale between the estate of Thomas Elmer Dickerson, C/O Jerry Wayne Dickerson, personal representative (seller) and the County Commissioners of Worcester County, Maryland (buyer) for the purchase of two parcels of land located at 110 Washington Street in Snow Hill and identified on Tax Map 200 as Parcel 847 at a total purchase price of \$98,000, contingent upon the approval of the Town of Snow Hill and its Historic Commission to demolish all existing structures, and other standard contingencies. The property will be used to expand the existing County parking lot and to provide stormwater management.

The Commissioners recessed for 10 minutes.

The Commissioners met with Emergency Services Director Fred Webster and Information Technology Manager Brian Jones to discuss a proposal from the Maryland Department of Information Technology (DoIT) and a subsequent proposal from Maryland Broadband Cooperative (Mdbc) for a project to extend fiber optic cable service to County facilities from the main trunk line, which has been installed by the Mdbc along U.S. Rt. 113. Commissioner Shockley recused himself from the discussion and left the meeting due to a potential conflict of interest. Mr. Jones presented a PowerPoint outlining the details of the proposed project to provide fiber optic cable to the Fire Training Center and Landfill Offices, with the potential of extending services to both the Board of Education and Health Department facilities in the Snow Hill and Newark areas in conjunction with the County project, although both entities have declined the offer at this time. Mr. Jones further advised that by owning the cable, as proposed by Mdbc at a cost of \$80,904.80, the County could recoup its initial investment in just over seven years, as compared to the lease option proposed by DoIT at an annual cost of \$11,242.

In response to a question by Commissioner Bunting, Scott Brent of Mdbc advised that it would cost \$28,287 to extend the cable to the Health Department offices in Berlin, \$12,134.86 to extend cable to the Health Department in Snow Hill and \$31,437.55 to extend the cable to the Worcester Technical High School, plus mobilization costs of about \$500 to \$1,000, when these facilities are ready to connect. In response to concerns raised by Commissioner Boggs, Mr. Jones explained that the cable line would be identified on a map with other utility lines, so that those undertaking projects in and around the areas where the cable exists would be aware of its location. Following some discussion and upon a motion by Commissioner Purnell, the Commissioners approved the proposal from Mdbc for the construction of 2,000 feet of fiber optic cable and appurtenances for service to the Worcester County Fire Training Center at a cost of \$22,261.70, as well as 8,200 feet of fiber optic cable and appurtenances to the Worcester County Landfill at a cost of \$58,643.10, for a total combined cost of \$80,904.80.

The Commissioners recessed until 11:00 a.m.

Commissioner Shockley returned to the meeting.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing on Bill 14-1 (Zoning - Large Day-Care Homes), which was introduced by Commissioners Boggs, Bunting, Church, Gulyas, Lockfaw, Purnell and Shockley on January 21, 2014. Also present at the hearing was Development Review and Permitting Director Ed Tudor. Mr. Tudor reviewed the proposed bill, which amends the home day-care regulations to include a new category entitled "large day-care home," to permit in-home day-care for up to twelve children. Mr. Tudor stated that effective June 24, 2013 State day-care regulations were amended to include this new category, and Bill 14-1 recognizes this change. He advised that the draft bill includes the following: a definition of a large day-care home; amends the V-1, RP and all R Districts to make the new category a special exception use in those zoning districts; amends the E-1 District regulations to allow day-care centers as special exceptions, as it's former omission is believed to have been a simple oversight; makes changes to

the home occupation section of the Zoning Code to allow two, instead of one, outside employees for day-care homes and large day-care homes; and makes large day-care homes a home occupation instead of a special exception use in the more rural A-1, A-2 and E-1 Districts. In response to a question by Commissioner Shockley, Mr. Tudor stated that only one individual has shown interest in providing a large day-care home so far, but a few others may meet the qualifications needed to take advantage of this change. Upon a question by Commissioner Boggs, Mr. Tudor stated that he is not aware of any down side to the bill. Commissioner Boggs agreed that there is a real need in the County for more good day-care.

Commissioner Church opened the floor to receive public comment.

Lindsay Ashton of Newark expressed support and asked the Commissioners to revise the bill as emergency legislation, so it could take effect immediately. County Attorney Sonny Bloxom explained that the proposed bill does not meet the health or welfare qualifications to be considered an emergency. He further advised that the 45-day period between the bills adoption and its effective date allows for the public to bring the new law to referendum, if they oppose it.

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

Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Bill 14-1 as presented.

The Commissioners met with Mr. Tudor to review a text amendment application submitted by Mark Cropper on behalf of Charles Nichols, which seeks to amend Section ZS 1-311(b)(4) of the Zoning Ordinance to permit the construction of a private dock or pier on a parcel of land created for agricultural purposes (not to be confused with a parcel of land zoned either A-1 or A-2 Agricultural District). Mr. Tudor stated that currently ZS 1-305(p)(3) permits a private dock or pier as an accessory use on a vacant lot only when that lot is allowed to have a single-family dwelling on it. Lots created for agricultural purposes are not permitted to have dwellings. He stated that County staff and the Planning Commission have given their favorable recommendation to the bill. Following some discussion, Commissioners Boggs, Bunting, Church, Gulyas, Purnell and Shockley agreed to introduce the aforementioned legislation as Bill 14-2 and agreed to schedule a public hearing on March 18, 2014 to receive comments on Bill 14-2.

Commissioner Church closed the legislative session.

Commissioner Lockfaw arrived at the meeting.

Attorney Joe Moore and his client, Chris Deny, owner of Cheers, a beer and wine store located at the intersection of Main Street and Old Ocean City Boulevard in Berlin, met with the Commissioners to request their support regarding the introduction of legislation in the Maryland General Assembly that would Amend Article 2B (Alcoholic Beverages) of the Annotated Code of Maryland to allow for the issuance of a Class "D" Beer/Wine/Liquor License within the corporate limits of the Town of Berlin at such locations as would be determined to be appropriate by the Worcester County Board of License Commissioners. Also in attendance at the meeting were Berlin Mayor W. Gee Williams, and Council members Troy Purnell and Lisa Hall. Mr. Moore stated that, following the relocation of the Shore Spirits Retail Liquor Store from the Food Lion Shopping Center in Berlin to the Verizon Shopping Center east of Berlin on the eastbound

side of US Rt. 50 near Seahawk Road, there is a need for a conveniently-located liquor store in the corporate limits of Berlin. He stated that, though the new location is only 1.5 mile from the former site, many town residents would benefit from having a facility within the corporate limits to which they could travel without the hassle of traversing U.S. Rt. 50. Mr. Moore stated that, under the existing State law, private liquor stores are permitted to operate in Ocean City, which has seven private and two County-owned liquor stores, West Ocean City and Ocean Pines, and he is only seeking to have the same opportunity extended to the Town of Berlin. Furthermore, he pointed out that Berlin is the only one of the County's four municipalities that is not served by a full service beer/wine/liquor store. He concluded that the Berlin Mayor and Town Council have lent their unanimous support to this request.

Commissioner Gulyas stated that she believes in capitalism, but stated her concern that the proposed legislation could result in a proliferation of liquor stores throughout the County at some point in the future. Mr. Moore stated that an individual applying for a liquor license would still have to prove a demonstrated need to the community before the License Commissioners would grant the permit. In response to a question by Commissioner Bunting, Mr. Moore stated that private retail stores that buy in bulk must be able to store products onsite, and that the private retailers would therefore likely continue to purchase their products from the Department of Liquor Control (DLC) after the sunset provision takes effect on July 1, 2014. In response to a question by Commissioner Boggs, Mr. Moore stated that only two existing entities within the Town of Berlin would likely benefit by the adoption of the proposed State legislation: Cheers and the beer and wine store owned by John Derickson in the south part of Berlin. In response to a question by County Attorney Sonny Bloxom, Mayor Williams advised that 4,500 individuals reside in the Town of Berlin. Commissioner Church stated that the County should not be in competition with private industry, and he supported the request. Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to support the proposed amendment to Article 2B (Alcoholic Beverage) of the Annotated Code of Maryland to allow for the issuance of Class "D" beer/wine/liquor licenses within the Town of Berlin as requested.

The Commissioners answered questions from the press.

Following a motion by Commissioner Boggs, seconded by Commissioner Gulyas, the Commissioners unanimously voted to meet in closed session at 11:42 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 10-508(a)(1)(3),(4) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; Environmental Programs Director Bob Mitchell, Economic Development Director Bill Badger and Assistant Finance Officer Jennifer Swanton. Topics discussed and actions taken included: hiring Kevin Layfield as a Parks Worker II within Recreation and Parks and promoting Martha Fair from Corporal to Sergeant within the County Jail; reappointing Joe Cavilla to the Local Development Council for the Ocean Downs Casino; considering acquisition of real property for public purposes; considering the proposal of

a business organization to locate in the County; receiving legal advice from counsel; and performing administrative functions.

Commissioner Purnell was absent during the closed session.

After the closed session, the Commissioners reconvened in open session. Commissioner Church called the meeting back to order and announced the topics discussed during the morning closed session, after which the Commissioners adjourned to meet again on March 4, 2014.

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

March 4, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

The Commissioners postponed the start of their 9:00 a.m. closed session meeting due to hazardous winter weather conditions and convened their open session meeting at 10:00 a.m. in the Commissioners' Meeting Room.

The Commissioners reviewed and approved the minutes of their February 18, 2014 meeting as presented.

The Commissioners presented a proclamation recognizing March as Women's History Month to Commission for Women Chair Dr. Donna Main and Vice Chair Eloise Henry Gordy in recognition of the contributions of women locally and nationwide to the economic, cultural and social well-being of Worcester County.

Pursuant to the request of Economic Development Director Bill Badger and upon a motion by Commissioner Boggs, the Commissioners unanimously approved out-of-state travel for Mr. Badger to attend the International Council for Shopping Centers (ICSC) Global Retail Real Estate Convention (RECON) from May 17 - 20, 2014 at a total cost of \$1,855, which is available in his budget. Although out-of-state travel is still frozen, the Commissioners made a special exception, since economic development has been their top goal during their current four-year term.

The Commissioners met with Finance Officer Phil Thompson to review a proposed bond resolution. Upon a motion by Commissioner Boggs, the Commissioners unanimously adopted Resolution No. 14-5, approving the County Commissioners of Worcester County, Maryland Consolidated Public Improvement Bonds, 2014 Series, which provide \$48.3 million to finance all or a portion of the costs of renovations and additions to Snow Hill High School, as well as various improvements to the water and wastewater systems in the Ocean Pines Sanitary Service Area (SSA), and the costs, fees and expenses incurred by the County in connection with the issuance and sale of the bonds and other related costs. Mr. Thompson advised that the bond sale will occur on Tuesday, March 18, 2014 at 11:00 a.m., with the Notice of Sale to appear in local newspapers on March 6 and March 13.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the low bid for the purchase of one towable boom lift to be utilized within the Public Works Maintenance Division to H&E Equipment of Jessup, Maryland at a cost of \$29,965. In response to a question by Commissioner Lockfaw, Mr. Tustin advised that a State bid is available to the County to purchase a similar piece of

equipment; however, it is larger and more costly.

The Commissioners met with Mr. Tustin to review and discuss bids for blacktop surfacing for approximately 3.8 miles of County roadway. Mr. Tustin pointed out that the low bidder, Chesapeake Paving and Sealing, Inc. of Parsonsburg, Maryland, with a bid price of \$69.50 per ton and a total estimated cost of \$331,354.50, has a spotted history of both success and failure with the County, but that Jeff Brown, the company president, assured him that he has the workforce and equipment to complete this project as required by May 29, 2014. Therefore, he recommended awarding the low bid to Chesapeake Paving and Sealing, Inc. A motion by Commissioner Boggs to award the blacktop surfacing as recommended failed 3-4, with Commissioners Boggs, Purnell and Shockley voting in favor of the motion and Commissioners Bunting, Church, Gulyas and Lockfaw voting in opposition. Commissioner Lockfaw stated that he could not support awarding the bid to Chesapeake Paving and Sealing, Inc. because the company has a poor track record with the County and no references on their milling abilities. Commissioner Bunting concurred. Following further discussion and upon a motion by Commissioner Lockfaw the Commissioners voted 4-2-1, with Commissioners Bunting, Church, Gulyas and Lockfaw voting in favor of the motion, Commissioners Boggs and Shockley voting in opposition, and Commissioner Purnell abstaining, to award the bid for blacktop surfacing for approximately 3.8 miles of County roadway to the second low bidder, American Infrastructure of Dover, Delaware at a bid price of \$70.70 per ton and a total estimated cost of \$335.111.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners awarded the best bid for chip seal surfacing of approximately 26.87 miles of County roads with roughly 287,699 square yards of 7RC chip seal at various locations to American Paving Fabrics, Inc. of Dover, Delaware at a cost per square yard of \$1.67 for a total estimated cost of \$480,457.33. Mr. Tustin stated that American Paving Fabrics, Inc. has successfully completed numerous projects for the County in past years and feels confident they will do an exceptional job on this large project as well. The low bid was submitted by Chesapeake Paving and Sealing, Inc. of Parsonsburg, Maryland, with a bid of \$1.65 per square yard for a total estimated cost of \$474,703.35, but Chesapeake has minimal experience with chip seal surfacing projects.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the purchase of corrugated metal pipe to be utilized within the Public Works Roads Division.

The Commissioners met with Mr. Tustin to review and discuss the Mosquito Control Program budget for the 2014 season, as outlined in a letter to the County from Michael Cantwell, Maryland Department of Agriculture (MDA) Mosquito Control Program Manager. Mr. Tustin stated that the proposed budget provides County funding of \$83,940 for the Mosquito Control Program in Worcester County, with State funding of \$82,260 and community funding of \$240,300 for a total budget of \$406,500. Mr. Tustin stated that staff has made no substantive changes to last year's program, and, although participation was down last year, collecting the \$65

fee per residential household up front seemed to work well and alleviated both confusion and accounting issues at the end of the season. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the Proposed Budget for Worcester County Mosquito Control for Calendar Year 2014 (FY2015 Settlement) between MDA and the County Commissioners. Mr. Tustin advised that, like last year, area residents who participate in the program would be required to pay the \$65 fee up front to cover the cost of spraying. In response to a question by Commissioner Church, Mr. Tustin stated that program participation had declined from roughly 1,700 participants to 700 participants once the flat fee was imposed.

The Commissioners met with Mr. Tustin to review and discuss a letter from Horacio Tablada, Maryland Department of the Environment (MDE) Land Management Administration, along with a proposed draft Consent Order for the cap and closure of the Berlin Rubblefill. Mr. Tustin stated that, once capped, the yard waste section of the Berlin Homeowner Convenience Center (HCC) would have to be discontinued at the site and/or relocated elsewhere in the north end of the County. He stated that the proposed Consent Order provides the County with six months to complete the final engineering design, which is currently under design by EA Engineering. Once MDE grants design approval, the County will have two years to finance, construct and complete the project.

In response to a question by Commissioner Boggs, Mr. Tustin stated that the project would cost approximately \$3 million, with \$600,000 currently available in the County Fund Balance to help offset a portion of that cost. In response to a question by Commissioner Church, Mr. Tustin stated that the County would need a six-acre site to accept yard waste, and the Bishopville HCC is only two acres in size. Commissioner Church stated that he would like County staff to identify an alternate site in the north end that could be utilized as a yard waste drop off site. In response to a question by Commissioner Shockley, Mr. Tustin explained that landfill cap and closure projects are required statewide, and this project has been delayed for quite some time, as it was last used as a landfill in October 1992. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Church to sign the Settlement Agreement and Consent Order between MDE and the County Commissioners of Worcester County, Maryland, subject to minor modifications outlined by County Attorney Sonny Bloxom.

The Commissioners met with Mr. Tustin to review the 2013 MDE Solid Waste Tonnage Report for the calendar year 2013 for the Worcester County Landfill, which reflects the total waste accepted as 60,894 tons. He advised that, prior to the Town of Ocean City contracting with a private out-of-state refuse hauler to dispose of their trash, the Landfill accepted approximately 100,000 tons of waste annually.

The Commissioners met with representatives from the towns of Pocomoke City, Snow Hill, Berlin and Ocean City, as well as the Ocean Pines Association (OPA) regarding their Fiscal Year 2015 grant requests from the County.

The Commissioners met with Pocomoke City Council members Diane Downing and Rob

Clarke and City Manager Russ Blake. Mr. Clarke thanked the Commissioners for their ongoing support and recognized that the County's revenues have been decreasing in recent years. Therefore, their requests for County support for the coming year are in only two major categories. He asked for continued categorical funding and pass-through grants as follows: \$400,000 for Economic Development; Liquor License Fees; 50% of the profits from the Pocomoke Dispensary; 15% credit against tipping fees for recycling efforts; financial corporation tax loss payment; support for the city's ambulance services based on the County formula; fire department funding; and marketing/promotional assistance of \$4,500. He further advised that grant requests also included special projects, which have regional benefit and interest as follows: reconsider the County funding formula for ambulance reimbursement to increase the mileage reimbursement rate from \$0.505 per mile to \$1.50 per mile, which more accurately reflects the actual cost, as Pocomoke's newest ambulance cost \$170,000 and uses more expensive diesel fuel; industrial development in the form of continued support for the proposed MIST building on Broad Street and construction of a new shell building in the industrial park, as funds become available from the State or elsewhere; tourism and cultural attractions, including the MarVa Theater, Delmarva Discovery Center (DDC), Sturgis One-Room African-American School House, and Costen House; \$14,000 to construct a new billboard on U.S. Rt. 13 to replace the one destroyed during Hurricane Sandy; and operating fund assistance for the DDC.

The Commissioners met with Snow Hill Town Council member Eric Mullins and Town Manager Kelly Brewington. Mr. Mullins expressed his appreciation to the Commissioners for their past support and asked the County to award the town a \$600,000 grant in FY15 to help maintain current services and implement revitalization efforts. He advised that the town is facing economic challenges following the recent reduction in real property tax revenues following the recent reassessment of town properties. With regard to maintenance projects, Mr. Mullins stated that the town recently completed upgrades to the wastewater treatment plant and is now updating the underground infrastructure. With regard to downtown improvements, he stated that efforts are underway to build a partial third floor and restore the original facade on the Mason Opera House at an estimated cost of \$520,000, and \$100,000 of this year's requested grant would be used to help offset these costs.

The Commissioners met with Berlin Mayor Wm. Gee Williams, III, who thanked the Commissioners for their grant of \$400,000 for FY14 and expressed his hope that the Commissioners would maintain this level of funding for FY15. With regard to the town grant, he advised that the town plans to use these funds to complete projects that enhance the quality of life, assure the town's economic viability and make it a tourism destination. He advised that these projects include completing the final phases of a project to replace sidewalks in the downtown area, to assure sidewalks are safe, contiguous and meet all current Americans with Disabilities Act (ADA) requirements, improving municipal parks, repairing the roof on the Visitor's Center on Main Street and upgrading utility billing software. He expressed his gratitude for the town's close partnerships with and support from Worcester County Tourism Director Lisa Challenger and Social Media Coordinator Mark Huey, as well as Ocean City and Ocean Pines Chamber of Commerce officials and residents and visitors in helping Berlin to be named Budget Travel Magazine's 2014 Coolest Small Town in America. He also thanked the Commissioners for supporting their request for State legislation to amend Article 2B (Alcoholic Beverages) of

the Annotated Code of Maryland to allow for the issuance of Class “D” beer/wine/liquor licenses within town limits. Commissioner Purnell requested that the town repair Flower Street, which was annexed into the town several years ago. Mayor Williams agreed to take care of that.

The Commissioners met with Ocean City Mayor Rick Meehan, City Council member Dennis Dare and City Manager David Recor to discuss their FY15 grant requests from the County. Mayor Meehan stated that town officials appreciated that FY14 grants were restored to FY09 levels in recognition of the services Ocean City provides in lieu of the County providing them, and he stated that the town is requesting a 5% increase in the unrestricted grant to \$2,532,554, along with additional grants of \$40,000 to fund one-half of the net cost of the bus route from the Park and Ride in West Ocean City to Ocean City and \$50,000 to improve safety on the Boardwalk with the use of cameras monitored by public safety employees during the summer season. He stated that it is very important to the town and the County to protect both residents and visitors and to maintain the value of the boardwalk properties. He stated the town’s final request is not financial, but rather they are seeking a long-term lease or a deed with a reverter clause from the County for the property at 3<sup>rd</sup> Street in Ocean City, which is the site of two ballfields, a skate park and other recreational amenities. He advised that the town plans to upgrade the park, and needs a long-term lease to justify bond funds to complete the project. Commissioner Gulyas supported the request and stated that the facility will truly be a first class park once completed. Commissioner Boggs congratulated Ocean City officials for their successful efforts to reduce the crime rate. In response, Mayor Meehan stated that the city has taken a proactive stance to prevent crime before it can even occur rather than simply waiting to catch perpetrators after a crime has been committed. Mayor Meehan concluded by stating that they are also requesting County and Ocean City staff meet in the near future to discuss the concept of a tax differential for Ocean City taxpayers.

The Commissioners met with Ocean Pines Association (OPA) Board members Vice President Sharyn O’Hare, Treasurer Bill Cordwell and Jack Collins to discuss their FY15 grant requests from the County. Ms. O’Hare advised that Ocean Pines is home to 11,700 year-round residents or 23% of the County’s residents, but despite having the largest year-round population the OPA continues to receive the minimum level of funding compared to the amount of funding received by the other communities in Worcester County. She reviewed the services and amenities the OPA provides to the community and all Worcester County residents, including recreation and parks and public safety, and she asked the Commissioners to provide funding for four distinct needs as follows: a minimum public safety grant of \$600,000 for police services; a \$250,000 grant for the restoration of roads and bridges, which includes \$175,000 needed for bridge repairs in FY15; a grant of \$6,000 for tourism to cover half the cost of 4<sup>th</sup> of July fireworks; and \$95,000 for Recreation and Parks programs. Ms. O’Hare stated that 37% of participants using Ocean Pines Recreation and Parks programs are from outside Ocean Pines, and, though the OPA spends in excess of \$1.5 million annually for activities and programs, they are only asking the County to cover 6% of those costs. In closing, she thanked the Commissioners for their past support. Commissioner Boggs conveyed her appreciation to OPA officials for making community services available to all Worcester County residents and for OPA residents’ willingness to volunteer on several County boards and commissions.

Commissioner Church thanked town and OPA officials for meeting with them.

The Commissioners met with Superintendent of Schools Dr. Jerry Wilson to review the Maintenance of Effort (MOE) calculation for FY15. The MOE funding level is a State requirement, unless a waiver is requested by the County and granted by the State. To receive the State increase in funding and compensatory aid for the coming fiscal year, the County must designate at least as much funding per pupil to the Board of Education (BOE) as it did in the prior budget year, which is known as the MOE Funding Level. Dr. Wilson stated that for FY15, based upon an increase of six students from 6,243 students to 6,249 full-time equivalent (FTE) students, the MOE funding level in Worcester County would increase by \$11,783.75 per student for a total increase of \$70,702 for a total FY15 MOE budget of \$73,636,640 as compared to the FY14 funding level of \$73,565,938. Dr. Wilson requested that the Commissioners commit to funding the MOE level or more in FY15. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed not to file a request for a waiver of the MOE funding level and agreed to meet the MOE requirement for the FY15 budget year.

Pursuant to the request of Dr. Wilson and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the list of MOE nonrecurring cost exclusions in the BOE's requested FY15 budget, which includes \$200,000 for student computer laptops for use in State-mandated, online student testing. Nonrecurring costs reflect one-time expenses rather than ongoing costs and can, therefore, be excluded from the calculation of the required Maintenance of Effort (MOE) funding level in future years. Dr. Wilson explained that approval as a nonrecurring cost does not constitute a commitment for purchase of the student computer laptops. He further explained that these proposed nonrecurring expenses will be forwarded to the State for final approval and exclusion from the future MOE calculation.

In response to a question by Commissioner Shockley, Chief Financial Officer Vince Tolbert advised that the request for \$200,000 is to purchase laptops and to cover recurring software requirements. He further advised that the BOE purchased 225 laptops needed for online testing in FY13, and they would need to continue to purchase additional laptops in each consecutive budget to increase the current deficient laptop to student ratio. Commissioners Lockfaw and Bunting expressed significant concerns with the proposal to purchase laptops to assist in meeting Common Core Standards.

Atlantic General Hospital (AGH) President and Chief Executive Officer Michael Franklin met with the Commissioners to discuss the AGH Annual Report and AGH's Strategic Initiatives for Worcester County. Mr. Franklin presented a PowerPoint, which covered AGH's mission, The Cost of Care for FY12 and FY13; State Assessments; Medicare Waiver & the Health Services Cost Review Commission (HSCRC); Efficiency & Innovation; AGH Focus on Quality; Community Impact through the creation of 600 jobs and \$38 million in payroll and a total of \$10,741,878 spent on community benefits in Maryland, Virginia and Delaware; Patient Centered Medical Home; New AGH Service Lines, including Urology, Dermatology and Bariatrics; Meaningful Use Milestones; AGH's progress with regard to "E" Strategy 2011-2015; 2013 Strategic Initiatives with regard to Strategic Marketing/Communications to Southeastern Sussex

County and having joined the Delaware Health Information Network; 2013-2014 Strategic Initiatives, including vascular access, Maryland Broadband, Health Literacy Program, Provider Relationship Management, West Ocean City expansion, ancillary pharmacy, and clinical affiliations and vertical integration; Creating Healthy Communities - Community Health Needs Assessment (CHNA), which includes data collection and sharing; Prioritized Needs; Planning Committee Measures; Future Plans to Build on Previous Strategic Plans; and the Challenge to address the needs of the aging community with 10,000 baby boomers turning 65 each day and more than half of them expected to have multiple chronic conditions estimated to cost Medicare \$1 trillion in 2022, which is almost double the current cost of \$560 billion. Mr. Franklin requested the County's continued support of AGH's infrastructure. Commissioner Church stated that good schools and quality health care facilities draw people to Worcester County, and he thanked Mr. Franklin and the AGH staff for their successful efforts to address the growing health needs of the community.

The Commissioners reviewed House Bill 1512 Worcester County - Alcoholic Beverages Licenses, which would add the towns of Berlin, Snow Hill and Pocomoke City to the list of places where Class D beer, wine and liquor licenses may be issued by the Worcester County Board of License Commissioners, along with a letter from Pocomoke City Mayor Bruce Morrison to Delegate Mike McDermott thanking him for including Pocomoke City in the proposed bill. Commissioner Boggs stated that, since the County Commissioners supported such a change for Berlin at the last meeting, it was only fair to extend the same privilege to Snow Hill and Pocomoke City. Following some discussion and upon a motion by Commissioner Purnell, the Commissioners voted unanimously to send a letter of support for HB 1512 to the Eastern Shore Delegation.

Upon a motion by Commissioner Boggs, the Commissioners unanimously approved the revised timing of the bond sale for the County Commissioners of Worcester County, Maryland Consolidated Public Improvement Bonds, 2014 Series to occur at 10:30 a.m. on Tuesday, March 18, 2014 instead of 11:00 a.m., since the County staff just learned that Howard County, Maryland is selling bonds that same morning at 11:00 a.m.

The Commissioners answered questions from the press.

Following a motion by Commissioner Lockfaw, seconded by Commissioner Purnell, the Commissioners unanimously voted to meet in closed session at 12:28 p.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 10-508(a)(1) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; Bob Mitchell, Environmental Programs Director; John Tustin, Public Works Director; John Ross, Public Works Deputy Director; and Jennifer Swanton; Assistant Finance Officer. Topics discussed and actions taken included: filling

critical vacant positions, including two part-time Store Clerk I's, two full-time Store Clerk II's and one Database Administrator for Liquor Control; appointing Garry Mumford and reappointing Colleen Wareing to the Drug and Alcohol Abuse Council; appointing Julie Phillips to the Commission for Women; reappointing Andrea Watkins to the Local Management Board; receiving legal advice from counsel; and performing administrative functions.

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

The Commissioners adjourned to meet again on March 18, 2014.

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

March 18, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr. (Absent)  
Virgil L. Shockley

Following a motion by Commissioner Lockfaw, seconded by Commissioner Gulyas, with Commissioner Purnell 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), (3) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; Mark Thomas, Library Director; and Ron Cascio, Library Board of Trustees President. Topics discussed and actions taken included: acknowledging the hiring of Patrick Thompsen as a School Security Officer within the Sheriff's Office; appointing Karen Johnson to the Drug and Alcohol Abuse Council; considering acquisition of real property for public purposes; receiving legal advice from counsel; and performing administrative functions.

Commissioner Purnell was absent from the meeting.

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

The Commissioners reviewed and approved the minutes of their March 4, 2014 meeting as presented.

Pursuant to the recommendation of Sheriff Reggie Mason and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Church to sign the Mutual Aid Agreement Between Worcester County, Maryland and Princess Anne, Maryland, authorizing the Worcester County Sheriff's Tactical Armed Response Team (STAR) to provide mutual law enforcement aid and assistance to the Princess Anne Police Department in emergency situations. Sheriff Mason stated that he hopes to develop similar agreements with other law enforcement agencies on the Eastern Shore, as such partnerships improve public safety.

Pursuant to the request of Health Officer Debbie Goeller and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Church to sign a year round Lease Agreement for an apartment at 101A Beach Club at 112<sup>th</sup> Street in Ocean City to be utilized primarily by the Health Department seasonal sanitarians, as

well as visiting physicians in the off-season, from March 1, 2014 through February 28, 2015 at a cost of \$12,500.00.

Pursuant to the request of Commission on Aging Director Rob Hart and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the proposal for the purchase and installation of one Stanley Magic Force Automatic Single Swing Door Operator with Radio Controlled Push Plate Activation at the senior center in Ocean City for a total cost of \$2,127.

In a related matter, Commissioner Gulyas advised that the Ocean City Senior Center lacks sufficient identifying signage on the exterior of the building and on Coastal Highway to identify its location. She stated that, because of these deficiencies, many Ocean City residents and visitors are unaware that the facility exists. She stated that she asked the State Highway Administration (SHA) to install a directional sign on Coastal Highway, but they have been reluctant to do so. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously directed staff to coordinate the development of an identification sign or lettering for the building, similar to that which is provided on other senior centers throughout Worcester County, and they further agreed to send a letter to SHA District Engineer Donnie Drewer requesting the installation of a directional sign on Coastal Highway to identify the location of the senior center in Ocean City.

The Commissioners met with Worcester County Recreation and Parks (WCRP) Director Paige Hurley, Maryland Coastal Bays Foundation (MCBF) Executive Director Dave Wilson and MCBF Program Manager Bill Mahoney to discuss a request from the MCBF to assist them with a competitive grant program challenge that is open to local governments and non-profit organizations for funding to assist the Governor's Office in reaching its goal to establish an additional 1,000 acres of stream-side forests by 2015. Mr. Hurley stated that his office worked with the MCBF and was able to identify one acre of land at the Northern Worcester Athletic Complex (NWAC) in Berlin that would serve this purpose well, as it is not suitable for park development. Mr. Hurley endorsed the request of the MCBF to plant trees on this one-acre area for the following reasons: to engage school students and other citizens with respect to outreach and education; reduce maintenance costs and efforts related to mowing the managed naturalized area; and the County would receive credit toward the Total Maximum Daily Load (TMDL) requirements for the Coastal Bays, as the proposed use would meet standards based on the relationship between pollution sources and in-stream water quality conditions.

In response to a question by Commissioner Boggs, Mr. Hurley stated that the amount of TMDL credits to be applied to the one-acre parcel is not yet known. Mr. Mahoney stated that the primary benefits at this point include the reduction in maintenance costs to the County and the educational opportunities for students. In response to questions by Commissioner Bunting, Mr. Wilson stated that the closest ditch to the one-acre site would serve as the required in-stream area to qualify under the Governor's Challenge program. Development Review and Permitting Director Ed Tudor confirmed that future park development or other nearby development on County properties would be subject to meeting reforestation requirements. Commissioner Bunting expressed concern that planting this area may adversely impact future development of the NWAC. Commissioner Shockley stated the Commissioners should review the NWAC Master Plan before making any decision of lasting consequence with regard to the use of this portion of the property. Following some discussion, a motion by Commissioner Boggs to

postpone action on the request until April 1, 2014 to provide staff with time to review the NWAC Master Plan with regard to this area and still allow planting by the April 15 deadline failed 3-3, with Commissioners Boggs, Church and Shockley voting in favor of the motion and Commissioners Bunting, Gulyas and Lockfaw voting in opposition. A subsequent motion by Commissioner Bunting to deny the request also failed 3-3, with Commissioners Bunting, Gulyas and Lockfaw voting in favor of the motion and Commissioners Boggs, Church and Shockley voting in opposition to the motion.

The Commissioners met with Mr. Hurley, Mr. Wilson and Mr. Mahoney to review and discuss a draft Memorandum of Understanding (MOU) between the County Commissioners of Worcester County, Maryland and the MCBF regarding the maintenance and management of the Greys Creek Nature Park (Park), in compliance with the County's MOU with the State of Maryland's Program Open Space (POS), entered into in 2006 when the County acquired this property through State purchase. Mr. Hurley reviewed the draft MOU with the MCBF. In response to a question by Commissioner Bunting, Mr. Hurley advised that hunting is not permitted on County-owned property. A motion by Commissioner Boggs to authorize Commission President Church to sign the MOU with the MCBF failed 3-3, with Commissioners Boggs, Church and Shockley voting in favor of the motion and Commissioners Bunting, Gulyas and Lockfaw voting in opposition to the motion.

County Attorney Sonny Bloxom stated that it was his understanding that it was the intention of the Commissioners, since accepting ownership of the property, to enter into a MOU with the MCBF to manage the site. He stated that this is a great opportunity to work with a proven organization to utilize the site for passive recreational and educational opportunities. Commissioner Boggs concurred, stating that the property would become a more valuable County resource under the MCBF's management. In response to a question by Commissioner Shockley, Mr. Hurley stated that currently the County's only actions with regard to the Park include mowing, while the Maryland Department of Natural Resources (DNR) installed a living shoreline on the property. Commissioner Church stated that he sees no downside to the request and urged his fellow Commissioners to approve the MOU. In response to a question by Commissioner Gulyas, Mr. Wilson stated that the MCBF plans to develop forested trails, pursue wetland restoration, develop pervious parking areas and include a kayak launch at the Park. Mr. Mahoney advised that grant funds would be used to cover the cost of developing these improvements. Commissioner Lockfaw stated that he would prefer to consider the request after reviewing formal plans for the Park and having more input on proposed improvements. In response, Mr. Wilson stated that the MOU before them today remains true to the original Park Plan developed for this site after its acquisition, and he assured the Commissioners that MCBF would seek the Commissioners' approval before making any improvements. Mr. Bloxom confirmed that such County approval is a condition of the MOU. Commissioner Bunting stated concern about installing pavers for parking at the kayak launch, stating that doing so would disturb the natural setting. He further questioned the rationale of the State in purchasing this property to achieve conservation goals, since 90% of the land was already protected from development. Following some discussion, the Commissioners asked Mr. Wilson and Mr. Mahoney to meet with them on April 1, 2014 to review the draft plans for the site before giving further consideration to adopting the draft MOU.

The Commissioners conducted a public hearing to consider an amendment to the Comprehensive Water and Sewerage Plan to expand the Island Resort Campground and the water and sewer planning areas to accommodate a 32-site expansion to the existing 110-site campground, with a proposed maximum service commitment at build-out proposed to be 182 equivalent dwelling units (EDUs) of water and sewer service. The subject property is identified on Tax Map 40 as Parcel 93 and is located on a 57-acre property surrounding an existing borrow pit located north of Croppers Island Road north of Newark, Maryland and would be designated W-1 and S-1 (to be served by water and sewer within two years). Environmental Programs Director Bob Mitchell reviewed the Planning Commission's findings of consistency with the Comprehensive Development Plan for Worcester County and existing zoning classifications and advised that they have given the project their favorable recommendation.

Commissioner Church opened the floor to receive public hearing.

There being no public comment, Commissioner Church closed the public hearing.

Upon a motion by Commissioner Boggs, the Commissioners unanimously adopted Resolution No. 14-7 amending the Comprehensive Water and Sewerage Plan for Worcester County to expand the Island Resort Campground water and sewer planning areas as requested.

The Commissioners met with Mr. Mitchell, Assistant Finance Officer Jennifer Swanton and Enterprise Fund Controller Jessica Ramsay to discuss a draft policy for financing equity contributions for existing developed properties connecting to public sewer services in Sanitary Service Areas (SSAs) that are currently served by well and/or septic systems. Mr. Mitchell stated that, to qualify for financing, property owners must have existing developed properties and must currently be served by well and/or septic systems. He stated that financing shall only apply to the equity contribution portion of the connection charge. Ms. Ramsay advised that financing would be offered for a maximum of 15 years at an interest rate set annually by the County Commissioners. Ms. Swanton stated that the loan would be payable in full, if the property was sold. Mr. Bloxom stated that, if anyone defaulted on the loan, the County would post a lien on the property to collect the balance. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously adopted Resolution No. 14-8 authorizing financing of equity contributions for existing developed properties connecting to public water and sewer services in SSAs.

Development Review and Permitting Director Ed Tudor reviewed a letter from Corps of Engineers (COE) Colonel J. Richard Jordan, III, which was written in response to the Commissioners' January 8, 2014 letter to Senator Barbara Mikulski concerning shoaling of the channel leading to the West Ocean City (WOC) Commercial Harbor. In his letter, Colonel Jordan stated that the COE is aware of three problems in the vicinity of the WOC Commercial Harbor that may be inter-related, including the rapid shoaling of the inlet, shoreline erosion south of the harbor and a deepening scour hole adjacent to the Harbor Lights Condominium Project to the north of the harbor. He stated that the COE has conducted a preliminary assessment of the scour issue under the Continuing Authorities Program (CAP), Section 111 of the River and Harbors Act of 1968, as amended. Furthermore, he stated that, given the complex nature of these issues, the COE would follow up within approximately 30 days regarding the status of the Section 111 preliminary assessment and other authorities that may better address long term solutions to

shoaling issues.

In response to concerns raised by Commissioner Shockley, Mr. Tudor stated that at this time the COE has indicated that they plan to continue dredging the channel as necessary. Mr. Tudor agreed to keep the Commissioners apprised of any new information regarding this matter.

The Commissioners reviewed a letter from Susan Cochran, President of the League of Women Voters of Maryland, Inc. requesting a waiver of fees to obtain Geographic Information System (GIS) files for the seven Worcester County Commissioner Election Districts to use for an online Voters Guide to be available at VOTE411.org. In response to a question by Commissioner Gulyas, Mr. Tudor stated that the fee was \$250 for the requested data layer. Commissioner Boggs stated that waiving the fee for non-governmental agencies runs counter to County policy and would set a bad precedent. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners voted 5-1, with Commissioner Boggs voting in opposition, to approve a waiver of the \$250 fee for the GIS files as requested.

In a related matter and upon a question by Commissioner Gulyas, Assistant Chief Administrative Officer Kelly Shannahan stated that the Board of Elections typically provides Commissioner District maps to the public for a nominal printing fee; however, they had experienced problems with their chosen printer and could not provide them at this time. He agreed to contact the Elections Board to request the maps as soon as possible to be distributed to all County Commissioner candidates.

The Commissioners met with Mr. Tudor to review a flyer from the State Highway Administration (SHA) informing the public of an information meeting to take place at the Snow Hill Middle School cafeteria on Wednesday, March 26, 2014, from 5:30 - 7:30 p.m. to review plans for Phases 3 and 4 of the U.S. Rt. 113 Improvement Projects. Commissioner Shockley stated that following the meeting he plans to ask the Commissioners to send a letter in support of the SHA's request to the Secretary of the Maryland Department of Transportation (MDOT) to waive the signal warrant requirement and install a traffic signal at U.S. Rt. 113 and Langmaid Road rather than the previously proposed J-turns at this intersection in Newark.

Pursuant to the recommendation of Mr. Tudor, with input from the Town of Ocean City, and upon a motion by Commissioner Bunting, the Commissioners unanimously directed Mr. Tudor to draft a letter to the Maryland Department of Transportation (MDOT) for incorporation into the Consolidated Transportation Program (CTP) that reflects that the County's continued top priority State highway project is to complete the dualization of U.S. Rt. 113. The Commissioners further directed Mr. Tudor to reference the County's future priority projects in no particular order, which include improvements to MD Rt. 589, dualization of MD Rt. 90 and replacement of the Harry W. Kelly Memorial Bridge (U.S. Rt. 50) into Ocean City. A prior motion by Commissioner Boggs to submit only the U.S. Rt. 113 dualization project and MD Rt. 589 improvements as County priority projects died for lack of a second.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing to receive public comment on Bill 14-2 (Zoning - Private Docks and Piers on Agricultural Parcels), which was introduced by

Commissioners Boggs, Bunting, Church, Gulyas, Purnell and Shockley on February 18, 2014 and would amend Section ZS 1-311(b)(4) of the Zoning Ordinance to permit the construction of a private dock or pier on a parcel of land created for agricultural purposes (not to be confused with a parcel of land zoned either A-1 or A-2 Agricultural District). Mr. Tudor reviewed the draft bill and stated that currently ZS 1-305(p)(3) permits a private dock or pier as an accessory use on a vacant lot only when that lot is allowed to have a single-family dwelling on it. Lots created for agricultural purposes are not permitted to have dwellings. He stated that County staff and the Planning Commission have given their favorable recommendation to the bill. He stated that this change would affect only a very small handful of property owners. In response to a question by Commissioner Bunting, Mr. Tudor explained that the Critical Area Regulations allow private docks and piers, but prohibit community piers.

Commissioner Church opened the floor to receive public comment.

Attorney Mark Cropper, speaking on behalf of the applicant, Charles Nichols, stated that residential property owners currently enjoy certain riparian rights, which include having a pier, and the proposed legislation would extend those same rights to agricultural property owners. Therefore, he asked the Commissioners to adopt Bill 14-2 as presented.

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

Following some discussion and upon a motion by Commissioner Shockley, the Commissioners voted unanimously to adopt Bill 14-2 as presented.

The Commissioners met with Mr. Tudor to review a text amendment application submitted by Mark Cropper on behalf of Palmer Gillis seeking to amend the Zoning and Subdivision Control Article to revise the gross floor area and unit number restrictions associated with neighborhood retail and service businesses allowed by special exception in the C-1 Neighborhood Commercial District. Mr. Tudor stated that the proposed amendment seeks to add a new subsection "a" to Section ZS 1-209(c)(1), which would remove the four-unit cap on separate business establishments on a single lot for doctors' offices and clinics for human outpatient medical treatment. He stated that the Planning Commission has given their favorable recommendation to the bill. Following some discussion, Commissioners Boggs, Bunting, Church, Gulyas, Lockfaw and Shockley agreed to introduce the aforementioned legislation as Bill 14-3 and scheduled a public hearing on April 15, 2014 to receive comments on Bill 14-3.

The Commissioners met with Mr. Tudor to review a text amendment application submitted by Mark Cropper, which seeks to amend the Zoning and Subdivision Control Article to allow personal service establishments limited to health clubs and exercise facilities by special exception in the I-1 Light Industrial District. Mr. Tudor stated that the proposed amendment seeks to renumber existing Section ZS 1-212(c)(12) of the Zoning Ordinance to (c)(13) and to create a new subsection (c)(12) to permit the proposed uses. He stated that County staff had some concerns over unintended consequences of the initial proposal, but worked with Mr. Cropper to draft more narrowly constructed language that still met his client's needs and kept more with the nature of the I-1 Light Industrial District. Mr. Tudor stated that the Planning Commission expressed some concern as well that, without a required minimum percentage of the building being dedicated for the principal industrial use, the language as proposed may allow virtually all of the structure to be used for a health club or exercise facility. He advised that Mr. Cropper had

concurring and proffered to add language to require that at least 51% of the building be dedicated to the principal use permitted in the district, and, with that proffer in mind, the Planning Commission gave their favorable recommendation to the bill. Following some discussion, Commissioners Boggs, Bunting, Church, Gulyas, Lockfaw and Shockley agreed to introduce the aforementioned legislation as Bill 14-4 and scheduled a public hearing on April 15, 2014 to receive comments on Bill 14-4.

Commissioner Church closed the legislative session.

The Commissioners met with Mr. Tudor to discuss the 90-day appeals period for the Flood Insurance Rate Maps (FIRMs) for Worcester County, as developed by the Federal Emergency Management Agency (FEMA), and they reviewed the nine accompanying attachments. Mr. Tudor reviewed the attachments as follows: 1 - a letter advising FEMA has posted the proposed flood hazard determinations in the Federal Register and is publishing public notifications concerning the appeals process in area newspapers on or about March 6 and 13, 2014; 2 - table from the FEMA website showing the appeals process dates, which opens March 14, 2014 and closes June 11, 2014; 3 - FEMA response to an appeal filed by John Salm regarding the Arden Center property at Kitts Branch; 4 - a table and associated maps that show the approximate changes in the number of properties both with decreasing risk and floodplain removal as well as those with increasing risk and those moving into the floodplain for the first time; 5 - recommend grammatical changes to the maps submitted by County staff; and attachments 6-9, which include two bills making their way through the U.S. Congress, Senate Bill 1926 and House Bill 3370, both of which are aimed at reducing some, if not all, of the rate increases taking place in the National Flood Insurance Program. Mr. Tudor stated that Senate Bill 1926 essentially delays most of the provisions of the legislation for four years. In addition, it would create a National Association of Registered Agents and Brokers for flood insurance. He advised that House Bill 3370 seeks to address the following issues: a cap on annual rate increases to 18% on individual properties and 15% on classes/groups of properties; repeals the provision that homebuyers of pre-FIRM properties pay the full risk rate at the time of purchase; repeals the provision that owners of pre-FIRM properties pay the full risk rate when voluntarily buying a flood insurance policy; reinstates the grandfathering provision for properties mapped in higher risk categories; provides refunds for those who have already paid the higher rates; and requires FEMA to minimize the number of policies that have annual premiums in excess of 1% of the policy coverage. Mr. Tudor announced that House Bill 3370 has now passed in both the House and Senate and is awaiting signature by the President.

In response to a question by Commissioner Church, Mr. Tudor advised that all of Snug Harbor has been removed from the V-Zone. At the Commissioners direction, Mr. Tudor agreed that County staff would wage an active public relations campaign to inform property owners about the public comment period for the FIRMs and to encourage property owners to retain flood insurance, even if their properties have been removed from the flood plain by the new maps.

The Commissioners met with Finance Officer Phil Thompson and Sam Ketterman, Financial Advisor with Davenport & Company, LLC, the County's Financial Advisor, to review the County's recently reported bond ratings and the draft Resolution for the Bond Sale to be finalized for later that morning for the Consolidated Public Improvement Bonds, 2014 Series

(Tax-Exempt) totaling \$48.3 million. Proceeds from the 2014 series (tax-exempt) bonds will be used to finance Snow Hill High School renovations and additions, as well as improvements to the Ocean Pines water and wastewater systems. Mr. Thompson announced that Worcester County's bond rating improved after Standard and Poor's (S&P) upgraded the county to AA+, and remained the same in recent reports from both Moody's Investor Service and Fitch Ratings, which both confirmed that county finances are still in good health. Mr. Thompson stated that S&P raised its rating on Worcester County's general obligation (GO) debt one notch, from AA to AA+, based on recently implemented local GO criteria published September 12, 2013 on RatingsDirect, as well as the county's strong financial performance supported by management's strong policies and practices. Concurrently, Fitch Ratings assigned an AA rating to Worcester County's \$48.3 million Consolidated Public Improvement Bonds, 2014 Series and a stable AA rating on the county's \$67.6 million outstanding GO bonds. Moody's Investors Service assigned a stable Aa2 rating to Worcester County's \$48.3 million Consolidated Public Improvement Bonds, 2014 Series and affirmed the Aa2 rating on the county's existing outstanding parity debt, stating that the bonds are secured by the county's unlimited ad valorem tax pledge. Mr. Thompson further stated that the three rating agencies confirmed that Worcester County's rating outlook is stable. The stable rating rationale is based upon the county's tourism sector, which remains a significant economic driver, sound reserve levels and a low debt burden, thanks to the County's utilization of pay-go funding for capital projects. Fitch also noted the County's well-managed pension and Other Post Employment Benefits (OPEB) plans. With regard to S&P's upgrade, Mr. Ketterman stated that he had never before seen a report from a rating agency that outlined so many "very strong" ratings and such compelling reasons for an upgrade. The Commissioners thanked their financial team, consisting of Chief Administrative Officer Harold Higgins, Budget Officer Kathy Whited, Mr. Thompson, Assistant Finance Officer Jennifer Swanton, Enterprise Fund Controller Jessica Ramsay and Budget Accountant Kim Watts for their outstanding leadership and fiscally conservative practices.

The Commissioners met with Mr. Higgins and Ms. Whited to review the requested Worcester County Departmental Operating Budget Requests for FY15. Mr. Higgins provided a summary of the requested operating budget, and stressed that this is only the requested budget. He stated that the estimated general fund revenues based on current tax rates are estimated to be \$176,399,189, which is an increase of \$7,755,535 or 4.6% more than the current year. He stated that the requested general fund operating expenditures total \$184,770,774 which leaves a shortfall of \$8,371,585 that must be reconciled by either reductions in expenditures, additional revenues or a combination of the two.

Mr. Higgins advised that, based on the current tax rate of 77 cents per \$100 of the real property assessment, Net Property Taxes are projected to increase by \$252,584, primarily as a result of Homeowner Tax Credits and decreased assessments. Income Tax revenues are anticipated to increase by \$500,000 at the current tax rate of 1.25%, based on actual receipts and increased estimates. Other local taxes are expected to increase \$1,765,083, primarily due to Ocean City Room Tax, which is a pass-thru to the Town of Ocean City. The Department of Liquor Control (DLC) distribution decreased \$363,371 based on anticipated revenue reductions. Federal grants are anticipated to increase by \$21,561; Licenses and Permits will increase \$33,000 due to increased estimates for building permits; Interest on Investments remain level at \$225,000;

transfers in will increase \$4,739,759, using budget stabilization funds to cover planned revenue shortfalls; State grants have increased by \$265,860 due primarily to additional funds of \$644,030 for the Waterway Improvement Grants; and Local Impact Grant (LIG) funds from the Casino at Ocean Downs increased by \$499,213 and are earmarked for the Worcester Career and Technical High School debt payment in FY15.

County department and agency requested expenditures increased and include the following: \$468,446 for Other General Government, primarily for building repairs; \$752,041 for the Sheriff's Office for additional deputies and vehicles; \$92,346 for the Roads Division for road paving; \$643,684 for boat landing repairs to be offset by grant funds; \$1,063,172 for the Health Department, largely due to the State health benefit costs for contractual employees; \$130,488 for Library books and computers; \$250,000 for beach maintenance; \$1,640,083 in pass-thru room taxes to Ocean City; and \$1,012,396 in increased grant requests to towns.

The Board of Education (BOE) operating budget request is \$79,463,091, plus school construction debt of \$11,740,740 paid by the County on behalf of the BOE, which totals \$91,203,831 or 51% of the County's total estimated revenue. Both the County and BOE requested budgets reflect a proposed payroll increase of 3.5%. The County salary, insurance and benefits package reflects an increase of \$3,044,166, which includes a salary increase of \$845,482 and longevity bonuses for those eligible; insurance and benefits will increase by \$1,228,827, based on an estimated increase of 12% for health benefits; and an increase of \$717,138 for retirement contributions due to increased State rates. The BOE salary package reflects a step, longevity step for those eligible and a 1% cost of living adjustment (COLA) totaling \$1,916,669; a 3.4% increase for bus contractors, which includes an increase in the hourly rate, mileage rate and per vehicle allotment, totaling \$175,000; and an increase in starting teacher salaries from \$42,222 to \$42,644.

Commissioner Bunting stated that he would like the BOE to provide a five-year cost estimate for implementing the new Common Core Standards. The Commissioners concurred and requested the BOE provide them with this information for discussion during the Commissioners' work session with the BOE on Tuesday, April 8, 2014. Commissioner Shockley expressed concern that health insurance costs have increased by \$2 million for BOE employees and \$1.2 million for County employees, which equates to an increase of 12% for FY15. In response, Mr. Higgins stated that Human Resources Director George Bradley is still negotiating health insurance costs with BlueCross BlueShield. Ms. Whited explained that the Health Department confirmed that the County will incur a half-year of expenses to provide health coverage to contractual employees of the Health Department. Mr. Higgins further explained that \$4.7 million in reserve funds, earmarked by the Commissioners in prior years as budget stabilization funds, are included in the requested FY15 Operating Budget as planned.

Mr. Higgins informed the audience that the public hearing on the requested budget is scheduled for Tuesday, May 6, 2014, at 7:00 p.m. in the Snow Hill Middle School Auditorium, and he stated that the upcoming budget work sessions have been scheduled for April 8, as well as May 13, 21 and 27, 2014, if needed. He advised that these work sessions are open to the public.

The Commissioners met with Mr. Thompson and Mr. Ketterman to review the bids for the Consolidated Public Improvement Bonds, 2014 Series. Pursuant to the recommendation of Mr. Ketterman and upon a motion by Commissioner Gulyas, the Commissioners unanimously

adopted Resolution No. 14-9, accepting the low bid from Wells Fargo for the Consolidated Public Improvement Bonds, 2014 Series (Tax-Exempt) totaling \$48.3 million. Mr. Ketterman advised that the County received eleven bids, the lowest of which was awarded to Wells Fargo at an interest rate of 2.670007%. Mr. Ketterman stated that the rate was better than estimated and also better than bonds just issued to Harford County and Howard County, Maryland, both of which have AAA bond ratings and both of which received rates higher than 3% on their 20-year bonds. He concluded that the market has rewarded Worcester County for its sound management.

The Commissioners answered questions from the press, after which they adjourned to meet again on April 1, 2014.

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

April 1, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President (Absent)  
Judith O. Boggs

Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Gulyas, seconded by Commissioner Purnell, with Commissioner Lockfaw 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), (3) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; and John Tustin, Public Works Director. Topics discussed and actions taken included: filling critical vacant positions, including hiring Tracy Schwartz as the Database Administrator within Liquor Control and advertising to hire a Social Media Coordinator for Tourism and an Ocean Pines Service Area Supervisor for the Water and Wastewater Division of Public Works; appointing Bill Davis to the Agricultural Preservation Advisory Board, Dawn Hodge and Caroline Bloxom to the Commission for Women and Todd Ferrante to the Water and Sewer Advisory Council for the West Ocean City Service Area, and reappointing Steve Brown as the Town of Ocean City representative on the Solid Waste Advisory Committee; agreeing to purchase property from T. Michael and Elizabeth Anne Nally, located on Harrison Avenue in Berlin, for future construction of a new branch library; receiving legal advice from counsel; and performing administrative functions.

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

Commissioner Lockfaw was absent from the meeting.

The Commissioners reviewed and approved the minutes of their March 11, 2014 budget work session and their March 18, 2014 regularly-scheduled meeting as presented.

The Commissioners presented a proclamation recognizing April as Fair Housing Month to Housing Program Administrator Jo Ellen Bynum and reminded residents that fair housing is a right promised to all Americans regardless of their race, color, religion, national origin, sex, familial status or disability. Ms. Bynum advised that, since the 1987 inception of the housing rehabilitation program in Worcester County, her office has rehabilitated nearly 400 houses, and another four are currently under construction.

The Commissioners presented a proclamation to Core Services Area Director Jennifer LaMade recognizing April 7-13, 2014 as National Public Health Week and encouraging area residents to recognize the role public health workers play in ensuring all residents have the opportunity to be healthy and live in healthy communities. Ms. LaMade thanked the

Commissioners and invited them to participate in the annual Tortoise and Hare Dare 5k Walk/Run on April 5 and to attend the Public Health Conference on April 16 in Ocean City, which is also open to all interested citizens.

The Commissioners presented a proclamation recognizing April 6-12, 2014 as National Volunteer Week and specifically highlighted the role the Friends of the Berlin, Ocean City and Ocean Pines Branch Libraries play in citizens and government working together. The proclamation was presented to Library Director Mark Thomas as well as Ocean Pines Branch Manager Patti Hall and Friend Peggy Timmons, Berlin Branch Manager Alice Paterra and Friend Harriette Creter, Ocean City Friend Pat Johnstone and Volunteer Services Manager Kelly Brinkley. Commissioner Boggs noted that the three Friends groups raise funds and support library programs that otherwise could not be hosted due to budget constraints. Mr. Thomas concurred, stating that communities prosper from an educated citizenry, and the library helps in that endeavor by providing a multitude of services to assist diverse needs. Ms. Brinkley thanked the Friends and all other County volunteers who give so generously of their time and talents.

Pursuant to the written request of Health Officer Debbie Goeller and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign a lease agreement for an apartment at 405 Lark Lane, Lark Landing Unit D in Ocean City at a cost of \$9,000 for the period beginning May 19, 2014 and ending on September 19, 2014 to house the Assessment Unit for youth who are detained in Ocean City for minor offenses during the summer of 2014. Jodi Conway, Administrative Officer for the Health Department, advised that the lease is funded by a grant from the Alcohol and Drug Abuse Administration and temporarily houses between 100 to 120 youth each summer.

The Commissioners reviewed a memo from Assistant Chief Administrative Officer Kelly Shannahan outlining concerns by the Newark Volunteer Fire Company (NVFC) regarding the proposed use of J-Turns at the intersection of Langmaid Road and U.S. Rt. 113 in conjunction with Phases 3 and 4 of the U.S. Rt. 113 Dualization Project. Commissioner Shockley advised that he attended the NVFC meeting on March 5, 2014 at which District Engineer Donnie Drewer of the State Highway Administration (SHA) discussed the design and explained that, while current traffic counts do not warrant a traffic signal at this intersection, SHA has requested a waiver to allow a traffic signal to be installed. Therefore, the NVFC has requested the Commissioners support the waiver with a letter to Maryland Department of Transportation (MDOT) Secretary James Smith. Upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Church to sign the draft letter of support as requested.

Pursuant to the recommendation of Development Review and Permitting Director Ed Tudor and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Church to sign an Agreement of Sale between Billie Jackson Richardson, individually and as personal representative of the estate of John R. Richardson, (Sellers) and the County Commissioners of Worcester County, Maryland (Buyer) for the purchase of a Conservation Reserve Enhancement Program (CREP) easement for \$151,589, at no

cost to the County, on approximately 78.01 acres of land located at 5314 Onley Road and identified on Tax Map 79 as Parcel 191. Mr. Tudor stated that this program provides for the State's purchase of voluntary easements whereby property owners agree to maintain CREP practices in perpetuity, and only properties in the County's Rural Legacy Areas that are currently enrolled in a CREP contract are eligible. Mr. Tudor further reiterated that the State funded agreement of sale does not require the expenditure of any County funds and in fact provides for reimbursement to the County of administrative costs up to three percent of the value of the easement and any incidental costs incurred in establishing the easement.

In a related matter and in response to a question by Commissioner Shockley, Mr. Tudor agreed to look into a report from another CREP participant who was told he could not harvest timber on his property, which should be allowed as a bonafide agricultural activity provided the property owner replants the trees.

The Commissioners met with Mr. Tudor to review and discuss a request from George, Miles and Buhr, LLC on behalf of Seaside Acquisition, LLC to establish the roads in the remaining phases of the Seaside Village Residential Planned Community (RPC) off of Golf Course Road in West Ocean City as Approved Private Roads. Mr. Tudor advised that the Commissioners granted a similar request on February 19, 2013 for Phase 1 of the project, with the present owners having converted Phase 1 of the project to fee simple ownership after the Commissioners' approval of the Approved Private Road status in that section, and they now wish to convert the remainder of the project (Phases 2 through 4) to Approved Private Roads as well. Mr. Tudor explained that road maintenance will still be the responsibility of the homeowners' association. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously adopted Resolution No. 14-10 approving the proposal for approved private roads for Phases 2 through 4 of the Seaside Village Residential Planned Community (RPC).

The Commissioners met with Emergency Services Director Fred Webster and Emergency Management Planner Tom Kane to review the draft 2014 Hazard Mitigation Plan. Mr. Webster reviewed the plan, which per State requirements must be updated every five years, and stated that the next steps in the process include Emergency Services staff delivering copies of the draft plan to the local municipalities for their review and acceptance, issuing a press release announcing the posting of the draft plan on the County's website and conducting a public hearing to receive public comment on the draft plan, followed by adoption by the Commissioners. He advised that the Town of Ocean City, which adopts its own plan, is not included in the draft 2014 Hazard Mitigation Plan. Commissioner Shockley requested a copy of the 2006 Hazard Mitigation Plan along with a summary page highlighting the variations between the two plans. In response to a question by Commissioner Shockley, Mr. Kane advised that the draft plan references the current Federal Emergency Management Agency (FEMA) floodplain maps, as the new maps have not yet been adopted. Commissioner Bunting requested an opportunity to review the changes in detail with staff before moving forward. Following some discussion and upon a motion by Commissioner Bunting, the Commissioners voted unanimously to postpone further action on the draft 2014 Hazard Mitigation Plan and requested staff provide them with a copy of the 2006 Hazard Mitigation Plan together with an executive summary of the primary differences between

the 2006 and the proposed 2014 Hazard Mitigation Plan. In addition, the Commissioners requested Mr. Kane meet with Commissioners Bunting and Shockley to review the draft plan and address their concerns with regard to various sections of the draft plan, and afterward to reschedule the matter for reconsideration by the full Board of County Commissioners before taking further action.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to schedule a public hearing on May 20, 2014 to consider accepting the Showell School Road cul-de-sac into the Inventory of Public Roads of Worcester County.

The Commissioners met with Mr. Tustin to discuss the FY14 spring paving schedule and the availability of funds to pave additional roads. Mr. Tustin stated that at their March 4, 2014 meeting the Commissioners awarded bids for the blacktop resurfacing and chip seal surfacing on various County roadways, with \$1 million in funding available to complete the projects. He advised that the bids came in substantially below staff's estimates at only \$335,378 for blacktop and \$480,457.33 for chip seal, leaving \$187,164.67 to complete additional road resurfacing. Following some discussion and upon Mr. Tustin's recommendation and a motion by Commissioner Gulyas, the Commissioners agreed to amend the spring FY14 blacktop schedule for an additional cost of \$183,820 for 2,600 additional tons at \$70.70 per ton to repave the following sections of County roads: 0.23 mile on Griffin Road from MD Rt. 589 to Pole #59078-92646; Bunting Road north for 0.90 mile; Five Mile Branch Road, starting at U.S. Rt. 113 for 0.76 mile; McAllister Road for 0.40 mile; and Windsor Road from Keyser Point Road to Sussex Road for 0.35 mile.

In response to a question by Commissioner Shockley, Mr. Tustin advised that the County does not own sufficient right-of-way to widen Bayview Road and will provide tar and chip this year and could consider acquiring more right-of-way to widen the road in the future.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously awarded the low bid for the purchase of various quantities and sizes of corrugated metal pipe to be utilized by the Roads Division of Public Works to Lane Enterprises, Inc. of Bealeton, VA at a total delivered price of \$23,188.82.

The Commissioners met with Mr. Tustin, Mr. Tudor and County Engineer Bill Bradshaw to review bid documents to replace the Berlin Branch Library roof, which have been revised to include alternate insulated roof panel products to meet the current building Energy Code requirement. Mr. Tustin advised that the existing roof consists of slate shingles installed in the 1970s, which have deteriorated and caused the roof to leak. He advised that the project will require an additional estimated cost of \$52,000 to augment the accrued FY13 Unassigned Fund Balance monies of \$18,000 for a total estimated project cost of \$70,000. In response to a question by Commissioner Gulyas, Mr. Tustin stated that the current slate roof is beyond repair and must be replaced. In response to comments by Commissioner Shockley regarding current negotiations to purchase property in Berlin to construct a new Berlin Branch Library, Mr. Tustin stated that the County's lease with the Berlin Volunteer Fire Department (BVFD) requires them to maintain the current facility, and return it to the BVFC in usable condition, which, therefore, requires the

County to replace the roof. In response to a question by Commissioner Boggs, Mr. Tustin stated that the roof is not ventilated or insulated, but to meet the current Energy Code the County will be required to include both when installing the new roof. In response to a question by Commissioner Bunting, Mr. Tudor stated that the roof replacement includes stripping the existing roof down to its deck, thereby requiring them to bring the roof into compliance with the current Energy Code. Mr. Bradshaw stated that a homeowner would not be held to the same standards upon replacing a roof, though residential structures are not subject to these requirements, since the County does not require permits for roofing work. Mr. Bloxom stated that the Energy Code dictates compliance, and, since the County is aware of these requirements, they cannot turn a blind eye to the regulations. Following much discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously approved the revised bid specifications as presented. Mr. Higgins further agreed to contact the BVFD to determine their plans for future use of the facility prior to awarding the bid for this project.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously approved bid specifications to replace approximately 250 water service lines in the Ocean Pines Service Area, with funding for this project included in the Consolidated Public Improvement Bonds, 2014 Series.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously awarded the low proposal for design of the Wastewater Collection System Improvements in the Ocean Pines Sanitary Service Area at a not to exceed price of \$6,997.96 to EA Engineering, Science and Technology of Ocean Pines, Maryland. In response to a question by Commissioner Church regarding the vast difference between the low bid and the second low bid from J.W. Salm and Associates at \$13,690.05, Mr. Tustin stated that EA Engineering is extremely familiar with the Ocean Pines system due to their ongoing work with the County, and specifically familiar with the remote operation system known as Supervisory Control and Data Acquisition (SCADA) as the original designers of that system, and he feels confident they can complete the project at this price.

Chief Administrative Officer Harold Higgins invited the public to join the Commissioners for the grand opening of the Shore Spirits Retail Liquor Store at 16<sup>th</sup> Street and Coastal Highway in Ocean City at 1:30 p.m. that afternoon. The former store was located at 18<sup>th</sup> Street. The newly renovated 3,000-square-foot retail liquor store at 16<sup>th</sup> Street includes a generous selection of local and other wines. Adjoining the new retail store is the new 1,500-square-foot wholesale operations center, offering the ease of convenience to Ocean City licensees for their liquor purchases.

The Commissioners answered questions from the press, after which they adjourned to meet again on April 15, 2014.

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

April 15, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President (Absent)  
Judith O. Boggs  
Madison J. Bunting, Jr.

Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Shockley, seconded by Commissioner Gulyas, with Commissioner Lockfaw 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) and (4) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; Bill Badger, Economic Development Director; and Merry Mears, Economic Development Deputy Director. Topics discussed and actions taken included: filling critical vacant positions, including hiring Ericka Johnson as a Correctional Officer Trainee within the Jail; transferring Mary Ruth Hilliard from Plant Operator III to Maintenance Worker I at her request and agreeing to advertise to fill the vacant Plant Operator I position within the Water and Wastewater Division of Public Works; appointing Reverend Bill Sterling to serve on the Drug and Alcohol Abuse Council; considering matters concerning the proposal for a business to locate in the County; and performing administrative functions.

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

Commissioner Lockfaw was absent from the meeting.

The Commissioners reviewed and approved the minutes of their April 1, 2014 meeting as presented.

The Commissioners presented a proclamation recognizing April as National Child Abuse Awareness Month to Social Services Director Pete Buesgens, Deputy Director Roberta Baldwin and members of the Children's Resource Intervention Center Kids Empowerment Team (CRICKET) Center of Berlin and recognized that everyone in the community has a role to play to guard against child abuse and promote the social and emotional health of children and families in the community.

The Commissioners presented a proclamation recognizing April 13-19, 2014 as National Library Week to Library Director Mark Thomas, Deputy Director Jennifer Ranck and Library Board member Rosemary Keech. Mr. Thomas stated that communities benefit from an educated citizenry, and Library services play an active role in meeting that end. He also highlighted several events taking place during Library Week, including Food for Fines, with the Library to subtract one dollar from existing late fees for every nonperishable food product donated during the week. He also invited the Commissioners to join Library staff and the Library Foundation in dancing

like it's the 1940s again with the Glen Miller Orchestra on Saturday, May 24, 2014, at the Roland E. Powell Convention Center in Ocean City, with proceeds to benefit library programs and services.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to schedule a public hearing on May 6, 2014 to obtain the views of citizens on community development and housing needs and to offer citizens the opportunity to comment on an application the Commissioners propose to submit to the State on or before May 31, 2014 for Small Cities Community Development Block Grant (CDBG) funds. The proposed application calls for CDBG funding of \$300,000 with a matching fund commitment of \$75,000 in-kind expenditures from the County to continue the Housing Rehabilitation Program, which assists low to moderate income persons and households. Ms. Bynum advised that the funds would be used to rehabilitate 18 owner-occupied homes in the County. She stated that the current grant term will end June 30, 2014 at which point all funds will have been expended and a total of 25 rehabilitations shall be complete. In response to a question by Commissioner Boggs, Ms. Bynum advised that Worcester County Government began administering the Housing Rehabilitation Program in 1987.

Pursuant to the request of Budget Accountant Kim Watts at the request of Diakonia, Inc. and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the 2015 Homeless Women - Crisis Shelter Home Program Funding Renewal Grant Application for homeless women through the Maryland Department of Human Resources Office of Transitional Services to Diakonia, Inc. in the amount of \$24,557 for FY15. In response to a question by Commissioner Boggs, Ms. Watts stated that Diakonia seeks County support to apply for this grant each year to help cover operating costs for the homeless women's shelter, but that the Samaritan Shelter is not eligible for these funds because it does not offer a similar program.

Pursuant to the written request of Commission on Aging Executive Director Rob Hart and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the County Facility Use Agreement, authorizing the Commission on Aging to host its annual Car Show at the Charles and Martha Fulton Senior Center in Snow Hill on Saturday, May 10, 2014, with proceeds from the event to be used to support activities at the senior center.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved bid specifications for the purchase of the following six vehicles for use by the Health Department: four standard sedans; one full-size, regular length 4x4 SUV; and one mid-size sedan. In response to a question by Commissioner Shockley, Mr. Tustin stated that there is no State bid available for this purchase.

Mr. Tustin advised the Commissioners that the Governor, through the State Highway Administration (SHA), has approved a one-time \$10 million grant to be distributed among all

Maryland counties and Baltimore City to assist with much-needed pothole and other road repairs necessitated by this year's extreme winter weather, and he requested authorization to apply for said funds to cover the cost of repairing numerous roads throughout the County. He advised that the County share of the funds would be approximately \$252,000 and that staff would identify areas in need of repair after the funds are awarded in May 2014. Upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized staff to apply for said grant funds.

Pursuant to the request of Budget Officer Kathy Whited and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the required advertisement entitled "Notice of Public Hearing/FY15 Requested Operating Budget," which will run in area newspapers at least once a week for two consecutive weeks, the weeks of April 24 and May 1, 2014. In response to a question by Commissioner Shockley, Chief Administrative Officer Harold Higgins advised that, rather than report a \$14.7 million shortfall, the requested budget includes revenues of \$6.4 million in stabilization funds and another \$2 million in Video Lottery Terminal funds, which are allocated for debt service for Worcester Technical High School (WTHS), in accordance with the multi-year plan to weather the recent economic downturn. The net deficit is therefore only \$8.3 million. He pointed out, however, that this amount would be decreased as needed through cuts in requested expenditures.

Pursuant to the request of Ms. Whited and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to place the 2014 Constant Yield Tax Rate Certification advertisement, which has already been approved by the Maryland Department of Assessments and Taxation, in area newspapers once during the week of April 24. The ad states that to fully offset the effect of decreasing assessments, the real property tax rate would need to be increased from the current tax rate of \$0.77 per \$100 of assessment to \$0.7768, the Constant Yield Tax Rate. For the tax year beginning July 1, 2014, the estimated real property assessable base will decrease by .9%, from \$14,441,353,721 to \$14,315,812,587, and if the County maintains the current tax rate, real property tax revenues will decrease by \$966,667. Ms. Whited advised that the language is State mandated and does not necessarily reflect the actual intentions of the Commissioners, which is not to raise the real property tax rate in FY15. The Commissioners concurred.

The Commissioners reviewed a memo from County Attorney Sonny Bloxom advising that, at the request of the Commissioners, the General Assembly passed legislation during their 2014 session in Annapolis to assign the responsibilities of the Worcester County Bingo Board to the Worcester County Department of Development Review and Permitting (DRP). As a result and in accordance with the State legislation signed into law by the Governor on April 8, the Bingo Board will cease to exist as of October 1, 2014. The Commissioners agreed to meet with members of the Bingo Board at a future meeting to formally recognize them for their past service.

Ocean City Development Corporation (OCDC) Executive Director Glenn Irwin and OCDC Board of Directors President Bob Givarz provided the Commissioners with an update

about the OCDC's accomplishments over the past year, including 2014 Community Legacy Funding Awards - which includes \$50,000 for the facade program, \$50,000 for the Business Assistance Program, \$75,000 for St. Louis Avenue Decorative Street Lights, and approval of the Sustainable Communities Plan; Facade Program, Green Building Initiatives, Business Assistance Program, Marketing and Public Information Initiatives, and other accomplishments during the past year, along with upcoming downtown projects. The OCDC is a nonprofit organization and a Maryland Main Street Community, which consists of 130 members and 12 committees. Their design guidelines have been adopted by the Town of Ocean City for the downtown area and serve as a model program for downtown revitalization Statewide. The Facade Program has resulted in the renovation of 148 buildings to date, \$4.8 million in private sector investments, a 6:1 ratio of leveraging private to public dollars, and 10 projects are currently underway. In the past three years, 26 projects have been completed and another two are currently under way in the Green Building Initiative Program. Mr. Givarz reviewed upcoming projects and events and invited the Commissioners to attend their annual meeting on April 30. Following some discussion, Commissioner Church thanked Mr. Givarz and Mr. Irwin for the great job the OCDC is doing to revitalize the downtown area of Ocean City.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing to receive public comment on Bill 14-3 (Zoning - Doctors Offices in C-1 Neighborhood Commercial District), which was introduced by Commissioners Boggs, Bunting, Church, Gulyas, Lockfaw and Shockley on March 18, 2014 and would amend the Zoning and Subdivision Control Article to revise the gross floor area and unit number restrictions associated with neighborhood retail and service businesses allowed by special exception in the C-1 Neighborhood Commercial District. Mr. Tudor reviewed the existing law and stated that a maximum of two business establishments of no greater than 2,500 square feet each, which may be increased to four business establishments of no greater than 5,000 square feet each by special exception, are permitted. He then reviewed the draft bill, which seeks to add a new subsection "a" to Section ZS 1-209(c)(1) which would remove only the four-unit cap on separate business establishments on a single lot for doctors' offices and clinics for human outpatient medical treatment when permitted by special exception. He stated that staff spent a great deal of time working with Mr. Cropper to narrow the originally proposed language to protect the integrity of the district, and the Planning Commission had given their favorable recommendation to the final draft bill.

Commissioner Church opened the floor to receive public comment.

Mark Cropper, attorney for Palmer Gillis, stated that Bill 14-3 could be more accurately described as a clarification rather than a substantial change to the Zoning and Subdivision Control Article. He presented a rendering of a 20,000-square-foot building to articulate his point. He noted that currently four doctors are permitted to occupy no more than 5,000 square feet per office by special exception, and the square footage of each space could not be altered to provide more space for one and less for another or even to provide a central admissions area. He stated that his client would like to alter the interior of the building to accommodate the spatial needs of the four doctors and the inclusion of a central admissions area. However, even though these changes would not require any changes to the building's overall size, facade or alter traffic to and from the complex in any way, these changes are not permitted under the current Zoning and

Subdivision Control Article. He concluded that the current law significantly restricts the way a medical facility can be operated and asked the Commissioners to adopt Bill 14-3 as presented.

Mr. Gillis stated that the delivery of health care in America is changing, and his clients are working together to deliver health care in a highly efficient and transparent manner that allows them to best serve the needs of their clients. He asked the Commissioners to support the bill as written.

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

Following some discussion and upon a motion by Commissioner Boggs, the Commissioners voted unanimously to adopt Bill 14-3 as presented.

Commissioner Purnell left the meeting.

The Commissioners conducted a public hearing to receive public comment on Bill 14-4 (Zoning - Health Clubs in the I-1 Light Industrial District), which was introduced by Commissioners Boggs, Bunting, Church, Gulyas, Lockfaw and Shockley on March 18, 2014 and would amend the Zoning and Subdivision Control Article to allow personal service establishments limited to health clubs and exercise facilities to be located within industrial structures by special exception in the I-1 Light Industrial District. Mr. Tudor stated that the proposed amendment seeks to renumber existing Section ZS 1-212(c)(12) of the Zoning Ordinance to (c)(13) and to create a new subsection (c)(12) to permit the proposed uses. He stated that County staff had some concerns over unintended consequences of the initial proposal, but worked with Mr. Cropper to draft more narrowly constructed language that still met his client's needs and kept more with the nature of the I-1 Light Industrial District. Mr. Tudor stated that the Planning Commission expressed some concern as well that, without a required minimum percentage of the building being dedicated for the principal industrial use, the language as proposed may allow virtually all of the structure to be used for a health club or exercise facility. He advised that Mr. Cropper had concurred and proffered to add language to require that at least 51% of the building be dedicated to the principal use permitted in the district, and, with that proffer in mind, the Planning Commission gave their favorable recommendation to the bill.

Commissioner Church opened the floor to receive public comment.

Mr. Cropper stated that his client, a contractor, is also an avid racquetball player, and he would like to construct a racquetball court in his warehouse in the I-1 District. He stated that County staff worked closely with him to develop tight regulations that would permit the request without jeopardizing the integrity of the I-1 District. He pointed out that this change would not alter the industrial operation of the facility or parking requirements. Mr. Cropper further noted that the benefit of this text amendment is that commercial uses, like health clubs and exercise facilities, are generally considered less intense than industrial uses.

In response to a question by Commissioner Boggs, Mr. Cropper stated that, if his client wished to expand his industrial business in the future, he could reclaim all or a portion of the space allocated for use as a racquetball court. Mr. Tudor stated that this is a fairly unique request, and he does not anticipate that many would be able to take advantage of the exception, even if the bill is adopted. In response to a question by Commissioner Gulyas, Mr. Tudor stated that the bill as drafted does not concern itself with whether the proposed use is for private or commercial entities, as it would be nearly impossible for staff to attempt to regulate commercial health or

exercise facilities in such instances; rather, the Commissioners should consider only whether the proposed subsidiary use is appropriate or inappropriate in the I-1 District. Mr. Cropper pointed out that the original amendment had evolved with staff input into a broader exemption, so that another individual seeking space for similar uses in the I-1 District in the future could do so. Commissioner Boggs pointed out that many employers are encouraging their employees to exercise and improve their health in an effort to keep benefit costs low, and permitting this type of use in the I-1 District by special exception supports these laudable goals. In response to a question by Commissioner Bunting, Mr. Tudor stated that if the Commissioners adopt Bill 14-4 an individual seeking a special exception to construct an exercise facility in his or her industrial facility would still have to meet a number of requirements of the building code and septic regulations before being permitted to do so.

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

Commissioner Bunting stated that he would support the bill if the percentage of the square footage for health and exercises purposes was reduced. Commissioner Shockley concurred, stating that he has serious reservations about allowing up to 49% of an industrial facility to be used for this purpose. He pointed out that the sheer vastness of many industrial buildings, some as large as 100,000 square feet, would make it possible to develop significant onsite health facilities, whether private or otherwise, in areas the County had never intended them to be located. He concluded that he would support the bill, if the area limitation was amended to state that at least 60% or 65% of the gross floor area must be occupied by principal uses permitted in the I-1 Zone.

Following some discussion, a motion by Commissioner Gulyas to adopt Bill 14-4 as presented failed 3-2, with Commissioners Boggs, Church and Gulyas voting in favor of the motion and Commissioners Bunting and Shockley voting in opposition.

Upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to amend Bill 14-4 to require that at least 65% of the gross floor area is occupied by principal uses permitted in the I-1 District.

The Commissioners recessed for five minutes while Bill 14-4 was amended.

Commissioner Shockley left the meeting.

The Commissioners reconvened and reviewed Bill 14-4 as revised. Mr. Cropper advised that he had spoken with and been advised by his client that it would be possible to develop a racquetball court in his building if the area limitation for exercise facilities is reduced from 49% to 40%, but not if it is reduced to 35%. Upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to amend Bill 14-4 to require that at least 60% of the gross floor area is occupied by principal uses permitted in the I-1 District.

Bill 14-4 was amended accordingly and presented to the Commissioners for approval.

Upon a motion by Commissioner Bunting, the Commissioners unanimously adopted Bill 14-4 as amended to require that at least 60% of the gross floor area is occupied by principal uses permitted in the I-1 District.

Commissioner Church closed the legislative session.

The Commissioners answered questions from the press, after which they adjourned to meet again on May 6, 2014.

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

May 6, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President (Absent)  
Judith O. Boggs

Madison J. Bunting, Jr.  
Louise L. Gulyas (Absent)  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Boggs, seconded by Commissioner Shockley, with Commissioners Gulyas and Lockfaw 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) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; and George Bradley, Human Resources Director. Topics discussed and actions taken included: filling critical vacant positions, including promoting Christine Fowler to Store Manager at the Northern Worcester Shore Spirits Retail Liquor Store, hiring Keyanna Butts as a Social Media Coordinator within Tourism; hiring Chester Twilley and Todd Burkhead as Landfill Operator II's and transferring Michael Bishop from Roads Worker II to Landfill Operator II within the Solid Waste Division and agreeing to advertise to fill the vacant Building Maintenance Mechanic II position within the Maintenance Division of Public Works; nominating Larry R. Fry to serve as a regular member and Gary M. Flater to serve as an alternate member of the Worcester County Property Tax Assessment Appeal Board; reappointing Cathy Gallagher, Arlette Bright and Laura McDermott to the Social Services Board; receiving legal advice from counsel; and performing administrative functions.

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

The Commissioners reviewed and approved the minutes of their April 15, 2014 meeting as presented.

The Commissioners presented a proclamation to Worcester County Social Services Deputy Director Roberta Baldwin and other staff members along with resource parent Lawrence Purnell recognizing May as National Foster Care Month and thanking area resource parents for their efforts to bring stability and a sense of self-worth back into the lives of young people whose lives have been disrupted through no fault of their own.

The Commissioners presented a commendation to Lawrence Purnell on behalf of he and his wife, Dionne Purnell who could not be in attendance, for being named the 2014 Worcester County Resource Parents of the Year by Social Services for their willingness to serve foster children living in crisis in the community and particularly for their willingness to care for a teen facing difficult challenges. The Commissioners commended the Purnells for their willingness to open their hearts and home to foster children whose lives are in crisis.

The Commissioners presented a proclamation to Warden Garry Mumford and his staff recognizing the week of May 4-10, 2014 as National Correctional Officers and Employees Week and publicly honored them for the vital public service they provide to safeguard area citizens by providing safe, secure and humane incarceration for offenders within their custody.

The Commissioners conducted a public hearing to obtain the views of citizens on an application the Commissioners propose to submit to the State on or before May 31, 2014 for Small Cities Community Development Block Grant (CDBG) funds of \$300,000 for the rehabilitation of 18 owner-occupied homes in Worcester County, with a County matching fund commitment of \$75,000 in-kind expenditures associated with the administration of the program over the two-year grant period. The funds will be used to continue the Housing Rehabilitation Program, which assists low to moderate income persons and households. Housing Program Administrator Jo Ellen Bynum outlined the grant application. She stated that, under the County's current CDBG Housing Rehabilitation Grant, all funding has been obligated and all expenditures will be complete by the grant deadline of June 30, 2014, at which point a total of 25 rehabilitations of owner-occupied homes throughout the rural areas of Worcester County will have been completed. She advised that the State CDBG Office is accepting applications from local jurisdictions for FY15 and FY16 funding from the total allocation of \$7,113,827 designated to Maryland by the federal government. Ms. Bynum stated that 100% of the grant funds awarded will benefit low to moderate income families, and 264 homes have been revitalized in Worcester County since the inception of this program in 1987.

Commissioner Church opened the floor to receive public comment.

There being no public comment, Commissioner Church closed the public hearing.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously adopted Resolution No 14-11, authorizing the filing of a CDBG Application to fund a Housing Rehabilitation Program in Worcester County in FY15 and FY16.

Pursuant to the request of Ms. Bynum and upon a motion by Commissioner Purnell, the Commissioners unanimously authorized Commission President Church to sign a letter to Cindy Stone, Director of the Maryland CDBG Program's Division of Neighborhood Revitalization, requesting a waiver to the draw down requirement for the County's current Housing Rehabilitation Program grant, MD-12-CD-22, so the County will be eligible to apply for additional funding to continue this program in the upcoming May 2014 grant application round. Ms. Bynum advised that to date \$214,713 or 72% of the original \$300,000 grant award has been expended to complete 19 projects, surpassing the goal of rehabilitating 18 owner-occupied homes as required by the terms of the grant agreement. She further advised that 100% of the remaining funds available have been committed to complete six additional projects, which are currently under construction and slated for completion prior to the grant ending date of June 30, 2014, to bring the County's total to 25 homes rehabilitated.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously awarded the low bid for the Berlin Branch Library roof replacement project to Hunter Allied of Maryland, Inc. of Berlin, Maryland, at their base bid of \$58,000. Mr. Tustin advised that \$18,000 had been allocated

within the Unassigned Fund Balance for this expense; however, the bid specifications had been revised, as recommended by staff and as approved by the Commissioners, to include alternate insulated roof panel products to meet the current building Energy Code requirement, thus increasing the cost of the project by an additional \$40,000. The Commissioners further approved the additional \$40,000 as an authorized overexpenditure and agreed to allocate the money from the Unassigned Fund Balance to offset the shortfall.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously approved bid specifications for the Taylor Landing Boat Ramp and Shoreline Stabilization project. Mr. Tustin advised that all the necessary regulatory permits have been acquired, and funding for the project is available through a combination of Waterway Improvement Grant funds through the Maryland Department of the Environment (MDE) totaling \$96,250 and Assigned Funds of \$99,000 from Worcester County's Fund Balance.

In response to a question by Commissioner Shockley, Mr. Tustin stated that the Public Landing project is moving forward, noting that the bulkhead work has been completed, and plans are underway for a 30-slip marina and pump out facility, which should be available to rent by spring 2015. He stated that, once the project is complete, the County may need to contract with a private vendor to manage the marina or assign that responsibility to another department other than Public Works.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Purnell, the Commissioners unanimously waived the standard bid process and approved the proposal to purchase and upgrade Water and Wastewater meter reading equipment to the County's sole source vendor, HD Supply of Montross, Virginia, at a base cost of \$7,000 each, with a credit of \$1,400 each to trade four current handheld meter reading units, resulting in a net cost of \$5,600 each for four replacement units for a total cost of \$22,400. Mr. Tustin explained that these upgrades were the result of the recent operating software upgrade to Windows 7 and were not anticipated or budgeted. However, he stated that Enterprise Funds for Water and Wastewater operations were available to cover the cost.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously approved Change Order No. 4 for the Mystic Harbour Wastewater Treatment Plant project for the installation of a fiber optic data line and associated equipment between the wastewater treatment plant (WWTP) control system and the GE membrane equipment purchased under a separate contract, with this change increasing the project cost by \$5,532.16. Mr. Tustin stated that these funds are available in the project contingency fund. Mr. Tustin advised that the Change Order must be sent to the United States Department of Agriculture (USDA) for their concurrence, as the project is being funded through a combination of USDA low interest loan and grant funds.

The Commissioners met with Tourism Director Lisa Challenger and Kate Patton, Executive Director of the Lower Shore Land Trust (LSLT), to discuss the LSLT's request for the County to submit a Federal Lands Access Program (FLAP) grant on behalf of the LSLT. FLAP was created by the "Moving Ahead for Progress in the 21<sup>st</sup> Century" (MAP-21) initiative. She

advised that any funds awarded would be used to develop the Assateague Gateway Trail project, connecting Berlin with Assateague Island, beginning with the acquisition of scenic easements along the trail. Ms. Patton stated that \$900,000 in FLAP funding will be awarded for projects in the State that show connectivity to federal lands, with an emphasis on projects that promote sustainability, healthy lifestyles and further work to connect local communities to our national parks. She explained that the LSLT has been working closely with Assateague National Seashore and Assateague State Park officials, the Berlin Mayor and Council and other nonprofit partners to secure a portion of these funds to reduce the cost of the project. She explained that the trail is one of three priority projects identified by the Master Concept Plan for a “Walkable Bikeable Berlin,” as adopted by the Town of Berlin and presented to the Commissioners in 2013. The LSLT funding from the grant would support scenic easement negotiations and easement purchases, educational programs for community members on pedestrian and bicycle safety and enhance signage recognizing the corridor as a bike and pedestrian trail. Ms. Patton further advised that State Highway Administration (SHA) voiced support for this long-term project and have encouraged the LSLT to apply for FLAP funds. She advised that the project would enhance the corridor, promote bike riding, pedestrian safety and ecotourism. Similar projects are underway in Talbot, Queen Anne’s, and Kent Counties and the Berlin to Assateague Trail could be replicated here in the future perhaps to connect Snow Hill and Public Landing.

In response to a question by Commissioner Boggs, Ms. Patton stated that the LSLT hopes to receive \$200,000 to \$300,00 in FLAP funds for this project, and she advised that the LSLT hopes to secure approximately 20% in matching funds from project partners. Commissioner Church stated that the project is a worthwhile one. In response to a question by Commissioner Bunting, Ms. Patton stated that the LSLT has completed a preliminary outline of parcels that may be available for right-of-way acquisition, and they plan to solicit the donation of these ROWs from property owners along the corridor. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously approved the request.

Pursuant to the request of Recreation and Parks Director Paige Hurley and the recommendation of the Worcester County Recreation Advisory Board and upon a motion by Commissioner Shockley, the Commissioners unanimously approved the FY15 Worcester County Program Open Space (POS) Annual Program recommendations for acquisition and development of land to be used for outdoor recreation, recreation development improvements throughout the County and for the support of major capital rehabilitation projects on County-owned land that provides open space opportunities for the public. Mr. Hurley stated that the POS funds are generally awarded annually through the Maryland Department of Natural Resources (DNR), and this year’s POS Annual Program includes \$7,195,020 in proposed FY15 requests from the municipalities and the County. In response to a question by Commissioner Bunting regarding purchasing land in northern Worcester County to enlarge the Showell Park, Mr. Hurley advised that State funding for the purchase would be based on the results of two separate property appraisals, and the project would not move forward unless full funding was available and the purchase was approved by the County Commissioners.

Pursuant to the request of Mr. Hurley and the recommendation of the Worcester County Recreation Advisory Board and upon a motion by Commissioner Shockley, the Commissioners

unanimously agreed to accept the second of three equal installments of the original FY14 POS allocation to Worcester County for development projects in the County up to \$162,000. The payments were designated to be allocated to the County in equal payments of \$162,000 over the course of three consecutive fiscal years, with the first two installments awarded in FY14 and FY15 and the final installment to be awarded in FY16. Mr. Hurley stated that no new POS funding will be awarded for FY15.

Pursuant to the request of Jennifer LaMade, Director of Planning, Quality and Core Services for the Health Department, and new Local Management Board (LMB) Director April Turner and upon a motion by Commissioner Shockley, the Commissioners unanimously approved changes to the LMB By-Laws as follows: Article III, the definition of quorum has been enhanced to provide a better understanding of what is expected; Attendance, a quorum, consists of 50% of total membership and 25% ex-officio members or their representatives. Ms. LaMade introduced Ms. Turner to the Commissioners and advised that in the future she would work with them on all matters related to the LMB. The Commissioners welcomed Ms. Turner.

Pursuant to the request of Health Officer Debbie Goeller and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to waive the formal bid process and accepted the best proposal to purchase software from Patagonia Health, Inc. of Cary, North Carolina at a cost of \$385,703 for the first year for acquisition, setup and training and at an annual maintenance cost of \$116,940 thereafter. Ms. Goeller explained that the software - which serves as an agency-wide electronic health record, practice management, billing system and public health services product - is needed to remain in compliance with the federal Health Information Technology for Economic and Clinical Health Act (HITECH) and federal "Meaningful Use" requirements. In response to a question by Commissioner Shockley, Deputy Health Officer Dr. Andrea Mathias stated that the Patagonia Health software is the only software package in the three proposals submitted for consideration that fully meets the needs of the Health Department. She pointed out that the Patagonia software represents a greater up front cost, but the company's annual maintenance cost of \$116,940 is significantly lower than the those of the other two bidders: Cerner at \$165,600 annually and Athena Health at \$340,000 annually. In response to a question by Commissioner Boggs, Ms. Goeller stated that the existing software is aged and has failed to perform adequately for the past two years. She further advised that funds are available within the Health Department's existing account for this purchase for which they have been planning and saving for two years.

The Commissioners met with Economic Development Director Bill Badger to discuss the feasibility of pursuing three economic development opportunities in Worcester County. These opportunities include filing an United States Department of Agriculture (USDA) Intermediary Relending Program (IRP) application to foster business creation and growth; conducting a study to determine the feasibility of running a seasonal tourism train from Berlin to Snow Hill on the Strasburg Railroad; and conducting a study on the feasibility of providing Tax Increment Financing (TIF) in the U.S. Rt. 50 commercial corridor.

Commissioner Church congratulated Mr. Badger on being inducted into the Maryland Economic Development Association (MEDA) Hall of Fame on Monday, April 28, 2014.

Commissioner Church advised those in attendance that Mr. Badger received this award for having made significant contributions to economic development in Maryland over the last 30 years and for his unwavering commitment to attract family supporting jobs.

Mr. Badger reviewed an opportunity to apply for funding in the amount of \$500,000 from the USDA for IRP funds to be placed in the Worcester County Revolving Loan Fund, which is managed by Maryland Capital Enterprises on behalf of the County, and used to provide low interest loans ranging from \$25,000 to \$150,000 to foster new business and help existing businesses expand, thereby increasing the County's tax base and creating new jobs. He stated that eligible activities may include the following: business or commercial real estate acquisition; building improvements; equipment purchases; leasehold improvements; start-up costs; refinancing of existing debt if retaining or creating new jobs; transfer of ownership when loan funds could keep the business from closing; preventing job loss or expand employment opportunities; and providing working capital. He stated that, like the Video Lottery Terminal (VOLT) Small Business Loan Program, the IRP serves as a funding mechanism to spur economic growth in the County. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized Commission President Church to sign the IRP Application once revised, as directed by County Attorney Sonny Bloxom.

Mr. Badger reviewed the details of an opportunity to partner with the Maryland Delaware Railroad (MDR) and Strasburg Railroad to run a seasonal tourism train between Berlin, Newark and Snow Hill. Mr. Badger stated that many issues need to be addressed before such a venture could be considered viable, and he requested approval to issue a Request for Proposals (RFP) to qualified consultants to conduct a feasibility study to determine interest and pricing. He estimated the feasibility study to cost between \$12,000 and \$20,000, with the County, Strasburg Railroad and the towns of Berlin and Snow Hill each agreeing to contribute to the cost of the study. Commissioner Shockley stated that bringing Strasburg Railroad to Worcester County would be quite a feather in the County's cap. Commissioner Boggs concurred and stated that it's a wonderful opportunity to promote the County Seat, with passengers able to disembark to enjoy the wonderful shops, museums and eateries in Snow Hill. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized staff to proceed with the feasibility study RFP provided \$5,000 each was offered by MDR, Berlin, Snow Hill and Economic Development to cover the cost.

Mr. Badger requested approval to conduct a study on the feasibility of providing a creative financing strategy, including a possible TIF program, in the U.S. Rt. 50 commercial corridor. TIF is a public financing tool that allows a local government to borrow against the future increased value of a property to make public improvements. Mr. Badger stated that expanding the Riddle Farm Sanitary Service Area (SSA) by the developer and authorizing him to sell the additional equivalent dwelling units (EDUs) of sewage treatment capacity generated by the expansion resulted in an extremely high cost of \$30,000 per EDU. By comparison, the cost per EDU in Berlin is about \$15,000 for sewage treatment capacity. He further stated that many developers and retailers have advised him that the high EDU cost affects their lease rates and the ability to locate restaurants and retail stores in and around the Super WalMart in the U.S. Rt. 50 commercial corridor. He stated that the County could take one of two courses: assume public demand would drive growth in the retail market along the U.S. Rt. 50 corridor, even with the high EDU cost, and take no action, which could result in the loss of interest from large

commercial entities, like Cracker Barrel or Texas Roadhouse; or pledge future increases in property tax revenue to debt service and buy down the cost of the EDUs from \$30,000 to \$15,000. He stated that he had been involved in four TIF districts in Anne Arundel County that helped spur economic development, one of which returns \$100 million in tax revenue annually on a one-time capital investment of \$28 million, and he suggested such an action may work well in this situation too. He then recommended awarding a contract at a not to exceed cost of \$2,500 to MuniCap, Inc. to conduct a Phase I - Preliminary Financial Plan for a proposed TIF program in the U.S. Rt. 50 commercial corridor.

Commissioner Shockley stated that it has always been County policy that growth pays for itself and suggested offering to finance the equity contribution portion of the EDU costs instead of the TIF to lower the up front cost of EDUs. Commissioner Bunting stated he welcomes the study, as it may provide the County with several options to address this issue. Commissioner Boggs expressed concern that the Maryland Department of the Environment (MDE) had extended their review of the approval required for the sewage expansion project. Mr. Badger agreed to keep the Commissioners apprised of the approval process. Commissioner Shockley expressed concern that the U.S. Rt. 50 Design Guidelines may also hinder development in the commercial corridor. Following some discussion and upon a motion by Commissioner Bunting, the Commissioners agreed to proceed with the Phase I study by Muncap, Inc. at a cost of \$2,500 as requested.

In response to a question by Commissioner Church, Mr. Badger stated that CP Cases, an international company recognized worldwide, recently opened a location in Bishopville that serves as the organization's first operations office in the U.S. He stated that CP Cases specializes in worldwide design, manufacturing, and servicing of high-performance, ruggedized cases and 19-inch racks used for transport, and he stated that Economic Development provided a tour of available real estate options to best serve the company.

The Commissioners reviewed a press release announcing that State Highway Administration (SHA) instituted a single-lane traffic pattern for U.S. Rt. 13 over the Pocomoke River on Monday, May 5, 2014, that is anticipated to impact traffic for two years while SHA officials replace and resurface the bridge.

The Commissioners reviewed a letter from James T. Smith, Jr. Secretary of the Maryland Department of Transportation (MDOT), written in response to the Commissioners' April 1, 2014 letter regarding support for the SHA's proposal to install a traffic signal rather than a J-turn at the intersection of U.S. Rt. 113 and Langmaid Road during upcoming improvements to that intersection. In his letter, Mr. Smith stated that the intersection does not meet the criteria needed for a traffic signal. Further, Mr. Smith's letter explained that, after a thorough analysis of all alternatives, SHA's decision is to move forward with the intersection that would use a U-turn for southbound access to U.S. Rt. 113 from Langmaid Road on the east side of the highway to provide the highest degree of safety while maintaining full access to the highway from Langmaid Road on the west side of U.S. Rt. 113. He advised that design plans for this intersection include placing a mountable curb on the island at Langmaid Road to allow emergency vehicles to serve properties on Langmaid Road east of U.S. Rt. 113 without having to use the U-turn, and bump outs will be built to accommodate large farm equipment and vehicles serving properties on that

side of the road, with ample space to perform the turning movements. He concluded that the SHA is committed to working with area emergency responders to address their concerns regarding emergency access.

Pursuant to the request of Enterprise Fund Controller Jessica Ramsay and upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to schedule a public hearing to receive comments on the proposed Worcester County Water and Wastewater Enterprise Fund FY14/15 Requested Operating Budgets and Assessments to take place on Tuesday, June 3, 2014, at 10:40 a.m. in the Commissioners' Meeting Room in Snow Hill.

Pursuant to the request of Ms. Ramsay and upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to schedule a public hearing to receive comments on the proposed Worcester County Solid Waste Enterprise Fund FY14/15 Requested Operating Budget and Fees to take place on Tuesday, June 3, 2014, at 10:40 a.m. in the Commissioners' Meeting Room in Snow Hill. This advertisement includes information regarding a recommendation from the Solid Waste Advisory Board to change the homeowner permit rate by giving homeowners the option of purchasing a sticker for \$100, with a second sticker for \$15, or the option to participate in a "Pay As You Throw" system and being charged \$1 per bag for each 33-gallon bag disposed at the homeowner convenience stations. Ms. Ramsay stated that the change in homeowner permit rates would generate between \$150,000 to \$200,000 annually and help alleviate the Solid Waste Enterprise Fund's roughly \$951,000 annual deficit, which has been funded by Transfers from Reserves.

Pursuant to the request of Ms. Ramsay and upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to schedule a public hearing to receive comments on the proposed Worcester County Liquor Control Enterprise Fund FY14/15 Requested Operating Budget to take place on Tuesday, June 3, 2014, at 10:40 a.m. in the Commissioners' Meeting Room in Snow Hill.

The Commissioners presented a commendation to Alexander Shockley, a Snow Hill High School senior and Board of Education (BOE) student representative, in recognition of his service as Worcester County's Page to the 2014 Maryland General Assembly. Mr. Shockley stated that he enjoyed his time as Page, advising that he learned a great deal about how government operates and would be interested in pursuing a career as a senator someday. He also informed the Commissioners that he was recognized as an All Star Page and attended a dinner in his honor at the Governor's mansion.

The Commissioners answered questions from the press, after which they adjourned to reconvene at 7:00 p.m. for the FY2014/2015 Requested County Operating Budget Public Hearing at the Snow Hill Middle School cafeteria.

The Commissioners conducted a public hearing at the Snow Hill Middle School cafeteria on the FY2014/2015 Requested County Operating Budgets. Commission President Church called the meeting to order. Chief Administrative Officer Harold Higgins presented a PowerPoint

presentation outlining the FY2014/2015 Requested Operating Budgets, which can be viewed online at [www.co.worcester.md.us](http://www.co.worcester.md.us). The presentation included the following graphs and information: FY15 Budget Challenges; General Fund Estimated Revenues and Expenditures for FY15; Worcester County Assessable Tax Base in Billions; General Fund Budget Revenue History from FY10 to FY15; Major Revenues - Property Tax, Income Tax and Other Taxes; General Fund Revenue and Expenditure Comparisons FY12-FY15; FY14 Real Property Tax Rates; CY14 Income Tax Rates; the Worcester County Constant Yield Tax Rate of \$0.7768 per \$100 of assessment to yield the current rate of revenue; and the Schedule of Upcoming Budget Work Sessions on May 13, 21 and 27 (if needed); and Budget & Tax Rate Adoption on June 3, 2014.

Mr. Higgins explained that the requested expenditures of \$184,770,774 exceed the County's estimated revenues of \$176,399,189 by \$8,371,585. He stated that this difference must be reconciled by the Commissioners either through reductions in expenditures, the creation of 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 decreasing assessments, the real property tax rate would need to be increased from the current tax rate of \$0.77 per \$100 of assessment to the CYTR of \$0.7768 to remain constant with the current year, FY14. He stated that the CYTR would create no additional revenue above the current year's total, but explained that the County Commissioners are not proposing to increase the property tax rate to the CYTR level in FY14/15.

Commissioner Church opened the floor to receive public comment.

Dirk Widdowson, Esq., of the Coastal Hospice Board of Directors, asked the Commissioners to approve Coastal Hospice's grant request to help them leverage matching funds to construct Coastal Hospice at the Ocean, a residential facility to be located in northern Worcester County. He reviewed renderings of the proposed facility, stating that the purpose of the facility would be to provide 24/7 care, not acute care, along with community education, grief support, volunteer services and serve as a base for staff providing in-home care in Worcester County. He stated that the increase in demand for palliative care from 109 patients in 2000 to 291 in 2010 clearly demonstrates the need for this facility, and he advised that the site would provide 27,375 patient care days per year and does not require a patient to reach a certain economic or insurance threshold. He stated that the facility will look and feel like a home where clients and family members can attend to their loved ones at any hour, as there will be no set visiting hours. He thanked the Commissioners for their support.

Debbie Abbott of Coastal Hospice stated that the proposed Coastal Hospice facility in northern Worcester County is needed, and, in supporting their grant request, the Commissioners would be helping Coastal Hospice help their neighbors.

Maureen McNeil of Coastal Hospice stated that there isn't another facility like this in Worcester County that would provide respite care to those who cannot be left alone at home. She advised that the requested County grant of \$50,000 would help them meet their matching grant requirement and would also help them leverage additional funds to construct the proposed facility.

Grant Helvey of Ocean Pines stated that the County places too much emphasis on taking

land out of development, pointing out that the County has protected 8,000 acres more parkland than the State requires. He urged the Commissioners to stop buying up land, which effectively removes it from the free enterprise system, and stop the needless waste of taxpayer dollars.

Laura Dover of Pocomoke stated her opposition to using budget stabilization funds to grow or maintain the existing budget. She stated that if the County uses budget stabilization funds as if these monies were revenue, this account would be fully depleted by 2017, and would need to be supplemented by other revenues at that time. She suggested it would be much easier for everyone to make the necessary cuts and shrink the budget now rather than later. She asked the Commissioners to exercise fiscal responsibility and to develop a balanced budget without raising taxes on people who can't afford the increase.

Superintendent of Schools Dr. Jerry Wilson thanked the Commissioners for supporting the Board of Education (BOE) in educating the county's 1,671 students who attend public schools in Worcester County. He advised that schools define the fabric of the County, and doctors and other professionals are attracted to Worcester County because its public schools have the highest assessment scores in the State and is consistently recognized as one of the top rated school systems in both the State and the nation. Dr. Wilson stated that, with increased mandates and rapidly evolving educational needs, teachers and support staff continue to take on greater responsibilities to help these students succeed, and the BOE's FY15 budget includes a modest increase to purchase new technology and compensate teachers and staff for all they do to prepare tomorrow's graduates to be college and career ready. He advised that, though Worcester County teachers continue to shoulder additional responsibilities and duties, they have only the 16<sup>th</sup> highest starting salary in Maryland, and they are losing experienced educators to other counties that offer higher wages. He stated that the BOE employs 1,185 full time and 295 part time teachers and staff and 73 bus contractors who return \$210 million to the local economy each year. He stated that the BOE has set five education goals as follows: academic success for every student; multiple pathway opportunities for students and connecting classrooms to future work environments; high quality teaching and learning; using process improvements and safe, healthy, sustainable, innovative practices to manage resources; and partnerships to enhance student success. He reviewed the many programs and services available to public school students that support the BOE's goals and advised that parents continue to list small class sizes, adequate compensation for staff and technology as their top priorities. Dr. Wilson concluded by asking the Commissioners to support the FY15 BOE Operating Budget, which includes a step increase for all eligible employees, as well as a 1% Cost of Living Adjustment (COLA), the first in five years, and a similar raise for bus contractors.

Robyn Donaway of Newark stated that her two sons are receiving an outstanding education at Snow Hill Middle School, and she thanked Commissioner Purnell for his support of schools over the years and for supporting the Snow Hill High School (SHHS) addition and renovation project. She asked the Commissioners to provide raises to teachers and provide funding so technology not only remains current but is available for use by every child in every classroom in the County.

Jennifer Howard of Berlin stated that her children attend Cedar Chapel Special School (CCSS), Berlin Intermediate School (BIS) and Stephen Decatur Middle School (SDMS) and their education is her top priority. Therefore, she asked the Commissioners to support the requested FY15 BOE budget, which includes increased salaries to attract and retain highly qualified

teachers and make technology available to the students so they are college and career ready. She thanked the Commissioners for their continued support and advised that her non-verbal, 19-year-old son is thriving in the classroom at CCSS where student success, not babysitting, is their top priority. She asked the Commissioners to provide the funding needed to equip teachers and schools with the tools they need to help them continue advancing education.

Patty Richardson of Pocomoke stated that her children attend CCSS and Pocomoke Middle School, and she thanked both the Commissioners and the BOE for all they do to support her children and for giving her the resources she needs to help her children succeed. She thanked God for her children and supportive teachers, and she asked the Commissioners to support these teachers by funding the BOE's requested budget.

Nikki Jackson, of Snow Hill and a Stephen Decatur Middle School (SDMS) employee, recognized Commissioner Purnell for his many years of outstanding public service to area citizens and advised he will be missed when he steps down from the board at the close of his term in November 2014. She stated that her daughter attends SHHS where the teachers strive every day to provide her and the other students with the best education possible. She asked the Commissioners to make funding the BOE's requested budget their top priority to keep schools strong. She stated that fair compensation can mean the difference between attracting or losing qualified educators, and teachers have weathered three years without receiving a Step increase. She thanked the Commissioners for their continued support.

Dr. Steve Rorke of Berlin stated that his daughter attends Buckingham Elementary School (BES), and he is highly impressed with the teachers' character qualities and drive to go beyond minimum teaching standards to teach the whole child. He stated that teachers impact lives, pointing out that everyone remembers their favorite teacher, and asked the Commissioners to support the requested BOE budget to help protect the "Worcester Way" of teaching, which includes teaching the whole student, high test scores, small class sizes and other best practices. He stated that teacher raises are vital, and compared existing teacher salaries and their contributions in the classrooms to "paying for hamburger and getting filet mignon."

Nita Holliman, of Pocomoke and mother of three children, stated that her child is excelling in technology programs at Worcester Technical High School (WTHS) and expressed her hope that the Commissioners and the BOE would continue to make technology a top priority in their funding of education. She asked the Commissioners to provide the financial backing needed to support the requested salary increases and to keep schools competitive and safe.

Beth Shockley Lynch of Snow Hill, representing the Worcester County Teachers Association (WCTA) and 500 teachers and certified employees, stated that she is a SHHS graduate and mother of three children: a 2012 SHHS graduate and current University of Maryland sophomore, a SHHS junior and a SHMS seventh grader. She thanked the Commissioners for funding 75.5% of the BOE's annual budget and for the role they play in making their schools second to none, which is essential to the current and future success of the 1,671 students who benefit from a public school education. She also thanked them for funding the long awaited SHHS renovation and addition project. She stated that the caliber of their public school system matters and is the number one reason parents cite for relocating to Worcester County from other areas. She recognized the educators in attendance at the meeting, stating that they bring the irreplaceable human aspect to teaching and are the reason Worcester County is the number one school system in Maryland. She stated that the most important thing the

Commissioners can do to support the teachers and assure Worcester County schools remain on top is to fund the requested FY15 BOE budget, with the requested salary package, in its entirety. She concluded by thanking the Commissioners for listening to the concerns of everyone in attendance.

Terese Dennig of Pocomoke stated that she is a Worcester County public school graduate, a teacher and a parent and she is proud of everything her school has accomplished with the Commissioners' help. She stated that their financial supported is needed more than ever to assure Worcester County public schools continue to perform at top levels and remain number one in the State and nation. She stated that the teachers were part of the County team that weathered tough financial years by forgoing raises, but stated that as a result their salaries when compared with those of other Maryland counties are unacceptable. She told a story demonstrating that we are stronger when we work together. She asked the Commissioners to fund the requested budget and salary package to keep good teachers in Worcester County and continue to support the team.

Doug Andrews of Berlin stated he has two daughters at SHHS, one of whom is among the 2014 graduating class. He thanked the Commissioners, and Commissioner Shockley who represents his district, for their support and for consistently recognizing education as a top priority. He stated that Worcester County public schools are great and asked the Commissioners to fully fund the requested FY15 BOE budget and salary package to keep them great and continue to provide a solid foundation for students.

Helen Trivits of Berlin stated that her daughter attends fourth grade at BES and thanked the educators and support staff for teaching her daughter to love school. She stated that her daughter looks forward to the end of summer, so she can return to class because of the investment these teachers make in children's lives. She asked the Commissioners to support Dr. Wilson's proposed budget, including the needed salary package, to recognize teachers for their hard work. She stated that students entering schools now are fundamentally different than those of the prior generation and they will be entering a very different workforce than the one most have known. She stated that innovative teachers and teaching methods and technology will help them be productive contributors to the global society.

Sonji Ramnarain of Bishopville stated that her two sons attend Showell Elementary School (SES) and Berlin Intermediate School (BIS), and the experiences they have had so far have been significant. She thanked the Commissioners for all they do for the schools, including the addition of technology and deputies to keep students safe. She asked the Commissioners to continue that support by fully funding the requested FY15 BOE budget, including technology in the classroom and increased salaries to attract and retain qualified teachers, which will help assure great things continue to happen in Worcester County public school classrooms.

Steve Rakow of Bishopville stated that two of his three daughters attend BIS and SDMS, while his eldest attends both Stephen Decatur High School (SDHS) and WTHS where she is enrolled in the pre-engineering program and learning about aerospace and civil engineering and robotics. He said he is thankful his child has these opportunities, since today's children must learn to navigate a very high tech world to succeed. He asked the Commissioners to support the FY15 BOE budget and salary package to give teachers the raise they deserve and place needed technology in the classrooms. In closing, he thanked the Commissioners for the opportunity to speak to them.

Julie Redden of Ocean City stated that her daughter is a SDHS graduate who is now

studying at Stevenson University to become a teacher. She stated that her daughter's success can be attributed to the great partnership between parents and teachers, and she asked the Commissioners to help keep quality educators in Worcester County by compensating them fairly and funding the technology they need to help students continue to succeed.

Christina Hulslander of St. Luke's Road in western Worcester County, whose two children attend Snow Hill schools, thanked the Commissioners for supporting education. She stated that her family moved to the area in 2010 from a state where support for public education was so minimal that she paid for her children to attend private schools. She stated that her children are receiving an outstanding education in public schools here in Worcester County, and she thanked the Commissioners for providing the funding needed to make that experience possible. Likewise, she thanked the Commissioners for choosing to use budget stabilization funds rather than make draconian cuts that could harm education. She recognized that the Commissioners have challenges to face in addressing the FY15 budget, with multiple entities vying for limited dollars, and stated she trusts them to designate the dollars needed to fully fund the BOE budget and keep their schools great. She stated that schools stay great and students learn more from happy teachers, and the requested salary package would go a long way in showing teachers they are valued.

Richard Edmunds of Bishopville stated that he has three children, a SDHS junior, SDMS eighth grader who is looking forward to attending WTHS, and BIS sixth grader. He stated that his family moved to Worcester County seven years ago because of the quality of the public schools, and his children are the beneficiaries of a top notch education system. He stated that County schools make children college and career ready, and he requested the Commissioners fully fund the requested FY15 budget to assure their schools remain among the strongest in Maryland. He stated that the budget would provide funding support to upgrade technology countywide.

Dr. Dia Arpon of Newark spoke on behalf of the Snow Hill Elementary School (SHES) School Improvement Advisory Committee (SIAC). She stated she has three children, a junior at SHHS, a seventh grader at SHMS and a second grader at SHES who benefit from attending Worcester County public schools, and she thanked the Commissioners for allowing the public the opportunity to present their recommendations on how tax dollars should be allocated. She stated the priorities she considers to be essential for children's success and vitality include providing competitive salaries and compensation to teachers and support staff and funding the technology needed to help all students become college and career ready. She stated that she is a proud product of the Worcester County school system and its continued success drew her back to the area to raise a family after completing her education and becoming a doctor.

Mary Malone, of Berlin as well as a SDHS 2007 graduate and current teacher, stated that today is National Teacher Appreciation Day. She thanked the Commissioners for funding the education she needed to fulfill her dream of becoming a teacher. She stated that their continued funding makes success stories like hers possible, and she asked the Commissioners to fully fund the FY15 BOE budget to help seasoned teachers reclaim at least one of their three missed Steps, as many of their salaries are equal to those of first year teachers.

Gwen Lehman of Berlin and SDHS teacher with 45 years of experience in the classroom teaching psychology, advanced psychology and two theater classes, stated that this year's students participated in the fifth Shakespearean comedy production and thirty eighth year

Children's Theater production. She stated that she works hard as a teacher and appreciates the Commissioners' support of teachers and schools, noting that great schools would not be possible otherwise. She concluded by asking the Commissioners to increase their support of teachers this year by supporting the requested FY15 BOE budget.

Donna Hughes of Pocomoke stated that one of her two children attends Pocomoke High School (PHS) and the other is a PHS graduate. She stated that Commissioner Lockfaw represents her district, and she asked the Commissioners to support the requested BOE budget to support Race to the Top initiatives and prepare students for later success in careers or college. She stated that federal funding for schools has been cut, and County funds are vital to assure the continued success of their schools. She pointed out that two area high schools have been ranked among the best in the nation by US News and World Report and that is due to the outstanding commitment of the teachers and staff who see teaching as a calling. She closed with a quote from Andrew Jackson, which states, "You must pay the price if you wish to secure the blessing," and she stated that the price for education has come due in the form of the proposed budget and salary package.

Ellie Diegelman of Ocean City stated that teachers deserve raises, but she questioned what happened to the 2% raise that was granted last year. She further stated that compliance with the Common Core Standards should be funded by the Gates Foundation. Regarding the overall County budget, she stated that the language of the Constant Yield Tax Rate (CYTR) advertisement in area newspapers, which states that the real property tax rate would need to be increased from the current tax rate of \$0.77 per \$100 of assessment to the CYTR of \$0.7768 to remain constant with the current year, is deceptive. In response, Mr. Higgins advised that language in the CYTR advertisement is mandated by the State; however, the County does not consider the one half penny difference to be a significant change and has no plans to increase the tax rate to the CYTR.

Todd Ferrante of Ocean City thanked the Commissioners for all their past support. He stated that he understands they have difficult choices to make to balance the FY15 County Operating Budget, and asked the Commissioners to make the right choices by supporting education. He stated that Worcester County is fortunate to have outstanding educators who chose to spend their careers here, and his daughter, Sophia, attends kindergarten and is learning from some of the same outstanding educators who taught him when he was a student. He asked the Commissioners to fund the FY15 BOE budget and help assure their schools retain their ranking and remain the envy of the State.

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

Commissioner Boggs thanked all who attended the meeting and spoke on the budget. She stated that this will be her last budget, since she is retiring from public service at the close of her term in November 2014, and she stated that it has been a pleasure working with many of them over the years. She encouraged teachers and community members alike to continue investing in students. Commissioner Boggs stated that the investment they make now may touch a young life forever, and she recounted a recent encounter she had with a Snow Hill Volunteer Fire Department cadet who still had the County pin and photo that Commissioner Boggs had presented to her in elementary school.

Commissioner Purnell stated that this was his final year of public service as well, and it had been a pleasure serving as a Commissioner since 1995, when one of his first endeavors was to secure raises for starting teachers and support staff, including custodians. He stated that over

the years Worcester County has made tremendous strides in education, and even though he would not be representing the County as a Commissioner he would continue to have a voice in government to assure they never lose ground. He wished BOE employees much continued success.

Commissioner Shockley stated that his three children had graduated from SHHS, and he takes a lot of pride in the success of Worcester County public schools. He pointed out the murals painted on either side of the SDMS cafeteria, noting that the artwork was created by his two sons, one of whom has gone on to be an art teacher, and the public school system played a key role in making their successes possible.

Commissioner Bunting applauded teachers, especially those at CCSS, for the investment they make in the lives of young people. He stated that the Commissioners will do what they can to pass a balanced budget that benefits everyone in the County.

Commissioner Church thanked everyone for attending the public hearing and assured them the Commissioners would take all their suggestions to heart while deliberating on the FY15 County Operating Budget. He also invited them to attend the budget work sessions, which are scheduled for May 13, 21 and 27, 2014. He advised that the Commissioners will adopt the FY15 County Operating Budget on June 3, 2014.

The Commissioners adjourned to meet again on May 20, 2014.

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

May 13, 2014

Budget Work Session

James C. Church, President

Merrill W. Lockfaw, Jr., Vice President (Absent)

Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Shockley, seconded by Commissioner Purnell, with Commissioner Lockfaw absent, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss personnel matters permitted under the provisions of Section 10-508(a)(1) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Kathy Whited, Budget Officer; Kim Moses, Public Information Officer; Phil Thompson, Finance Officer; and George Bradley, Human Resources Director. Topics discussed and actions taken included: discussing individual personnel matters regarding the FY15 proposed operating budget.

Commissioner Lockfaw was absent from the meeting.

Commissioner Church announced the topics discussed during the morning closed session.

At the recommendation of Human Resources Director George Bradley, the Commissioners approved the following: changing from a fully insured to a self insured health benefits plan with Medical and Prescription Drug Insurance Premiums of \$26.28 for individual coverage, \$52.42 for parent/child coverage, \$72.46 for husband/wife coverage, and \$79.05 for family coverage, all of which reflect a premium increase of 8% from FY14 due to an increase in claims as well as costs associated with the Affordable Care Act and State taxes; a dental premium rate decrease of 5.9%, and no increase in the Vision plan, Life Insurance or Long-Term Disability Insurance based on three-year contracts approved in FY14. Mr. Bradley stated that switching to the self insured plan allowed the County to save \$1 million in taxes, which would have been charged on the fully insured plan beginning July 1, 2014.

The Commissioners reviewed and agreed to postpone discussion on the requested FY15 Salary Recommendations for the Board of Education (BOE) and County employees, which include a step increase and longevity bonus for eligible employees, and a 1% Cost of Living Adjustment (COLA) for all employees; and a 3.4% increase for BOE Bus Contractors, which covers mileage, hourly and personal vehicle allowance rates. In response to a question by Commissioner Church, Mr. Higgins advised that the proposed changes reflect an increase in salary costs of \$1,916,669, less a salary savings of \$516,000, for a total net cost of \$1.4 million for BOE employees and bus contractors and \$845,482 for County employees.

Mr. Higgins advised the Commissioners that the following requested items had recently been added to the FY15 Expenditure Requests for their consideration as follows: \$46,235 for

portable radios for the Jail; \$39,016 for one new Deputy Fire Marshal position within the Fire Marshal's Office; \$50,000 grant request for Coastal Hospice at the Ocean; and \$69,780 in adjustments to the Library Personnel Structure.

The Commissioners deliberated on the projected revenues and requested expenditures in the Committee Reviewed FY15 Operating Budget, which currently reflects estimated revenues of \$177,908,794 and expenditures of \$180,214,968, includes the use of budget stabilization funds of \$6,393,201, and maintains the current property tax rate of \$0.77 per \$100 of assessment. Chief Administrative Officer Harold Higgins explained that the Committee Reviewed Budget reflects a shortfall of \$2,306,174. He stated that the Committee Reviewed FY15 Operating Budget simply reflects a jumping off point for the Commissioners and still includes several undecided matters, which they need to consider during the budget work session.

The Commissioners reviewed and proposed the following changes to the Committee Reviewed FY15 expenditures:

With regard to the Circuit Court, the Commissioners unanimously decreased funding to Account No. 6510.030 Legal Services Court Appointed Attorney from \$15,300 to \$5,000.

With regard to the Elections Office, the Commissioners unanimously decreased funding to Account No. 6000.100 Personnel Services Salaries from \$18,600 to \$12,600.

With regard to the Volunteer Fire Departments and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to increase grants to the fire companies in Account No. 7080.010 by \$292,970, with the additional funds to be administered in the form of grants to each of the companies to provide a one-time funding floor of \$225,000 for each fire company. This is the second consecutive year the Commissioners agreed to provide these grants and did so for the purpose of protecting critical funding to these organizations against decreased assessments.

Upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to increase funding in Account No. 7080.020 Fire and Ambulance County Grant to Ambulance Companies by \$5,400 to reflect a \$0.60 per mile reimbursement rate for vehicle use.

In a related matter, the Commissioners directed staff to study and provide the Commissioners with options to consider at a future meeting to locate an ambulance at the Ocean City Volunteer Fire Company (OCVFC) Firehouse No. 5 on Keyser Point Road in West Ocean City to provide 24-hour Emergency Medical Service each year from Memorial Day weekend through Labor Day weekend.

With regard to the Libraries, the Commissioners unanimously decreased funding to Account No. 6000.100 Personnel Services Salaries from \$1,610,465 to \$1,540,685 as originally requested.

With regard to Economic Development, the Commissioners unanimously decreased funding to Account No. 6000.100 Personnel Services Salaries from \$170,376 to \$164,278.

With regard to Tourism, the Commissioners unanimously increased funding to Account No. 6900.055 Advertising Tourism from \$300,000 to \$360,000. The Commissioners unanimously agreed to decrease funding to Account No. 7100.050 County Grants Furnace Town from \$50,000 to \$30,000. The Commissioners unanimously agreed to decrease funding to Account No. 7100.xxx County Grant Snow Hill Opera House from \$140,000 to \$100,000.

The Commissioners reviewed requested grants to the Ocean Pines Association (OPA). The Commissioners consulted with County Attorney Sonny Bloxom with regard to providing County grants to the OPA for tourism-related activities, namely providing a grant of \$6,000 to defray the cost of fireworks for the annual Fourth of July celebration, and a \$10,000 conditional grant to be used for recreational facilities/programs open to the public. Mr. Bloxom advised that the County could only allocate additional funds for activities related to public uses. Upon a motion by Commissioner Bunting, the Commissioners voted unanimously to increase grant funding for Police Aid by \$16,000, with the caveat that the OPA decrease their funding to Police Aid by that same amount and direct the funds for said uses and provided that the recreational facilities/programs are open to the public.

Mr. Higgins advised that, based on the above funding changes, the shortfall between the projected revenues and requested expenditures in the Committee Reviewed FY15 Operating Budget had increased from \$2,306,174 to \$2,453,371.

The Commissioners answered questions from the press, after which they adjourned to meet again in regular session on May 20, 2014 and in budget work session on May 21, 2014.

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

May 20, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President (absent)  
Judith O. Boggs  
Madison J. Bunting, Jr.

Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Gulyas, seconded by Commissioner Boggs, with Commissioner Lockfaw 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) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; and George Bradley, Human Resources Director. Topics discussed and actions taken included: filling critical vacant positions, including agreeing to advertise to fill one vacant Roads Worker II position within the Roads Division of Public Works; receiving legal advice from counsel; and performing administrative functions.

Commissioner Lockfaw was absent from the meeting.

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

The Commissioners reviewed and approved the minutes of their May 6, 2014 meeting as presented.

The Commissioners presented a retirement commendation to Corporal John Baldwin of the County Jail and thanked him for contributing 19 years of dedicated service to the residents of Worcester County as a Correctional Officer.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously awarded the low bids for the purchase of the following six vehicles for use by the Health Department at a total cost of \$109,053.80 as follows: four 2014 Model Ford Focus sedans at a total delivered cost of \$59,416.80, or \$14,854.20 per vehicle to Sherwood Ford of Salisbury, Maryland; and one full size 2015 Ford Expedition at a cost of \$30,868 and one 2015 Ford Fusion S at a cost of \$18,769 to Hertrich Fleet Services, Inc. of Milford, Delaware at a total cost of \$49,637.

Pursuant to the recommendation of Mr. Tustin and the written request of Solid Waste Manager Mike Mitchell and upon a motion by Commissioner Purnell, the Commissioners unanimously approved the transfer of two 1989 and 1990 model year dump trucks from the Roads Division to the Solid Waste Division of Public Works and to retire a 1987 Dump Truck from the Solid Waste Division.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to waive the standard bid process and accept the proposal from Somerset Well Drilling of Westover, Maryland to repair Mystic Harbour Well No. 1 at a cost of \$22,000 and to perform a video inspection of the well at an additional cost of \$1,500 for a total cost of \$23,500. Mr. Tustin stated that a 12-inch water line broke on March 6, 2014 as a result of the pump failure, and he explained that the video inspection would help them confirm or rule out any other potential production problems.

In a related matter and in response to a question by Commissioner Church, Mr. Tustin stated that the new Mystic Harbour Wastewater Treatment Plant (WWTP) is fully operational, with only a few minor tasks related to exterior site work still being completed.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Church to sign Change Order No. 1 for construction of the Pines Plaza Water and Sewer Extension project, which reflects additional work in the amount of \$116,996.70, increasing the original bid price from \$415,569 to \$532,565.70. Mr. Tustin stated that the change order reflects the following two changes: an adjustment of the project quantities to reflect the as-built conditions caused by extending the water and sewer lines to the Hileman and Adkins properties, as directed by the Commissioners following the final public hearing on the project; and to import suitable fill material to address poor soil conditions around the Walgreens property. In response to a question by Commissioner Shockley, Mr. Tustin stated that the additional work would result in a minimal increase in cost per equivalent dwelling unit (EDU) from \$5,100 to \$5,300.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized Commission President Church to sign the Interagency Agreement Between Worcester County, Maryland and the Maryland Department of the Environment (MDE) Maryland Electronics Collection and Recycling Program to receive up to a \$40,000 grant. Mr. Tustin noted that the County has spent \$24,000 so far this year on its electronics recycling program, and the grant would help defray further program costs. He advised that the County took advantage of this same grant program when it was last offered in 2009. In response to a question by Commissioner Boggs, Mr. Tustin stated that following the State-funded Tire Amnesty Day in Worcester County last year the County collected 110 tons of tires, but that no State funds were available to host the event this year.

The Commissioners conducted a public hearing to receive public comment on the proposed inclusion into the Inventory of County Roads of the Showell School Road cul-de-sac, which is located at the northern terminus of Showell School Road, being approximately 4,025 square feet in area, located north of Maryland Rt. 589 (Racetrack Road), west of Ocean Pines in the Third Tax District of Worcester County, Maryland. Mr. Tustin stated that the portion to be added is located at the north end of the County portion of Showell School Road before it transitions to an "Approved Private Road," as referenced in Resolution No. 13-9 adopted on April 16, 2013 and Resolution No. 13-21 adopted on November 5, 2013 by the County Commissioners of Worcester County, Maryland.

Commissioner Church opened the floor to receive public comment.

There being no public comment, Commissioner Church closed the public hearing.

Upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Resolution No. 14-12 amending the Inventory of Public Roads of Worcester County, Maryland to add the cul-de-sac at the end of Showell School Road.

Pursuant to the recommendation of Development Review and Permitting (DRP) Director Edward A. Tudor and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Church to sign the FY15 Critical Area Grant Agreement awarding the County \$13,000 to cover a very small portion of the cost to administer the Chesapeake and Atlantic Coastal Bays Critical Area Programs. Mr. Tudor stated that this grant reimburses the County for normal staff activities and requires no special effort to obtain, making it one of the easiest grants for DRP to administer.

The Commissioners answered questions from the press, after which they adjourned to meet again in budget work session on May 21, 2014 and in regular session on June 3, 2014.

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

June 3, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President (Absent)  
Judith O. Boggs

Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Gulyas, seconded by Commissioner Shockley, with Commissioner Lockfaw absent and Commissioner Purnell temporarily 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), (3) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; Chief Deputy Dale Smack; and Colonel Doug Dods of the Sheriff's Office. Topics discussed and actions taken included: filling critical vacant positions, including hiring Mike McKahan as a Plant Operator Trainee within the Water and Wastewater Division and agreeing to advertise to fill one Roads Worker II position within the Roads Division and one Recycle Worker I position within the Solid Waste Division of Public Works; appointing Keith Swanton to the Water and Sewer Advisory Council for the West Ocean City Service Area; considering acquisition of real property for public purposes; receiving legal advice from counsel; and performing administrative functions.

Commissioner Purnell arrived during the closed session meeting. Commissioner Lockfaw was absent from the meeting.

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

The Commissioners reviewed and approved the minutes of their May 13 and May 21, 2014 Work Session meetings and their May 20, 2014 regularly scheduled meeting as presented.

The Commissioners met with Economic Development Director Bill Badger and George Tunis, Chief Executive Officer of Hardwire, LLC of Pocomoke, to announce the County's partnership with Hardwire to enhance public safety in Worcester County. Commissioner Church advised those in attendance that the County purchased \$12,000 worth of bulletproof whiteboard shields and clipboards, and Hardwire matched the purchase dollar for dollar to provide additional, much-needed safety equipment to be use by Sheriff's Deputies and School Resource Officers in the public schools and court houses, as well as by County staff in the State's Attorney's Office, Treasurer's Office and Commissioners Meeting Room. George Tunis stated that the country once had a fire epidemic that officials stepped up to address by way of smoke alarms, and now the country must address a growing gun violence epidemic, which can be addressed by these bulletproof supplies. He stated that the County and Hardwire partnership will place 91 pieces of safety equipment at the disposal of County officials to improve safety.

Following the presentation, the Commissioners thanked Mr. Tunis for his contribution toward public safety.

Mr. Badger updated the Commissioners on a recent meeting that he attended with Maryland Energy Administration (MEA) and Ocean City officials to discuss the status of the offshore wind project. He advised that both parties would like to develop a task force or workgroup comprised of senior level County and town officials to respond to numerous town and County issues in a cooperative manner. Commissioner Church thanked Mr. Badger for the update and stated the Commissioners would take the recommendation under advisement.

The Commissioners met with Emergency Services Director Fred Webster and Emergency Management Planner Tom Kane to discuss a recent meeting with Maryland Emergency Management Agency (MEMA) officials regarding any obligations or liabilities to the County associated with participating in the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) program, which provides grants to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration, more specifically elevating flood-prone homes or businesses to have a higher first floor that allows flood water to flow under the structure rather than through it. Mr. Webster stated that HMGP funds could be used to make improvements to public or private property to reduce the loss of life and property in future disasters, and more specifically could be used to assist five property owners along the Coastal Bays who have been contacted by MEMA and are interested in acquiring HMGP funds to elevate their homes. He stated that FEMA could provide grant assistance on a sliding scale, with FEMA paying up to 75% of the project costs and requiring a County match of 25%, which could be reimbursed by the benefitting property owners. Mr. Webster cautioned that if the County chose to participate in the program it would be required to establish and manage the grant program and act as the general contractor for each project, handling bidding and any post construction issues that arise. He further advised that FY14 HMGP funds have been exhausted.

In response to a question by Commissioner Shockley, Mr. Webster stated that it is his understanding that Baltimore County is the only Maryland County currently enrolled, which has completed the HMGP projects. He explained that a private nonprofit entity oversees the program in Somerset County. County Attorney Sonny Bloxom cautioned that the County would be required to pay all up front costs, with no certainty regarding the time frame in which FEMA would reimburse said costs. He also cautioned against the County acting as a general contractor on private property, as such a policy shift was without precedent and would create liability issues in the event of unforeseen circumstances, such as a pre-existing condition that is only identified after the start of a project and could escalate project costs beyond that which would be covered by HMGP funds. Commissioner Bunting expressed serious concern regarding the fact that the State is unwilling to oversee this program directly with the homeowners but had solicited more than 600 property owners statewide to participate in the program. Commissioner Boggs stated that she would be unwilling for the County to participate in the program given the great financial and legal risks involved in oversight of the program. Commissioner Church stated that the HMGP funds are needed by several property owners in his district and suggested that staff further investigate how these property owners may access those funds. Following much discussion, the

Commissioners directed staff to determine whether the nonprofit agency in Somerset County or another local nonprofit group might be willing to apply to MEMA as a local sponsor and concurred that the County was not able to sponsor the program.

Superintendent of Schools Dr. Jerry Wilson met with the Commissioners to request a \$120,751 County match to fund Phase 2 of the Board of Education's (BOE) School Safety Capital Improvement Program, which is estimated to cost \$241,502 and includes the following: upgrade and replace interior and exterior security cameras at Stephen Decatur High School (SDHS) at a cost of \$35,636; upgrade and install additional exterior and interior cameras and 16-channel digital video recorders at a cost of \$30,568; upgrade and install Angeltrax digital security camera systems on school buses at a cost of \$96,672; upgrade and install Motorola VHF duplexer repeater operation for school bus radio communication system at a cost of \$8,000; install bi-directional amplifier system for Ocean City Elementary School (OCES) at a cost of \$52,000; upgrade and install a security system at the BOE at a cost of \$5,443; and upgrade and install interior and exterior security cameras at the BOE at a cost of \$13,183. Dr. Wilson stated that the BOE worked collaboratively with local law enforcement to identify the additionally needed safety equipment. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the Phase 2 School Safety Improvement Program as presented.

In a related matter, Commissioner Shockley requested a copy of the new Student Discipline Code recently mandated by the State and adopted by the BOE.

The Commissioners conducted a public hearing to receive comments on the proposed Worcester County Liquor Control Enterprise Fund FY2014/2015 Requested Operating Budget. Enterprise Fund Controller Jessica Ramsay reviewed the proposed Department of Liquor Control (DLC) FY15 Budget, which includes requested revenues and expenditures totaling \$13,190,000. She stated that this budget keeps intact pricing and gross profit at the retail store level and will continue the practice that file-offs and bulk purchase discounts are passed through to the wholesale licensees. In response to a question by Commissioner Shockley, DLC Director Bobby Cowger stated that the recent Memorial Day weekend was the best weekend in the history of the DLC, with retail and wholesale revenues falling just shy of \$1 million. He advised that the DLC's retail revenues are expected to experience a slight increase in FY15 while wholesale revenues are anticipated to decrease by about 25%, as the sunset law allowing liquor licensees to purchase liquor from any Maryland wholesaler takes effect July 1, 2014.

Commissioner Church opened the floor to receive public comment.

There being no public comment, Commissioner Church closed the public hearing.

Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners conceptually approved the proposed Liquor Control Enterprise Fund FY14/15 Requested Operating Budget and agreed to adopt the formal resolution at their next meeting on June 17, 2014.

The Commissioners conducted a public hearing on the proposed FY14/15 Water and Wastewater Enterprise Fund operating budgets, assessments, user charges and other charges for each of the 11 sanitary service areas and sub-areas operated by the Worcester County Department

of Public Works, Water & Wastewater Division. Ms. Ramsay reviewed the proposed budgets for the County's various service areas. She stated that the Water and Wastewater Division serves approximately 14,500 customers who reside in 11 different service areas, with the County operating eight wastewater treatment plant (WWTP) facilities and 18 water supply wells, which pumped 565,495,583 gallons of water during 2013, and user charges cover the operation and maintenance of these facilities. She advised that, in addition to the usage charge, an equivalent dwelling unit (EDU) charge is collected to pay debt service in nine of the County service areas or sub-areas, including Newark, South Point Village, Sunset Village, Mystic Harbour, Ocean Pines, Oyster Harbor and Snug Harbor. She stated that there is no proposed increase in the following areas: Assateague Pointe; The Landings (and Lewis Road), which would see a reduction in quarterly debt service from \$15 per EDU to \$0 for upcoming planned debt retirement; Lighthouse Sound, Mystic Harbour, Ocean Pines, River Run and West Ocean City. She also reviewed the proposed increases. Briddletown Service Area would see an increase from \$55.50 to \$61.00 per EDU per quarter domestic flat rate, from \$20 to \$22 per quarter domestic pool fee, and from \$25 to \$50 per quarter domestic irrigation fee. Edgewater Acres would see an increase in water and sewer domestic base rate from \$128 to \$135 per EDU per quarter. Newark Service Area would see an increase from \$192 to \$196 per EDU per quarter domestic base rate for water and sewer, and from \$228 to \$240 per EDU per quarter commercial base rate for water and sewer. Riddle Farm would see an increase from \$150 to \$160 per EDU per quarter domestic base rate for water and sewer, and from \$72 to \$90 per quarter accessibility charge for unimproved lots (not yet connected). Ms. Ramsay advised that the new Mystic Harbour WWTP is online and operating smoothly, and she thanked members of the Ocean Pines, Mystic Harbour and West Ocean City Water and Sewer Advisory Committees for their assistance in developing balanced budgets.

Commissioner Church opened the floor to receive public comment.

There being no public comment, Commissioner Church closed the public hearing.

Following some discussion and upon a motion by Commissioner Shockley, the Commissioners conceptually approved the proposed rates and charges and agreed to adopt the formal resolution at their next meeting on June 17, 2014.

The Commissioners conducted a public hearing to receive comments on the proposed FY14/15 Solid Waste Enterprise Fund Operating Budget. Ms. Ramsay reviewed operational issues and summarized the proposed budget, which maintains the current solid waste tipping fee of \$70 per ton for municipal waste and \$80 per ton for construction and demolition debris. She stated that the homeowner transfer station permits are proposed to increase from \$60 to \$100 for the first vehicle, remain at \$15 for the second vehicle, and increase from \$60 to \$100 for additional vehicles within each household. She explained that the proposed budget also included another option for homeowners, a "Pay-As-You-Throw" system at a cost of \$1 per bag for each 33-gallon bag disposed at any homeowner convenience station. Ms. Ramsay concluded that the proposed fee increase would generate approximately \$175,000 in additional revenues, thereby decreasing the amount that must be transferred from Reserve Funds to cover operating costs from \$949,482 to \$774,482; however, these are funds that were intended to be set aside at a rate of \$1 million annually to fund the \$9 million cost to construct Cell 5, which is projected for construction and completion by 2017. She advised that the mining of Cell 1 ceased due to staff

concerns that Cell 4 might reach capacity before the construction of Cell 5 can be complete if the mining operation continued. In closing, Ms. Ramsay thanked members of the Solid Waste Advisory Committee for their help in developing the proposed budget.

Commissioner Church opened the floor to receive public comment.

Bill Sparrow of Pocomoke City stated that many elderly residents live on a fixed income, and the proposed 70% increase in homeowner transfer station permit costs is unreasonable. He stated that the Commissioners are likely to see an increase in roadside dumping if they continue to increase the fees. In response to a question by Commissioner Shockley, Mr. Sparrow stated that he could not support the "Pay-As-You-Throw" program either because doing so could easily increase his costs beyond that of the proposed \$100 permit fee. In response to a question by Commissioner Boggs, Mr. Sparrow stated that he also owns property in Virginia, where solid waste fees are included in his tax bill, so he does not have to purchase an annual permit.

Commissioner Gulyas stated that the Solid Waste Enterprise Fund must be self-sustaining, and she pointed out that the proposed \$100 fee would cost residents less than \$10 a month, which is significantly less expensive than contracting with a private refuse collection company.

Commissioner Purnell concurred with Mr. Sparrow and stated that he could not support either of the two options because they would pose a hardship on many area residents. He urged staff to explore alternate options that would allow for the creation of a self-sustaining system that was not fee driven for the Commissioners consideration at their next meeting. Commissioner Church stated he would be willing to consider other options, but the bottom line was that the Solid Waste Enterprise Fund could not continue to operate at a deficit.

Diana Purnell of Berlin suggested that if the homeowner transfer station permit fee was increased to \$100 that the increased fee include both the first and second vehicles per household. In response to a question from Commissioner Shockley, Ms. Ramsay stated that could be a workable option provided residents brought in both vehicle registration cards when purchasing their permits to help alleviate the rampant sharing of homeowner transfer station permits between neighbors. Commissioner Shockley requested staff provide the Commissioners with information regarding the overall revenue generated by charging homeowners an additional \$15 for a second vehicle.

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

In response to a question by Commissioner Shockley regarding the Pay-As-You-Throw program, Recycling Manager Ron Taylor stated that Charles County has a Pay-As-You-Throw program and charges residents \$1.50 per 33-gallon trash bag. Commissioner Shockley stated he would like staff to provide the Commissioners with information regarding the success of the Pay-As-You-Throw program in other Maryland counties. In response to questions by Commissioner Bunting, Ms. Ramsay stated that the proposed homeowner transfer station permit fee increase would generate an additional \$175,000 annually, but that no increase was proposed for commercial users who currently pay a \$25 permit fee along with tipping fees. In response to a question by Commissioner Gulyas, Public Works Director John Tustin stated that the last increase in commercial rates resulted in the County losing a substantial number of commercial customers to neighboring counties where the fees cost less, and any additional increases would result in additional lost customers. In response to a question by Commissioner Shockley, Mr. Tustin stated that the Reserve Fund decreased from \$9 million to less than \$6 million, leaving a current estimated shortfall of \$4 million to construct Cell 5. Commissioner Shockley stated that

the County has always funded the cost of new cell construction from the Solid Waste Enterprise Fund and has never been in the position of having to use bond funds to do so.

Following much discussion, the Commissioners directed staff to provide additional information as requested their consideration prior to adopting the proposed FY14/15 Solid Waste Enterprise Fund Budget at their next meeting on June 17, 2014.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously awarded the low bid for construction of Taylor Landing stone revetment, boat ramp and replacement of the stone sill with marsh planting near Girdletree to Somerset Paving and Marine of Crisfield, Maryland at a total base bid of \$197,755.

The Commissioners met with County Attorney Sonny Bloxom to discuss a request from the Ocean City Mayor and Council to deed the County-owned park property on 3<sup>rd</sup> and 4<sup>th</sup> Street in Ocean City to the town, with a reverter clause that the property shall remain in use for public recreation purposes or be returned to the County. Mr. Bloxom stated that the town plans to borrow approximately \$3 million to make substantial improvements to the property, but that they could not do so without a long term agreement from the County. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to advertise and receive public comment on the proposal to deed the park property to the Town of Ocean City as proposed.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Boggs, the Commissioners voted unanimously 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 as assigned by the County through June 30, 2015.

Pursuant to the recommendation of Natural Resources Administrator David Bradford with Development Review and Permitting (DRP) and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to waive the standard bid process and accepted the proposal from Goody Hill Groundwork, Inc. of Berlin, Maryland for the installation of stormwater piping to restore proper drainage on South Harbor Drive in West Ocean City at a total cost of \$12,835.

The Commissioners met with Mr. Tudor to discuss possible amendments to Bill 13-1 - Natural Resources - Erosion and Sediment Control, which was introduced by the County Commissioners on May 21, 2013 and was followed by a public hearing on June 18, 2013 and a work session on July 23, 2013. Mr. Tudor reviewed the purpose of the bill, which was to bring the County's local laws into conformance with State law that the County must enforce with respect to erosion and sediment control. Given the one-year limitation on pending legislation, he stated that the bill will die unless the Commissioners pass it at their next legislative session on June 17, 2014. He stated that adopting the bill would allow the County to maintain its local delegation to enforce erosion and sediment control regulations, but advised that the one issue that

remained unresolved following the work session pertained to agricultural structures. However, he explained that the State recently agreed to provide a “guidance policy” rather than opting to eliminate the exemption for agricultural structures from State law. He further advised that this guidance allows local jurisdictions to reinstate the exemption for agricultural structures and provides an approved definition.

Mr. Tudor reviewed suggested amendments to Bill 13-1 as follows: define Agricultural Structure; define Agricultural Best Management Practice; define Standard Plans and amend the definition of Agricultural Land Management Practices. Suggested amendments also include amending the following sections: NR 1-204 to reinstate the exemption for agricultural structures; NR 1-206(a)(1) to clarify that erosion and sediment control plans are only necessary prior to issuance of a building permit or earth work when the activity is not exempt from the provisions of the law; NR 1-206(a)(6) to correct a typographical error; NR 1-206(b)(2) to reflect the use of Standard Plans; NR 1-206(b)(2)C to correct two typographical errors; NR 1-206(d) to correct terminology by the strike of the word “Ordinance” and the substitution of the word “Subtitle”; NR 1-206(b)(11) to remove architects from the list of individuals qualified to certify sediment and erosion control plans; NR 1-207(a) to clarify that erosion and sediment control plans are only necessary prior to issuance of a building permit or earth work when the activity is not exempt from the provisions of the law and to correct a typographical error; NR 1-207(e) to change the provision for permit conditions from the inspection agency to the District; and NR 1-212 to provide for civil citations as an alternative remedy to criminal prosecution for violations by mirroring language regarding alternative remedies found in NR 1-113 for violations of the Stormwater Management Law and to correct a typographical error. Mr. Tudor concluded that, if the Commissioners are satisfied with these changes to Bill 13-1, the bill could be amended and considered for adoption at their next legislative session on June 17, 2014. He stated that if it is not passed a new bill would have to be introduced in the future and the process begun anew for the County to maintain its local delegation for enforcement authority.

In response to a question by Commissioner Shockley, Mr. Tudor stated that Bill 13-1 defines an Agricultural Best Management Practice (BMP), and the County could suggest to the Soil Conservation District (SCD) that agricultural ditches are exempt structures within the BMP, although the final determination is up to the SCD. Commissioner Bunting expressed concern that those applying for permits to demolish old poultry houses are being required to develop both Stormwater Management and Erosion and Sediment Control Plans, which are costly. In response, Mr. Tudor stated that in most cases staff recommends a waiver of those requirements for strictly demolition projects. Following much discussion, the Commissioners conceptually approved the proposed amendments and agreed to review the amended Bill 13-1 at their next legislative session on June 17, 2014.

Chief Administrative Officer Harold Higgins reviewed the final proposed FY2014/2015 Operating Budget of \$177,981,133, which reflects an increase of \$9,337,479 or 5.5% more than the FY14 budget and maintains the existing real property tax rate of \$.77 per \$100 of assessed value for the upcoming fiscal year beginning July 1, 2014. He stated that, even at the rate of \$.77, real property tax revenue will decrease by \$466,491 from the current year due to slightly decreasing assessment values. He thanked County departments and agencies for maintaining and/or reducing operating expenses and noted that this fiscally conservative budget maintains

funding for valuable public services residents can count on, such as public safety, education, infrastructure and existing social service programs. He stated that the FY15 budget includes the transfer of \$2 million from recent bond premium proceeds, \$2.5 million of Local Impact Grant funds from the Casino at Ocean Downs and \$4,739,759 from Budget Stabilization Funds, as anticipated in the County's Multi-Year Budget plan. He further advised that the budget includes a salary increase of 3%, which includes a 0.5 % Cost of Living Adjustment (COLA) for County and Board of Education (BOE) employees, a step increment and longevity pay for those eligible, and a 3% increase to bus contractor's hourly rate, mileage rate and per vehicle allotment, and allocates \$77,968,056 in County funding to the BOE. He stated that, though it is not reflected in the BOE budget, the County's operating budget also includes funding of \$12,001,938 for school debt service, bringing the total County allocation to the BOE to \$89,969,994 or 50.5% of the County's total estimated revenue.

Upon a motion by Commissioner Purnell, the Commissioners unanimously adopted Resolution No. 14-13 adopting expense budgets and establishing tax rates for FY15, which retains the real property tax rate of \$.77 per \$100 of assessed value for the upcoming fiscal year beginning July 1, 2014.

Pursuant to the recommendation of Mr. Bloxom and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the Memorandum of Understanding (MOU) between the County Commissioners of Worcester County, Maryland and the Mayor and City Council of Ocean City for a new spray irrigation system to be installed at Eagles Landing Golf Course to be utilized to reuse the treated wastewater effluent from the Mystic Harbour Wastewater Treatment Plant (WWTP) to irrigate the golf course. Prior to approval, Mr. Bloxom reviewed the background on the negotiations and received confirmation on resolution of the final three revised clauses, with respect to the renewal of the agreement after each 40-year term, future maintenance of the irrigation system, and payment of the remaining amortized value of the irrigation system if the agreement is terminated by the Town of Ocean City.

The Commissioners answered questions from the press, after which they adjourned to meet again on June 17, 2014.

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

June 17, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr.

Virgil L. Shockley

Following a motion by Commissioner Gulyas, seconded by Commissioner Shockley, 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) and (4) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; and Bill Badger, Economic Development Director. Topics discussed and actions taken included: filling critical vacant positions, including hiring Tyler Brittingham and Richard McGillen as Roads Worker II's within the Roads Division, hiring Jeffrey Tingle as a Service Area Supervisor and agreeing to advertise to fill two Maintenance Worker positions in the Water and Wastewater Division of Public Works; hiring Andrew Compo as a Correctional Officer Trainee - Cook for the Jail, and acknowledging the hiring of Heather Clarke as an Assistant State's Attorney; reorganizing the County Departments of Environmental Programs and Development Review & Permitting; appointing Andrew Delcorro to the Water and Sewer Advisory Council for the West Ocean City Service Area and Dave Wheaton to the Solid Waste Advisory Committee; and performing administrative functions.

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

The Commissioners reviewed and approved the minutes of their June 3, 2014 meeting as presented.

The Commissioners met with Housing Program Administrator Jo Ellen 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) Maryland Mortgage 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 Gulyas, the Commissioners unanimously agreed to irrevocably transfer Worcester County's full \$1,818,805 tax-exempt housing bond allocation to the DHCD Community Development Administration for use in issuing housing bonds on behalf of Worcester County, as set forth in the 2014 allocation of the Maryland State Ceiling for use under the Maryland Mortgage Program.

The Commissioners reviewed an invitation to attend the Maryland Department of Housing and Community Development (DHCD) Maryland Mortgage Program presentation and discussion at the Wicomico Youth and Civic Center in Salisbury, Maryland on Thursday, June 19, 2014, from 9:00 a.m. to 1:30 p.m.

Pursuant to the recommendation of Budget Officer Kathy Whited upon the written request of Vincent E. Tolbert, Chief Financial Officer for the Board of Education (BOE), and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the BOE's Annual Budget Certification Statement, which certifies County funds of \$76,027,859 for BOE expenses, \$1,647,903 for Teacher Pensions, \$498,000 for School Construction, and \$12,001,938 for Debt Service for BOE projects in the FY15 County Operating Budget.

Pursuant to the request of Budget Officer Kathy Whited upon the written request of Vincent E. Tolbert, Chief Financial Officer for the Board of Education (BOE), and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the revenue and expenditure summary pages from the Board of Education's FY15 approved operating budget, which includes 13 approved funding categories. In response to a question by Commissioner Shockley, Ms. Whited advised that the BOE's Prior Year Fund Balance of \$567,011 does not include the FY14 salary savings to pay for salary increases in FY15. She stated that the BOE has not yet asked for the transfer of the salary savings, which will be allocated toward textbooks, longevity bonuses, and salaries, including bus contractor salaries.

Pursuant to the written request of Denise Eberspeaker, Director of Fund Development, Communications and Service Center for the Girl Scouts of the Chesapeake Bay, and upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Resolution No. 14-14, Approving a Project to Extend the Benefits and Opportunities of Girl Scout Programming to At-Risk Girls in Designated Priority Funding Areas in Worcester County, Maryland. This local government resolution enables the Girl Scouts to deliver a project known as "Girl Scout Leadership Experience" to extend the benefits and opportunities of Girl Scout programming to at-risk girls in Worcester County among the other Priority Funding Areas in the nine Eastern Shore Counties. In her correspondence, Ms. Eberspeaker stated that the Commissioners' approval is required for the council to seek the support of the Neighborhood Partnership Program of the Maryland Department of Housing and Community Development (DHCD) that allows local businesses to receive Maryland Tax Credits for their donations to the Girl Scouts, which provides a valuable incentive for local businesses and individuals to contribute.

Pursuant to the request of Finance Officer Phil Thompson and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved the recommended 2014/2015 Tax Ditch Rates and recommended Managers for all 19 Tax Ditches in the County. Mr. Thompson noted that the tax ditch rates were identical to the prior year, except for the Sinepuxent Branch Tax Ditch where rates will increase from \$1.00 to \$2.00 for tilled land and from \$0.50 to \$1.00 for wooded land, with a minimum of \$10.00 up from \$5.00 in FY14, as requested by the Sinepuxent Branch Tax Ditch Managers.

Pursuant to the request of Budget Accountant Kim Watts and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Church to sign the Emergency Solutions Grant Program (ESGP) applications with the Maryland Department of Housing and Community Development (DHCD) to seek funding for the

Samaritan Shelter in the amount of \$30,000 for Homeless Prevention and Administration; and Diakonia in the amount of \$35,000 for Homeless Prevention, Rapid Rehousing, Emergency Shelter, Homeless Management Information System (HMIS) and Administration for the period from October 1, 2014 through September 30, 2015 to help fund their operations to prevent homelessness and to help improve the quality of existing emergency and transitional shelters for the homeless in Worcester County.

Pursuant to the request of Jennifer LaMade, Director of Planning, Quality and Core Services for the Health Department, and April Turner, Director of the Local Management Board, and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the Request for Proposals (RFP) for the FY15 Local Access Mechanism program, which is a 24-hour information referral telephone service, and general supervision and oversight of the System/Family Navigator positions. Ms. LaMade stated that the Local Access Mechanism provides an integrated, community-based service delivery system for children, youth and families, and it can be used to provide information, referrals, linkages, support and advocacy through partnerships with human service agencies, faith-based organizations and other non-profit agencies. Proposals from qualified non-profit and governmental entities will be accepted until July 21, 2014.

The Commissioners met with Recreation and Parks Director Paige Hurley and Tourism Director Lisa Challenger to discuss partnering with the Mid Atlantic Amateur Sports Alliance (MAASA) to attract, retain and build sports events, with a focus on amateur athletics, in Ocean City, Worcester County and Wicomico County to grow the region's economy and reputation as a premier destination for sporting events. Mr. Hurley stated that County staff recently met with Ocean City Tourism Director Donna Abbot and Wicomico Tourism Manager Steve Miller, and each of the their three agencies are highly interested in pursuing the potential partnership, particularly in light of the success of the 2013 Girls United States Specialty Sports Association (USSSA) East Regional World Series Softball Tournament in Salisbury and Ocean City. He stated that the partnership is part of a unique marketing approach that includes multiple jurisdictions. Mr. Hurley further advised that each of the three parties would be required to contribute a one-time fee of \$10,000 to fund the initial operating budget, and funds are available within the Recreation and Parks budget for this expense. Ms. Challenger stated that funds are available in the Tourism budget to cover the initial cost of joining TEAM Maryland, which helps participating counties recruit sporting events in their own jurisdictions and was largely responsible for bringing the annual DEW Tour to Ocean City. She concluded that State marketing grant funds are available to reimburse the County for this expense. Following some discussion and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved the requests as presented.

The Commissioners met with Mr. Hurley and County Engineer Bill Bradshaw to review the Request for Proposals (RFP) from qualified General Contractors for construction of a 6,300-square-foot addition to the Worcester County Recreation Center (WCRC) in Snow Hill. Mr. Bradshaw reviewed the proposed building addition, which will include space for exercise equipment and classes, after school programs, a meeting room, locker rooms, laundry room and

additional storage space. Mr. Hurley advised that funding of \$728,996 is available in the Recreation and Parks budget, with Program Open Space (POS) to reimburse the County for 90% of the project costs. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously approved the RFP as presented.

Upon a motion by Commissioner Shockley, the Commissioners unanimously adopted Resolution No. 14-15 adopting the Worcester County Department of Liquor Control Enterprise Fund Budget for July 1, 2014 through June 30, 2015, as conceptually approved after their public hearing on June 3, 2014. Enterprise Fund Controller Jessica Ramsay stated that expenditures within the FY15 Liquor Control Enterprise Fund Budget had been revised slightly to reflect the salary package approved in the FY15 General Fund.

Upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Resolution No. 14-16 adopting the Sanitary Service Area Budgets, Assessments and Charges and Establishing Classifications for the Water and Wastewater Enterprise Fund for July 1, 2014 through June 30, 2015, as conceptually approved after their public hearing on June 3, 2014.

The Commissioners met with Ms. Ramsay to review answers to several questions raised at the public hearing on the Solid Waste Enterprise Fund Budget on Tuesday, June 3, 2014. Also present were Public Works Director John Tustin, Solid Waste Manager Mike Mitchell and Recycling Manager Ron Taylor. Ms. Ramsay reviewed three options proposed to address Homeowner Convenience Center (HCC) fees including: Option 1 - the original staff and Solid Waste Advisory Committee (SWAC) recommendation to increase the HCC fee from \$60 to \$100 for the first vehicle, remain at \$15 for the second vehicle, and increase from \$60 to \$100 for additional vehicles within each household, with an optional "Pay-As-You-Throw" (PAYT) system at a cost of \$1 per bag for each 33-gallon bag disposed at any HCC; Option 2 - proposed by County resident Diana Purnell to increase the HCC permit fee to \$100 for both the first and second vehicles per household, and otherwise the same as Option 1; and Option 3 - the revised SWAC recommendation to increase the HCC fee from \$60 to \$75 for the first vehicle, from \$15 to \$25 for the second vehicle, and increase from \$60 to \$75 for additional vehicles within each household, with the optional PAYT system as well. Ms. Ramsay explained that Option 1 would reduce the annual Solid Waste Enterprise Fund deficit by \$175,000 to \$776,286, while Option 2 would reduce the annual deficit by \$159,000 to \$792,000, and Option 3 would reduce the annual deficit by \$70,000 to \$880,000 required to be transferred each year from Reserve Funds designated to pay for new landfill cells.

Ms. Ramsay reviewed the answers to questions asked by the Commissioners at the public hearing. With regard to HCC permits, Ms. Ramsay stated that residents purchased approximately 4,900 vehicle stickers in 2013, and second vehicle stickers accounted for approximately 1,100 or 22% of the total sold, while third vehicle stickers accounted for only 250 or 5% of the stickers. With regard to the number of commercial permits purchased annually, Ms. Ramsay advised that the County sold 420 commercial permits in FY14, and approximately 170 or 40% of those were exempt from fees because they were issued to either the County, towns, State Highway Administration (SHA), or Maryland Department of Natural Resources (DNR). In response to a

question by Commissioner Bunting, Mr. Tustin stated that the commercial permit fees generated approximately \$6,250 plus tipping fees which accounts for the bulk of the commercial revenues.

With regard to the proposed PAYT System, Ms. Ramsay provided additional details about introducing this option as a pilot program for FY15 and allowing homeowners to opt to pay \$1 per bag for a bag up to 33 gallons in size each rather than purchase an annual HCC permit. She stated that residents could purchase PAYT punch cards in \$10 increments at the Treasurer's Office, Cape Isle of Wight office, Central Landfill and by standard mail. She stated that homeowners would be responsible for purchasing their own bags, and materials that could not be bagged should be taken to the Central Landfill where a tipping fee would be assessed. Ms. Ramsay advised that Charles County, which is the only Maryland county that currently uses a PAYT system, has two separate enterprise funds, a Solid Waste Enterprise Fund with the PAYT system at a cost of \$1.50 per 33-gallon bag, \$5 per car, \$15 per truck and \$70 per ton tipping fee, and a Recycling Enterprise Fund, with a \$78-fee levied on the annual tax bills against each improved parcel of real estate located in the County, with the exception of those located within the boundaries of the incorporated towns of Indian Head and La Plata, where they levy a fee of \$15 against each improved parcel within their boundaries since these towns have their own curbside recycling programs. Ms. Ramsay advised that the Delaware Solid Waste Authority (DSWA), a private, non-governmental entity that operates three landfills and five convenience stations in Delaware, charges \$1 per bag or \$7.50 per vehicle for its PAYT System and charges tipping fees of \$85.50 per ton, with a \$4 rebate available to those who contract with the DSWA.

In response to a question by Commissioner Boggs, Ms. Ramsay stated that levying a fee on each property owner's tax bill could serve as a permanent resolution to funding the Solid Waste Enterprise Fund. In response to a question by Commissioner Bunting, Mr. Tustin stated that commercial entities deposit about 35,000 tons of trash at the Landfill annually, but that increasing the commercial tipping fees would cause the County to lose customers to Somerset and Wicomico Counties, which charge commercial tipping fees of only \$65 and \$55 per ton, respectively.

Mr. Tustin stated that staff supports Ms. Purnell's recommendation to charge \$100 for the first sticker and provide a second sticker at no cost. Commissioner Church stated that this option would result in an increased cost to area residents of only about \$3 per month. Commissioner Lockfaw stated that he could not support increasing the fee due to the additional burden it would place on those with limited incomes. He likened annual discussions on how to temporarily prop up the Solid Waste Enterprise Fund to pumping air into a tire with a hole in it, and he urged his fellow Commissioners and staff to consider long-term options to create a self-sustaining system rather than offering temporary fixes that burden the users. Commissioner Purnell concurred. In response to a comment by Commissioner Church, Ms. Ramsay stated that the SWAB also recommends placing an Environmental/Recycling Surcharge on all County property tax bills, in an amount as yet to be determined, to allow the Solid Waste Enterprise Fund to be self-sustaining. However, she advised that it is her understanding that the County would need to seek the support of the Local Delegation to introduce a bill in the 2015 Maryland General Assembly that would permit the County to assess such a surcharge.

Following much discussion and upon a motion by Commissioner Boggs, the Commissioners voted 5-2, with Commissioners Bunting and Lockfaw voting in opposition, to adopt Resolution No. 14-17 adopting the Solid Waste Enterprise Fund Budget for July 1, 2014

through June 30, 2015, which includes imposing the following Landfill fees for Calendar Year 2015: assessing an annual permit fee for unlimited use of the HCCs by a single household at a cost of \$100 for the first two vehicles and \$100 for the third and additional vehicles; or a PAYT fee of \$1.00 for each 33-gallon bag disposed at any HCC. The Commissioners further agreed to pursue State legislation that would permit the County to impose an Environmental/Recycling surcharge on the annual property tax bills.

In a related matter and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the SWAC's proposed list of holiday closings, with the Landfill and HCCs to be closed on the following County holidays: Good Friday, Memorial Day, Fourth of July, and Labor Day, in addition to the current holiday closings on Thanksgiving, Christmas and New Years. Mr. Tustin stated that it is no longer vital to remain open on these additional spring and summer holidays, since the anticipated volumes of trash have declined now that the Town of Ocean City no longer utilizes the Landfill. Commissioner Church recognized the outstanding job done by Transfer Station Attendants at the Berlin HCC who continually perform beyond their job responsibilities to assist customers and keep wait times to a minimum.

The Commissioners met in legislative session.

The Commissioners met with Development Review and Permitting Director Ed Tudor to review Bill 13-1 (Natural Resources - Erosion and Sediment Control), which was introduced by the County Commissioners on May 21, 2013, was followed by a public hearing on June 18, 2013 and a work session on July 23, 2013 and includes a comprehensive set of proposed amendments reviewed and discussed by the Commissioners at their June 3, 2014 meeting. Commissioners Bunting and Shockley had requested staff investigate two issues relative to Sediment and Erosion Control prior to their further consideration of Bill 13-1 on June 17, 2014.

With regard to concerns raised previously by Commissioner Shockley that agricultural ditches are not considered exempt structures within the Best Management Practices (BMP), and reports that the Maryland Department of the Environment (MDE) had issued citations to farmers for cleaning out ditches, Natural Resources Administrator David Bradford wrote in a memo to Mr. Tudor that the incident to which Commissioner Shockley had referred occurred in another county and involved much more than simple ditch cleaning as it also included unauthorized wetlands impacts and clearing activities. However, he had been assured by representatives from the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and the Worcester County Soil Conservation District (SCD) that agricultural ditches are, in fact, included as exempt structures and are therefore not subject to most of the provisions of the Erosion & Sediment Control Ordinance. Furthermore, no permit fee is charged for such agricultural activities.

With regard to concerns raised previously by Commissioner Bunting regarding the potential expense and/or delays incurred by property owners seeking to demolish old poultry houses and being required to develop both Stormwater Management and Erosion and Sediment Control Plans, Mr. Bradford wrote that NRCS, SCD and County staff have agreed to implement a simplified process for demolishing farm structures in which the area will be returned to a previous condition, such as for cultivation, lawn and pastures. He advised that the most important component of this streamlined procedure is acceptance of the utilization of a conservation plan and/or supplemental site plan provided by the NRCS, SCD or the County to serve as the basis of

the demolition project. By allowing the use of these less formal site plans, it removes the financial burden placed upon a property owner of having to acquire a professionally drawn site plan to remove these unwanted structures while still successfully meeting all regulatory requirements. He concluded that the property owner would still be required to obtain a demolition permit and receive stormwater management and sediment and erosion control approvals and/or waivers from applicable departments. He further pointed out that demolition projects that include reconstruction and/or the creation of new impervious surfaces would still need to follow the normal protocol.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners voted unanimously to accept the amendments as presented on June 3, 2014.

Upon a second motion by Commissioner Bunting, the Commissioners voted unanimously to adopt Bill 13-1 as amended.

The Commissioners met with Mr. Tudor to review a proposed text amendment requested by the Worcester County Planning Commission to amend Section ZS 1-321 of the Zoning and Subdivision Control Article to clarify requirements relative to the provision of off-street loading spaces. Mr. Tudor stated that the Planning Commission's principle concern was that loading spaces, for tractor trailers in particular, were not being provided in situations where they should be, and the Zoning Ordinance lacked clarity regarding who is responsible for making the determination as to when such loading spaces are required. The proposed amendment also includes a new provision to empower the Planning Commission to determine when the requirements could be modified or waived. He concluded that County staff and the Planning Commission have given their favorable recommendation to the proposed text amendments. Following some discussion, Commissioners Boggs, Bunting, Church, Gulyas, Lockfaw, Purnell and Shockley agreed to introduce the aforementioned text amendments as Bill 14-5 and agreed to schedule a public hearing on July 22, 2014 to receive comments on Bill 14-5.

Commissioner Church closed the legislative session.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to schedule a public hearing on July 22, 2014 to receive comments on 22 applications to sell easements to the Maryland Agricultural Land Preservation Foundation (MALPF) in FY15/16 as follows: a 152.5-acre property owned by Aydelotte and located at 2311 Payne Road in Pocomoke and more specifically identified on Tax Map 92 as Parcels 92, 33, and 34; a 50.29-acre property owned by Aydelotte and located at 3064 Brantley Road in Pocomoke, and more specifically identified on Tax Map 92 as Parcels 130 and 198; a 351-acre property located on Patey Woods Road in Newark, and more specifically identified on Tax Map 40 as Parcel 47; a 178-acre property owned by Corbin and located at 2247 Dividing Creek Road in Pocomoke, and more specifically identified on Tax Map 69 as Parcels 22 and 66; a 123-acre property owned by East and located at 1706 Holly Swamp Road in Pocomoke, and more specifically identified on Tax Map 85 as Parcel 66; a 130-acre property owned by East and located at 1429 Holly Swamp Road in Pocomoke and more specifically identified on Tax Map 93 as Parcel 2; a 53-acre property owned by Elliot and located at 9454 Mary Road in Berlin, and more specifically identified on Tax Map 26 as Parcel 308; a 102-acre property owned by Fair and located on the west side of Steel Pond Road in Stockton, and more

specifically identified on Tax Map 93 as Parcel 41; a 94.65-acre property owned by Holland and located on the east side of MD Rt. 12 and Ayres Lane Road in Snow Hill, and more specifically identified on Tax Map 79 as Parcel 73; a 78.54-acre property owned by Holland and located on the east side of MD Rt. 12 in Girdletree, and more specifically identified on Tax Map 71 as Parcel 5; a 323.66-acre property owned by Jones and located on Cedar Hall Road and Hickory Point Road in Pocomoke, and more specifically identified on Tax Maps 91 and 99 as Parcels 26, 1 and 3; an 86.8-acre property owned by Muir Enterprise and located at 1725 Buck Harbor Road, plus Lot 2 on the south side of Buck Harbor Road in Pocomoke, and more specifically identified on Tax Map 84 as Parcel 165; a 69-acre property owned by Oland and located on Mt. Olive Church Road in Snow Hill, and more specifically identified on Tax Map 46 as Parcel 38; a 110-acre property owned by Oland and located on Mt. Olive Church Road in Snow Hill, and more specifically identified on Tax Map 46 as Parcel 39; a 298-acre property owned by Pilchard Family Trust and located at 3203 Beth Eden Church Road, and more specifically identified on Tax Map 78 as Parcel 41; a 179-acre property owned by Pilchard and located at Ward Road in Pocomoke, and more specifically identified on Tax Maps 78 and 85 as Parcels 45 and 158; a 178.22-acre property owned by Porter Mill Properties, LLC/Scrimgeour and located at 809 Snow Hill Road in Stockton, and more specifically identified on Tax Map 94 as Parcel 174; a 105-acre property owned by Pusey and located at 7826 Snow Hill Road in western Worcester County, and more specifically identified on Tax Map 36 as Parcel 74; a 118.27-acre property owned by Redden and located on the north and south sides of Stockton Road in Pocomoke, and more specifically identified on Tax Map 85 as Parcel 54; an 80-acre property owned by Shockley and located on Davis Branch Road in Snow Hill, and more specifically identified on Tax Map 38 as Parcel 26; a 275.73-acre property owned by Sterling and located on the east and west sides of U.S. Rt. 13 in Pocomoke, and more specifically identified on Tax Map 92 as Parcel 71; and a 51.82-acre property owned by Stevenson and located on St. Luke's Road in Snow Hill, and more specifically identified on Tax Map 35 as Parcel 4.

Mr. Tudor stated that the 22 easement applications have been reviewed by both the Worcester County Agricultural Land Preservation Advisory Board, which recommended the top eight applications be submitted to MALPF for appraisal, and the Worcester County Planning Commission, which had declared that all 22 applications are consistent with the 2006 County Comprehensive Plan. He further explained that FY15 funding is limited, so the MALPF board has combined FY15/16 into one funding cycle, and they will only accept up to the top eight applications. He further advised that if the County chooses to forward more than the top eight applications, the cost of additional appraisals would run between \$2,500 and \$4,000 per application and would be the County's responsibility.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Church to sign an Agreement of Sale between David M. Bradford and Nancy K. Bradford (Sellers) and the County Commissioners of Worcester County, Maryland (Buyer) for the purchase of a Conservation Reserve Enhancement Program (CREP) easement for \$145,545, at no cost to the County, on approximately 116 acres of land located at 2761 Klej Grange Road and identified on Tax Map 78 as Parcel 56. Mr. Tudor stated that this program provides for the State's purchase of voluntary easements whereby property owners agree to maintain CREP practices in perpetuity, and only

properties in the County's Rural Legacy Areas that are currently enrolled in a CREP contract are eligible. Mr. Tudor further reiterated that the State funded agreement of sale does not require the expenditure of any County funds and in fact provides for reimbursement to the County of administrative costs up to three percent (3%) of the value of the easement and any incidental costs incurred in establishing the easement.

Pursuant to the recommendation of Public Works Director John Tustin in response to complaints from area residents, and upon a motion by Commissioner Lockfaw, the Commissioners unanimously agreed to re-install "No Parking" signs on the eastbound side of Bonita Drive in West Ocean City to prevent potentially dangerous traffic situations. Mr. Tustin advised that the Commissioners had unanimously agreed to post "No Parking" signs on Bonita Drive at their meeting of June 19, 1990, but that since that time the signs have been removed due to various construction activities in the area.

The Commissioners answered questions from the press, after which they adjourned to meet again on July 1, 2014.

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

July 1, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.

Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Gulyas, seconded by Commissioner Shockley, with Commissioner Purnell temporarily 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) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; and George Bradley, Human Resources Director. Topics discussed and actions taken included: filling critical vacant positions, including agreeing to advertise to fill the positions of Landfill Operator II within the Solid Waste Division, Office Assistant III within the Fleet Management Division and Office Assistant IV within Administration at the Department of Public Works, and Program Manager II within the Recreation and Parks Department; acknowledging the hiring of James Burke as a part-time School Security Officer within the Sheriff's Office; approving a Memorandum of Understanding (MOU) to extend the position of Real Property Research Aide held by Mary Denton in the local office of the Maryland Department of Assessment and Taxation for another year; appointing Michael Reilly to the Water and Sewer Advisory Council for the Ocean Pines Service Area; receiving legal advice from counsel; and performing administrative functions.

Commissioner Purnell arrived at the meeting during the closed session.

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

The Commissioners reviewed and approved the minutes of their June 17, 2014 meeting as presented.

Assistant Chief Administrative Officer Kelly Shannahan advised those in attendance that Chief Administrative Officer Harold Higgins would be absent from the meeting due to a family medical emergency.

The Commissioners presented Recreation and Parks Director Paige Hurley and Program Manager Jennifer Standish with a proclamation recognizing July as Park and Recreation Month and recognizing that summer is a great time to get out, get active, and discover all that Worcester County recreation programs and parks have to offer those of all ages. Mr. Hurley advised that, as part of the month-long celebration, Worcester County Recreation and Parks (WCRP) staff challenges the public to visit all 12 Worcester County Parks and the Worcester County Recreation Center (WCRC) in Snow Hill throughout July, snap pictures of themselves and their family or friends in action at these scenic locations and upload them to Facebook. He advised

that WCRP staff will keep track of how many places participants visit and award Park and Recreation Month t-shirts and tote bags to those who submit photos.

The Commissioners presented retirement commendations recognizing years of dedicated service to Worcester County Government to the following retiring employees: Debbie Wood (34 years), Billy Smith (27 years), Diane M. Baldwin (22 years), Bryant K. Ringgold (18 years), Wilbert Foreman (13 years), Isaac Levin Dale (10 years) and Virgil L. Martin (7 years). Robin Wilkerson (36 years), Patricia A. McDonnell (16 years), Alice T. Foard (11 years), Connie L. Rutter (9 years) and James P. Blades (6 years) also retired recently, but they were unable to attend the ceremony.

The Commissioners accepted public comment on the proposed conveyance of the County-owned park property on 3<sup>rd</sup> and 4<sup>th</sup> Street in Ocean City comprising approximately six acres and located in the Tenth Election District and recorded among the Land Records in Liber FWH No. 224 Folio 287, et. seq, and in Liber FWH No. 224, Folio 290, et. seq., to the Town of Ocean City, with a reverter clause that the property shall remain in use for public recreation purposes or be returned to the County. Assistant Chief Administrative Officer Kelly Shannahan summarized the intent of the proposed land transfer, stating that the town plans to borrow approximately \$3 million to make substantial improvements to the property, but that they could not do so without a long term agreement from the County.

In response to a question by Commissioner Shockley, Ocean City Public Works Director Hal Adkins stated that he is not aware of any other County-owned properties in the resort.

There being no public comment and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the conveyance of the County-owned property on 3<sup>rd</sup> and 4<sup>th</sup> Street in Ocean City to the Town of Ocean City for recreation purposes.

Pursuant to the recommendation of Budget Officer Kathy Whited in response to the request of Vincent E. Tolbert, CPA, Chief Financial Officer for the Board of Education (BOE), and upon a motion by Commissioner Gulyas, the Commissioners voted 6-1, with Commissioner Shockley voting in opposition, to approve the County Appropriation Transmittal Schedule for FY15 for the BOE totaling \$75,827,859. Commissioner Shockley stated that he does not oppose the amount of FY15 funding or the transmittal schedule, but that it is premature to accept the schedule before the BOE and Worcester County Teachers Association complete contract negotiations for salary and benefits for the 2014-2015 school year.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously approved bid specifications for the Gum Point Boat Ramp Replacement Project. Mr. Tustin advised that all regulatory permits have been acquired and \$107,995 in Maryland Department of Natural Resources (DNR) Waterway Improvement Grant (WIG) funds and \$99,000 in assigned designated funds from Worcester County are available to complete the project.

In a related matter, Commissioner Bunting commended staff on the completion of the Shell Mill Boat Landing, stating that the facility looks great.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the Millville Road Bridge Replacement project at an estimated cost of \$185,388. Mr. Tustin advised that State Aid Bridge funds will cover 80% (approximately \$148,310.40) of project costs, with a County match of 20% (approximately \$37,077.60).

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the Nelson Road Bridge Replacement project at an estimated cost of \$245,002. Mr. Tustin advised that State Aid Bridge funds will cover 80% (approximately \$196,001.60) of project costs, with a County match of 20% (approximately \$49,000.40).

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved bid specifications for the replacement of six, 30-cubic-yard recycling containers within the Solid Waste Division of Public Works. Mr. Tustin stated that these will be used to replace aged containers utilized by the Recycling Section for homeowners' use at the Homeowner Convenience Centers.

Pursuant to the recommendation of Mr. Tustin in response to a request by Stephen Decatur High School (SDHS) Cross Country Coach Joseph Stigler and Principal Thomas Zimmer and upon a motion by Commissioner Purnell, the Commissioners unanimously authorized the SDHS Cross Country Team to use the Berlin Landfill for cross country training and as their home cross country course on Wednesdays when the Homeowner Convenience Center is closed. Mr. Tustin advised that the team has utilized a portion of the Berlin landfill mound in a very limited capacity and under tightly controlled circumstances in the past, and there is very little disruption to the surrounding neighborhood. He explained that the training and meets are supervised at all times to protect the landfill facility, and no smoking is allowed by spectators during meets.

The Commissioners received the results of speed studies conducted by the Roads Division of Public Works on two separate sections of Jarvis Road in Bishopville. He advised that the studies were completed at the request of the Sheriff's Office to address complaints regarding speeding vehicles and safety concerns. With regard to the study conducted between U.S. Rt. 113 and Collins Road on July 15, 2014, Mr. Tustin advised that 4,718 vehicles traveling in both the south and north bound lanes were included in the speed study. He stated that the average speed of these vehicles was 46 miles per hour (mph), with 682 or 14.5% traveling greater than 55 mph, 541 or 11.5% traveling 51-55 mph, 881 or 18.7% traveling 46-50 mph, 2,521 or 53.4% traveling between 26-46 mph, and 93 or 2% traveling less than 26 mph.

With regard to the study conducted between Collins Road and Bishopville Road on July 22, 2014, Mr. Tustin stated that 4,298 vehicles traveling in both the south and north bound lanes were included in the speed study. He stated that the average speed of these vehicles was 41 miles per hour (mph), with 76 or 1.8% traveling greater than 55 mph, 236 or 5.5% traveling 51-55 mph, 774 or 18% traveling 46-50 mph, 3,130 or 72.8% traveling between 26-46 mph, and 82 or 1.9% traveling less than 26 mph.

Following some discussion, upon the recommendation of the Department of Public Works and upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to post a speed limit of 50 mph on Jarvis Road between U.S. Rt. 113 and Collins Road and a speed limit of 40 mph between Collins Road and Bishopville Road.

The Commissioners met with Mr. Tustin to review a request from Kristi Clarke, General Manager of The Parke at Ocean Pines, for a reduction of The Parke's sewer charges to reflect the portion of water used for irrigation of their landscaping as opposed to sanitary sewer use. Mr. Tustin stated that both County staff and the Water and Sewer Advisory Council for the Ocean Pines Service Area recommend declining this request, as County policy does not permit waivers for irrigation meters for the following reasons: implementing a significant discount in the use of potable water for irrigation purposes encourages overuse of a limited resource; over pumping could lead to saltwater intrusion into the water supply aquifer due to its close proximity to coastal waters; and excessive water use could result in the need to construct water supply facilities prematurely. Upon a motion by Commissioners Gulyas, the Commissioners unanimously denied the requested water bill reduction.

The Commissioners met with County Attorney Sonny Bloxom to discuss a request from Tom O'Branovic, Senior Vice President of RV Operations for Sun Communities, Inc., requesting interim permission to connect to the Mystic Harbour Wastewater Treatment Plant (WWTP) and put the pump station and force main serving the Castaways Campground into operation in advance of finalizing the necessary turnover documents. Mr. Bloxom advised that, although the pipeline has been completed and tested, the request is being made with knowledge that the following activities remain before the County can formally accept the pipeline: provision of record drawings for the pipeline; installation of the meter to measure effluent flow, with Sun Communities proposing to use water supply records until the meter is installed; provision of completed releases from all contractors and consultants; and the necessary rights-of-way and a Bill of Sale. He advised that Sun will be providing payment in the amount of \$385,229.40 for the required connection fees as based on the final cost estimates and will be adjusted based on final contract quantities. Furthermore, the County will not accept and pay for the storage tank until all outstanding items have been addressed. Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously granted the requested interim approval upon receipt of payment in the aforementioned amount and with the understanding that Sun Communities will complete the remaining activities in an expedient manner.

The Commissioners answered questions from the press. Commissioner Shockley clarified a prior report regarding the Snow Hill Retail Liquor Store and advised that the Commissioners have not decided to close the store, but are exploring other options to reduce expenses and achieve profitability.

The Commissioners adjourned to meet again on July 22, 2014.

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

July 22, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas

James L. Purnell, Jr. (Absent)  
Virgil L. Shockley

Following a motion by Commissioner Shockley, seconded by Commissioner Lockfaw, with Commissioner Purnell 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), (3) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; John Tustin, Public Works Director; John Ross, Public Works Deputy Director; Bob Mitchell, Environmental Programs Director; and Katherine Munson, Environmental Programs Planner IV. Topics discussed and actions taken included: filling critical vacant positions, including hiring Tyler Gillespie as a Recycle Worker I for the Solid Waste Division and Chris Rosenberger and Joe Ingram as Maintenance Worker I's for the Water and Wastewater Division of Public Works, Teresa Johnson as a part-time Administrative Assistant for Economic Development, and re-hiring Myro Small as a Program Manager II for Recreation and Parks; considering acquisition of real property for public purposes; receiving legal advice from counsel; and performing administrative functions.

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

Commissioner Purnell was absent from the meeting.

The Commissioners reviewed and approved the minutes of their July 1, 2014 meeting as presented.

The Commissioners conducted a public hearing to receive public comment on 22 petitions to sell agricultural easements to the Maryland Agricultural Land Preservation Foundation (MALPF) in FY15/16. Also present at the meeting were Environmental Programs Director Bob Mitchell and Katherine Munson, Environmental Programs Planner IV. Mr. Mitchell reviewed the 22 properties, which are listed in their entirety in the Commissioners meeting minutes of June 17, 2014. He stated that the applications have been reviewed by both the Worcester County Agricultural Land Preservation Advisory Board, which recommended the top eight applications be submitted to MALPF for appraisal, and the Worcester County Planning Commission, which declared all 22 applications to be consistent with the 2006 County Comprehensive Plan. He further explained that FY15 funding is limited, so the MALPF Board has combined FY15/16 into one funding cycle, and they will only accept up to the top eight applications. In response to a question by Commissioner Shockley, Ms. Munson advised that last year the Agricultural Preservation Advisory Board had recommended to MALPF that properties

already largely protected by the Conservation Reserve Enhancement Program (CREP) not be eligible for MALPF easements, but that the MALPF board rejected the proposal.

Commissioner Church opened the floor to receive public comment.

There being no public comment, Commissioner Church closed the public hearing.

Following some discussion and upon a motion by Commissioner Shockley, the Commissioners voted unanimously to forward the top eight applications to MALPF for review and consideration of easement purchases. The Commissioners further requested that the Agricultural Preservation Advisory Board modify the language previously proposed by the Commissioners for the MALPF Easement Sale Ranking System to reject or discourage applications for properties that are more than 66% enrolled in the CREP and resubmit for further consideration by the MALPF Board. This provision will help to better distribute agricultural land preservation funding to as many deserving farms as possible. They further requested the MALPF Board consider approving bonus points for Century and Legacy Farms to reward the long-standing agricultural properties in the County that have resisted development pressure.

Pursuant to the recommendation of Economic Development Director Bill Badger and upon a motion by Commissioner Gulyas, the Commissioners unanimously awarded the proposal from Stone Consulting, Inc. of Warren, PA to conduct Phase I of the Excursion Train Feasibility Study at a lump sum fee of \$18,040, with additional site visits at a lump sum cost of \$2,899. The study will be used to determine the feasibility of running a seasonal tourism train from Berlin to Snow Hill on the Strasburg Railroad.

Pursuant to the request of Budget Officer Kathy Whited and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for soliciting West Ocean City commercial boat slip leases. Ms. Whited advised that the current leases expire on September 22, 2014. In response to a question by Commissioner Boggs, Ms. Whited stated that typically the County will receive enough interest to lease all eight slips, which generate revenue of roughly \$55,800 throughout the two-year lease period.

Pursuant to the recommendation of Emergency Services Director Fred Webster and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Chief Administrative Officer Harold Higgins to sign a Subaward Agreement between the Maryland Institute for Emergency Medical Services Systems (MIEMSS) and Worcester County Emergency Services under the federal FY13 budget, awarding Worcester County a grant of \$18,136.50 for iPads containing a new patient tracking software system for distribution by the County to each of the nine ambulance companies within Worcester County. Mr. Webster explained that this is part of the Maryland Hospital Preparedness Program - Patient Tracking, which is designed for mass casualty events. He stated that the downside to this grant is that each of the ambulance companies will be responsible for providing some type of internet connectivity so that bar codes, located on patient triage tags, could be scanned and sent ahead to the receiving hospital. However, he explained that he reached out to all ambulance captains, and they all expressed interest in participating.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously approved Change Order No. 5 for the Mystic Harbour Wastewater Treatment Plant (WWTP) upgrade and expansion project for a number of smaller changes to the work, with this change increasing the net project cost by \$56,418.05. In response to a question by Commissioner Boggs, Mr. Tustin stated that the WWTP project is substantially complete, with the remainder of the work to be completed within the next 30 days. He further advised that approximately \$30,000 in United States Department of Agriculture (USDA) grant funds are remaining and will be used to install fencing and landscaping.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Mr. Tustin to apply for a Maryland Department of Natural Resources (DNR) Boating Services Grant of \$4,500 to cover the cost of portable toilet services at the County boat ramps. Mr. Tustin stated that the annual cost for the current contracted services totals \$3,070.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to accept an Electronics Recycling Grant totaling \$33,200 from the Maryland Department of the Environment (MDE) for the collection of electronic equipment, including computers, video display devices and other electronic goods to save valuable landfill space, recycle useful materials and protect public health and the environment from the potential effects of metals and chemicals that may leach from electronics.

In response to a question by Commissioner Boggs, Mr. Tustin confirmed that the State continues to collect funds generated by the dedicated Scrap Tire Fund within MDE, but with the exception of the one-time tire recycling event that took place in May 2013 the monies have been diverted for other State purposes.

The Commissioners met with Mr. Tustin to discuss the results of Household Hazardous Waste (HHW) and Electronic Recycling (E-Cycle) Collection Day on Saturday, April 19, 2014, at the West Ocean City Park and Ride lot. Mr. Tustin advised that 344 vehicles participated in the event, of which 72 had HHW products, 141 brought in electronics, and 131 brought in both. He stated further that the total weight of electronics collected was 16.11 tons or 32,220 pounds, with a disposal fee of \$4,897, and the total weight of HHW collected was 4.35 tons or 8,687 pounds, with a disposal fee of \$12,572. In addition, he stated that there was an advertising cost of \$2,787, bringing the total cost of the event to \$20,256.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to schedule the next E-Cycle and Household Hazardous Waste Collection Day for Saturday, October 11, 2014, from 10:00 a.m. to 2:00 p.m. at the Showell Elementary School parking lot. The County, in cooperation with MDE and Maryland Environmental Service (MES), sponsors this program. Mr. Tustin advised that the County-incurred expense for this event is approximately \$20,000 and is available in the FY15 recycling budget.

The Commissioners met with Mr. Tustin to discuss the findings of an MDE Capacity Management Plan for the Mystic Harbour Sanitary Service Area (SSA), which identified a need to provide additional water supply to meet the current and short term projected system demands. Mr. Tustin advised that Water and Wastewater Division staff worked with the Mystic Harbour Advisory Committee to develop a water interconnection plan to address the needs of the SSA via a phased implementation program to be stretched out to make the water system improvement costs less of a burden on the ratepayers. These include Phase 1 - water system interconnections between Assateague Pointe, The Landings and Mystic Harbour at an estimated cost of \$1.1 million (1-3 years); Phase 2 - water system interconnection between Riddle Farm and Mystic Harbour at an estimated cost of \$900,000 (3-8 years); Phase 3 - reconstruction of the Oyster Harbor Water Treatment Plant at an estimated cost of \$850,000 (5-10 years); and Phase 4 - distribution system reinforcing pipelines and north water tower implementation schedule at an estimated cost of \$2 million (10-15 years). Mr. Tustin recommended moving forward with Phase 1, which will result in the following immediate benefits: create 900 additional equivalent dwelling units (EDUs) to allow expansion of water service while covering the Mystic Harbour SSA deficit; allow the Mystic Harbour water tower to be removed from service for repainting; reduce operating costs by eliminating the need for all of these plants to operate during the winter low demand period; and increase water supply redundancy and reliability for all service areas. He also reviewed funding options, which include using funds collected in the Mystic Harbour SSA as a down payment on the project; secure a short term loan from a local bank or the County General Fund for the balance of the funds needed; and place a \$1,000 surcharge on future EDU purchases to retire the debt as new customers are connected. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to move forward with Phase 1 as recommended by staff.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously approved the Proposal Modification for the Design of a New Force Main within the Ocean Pines Service Area from EA Engineering, Science, and Technology, Inc. of Ocean Pines, Maryland at a total cost for the design and bid phase support in the amount of \$47,770. Mr. Tustin stated that this will include the design of two, eight-inch force main sections totaling approximately 9,000 linear feet to eliminate bottlenecks in the system, which is caused by the existing six-inch lines.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to waive the standard bid process and accept the proposal from the County's current security system vendor, Absolute Security Group, Inc. of Salisbury, Maryland, in the amount of \$12,930.42 to install new security cameras and recording equipment at the Water and Wastewater Division offices in Ocean Pines. Mr. Tustin stated that the equipment would replace aging security equipment that is no longer functional and will increase video surveillance coverage at the site.

The Commissioners reviewed and discussed the FY15 Operating Budget Transfer request from Budget Officer Kathy Whited for reorganization of the Department of Development Review and Permitting (DRP) and the Department of Environmental Programs and a request

from Assistant Chief Administrative Officer Kelly Shannahan to waive the standard bid process and award proposals for renovations on the third floor of the Government Center in Snow Hill to accommodate new offices for Environmental Programs. Ms. Whited advised that, as a result of the reorganization of the two departments on June 17, 2014, the FY15 budget must be amended to transfer funds in the amount of \$399,222 from DRP to Environmental Programs to cover salaries and related operating expenditures. She further stated that this transfer will result in a DRP FY15 budget of \$1,575,007 and an Environmental Programs FY15 budget of \$1,258,888. Upon a motion by Commissioner Bunting, the Commissioners unanimously approved the transfer request as presented.

The Commissioners reviewed the proposed budget and four-to-six-week schedule for renovations on the third floor of the Government Center, which will cost approximately \$58,000 for all necessary renovations, \$5,000 for furniture, fixtures and equipment, and a 15% project contingency fund for a total estimated budget of \$73,000. Funding is available from the Unassigned Fund Balance for this project. Upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to waive the standard bid process and accepted the following proposals to renovate the third floor: K. B. Coldiron, Inc. at an estimated cost of \$26,670 for new walls, ceiling repairs, doors, door frames and hardware; Carpets by the Ocean at a cost of \$8,470 for the installation of carpeting in Document Imaging and Environmental Programs; Bayside Fire Protection in the amount of \$6,270 to modify the existing fire suppression system; Worcester County Supplies and In-House Labor in the amount of \$1,500 for electrical, voice and data modifications and additions; K.B. Coldiron, Inc. at an estimated cost of \$7,000 for millwork to install new base cabinets, upper cabinets and counters; Joseph M. Zimmer at an estimated cost of \$7,000 for plumbing; and Worcester County Supplies & In-House Labor in the amount of \$1,000 for paint.

The Commissioners recessed until 11:00 a.m.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing on Bill 14-5 (Zoning - Off-Street Loading Spaces), which was introduced by Commissioners Boggs, Bunting, Church, Gulyas, Lockfaw, Purnell and Shockley on June 17, 2014. Development Review and Permitting Director Ed Tudor reviewed the bill, which would amend Section ZS 1-321 of the Zoning and Subdivision Control Article to clarify requirements relative to the provision of off-street loading spaces. Mr. Tudor stated that the Planning Commission's principle concern was that loading spaces, for tractor trailers in particular, were not being provided by commercial businesses in situations where they should be, and the Zoning Ordinance lacked clarity regarding who is responsible for making the determination as to when such loading spaces are required. The bill also includes a new provision to empower the Planning Commission to determine when the requirements could be modified or waived where strict compliance would cause undue hardship. He concluded that County staff and the Planning Commission have given their favorable recommendation to the proposed bill.

Commissioner Church opened the floor for public comment.

There being no public comment, Commissioner Church closed the public hearing.

Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously adopted Bill 14-5 as presented.

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 Gulyas, with Commissioner Purnell absent, the Commissioners unanimously voted to meet in closed session at 11:10 a.m. in the Commissioners' Meeting Room to discuss personnel matters permitted under the provisions of Section 10-508(a)(1) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; Phil Thompson, Finance Officer; Jennifer Swanton, Assistant Finance Officer; Kandi Choisser, Accounting Manager; Kathie Fowler, Accounting Clerk II; and George Fowler, Mrs. Fowler's husband. Topics discussed and actions taken included: conducting a personnel disciplinary hearing and dismissing Kathie Fowler for gross misconduct.

After the closed session, the Commissioners reconvened in open session. Commissioner Church announced the topic discussed during the late morning closed session, after which they adjourned to meet again on August 5, 2014.

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

August 5, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas

James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Lockfaw, seconded by Commissioner Boggs, 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) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; and George Bradley, Human Resources Director. Topics discussed and actions taken included: filling critical vacant positions, including hiring Justin Bradford as a Landfill Operator II for the Solid Waste Division and Amy Ward as an Office Assistant III for the Fleet Maintenance Division of Public Works, and Chris Roberts as a Recreation Program Manager II for Recreation and Parks; reviewing a personnel disciplinary action; receiving legal advice from counsel; and performing administrative functions.

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

The Commissioners reviewed and approved the minutes of their July 22, 2014 meeting as presented.

The Commissioners presented commendations to honor four 2014 student graduates who represented Worcester Technical High School and took home top honors at the 50<sup>th</sup> annual SkillsUSA National Leadership and Skills Conference in Kansas City, Kansas on June 23-27, 2014. Paige Stanley won the gold medal for Related Technical Math. Wyatt Brady won the bronze medal for Major Appliance and Refrigeration Technology. TJ Frampton and his teammate, Joseph Beebe, who was not able to attend the ceremony, won bronze medals for their Community Action Project.

The Commissioners met with Superintendent of Schools Dr. Jerry Wilson and Brad Hastings of the Becker Morgan Group, Inc. of Salisbury, Maryland to review and discuss the Showell Elementary School (SES) Feasibility Study, which includes Option A - renovations and additions to the existing SES at a total estimated project cost of \$44,831,470; and Option B - replacing the existing SES with a new facility at a total estimated project cost of \$40,915,863. Mr. Hastings stated that the existing school was built in 1976 and modified in 1990 to accommodate pre-k through grade four. However, grade four students had to be relocated to Berlin Intermediate School (BIS) in 1999 due to overcrowding, and he advised that SES enrollment is at 566 students or 102.2% of the school's State-rated capacity today. He further advised that, though the facility is well maintained, major deficiencies exist in all categories, including Building Systems, Code Issues, Site, Instructional Spaces and Support Spaces. Mr. Hastings then reviewed the feasibility study, which includes plans to return grade four to SES

from BIS. He advised that Option A costs roughly \$4 million more than Option B due to project phasing, increased time, portable classrooms and management fees, and he recommended proceeding with Option B, which offers the alternative of a replacement facility and the demolition of the existing building. It also addresses all of the existing deficiencies that prevent the school from operating in full compliance with County and State codes and standards, allows for a smoother transition when students and staff relocate from the existing structure, and it locates the new building where its visual presence is prominent along MD Rt. 589. New construction would also make the school eligible to receive LEED (Leadership in Energy and Environmental Design) Silver status, as a high performance school that meets or exceeds the school rating systems through the United States Green Building Council.

In response to a question by Commissioner Bunting, Mr. Hastings advised that Option B would still involve use of a few portable classrooms for students during construction, but not as many as under Option A. In response to a question by Commissioner Gulyas, Mr. Hastings stated that the cost difference for constructing a one-story versus a two-story school are minimal, but that option could be further explored. Commissioner Boggs stated that the community is anxious to see this project get underway to address overcrowding and other issues. In response to a question by Commissioner Shockley, Joe Price, Facilities Manager for the Board of Education, stated that the Interagency on School Construction (IAC) opposed plans to build a new Snow Hill High School (SHHS) because the new school was to be located on a different site. He stated that he did not foresee such opposition for this project, as the new SES would be located on another portion of the existing school property. In response to concerns raised by Commissioner Bunting regarding angled spaces rather than rectangular spaces that cost less, Mr. Hastings stated that the floor plans outlined in the SES feasibility study are only rough drawings to give the Commissioners some idea of how the new school or a newly renovated school could fit on the existing property, rather than architectural renderings.

Dr. Wilson requested approval of Option B to build a new SES and additional funding in the amount of \$650,000 to proceed with architectural and engineering services for the new SES. However, Chief Administrative Officer Harold Higgins stated that, since the Board of Education (BOE) did not request said funding in the FY15 budget, these funds are not currently available. A motion by Commissioner Gulyas to proceed with the architectural and engineering services for the new SES using funds from the Assigned Fund Balance failed for lack of a second. In response to a question by Commissioner Shockley, Mr. Higgins stated that, once the FY14 County Audit has been completed later this year, there may be surplus funds available that could be designated to fund the architectural and engineering services. The Commissioners agreed to consider this request further if results of the FY14 County Audit indicate surplus funding is available to cover these costs. The Commissioners agreed by consensus to support Option B under the feasibility study to replace SES with a new school.

Pursuant to the request of Dr. Wilson and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized the Board of Education to proceed with the following projects, with funding from the County's Unassigned Fund Balance, as approved during the FY15 County Budget deliberations: \$144,000 to replace the Stephen Decatur High School (SDHS) gym bleachers; \$354,000 to replace the gym floors at Pocomoke Middle School (PMS),

Snow Hill Middle School (SHMS) and Berlin Intermediate School (BIS); and \$200,000 in non-recurring costs to purchase student computers.

The Commissioners met with Emergency Services Director Fred Webster to review the 2014 Hazard Mitigation Plan Update. The Commissioners originally reviewed the plan at their April 1, 2014 meeting, and at that time they requested staff provide them with a copy of the 2006 Hazard Mitigation Plan together with an executive summary of the primary differences between the 2006 and the proposed 2014 Hazard Mitigation Plan. They further requested Mr. Webster and Emergency Planner Tom Kane meet with Commissioners Bunting and Shockley to review the draft plan and address their concerns with regard to various sections of the draft plan and afterward to reschedule the matter for reconsideration by the full Board of County Commissioners before taking further action, which they have now done.

Mr. Webster reviewed the plan, which addresses the bulk of concerns raised by Commissioners Bunting and Shockley, and he stated that the next steps in the process include Emergency Services staff delivering copies of the draft plan to the local municipalities for their review and acceptance, issuing a press release announcing the posting of the draft plan on the County's website and conducting a public hearing to receive public comment on the draft plan, followed by adoption by the Commissioners. He advised that the Town of Ocean City, which adopts its own plan, is not included in the draft 2014 Hazard Mitigation Plan.

Commissioner Bunting thanked staff for their efforts in revising the plan, but stated he still has some concerns, most notably the recommendation on page 3-13 to relocate the Ocean Pines Fire Department, located at 911 Ocean Parkway, as it is not located in a Federal Emergency Management Agency (FEMA) mapped Special Flood Hazard Area (SFHA). In response to his concerns, Mr. Webster stated that relocating the facility would make Ocean Pines eligible to receive grant funding for the project. Commissioner Bunting expressed concern regarding potential costs to the County based on language on page 4-13, which requires structures in the V Zone to be built "with the lowest structural floor element 2 feet above Base Flood Elevation (BFE)," especially if that applies to accessory structures, and page 7-4 "Target the Ocean Pines Fire Station for critical facility flood mitigation project." In response to his concerns, County Attorney Sonny Bloxom stated that the Hazard Mitigation Plan is only a planning document and does not obligate the County to fund projects included therein. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to distribute and advertise the draft plan and to schedule a public hearing to receive public comment on the 2014 Hazard Mitigation Plan on October 7, 2014 as recommended by Mr. Webster.

Pursuant to the recommendation of Mr. Thompson at the request of Anthony Bowen, President of the Berlin Community Improvement Association (BCIA), and upon a motion by Commissioner Shockley, the Commissioners unanimously adopted Resolution No. 14-18, authorizing a 100% Tax Credit for Real and Tangible Personal Property owned by the BCIA for such property which was exclusively for non-profit activities of that association for the July 1, 2014 tax year. Mr. Thompson advised that the tax credit totaled \$3,084.62 for FY15.

Pursuant to the recommendation of Finance Officer Phil Thompson at the request of Melanie A. Pursel, Executive Director of The Greater Ocean City, Maryland Chamber of

Commerce, Inc. and upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Resolution No. 14-19, authorizing a 100% tax credit for real property owned by The Greater Ocean City, Maryland Chamber of Commerce, Inc. for the July 1, 2014 tax year. Mr. Thompson stated that the tax credit totaled \$11,841.06, which includes \$9,254.63 for its main property and \$2,586.43 for an adjacent property purchased recently for additional parking

Pursuant to the recommendation of Budget Accountant Kim Watts and a request from Mary Beth Quillen, Assistant Director of Administration within Social Services, and upon a motion by Commissioner Shockley, the Commissioners unanimously authorized Commission President Church to sign the FY15 Maryland Department of Housing and Community Development (DHCD) Rental Allowance Program (RAP) grant application and grant agreement for a grant of \$40,000.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the low bid for the replacement of six, 30-cubic-yard recycling containers within the Solid Waste Division of Public Works to Bakers Waste Equipment, Inc. of Lenoir, North Carolina at a price per unit of \$6,490 plus freight of \$568.83 for a total delivered price of \$42,353.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously awarded the low bid for reconstruction of the Gum Point boat ramp to Somerset Paving and Marine of Crisfield, Maryland at a total base bid of \$138,262 plus contingent items of \$10,700 for a total cost of \$148,962.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Mr. Tustin to apply for a Maryland Department of Natural Resources (DNR) Boating Services Waterway Improvement Fund grant of \$25,000 to cover the cost of general maintenance and repairs at the County boat ramps.

Pursuant to the request of Mr. Tustin and Sheriff Reggie Mason and upon a motion by Commissioner Lockfaw, the Commissioners unanimously agreed to waive the standard bid process and accepted the proposal from Hertrich Fleet Services of Milford, Delaware for the purchase of one leftover 2014 Chevrolet Silverado 2500 HD 4WD Crew Cab at a total delivered price of \$27,994.

The Commissioners met with Mr. Tustin to review a request from Christopher McCabe of Coastal Compliance Solutions, LLC on behalf of Charles Nichols requesting "No Parking" signs be installed along the Showell School Road cul-de-sac to address vagrancy, pollution and property entrance and egress issues. Also present at the meeting was Mr. McCabe and Steve Nichols, the son of Charles Nichols. Mr. Tustin stated that staff has reviewed the situation and determined that cars parked in the cul-de-sac do not impede traffic or inhibit access to or from Mr. Nichols' property and are therefore unwarranted. Commissioner Boggs pointed out that the road is a County-owned cul-de-sac, which often serves as temporary overflow parking for parents visiting or picking up their children from Showell Elementary School (SES), and the only other

option if “No Parking” signs were to be erected on the cul-de-sac would be to have the cars resume parking along MD Rt. 589. Commissioner Church stated that Mr. Nichol’s is concerned about individuals parking in the cul-de-sac in the nighttime hours, and he suggested posting “No Parking” signs from dawn to dusk to cut down on vagrancy while still allowing daytime parking to accommodate the parking needs of SES parents and visitors. Commissioner Boggs pointed out that doing so would negate the ability of parents to park there for school events taking place during evening hours. In response to a question by Commissioner Shockley, Mr. McCabe advised that the cars have not yet inhibited the ingress and egress of vehicles on Mr. Nichols’ property, because he has not needed to move the farming equipment at times when cars not only line but also park in the middle of the cul-de-sac. He assured the Commissioners that the intent of the sign would not be to stop SES visitors from parking in the cul-de-sac, but rather to deter behavior during the evening hours that has resulted in trash being dumped illegally in the cul-de-sac. Commissioner Bunting expressed concerns regarding the presence of vehicles in the cul-de-sac. He stated that “No Parking” signs would impede the ability of fire apparatus and other large vehicles to turn around at the end of Showell School Road and therefore poses a safety hazard. Following some discussion and upon a motion by Commissioner Bunting, the Commissioners voted 5-2, with Commissioners Bunting, Church, Lockfaw, Purnell and Shockley voting in favor of the motion and Commissioners Boggs and Gulyas voting in opposition to the motion, to install two “No Parking” signs on the right and left side at the entrance to the cul-de-sac on Showell School Road.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized Commission President Church to sign a Supplemental Right-of-Way Agreement between the County Commissioners of Worcester County, Maryland (Grantor) and Delmarva Power & Light Company (Delmarva) allowing Delmarva to construct, erect, operate and maintain one additional pole and the necessary lines and other structures and facilities for the transmission and distribution of electricity and communications purposes within the current right of way (ROW) at the Berlin Capped and Closed Landfill.

The Commissioners met with Dave Wilson, Executive Director of the Maryland Coastal Bays Program (MCBP), to review the agenda for the next Maryland Coastal Bays Foundation Policy Committee meeting scheduled at Fager’s Island in Ocean City on Wednesday, August 20, 2014, from noon-4:30 p.m. Mr. Wilson reviewed the topics for discussion, which include an update on status and trends in water quality and wildlife in the Coastal Bays as well as the new updated, five-year Coastal Bays Comprehensive Conservation & Management Plan (CCMP), which addresses Water Quality; Fish and Wildlife; Recreation and Navigation; Community & Economic Development; and MCBP Facts and Accomplishments. He commended County staff for their roll in developing the CCMP. He stated that 3,000 septic systems on Chincoteague Island, agricultural runoff into shallow groundwater and entrainment of Ocean City sewage treatment discharge through the Ocean City Inlet are the three primary nutrient sources responsible for the water quality degradation in Chincoteague Bay. The CCMP includes the challenge to reverse the trend of water quality degradation in the Chincoteague Bay, with a Memorandum of Understanding (MOU) between the MCBP and the State of Virginia that

includes Virginia State funding to clean up the Chincoteague Bay watershed, and improve seagrass acreage (which are in decline) and wildlife diversity in the Coastal Bays, addressing nutrient loading and brown tides, which are a major concern in late May and early June south of the Ocean City Inlet; and improve water quality and wildlife habitat in the Coastal Bays watershed. Mr. Wilson stated that the plan includes 15 goals, 35 objectives and 222 action items vetted by partners and the public to guide collaborative watershed management efforts and will be categorized and assigned to existing committees for implementation, tracking, monitoring, evaluation and adaptive plan management. He stated that in the CCMP, activities in which the County is to take the lead have been reduced from 105 in the 1999 CCMP to 27 in the proposed 2014 CCMP.

Commissioner Bunting expressed concern and suggested that the County should not be listed as the lead partner in the following CCMP action items: Water Quality (WQ) 1.1.1, WQ 1.4.3 and WQ 1.6.3; Recreation and Navigation (RN) 1.1.1; and Community and Economic Development (CE) 2.2.3 and CE 2.2.4.

In response to concerns raised by Commissioner Bunting and after significant discussion, Mr. Wilson stated that at the meeting the MCBP Policy Committee members could review the language in the following CCMP sections and amend the wording if warranted: Water Quality (WQ) WQ 1.1.4; Fish & Wildlife (FW) 1.4.3, FW 2.2.2 and FW 3.3.7; Recreation and Navigation (RN) 2.1.2 and RN 4.1.4; and Community and Economic Development (CE) 1.1.1, CE 1.1.7, CE 2.2.2 and CE 3.2.1. Following much discussion, the Commissioners thanked Mr. Wilson and his staff for their work on the new CCMP.

Pursuant to the request of Local Management Board (LMB) Director Jennifer LaMade and upon a motion by Commissioner Boggs, the Commissioners unanimously approved the best proposal from Worcester Youth & Family Counseling (WYFC) Services, Inc. of Berlin, contingent upon their agreement to accept the maximum of \$260,956 in Local Access Mechanism (LAM) grant funds, which is \$3,978 less than WYFC's proposal in the amount of \$264,934 to provide the LAM and Community Service Centers (CSC) for the LMB for the period from August 1, 2014 to June 30, 2015. The proposal includes the possibility of renewals for an additional one to three years thereafter. Ms. LaMade stated that LMB staff would work closely with WYFC to negotiate the contract cost down to meet the budget.

The Commissioners met with Department of Liquor Control (DLC) Director Bobby Cowger to review and discuss the revised estimate for the cost of relocating the Snow Hill Shore Spirits Retail Liquor Store to the DLC Administrative Offices at 5363 Snow Hill Road, located just west of the MD Rt. 12 bridge outside Snow Hill. The Commissioners originally considered relocating the store during their May 7, 2013 meeting, but rejected the two bids received from GGI Builders, Inc. T/A Gillis Gilkerson of Salisbury, Maryland at a cost of \$184,596 and Beauchamp Construction of Pocomoke City, Maryland at a cost of \$238,700, as both exceeded the budgeted funds of \$90,000 to complete the scope of work. Mr. Cowger stated that, since that time, the scope of the renovations have been significantly reduced to provide a simple fit out of the space previously used for retail sales at Central Implement. He explained that new proposals have been solicited from local contractors, resulting in a new project cost of only \$49,665, which includes a 10% contingency fund. He stated that the County is currently paying an inflated lease

cost of \$18,000 annually for the current store, which is located at 6033 Tyson Lane just off U.S. Rt. 113. By spreading the cost of renovations out over a three-year period, the relocation would not adversely affect DLC cash flow. Rather, it would result in a significant annual cost savings after the first three years. In response to a question by Commissioner Boggs, Mr. Cowger stated that much of the work could be done in-house by the Maintenance Division of Public Works to keep renovation costs down. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously approved the proposal, waived the formal bidding process and authorized staff to move forward with the project using County forces as well as electrical services by RC Electric and HVAC services by Joseph M. Zimmer.

The Commissioners met with Mr. Cowger to review and discuss whether to oppose an application for a Class "D" Beer-Wine-Liquor License in Snow Hill, which will be considered by the Worcester County Board of License Commissioners on September 17, 2014. Mr. Cowger recommended opposing the application, as the addition of a second retail liquor store in Snow Hill would have a detrimental affect on the County-owned Shore Spirits Retail Liquor Store. Following some discussion and upon a motion by Commissioner Lockfaw, the Commissioners voted 6-1, with Commissioner Bunting voting in opposition, to have Mr. Cowger attend the hearing and oppose the application on their behalf. Commissioner Bunting stated that the sole decision was that of the Board of License Commissioners, and the County Commissioners should not be involved.

The Commissioners met with Development Review and Permitting Director Ed Tudor to review an offer from Stephen Colwell, Manager of Shulman Properties, LLC, to donate two parcels of land at George Island Landing, and more specifically identified on Tax Map 95 as Parcels 27 and 28, to the County. Mr. Tudor stated that the properties are very small and consist predominately of tidal marsh, with the exception of perhaps two very small areas comprising just a few square feet of uplands. He advised that these properties, while adjacent to one another, are not adjoined to the County boat ramp, which is separated by one additional property. Mr. Tudor stated that it is his opinion that the two properties in question are of no value to the County in general, and their donation would do nothing but remove them from the tax rolls. However, he advised that Environmental Programs Director Bob Mitchell has asked for additional time to investigate the feasibility of completing a shoreline project at that location before the Commissioners vote on whether or not to accept the property donation. Commissioner Boggs stated that she would like to postpone acting on the donation until Mr. Mitchell can present his recommendations. Commissioner Church stated that the property is unusable marshland and opposed removing them from the tax rolls. Following some discussion and upon a motion by Commissioner Lockfaw, the Commissioners voted 4-3, with Commissioners Lockfaw, Purnell, Gulyas and Church voting in favor and Commissioners Boggs, Bunting, and Shockley voting in opposition, to decline the property donation.

The Commissioners answered questions from the press, after which they adjourned to meet again on August 19 , 2014.

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

August 19, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas (Absent)  
James L. Purnell, Jr.

Virgil L. Shockley (Absent)

Following a motion by Commissioner Purnell, seconded by Commissioner Boggs, with Commissioners Gulyas and Shockley 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) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; and George Bradley, Human Resources Director. Topics discussed and actions taken included: filling critical vacant positions, including considering hiring an Office Assistant IV within Public Works Administration; promoting Jordan W. VanAuken from Roads Worker II within the Roads Division to Building Maintenance Mechanic II for the Maintenance Division of Public Works; hiring Kimberly List and Laura Puckett as Accounting Clerk I's for the Treasurer's Office, and acknowledging the hiring of Leigh E. Kennard as a part-time Office Assistant VI for the Sheriff's Office; reappointing Donna E. Weaver to the Lower Shore Workforce Investment Board; receiving legal advice from counsel; and performing administrative functions.

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

Commissioners Gulyas and Shockley were absent from the meeting.

The Commissioners reviewed and approved the minutes of their August 5, 2014 meeting as presented.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved the publication of the proposed Notice of Intent to Request Release of Funds for Worcester County's re-authorized Community Development Block Grant (CDBG) program, which provides housing rehabilitation grants and loans to low to moderate income homeowners with good credit. Ms. Bynum advised that the County was awarded \$300,000 in CDBG funding for FY15, and the County has completed an Environmental Record Review in preparation for requesting the release of these grant funds. Public comments will be accepted regarding this request until September 23, 2014.

Pursuant to the request of Health Officer Debbie Goeller and upon a motion by Commissioner Purnell, the Commissioners unanimously approved the Search Agreement between First Choice in Psychiatric Recruitment (FCR) and the Worcester County Health Department for the recruitment of a Psychiatrist or a Psychiatric Nurse Practitioner for the Health Department. FCS will recruit a Psychiatrist or Psychiatric Nurse Practitioner for the Health Department for a fee based on the following fee structure: \$24,000 for a Fellowship Trained Psychiatrist, Medical Director or Department Chair; \$22,000 for General Adult or Staff

Psychiatrist; \$20,000 for a Psychiatric Nurse Practitioner. Ms. Goeller advised that the search fees will be paid out of the Health Department's FY14 year end monies.

The Commissioners met with Ms. Goeller to discuss Worcester County's 10 Health Department site locations and the status of its connectivity to broadband fiber along with cost proposals from the Maryland Department of Information Technology (DoIT) and a subsequent proposal from Maryland Broadband Cooperative (MDBC) to connect various site locations to fiber. Ms. Goeller stated that the Health Department currently has four sites connected to fiber through Network Maryland at a monthly cost of \$298 for 10 megabytes (Mb) of bandwidth as compared to approximately \$475 per Mb per month of bandwidth for Verizon T1 lines. However, Verizon is currently the only approved Network Maryland vendor. There are significant cost savings for Health Department sites to connect to fiber rather than the T1 lines. Ms. Goeller advised that after January 2015 there may be additional approved vendors offering fiber connectivity at a cost substantially lower than the sole source Verizon service currently available through Network Maryland. However, certain sites could benefit now by extending fiber provided by either DoIT (by lease) or MDBC (by purchase). She explained that whether the Health Department leases the fiber through DoIT or owns the fiber through MDBC, they would be required to pay Network Maryland a surcharge of \$298 per month to provide the special equipment and services needed to assure the connections are secure, since they will be connected to the State system. After much discussion, pursuant to the request of Ms. Goeller and upon a motion by Commissioner Boggs, the Commissioners unanimously accepted the proposal from DoIT to connect the Pocomoke Health Center at a cost of \$30,000 and the Dental Office in Berlin at a cost of \$18,950 for a total overall cost of \$48,950 to connect these two sites to fiber, with an additional monthly charge of \$298 to Network Maryland to lease the fiber. The Commissioners further authorized the Health Department to obtain price quotes from DoIT to connect the Health Department offices at the WACS building in West Ocean City and Market Square in Snow Hill to fiber, and if doing so is cost prohibitive to consider connecting Market Square through MDBC or another approved vendor after January 2015 to reduce the current monthly cost of \$1,185 for each of these sites. Likewise, Ms. Goeller proposed waiting until after January 2015 to consider options for the Ocean City site on Caroline Street. Ms. Goeller stated that funds of roughly \$20,000 are available in the FY15 budget along with other year-end funding to pay for the fiber connectivity project.

Pursuant to the request of Ms. Goeller and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized Commission President Church to sign the following two funding documents: FY15 Department of Health and Mental Hygiene (DHMH) Local Health Department Unified Funding Document, which is the approved base award from the State of Maryland totaling \$7,578,738 to the Worcester County Health Department as of July 1, 2014; and Core Public Health Services Funding Agreement between DHMH and Worcester County from July 1, 2014 through June 30, 2015, which certifies that Worcester County will contribute \$5,606,155 and the State will contribute \$443,001 of the FY14/15 Worcester County Health Department budget of \$6,049,156. Ms. Goeller advised that additional funding from DHMH is available to the Health Department in FY15, and she will provide them with a revised agreement in the near future that reflects this increase.

The Commissioners reviewed the six bids received prior to the deadline established to bid on the eight available West Ocean City commercial boat slips and discussed whether to accept a late request from one of the current licensees, Earl “Sonny” Gwin, to secure one of the two remaining 75-foot slips. Assistant Chief Administrative Officer Kelly Shannahan advised that current protocol provides that interested bidders after the bid opening must pay the highest bid amount for the size slip that they are interested in leasing. Budget Officer Kathy Whited explained that Mr. Gwin has agreed to pay the high bid price of \$8,000 over the two years for one of the remaining 75-foot slips, and she also confirmed that the other two current licensees, James Hahn and Bruce McGuigan, are both interested in leasing one of the 75-foot slips. Pursuant to the recommendation of Ms. Whited and upon a motion by Commissioner Lockfaw, the Commissioners voted unanimously to award the six lease agreements submitted by the bid deadline for two-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 Jeffrey Eutsler for ‘Tony & Jan, Inc.’ for \$10,001.00; H. Drexel Harrington for ‘Tiki XIV, Inc.’ at \$9,202.00; and John R. Martin for ‘Martin Fish Co. LLC, FV Second Wind’ at \$9,000.00; and award three of the five 75-foot slips to John David Martin for ‘Martin Fish Co. LLC, FV Atlantic Girl’ at \$8,000; Steve V. Konka for ‘M&S Seafood LLC’ at \$5,251.50; and William A. Fooks for ‘Bud-Lin, Inc.’ for \$4,000. Upon a motion by Commissioner Boggs, the Commissioners voted unanimously to re-bid the remaining two slips, since there are now three commercial fishermen who have each requested to lease these last two 75-foot boat slips.

The Commissioners reviewed a press release from the State Highway Administration (SHA) entitled “State Deploys Safezones Automated Speed Enforcement along Northbound U.S. Rt. 113 over Pocomoke River” advising that the Maryland State Police (MSP) and the SHA will employ automated speed enforcement cameras on the bridge beginning Tuesday, August 19, 2014, throughout completion of the bridge improvement project to improve safety in the work zone, which is projected for completion by late fall 2015. A 21-day warning period will be in effect beginning August 19, after which those traveling in excess of 12 or more miles per hour above the posted speed limit of 45 miles per hour (mph) will face a \$40 civil citation.

The Commissioners met with Public Works Director John Tustin to review Posting Memorandum Changes to Worcester County Bridges, which occurred as a result of the 2011 Federal Highway Administration (FHA) compliance audit of Maryland bridges where it was determined that Inspection Procedures and Load Ratings were noncompliant. Mr. Tustin advised that the SHA in conjunction with the FHA reached an agreement that now requires all Maryland bridges to be re-rated for new vehicle configurations. He advised that a structural evaluation has been completed by the consulting firm of Gannett Fleming Inc. for the 2011/2012 and 2013/2014 bridge inspection cycles, at which time the new ratings/calculations were performed. He further stated that the bridge ratings for several bridges have changed, thus creating a modification to the existing bridge posting or requiring that additional bridges now be posted. Mr. Tustin reviewed those changes to a total of 12 bridges on County roads in Worcester County. In response to a question by Commissioner Church, Mr. Tustin advised that the Paw Paw Creek bridge weight limits on Bayside Road, which were formerly 50,000 lbs for single unit vehicles (SUVs) and

80,000 lbs for combination vehicles (CVs), have been reduced to 20,000 lbs for SUVs and 42,000 lbs for CVs. In response to a question by Commissioner Boggs, Mr. Tustin advised that the County posts bridge restriction signs well in advance of weight restricted bridges. In response to a question by Commissioner Lockfaw, Mr. Tustin stated that staff would look into the feasibility of making improvements to these bridges to increase their rated capacity will where necessary.

The Commissioners met with Mr. Tustin to review three bids for the Millville Road Bridge Replacement Project, with the low bid coming in from Somerset Paving & Marine, Inc. of Crisfield, Maryland at a cost of \$218,328. Mr. Tustin stated that the project was originally estimated to cost \$185,388, with State aid obligating 80% or \$148,310.40 and the County funding 20% or \$37,077.60. Mr. Tustin stated that, based on the actual cost, he will request that State aid cover 80% or \$174,662.40 of the total low bid price of \$218,328, leaving the County responsible for 20% or \$43,665.60. Upon a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the low bid for the proposed project to Somerset Paving & Marine, Inc. at a cost of \$218,328, subject to confirmation from SHA obligating additional state aid funds for this project.

The Commissioners met with Mr. Tustin to review three bids for the Nelson Road Bridge Replacement Project, with the low bid coming in from Somerset Paving & Marine, Inc. at a cost of \$251,678. Mr. Tustin stated that the project was originally estimated to cost \$245,002.00, with State aid obligating 80% or \$196,001.60 and the County funding 20% or \$49,000.40. Mr. Tustin stated that, based on the actual cost, he will request that State aid cover 80% or \$174,662.40 of the total low bid price of \$218,328, leaving the County responsible for 20% or \$43,665.60. Upon a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the low bid for the proposed project to Somerset Paving & Marine, Inc., subject to confirmation from SHA obligating additional state aid funds for this project.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously approved Change Order No. 1 for the Taylor Landing Boat Ramp and Shoreline Stabilization project, which includes four staff-recommended modifications to the construction contract for parking lot and road paving as well as additional rip-rap and timbers, which will increase the net project cost by \$43,040. Funds are available in the original project budget.

The Commissioners met in legislative session.

The Commissioners met with Development Review and Permitting Director Ed Tudor and Economic Development Director Bill Badger to review a text amendment originally requested by Economic Development that would make the development of certain solar projects more palatable to the developer without unduly harming the County or local communities' interests. Mr. Tudor advised that this amendment would revise several subsections of Section ZS 1-344 of the Zoning Ordinance relative to solar energy systems and reduces the scope of large solar energy systems for projects generating between 200 kilowatts to 2.5 megawatts of power and creates a new classification for utility scale solar energy systems, which is any system with a

rated design capacity in excess of two and one half megawatts. Mr. Tudor advised that the principal purpose of the amended language is to facilitate a more streamlined review process for certain larger solar projects, such as the recently announced project in Pocomoke City. He stated that the Planning Commission gave a unanimously unfavorable recommendation to the Staff Version of the bill, as they felt that additional setbacks and vegetative screening should be required for large solar energy systems. However, they gave a favorable recommendation to a Planning Commission Version of the text amendment, which includes language that would significantly increase setbacks to 200 feet and require a vegetative screen if the solar panels are located within 500 feet of a property either zoned or used for residential purposes.

In response to a question by Commissioner Bunting, Mr. Tudor stated that it takes an estimated 8.3 acres of solar panels to generate one megawatt of energy. In response to a question by Commissioner Boggs, Mr. Tudor stated that a site of 10 to 20 acres would likely be needed to accommodate a large solar energy system and a minimum of 25 acres to accommodate a utility scale solar energy system. Commissioner Bunting stated that the proposed setbacks included in the Planning Commission Version would reduce the amount of usable space on a 30-acre lot to just 12.7 acres. He further stated that the entire bill should be reconsidered. In response to a question by Commissioner Church, Mr. Badger supported the Staff Version of the text amendment, which he felt to be the best balance between development and environmental issues.

Following much discussion, Commissioners Boggs, Church, Purnell and Lockfaw agreed to introduce the Staff Version of the text amendment as Bill 14-6 and agreed to schedule a public hearing on October 21, 2014 to receive comments on Bill 14-6. The Commissioners agreed that the Planning Commission's proposed amendments could be considered at that time.

The Commissioners met with Mr. Tudor to review a text amendment application submitted by Hugh Cropper, IV on behalf of Jack Burbage seeking to amend Section C-2 General Commercial District regulations of the Zoning and Subdivision Control Article to allow by right a new use called an "Extended-Stay Hotel or Motel." Mr. Tudor stated that this bill would allow residential densities in the commercial district seven times greater than those permitted in a residential district, and staff believes that the real issue to consider with regard to the proposed text amendment is whether or not such multi-family dwellings are appropriate in the C-2 General Commercial District, which currently prohibits residential development. He advised that the Planning Commission voted unanimously to forward an unfavorable recommendation on the text amendment as submitted, but gave a favorable recommendation to the application provided the size of the units is no less than 500 square feet and no greater than 800 square feet, with a maximum of one separate bedroom only, an efficiency kitchen and with a maximum term of occupancy of six months rather than 12 months, as proposed by the applicant. In response to a question from Commissioner Lockfaw, Mr. Tudor stated that this bill would be very difficult for his staff to enforce, and a hotel guest could simply walk down to the lobby and reserve another room for an additional period of time, making this no different than an apartment complex. Following some discussion, Commissioners Church and Purnell agreed to introduce the applicant's version of the aforementioned legislation as Bill 14-7 and scheduled a public hearing on October 21, 2014 to receive comments on Bill 14-7.

The Commissioners met with Fire Marshal Jeff McMahon to review a proposed text amendment developed by staff to address an oversight in regards to automatic fire sprinkler systems in townhouse structures. Mr. McMahon reviewed the text amendment, which would establish that townhouse unit shall be considered as a multi-family structure for the purpose of determining the applicable automatic fire sprinkler requirements. Following some discussion, Commissioners Boggs, Bunting, Church, Lockfaw and Purnell introduced the aforementioned legislation as Bill 14-8 and scheduled a public hearing on October 21, 2014 to receive comments on Bill 14-8.

The Commissioners met with Mr. McMahon to review a draft bill entitled Public Safety - Quality Assurance Program for Fire Protection Code Inspections and Tests, which would establish a Quality Assurance Program (QAP) for fire safety inspections and testing of fire protection systems to ensure that they will function as intended in the event of an emergency. He explained that the QAP enables his department to be proactive rather than reactive on system inspection and testing. He further requested the County accept the proposal from Brycer, LLC of Warrenville, Illinois, a web-based application as the record maintenance system for the County Fire Marshal's Office QAP. Mr. McMahon stated that several other Maryland jurisdictions currently use Brycer and are satisfied with the service they provide. He stated that the QAP is designed to assure that fire protection systems are receiving consistent, quality service testing, inspection and maintenance, ensuring they will function as intended in the event of a fire. In response to a question by Commissioner Bunting, Mr. McMahon stated that, by using Brycer, all systems and their ongoing maintenance would be tracked in one system, with the vendor who maintains the system to pay a \$35 annual fee. He further clarified that Brycer does not perform the inspections, but rather maintains the database of inspections and notifies the department when systems are out of compliance. He confirmed that the QAP only applies to multi-family and commercial structures, and all single-family structures are exempt from participating. Following some discussion, Commissioners Boggs, Church, Lockfaw and Purnell introduced the aforementioned legislation as Bill 14-9 and scheduled a public hearing on October 21, 2014 to receive comments on Bill 14-9.

Commissioner Church closed the legislative session.

Mr. Badger updated the Commissioners on various issues pertaining to Economic Development. He advised that the State has already received three bids today for the offshore wind leasing project; and June 2014 unemployment figures for Worcester County dropped to 7.2%, which is less than Baltimore City and Dorchester, Somerset and Wicomico Counties.

Commissioner Lockfaw stated that at the Commissioners meeting on August 5, 2014 they voted to formally oppose the Class D Liquor License application for Town Market Basket (Food Rite) in Snow Hill due to its proximity to the County liquor store. He stated that, while he still believes that the proposed license is not necessary given that the County store will provide sufficient service to Snow Hill area residents, he trusts that the Board of License Commissioners will consider the location of the County liquor store in making their decision. Therefore, upon a motion by Commissioner Lockfaw, the Commissioners voted unanimously to reconsider their previous motion to formally oppose the Class D Liquor License application.

Upon a second motion by Commissioner Lockfaw, the Commissioners voted unanimously to rescind their formal opposition to the application and trust that the Board of License Commissioners will consider the location of the County liquor store in determining whether the additional proposed license is necessary in Snow Hill.

The Commissioners answered questions from the press, after which they adjourned to meet again on September 2, 2014.

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

September 2, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Lockfaw, seconded by Commissioner Purnell, with Commissioner Shockley temporarily 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),(4) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; Bobby Cowger, Director of Liquor Control; Bill Badger, Economic Development Director; and Merry Mears, Economic Development Deputy Director. Topics discussed and actions taken included: filling critical vacant positions, including reclassifying and agreeing to advertise to fill the positions of Victim/Witness Coordinator and Executive Assistant for the State Attorney's Office and Supervisory Control and Data Acquisition (SCADA) Technician for the Water and Wastewater Division of Public Works; hiring Susan Hernandez as an Office Assistant IV within Public Works Administration; acknowledging the hiring of Amy Titanski as an Office Assistant III for the Sheriff's Office; appointing Tracy Tilghman as a Substance Abuse Treatment Provider on the Drug and Alcohol Abuse Council; considering matters concerning the proposal for a business to locate in the County; and performing administrative functions.

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

The Commissioners reviewed and approved the minutes of their August 19, 2014 meeting as presented.

The Commissioners presented a commendation recognizing September as Emergency Preparedness Month, with September 11 as 911 Emergency Number Day, to Emergency Services Director Fred Webster, Emergency Planner Tom Kane and Volunteer Services Manager Kelly Brinkley and urged citizens to become better prepared to respond to emergency situations that could arise in their communities. Mr. Webster advised that Emergency Services engages the public regarding the need to prepare in advance for emergencies by hosting a number of preparedness initiatives and social media campaigns throughout the year, including the next Community Emergency Response Training (CERT) at the Ocean Pines Volunteer Fire Department South Station on Wednesdays from 6:30 – 9:30 p.m. from October 8 – November 8, 2014. He advised that this 8-session course is free and open to the public. Ms. Brinkley advised that Worcester County Volunteer Services has partnered with the Board of Education and Pocomoke High School (PHS) to offer CERT to ninth grade students onsite at PHS.

The Commissioners presented a proclamation recognizing September as Suicide Prevention Month to Ms. Brinkley, Health Department Planning, Quality and Core Services Director Jennifer LaMade, Jesse Klump Memorial Fund Board Secretary Ron Pilling, Local Management Board Resource Coordinator Brittany Hines, and Health Department Intern Emily Forka, which highlights special events that will take place during September, as part of the

public awareness campaign. These include a Suicide Alertness and Prevention for Everyone seminar on Wednesday, September 10, for County employees and the annual out of the Darkness Walk to Prevent Suicide on Saturday, September 27, at Caroline Street and the Boardwalk in Ocean City, which is open to the public. Ms. LaMade invited the Commissioners to participate in the walk, and she advised that half of all proceeds raised from the event remain in the community to support education and outreach programs designed to prevent suicide, increase public knowledge about depression and provide support to those who have lost loved ones to suicide. To learn the warning signs and risk factors for suicide, please visit <http://worchesterhealth.org>.

Pursuant to the request of Superintendent of Schools Dr. Jerry Wilson and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved the requested Inter-Category Budget Transfers and Budget Amendment for the Board of Education (BOE) to increase the following expenditure categories in the FY14 Budget ending June 30, 2014: Textbooks and Classroom Supplies (\$490,000), Student Transportation (\$74,500) and Maintenance of Plant (\$90,050), with budget reductions to Instructional Support Services (\$140,000), Instructional Salaries (\$200,000), Special Education (\$150,000), and Fixed Charges (\$164,550) in the total amount of \$654,550, which requires no FY14 supplemental appropriation. Dr. Wilson explained the additional expenditures as follows: Textbooks and Classroom Supplies were higher than planned due to the purchase of student technology; Student Transportation was higher due to the purchase of new school buses and fuel supplement paid to bus contractors to account for the higher cost of diesel fuel; and Maintenance of Plant was higher due to the age of some buildings and cost increases for HVAC and other supplies. In response to a question by Commissioner Lockfaw, BOE Chief Financial Officer Vince Tolbert explained that the BOE reimburses bus contractors based on rates indexed to the present value of their bus. Therefore, as new buses were purchased by the contractors, the reimbursement cost to the BOE increased.

The Commissioners met with Library Director Mark Thomas and Library Board of Trustees President Ron Cascio to review and discuss the Library Board's request to waive the standard bid process and accept a proposal from Architect Jeff Schoellkopf and JSD, Inc. of The Design Group for planning and architectural services at a preliminary estimated total cost of \$340,000 plus reimbursable expenses for the new Berlin Branch Library. Mr. Thomas stated that he is very eager to get started on the library project, and, while he understands their request is a variation from the norm, they believe that selecting the right team to design the facility is critical to ensuring the library is user-friendly, functional and incorporates the use of building and finished materials that will endure and keep periodic maintenance and repair costs to a minimum. He stated that he is confident these goals could be met by the proposed team of architects and engineers, who have significant experience in designing a number of highly functional "smart" buildings in Worcester County, and with oversight and input from County Maintenance and Library Officials.

Commissioner Boggs stated that she feels the Commissioners have a responsibility to the taxpayers to follow the competitive bid process for capital projects like this one. Commissioner Church concurred and stated his concern with the public perception if other architects were not given an opportunity to submit a proposal. In response, Mr. Thomas stated that Mr. Schoellkopf has the experience and the proven set of skills needed to make this project a success and in

keeping with the Library Board's desire for an energy-efficient building. Mr. Thomas further advised that Mr. Schoellkopf has designed libraries as a part of public school construction projects, and that he and the library board would work very closely with him throughout the entire project to design and build a library that is both a learning center and a focal point for the entire Berlin community. He also advised that the cost estimates submitted by Mr. Schoellkopf for architectural services are well within the range of similar library construction projects around the State. Commissioner Gulyas stated that she respects Mr. Schoellkopf's work, and therefore supports the Library Board's request.

In response to a question by County Attorney Sonny Bloxom, Mr. Thomas advised that the Commissioners placed the design services for the Ocean City Branch Library project out to bid. In response to questions by Commissioner Purnell, Assistant Chief Administrative Officer Kelly Shannahan advised that the Commissioners elected to forego the standard bid process and awarded the design contract to Todd and Associates for design of the Ocean Pines Branch Library, as Mr. Todd had a long history of designing County facilities, but he has since retired. He further advised that bidding the project would take at least two months to provide time for County staff to advertise, receive proposals and interview each of the firms. Mr. Cascio stated that if they put the design contract out to bid they would probably receive 7-8 proposals from across the bridge by firms with limited experience in Worcester County. He reminded the Commissioners that Mr. Schoellkopf is a highly respected architect with 30 years of experience designing facilities built right here on the Eastern Shore. He concluded that no one else in the area is more qualified to design the type of facility the town needs.

Commissioner Bunting stated that he has walked the site and it is a unique and beautiful piece of land that offers significant building challenges. He concluded that Mr. Schoellkopf's experience and vision likely make him the best person for the job. However, he suggested that the preliminary estimated costs for architectural designs and especially engineering costs should be firm before he could support entering into a contract with Mr. Schoellkopf. In response, Mr. Cascio agreed that these preliminary estimates and costs would be further researched and presented to the Commissioners at a future meeting. Following much discussion, the Commissioners agreed to table further discussions on the matter until their next meeting on September 16, 2014 to allow Mr. Cascio and Mr. Thomas to work with Mr. Schoellkopf to develop a Fixed Fee Proposal for architectural and engineering services to design the new Berlin Branch Library.

Pursuant to the recommendation of Emergency Services Director Fred Webster and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the Ocean City Radio Station Memorandum of Understanding (MOU) between the Town of Ocean City and Worcester County. Mr. Webster explained that the town was granted licenses to operate two, low-power FM radio stations, which are operated from the Ocean City Public Safety Building. Station 99.5 FM is transmitting from a water tower at 65<sup>th</sup> Street in Ocean City, and station 100.3 FM is transmitting from a tower on Maryland Rt. 589, thus providing radio coverage to Ocean City and Ocean Pines, as well as the Showell, Bishopville and Berlin areas. Mr. Webster advised that the MOU grants the County the opportunity to share the use of those frequencies for the purpose of promoting public safety awareness and providing emergency messaging in a 24-hour, ongoing rotation format. He

advised that funding to purchase equipment and operate the studio was provided by a Federal Homeland Security Grant, thus there is no cost to the County to participate.

In response to a question by Commissioner Church, Mr. Webster advised that the types of information currently running on the station include Ocean City Beach Patrol messages regarding riptides, swimming only when lifeguards are on duty, and the danger of digging holes in the beach. It also includes messages about the reduction of the speed limit on Coastal Highway from 45 miles per hour (mph) to 35 mph, area weather reports and traffic information. He advised that, in the event of an emergency or other immediate public service need, programming can be interrupted to provide those messages as well. For example the town interrupted the rotation message on Saturday, July 26, 2014, to advise travelers about the U.S. Rt. 50 bridge malfunction. In response to a question by Commissioner Boggs, Mr. Webster stated that the Sheriff's Office could contact emergency services to request the public safety message be added to the rotation or for an emergency notification.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Bunting, the Commissioners unanimously accepted the proposal from John W. Salm, III, P.E. of J.W. Salm Engineering, Inc. of Berlin, Maryland for engineering design services, engineering assistance during bidding, and engineering assistance during construction for the base design of the water main extension on MD Rt. 611 in West Ocean City at a total cost of \$18,750 and bidding assistance not to exceed \$2,500 to begin the process of interconnecting the Mystic Harbour, The Landings and Assateague Pointe water systems. Mr. Tustin explained that Mr. Salm has already done significant design work in this area for the County. Mr. Tustin advised that funds are available within the service area reserves to complete the base design, and once the work is complete staff can better estimate construction costs and determine if the Alternate Designs items to connect Airport Road (\$6,100) and the extension to loop Lewis Road (\$14,700) are needed.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved Change Order No. 1 for the Mystic Harbour Wastewater Treatment Plant (WWTP) GE Membrane Equipment in the amount of \$6,600 to modify the programming within the equipment controls, so the four membranes provided can be used with the two treatment trains that are currently in service. Mr. Tustin advised that Contingency Funds for the Mystic Harbour WW TP replacement and expansion project are available to cover this cost.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously approved bid specifications to replace approximately 250 water service lines in the Ocean Pines Service Area at an estimated project cost of \$250,000. Mr. Tustin advised that funding for the project is included in the recently completed bond issue. He further advised that this project was originally advertised for bid in March 2014, with no response from potential bidders; however, the bid timing was not good and contractors hoped it would be put back out for bids after the summer for construction during the off-season. Therefore, he felt that the County would have more success bidding the project now, with a six-month construction window between November 2014 through April 2015.

The Commissioners met with Mr. Tustin to discuss whether to enforce the provisions of House Bill 1 - Environmental Recycling - Apartment Buildings and Condominiums, which was adopted by the State in 2012 and requires recycling in all apartment buildings and condominiums that contain 10 or more units. Mr. Tustin advised that the Town of Ocean City was included in the original bill, but had been exempted from the bill since 2012. Therefore, the law only applies to roughly 13 apartment or condominium properties in Worcester County. Commissioner Bunting pointed out that the law does not require the County to enforce mandatory recycling, and it would be unfair to enforce the law on a handful of apartment buildings and condominiums in other areas of the County when hundreds of apartment buildings and condominiums across the bridge in Ocean City are exempt from such mandates. Following some discussion and upon a motion by Commissioner Bunting, the Commissioners voted 6-1, with Commissioner Gulyas voting in opposition, to opt out of local enforcement of the new State law requiring recycling in all apartment buildings and condominiums that contain 10 or more units. The County will still be required to amend the County Solid Waste Management Plan to address such recycling and to report the amount of recyclables collected from each apartment or condominium complex in accordance with the state law, but they do not plan to fine such complexes for noncompliance.

The Commissioners met with Development Review and Permitting Director Ed Tudor to revisit discussions on a formerly proposed nuisance abatement of the Reggie Mariner property located on Mary Road and identified on Tax Map 26 as Parcel 324. Mr. Tudor advised that the owner had deposited a large volume of creosote treated lumber on this property that had come from the reconstruction of the Ocean City Boardwalk, and County staff had responded to complaints from the neighbors about the matter, principally regarding the odor emanating from the material. The Commissioners had reviewed this matter at their meeting on November 5, 2013 and asked staff to further investigate and seek input from other State and County agencies, as well as an expert on property valuation, to determine if, in fact, the presence of these materials constitutes a condition which may be determined to be prejudicial or dangerous to the health or safety of the people of the County or prejudicial to property values, as referenced in the County Nuisance Ordinance, before taking further action. Mr. Tudor advised that he had consulted with Environmental Programs Director Bob Mitchell, Health Officer Debbie Goeller, Fire Marshal Jeff McMahan and Property Appraiser Robert Jester to further study the case and seek input. In summary of all the responses, he found that the accumulation of the old creosote material does not in and of itself constitute any undue concern unless it were to be burned. Furthermore, over time the odors from the creosote material have greatly diminished and are now only evident during the summer months when standing immediately at the site and are largely undetectable from even a short distance away. As a result of the findings and given the current conditions on the site, Mr. Tudor concluded that he did not feel that the matter constitutes any undue concern, and he recommended the matter be closed. The Commissioners concurred.

The Commissioners answered questions from the press, after which they adjourned to meet again on September 16, 2014.

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

September 16, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Lockfaw, seconded by Commissioner Purnell, 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) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; and Bobby Cowger, Liquor Control Director. Topics discussed and actions taken included filling critical vacant positions, including hiring Ashley Lewis as a Communications Clerk Trainee and agreeing to advertise to hire an Information Technology Specialist II for Emergency Services, acknowledging the hiring of one part-time School Security Deputy and one part-time Animal Control Officer for the Sheriff's Office, reclassifying a vacant Roads Construction Tech position to Inventory/Shop Foreman for the Roads Division of Public Works; reviewing and forwarding to the State Department of Assessment and Taxation recommended applicants to fill the vacant position of Supervisor of Assessments for Worcester County; personnel matters at the Department of Liquor Control and approving staff transfers and layoffs; appointing members to the Worcester County Youth Council; receiving legal advice from counsel; and performing administrative functions.

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

The Commissioners reviewed and approved the minutes of their September 2, 2014 meeting as presented.

The Commissioners joined with local chapter of the American Cancer Society members Beverly Furst, Chris Buttler, Josett Castiglione and Debbie Clements and Worcester County employee and breast cancer survivor Susan Braniecki of the Circuit Court to recognize October as Breast Cancer Awareness Month. Ms. Furst advised that throughout October the American Cancer Society will host a number of Pink Ribbon Classic events to raise awareness about the disease. For more information, visit [www.makingstrideswalk.org/oceancitymd](http://www.makingstrideswalk.org/oceancitymd).

Pursuant to the request of Volunteer Services Manager Kelly Brinkley and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the Volunteer Generation Fund Application for a grant in the amount of \$25,000 through the Governor's Office on Service and Volunteerism to develop a database and online website to connect skill-based volunteers with nonprofit organizations to address community issues, such as matching high school students (seeking to complete community services hours needed to graduate) with nonprofit organizations where their skills, talents and interests can be best utilized. Ms. Brinkley advised that the proposed application calls for a 50% County match commitment, which would be met with in-kind services utilizing staff salaries. In response to a question by Commissioner Boggs, Ms. Brinkley advised that the grant could cover a period of up to three years, with annual renewals, and with the program to be up and running within the first six months.

The Commissioners met with County Engineer Bill Bradshaw and Recreation and Parks Director Paige Hurley to review bid recommendations for the construction of a 6,300-square-foot addition to the existing Worcester County Recreation Center (WCRC) administrative office building to provide space for exercise classes, after school programs, exercise equipment, conference and meeting rooms, lockers, storage, laundry and associated utilities. Mr. Bradshaw recommended awarding the contract to the low bidder, Harper & Sons, Inc. of Easton, Maryland at a total cost of \$1,318,000. He stated that Harper & Sons, which was awarded the State bids to complete two construction projects at Salisbury University, received outstanding references from the university, as confirmed by Becker Morgan Group, Inc. of Salisbury, Maryland, the County's architect on the WCRC project. Mr. Hurley advised that the project is eligible for a 90% reimbursement through the Maryland Department of Natural Resources (DNR) Program Open Space (POS) and would initially be funded through a combination of encumbrances from the FY14 Worcester County Recreation and Parks (WCRP) Department budget and Capital Projects Assigned Fund Balance, as well as the FY15 WCRP Department budget for total available funds of \$1,377,730.

In response to a question by Commissioner Boggs, Mr. Bradshaw stated it would take approximately 12 months to complete the project. In response to a question by Commissioner Bunting, Mr. Bradshaw confirmed that Harkins Contracting of Salisbury, Maryland, which submitted the second lowest bid, at \$1,390,800, was also qualified to complete the project. Commissioner Bunting expressed his preference to award the contract to Harkins Contracting

due to their prior experience on County jobs. Following some discussion and upon a motion by Commissioner Lockfaw, the Commissioners voted 6-1, with Commissioner Bunting voting in opposition, to award the bid to Harper & Sons, Inc. at a total cost of \$1,318,000.

Pursuant to the recommendation of Budget Officer Kathy Whited and upon a motion by Commissioner Lockfaw, the Commissioners voted unanimously to award two-year leases for the two remaining 75-foot commercial boat slips at the West Ocean City Harbor, subject to proof of liability insurance, to Earl R. Gwin for 'Skilligalee' at \$4,800; and James Hahn for 'Allison' at \$5,500.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously approved bid specifications to replace the glass in the Sludge Drying Greenhouses at the Ocean Pines Wastewater Treatment Plant (WWTP).

The Commissioners met with Mr. Tustin to review proposed amendments to the County Solid Waste Management Plan to incorporate the provisions of House Bill 1 - Environmental Recycling - Apartment Buildings and Condominiums, which was adopted by the State in 2012 and requires recycling in all apartment buildings and condominiums that contain 10 or more units. Mr. Tustin reiterated that the Commissioners voted September 2, 2014 not to enforce the penalty provision of the bill as the County is unable to dedicate resources to enforce the new State law. However, he stated that, even though the State agreed that enforcement was at the option of each county, the County is still required to amend the plan to address such recycling and to report the amount of recyclables collected from each apartment or condominium complex in accordance with the State law. Therefore, the updated plan outlines a strategy and an educational component to encourage these facilities to recycle, and also includes a provision to allow the County the option for enforcement if so desired in the future. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to schedule a public hearing on October 7, 2014 to receive public comment on the proposed amendments to the County Solid Waste Management Plan.

The Commissioners met with Environmental Programs Director Bob Mitchell to schedule a public hearing on a Comprehensive Water and Sewerage Plan amendment application submitted by Public Works Deputy Director John Ross on behalf of the County Commissioners, which provides for the expansion of the permitted flow of the Mystic Harbour Wastewater Treatment Plant (WWTP) from 250,000 to 450,000 gallons per day (gpd) and to reflect the addition of two additional outfalls to receive treated effluent from the WWTP. Mr. Mitchell advised that the two new outfalls are the Eagles Landing Golf Course, which will use the treated effluent for irrigation purposes, and the Ocean City WWTP, which will receive treated effluent when capacity does not exist in the injection wells or the golf course irrigation system, as recently agreed by the Town of Ocean City. Upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to schedule a public hearing on October 21, 2014 to receive public comment on the proposed amendment to the Worcester County Water and Sewerage Plan as outlined.

The Commissioners met in legislative session.

The Commissioners met with Development Review and Permitting Director Ed Tudor to review a proposed text amendment application submitted by staff seeking to amend the Zoning and Subdivision Control Article to permit cemeteries in the V-1 Village District by special exception. Mr. Tudor advised that staff inadvertently omitted the use in the comprehensive rewrite of the Zoning and Subdivision Control Article in 2009, and this omission was discovered during a recent review of a proposed small expansion of an existing cemetery in the V-1 District. He advised that the Planning Commission gave a unanimously favorable recommendation to the text amendment. Following some discussion, Commissioners Boggs, Bunting, Church, Gulyas, Lockfaw, Purnell and Shockley introduced the aforementioned bill as Bill 14-10 (Zoning - Cemeteries in the V-1 Village District) and agreed to schedule a public hearing to receive public comment on the bill for October 21, 2014.

The Commissioners met with Mr. Tudor to review a proposed text amendment application prepared by staff at the request of County Commissioner Bud Church that would move aquaculture from a permitted principal use to a special exception use in the E-1 Estate District, and at the same time increase the minimum lot area from five to 15 acres. Mr. Tudor stated that the amendment is designed to address the oftentimes greater impacts that onshore support functions of offshore aquaculture operations have compared to those conducted solely on land. He stated that moving the use to a special exception will allow the impacts to neighboring properties to be addressed by the Board of Zoning Appeals in a public hearing. He concluded that the Planning Commission granted a unanimously favorable recommendation to the text amendment.

In response to a question by Commissioner Bunting, Mr. Tudor stated that the text amendment would address the land side impacts of open water aquaculture operations on private property. Commissioner Bunting stated that aquaculture operations should be regulated the same as agricultural operations, which are permitted by right on five-acre lots in the E-1 District. Commissioner Church stated that the amendment would address aspects pertaining to the storage of aquaculture equipment, like oyster cages and crab pots, which impact private properties in residential neighborhoods. In response to a question by Commissioner Boggs, Mr. Tudor stated that the State oversees aquaculture in large bodies of water, but that oversight on land is regulated by the County. Following some discussion, Commissioners Church, Gulyas, Lockfaw and Purnell introduced the aforementioned bill as Bill 14-11 (Zoning - Aquaculture in the E-1 Estate District) and agreed to schedule a public hearing to receive public comment on the bill for October 21, 2014.

Commissioner Church closed the legislative session.

The Commissioners met with Maryland Department of Transportation (MDOT) officials, including Secretary James T. Smith, Jr., Deputy Secretary Wilson Parran, State Highway Administration (SHA) Director Melinda Peters, Maryland Transit Administration (MTA) Local Transit Support Director Beth Kreider, Maryland Vehicle Administration (MVA) District Manager Virginia Colon and other MDOT staff to discuss the draft FY15 - FY20 Maryland

Consolidated Transportation Program (CTP), as part of the MDOT/SHA Annual Consultation Meeting with each county throughout the State.

Secretary Smith thanked the Commissioners for meeting with them and provided an update on the \$16 billion transportation budget, which includes \$4.4 billion annually over the next six years, resulting from the Transportation Infrastructure Investment Act of 2013. These funds will be used to construct new roads and complete transit system projects to maintain and upgrade transportation statewide to create a safer, more efficient transportation network that includes increased bicycle and pedestrian travel and supports economic development and job growth. He stated that this budget reflects a 67% increase in construction spending over the next six years, which supports \$6 billion in personnel wages and salaries for more than one million jobs, safe transportation for the 41 million annual MTA riders, and \$750 million for air and water quality improvement projects to be completed by 2025 to meet the mandated Chesapeake Bay Restoration Watershed Implementation Plan (WIP) and the Total Maximum Daily Load (TMDL) requirements for the U.S. Environmental Protection Agency (EPA). He reported that nearly \$1 billion in new construction projects and new services are underway thanks to the act and includes \$5.6 million for bicycle and pedestrian related projects; and \$64.4 million for 54 system preservation projects. Mr. Smith advised that MDOT seeks to partner with State, local and federal agencies, as well as private entities, to advance projects through construction; however, 18% of Maryland's transit and highway capital program funding comes from federal funding, and the federal government has yet to resolve the imbalance between revenues and spending in the Federal Highway Trust Fund. Therefore, he urged State and local officials to contact their congressional delegates and have them urge congress to make good on the promised funding. Mr. Smith advised that the State has designated \$63.3 million to Eastern Shore projects, including rehabilitating the U.S. Rt. 13 bridges over the Pocomoke River; and continuation of the U.S. Rt. 113 dualization project from Massey Branch to Five Mile Branch (4.6 miles). He also reviewed funding for major State transit projects, including \$49.9 million for a highway overpass at the intersection of MD Rt. 304 and U.S. Rt. 301 in Queen Anne's County; \$4 billion in new transportation funding for the Baltimore-Washington International (BWI) Thurgood Marshall Airport (to improve the emergency response systems and security network support, improve safety, relieve congestion and accommodate more flights) and the Port of Baltimore (to widen the shipping channel to accommodate larger ships traveling through the Panama Canal beginning in 2015) to maintain competitiveness.

Beth Kreider provided an MTA Transit Modernization Program (TMP) update and reviewed the Bus Network Improvement Program (BNIP), which supports 25 locally operated transit systems throughout the State, including Shore Transit, with a goal of modernizing and maintaining the entire MTA transit system. She advised that the State has secured new resources to support local initiatives to expand and enhance MTA services. This includes \$2 million in increased transportation funding to the Lower Eastern Shore. Ms. Kreider stated that the following funding was proposed in the CTP to complete projects in Worcester County: funding of \$2.43 million to Shore Transit for preventive maintenance, ridesharing, two new bus routes, operations, new buses, equipment, salaries, service for people with disabilities, and capital funding to complete Phase III of the new transportation facility in Salisbury; and \$1.96 million to the Town of Ocean City for 12 replacement buses, Park & Ride decking; bus barn fire suppression and roof repairs, passenger shelters and parts; transit facility and bus barn

development and evaluation; and preventive maintenance. Ms. Kreider recognized the great working relationship her office enjoys with Mike Pennington, Executive Director of the Tri-County Council (TCC) for the Lower Eastern Shore, and announced that 3.1 million of the 40 million annual MTA trips occur Worcester County, mostly in Ocean City.

Virginia Colon advised that the State has worked to reduce wait times at Motor Vehicle Administration (MVA) offices in Maryland by hiring 76 additional customer service agents, converting 26 counters to drivers license stations and encouraging customers to utilize online services, kiosks and standard mail service rather than visiting their local MTA offices. She stated that the MVA office in Salisbury boasts an average wait time of only 10 minutes, which is less than half the State average of 25 minutes. Furthermore, a project to renovate the Salisbury office is 90% complete. Ms. Colon further stated that last year Marylanders completed 12.7 million MVA transactions online rather than at their local MVA offices, and access to online services has played a key role in reducing MVA office wait times. She pointed out that drivers under the age of 40 can renew their licenses online; however, those age 40 and over must either visit an MVA office in person to complete an eye exam or have their doctor forward a recent eye exam to the MVA, thus allowing these individuals to renew their licenses online as well.

SHA Administrator Melinda Peters introduced SHA members present and advised that district engineer Donnie drawer was sick and unable to attend. She then reviewed the "Complete Streets" program, which focuses on eliminating fatalities on Maryland roadways, particularly work zone related deaths, which are on the rise. She stated that work zone accidents resulted in the death of a SHA employee last year and a second is currently in shock trauma. Furthermore, six state contracted agencies had employees and drivers killed in work zones during that same period. She stated that the State is seeking to introduce educational initiatives to eliminate work zone accidents, and she reminded local officials that beginning October 1, 2014 State law will require drivers to move over or slow down for tow trucks working on roadway shoulders. Furthermore, MDOT encourages motorists to extend these same considerations to motorists stopped on roadway shoulders.

Ms. Peters stated that 350 construction projects are taking place across the State, including rehabilitating the southbound and northbound U.S. Rt. 113 bridges over the Pocomoke River, which should be completed by fall 2015. She also advised that engineering is underway for the next phase of the \$43.2 million project to upgrade the existing U.S. Rt. 113 as a four-lane divided highway from Massey Branch to Five Mile Branch (4.6 miles), with engineering currently underway for Phase 4, but with funding currently unavailable for right-of-way acquisition. Ms. Peters also referenced plans for the future replacement of the U.S. Rt. 50 Bridge over the Sinpuxent Bay and the study for potential improvements to the existing MD Rt. 589 Corridor Project from U.S. Rt. 50 to U.S. Rt. 113 (4.7 miles) to accommodate increased traffic, bicycles and pedestrians.

In response to concerns raised by Commissioner Church, Ms. Peters advised that the existing U.S. Rt. 50 bridge has an expected life span of 15-20 years, and the drawbridge mechanism that failed Saturday, July 26, 2014, was fully repaired along with other mechanical elements to help reduce or eliminate this sort of failure in the future. Commissioner Gulyas stated that the town received a record number of complaints from motorists who did not know about the bridge failure until they found themselves sitting in traffic, and she encouraged SHA officials to immediately post such delays in the future to divert traffic to MD Rt. 90. She also asked when

the SHA plans to expand MD Rt. 90, noting that this project should take precedence over replacement of the U.S. Rt. 50 bridge to assure adequate ingress and egress from the island once the latter project begins. Ms. Peters stated that the SHA completed a MD Rt. 90 feasibility study some years ago, but funding is not available to begin project planning. She explained that MD Rt. 90 currently carries less than one-half of the traffic volume into Ocean City, at 6600 vehicles per day, as compared to 18,050 vehicles per day which use U.S. Rt. 50. She also assured the Commissioners and other local officials in attendance that the U.S. Rt. 50 bridge would remain open during construction of the replacement bridge rather than attempting to divert all traffic across the MD Rt. 90 bridge. Commissioner Gulyas thanked Ms. Peters and stated that she supports the Town of Ocean City's request to make expansion of the MD Rt. 90 bridge a priority over replacement of the U.S. Rt. 50 bridge.

In response to a request by Commissioner Boggs to move forward with the County's second priority project, expansion of MD Rt. 589, Ms. Peters advised that funding is not available for this wide-scale project, but the SHA has initiated several smaller projects that are entering the engineering phase and will help preserve this system. Secretary Smith noted that the Transportation Trust Fund cannot accommodate all the demands placed upon it; therefore, it is critical that local jurisdictions require development to occur in a manner which will preserve the necessary right-of-way and to require roadway improvements to address the impact of increased demands on area roadways that will be created as a result of their projects.

Ms. Peters reviewed a list of completed and ongoing safety, rehabilitation, enhancement and bridge preservation projects in Worcester County, including resurfacing along U.S. Rt. 50 in West Ocean City and from Herring Creek to MD Rt. 818 as well as at other locations in Worcester County; intersection improvements on U.S. Rt. 50 at Seahawk Road; streetscape improvements on Coastal Highway from MD Rt. 90 at 62<sup>nd</sup> Street to Convention Center Drive; Americans with Disabilities Act (ADA) improvements on Coastal Highway from 72<sup>nd</sup> Street to 81<sup>st</sup> Street and 123<sup>rd</sup> Street to 131<sup>st</sup> Street; replacement of the MD Rt. 346 bridge over Double Bridge Branch and the MD Rt. 568 bridge over Bunting Branch; geometric improvements at the intersection of MD Rt. 12 (Snow Hill Road); and installation of J-turns at MD Rt. 365 (Public Landing Road) on U.S. Rt. 113 in an effort to help reduce accidents at these intersections.

Commissioner Shockley urged MDOT officials to reconsider the request of SHA District Engineer Donnie Drewer to waive the signal warrant requirement and install a traffic signal at U.S. Rt. 113 and Langmaid Road in conjunction with Phases 3 and 4 of the U.S. Rt. 113 Dualization Project rather than the proposed J-turns at this intersection in Newark to address concerns raised by emergency responders regarding emergency access through the intersection. In response to questions raised by Commissioner Shockley regarding MD Rt. 589, Ms. Peterson stated that the SHA plans to complete three short term projects on this stretch of road in the near future. However, funding for engineering, right of way (ROW) acquisition or planning for the \$330-million project to dualize and improve MD Rt. 589 is not available. In response to comments by Commissioner Bunting, Ms. Peters suggested requiring developers seeking to begin new projects on this roadway to donate ROW for the future expansion project.

Commissioner Lockfaw thanked MDOT officials for acting quickly to repair the U.S. Rt. 13 bridges over the Pocomoke River, advised that work needs to be done to address the uncontrolled growth of vegetation on the bridges, and asked why photo speed enforcement had been enacted on only the south bridge and bridge lighting had been removed. In response, Ms.

Peterson advised that the photo surveillance program was instituted to protect the road workers by slowing the public down in the existing work zone, and the cameras would be relocated to the north bridge when construction begins there. She further advised that MDOT policies have been revised to reduce lighting requirements on the bridges, but stated that she would look into Commissioner Lockfaw's concerns and get back to him in the near future.

Senator Jim Mathias thanked outgoing Commissioners Boggs, Gulyas and Purnell for their years of service to the County and recognized the efforts of MDOT staff to move the date of repair for the U.S. Rt. 13 bridges over the Pocomoke River from 2016 to immediately address safety concerns. He expressed appreciation that State officials remain committed to completing the U.S. Rt. 113 Dualization Project in a timely manner and are continuing to address short term improvements to MD Rt. 589. He also advised that the Eastern Shore Delegation is encouraging MDOT to move forward with dualizing the U.S. Rt. 90 Bridge and corridor. He concluded by stating that he is committed to restoring Highway User Revenues (HUR) to the counties.

Delegate Charles Otto thanked MDOT for personally meeting with each county in the State every year and for their work to keep Maryland transportation networks safe.

Ocean City Mayor Rick Meehan thanked the Commissioners, and Commissioner Gulyas in particular, for supporting the town's request to MDOT to move the project to widen the MD Rt. 90 corridor and bridge ahead of the project to replace the U.S. Rt. 50 bridge to address the heavy demands of tourism and fire and emergency medical services in and around the island. He recounted that on Saturday, July 26, 2014, the U.S. Rt. 50 draw bridge malfunctioned in the open position, causing vehicle traffic to back up for 14 miles to the Town of Berlin. He further stated that this severely limited the mobility of fire and emergency vehicles, so the town was very fortunate to have had no major emergencies occur during the bridge failure. Mayor Meehan advised that the mobility of fire and ambulance service is of great significance, not only during ideal weather conditions but especially during natural disasters when getting people off the island quickly and safely is critical. He advised that in situations in which the U.S. Rt. 50 bridge is out of commission, such as occurred during Hurricane Sandy when flood waters in the downtown area made the U.S. Rt. 50 Bridge impassible, it is critical that officials can depend on MD Rt. 90 to evacuate the island and provide safe and efficient passage for emergency vehicles.

Commissioner Church thanked MDOT officials for meeting with the Commissioners and for the good work they do throughout the State.

The Commissioners answered questions from the press, after which they adjourned to meet again on October 7, 2014.

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

October 7, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Gulyas, seconded by Commissioner Purnell, with Commissioners Bunting and Shockley temporarily absent at the start 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) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; and Bob Mitchell, Environmental Programs Director. Topics discussed and actions taken included: filling critical vacant positions, including hiring Tyler Brewington as a Building Maintenance Mechanic I for the Maintenance Division, Michael "Dean" Farlow as a Plant Operator and Andrew Stinson as a Supervisory Control and Data Acquisition (SCADA) Technician for the Water and Wastewater Division of Public Works, and Jeffrey Cramer as an Information Technology (IT) Specialist II within the IT Division of Emergency Services; agreeing to advertise to fill one vacant IT Technician position within Emergency Services; acknowledging the promotion of Theresa Sambrano from Office Assistant V to Jury Commissioner and the hiring of Kelsey Jensen as an Office Assistant V within the Circuit Court and Donna Hughes as an Executive Assistant to the State's Attorney in his office; receiving legal advice from counsel; and performing administrative functions.

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

The Commissioners reviewed and approved the minutes of their September 16, 2014 meeting as presented.

The Commissioners presented a commendation to University of Maryland Extension (UME) -Worcester County Agricultural Educator Jessica Flores, 4-H Educator Cindy Morris, Nutrient Management Advisor Shirley Hastings and other staff recognizing the 100<sup>th</sup> anniversary of UME -Worcester County, which provides nutrient management plans, pesticide applicators training and licenses, educates beginning farmers, equine and poultry growers, and hosts a range of 4-H projects, all of which are aimed at enhancing the diversity of our farming communities.

The Commissioners presented a proclamation to Worcester County Fire Marshal Jeff McMahon recognizing October 5-11, 2014 as National Fire Prevention Week and October as National Fire Prevention Month, with the theme *Working Smoke Alarms Save Lives - Test Yours Every Month*. Fire Marshal McMahon stated that fire, the third leading cause of home fatalities, spreads fast. He advised that from 2007 to 2011, fires claimed the lives of roughly seven people per day, and 60% of those deaths occurred in structures where smoke alarms either did not work or were not installed. He concluded that working fire alarms cut home fire deaths in half by providing occupants with the advance warning needed to escape, and he urged everyone to test their smoke alarms monthly.

The Commissioners met with Fire Marshal McMahon and Berlin resident Tocarra Derrickson to honor 25 emergency services, police, firefighters and paramedics from the six agencies that responded to a house fire on Branch Street in Berlin on Thursday, April 17, 2014 and rescued Ms. Derrickson and her six-year-old daughter from the home. Ms. Derrickson, who was in critical condition at the Bayview Burn Center for several weeks after the incident, extended an emotional thank you to the public safety personnel who saved their lives. She stated that the two would not be alive today if rescue workers had not intervened in such dramatic fashion. She thanked each of the public safety officials present for their roles in the rescue. Fire Marshal McMahon stated that it only took 18 minutes, from the time the 911 Center within Worcester County Emergency Services (WCES) received the call until the adult victim was pulled out of the home. He advised that this incident is a perfect example of how today's emergency response equipment and well-trained personnel, from the 911 dispatchers to the local police to area firefighters, work together to save lives. He concluded that what could have been a double fatal fire ended with two lives being saved thanks to the vast array of properly trained emergency personnel responding quickly and employing their training and the latest equipment to rescue lives. The Commissioners presented commendations to personnel from WCES, Berlin Police Department (BPD), Berlin Fire Company (BFC), Ocean City Volunteer Fire Company (OCVFC), Ocean Pines Volunteer Fire Department (OPVFD), Showell Volunteer Fire Department (SVFD) and Newark Volunteer Fire Department (NVFD) for responding to the house fire and thanked the members of these organizations for all they do to protect the lives and

properties of the residents and visitors of Worcester County. The Commissioners personally recognized WCES Call Taker/Communications Clerk Robert Rhode, Jr., who received the emergency call from Ms. Derrickson, remained on the line with her throughout the incident, even after she lost consciousness, and advised emergency personnel where to locate her; and fellow members of Communications Shift B, including Supervisor Jennifer Kosko and Communications Clerks Ryne Leslie, Nitra Dallas and Cindy Ward; BPD Senior Officers Edward Carmean and Merle Bragg who broke a downstairs window and rescued the child; BFC members Incident Commander/Assistant Chief Bryon Trimble, Operator Harry Trimble, Assistant Chief Logan Helmuth, Firefighter/EMT Moe Cropper and Firefighter/Paramedics Ken Braniecki and Collins Brown, who developed and executed the plan to cut a hole in the home to rescue Ms. Derrickson; BFC Assistant Chief Derrick Simpson, Firefighters and Past Chiefs Bill Scott and Duane Phillips, Firefighters Austin Purnell, Ryan Jones and Frederick “Gino” Carozza, along with Ocean City Fire Marshal’s Office off duty Captain Josh Bunting, OCVFC Assistant Chief William Savage, III, who were involved in the rescue of Ms. Derrickson; and OPVFD Firefighter/Paramedic Jason West and EMS Driver Ron Thorwart, BFC Firefighter/Paramedic Nancy Holland and OCVFC Firefighter/Paramedic Parker Shandrowsky, who provided emergency medical service and transported Ms. Derrickson to Atlantic General Hospital.

The Commissioners conducted a public hearing to receive public comment on proposed amendments to the Worcester County Comprehensive Solid Waste Management Plan to add a State-mandated Apartment Building and Condominium Recycling Program. Public Works Director John Tustin reviewed the proposed amendments, which require recycling in all apartment buildings and condominiums that contain 10 or more units, except in Ocean City which was exempted from the State law. The Commissioners voted September 2, 2014 not to enforce the penalty provision of the bill, as the County is unable to dedicate resources to enforce the new State law. However, even though the State agreed that enforcement was at the option of each county, the County is still required to amend the plan to address such recycling and to report the amount of recyclables collected from each apartment or condominium complex in accordance with the State law. Mr. Tustin stated that the updated plan outlines a strategy and an educational component to encourage these facilities to recycle and a provision to allow the County the option for enforcement if so desired in the future.

Commissioner Church opened the floor to receive public comment.

There being no public comment, Commissioner Church closed the public hearing.

Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously adopted Resolution Number 14–20 adopting amendments to the Comprehensive Solid Waste Management Plan for Worcester County, Maryland as presented.

The Commissioners met with Housing Program Administrator Jo Ellen Bynum to review and discuss adopting updated plans related to the Community Development Block Grant (CDBG) program to remain in compliance with federal guidelines. These include the Minority Business Plan, Fair Housing and Equal Opportunity Plan, and Worcester County, Maryland Section 3 Plan. Upon a motion by Commissioner Purnell, the Commissioners unanimously adopted Resolution Number 14–21 adopting a Fair Housing and Equal Opportunity Plan, Minority Business Plan, and Section 3 Plan as presented.

Pursuant to the request of Lieutenant Neil Adams of the Sheriff's Office and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the Maryland Highway Safety Office Project Agreement for a grant of \$13,250 that will be used to reimburse the Worcester County Sheriff's Office for overtime hours related to traffic safety initiatives aimed at reducing the instances of driving while intoxicated and aggressive driving, as well as training for crash investigations. Lieutenant Adams advised that 50% of these grant funds can only be used to reimburse overtime hours occurring between the hours of 9:00 p.m. and 6:00 a.m.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the FY15 Rural Legacy Area (RLA) Grant Agreements for funding of \$1,060,000 of the original \$3.9 million request for the Coastal Bays RLA and \$600,000 of the original \$2.6 million request for the Dividing Creek RLA. Mr. Mitchell stated that the Coastal Bays RLA grant was the largest grant awarded on the Eastern Shore this year. He advised that grant funds would be used to purchase two to four conservation easements in the Coastal Bays RLA and one to two conservation easements in the Dividing Creek RLA. Katherine Munson, Planner IV, reiterated that this is a voluntary easement purchase program.

Pursuant to the written request of Health Department Fiscal Officer Julie Parker and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the revised FY15 Core Public Health Services Funding Agreement between the Department of Health and Mental Hygiene (DHMH) and Worcester County from July 1, 2014 through June 30, 2015, which certifies that Worcester County will contribute \$5,606,155 and the State will contribute \$482,736. The Health Department was originally awarded \$443,001 in State funding, but that amount was increased because additional funding from DHMH became available.

Pursuant to the request of Local Management Board Resource Coordinator Brittany Hines on behalf of Jennifer LaMade, Director of the Worcester County Local Management Board (LMB) who could not attend the meeting, and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized Commission President Church to sign the Community Partnership Agreement between the Local Management Board (LMB) and the Governor's Office for Children for FY15 grant funds of \$537,947, which provides level funding for programs beginning July 1, 2014.

Pursuant to the request of Budget Officer Kathy Whited and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved FY14 Year-End Budget Transfers totaling \$183,089. Ms. Whited explained that the Year End Budget Transfers are a housekeeping measure included in the annual audit process, whereby budgeted funds are redirected to cover unanticipated expenses in other line items.

The Commissioners met with Ms. Whited to review and discuss the proposed Year End Reserve for Assigned Encumbrances in the amount of \$2,574,201. Ms. Whited explained that

these funds have been set aside in three separate categories, Currently Approved Projects not completed by June 30, 2014 (\$1,864,270), Grant Funds Appropriated But Unobligated (\$595,640), and Other Projects and Programs (\$114,291). Ms. Whited explained that all encumbrances are for contracts and purchase orders that will be fulfilled in a subsequent fiscal year. A few of the more significant encumbrances include \$421,035 for replacing the Millville and Nelson Road bridges; \$20,401 remaining from the Showell Elementary School (SES) Feasibility Study, \$675,891 for addition to the Worcester County Recreation Center; and \$100,000 to stabilize the Opera House roof in Snow Hill. Ms. Whited advised that there had been a minor change in Other Projects and Programs category regarding laptops for Circuit Court, which has already been covered by other funds, thereby reducing that category by \$4,190 to \$110,101 and the overall total to \$2,570,011.

In response to a question by Commissioner Shockley regarding funds remaining from the SES feasibility study, Ms. Whited advised that Board of Education (BOE) officials had requested that \$20,401 be encumbered, but she would contact them to verify the total amount of outstanding invoices. Following some discussion and upon a motion by Commissioner Purnell, the Commissioners unanimously approved the proposed Year End Reserve for Assigned Encumbrances in the amount of \$2,570,011 contingent upon possible further reduction upon the BOE's outstanding invoice for the SES Feasibility Study.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously approved bid specifications for construction of new wastewater force mains on Birdsnest Drive and along Ocean Parkway in Ocean Pines for an estimated cost of \$1.8 million. Mr. Tustin advised that funding for the project is included in the recently completed bond issued for improvements to the Ocean Pines wastewater collection system.

Mr. Tustin updated the Commissioners on plans to implement the two options to be available as of January 1, 2015 to area residents for household trash disposal, as approved by the Commissioners at their June 17, 2014 meeting. Option 1 allows area residents to purchase up to two Homeowner Permits (HOP) for use at the Landfill and Homeowner Convenience Centers (HOCs) at a cost of \$100, with the option to purchase additional permits at a cost of \$100 each. Mr. Tustin stated that the permit price is not prorated, based on the date of purchase, nor is it discounted if the homeowner wishes to purchase only one permit. He advised that homeowners are required to fill out an application with their name, address and vehicle tags, and they must provide vehicle registration copies matching each home address to each HOP tag. Option 2 allows residents to participate in the new Pay As You Throw (PAYT) pilot program in which homeowners can purchase tags, at a cost of \$1 per tag and to be sold in units of five, and affix one tag to each 33-gallon bag to be disposed of at the HOCs. Mr. Tustin advised that bags larger than 33 gallons would be permitted under the PAYT program, provided two tags were affixed to each oversized bag. Mr. Tustin pointed out that PAYT tags do not expire and can be used at any time regardless of the purchase date. He also noted that yard waste is not included in the PAYT program. Those selecting Option 2 would be required to take yard waste to the Central Landfill where a tipping charge would be assessed. Commissioner Church commended the outstanding customer service displayed by those working at the HOCs.

The Commissioners conducted a public hearing to receive public comment on the proposed adoption of the 2014 Worcester County Hazard Mitigation Plan Update for Worcester County, Maryland, as recommended by the Worcester County Department of Emergency Services and as prepared by S&S Planning and Design of Cumberland, Maryland. Emergency Services Director Fred Webster advised that the plan seeks to eliminate or reduce hazard related human, economic, and environmental losses resulting from natural hazards, including but not limited to flooding, storms, sea level rise, shoreline erosion, tornadoes, toxic chemicals, and wildfires. The updated plan includes the following: new data; mapping; HAZUS Level 2 Analysis, which is the methodology used by the Federal Emergency Management Agency (FEMA) to estimate potential losses from disasters; status of 2006 plan recommendations; and new mitigation strategies and actions. He stated that the intent of the plan is to cultivate a hazard resilient community through awareness and preparedness to provide for the safety and well-being of Worcester County citizens and visitors.

Commissioner Church opened the floor to receive public comment.

In response to questions by Jack Collins, Treasurer for the Ocean Pines Association (OPA) Board of Directors, Mr. Webster advised that each of the municipalities are required to either adopt the County's plan or develop their own; however homeowners associations (HOAs), such as the OPA, share no such requirement; however, several members of the Ocean Pines Association had participated in the development of the County's plan, and the Ocean Pines community is covered by the County plan.

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

Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously adopted Resolution Number 14-22 adopting the 2014 Hazard Mitigation Plan Update for Worcester County, Maryland. Commissioner Bunting thanked Mr. Webster and Emergency Planner Tom Kane for working with him and Commissioner Shockley to address their concerns in the original draft plan.

Mr. Webster advised that public service announcements from the Sheriff's Office are currently airing on the Town of Ocean City's new low-power FM radio stations, which are located at 99.5 FM, which transmits from a water tower at 65<sup>th</sup> Street in Ocean City, and station 100.3 FM, which transmits from a tower on Maryland Rt. 589. These towers provide radio coverage to Ocean City and Ocean Pines, as well as the Showell, Bishopville and Berlin areas, and these messages are airing along with other County public service announcements.

The Commissioners recessed until 11:30 a.m.

Timothy Ailsworth, Executive Director of Local Government Insurance Trust (LGIT), presented Human Resources Director George Bradley and Risk Manager Eddie Carman with a LGIT Training Grant in the amount of \$3,000 to be used for "Snow Plow Simulator Training." Mr. Ailsworth commended Worcester County staff for proactively addressing the training needs within their organization. He stated that this is an example of LGIT and local government working together to address risk management concerns. In response to a question by Snow Hill Mayor Charles Dorman, Public Works Director John Tustin advised that town employees may

participate in this training class, which is offered in Salisbury at a cost of \$300 per participant. In response to comments by County Attorney and LGIT Board of Directors Chair Sonny Bloxom, Mr. Ailsworth advised that LGIT recently increased its annual grant awards from \$75,000 to \$100,000. In closing, Mr. Ailsworth also invited the Commissioners to participate in the 27<sup>th</sup> Annual LGIT meeting at the Navy-Marine Corps Memorial Stadium in Annapolis on October 30, 2014.

The Commissioners met with Library Director Mark Thomas and Deputy Director Jennifer Ranck and County Engineer Bill Bradshaw to resume discussions from their September 2, 2014 meeting regarding the proposal from Architect Jeff Schoellkopf and JSD, Inc. of The Design Group for planning and architectural services for the new Berlin Branch Library. The Commissioners previously tabled discussions on the matter to allow Library Board of Trustees President Ron Cascio and Mr. Thomas to work with Mr. Schoellkopf to develop a Fixed Fee Proposal for architectural and engineering services to design the new library. Mr. Thomas advised that, after that meeting, he had worked with Mr. Schoellkopf to develop a more narrowly focused proposal in an amount not to exceed \$39,000, plus reimbursable expenses, to provide Phase 1 services only, including preliminary design and consulting team selection. He stated that the work to be performed would enable the library to complete and refine the building program, to set forth in detail the scope of the overall project, to develop the consulting team, and to create several early schematic design options for the library. The preliminary program assumes a building of about 10,000 square feet, with a construction budget of approximately \$3.6 million and a furnishing budget of approximately \$300,000, with funding sources to include a combination of public and private funds and grants.

In response to a question by Commissioner Boggs, Mr. Bradshaw stated that he would not be the construction manager for this project. Rather that responsibility should be taken on by a firm that could develop plans, with estimates based on their market experience and past data for similar projects. Mr. Thomas stated that a construction manager would be chosen through a Request for Proposals (RFP) process. In response to questions raised by Commissioner Church, County Attorney Sonny Bloxom stated that accepting the proposal before them for Phase 1 of the project gives Mr. Schoellkopf a chance to prove his ability to design the new library, but it does not limit the County from opting to go with a different architect for the next phase of the project if so needed. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously accepted the proposal from Mr. Schoellkopf for Phase 1 pre-design phase services for the new Worcester County branch library on Harrison Street in Berlin, Maryland as outlined in his September 30, 2014 proposal and at architectural fees not to exceed \$25,000 for planning, architecture, site planning, and project administration, while preliminary engineering services will not exceed a total of \$14,000, for a total of \$39,000 for Phase 1 services, plus reimbursable expenses for transportation, reproducibles and postage and special deliveries at an estimated cost of \$2,800.

Chief Administrative Officer Harold Higgins informed those in attendance that the Commissioners plan to host the grand opening ceremony for the new Mystic Harbour Wastewater Treatment Plant (WWTP) on October 21, 2014 at 2 p.m. and invited all to attend.

The Commissioners answered questions from the press, after which they adjourned to meet again on October 21, 2014.

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

October 21, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Shockley, seconded by Commissioner Bunting, with Commissioner Purnell temporarily absent, the Commissioners unanimously voted to meet in closed session at 9:30 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 10-508(a)(1) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; and George Bradley, Human Resources Director. Topics discussed and actions taken included: filling critical vacant positions, including promoting Derrick Babcock from Roads Mechanic to Inventory/Shop Foreman and agreeing to fill a vacant Roads Worker I position for the Roads Division of Public Works; receiving legal advice from counsel; and performing administrative functions.

Commissioner Purnell arrived at the end of the closed session.

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

The Commissioners reviewed and approved the minutes of their October 7, 2014 meeting as presented.

Pursuant to the request of State's Attorney Beau Oglesby and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized the filing of a Law Enforcement Training Scholarship (LETS) grant application through the Governor's Office of Crime Control and Prevention to fund the cost of out-of-state travel and training for the State's Attorney's Office in the amount of \$2,901.03 for Assistant State's Attorney Ajene Turnbull to attend the National District Attorney's Association's Evidence for Prosecutors Course in San Antonio, Texas from October 20-24, 2014. Since the out-of-state travel is funded by the grant, it is not subject to the freeze on out-of-state travel where approved by the Chief Administrative Officer.

Pursuant to the request of Lieutenant Mike McDermott and the written request of Chief Deputy Dale Smack and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Church to sign the annual Child Support Enforcement Administration Cooperative Reimbursement Agreement, which provides annual funding from the Maryland Department of Human Resources Child Support Enforcement Administration to the Sheriff's Office in the amount of \$58,000, less \$19,720 in-kind services by the County and an administrative fee of \$2,191 for total funding of \$36,089 for the period of October 1, 2014 through September 30, 2015 for their assistance with child support enforcement activities.

Pursuant to the request of Emergency Services Director Fred Webster and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Church to sign the Memorandum of Agreement (MOA) between Maryland Emergency Management Agency (MEMA) and County Commissioners of Worcester County, Maryland for the 2014-2015 Hazardous Materials Emergency Preparedness Grant Program, for a total grant of \$6,855 to provide hazardous materials training at the Worcester County Training Center in Newark in spring 2015. Mr. Webster advised that the 25% local match will be covered by in-kind services, with Emergency Services members planning and preparing the exercise.

Pursuant to the request of Mr. Webster and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the Education Grant Agreement between the Maryland Institute for Emergency Medical Services Systems (MIEMSS) and the County Commissioners of Worcester County, Maryland for a grant in the amount of \$1,500 to be used for Emergency Medical Dispatch (EMD) continuing education training prior to September 1, 2015. Mr. Webster advised that there is no matching fund requirement for this grant.

Pursuant to the request of Economic Development Director Bill Badger and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Church to sign the Step Up and Reach for the Stars STEM Enrichment Program Mobile Laptop Memorandum of Understanding (MOU). Mr. Badger advised that the MOU would permit Fawn Mete, Director of the Red Doors Community Center (Red Doors) and Administrator of the Step-Up and Reach for the Stars STEM Enrichment Program to use the

laptop computers during non-program months to generate interest in the summer program among students ages 15-18 by offering after school and weekend programs in robotics, electronics, computer programming and other relevant computer applications. In response to a question by Commissioner Bunting, Economic Development Deputy Director Merry Mears advised that the MOU holds Red Doors responsible for any costs not covered by their insurance to replace any computer equipment damaged during said use.

Pursuant to the request of Recreation and Parks Director Paige Hurley and upon a motion by Commissioner Boggs, the Commissioners unanimously approved bid specifications for the John Walter Smith Park Pavilion Repair Project. Mr. Hurley advised that Maryland Department of Natural Resources (DNR) Program Open Space (POS) funds of \$17,000 are available to fund this project.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the purchase of the following vehicles: two 3/4-ton utility body trucks for use by the Maintenance Division and four 1/2-ton pickup trucks, one 1-ton utility body truck and one 1 1/2-ton crew cab utility body truck for use by the Water and Wastewater Division of Public Works; one full size 4x4 SUV for use by the Fire Marshal's Office; three compact cars, two mini vans and two 8-passenger full size vans for use by the Health Department; and one full size 4x4 SUV and six full size 4x2 police pursuit SUVs for use by the Sheriff's Office. Mr. Tustin explained that funding is available as approved in the General Fund-Unassigned Fund Balance and other department funds from the Health Department for their vehicles.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to waive the standard bid process and accepted the proposal from EA Engineering, Science and Technology, Inc. of Ocean Pines, Maryland for the design of Pump Stations S & P, Pump Stations B & E, and Pump Stations A & F at a total cost of \$193,195 for engineering design and bidding assistance services. Mr. Tustin advised that the cost for the work is divided into three groups based on the similarity of the design effort. Commissioner Lockfaw stated that he understands that EA Engineering has done a considerable amount of work for the County, but cautioned that the County should bid these types of services in the future to assure that the bid process remains competitive. In response, Mr. Tustin agreed and advised that the preliminary design of these pump stations and other improvements were bid competitively earlier this year, and EA Engineering was the lowest cost and most knowledgeable bidder.

The Commissioners met with Environmental Programs Director Bob Mitchell to review and discuss a Maryland Department of the Environment (MDE) Grant Agreement to Administer and Enforce Onsite Sewage Disposal System Regulations for Systems that Utilize Best Available Technology (BAT) for Nitrogen Removal. Mr. Mitchell stated that within the attached agreement the County may choose to undertake responsibility for tasks included in one or more of the following three levels. Level 1 tasks include technical, administrative and legal review along with education, inspection and reporting of all BAT installations. Level 2 tasks include

monitoring, verification of service contracts, noncompliance notification, on-site inspections maintaining a log of service visits, and annotating and reporting all discrepancies dealing with the BAT to MDE. Level 3 tasks revolve around enforcement and include issuing formal notices of violation, preparing legal enforcement actions, court appearances and administrative hearings and handling appeals. He stated that the County should focus on education rather than enforcement. Therefore he recommended the Commissioners accept Level 1 and 2 funding for the coming year and authorize the County to enter into this grant agreements with MDE to receive \$35,000 per system in grant funding with roughly \$5.4 million in total funding available to cover the County's costs for administration of these tasks. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized Commission President Church to sign the grant agreement to administer Level 1 and 2 tasks as recommended by staff.

The Commissioners met with Mr. Mitchell to review the Planning Commission's findings of consistency with a Comprehensive Water and Sewerage Plan amendment application submitted by Mitchell Parker on behalf of Parkel Corp, which seeks to amend the County Water and Sewerage Plan to expand the Mystic Harbour Sewer Planning Area to designate more of Frontier Town Campground, located on Stephen Decatur Highway (MD Rt. 611) and more specifically as shown on Tax Map 33 as Parcel 94, for public sanitary service from the Mystic Harbour sewer system. Mr. Mitchell advised that this connection would eliminate over 50,000 gallons per day (gpd) of conventional septic flow from the Coastal Bays Critical Area. He further stated that the Planning Commission found the proposal to be consistent with the County's Comprehensive Plan and existing zoning classifications. Upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to schedule a public hearing on the proposed amendment to the Worcester County Water and Sewerage Plan to take place on November 18, 2014.

The Commissioners recessed until 10:40 a.m.

The Commissioners conducted a public hearing to receive public comment on the proposed amendment to the Worcester County Water and Sewerage Plan submitted by Public Works Deputy Director John Ross on behalf of the County Commissioners, which provides for the expansion of the permitted flow of the Mystic Harbour Wastewater Treatment Plant (WWTP) from 250,000 to 450,000 gallons per day (gpd) and to reflect the addition of two additional outfalls to receive treated effluent from the WWTP. Mr. Mitchell advised that the two new outfalls are the Eagles Landing Golf Course, which will use the treated effluent for irrigation purposes, and the Ocean City WWTP, which will receive treated effluent when capacity does not exist in the injection wells or the golf course irrigation system. He further advised that the proposal to increase the permitted flow for the Mystic Harbour WWTP would accommodate the needs of the properties within the Mystic Harbour planning area. Commissioner Boggs stated that this project has been a long time coming and commended both County and town staff for collaborating to make this next stage of the project possible. Commissioner Gulyas concurred and stated that this project is an example of what can happen when various parties are willing to collaborate for the good of communities. Commissioner Church echoed their sentiments and

stated that they have gone from a former failing plant held together by duct tape and bubble gum to a new WWTP that is a true environmental gem and asset to the community.

Commissioner Church opened the floor to receive public comment.

There being no public comment, Commissioner Church closed the public hearing.

Upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Resolution No. 14-23 amending the Comprehensive Water and Sewerage Plan for Worcester County to add two outfalls and increase discharge permit flow from the WWTP in the Mystic Harbour Sanitary Service Area.

The Commissioners met in legislative session.

Chief Administrative Officer Harold Higgins announced that he received a request from Attorney Hugh Cropper, IV on behalf of Jack Burbage to postpone the hearing on Bill 14-7 (Zoning - Extended Stay Hotel or Motel), which was introduced by Commissioners Church and Purnell on August 19, 2014, as Mr. Cropper's client is out of the country and therefore unable to attend today's scheduled hearing. Mr. Higgins advised that Mr. Cropper has agreed to pay all advertising costs associated with this postponement. Upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to postpone the public hearing on Bill 14-7 until their next legislative session on November 18, 2014, with the understanding that Mr. Cropper would be responsible for covering all costs associated with advertising the new public hearing date.

The Commissioners conducted a public hearing to receive public comment on Bill 14-6 (Zoning - Solar Energy Regulations), which was introduced by Commissioners Boggs, Church, Lockfaw and Purnell on August 19, 2014. Also at the meeting were Development Review and Permitting Director Ed Tudor and Economic Development Director Bill Badger. Bill 14-6 was prepared by staff in response to a request by Economic Development to facilitate a more streamlined review process for certain larger solar projects without unduly harming the environment or the local communities' interests. Mr. Tudor stated that Bill 14-6 would revise several subsections of Section ZS 1-344 Alternative Energy Facilities of the Zoning Ordinance relative to solar energy systems as follows: (b) reduces the scope of large solar energy systems for projects generating between 200 kilowatts (kw) to 2.5 megawatts (MW) of power generation to be sold to the general power grid, sold to other power consumers, or consumed on-site and creates a new classification for utility scale solar energy systems, which is any system with a rated design capacity in excess of 2.5 MW of power to be sold to the general power grid; (d)(1) adds a new subparagraph to clarify the standard by which solar panel installation ratings are evaluated; (d)(2) regarding large solar energy systems – reduces the minimum lot area from 50 acres to 30 acres, establishes minimum setback requirements for large solar energy systems of 100 feet from all property lines for sites within the E-1 Estate, V-1 Village, C-1, C-2 and C-3 Commercial Districts and of 50 feet from all property lines for sites within the A-1 and A-2 Agricultural and I-1 and I-2 Industrial Districts, and streamlines the approval process by requiring such systems to be reviewed and processed as a major site plan in accordance with the provisions of Section ZS 1-325 of the Worcester County Zoning Ordinance rather than the more formal two-step approval process; and (d)(3) regarding utility scale solar energy systems – establishes conditions and limitations on utility scale solar energy systems to provide that such

systems may be located in the A-1, A-2, I-1 and I-2 zoning districts with a minimum lot area of 50 acres and establishes a two-step approval process for utility scale solar energy systems, including approval by the County Commissioners after conducting a public hearing as part of Step 1 approval. Mr. Tudor advised that the Planning Commission gave a unanimously unfavorable recommendation of Bill 14-6, as they felt that additional setbacks and vegetative screening should be required for all large solar energy systems, since they would no longer be subject to the two-step approval process. However, they gave a favorable recommendation to a Planning Commission Version of the text amendment, which includes language that would significantly increase setbacks to 200 feet and require a vegetative screen if the solar panels are located within 500 feet of a property either zoned or used for residential purposes. During their discussions on August 19, 2014, the Commissioners agreed to introduce the Staff Version, with consideration to be given during the hearing to the Planning Commission's proposed amendments.

In response to a question from Commissioner Boggs regarding space requirements for large systems, Mr. Tudor pointed out that the solar project at the University of Maryland Eastern Shore is 2.1 MW and occupies 17 acres, while the solar project at Purdue in Salisbury is 1.2 MW and occupies 9 acres. He further advised that the vegetative screening recommended by the Planning Commission would dramatically increase project costs to completely obscure the solar panels from public view, thereby creating an additional burden on developers. He suggested that buffering may be more appropriate if the commissioners were inclined to require such protection. Commissioner Shockley pointed out that only four places in the County have electrical substations, and for a solar project to be feasible, it would need to be located within close proximity to one of these facilities. In response to questions by Commissioner Shockley, Mr. Tudor stated that the electrical substations are located on A-1 and A-2 zoned properties. Commissioner Bunting stated that large solar projects over 200 kw are currently permitted in the E-1 Estate, V-1 Village and C-1 Commercial Districts as well as the Agricultural and Industrial Districts, and if the intent of this legislation is to attract large projects, then utility scale projects should be permitted in these zoning districts as well. Mr. Badger stated that he had been contacted by a number of businesses interested in developing large-scale or utility scale projects and requesting the County realign its regulations to match State regulations. He stated that Bill 14-6 is the product of that request.

Commissioner Church opened the floor to receive public comment.

Mark Cropper, representing Harold Scrimgeour and E.ON, an alternative energy corporation, stated that Mr. Scrimgeour owns property in the Village District within close proximity to an electrical substation, and to date his clients have spent upwards of \$100,000 to determine the feasibility of developing a utility scale project on 78 of those acres. Mr. Cropper stated that the proposed legislation deviates substantially from that which is currently permitted in the V-1 District, and if the Commissioners pass Bill 14-6 as proposed, all the time, efforts and money his clients have invested in this project to date will have been wasted. He stated that he fully supports any language that would expedite that process and increase the attractiveness of Worcester County to solar energy producers; however, he could not support this bill because of the damage it would do to his clients and others like them.

In response to questions by Mr. Cropper Matthew Mooney of E.ON Climate and Renewables North America stated that his organization had done their due diligence, including

critical issues and environmental analysis, geotechnical borings and transmission studies on the Scrimgeour property and determined that they could reliably and safely inject power onto the transmission grid from the proposed site. He stated that to date they have also installed a station that measures sunlight on the property and hired Paradise Energy to monitor that system. He stated that the worth of a project boils down to economics, and projects located within close proximity to electrical substations are the most cost effective locations to tie into the power grid. In response to a question by Commissioner Bunting, Mr. Mooney stated that the size of the project they plan to develop would be based on the needs of future buyers. He stated that they have modeled an upper limit of 24 MW on roughly 250 acres of land. He stated that his organization can support the proposed two-step process as well as the proposed setbacks, but they would prefer to be permitted to use the setback area for landscape buffering. Further, the two-step process is not a significant problem, especially if there is a level of certainty regarding the outcome. In response to a question by Commissioner Bunting, Mr. Tudor advised that the two-step process takes about 6-8 months to complete. County Attorney Sonny Bloxom asked Mr. Cropper what specific amendments to the bill he was requesting in order to recommend approval, to which Mr. Cropper stated that utility scale solar energy systems should be permitted in the V-1 Village District.

Dane Bauer of Diversified Building Solutions of Bishopville stated that his organization is working with several legal firms in the Baltimore area whose clients are interested in developing large solar energy projects on cleared properties located within close proximity to electrical substations on the Eastern Shore. He asked the Commissioners to make requirements for solar projects reasonable, cost effective and streamlined to attract companies. However, in the event that the Commissioners are inclined to require screening, he asked that such requirements be imposed only for areas that are visible to the road. In response to a question by Commissioner Bunting, Mr. Bauer advised that all five properties his clients are considering are located adjacent to electrical substations. He further advised that a two-step process that takes eight months to complete is too long and should be further streamlined. By way of comparison, he pointed out that the approval process to develop similar projects in Salisbury takes roughly three months. In response to further questions by Commissioner Bunting, Mr. Tudor advised that any setbacks imposed on utility-scale solar projects would be set at the Commissioners' discretion under the two-step process.

Robert Busler of Standard Solar of Rockville, Maryland stated that he supports Bill 14-6. He stated that his organization works with municipalities and counties to create large scale solar projects that typically occupy about 10 acres, like the one they recently completed in Pocomoke City. He stated that his organization supports the new definition of a large solar energy system, which mirrors the State law. In response to a question by Commissioner Church, Mr. Busler advised that his organization prefers but does not require project sites to be in close proximity to electrical substations because the power their products produce go back to the electric meters or back onto the grid without causing any strain on the system.

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

In response to a question by Commissioner Shockley, Mr. Tudor stated that the Commissioners could incorporate the Planning Commission's recommendations while easing the financial burden by requiring vegetative buffers, which would partially obscure the visibility of solar projects, rather than vegetative screening, which requires completely obscuring such

projects from sight and would increase project costs significantly. Commissioner Boggs stated that she needed more time to consider this bill. She stated that, while she wants the County to attract such projects, she also wants to be sure the County remains attractive too. Commissioner Gulyas opposed adding the 200-foot setbacks recommended by the Planning Commission. In response to her concerns, Mr. Tudor advised that a 200-foot setback would increase the lot requirements for certain large projects by several acres. Commissioner Bunting stated that the language in Bill 14-6 should be amended to allow utility scale projects in the E-1, V-1, C-1, C-2 and C-3 Districts, as are permitted for large systems in the current County Code. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to postpone further discussion on Bill 14-6 until their November 18, 2014 legislative session to provide staff with time to amend the language therein to address the Commissioners' concerns regarding the inclusion of vegetative buffers for large solar energy systems and including E-1, V-1, C-1, C-2 and C-3 Districts as areas where utility scale solar energy systems are permitted.

The Commissioners conducted a public hearing to receive public comment on Bill 14-8 (Public Safety - Fire Sprinkler Systems for Townhouse Units), which was introduced by Commissioners Boggs, Bunting, Church, Lockfaw and Purnell on August 19, 2014. Fire Marshal Jeff McMahon reviewed the proposed legislation, stating that it was developed by staff to address an oversight in regards to automatic fire sprinkler systems in townhouse structures to establish that townhouse unit shall be considered as a multi-family structure for the purpose of determining the applicable automatic fire sprinkler requirements.

Commissioner Church opened the floor to receive public comment.

There being no public comment, Commissioner Church closed the public hearing.

Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously adopted Bill 14-8 as presented.

The Commissioners conducted a public hearing to receive public comment on Bill 14-9 (Public Safety - Quality Assurance Program for Fire Protection Code Inspections and Tests), which was introduced by Commissioners Boggs, Church, Lockfaw and Purnell on August 19, 2014. Fire Marshal McMahon reviewed the proposed legislation, which would establish a Quality Assurance Program (QAP) to guarantee that fire protection systems are receiving consistent, quality service testing, inspection and maintenance to ensure that such systems will function as designed in the event of an emergency; provides that the QAP shall be administered by the County Fire Marshal's Office; enables the Fire Marshal's Office to use a third-party vendor and/or data collection system approved by the Commissioners to implement the QAP; and establishes criteria to be followed by fire protection system inspection agencies with respect to completion and submission of necessary forms within established time periods and payment of QAP fees, as established by resolution of the County Commissioners. He further stated that, once the bill has been adopted, he would request that the County accept the proposal from Brycer, LLC of Warrenville, Illinois, a third-party, web-based application as the record maintenance system for the County Fire Marshal's Office's QAP. Fire Marshal McMahon stated that the Town of Ocean City currently uses this vendor with great success. He advised that each system

user would be required to pay a \$35 annual fee, with the vendor retaining \$10 for administering the program, while the County would retain the remaining \$25.

In response to a question by Commissioner Boggs, Fire Marshal Jeff McMahon stated that about 60% of the multi-family and commercial structures that would be affected by the new legislation have never recorded their fire protection systems. In response to a question by Commissioner Church, Fire Marshal McMahon stated that there is no cost to the County for participating in this program. Commissioner Bunting stated that he could not support the proposed legislation, as it simply adds another burden to area businesses. Commissioner Lockfaw stated that a QAP would assure compliance of fire systems. In response to a question by Commissioner Bunting, Fire Marshal McMahon advised that after Ocean City implemented this program their compliance rates increased from 20% to 100%. Commissioner Boggs stated that she views the QAP is more of a responsibility than a burden on local businesses.

In response to comments by Commissioner Lockfaw, Emergency Services Director Fred Webster stated that Information Technology (IT) staff could perhaps develop a QAP product from scratch that could then be monitored by the Fire Marshal's Office, but that doing so would mean redirecting IT staff from their current County responsibilities to develop code.

Commissioner Church opened the floor to receive public comment.

There being no public comment, Commissioner Church closed the public hearing.

Following some discussion and upon a motion by Commissioner Boggs, the Commissioners voted 4-3, with Commissioners Boggs, Church, Lockfaw and Purnell voting in favor and Commissioners Bunting, Gulyas and Shockley voting in opposition to adopt Bill 14-9 as presented.

The Commissioners conducted a public hearing to receive public comment on Bill 14-10 (Zoning - Cemeteries in the V-1 Village District), which was introduced by Commissioners Boggs, Bunting, Church, Gulyas, Lockfaw, Purnell and Shockley on September 16, 2014. Mr. Tudor advised that the proposed legislation, which was submitted by staff, would amend the Zoning and Subdivision Control Article to permit cemeteries in the V-1 Village District by special exception. Mr. Tudor advised that staff inadvertently omitted the use in the comprehensive rewrite of the Zoning and Subdivision Control Article in 2009, and this housekeeping measure corrects that oversight. He advised that the Planning Commission gave a unanimously favorable recommendation to the proposed legislation.

Commissioner Church opened the floor to receive public comment.

There being no public comment, Commissioner Church closed the public hearing.

Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously adopted Bill 14-10 (Zoning - Cemeteries in the V-1 Village District) as presented.

The Commissioners conducted a public hearing to receive public comment on Bill 14-11 (Zoning - Aquaculture in the E-1 Estate District), which was introduced by Commissioners Church, Gulyas, Lockfaw and Purnell on September 16, 2014. Mr. Tudor explained that this bill removes aquaculture from the list of permitted principal uses in the E-1 District and adds aquaculture to the list of uses permitted by special exception in the E-1 district, with a minimum

lot area of 15 acres. Mr. Tudor explained that the Planning Commission gave the bill a favorable recommendation, but also suggested that increased setback requirements be considered.

Commissioner Church opened the floor to receive public comment.

Ellen Zajac, of South Point Road in Berlin and President of the South Point Association, stated that members of the South Point Association fully support Bill 14-11 as presented. She advised that South Point consists of a number of subdivisions in the E-1 Estate District consisting of properties ranging from one-half acre to 70 acres in size, many of which are subject to covenants and restrictions that provide area residents with an opportunity to take action if a neighbor engages in a non-permitted use. In response to a question by Commissioner Church, Ms. Zajac advised that the South Point Association is not a homeowners association and cannot impose restrictions on properties located within the South Point area. In response to a question by Commissioner Bunting, Ms. Zajac advised that the covenants in some subdivisions restrict property owners from engaging in commercial activities on their properties. However, one individual in her subdivision is engaged in aquaculture activities and plans to use his five-acre property to store commercial equipment related to this activity, to include cages, boats and trucks that could come and go at any hour. She stated that she supports aquaculture, provided it is done sustainably and intelligently, and this legislation would help assure those ends. County Attorney Sonny Bloxom stated that the covenants and restrictions in most of the South Point subdivisions that he researched permit only single family, residential activity on the lots therein regardless of lot size, and residents must abide by those covenants. In response to a question by Commissioner Church, Mr. Bloxom stated that permitted uses in the E-1 District do not supercede covenant restrictions; therefore, any lot owner has the right in that subdivision to enforce the restrictions. In response to a question by Commissioner Shockley, Mr. Tudor stated that the County has never enforced deed restrictions in any subdivision due to the precedent setting nature of such an action. Commissioner Bunting concurred and stated that this is not the proper venue to try to stop one individual from engaging in commercial activities in a residential area. He cautioned the Commissioners that adoption of the bill would apply to all E-1 zoned properties throughout the County to which he was opposed. In response to a question by Commissioner Bunting, Mr. Bloxom stated that the Commissioners' sole concern with regard to the legislation before them should be to determine whether or not its passage serves the good of the entire County. In response to a request by Commissioner Bunting, Mark Dunlevy of Development Review and Permitting posted a map outlining all the E-1 properties in Bishopville and throughout the County that could be impacted if the Commissioners adopt Bill 14-11 as presented. In response to a question by Commissioner Church, Mr. Bloxom stated that the Commissioners could adopt the legislation before them today and readdress the issue during the next Comprehensive Rezoning. However, he advised that the Commissioners had proposed changing the zoning in South Point from E-1 to R-1 Residential during the last Comprehensive Rezoning, but the residents had strongly opposed such a change. He stated that if they had supported the zoning change, they wouldn't be here today seeking assistance in stopping a neighbor from engaging in commercial activities on his E-1 zoned property.

John Harrison of South Point Road in Berlin stated that the Planning Commission granted a favorable recommendation to Bill 14-11, and he asked the Commissioners to support it as well. He stated that property owners anywhere in the County seeking to engage in commercial activities related to aquaculture on their own properties could do so by obtaining a special

exception from the Board of Zoning Appeals. Commissioner Bunting stated that it would be inherently unfair to require those with property zoned E-1 to submit to an appeal process to obtain a special exception to engage in an activity that is currently permitted on their properties. Commissioner Boggs concurred, stating that the Commissioners should not consider adopting broad-reaching legislation to address this issue.

Sylvia Tunis of South Point stated that the State of Maryland is pushing aquaculture and has funded the legal battles for the property owner in question. She stated that the South Point residents cannot battle an opponent with such deep pockets. She stated that the property owner in question is running a commercial operation in the water, and to support those activities would need to install restrooms and other facilities to accommodate employees and vehicle traffic and to clean and store boats and other commercial equipment. She also stated that, because E-1 zoning allows for aquaculture, her neighbors are watching a huge commercial operation set up business on a two-acre parcel adjacent to their homes. She asked the Commissioners to help them restrict this type of operation in their neighborhood by adopting Bill 14-11 as presented.

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

Commissioner Church stated that adopting Bill 14-11 as presented would address the South Point residents' concerns. Commissioner Shockley argued that increasing the acreage required for aquaculture from five to 15 acres would not necessarily address the issue, since the property owner in question could simply purchase a larger property in the same area. Commissioner Boggs stated that she has traditionally voted against zoning changes that could adversely affect so many people. She stated that, while she sympathizes with the South Point residents, the process by which they seek to address their concerns is out of kilter. In response to a question by Commissioner Purnell, Mr. Bloxom stated that adopting Bill 14-11 would address the residents' concerns. He pointed out that increasing the acreage is logical, as aquaculture operations occupy hundreds of acres in the water, and the current legislation permits the concentration of a large industry on a relatively small property. In response to a question by Commissioner Boggs, Mr. Bloxom stated that the community members could hire an attorney to require the property owner in question to adhere to the covenant restrictions to which his property is bound; however, he would not recommend asking County staff to enforce the subdivision deed covenants. Following much discussion and upon a motion by Commissioner Purnell, the Commissioners voted 4-3, with Commissioners Church, Gulyas, Lockfaw and Purnell voting in favor and Commissioners Bunting, Boggs and Shockley voting in opposition, to adopt Bill 14-11 as presented.

Commissioner Church closed legislative session.

The Commissioners answered questions from the press, after which they adjourned to dedicate the new Mystic Harbour Wastewater Treatment Plant (WWTP), located at 9624 Stephen Decatur Highway in West Ocean City.

The Commissioners adjourned to meet again on November 5, 2014.

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

Wednesday, November 5, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Gulyas, seconded by Commissioner Purnell, with Commissioner Lockfaw absent, the Commissioners unanimously voted to meet in closed session at 9:30 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 10-508(a)(1) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; and George Bradley, Human Resources Director. Topics discussed and actions taken included: filling critical vacant positions, including hiring Christopher Vieira as a Deputy Fire Marshal for the Fire Marshal's Office and Peter Kupec as an Information Technology (IT) Technician within the IT Division of Emergency Services, and reclassifying Diana Wright-Hurley from Store Clerk II to Office Assistant I for Liquor Control; receiving legal advice from counsel; and performing administrative functions.

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

Commissioner Lockfaw was absent from the meeting.

The Commissioners reviewed and approved the minutes of their October 21, 2014 meeting as presented.

The Commissioners presented proclamations to representatives from three area Native American tribes recognizing November as Native American Heritage Month. Those present for the ceremony included People of Mother Earth Wolf Clan members John and Diane “Singing Fire Wolf Woman” Baldwin, Sandy Ennis and Fred and Elise Killian and Accohannock Acting Chief Clarence Tyler, Mike Hinman and Beverly Council. Assateague People tribe member Mike “Quiet Bear” Morabito was unable to attend, so Ms. Baldwin accepted their proclamation on his behalf. The Commissioners recognized the efforts of the three tribes to share their rich heritage and culture with school-age children and adults alike through volunteer outreach programs in Worcester County.

The Commissioners presented a proclamation to Worcester County Department of Social Services (DSS) Deputy Director Roberta Baldwin and DSS staff members Jami Truitt, Jamie Manning, Kimberly Linton and Emily Nichols recognizing November as National Adoption Month and thanking them for helping to assure that abused and neglected children on the Eastern Shore, who cannot remain in their families of origin, are adopted into loving, nurturing and permanent homes.

In a related matter, the Commissioners presented a commendation honoring John and Rochelle Tyler, who have been named the 2014 Worcester County Adoptive Parents of the Year by DSS. The Tylers provided foster care to their son, Mali’ky, beginning on November 26, 2012, and they adopted him on May 2, 2014. Ms. Baldwin received the commendation on behalf of the Tylers, who were unable to attend the meeting.

The Commissioners met with Dr. Jerry Wilson, Superintendent of Schools, to review and discuss the Board of Education’s (BOE) FY16 Public School Construction and Capital Improvement request. Also in attendance were BOE staff Louis Taylor, Assistant Superintendent for Administration; Vince Tolbert, Chief Financial Officer; and Joe Price, Facilities Manager. Dr. Wilson stated that the CIP has been developed in accordance with Maryland Interagency Committee for Public School Construction (IAC) guidelines. He further advised that the CIP was developed in accordance with the Worcester County CIP and is in compliance with the Worcester County Ten-Year CIP and incorporates all prior recommendations of the County Commissioners regarding future school construction needs. He then reviewed the proposed CIP for FY16, which includes a State funding request of \$72,000 for the Snow Hill High School (SHHS) Renovation and Addition project, with a revised maximum State allocation of \$4,667,000 to \$4,739,000, with construction having begun in January 2014 and project completion to occur in fall 2016; Showell Elementary School (SES) replacement planning request, with the feasibility study recommending replacement of the existing facility having been completed in May 2014 and approved by the BOE and Commissioners in August 2014 and the IAC in September 2014 and with schematic design to begin immediately; a proposed addition project at Stephen Decatur Middle School (SDMS) at an estimated cost of \$9.206 million to eliminate nine portable classrooms; roof replacement projects at Pocomoke Middle School (PMS) at an estimated cost of \$2.866 million and Snow Hill Middle School (SHMS) at an estimated cost of \$3.062 million. Dr.

Wilson stated that, following the SES replacement and SDMS addition projects, the BOE envisions a transition from major school construction projects to an emphasis on smaller systemic projects, as they move forward with school construction planning. He explained that the BOE is required to submit their proposed CIP to the IAC with the Commissioners' approval prior to November 28, 2014; therefore, he asked that the Commissioners approve the proposed CIP as a planning document, with individual project approval contingent upon the availability of funds.

In response to a question by Commissioner Bunting, Mr. Price confirmed that the two roof replacement projects at PMS and SHMS, which are slated for FY19 and FY20, respectively, had been added this year as part of long-range planning. He noted that the State would fund 50% of the roof replacement project costs.

Commissioner Boggs expressed concern that the BOE had pushed the SES replacement project forward by six months and had not informed the Commissioners before today of the need to replace the roofs at PMS and SHMS. She noted that the County is just now coming out of the recession and must use any additional funding that becomes available to address major projects that were postponed in prior years. In response to a question by Commissioner Boggs, Chief Administrative Officer Harold Higgins advised that the County is approaching the debt ceiling of either 1% of the assessable base or 10% of the annual operating budget. Commissioner Boggs pointed out that, while the County required all departments and agencies to make 10% cuts to their budgets when the recession began, the BOE had been exempt from that requirement due to Maintenance of Effort, and she stated that she could not in good conscience continue to postpone needed infrastructure projects in other areas of the County to fund these additional BOE projects. Mr. Price stated that, even by moving the SES project forward, the County would not be required to begin funding the bulk of the project until July 2016. He stated that outside of the projects included in the FY16 CIP there are no large school projects on the horizon. He further confirmed that the state requires them to make seven-year projections with regard to school facilities. County Attorney Sonny Bloxom urged the Commissioners to remember that the CIP is only a planning document and does not constitute funding approval.

Commissioner Bunting stated that he could support the inclusion of SES and SHHS in the FY16 CIP, but that the County would not be able to take on the additional debt in the form of bonds for the SDMS addition or the PMS and SHMS roof projects, as doing so many would threaten the County's bond ratings. Furthermore, he stated that four new Commissioners would be sworn into office on December 2, 2014, and he felt it would be unjust for this outgoing board to make a decision today that would limit their ability to manage County resources in the coming years. Commissioner Shockley concurred, stating that the additional funds needed to complete the projects requested in the FY16 CIP would take the County over its maximum bond limit. In response to a question by Commissioner Church, Dr. Wilson requested the Commissioners approve the CIP today to help assure the BOE is able to meet State deadlines. Dr. Wilson advised the Commissioners that he is not seeking funding today for the roof replacements, rather the BOE strives to wisely manage public facilities and inform the Commissioners of future capital projects in a timely manner. Commissioner Purnell thanked Dr. Wilson and his staff for their oversight of public school facilities and urged his fellow Commissioners to keep in mind that their approval of the document before them today does not constitute future funding approval.

A motion by Commissioner Gulyas to approve the BOE CIP as presented failed 3-2-1, with Commissioners Church, Gulyas and Purnell voting in favor of the motion, Commissioners

Boggs and Bunting voting in opposition to the motion, and Commissioner Shockley abstaining. Mr. Tolbert urged the Commissioners to view the CIP as a plan that allows them to look out five years at needs that are on the horizon, and to keep in mind that there is no funding commitment attached to their approval of the CIP as presented.

Following further discussion and upon a motion by Commissioner Bunting the Commissioners voted 5-1, with Commissioner Gulyas voting in opposition, to approve a revised CIP as a planning document, provided the roof replacement projects at PMS and SHMS are removed.

In a related matter, the Commissioners agreed to discuss the proposed timing of the design and construction of the SES Replacement Project at a future meeting contingent upon receipt of a formal request and backup materials by the BOE prior to that meeting.

The Commissioners met with Housing Program Administrator Jo Ellen Bynum to discuss requesting authorization from the Maryland Department of Housing and Community Development (DHCD) to pre-incur costs on the County's newest Community Development Block Grant (CDBG). Ms. Bynum explained that the County has been awarded \$300,000 in CDBG funds to continue the Worcester County Housing Rehabilitation Program, but due to a backlog the State does not plan to release these funds for at least another month. She advised that DHCD Director Cindy Stone had advised her to send a letter requesting authorization to pre-incur costs on the grant, so the County can begin bidding and construction on several wait-listed projects, with the State to reimburse the County for these costs. In response to a question by Commissioner Boggs, Ms. Bynum stated that a change in State leadership in January 2015 should have no bearing on State CDBG funds awarded for FY15. Following some discussion and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the proposed letter.

Pursuant to the request of Ms. Bynum and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved bid specifications for the general rehabilitation and lead risk reduction at an owner-occupied home in the Berlin area, which is to be funded through the County's new Housing Rehabilitation Grant, as soon as funds are released by the State.

Pursuant to the request of Ms. Bynum and upon a motion by Commissioner Shockley, the Commissioners unanimously approved bid specifications for the following three projects, all of which are to be funded through the County's new Housing Rehabilitation Grant, as soon as funds are released by the State: general rehabilitation of an owner-occupied home in the Pocomoke City area; installation of a septic system at an owner-occupied home in the Stockton area; and replacement of a well at an owner-occupied home in the Stockton area.

Pursuant to the request of Recreation and Parks Director Paige Hurley and upon a motion by Commissioner Boggs, the Commissioners unanimously approved out-of-state travel for Mr. Hurley to attend the National Association of Sports Commissions National Conference in Milwaukee, Wisconsin from April 27-30, 2015 at a total cost of approximately \$1,500, which includes lodging, meals and airline tickets. Mr. Hurley advised that, as part of Team Maryland,

the County, the Town of Ocean City and Wicomico County receive free conference registration. He advised that funding for this expense is available in his budget.

The Commissioners met with Emergency Services Director Fred Webster to discuss allocating funding in the amount of \$1,314 to purchase emergency kits at a cost of \$10.95 each to meet new Federal Center for Disease Control (CDC) guidelines on clothing designed to protect ambulance providers who may come in contact with the Ebola virus. Mr. Webster stated that each of the County's 30 ambulances would be equipped with three kits, and an additional 30 kits would be stored in the Emergency Services Mass Casualty Trailer for future use. He stated that these kits have a shelf life of approximately two years. Commissioner Shockley stated that funding for this extra equipment is a critical need, and he recommended allocating additional funding to provide a small cushion to purchase additional kits if the need arises. In response to a question by Commissioner Bunting, Commissioner Shockley recommended increasing the suggested funding to \$2,000. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to allocate additional funding in the amount of \$2,000 to Emergency Services to purchase the needed emergency kits.

The Commissioners met with Environmental Programs Director Bob Mitchell to discuss a letter from Berlin Mayor Gee Williams requesting the County deed an easement to the town for 1.35 acre of County-owned land that abuts the Hudson Branch between Flower Street and Bay Street in Berlin. Mr. Mitchell stated that the town plans to initiate a project on this land to address stormwater and flooding initiatives, including establishing an off-line wetland to improve water quality and reduce upstream flooding. Mr. Mitchell concluded that this project would benefit both the town and County, with respect to flooding mitigation, and the wetland would provide water treatment and Total Maximum Daily Load (TMDL) credits. Therefore, he recommended sending a letter of support to the town for this project. Following some discussion and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to send a letter supporting the project and granting conceptual approval for the requested easement, subject to review and final approval of the terms and conditions of the easement.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously endorsed the County's Application for Financial Assistance from the United States Department of Agriculture (USDA) Rural Development to provide funding in the amount of \$3.2 million to develop an effluent reuse and disposal program between the County and the Town of Ocean City West to serve the Mystic Harbour Wastewater Treatment Plant (WWTP).

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Shockley, the Commissioners unanimously approved the Project Turnover Agreement and authorized Chief Administrative Officer Harold Higgins to sign the Deed, Bill of Sale and Assignment for the-Sun Castaways Sewer Pipeline. The Commissioners, as the governing Body of the Mystic Harbour Sanitary Service Area (SSA), entered into the Worcester County Small Project Wastewater Agreement with Sun Castaways RV, LLC (Developer) on February 4, 2014 to establish a sewer connection that allowed Castaways to be served by the Mystic Harbour Sanitary Service Area (SSA) and allowed the County to piggyback on the design and construction

contracts for a total of 13,582 feet of six-inch treated effluent force main to be installed for spray irrigation at a total cost of \$255,206.49 or \$18.79 per foot. Mr. Tustin stated that teaming with Sun castaways on this project saved the County considerable time and expense, as nearby projects have cost between \$71 and \$78 per foot for pipe installation.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to waive the standard bid process and accept the proposal from Sherwood-Logan & Associates, Inc. of Annapolis, Maryland for the purchase and delivery of two new Xylem Flygt Dry-Pit Submersible Pumps for West Ocean City Pump Station 3 at a total cost of \$13,650. Mr. Tustin advised that the County began installing Flygt Pumps in all the new and upgraded pump stations in 2007, and to date they have been installed in Pump Stations 1, 2 and 4 in West Ocean City. He advised that funding in the amount of \$60,000 is available in the FY15 budget for this project.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously awarded the low bid for design, supply and installation for replacing the glazing in the two sludge drying greenhouses at the Ocean Pines WWTP to Erie Structures of Tillsonburg, Ontario, Canada at a total cost of \$157,918.27. Mr. Tustin advised that while this bid came in at \$121,181.73 less than the second lowest bid in the amount of \$279,100 from Rough Brothers of Cincinnati, Ohio, the low bidder has been fully vetted and has successfully completed a number of projects at Salisbury University and the University of Maryland Eastern Shore. Therefore, he felt confident Erie Structures was qualified to complete this project as well.

The Commissioners met with Mr. Tustin to discuss the replacement of approximately 250 water service lines in the Ocean Pines Service Area, with funding for this project included in the Consolidated Public Improvement Bonds, 2014 Series. Mr. Tustin advised that the County received no bids for this project by the first bid deadline in spring 2014 or by the second bid deadline on September 29, 2014. He stated that staff contacted a number of contractors who expressed interest in the work but did not bid on the project and were told that the scope of work was more than they could handle; however, all of the contractors they contacted expressed the desire to be involved in the project. Therefore Mr. Tustin recommended entering into negotiations with one or more qualified contractors while reducing the scope of work to a level that better matches their ability to complete the project. He stated that these small, local contractors would provide prices on smaller numbers of the service lines which could then be approved by the Commissioners. In response to a question by Commissioner Boggs, Mr. Tustin advised that there are approximately 47 lines that need to be replaced immediately. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to waive the standard bid process and authorized Public Works staff to begin negotiations with qualified local contractors to complete smaller portions of the project until all of the lines have been replaced as recommended.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to waive the standard bid process and accepted a

proposal from Metta Technologies of Toledo, Ohio for the provision of six Bull Litter Fence units with canopy measuring 24 feet x 15 feet each at a per-unit price of \$4,495 totaling \$26,970 plus freight at \$2,665 for a total cost of \$29,635. Mr. Tustin explained that Metta Technologies is the sole source for the type of fencing, which also provides a five-year warranty.

Pursuant to the recommendation of Mr. Bloxom and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Commission President Church to sign the Termination of Pines Plaza Shared Facility Agreement (SFA). Mr. Bloxom explained that the parties to the SFA have abandoned the shared facility and connected to the public sewer service now available through the Ocean Pines Sanitary Service Area (SSA).

Commissioner Church recognized Diana Purnell and Chip Bertino, both of whom were in attendance at the meeting and were elected Tuesday, November, 4, 2014, to serve as County Commissioners during the 2014-2018 term to represent the Central District - District Two, and Ocean Pines District - District Five, respectively.

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

Following a motion by Commissioner Gulyas, seconded by Commissioner Purnell, with Commissioner Lockfaw absent, the Commissioners unanimously voted to meet in closed session at 11:21 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 10-508(a) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; and Kim Moses, Public Information Officer. Topics discussed and actions taken included performing administrative functions.

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

The Commissioners adjourned to meet again on November 18, 2014.

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

November 18, 2014

James C. Church, President  
Merrill W. Lockfaw, Jr., Vice President  
Judith O. Boggs  
Madison J. Bunting, Jr.  
Louise L. Gulyas  
James L. Purnell, Jr.  
Virgil L. Shockley

Following a motion by Commissioner Gulyas, seconded by Commissioner Purnell, 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) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; George Bradley, Human Resources Director; John Tustin, Public Works Director; and John Ross, Public Works Deputy Director. Topics discussed and actions taken included: filling critical vacant positions, including advertising to fill one vacant Vehicle/Equipment Mechanic I position within the Roads Division of Public Works; and acknowledging the hiring of Rue Alexandra Stannas as an Office Assistant II for the State's Attorney; receiving legal advice from counsel; and performing administrative functions.

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

The Commissioners reviewed and approved the minutes of their November 5, 2014 meeting as presented.

Pursuant to the recommendation of Emergency Services Director Fred Webster and upon a motion by Commissioner Gulyas, the Commissioners unanimously authorized Chief Administrative Officer Harold Higgins to have Verizon transfer the County from the existing T-1 Landline Services and replace County service with their new Private Internet Protocol (PIP) Service for a period of one year at an approximate monthly cost of \$839, which is an increase of \$262 per month over the existing T-1 charges of \$577 per month, for a total annual cost increase of \$3,144. Mr. Webster explained that Verizon is eliminating T-1 service. He further stated that the County is in the process of acquiring and installing equipment to create a Virtual Private Network (VPN) to serve the Sheriff's Office, Fire Marshal and Emergency Services Mobile Data Terminals (MDTs), at which time the County would have no further need of the PIP service and would have no need to renew the one-year Verizon contract when it expires.

The Commissioners met with Department of Liquor Control (DLC) Director Bobby Cowger to discuss terminating the County's tenancy for the Snow Hill Retail Liquor Store effective December 31, 2014. Mr. Cowger advised that, due to the loss of revenue to competing Maryland wholesalers and an issuance of a new liquor license to the IGA Store in Snow Hill, the DLC Management Committee recommended closing the Snow Hill Retail Liquor Store to further restructure the DLC to maintain a profitable revenue stream. Mr. Cowger explained that the Snow Hill store has struggled to be profitable the past several years, even before the competition from the wholesalers and the IGA. In response to a question by Commissioner Church, Mr. Cowger stated that, following the sunset provision that ended the County's monopoly on the sale of alcohol, the DLC is no longer required to operate a liquor store in each of the towns. Upon a motion by Commissioner Gulyas, the Commissioners unanimously agreed to send a letter to Sunwoo and Kyunghi Nam advising them that the County will terminate its tenancy of the Snow Hill Liquor Store and vacate the property no later than December 31, 2014.

In a related matter, Mr. Cowger recognized outgoing Commissioners Boggs, Gulyas, Purnell and Shockley and thanked them for their service to the County.

Pursuant to the recommendation of Assistant Chief Administrative Officer Kelly Shannahan and upon a motion by Commissioner Shockley, the Commissioners unanimously agreed to extend the contracts for legal advertising services for an additional year through December 31, 2015 from both The Daily Times Group (The Daily Times, Worcester County Times and Ocean Pines Independent), which serves the entire County, at \$8.00 per column inch and the Ocean City Today Group (O.C. Digest/O.C. Today), which serves northern Worcester County, at \$3.00 per column inch. Awarding bids to both organizations allows the County to maximize exposure and ensures future competition.

The Commissioners reviewed a memo from Mr. Shannahan regarding the Commissioners' proposed meeting schedule and budget schedule for 2015. Upon a motion by Commissioner Purnell, the Commissioners unanimously approved their schedule of meeting dates and budget schedule for calendar year 2015 as proposed. The Commissioners' meetings are generally held on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month, except where such dates fall on a legal holiday or other conflicting event. In the year 2015, there are no conflicting holidays on the regularly scheduled meeting dates.

The Commissioners met with Public Works Director John Tustin to review and discuss a report from Andrew Welch of Davis, Bowen & Friedel (DBF), Inc. of Salisbury, Maryland outlining the company's findings regarding the recent inspection of the Cedar Lane Road Bridge. Based on their inspection, DBF found that, based upon the deterioration of timber piles and abutment sheeting, serious consideration should be given to replacing the bridge in the long-term and in the short-term installing load posting signs immediately at 20,000 pounds (lbs) for single unit vehicles and 34,000 lbs for combination unit vehicles on both approaches until such time as bridge replacement is possible. Following some discussion and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized staff to post the requested signage and begin planning for bridge replacement.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously awarded the low bid to replace the sewage force mains on Ocean Parkway and Birdsnest Drive transporting wastewater from the north side of Ocean Pines to the Wastewater Treatment Plant (WWTP) to A-Del Construction Company, Inc. of Newark, Delaware at a total cost of \$1,666,530. Mr. Tustin stated that funding is available in the recent \$5.3 million bond to cover this cost.

In a related matter, pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Boggs, the Commissioners unanimously accepted the proposal modification from EA Engineering, Science, & Technology, Inc. of Ocean Pines, Maryland for services related to the sewage force main replacement project in the Ocean Pines Sanitary Service Area, to include construction administrative services up to \$32,779 and construction inspection services up to \$39,833, at a total cost of up to \$72,612. In response to a question by Commissioner Bunting, Mr. Tustin stated that the project would take approximately six months to complete.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Purnell, the Commissioners unanimously awarded bids for the purchase of 23 vehicles as follows: two 3/4-ton Ford F-250 4x2 cab chassis with utility body at a total cost of \$55,051.84, which exceeded the budgeted cost by \$51.84, and one 1 1/2-ton Ford F-450 4x2 cab chassis with utility body truck at a cost of \$47,209.80, which exceeded the budgeted cost by \$13,209.80, to Sherwood Ford, Inc. of Salisbury, Maryland; and four 1/2-ton Ford F-150 full size pickup trucks at a cost of \$80,788, one 1-ton Ford F-350 4x2 cab chassis with utility body truck at a cost of \$29,983, one Chevrolet Tahoe full size 4x4 SUV at a cost of \$31,833, which exceeded the budgeted cost by \$388.00, three Ford Focus standard sedans type 1 at a cost of \$46,392, two Dodge Grand Caravan 7-passenger mini vans at a cost of \$41,734; two Chevrolet Express 8-passenger full size vans at a total cost of \$49,434, one Chevrolet Tahoe full size 4x4 SUV at a total cost of \$32,823, which exceeded the budgeted cost by \$1,328, 5 Chevrolet Tahoe full size 4x2 police pursuit SUVs at a total cost of \$149,210, which exceeded the budgeted cost by \$955, and one Chevrolet Tahoe full size 4x2 police pursuit SUV at total cost of \$29,283 to Hertrich Fleet Services, Inc. of Milford, Delaware. Mr. Tustin stated that funds are available in the Water and Wastewater Enterprise Fund to address overages for the 1-ton utility body truck and 1 1/2-ton crew cab utility body truck and in the Unassigned Fund Balance to cover the remaining vehicle overages.

Pursuant to the recommendation of Mr. Tustin and upon motions by Commissioner Boggs, the Commissioners unanimously declared the proposed list of County equipment and vehicles to be surplus property and agreed to notify the public of their intent to dispose of the surplus property by auction on GovDeals.com.

In a related matter and upon a motion by Commissioner Gulyas, the Commissioners unanimously approved GovDeals Financial Settlement Services Option B4, to have GovDeals collect the proceeds, thus reducing the County expenses, saving labor costs and streamlining the process of disposing of surplus property. Mr. Tustin stated that under Option B4 the County would incur no fees and the winning bidder would pay a 12.5% buyers premium to cover all GovDeals administrative handling costs.

The Commissioners met with Recreation and Parks Director Paige Hurley and Maryland Coastal Bays Foundation (MCBF) Executive Director Dave Wilson to review and discuss a revised draft Memorandum of Understanding (MOU) between the County Commissioners of Worcester County, Maryland and the MCBF regarding the maintenance and management of the Greys Creek Nature Park (Park), in compliance with the County's MOU with the State of Maryland's Program Open Space (POS), entered into in 2006 when the County acquired this property through State purchase. The Commissioners originally considered the draft MOU at their March 18, 2014 meeting, at which time they postponed further consideration of the MOU until the following issues could be addressed: removing references to a kayak launch, the need for a new entrance and egress prior to public access, adding language outlining the intention of planting trees on the property wherever possible, examining the feasibility of limiting hunting, and creating a committee made up of Hidden Harbor and local residents who could help devise, reject or accept management options. Mr. Hurley reviewed the revised draft MOU, which addresses the Commissioners' earlier concerns. He advised that the MCBF would take the lead in developing plans for various trail systems as well as fostering community involvement on site through their leadership of volunteers, interns and seasonal employees. Mr. Wilson stated that there would be no access to the park through Hidden Harbor, and the local residents would have a voice in how the park operates. He reviewed Exhibit B of the MOU, which outlines MCBF's proposal to manage the Greys Creek Nature Park for the purpose of inspiring conservation action in the Coastal Bays through wise stewardship and conservation ethics, education, research and monitoring, passive recreation, partnerships and securing sources of program funding. He urged the Commissioners to consider allowing the proposed hunting on the site to manage the deer population. Commissioner Boggs stated that this partnership is a win-win for the County, and she commended Mr. Hurley and Mr. Wilson for their efforts to address the Commissioners' concerns. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners unanimously authorized Commission President Church to sign the MOU as presented.

In a related matter, Mr. Wilson acknowledged the outgoing Commissioners for their partnership and support of the MCBF over the years to accomplish projects that protect and enhance Worcester County.

The Commissioners conducted a public hearing to receive public comment on a Comprehensive Water and Sewerage Plan amendment application, as submitted by Mitchell Parker on behalf of Parkel Corp, which seeks to amend the County Water and Sewerage Plan to expand the Mystic Harbour Sewer Planning Area to designate more of Frontier Town Campground, located on Stephen Decatur Highway (MD Rt. 611) and more specifically as shown on Tax Map 33 as Parcel 94, for public sanitary sewer service from the Mystic Harbour sewer system. Environmental Programs Director Bob Mitchell stated that this connection would eliminate more than 50,000 gallons per day (gpd) of conventional septic flow from the Coastal Bays Critical Area. He further stated that the Planning Commission found the proposal to be consistent with the County's Comprehensive Plan and existing zoning classifications.

Commissioner Church opened the floor to receive public comment.

Mitch Parker, co-owner of Frontier Town, stated that Frontier Town has been served by conventional well and septic since opening in 1960, and the proposed amendment would allow him to better serve his customers and eliminate nitrogen from septic in the Coastal Bays watershed. Therefore, he asked the Commissioners to support the proposed amendment as presented.

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

Upon a motion by Commissioner Bunting, the Commissioners unanimously adopted Resolution No. 14-24 amending the Comprehensive Water and Sewerage Plan for Worcester County to add the Frontier Town Campground to the Mystic Harbour Sanitary Service Area (SSA).

The Commissioners met in legislative session.

Chief Administrative Officer Harold Higgins announced that the public hearing on Bill 14-7 (Zoning - Extended Stay Hotel or Motel) had been once again postponed at the applicant's request, and a new date for the hearing had not yet been determined pending notification by the applicant's attorney, Hugh Cropper.

The Commissioners met with Development Review and Permitting Director Ed Tudor and Economic Development Director Bill Badger to review draft revisions to Bill 14-6 (Zoning - Solar Energy Regulations), as directed by the Commissioners following the public hearing on the bill on October 21, 2014. As a result of the hearing, the Commissioners directed staff to amend the language of the bill to address the Commissioners' concerns regarding the inclusion of vegetative buffers rather than screening for large solar energy systems and to include the E-1 Estate, V-1 Village and C-1, C-2 and C-3 Commercial Districts as areas where utility scale solar energy systems are permitted. Mr. Tudor reviewed the revisions, noting that Section 4 includes a provision to require a vegetative buffer as opposed to the landscape screening suggested by the Planning Commission for large solar energy systems when the panels are located within 500 feet of any property zoned or used for residential purposes and providing that said buffers shall be located in the required yard setback adjoining such residential use or zoning. He further noted that Section 5 adds the E-1, V-1, C-1, C-2 and C-3 zoning districts to the list of permissible zoning districts for utility scale solar energy systems. He concluded that all other language in Bill 14-6 remains the same. In response to a question by Commissioner Shockley, Mr. Tudor advised that setback requirements for utility scale solar energy systems would be set by the Commissioners on a case-by-case basis. Commissioner Bunting thanked staff for developing the

two proposed amendments to address the Commissioners' concerns. Upon a motion by Commissioner Bunting, the Commissioners unanimously approved the two amendments as presented. Upon a subsequent motion by Commissioner Bunting, the Commissioners unanimously adopted Bill 14-6 as amended.

The Commissioners met with Mr. Tudor to review a proposed text amendment application submitted by the National Aeronautics and Space Administration (NASA) seeking to amend Sections ZS 1-201(c) and ZS 1-202(c) of the Zoning and Subdivision Control Article by adding a new subsection to each that would allow by special exception noncommercial scientific research stations for the collection of atmospheric, astronomic, weather or biological data for research purposes, operated by academic, nonprofit or governmental entities. Mr. Tudor stated that, under this particular section of the current code, NASA is limited to an initial approval period of one year and with re-application may receive an exemption for one additional year only. He stated that NASA would like to maintain the substations on a more permanent basis to support a significant and valuable scientific project to collect data on rainfall. Following some discussion, Commissioners Bunting and Church agreed to introduce the aforementioned bill as Bill 14-12 (Zoning - Research Facilities in the A-1 and A-2 Agricultural Districts) and agreed to schedule a public hearing to receive public comment on the bill for December 16, 2014.

Commissioner Church closed the legislative session.

Chief Administrative Officer Harold Higgins recognized Mike Pennington, Executive Director of the Tri-County Council (TCC) for the Lower Eastern Shore of Maryland, who was in attendance at the meeting. Mr. Pennington addressed the outgoing Commissioners and thanked them for their service to the Lower Eastern Shore as former members and chairs of the TCC.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Church to sign the Change in Work Scope to the original Bishopville Dam project permit through the U.S. Army Corps of Engineers (USACE) to alter the job description of the Bunting's Branch/Bishopville Prong, Worcester County, MD wetlands license and updated plans to reflect changes needed to complete the project.

The Commissioners met with Mr. Mitchell to schedule a public hearing on a Comprehensive Water and Sewerage Plan amendment application submitted by Mark Wittmeyer on behalf of Cox 122 Raceway and Greys Corner, LLC, owners of the Crabs to Go properties, to expand the Ocean Downs Sewer Planning Area to designate the Crabs to Go commercial area properties, identified on Tax Map 21 as Parcels 153, 154, 155, 156 and 170, for public sanitary service from the Ocean Downs Sanitary Service Area (SSA). Mr. Mitchell stated that the proposed connection would eliminate 10 equivalent dwelling units (EDUs) of conventional septic flow from the Coastal Bays watershed. He further advised that the Planning Commission found the proposed amendment to be consistent with the County's Comprehensive Plan and existing zoning classifications. In response to a question by Commissioner Boggs, Mr. Mitchell stated that if served by public sewer Crabs to Go would be able to expand their existing business to serve meals onsite rather than through takeout only. Upon a motion by Commissioner Boggs, the Commissioners unanimously agreed to schedule a public hearing on December 16, 2014 to

receive public comment on the proposed amendment to the Worcester County Water and Sewerage Plan as outlined.

The Commissioners met with Recreation and Parks Director Paige Hurley to discuss a letter from Brian Tinkler of Martha's Landing, LLC offering to add an additional 500 cubic yards of dredge materials to restore the beach at Homer Gudelsky Park in West Ocean City to its original grade and to use the park as a staging area for stockpiling additional sand for a proposed project immediately adjacent to the park to create a similar beach. Mr. Hurley stated that he fully supports the request, as the sand is needed to restore the park, and the staging area would be temporary and occur in the off-season, thereby causing only a minimal impact to park users. He stated that there would be no cost to the County for the sand. In his letter, Mr. Tinkler confirmed that the stockpiled material would not be trucked off-site and understood that it can only be used on the County property and the adjacent property.

In response to questions by Commissioner Bunting, Chris McCabe, of Coastal Compliance Solutions, LLC, stated that plans for the adjacent property include extending riprap around to fishing channel and placing 400 cubic yards of additional material behind it to halt erosion. In response to a question by Commissioner Bunting, County Attorney Sonny Bloxom stated that the Commissioners could approve the project subject to approval by the Shoreline Commission. In response to a question by Commissioner Boggs, Parks Superintendent Bill Rodriguez stated that the sand is needed to correct the erosion that occurred during hurricane Sandy. Commissioner Bunting expressed concern that permit applications had not yet been submitted. Following some discussion and upon a motion by Commissioner Boggs, the Commissioners voted 4-2-1, with Commissioners Boggs, Gulyas, Lockfaw and Purnell voting in favor of the motion, Commissioners Bunting and Shockley voting in opposition and Commissioner Church abstaining, to approve the request as presented.

Pursuant to the request of Mr. Hurley and upon a motion by Commissioner Shockley, the Commissioners unanimously awarded the low bid for the replacement of 14 structural posts at the John Walter Smith Park Pavilion in Snow Hill to J & L Services, Inc. of Seaford, Delaware at a total cost of \$14,602.60.

The following individuals recognized and thanked the outgoing Commissioners for their service to the County: Berlin Council member Thom Gulyas, Berlin Mayor Gee Williams and Snow Hill Mayor Charles Dorman.

The Commissioners recessed until 11:20 a.m.

The Commissioners met with Economic Development Director Bill Badger and Randall Gustafson, Vice President of Operations and Transportation Analyst for Stone Consulting, Inc. of Warren, Pennsylvania to review the Worcester County, Maryland Excursion Railroad Feasibility Analysis Phase I Report. Mr. Gustafson reviewed a PowerPoint outlining the findings of the feasibility study as follows: Study Project Goals; Site Visit; Tourism Market Estimates; Visitor Counts; Demographic Market Segment Breakdowns; Ridership Market Analysis and Seasonal Demand; Don't Compete with the Beach, and Instead Command the Market with Special Events;

The Summer Mountain of Visitors; Non-Traditional Ridership Segments Now Dominate; Ridership Modeling Demand Distribution; Competition; Visibility + Location = Ridership; Signage on High-Traffic Corridors; Worcester County Traffic Patterns; Annual Average Daily Traffic (AADT) Traffic Counters; Traffic Levels; More on Visibility; Existing and Previous Excursion Railroads in the Region; Capital Spending Considerations and Phase 1 Report Concerns, including; #1 Issue: Track Condition; #2 Issue: Equipment Storage and Maintenance; #3 Issue: Passing Sidings; #4 Issue: Boarding Locations; and Next Steps. Regarding Boarding locations, Mr. Gustafson explained that Berlin is well-located and offers high visibility but has restricted parking and no facility immediately available to serve as a train station; Newark is in a poor location to traffic flow, and the preserved museum building is not easily or desirably modified as a base of operations but is well-located as a midpoint turnaround and point of interest; Snow Hill, which includes a depot building that is immediately ready for operations. Regarding next steps, Mr. Gustafson reviewed the following: identifying improvement costs necessary at each location, identifying startup alternatives, developing a business plan that includes a realistic estimate of cash flow available for improvements and benefits of public investment, perform an economic impact analysis based on improvements and excursion operations, including job creation; and explore a Request for Proposals (RFP) to identify potential excursion operators.

In response to a question by Commissioner Boggs, Mr. Gustafson stated that Worcester County could be ideally suited to sustain an excursion train, due to its large second home market and wide shoulder seasons, with marketing of the train to be directed to regional residents through the hosting of special events rather than marketing solely to visitors. He stated that the summer peak would likely provide only 27.53% of the ridership needed to sustain operations. He further stated that high visibility and signage would be a key to success. In response to a question by Commissioner Bunting, Mr. Gustafson stated that improvements will be needed to the track to enable trains traveling at approximately 15 miles per hour and the track being subject to meeting travel safety requirements for passenger rail. He stated that the Commissioners must consider who would be responsible for funding the needed improvements. He further stated that running an excursion train from Berlin to Snow Hill and back would not be very interesting to people, as the ride is slow and offers little in the way of scenic interest. Therefore, he suggested possibly cutting the proposed length by half and running it from either Berlin to Newark or from Snow Hill to Newark. He stated that the next steps would include a Phase II analysis that would identify cost improvements necessary at each location. Following much discussion, the Commissioners directed Mr. Badger to identify and provide them with all costs associated with Phase II of the Excursion Train Feasibility Study for their consideration at a future meeting.

Commissioner Church invited outgoing Commissioners Boggs, Gulyas, Purnell and Shockley to give closing remarks.

Commissioner Shockley thanked the residents for allowing him to serve them as a Commissioner for the past 16 years, and noted that in that time he and his fellow Commissioners had the privilege of hiring many of the current County employees. He urged Commissioners serving in the 2014-2018 term to consider the five following changes: create and make available digital recording of the meetings; replace the cumbersome Commissioners meeting packets with computer tablets; amend the U.S. Rt. 50 Corridor Plan to attract large commercial entities, like

Cabella's and Cracker Barrel; resume meeting annually with the Fire Chiefs; and provide access to broadband internet service to those living in the unincorporated areas of the County, particularly in dead zones, such as Girdletree and Stockton. He also urged the Commissioners to continue opposing the Phosphorus Management Tool (PMT) proposed by the Maryland Department of Agriculture (MDA) and Governor Martin O'Malley, as it would devastate Eastern Shore farming and poultry.

Commissioner Boggs stated that it has been both an honor and a pleasure to serve as a Commissioner for three consecutive terms. She stated that Commissioners learn new things every day, and she had learned more about chickens and sewer than she ever thought possible. She thanked her fellow Commissioners and staff, noting that she had never before seen a group of individuals work together as a team in such a fashion to support the Commissioners and all of the people of Worcester County. She concluded that she was glad to be leaving the Ocean Pines District - District Five in the capable hands of Commissioner-elect Chip Bertino who has attended every meeting of the Commissioners for as long as she could remember and is ready to hit the ground running.

Commissioner Purnell expressed his appreciation to County staff who took him under their wing and taught him the ropes after he was elected to office in 1995. He gave special thanks to Sonny Bloxom and former Chief Administrative Officer Jerry Mason. He stated that the Commissioners and County residents are fortunate to have County staff who are knowledgeable, caring and quick to assist the public. He stated that he was glad to be part of the renovation of Stephen Decatur Middle School, Stephen Decatur High School and Pocomoke High School, construction of a new Ocean City Elementary School and Worcester Technical High School, and the ongoing project to renovate Snow Hill High School. He stated that he has never left a meeting angry, but rather trusted items upon which the Commissioners may have had difficulty reaching a consensus to be in God's hands. He urged the next board to do the same, and he paid tribute to Commissioner-elect Diana Purnell who will take his place as the Central District - District Two Commissioner beginning December 2, 2014.

Commissioner Gulyas thanked County staff for their support during her 16 years of serving Ocean City and the County as a Commissioner. She stated that the County has overcome difficult times because of their ability to work together. She urged the new Commissioners to consider options that are in the best interest of the County as a whole when making decisions and to continue to place a high value on supporting and protecting tourism, farming, and the rural nature of the County. She stated that it has been an honor and privilege to serve the residents and visitors of Worcester County and an awesome experience personally.

Commissioners Bunting, Church and Lockfaw paid homage to the outgoing Commissioners. Commissioner Bunting thanked each for the 63 years worth of combined experience they've given to the County and to him during his first years in office. He stated that they taught him a lot and would miss them, Commissioner Gulyas in particular for the friendly banter they had exchanged over the years.

Commissioner Lockfaw agreed, stating that they had accomplished a great deal together to benefit the County, and he enjoyed working with them. He wished them the best in all their future endeavors.

Commissioner Church stated that it has been a privilege working with each of them, noting their comradery and shared interests. To the new Commissioners, he stated that they have

big shoes to fill. He stated there would be days the Commissioners as a whole would go toe to toe on certain issues in closed session, but that regardless of the outcome of the votes, who voted for or who voted against a particular motion, it was vital that they remain united. He stated that they should not expect to always agree with one another, and they should recognize that disagreements should be viewed as a good thing, because it is just that sort of diversity that assures the continued protection of the County as a whole.

The Commissioners answered questions from the press, after which the board adjourned to meet again on December 2, 2014.

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

December 2, 2014

Madison J. Bunting, Jr., incoming President  
Merrill W. Lockfaw, Jr., Vice President  
Anthony W. Bertino, Jr.  
James C. Church, outgoing President  
Theodore J. Elder  
Joseph M. Mitrecic  
Diana Purnell

Commissioner Church called the meeting to order.

Susan Braniecki, Clerk of Court for Worcester County, swore in the seven newly elected County Commissioners.

Commissioner Church stated that this is a new beginning for the County, with four new Commissioners now filling the seats of former Commissioners Judith O. Boggs, Louise L. Gulyas, James L. Purnell, Jr. and Virgil L. Shockley. He called on each of the newly-sworn County Commissioners for comments.

Commissioner Purnell thanked all who supported her campaign, voted for her and prayed for her. She stated she does not take lightly the confidence they have placed in her to represent them as a County Commissioner. She stated that it is her job to assure her actions meet with their satisfaction, and she advised the public that her phone is with her and her door is always open to them and asked for their continued prayers.

Commissioner Mitrecic stated that he has been waiting for this moment to arrive since January 2014, since he ran unopposed, and he is looking forward to getting started. He thanked his family and friends, Ocean City Mayor Rick Meehan and City Council members, with whom he previously served, and Senator Jim Mathias for their support. He stated that portraits of former boards line the back hall. He acknowledged that he understands he has some big shoes to fill, but knows he is up to the task.

Commissioner Bertino stated that it is an honor and a privilege to sit in the seat as a County Commissioner and thanked the people of Ocean Pines for placing their faith in him to serve the needs of their community. He stated that it is a responsibility he will not take lightly, and over the course of the next four years he will strive to make decisions that are in the best interest of Ocean Pines and the County. He recognized his wife, Susan, and Marie Gilmore for their unfailing support throughout the campaign. He also commended staff for their tireless efforts to assist the Commissioners and the citizens of the County.

Commissioner Elder stated that he is a man of few words, but he would be remiss not to point out that none of his colleagues has had a longer or harder path to get to this seat than he has. He stated that it has been quite a struggle and thanked his family, stating that he would not be here today if they had not been standing beside him and pushing him to continue. He recognized his grand daughter, Tara McAllister, whose campaign support even included captivating those at the poles by doing somersaults. He closed by pledging to do his very best for every citizen of the County.

Commissioner Bunting, who has served on the board since being elected in 2010, congratulated each of the new Commissioners on their victories. He stated that he counted it an honor to serve with them and the returning Commissioners, and he looked forward to the next four years as they work together to serve the interests of the citizens of Worcester County. He thanked those in the audience for supporting his campaign, particularly Elisabeth Bunting, his life partner and wife of 45 years. He concurred with Commissioner Bertino, explaining that Worcester County citizens are fortunate to have an outstanding staff and thanked them for their expertise coupled with their dedication to assisting the Commissioners and the public.

Commissioner Lockfaw, who has also served since being elected to the board in 2010, stated that the past four years had gone by in the blink of an eye. He thanked God, his family and friends and campaign supporters for trusting him to serve them for another four years. He pointed out that Worcester County is one of the greatest places to live, and the Commissioners are tasked with making decisions that will continue to shape its future for the generations that will come behind them. He cautioned his fellow Commissioners that there will be times when they are called upon to make very difficult decisions, decisions that can even part friends, but he knows each one has the strength not only to persevere but to get the job done in a manner that offers the best outcomes possible to all the people of Worcester County. In closing, he thanked his family and his wife, Sarah, in particular for always being there to support him even as she has faced her own battle with cancer.

Commissioner Church, who has served on the board since being elected to office in 2002, thanked his wife, Ally, and expressed his love and admiration for her tireless support of his campaign. He also thanked his son, Ken, who assumed the helm of leadership of Coldwell Banker Bud Church Realty, Inc., so he could fully devote himself to campaigning. He recognized each of the former Commissioners with whom he served during the 2010-2014 term, acknowledging the strengths each brought to the County Commissioners. He also noted that, as the most senior member of the board, he looks forward to the excitement and fresh ideas the new Commissioners will bring to the County and stated that, while politics is not always fun, the Commissioners will be successful if they work together as a team.

The Commissioners recessed to the third floor training room for a dessert reception to greet their constituents.

Following a motion by Commissioner Lockfaw, seconded by Commissioner Purnell, the Commissioners unanimously voted to meet in closed session at 11:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 10-508(a)(1) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; and George Bradley, Human Resources Director. Topics discussed and actions taken included: electing a President and Vice President to serve through December 1, 2015; filling critical vacant positions, including hiring John Robinson as a Roads Worker II within the Roads Division of Public Works; reappointing Commissioner Church to serve as the County Commissioner representative on the Salisbury-Wicomico-Ocean City Regional Airport Commission; appointing Commissioner Bertino to serve as the County Commissioner representative on the Wor-Wic Community College Board of Trustees, Commissioner Purnell to serve as the County Commissioner representative on the Drug and Alcohol Abuse Council, and Commissioner Mitrecic to serve as the County Commissioner representative on the Local Emergency Planning Committee (LEPC); nominating Commissioner Lockfaw for 2<sup>nd</sup> Vice-Chair and Commissioner Mitrecic as Treasurer of the Board of Directors of the Tri-County Council (TCC) for the Lower Eastern Shore of Maryland, with Commissioners Church, Elder and Purnell to serve as voting members of the TCC; nominating Commissioner Church to serve as the primary Worcester County representative on the Maryland Association of Counties (MACo) Legislative Committee for the calendar year 2015, with Commissioner Lockfaw to serve as the alternate representative; reappointing Jim Wilson to the Building Code Appeals Board, Kenneth Lambertson and Michael Patchett to the Board of Electrical Examiners, John Glorioso and Donna Dillon to the Housing Review Board, William Sparrow to the Shoreline Commission, and David Dypsky and Joseph W. Green, Jr. to the Board of Zoning Appeals; appointing Jay Knerr to the Planning Commission, Frank Knight to the Ethics Board and John Gehrig to the Recreation Advisory Board; receiving legal advice from counsel; and performing administrative functions.

After the closed session, the Commissioners reconvened in open session. Commissioner Church called the meeting to order and introduced Commissioner Bunting as the new President and Commissioner Lockfaw as Vice President of the Board of County Commissioners through December 1, 2015. Commissioner Bunting thanked his fellow Commissioners for their vote of confidence and promised to work hard to further the goals and objectives of the County Commissioners.

Commissioner Bunting announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the minutes of their November 18, 2014 meeting as presented.

The Commissioners met with Health Officer Debbie Goeller and James Brannon, Vice President of Services for Atlantic General Hospital (AGH) to review and discuss a proposed Memorandum of Understanding (MOU) between AGH and the County Commissioners of Worcester County, Maryland. Ms. Goeller explained that the building in Snow Hill where AGH currently leases space for a physician practice is being sold, and a suitable alternate location has not been found. As Health Officer, Ms. Goeller stressed that Worcester County is a health manpower shortage area, and losing the AGH physician services in Snow Hill would negatively impact the many community members who lack transportation to seek medical services elsewhere. She advised that the Health Department building in Snow Hill has enough office space to accommodate the AGH practice two days per week, and she urged the Commissioners to approve the MOU authorizing AGH to utilize that space to provide health related services to serve the citizens of Worcester County. In response to a question by Commissioner Bertino, Mr. Brannon stated that the County would not incur any liability, as the MOU indemnifies the County and the AGH physician working in Snow Hill will be insured. Ms. Goeller advised that this would be a sharing of spaces only, with AGH being responsible for purchasing and maintaining their own equipment. She stated that if the demand for medical services from AGH increases significantly in the future, thereby necessitating their office to be open more than two days each week, the Health Department may no longer be able to accommodate their needs and may need to revise the MOU. In response to a question by Commissioner Lockfaw, Mr. Brannon stated that he sees no need to operate a physician practice more than two days a week for the foreseeable future, and he feels this space sharing would be mutually beneficial to both AGH and the Health Department. In response to a question by Commissioner Elder, Mr. Brannon stated that there was only one other physician in Snow Hill who is affiliated with Peninsula Regional Medical Center (PRMC), so the need is high. Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Bunting to sign the MOE as presented.

Pursuant to the request of Emergency Services Director Fred Webster and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized staff to apply for a Local Government Insurance Trust (LGIT) grant in the amount of \$4,368 to cover all expenses associated with sending two Emergency Services staff members to the National Hurricane Conference from March 29 - April 3, 2015 in Austin, Texas. Mr. Webster confirmed that staff's attendance at the conference would be contingent upon receipt of the grant. Commissioner Mitrecic stated that he has attended the hurricane conference three times, gaining both training and insight on the most effective methods of addressing response, recovery and mitigation to save lives and property, and he urged his fellow Commissioners to attend if they have the opportunity.

Pursuant to the request of Dave Wilson, Executive Director of the Maryland Coastal Bays Program (MCBP), and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized the MCBP to conduct the 16<sup>th</sup> Annual Osprey Sprint Triathlon at Public Landing on Saturday, September 26, 2015, and authorized assistance from several County agencies, including Public Works, Tourism and Recreation and Parks. Mr. Wilson explained that

the annual event, which begins and ends at the Public Landing boat ramp and includes swimming, bicycling and running, will take place a week earlier than that of prior years to avoid conflicts with the Sea Gull Century bike event at Salisbury University and the Ironman Triathlon in Cambridge. He stated that the Osprey Sprint Triathlon is the MCBP's largest fundraising initiative, drawing more than 300 athletes each year, and it generated \$28,000 this past year to help fund restoration, monitoring and education projects within the Coastal Bays watershed. Mr. Wilson congratulated the Commissioners on their election and stated he looks forward to working with them.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the purchase of pipe to be utilized by the Roads Division of Public Works. In response to a question by Commissioner Mitrecic, Mr. Tustin stated that the County utilizes galvanized steel corrugated metal pipe instead of plastic because it is more durable, and plastic pipe floats. Commissioner Lockfaw added that galvanized pipe allows better compaction than plastic pipe.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications for the purchase of one cab and chassis equipped with a 10-foot, heavy duty contractor dump body for use within the Water and Wastewater Division of Public Works, as approved in the current budget.

Economic Development Director Bill Badger introduced himself and Deputy Director Merry Mears to the new board, congratulating them on their election to office and inviting them to attend the 2014 Economic Development Summit at the new Ocean City Performing Arts Center, located in the Roland E. Powell Convention Center. The event takes place Wednesday, December 10, from 8:30 to 11:00 a.m. He stated that the event is a coordinated effort between the Worcester County Economic Development and the Ocean City Economic Development Committee, with area sponsors having stepped forward to defray costs. The event will feature keynote speaker Anirban Basu and an update on the offshore wind energy project.

Development Review and Permitting Director Ed Tudor informed the Commissioners that the Worcester County Board of Electrical Examiners has scheduled two public information sessions, one of which will take place in the third floor training room of the Worcester County Government Center in Snow Hill on December 10, 2014 and the second of which will take place at the Ocean Pines Branch Library on December 11, 2014. The purpose of the meetings is to allow the public to review and discuss draft recommendations, which are proposed to be submitted to the County Commissioners regarding adoption of the 2014 National Electrical Code and associated changes to the County's Electrical Standards. Both meetings will begin at 7:00 p.m. Mr. Tudor stated that the board previously proposed to modify the definition of "Electrician General" in the Building Code Regulations Article in 2008. However, due to the significant testimony given at a public hearing on September 16, 2008 on Bill 08-7 (Building Regulations - Electrical Standards) to adopt the changes, the Commissioners tabled the Bill and directed the board to work with the general electricians to develop new legislation that satisfied their

concerns. Mr. Tudor stated that, while the issue was discussed generally since that time, the board began focusing on this issue in earnest earlier this year.

In response to a question by Commissioner Bunting, Mr. Tudor stated that the State requires all licenced electricians to complete continuing education courses at a rate of 10 hours biannually, and they must do so at their own expense. The Worcester County Board of Electrical Examiners is proposing that these same standards apply to electricians licensed in Worcester County. In response to a question by Commissioner Elder, Mr. Tudor stated that a number of area electricians choose to maintain only a Worcester County license rather than a State license for a variety of reasons, and requiring a State license would preclude a large number of electricians from doing business in the County. County Attorney Sonny Bloxom reiterated that the purpose of the public meetings is to reach a consensus on the recommendations before bringing them to the County Commissioners for adoption. In closing, Mr. Tudor stated that the board hopes to present their final recommendations to the Commissioners sometime in early 2015.

The Commissioners answered questions from the press, after which they adjourned to the atrium of the Worcester County Government Center where they assisted Worcester County Developmental Center clients in decorating the County Christmas Tree.

Thereafter, the board adjourned to meet again on December 16, 2014.

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

December 16, 2014

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

Following a motion by Commissioner Mitrecic, seconded by Commissioner Church, 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) and (7) of the State Government Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Sonny Bloxom, County Attorney; Kim Moses, Public Information Officer; and George Bradley, Human Resources Director. Topics discussed and actions taken included making appointments to various County boards and commissions for terms beginning in 2015, including appointing Commissioner Elder to serve as the County Commissioner representative on the Health Planning Advisory Council, Commissioner Purnell as the County Commissioner representative on the Social Services Board, Commissioner Bunting to serve as the County Commissioner representative on the Commission on Aging Board and reappointing him as the County Commissioner representative on the Water and Sewer Advisory Committee, and reappointing Commissioner Lockfaw as the County Commissioner representative on the Liquor Control Management Committee; reappointing Cam Bunting as an at-large business member and appointing Roxanne Rounds to the Local Development Council for the Ocean Downs Casino; reappointing Vivian Pruitt and Ron Cascio to the Board of Library Trustees, George "Tad" Pruitt,

Lloyd Parks, Larry Walton, Bonnie Caudell and Clifford Gannett to the Commission on Aging Board, Betty Smith to the Planning Commission and Alvin Handy to the Recreation Advisory Board; appointing Mark Bargar to the Building Code Appeals Board, Gregory Purnell to the Tourism Advisory Committee, Greg Shockley to the Economic Development Advisory Board, and Glenn Irwin to the Board of Zoning Appeals; appointing Karen L. Poisker, Shannon Dooley, Joyce Brittan and Marge Matturro and reappointing Audrey Wahl, Kate Gaddis, Marie Buley, Mary Stevens, Ron Fisher, Jeffrey Morse, Jennifer Standish, Kim Justice, Tess Iten, Teresa Tyndell and Douglas Wilson to the Health Planning Advisory Council; appointing Alice Jean Ennis and Carol Rose as at-large members, Michelle Bankert as a district member and reappointing Charlotte Cathell, Eloise Henry-Gordy, Debora Farlow and Corporal Lisa Maurer to the Commission for Women; receiving legal advice from counsel; and performing administrative functions.

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

The Commissioners reviewed and approved the minutes of their December 2, 2014 meeting as presented.

The Commissioners provided an opportunity to receive objections to the proposed disposal of surplus County equipment and vehicles no longer used by the County, by auctioning these items on GovDeals.com. There being no objections, the list of personal property, including vehicles, furniture and equipment will be sold online at [www.govdeals.com](http://www.govdeals.com) as County surplus property.

Pursuant to the recommendation of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the best bid for a general rehabilitation project to be performed on the single-family home owned by Bunacee Cooks in the Pocomoke City area to Allstate Renovation & New Homes of Trappe, Maryland at a cost of \$29,700. Ms. Bynum stated that the project is to be funded through the County's current Community Development Block Grant (CDBG) Program. Ms. Bynum advised that after consulting with the program inspector it was their opinion that the low bid submitted by Shoreman Construction of Delmar Maryland in the amount of \$19,360 is too low and State guidelines suggest that bids either 20% above or below the average should be discarded. In response to questions by Commissioner Bertino, Ms. Bynum explained the bid review process by the Housing Program Inspector and advised that the County's CDBG grant has now been formally approved by the State, and funds have been released.

Pursuant to the recommendation of Ms. Bynum and upon a motion by Commissioner Mitrecic, the Commissioners unanimously awarded the bid for general rehabilitation work, including led abatement, to be performed on the single-family home owned by Carolyn Purnell in the Berlin area to J&G Maintenance and Repair of Berlin, Maryland at a cost of \$48,260. Ms. Bynum stated that the project is to be funded through the County's current CDBG, State Lead

Hazard Reduction Grant and Loan, and the State Special Loans Program. In response to a question by Commissioner Bunting regarding why the recommendation was not to accept the low bid from Allstate Renovation in the amount of \$44,030 for this project, Ms. Bynum stated that, since Allstate Renovations was awarded the contract on the Cooks' property, and since it is run by a father and son team who can only complete one project at the time, distributing the projects between the two contractors would allow both to begin in a timely manner and help the program meet State spend down requirements. In response to a question by Commissioner Elder, Ms. Bynum stated that normally the County has two years to spend down Community Development Block Grant funds, but with the delay in the release of the State funds, the County will have only 18 months to expend or forfeit all remaining funds.

Pursuant to the recommendation of Ms. Bynum and upon a motion by Commissioner Bertino, the Commissioners unanimously awarded the low bid for the installation and hook up of a new well, including abandonment and sealing of the old well, to serve the single-family home owned by Ernest and Carolyn Brittingham in the Stockton area to Bundick Well & Pump of Painter, Virginia at a total cost of \$4,665. Ms. Bynum stated that the project is to be funded through the County's current CDBG Program.

Pursuant to the recommendation of Ms. Bynum and upon a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the low bid for housing rehabilitation work involving the installation of the septic tank and drain field to serve the single-family home owned by Ernest and Carolyn Brittingham in the Stockton area to Clark Disposal of Selbyville, Delaware at a cost of \$10,006. Ms. Bynum stated that the project is to be funded through the County's current CDBG Program.

Pursuant to the recommendation of Ms. Bynum and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Bunting to sign a letter to Cindy Stone, Director of Community Programs with the Maryland Department of Housing and Community Development (DHCD) to seek a waiver of the spend down requirements for the County's newest CDBG. Ms. Bynum stated that the County requested and received approval on November 13, 2014 to pre-incur costs associated with the new CDBG in an effort to meet the spend down deadline of 5% of the grant total by December 27, 2014. She stated that the first projects were placed out to bid upon receiving the pre-incur cost approval, but with bids being received on December 8 and awarded on December 16 it does not provide the County with sufficient time to execute settlement documents with the homeowners and contractors, obtain building permits and begin construction, much less allow time for construction to progress to the point where the contractors qualify to receive draws.

The Commissioners met with Public Works Director John Tustin and Budget Officer Kathy Whited to discuss new Highway User Revenue (HUR) reporting requirements, as outlined in House Bill 1059 and adopted by the General Assembly in 2014. Ms. Whited reviewed the new requirements and stated that the Worcester County report reflects that the County received \$472,202 in FY14 and \$491,535 in FY15, which was spent for road paving to maintain County roads. Following some discussion and upon a motion by Commissioner Lockfaw, the

Commissioners unanimously approved the Report on Local Governments Use of HUR for Worcester County to be sent to the Department of Legislative Services, with copies of this report to be sent to the State Highway Administration (SHA), Senate Budget and Taxation Committee, House Appropriations Committee, and House Ways and Means Committee. In response to a question by Commissioner Bunting, County Attorney Sonny Bloxom stated that going forward this annual report does not require Commissioner approval and can instead be signed by Chief Administrative Officer Harold Higgins. Mr. Higgins agreed and stated that staff simply wanted to bring it to the Commissioners' attention to make them aware of the new reporting requirements.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved bid specifications for the rental and service of portable restrooms for a period of two years at the County Boat Landings, Solid Waste Homeowner Convenience Centers, Firing Range and Recreational Parks.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for replacing the chiller at the Berlin Health Facility, with funds of \$75,000 available in the FY14 Unassigned Fund Balance for this project.

The Commissioners conducted a public hearing to receive public comment on a proposed amendment to the Worcester County Water and Sewerage Plan, as submitted by Mark Wittmeyer on behalf of Cox 122 Raceway and Greys Corner, LLC, owners of the Crabs to Go properties, to expand the Ocean Downs Sewer Planning Area to designate the Crabs to Go commercial area properties, identified on Tax Map 21 as Parcels 153, 154, 155, 156 and 170, for public sanitary service from the Ocean Downs Sanitary Service Area (SSA). Environmental Programs Director Bob Mitchell advised that the applicant is seeking 21 equivalent dwelling units (EDUs) of sewer service from the Ocean Downs Sanitary Service Area (SSA) to serve the Crabs to Go commercial area properties. He further stated that the expansion would eliminate 10 EDUs of conventional septic flow from Turville Creek, a subsidiary of the Coastal Bays watershed. He explained that the applicant is proposing to connect the properties to the Ocean Downs sewer system, which is connected to the Ocean Pines wastewater collection system and is served by contract from the Ocean Pines SSA, and adequate capacity is available to meet this request. Mr. Mitchell reviewed the Planning Commission's findings of consistency with the Comprehensive Plan for Worcester County and advised that they have given the project their favorable recommendation.

Commissioner Bunting opened the floor to receive public comment.

Attorney Mark Cropper, representing Cox 122 Raceway and Greys Corner, LLC, welcomed the new Commissioners and stated that he looks forward to working with them in the coming years. With regard to the proposed amendment, he stated that an inconsistency exists between the current C-2 General Commercial zoning of the property and its underlying agricultural land use designation in the Comprehensive Plan. He stated that the property has been used commercially for more than 50 years and has been served by a conventional septic system throughout that time. He urged the Commissioners to approve the proposed amendment, stating that this provides the County with an opportunity to eliminate 10 EDUs of septic from Turville Creek and the Coastal Bays. In response to a question by Mr. Cropper, John W. Salm, III, P.E. of

J.W. Salm Engineering, Inc. of Berlin, stated that the existing septic system would be replaced with a force main sewer line to be funded entirely by the property owner, with ownership to be turned over to the County thereafter.

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

Upon a motion by Commissioner Lockfaw, the Commissioners unanimously adopted Resolution No. 14-25 amending the Comprehensive Water and Sewerage Plan for Worcester County to add the Crabs to Go Commercial Area to the Ocean Downs Sanitary Service Area (SSA).

Mr. Tustin met with the Commissioners to discuss a proposal from WM Water and Sewer, LLC of Ocean View, Delaware to replace old polybutelene (blue tubing) water service lines along Ocean Parkway in Ocean Pines. Mr. Tustin reviewed steps the County had taken to get to this point, including the Commissioners granting a waiver of the formal bid requirements on November 5, 2014 after two unsuccessful attempts to obtain competitive bids for the work. The current proposal calls for reducing the scope of work, so that the project is more manageable for local contractors. Following some discussion and upon a motion by Commissioner Lockfaw, the Commissioners unanimously accepted the proposal as presented for water service line replacement in Ocean Pines. This includes 23 short side service lines at a cost of \$550 each and 24 long side water service lines (crossing under Ocean Parkway) at a cost of \$900 each for a total cost of \$34,250 for this phase of the work.

In response to a question by Commissioner Bunting, Mr. Tustin stated that the project will begin in December 2014 and take approximately two months to complete. He further advised that County staff will keep the Ocean Pines Association (OPA) apprised of all aspects of the project and will notify residents in the affected area, so they will be aware of any impacts during construction.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to discuss a request to approve a Geographic Information System (GIS) Web Mapping project. Also in attendance were State's Attorney Beau Oglesby and Colonel Doug Dodds of the Sheriff's Office. Mr. Tudor reviewed the need, stating that DRP provides mapping products for a number of County departments and other agencies, and this work involves the creation of very specific map products principally at the request of the management staff of the various departments. He stated that, due to the high cost of individual GIS software licenses and a greater level of expertise needed to work on the system, general staff rarely use this product. Instead, they rely on free web-based services, like Google Earth, for mapping information, which rarely meets the extensive, accurate and up-to-date information needs of the departments. He stated that the County generally has two options to address this issue. First, they could purchase more licenses to allow more users on the system, a proposition that would cost between \$3,500 for a basic concurrent license up to \$14,000 for an advanced license, plus annual maintenance costs ranging from \$700 to \$3,000. Mr. Tudor stated that a second option would be much more cost effective. He advised that, as part of his requirements to earn a Master of Science in GIS Management from Salisbury University, staff member Mark Dunlevy of the Technical Services Division has proposed to develop a web map application for the Sheriff's Office and the State's

Attorney's Office. Mr. Tudor stated that, while the majority of the project would be completed solely on Mr. Dunlevy's own time, he will need to access GIS data and to consult with the County's consultant, Spatial Systems, during County operating hours. However, the County would in no way be contributing to the monetary cost of Mr. Dunlevy's education. Mr. Tudor stated that total project costs would run approximately \$2,533, with costs to be covered by the benefitting agencies, as opposed to \$11,672 if Spatial Systems was to perform the work without Mr. Dunlevy.

Mr. Oglesby stated that he fully supports the project, noting that the maps are invaluable in assisting his agency from the initial investigation phase straight through to prosecution. He pointed out that the maps are valuable forms of evidence for his agency because they cannot be manipulated, therefore making it possible to submit them into evidence in court. He stated that the project would allow his staff to develop the types of maps and overlays specific to each investigation with minimal assistance from DRP. He stated that the project cost is minimal and would pay for itself through savings of staff time. Thus, while he hopes the other benefitting departments will help cover a portion of the costs, his agency is prepared to cover the entire cost. In response to a question by Commissioner Bertino, Mr. Tudor stated that this project would equip users with the ability to customize maps themselves, with little assistance from DRP. County Attorney Sonny Bloxom stated that if the Commissioners are inclined to approve Option 2 he and Mr. Tudor would work together to address any issues with Labor Laws that could bring the County's rightful ownership of the application into question. Mr. Tudor pointed out that this project provides an opportunity to more fully utilize existing data.

Colonel Dodds stated that this project would improve efficiency in his office as well, and he fully supported the request. In response to a question by Commissioner Elder, Colonel Dodds stated that currently the Sheriff's Office uses both DRP and commercial websites to meet their mapping needs, but the latter cannot be used as part of the case file. He stated that the web map should save money in the long run.

Mr. Dunlevy stated that his master's project must be a cooperative project with a government agency, and he chose this project to address the need that exists in County government for this mapping ability. He concluded that he would only be making use of data that already belongs to the County. Therefore, all aspects of the project would continue to be County property. His benefit would be the ability to create the report in the final data for submission once the project is complete. In closing he thanked the Commissioners for this opportunity and stated that he believes it will greatly benefit the County overall. Following some discussion and upon a motion by Commissioner Lockfaw the Commissioners unanimously approved Option 2 for the development of the web mapping project.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing to receive public comment on Bill 14-12 (Zoning - Research Facilities in the A-1 and A-2 Agricultural Districts), which was introduced by Commissioners Bunting, Church and Lockfaw on November 18, 2014. Mr. Tudor reviewed the bill, which would amend Sections ZS 1-201(c)(32) and ZS 1-202(c)(44) of the Zoning and Subdivision Control Article by adding a new subsection to each that would allow by special exception noncommercial scientific research stations for the collection of atmospheric, astronomic, weather or biological data for research purposes, operated by academic, nonprofit or

governmental entities. The bill further establishes minimum lot requirements for such structures and a maximum height of fifty feet and requires all radar or microwave equipment for data collection and antennas for data transmission to be separated by not less than five hundred feet from the nearest existing or permitted residential structure on an adjacent parcel. Mr. Tudor stated that, under this section of the current code, the applicant, National Aeronautics and Space Administration (NASA) is limited to an initial approval period of one year for such research stations and with re-application may receive an exemption for one additional year only. He explained that Bill 14-12 would allow NASA to maintain the research stations on a more permanent basis.

Commissioner Bunting opened the floor to receive public comment.

Joe Fehrer, of The Nature Conservancy in Snow Hill, stated that his organization fully supports Bill 14-12, as it would allow the scientific community to continue its work. He advised that The Nature Conservancy and NASA have been working in cooperation to study and document migratory land-bird migration patterns and density on the Delmarva peninsula using NASA Polarimetric Radar (NPOL) radar. Mr. Fehrer advised that this area is one of the most significant migratory bird staging areas in North America due to the number of bird species of continental importance that use the peninsula during migration. He stated that approving Bill 14-12 would allow NASA to continue the operation of the NPOL radar in its current location to meet their primary research goals and would also benefit The Nature Conservancy in understanding where these high-value migratory land-bird habitats are located.

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

Following some discussion and upon a motion by Commissioner Lockfaw, the Commissioners unanimously adopted Bill 14-12, with only a minor amendment that accounts for the change in Commissioner members following the start of the County Commissioners 2014-2018 term on December 2, 2014.

Commissioner Bunting closed the legislative session.

The Commissioners met with Chris Hall of TGM Group, LLC, Certified Public Accountants to review the County's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ending June 30, 2014. Mr. Hall stated that the goal of the independent audit is to provide reasonable assurance that the County's financial statements are free of material misstatements. He stated that, based upon their audit, TGM has issued Worcester County an unmodified opinion (previously referred to as a "clean opinion"), which represents the highest assurance TGM can give. Mr. Hall reviewed the FY14 CAFR and highlighted the following sections: the Auditor's Letter with the unmodified opinion on page 10; the Balance Sheet of Governmental Funds on pages 29 and 30, with Fund Balances of \$49.6 million, including an Unassigned Fund balance of \$39.8 million; Schedule of Revenues, Expenditures, and Changes in Fund Balance on pages 33 and 34; Enterprise Funds on pages 37 and 38; the Income Statement on page 39; Fiduciary Funds on page 42; Revenues, Expenditures and Changes in Fund Balance - Budget and Actual General Fund on pages 77 through 95. He stated that expenses for governmental activities increased from \$173,981,217 to \$181,411,200 or \$7,429,983 (4.3%) due to increased health care costs of \$2.5 million, increases in public safety of \$2 million, an increase in appropriations to the Board of Education (BOE) of \$1.5 million with another \$408,501 for

small capital projects on behalf of the BOE, and capital expenditures of \$3,838,599 related to the Snow Hill High School renovation and addition project; an additional \$288,784 in the County's matching appropriation of the State health department due to their requirement to provide health care to contractual employees starting January 1, 2014; and increasing other grants to local municipalities by \$721,956. Mr. Hall stated that the Commissioners should be proud of the County's strong financial management team. The Commissioners thanked Mr. Hall for his presentation and announced that the CAFR would be available on the County website for interested citizens to view.

The Commissioners met with Chief Administrative Officer Harold Higgins, Finance Officer Phil Thompson, Budget Officer Kathy Whited, Assistant Finance Officer Jennifer Swanton, Enterprise Fund Controller Jessica Ramsay and Budget Accountant Kim Watts and applauded them for being awarded the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the sixth consecutive year. Mr. Thompson stated that the GFOA award recognizes contributions to the practice of government finance that exemplify outstanding financial management, and the County was honored with this recent recognition for its Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2013. He advised that Worcester County Government continues to be a recipient of the GFOA award because staff remains intentional in their efforts to provide consistent and transparent financial data to the public. He thanked County staff, the County Auditor - TGM Group, LLC, Chief Administrative Officer Harold Higgins and the County Commissioners for their support and collaborative efforts which made this award possible.

The Commissioners met with Department of Liquor Control (DLC) Director Bobby Cowger to review and discuss proposed price increases to generate additional revenue to balance projected losses in the liquor control operations that were a direct result of a drop in wholesale sales following the implementation of the July 1, 2014 sunset provision. Proposed price increases include a \$1 per bottle increase to all 1.75 liter products and a \$0.50 per bottle increase to the entire wine selection effective immediately; and an increase from \$0.50 to \$0.99 on all products larger than 50 milliliters in all DLC Shore Spirit Retail Liquor Stores and an increase in the split case bottle charge to licensees from \$0.50 to \$0.75 per bottle (which is still significantly lower than the \$1.39 to \$1.49 per bottle cost charged by most other Maryland wholesalers) effective January 1, 2015. Mr. Cowger stated that these increases are projected to generate an additional \$130,000 in revenue for the remaining fiscal year and without them the DLC would finish the year at a loss.

Mr. Cowger stated that the DLC was generating \$11 million in annual revenues, and even with the \$4 million decrease in annual wholesale revenues after the sunset provision the DLC is still generating \$7 million in revenues annually. He stated that following a drop of \$300,000 in revenues this year the DLC implemented a number of cost saving measures, including the elimination of seven positions, but that even with these decreases the DLC continues to be a viable business.

In response to a question by Commissioner Elder, Mr. Cowger stated that even with the proposed price increase the DLC would continue to remain competitive. In response to comments by Commissioner Church, Mr. Cowger concurred that the DLC is able to buy at

significantly discounted prices by buying early in the season and in great quantity, thereby allowing them to remain competitive in both their wholesale and retail sales. Commissioner Bertino questioned whether the retail stores were competitive with tax-free Delaware liquor prices and if it would remain a viable business in the coming years. Mr. Cowger assured him that profits at the Shore Spirits Store at Gold Coast Mall have remained stable, even after the State implemented a 9% tax on alcohol. He pointed out that, in addition to generating revenue, the DLC employs 26 individuals and maintains a \$2 million payroll, prevents the proliferation of liquor stores throughout the County, as directed by the citizens of Worcester County by referendum in 1998, and has resulted in the County acquiring two properties worth a combined total of \$1.7 million at no cost to taxpayers. He stated that the DLC also provides a great benefit to the licensees who are able to purchase liquor from whichever wholesaler offers the lowest prices. He stated that if the DLC gradually fades away so be it, but that it would be a huge mistake to just close up shop. Commissioner Lockfaw noted that the towns and County receive a portion of the DLC's profits. Commissioner Mitrecic pointed out that those profits totaled only \$41,216 last year, and the Shore Spirits store at 16<sup>th</sup> Street in Ocean City is projected to lose money next year. He stated that the DLC is an archaic, out of date system, and it would be wrong to increase the cost to the licensees to allow government to compete with private industry. Commissioner Bunting stated that, while the Commissioners would be looking at whether to continue retail and wholesale liquor operations in the future, the issue before them today hinged on whether to approve the modified prices, which appear to be a band aid approach. Commissioner Bunting stated that he appreciates the job Mr. Cowger is doing, but agreed that the County needs to look long-term. Commissioner Elder stated that the County should not be in competition with private industry, but that given the employees and property the Commissioners should thoughtfully develop a long-term exit strategy. However, he concluded that he supports the price increase proposal presented to them today. Commissioner Church concurred and applauded Mr. Cowger for his efforts to run the DLC like a business.

Following much discussion and upon a motion by Commissioner Lockfaw, the Commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to approve the proposed price increases as presented.

Commissioner Mitrecic informed those in attendance that this item had originally been slated for discussion in closed session, but that for transparency and after consulting with County Attorney Sonny Bloxom, he encouraged the board to err on the side of caution and discuss the matter in open session. Mr. Bloxom stated that, while an item is permitted to be discussed in closed session, it is not required to be. Commissioner Bunting concurred and stated that the County is looking into several options to improve transparency, including providing live streaming of the Commissioners' meetings in the near future.

The Commissioners answered questions from the press, after which they adjourned to meet again on January 6, 2015.

