

Minutes of the County Commissioners of Worcester County, Maryland

January 17, 2017

Madison J. Bunting, Jr., President
Diana Purnell, Vice President
Anthony W. Bertino, Jr.
James C. Church
Theodore J. Elder
Merrill W. Lockfaw, Jr.
Joseph M. Mitrecic (Absent)

Following a motion by Commissioner Bertino, seconded by Commissioner Church, with Commissioner Mitrecic absent, the Commissioners unanimously voted to meet in closed session at 10:06 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions 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; Maureen Howarth, County Attorney; Kim Moses, Public Information Officer; and Stacey Norton, Human Resources Director. Topics discussed and actions taken included: considering hiring a new Deputy Director and Administrative Assistant within Economic Development.

Commissioner Mitrecic was absent from the meeting.

After the closed session, the Commissioners reconvened in open session. Commissioner Bunting called the meeting to order and announced their attendance at the swearing-in ceremony for the Board of Education members earlier that morning. He then reviewed the topics discussed during the morning closed session.

The Commissioners reviewed and approved the minutes of their January 3, 2017 open and closed session meetings as presented.

The Commissioners conducted a public hearing to receive public comments on the revised draft Design Guidelines and Standards for Commercial Uses. Ms. Wimbrow advised that these standards were adopted November 3, 2009 to identify architectural styles and features indicative of Worcester County's heritage and to provide direction to developers in designing projects that reflect the local character of traditional seaside, town center, and agricultural designs. She noted that the design guidelines are predominantly voluntary; however, designers and developers are strongly encouraged to ensure that building designs are representative of these examples. She then gave a brief synopsis of the proposed changes, which include all recommendations made by the Design Guidelines Task Force. She stated that the major changes included clarifying that the design guidelines are voluntary rather than mandatory, while also referencing requirements of the County Zoning Code. The proposed guidelines also apply only to

structures larger than 10,000 square feet or those that directly abut U.S. Rt. 50. Revisions also include removing references prohibiting corporate architecture, while still encouraging local architectural features, and amending the waiver requirements for site design, which were previously overly rigorous. In response to a question by Commissioner Bertino, Ms. Wimbrow stated that the former prohibition on franchise architecture has been eliminated from the updated guidelines and instead encourages developers to include elements of the three preferred types of building styles in their architecture. She noted, for example, that the guidelines would make it possible for a business like Cracker Barrel to retain its franchise architecture while encouraging the inclusion of design elements, such as bracketing, common to seaside development. She stated that the revised guidelines established more of a collaborative process rather than mandatory standards.

Commissioner Bunting opened the floor to receive public comment.

Attorney Mark Cropper, a member of the Design Guidelines Task Force, commended the Commissioners for assembling a diverse task force to update the design guidelines, which had been one of the requests made by business representatives who met with the Commissioners in November 2015 during a business listening session to discuss opportunities to encourage economic development in the County. He stated that the task force, which included farmers, business owners, planners, architects, engineers and attorneys who worked with County staff to update the guidelines, began meeting monthly in January 2016. He stated that, while no one on the task force got everything he or she wanted, the entire task force reached a consensus on the recommendations therein, and he noted that the effort reflects the County's motto of "Citizens and Government Working Together." Therefore, he encouraged the Commissioners to adopt the revised design guidelines as presented.

In response to a question by Commissioner Bertino, Mr. Cropper confirmed that changes to the design guidelines are meant to ensure that there are building guidelines for uniformity, while still attracting franchise businesses that previously could not comply with such requirements. Commissioner Church stated that the original purpose of the design guidelines was well intended, but experience and time proved that they needed to be revised, calling the revised design guidelines a win-win for the County and private industry.

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

Upon a motion by Commissioner Church, the Commissioners unanimously adopted Resolution No. 17-2, the revised Design Guidelines and Standards for Commercial Uses for Worcester County, Maryland.

The Commissioners conducted a public hearing to receive comments on the proposed amendments to the U.S. Rt. 50 Transportation Corridor Plan, which affects properties on the south side of U.S. Rt. 50 between Seahawk Road and Holly Grove Road. Ms. Wimbrow reviewed the plan, which was originally adopted March 18, 1997 and last amended July 27, 2004, noting that the primary purpose of the plan is to create and maintain a transportation network in the affected area that is safe, efficient, and provides for varying modes of travel in an integrated manner to address future commercial development demands in the corridor, while protecting the integrity of the U.S. Rt. 50 arterial highway and observing the directives of the Comprehensive Development Plan. She advised that the corridor has developed at a rate that has

been slower than anticipated due to the economic downturn and prior lack of public sewer to the commercial properties therein. She noted that the purpose of the plan is to provide service for the future population, employment, and commercial development expected in the County. Ms. Wimbrow explained that the major changes to the plan include the following: removing the requirements to either build or bond the service road on small parcels of land west of Parcel 298; allowing modifications to the alignment up to 100 feet in either direction by approval of the Directors of Public Works and Development Review and Permitting, up to 300 feet by the Planning Commission, and greater than 300 feet only by the County Commissioners; and encouraging rather than requiring small parcels fronting on U.S. Rt. 50 to surrender their direct access to U.S. Rt. 50 once the service road has been built.

In response to a question by Commissioner Bertino, Mr. Cropper stated that his client, John Jarvis, has proposed a \$100,000 bond with a private institution to construct the portion of the U.S. Rt. 50 Service Road that crosses his property; however the project has been on hold, while awaiting the adoption of the updated design guidelines that will give the Planning Commission the ability to create deviations to the design location of the service road. He noted that some of the smaller parcels, such as his client's three-acre property, could not easily accommodate a 92-foot-wide easement for the service road.

In response to an additional question by Commissioner Bertino, Ms. Wimbrow stated that the requirements for inter-parcel connectors between properties were removed from the plan, but are still required by the County Zoning Code. She stated that, while inter-parcel connectors work well on large properties, they can be quite problematic on smaller lots that don't have sufficient space to accommodate these travelways.

Commissioner Bunting opened the floor to receive public comment.

Attorney Mark Cropper concluded that the updated corridor plan reflects the intention of the County to work with developers to develop a service road to serve the area without harming the business interests of property owners, and he asked the Commissioners to adopt the plan as presented.

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

Upon a motion by Commissioner Church, the Commissioners unanimously adopted Resolution No. 17-3, repealing and reenacting the U.S. Rt. 50 Transportation Corridor Plan. Upon further discussion and a follow-up motion by Commissioner Church, the Commissioners unanimously agreed to draft correspondence thanking members of the Task Force and County staff for a job well-done.

The Commissioners met in legislative session.

The Commissioners met with Development Review and Permitting (DRP) Deputy Director Phyllis Wimbrow to review a proposed text amendment application submitted by Raymond S. Smethurst, Jr., which seeks to amend the Zoning and Subdivision Control Article to provide flexibility for cell tower locations in heavy service demand areas along major transportation corridors in Worcester County.

Following some discussion, Commissioners Bertino, Bunting, Church, Elder, Lockfaw, and Purnell introduced the aforementioned text amendment as Bill 17-1 (Zoning - Separation Distances for Antennas, Towers, and Telecommunications Uses) and scheduled a public hearing

on the bill for February 21, 2017.

Commissioner Bunting closed the legislative session.

Commissioner Church temporarily left the meeting.

The Commissioners met with Ms. Wimbrow to review a request from Lew Meltzer, Esq. of River Run Development Associations, LLC, and Dane Bauer of H & B Solutions, LLC, requesting that the Commissioners accept the registered engineers' bridge/road design as the accepted design standard for the construction of the River Run Bridge leading to Eagle Island to serve five residential lots in River Run. The bridge is to be 14 feet wide and 435 feet long. Ms. Wimbrow noted that, as required by Section ZS 1-123 of the Zoning and Subdivision Control Article regarding approved private roads, the Planning Commission reviewed the request at its January 5, 2017 meeting and gave the proposal a favorable recommendation upon certain conditions, to include annual or biennial bridge inspections and addressing access road standards. She further advised that the Commissioners are not required to conduct a public hearing on this request, and noted that once the bridge is constructed and engineering certifications, as-built, and final inspections are satisfied, River Run Development Associates, LLC will turn over the bridge to the River Run Development Homeowners Association (HOA). In response to a question by Commissioner Lockfaw, Ms. Wimbrow confirmed that the River Run HOA will be responsible for the annual inspections and for maintaining the bridge and roads within the subdivision, as they are all private rather than public roads.

Upon a motion by Commissioner Lockfaw, the Commissioners voted 5-0, with Commissioner Church temporarily absent, to adopt Resolution No. 17-4, approving the proposal for an approved private road bridge standard for the River Run residential planned community.

Commissioner Church returned to the meeting.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Purnell, the Commissioners unanimously authorized staff to apply for a CoastSmart Communities Resiliency Grant through the Maryland Department of Natural Resources (DNR) to update the Atlantic Coastal Bays and Chesapeake Bay Critical Area Ordinances.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Elder, the Commissioners unanimously awarded the low bid for refuse collection at County facilities to Bennet Waste of Fruitland, Maryland for an initial term of two years from March 1, 2017 to February 28, 2019 at a total cost of \$43,829.68, and for an additional three years thereafter through February 28, 2022 at an annual cost of \$21,914.84. In response to a question by Commissioner Lockfaw, Mr. Tustin stated that the Solid Waste Division lacks the equipment and staff to provide these refuse collection services in-house at a lower cost than the proposal from Bennett Waste at \$21,915 per year.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Elder, the Commissioners unanimously approved bid specifications for the purchase of two

four-door, full-size sedans for use by the Sheriff's Office.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Elder, the Commissioners unanimously approved bid specifications for sewer line cleaning and inspection services for the Ocean Pines and West Ocean City Sanitary Services Areas (SSA). Mr. Tustin advised that total funding of \$70,000 is available within the FY17 budget for these two projects.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Elder, the Commissioners unanimously agreed to appoint Joseph Stigler to the Ethics Board for a four-year term expiring December 31, 2020 to replace Kevin Douglas whose term expired.

Upon a nomination by Commissioner Purnell, the Commissioners unanimously agreed to reappoint Ira "Buck" Shockley to Worcester County's Initiative to Preserve Families Board (Local Management Board) for an additional three-year term expiring December 31, 2019.

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

Following a motion by Commissioner Bertino, seconded by Commissioner Church, with Commissioner Mitrecic absent, the Commissioners unanimously voted to meet in closed session at 11:33 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions 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; Maureen Howarth, County Attorney; Kim Moses, Public Information Officer; and Stacey Norton, Human Resources Director. Topics discussed and actions taken included promoting Kelly Rados from Special Events and Marketing Coordinator to Recreation Program and Marketing Supervisor and advertising to fill a vacancy for a Recreation Program Manager I within Recreation and Parks; reviewing the Worcester County Health Officer annual evaluation; receiving legal advice from counsel; and performing administrative functions.

The board adjourned to meet again on February 7, 2017.