

Minutes of the County Commissioners of Worcester County, Maryland

April 25, 2017

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

Following a motion by Commissioner Elder, 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 3-305(b)(1), (4), 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; Ed Baker, Interim County Attorney; Kim Moses, Public Information Officer; Stacey Norton, Human Resources Director; and Merry Mears, Economic Development Director. Topics discussed and actions taken included: hiring Karen Holland Wooten as a Pocomoke Welcome Center Greeter within Tourism; reclassifying one Custodial Worker I position in the Maintenance Division of Public Works from (G4) to (G6) and advertising to fill this vacancy; considering a potential industrial organization to remain in the County; 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.

Commissioner Bunting announced that Warden Garry Mumford passed away Saturday, April 22, 2017, after a brief illness. He stated that Warden Mumford was a dedicated and respected member of the Worcester County family, a great leader, and a close personal friend who will be missed.

Commissioner Bertino stated that no one cared more about the people he worked with than Warden Mumford, and when you were in his presence you felt like he really cared about you. He stated that he could think of no higher honor to bestow on Warden Mumford than to say that he was a true gentleman who will certainly be missed. He extended his condolences to the command staff from the Jail who were in attendance at the meeting.

Commissioner Church stated that he and his wife, Alison, had become very good friends with Warden Mumford and his wife, Faith, during the past 15 years, and in fact the four had been out together for dinner only two weeks ago. He stated that when he heard about Warden Mumford's passing it was a tough message to receive. He concluded that Worcester County has lost a great friend.

Commissioner Elder stated that it has been a pleasure to know Warden Mumford as a department leader and a human being, stating that Warden Mumford always took care of people to the very best of his ability. He stated that, while he did not claim to understand why Warden Mumford had to leave them so soon, he could imagine that God needed someone to lead one of his departments, and after looking all over the world he had found the very best man for the job.

Commissioner Lockfaw stated that there was no question about it, that Warden Mumford was a special individual who took pride in his work with the County and the Community organizations with which he was associated, and that it was evident in his actions that he understood that his greatest assets were the people around him. Commissioner Lockfaw recalled that when his own wife had been sick Warden Mumford had made it a point to call him and ask what he could do to help.

Commissioner Purnell stated that Warden Mumford was a friend and a mentor and it had been her privilege to witness as he lived an extraordinary life of faith, and that faith was evidenced in everything he did, including his professional life with the County and in the way he cared for his wife, Faith, every day. She concluded that she will miss him, and that the Worcester County family must keep Faith in their prayers in the days ahead, as she adjusts to life without her friend and partner.

The Commissioners reviewed and approved the minutes of their April 4, 2017 open and closed session meeting and April 11, 2017 open budget work session as presented.

Ocean City Development Corporation (OCDC) Executive Director Glenn Irwin and OCDC Board of Directors President Chris Trimper provided the Commissioners with an update about the OCDC's accomplishments over the past year, which included the following: Facade Program, which includes having renovated 188 buildings to date, eight projects under way, \$5.7 million in private sector investment, and 6:1 leveraging of private to public funds; Green Building Initiatives Program, with 40 projects completed and two underway to install Energy Star-rated doors, windows, and cool roofs, and \$732,000 in private sector investment; Business Assistance Program, with fixed interior improvements to 16 new or expanding businesses and \$1.2 million in private investment; New Construction; Strategic Demolition Program, which includes the 2014 Fat Daddy's Mixed-Use project, 2015 Model Block Project, 2016 Royalton Hotel Mixed-Use Project, 2017 16 Baltimore Avenue Project, and proposed new Cambria Hotel and Restaurant Project; Special Events; Dolphin Sculpture & Plaza at MD Rt. 90 and Coastal Highway; and Upcoming OCDC Items, including a grant to expand the marketing program, and possible expansion of OCDC boundaries. Mr. Trimper reviewed upcoming projects and events and invited the Commissioners to attend their annual meeting on May 3, 2017.

Commissioner Bunting thanked Mr. Trimper and Mr. Irwin for the outstanding projects the OCDC undertakes to revitalize the downtown area of Ocean City.

The Commissioners met with Worcester County Jail Assistant Warden Donna Bounds to review and approve her request to replace 23 Pan-Tilt-Zoom (PTZ) cameras at the County Jail. A company of Jail officers joined her in the audience, as a show of solidarity following the passing of Warden Mumford. Assistant Warden Bounds explained the need for the cameras to work within the new digital video recorders. Upon a motion by Commissioner Church, the

Commissioners unanimously approved the proposal for the purchase and installation of the 23 PTZ cameras at the County Jail to Absolute Security Group, Inc. of Salisbury, Maryland at a total cost of \$33,849.16 and an additional \$500 to rent a bucket truck to replace the 20 outdoor cameras. Assistant Warden Bounds stated that this was Garry's project, that Garry had been a great friend, and the Jail staff wanted to see this project through to completion in his honor.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Elder, the Commissioners unanimously agreed to schedule a public hearing on May 16, 2017 to receive comments on a new proposed grant of \$300,000 from the Community Development Block Grant (CDBG) Program to rehabilitate 18 owner-occupied homes over the next two years. Ms Bynum advised that these funds will cover construction, relocation, lead testing, and clearance costs associated with the continuation of the Worcester County Housing Rehabilitation Program, with funds to benefit low to moderate income households, and with County in-kind funding of \$75,000 to be met through her administration of the program.

The Commissioners met with Ms. Bynum and Economic Development Director Merry Mears and Deputy Director Kathryn Gordon to discuss the impact federal budget cuts to the U.S. Department of Housing and Urban Development (HUD), whom administers the CDBG program would have on the Worcester County Housing Rehabilitation Program and other economic development projects. Ms. Gordon stated that HUD has been listed in the Federal Administration's Preliminary Budget Document to receive a cut in spending for Federal Fiscal Year 2018 beginning October 1, 2017, and these cuts will negatively impact the Community Development Block Grant (CDBG) program and the Home Ownership Investment Partnership (HOME) program for the coming budget year and beyond. She advised that the County has received \$2.5 million in CDBG funding to assist 282 low-to-moderate-income (LMI) County homeowners with repairs necessary to maintain the livability of their homes and a total of \$6.7 million in grant funding since 1989 for use in 28 eligible activities that include infrastructure, economic development, housing rehabilitation, and more. Additionally, the County has used HOME program funds to demolish and replace 26 homes that exceeded the scope of repairs under the CDBG program, with one half of those owner-occupied homes previously being without proper plumbing and heating systems. She concluded that CDBG provides the flexibility to fund a myriad of activities, fill gaps where needed, and leverage and attract additional resources that stimulate the local economy and better the lives of area citizen to improve neighborhoods and services, and without this funding, these projects would not have been possible.

Upon the request of Ms. Gordon and a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to send letters to U.S. Senators Benjamin L. Cardin and Chris Van Hollen and U.S. Representative Andy Harris imploring them to fight for the restoration of funding for both the CDBG and HOME programs in the upcoming Federal HUD budget and beyond.

The Commissioners met with Ms. Mears to discuss Worcester County's current designation as a Historically Underutilized Business Zone (HUBZone) by the Small Business

Administration (SBA). Ms. Mears advised that the County's HUBZone designation currently serves as a significant economic development tool, which is used in marketing and attraction practices to incentivize companies to locate and remain in Worcester County. She stated that the County is home to seven companies that retain HUBZone certification and represent a combined workforce of nearly 100 employees; however, the County's current HUBZone designation will expire in 2019 because the SBA has combined Worcester County into the Salisbury Metropolitan Statistical Area, and this loss of the County's HUBZone designation may very well lead to the loss of these businesses and employees. Ms. Mears advised that, although Worcester County is in close proximity to Salisbury and Wicomico County, the similarities end there, as the County's economic landscape varies significantly from its neighbors, as evidenced by its high unemployment rate. For comparison's sake, she pointed out that for January 2017 the Worcester County unemployment rate was 13.5%, which by far exceeded the State unemployment rate of 4.5%, the Wicomico County unemployment rate of 7.2%, and even the Somerset County unemployment rate of 8.7%. For this reason, she requested the Commissioners send a letter to Mick Mulvaney, Director of the Office of Management and Budget for the SBA, requesting that Worcester County be considered separate from Wicomico County and the County's HUBZone designation be continued in 2019 and beyond. She advised that Senator Andy Harris has taken a special interest in retaining the County's HUBZone designation.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Bunting to sign a letter to Mr. Mulvaney requesting the SBA reconsider the proposed designation of Worcester County as part of the Salisbury Metropolitan Statistical Area and instead consider Worcester County on its own merit and continue its existing HUBZone designation.

The Commissioners conducted a public hearing on a Comprehensive Water and Sewerage Plan amendment application submitted by Ocean City Public Works Deputy Director Jim Parsons, on behalf of the Ocean City Mayor and Council, to include Miscellaneous Technical Data and Capital Plan Information Updates. Environmental Programs Director Bob Mitchell reviewed the amendment, which includes revised water system text, revised water system profile figure, revised water storage tank schedule table, and revised water improvement schedules in the capital plan for the town, without changing the previously approved water and sewerage boundaries. He advised that the Planning Commission found the proposed amendments to be consistent with the County's Comprehensive Development Plan and granted the application a favorable recommendation.

Commissioner Bunting opened the floor to receive public comment.

Mr. Parsons stated that the Town of Ocean City recently took down two old water towers and consolidated them into one new water tower, and the proposed amendment adequately reflects these changes. Therefore, he asked the Commissioners to approve the amendment.

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

Upon a motion by Commissioner Church, the Commissioners unanimously adopted Resolution No. 17-7 amending the Worcester County Water and Sewerage Plan for Miscellaneous Technical Data and Capital Plan Information Updates for the Ocean City Sanitary Service Area (SSA).

Pursuant to the request of Ms. Mears and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved the proposed \$77,000 budget and Independent Contractor's Agreement for the provision of the Step Up and Reach for the Stars STEM Camp, Leadership Cohort and Internship Program with Fawn Mete of Sinepuxent Group, LLC for summer 2017. Ms. Mears advised that 40 to 60 students are selected to participate each year in this competitive program, attracting recognition by Governor Larry Hogan, and this summer NASA Wallops will again serve as an internship provider for the first time since 2013.

Commissioner Bertino temporarily left the meeting.

Pursuant to the request of Jennifer LaMade, Director of Planning, Quality, and Core Service for the Health Department, and upon a motion by Commissioner Mitrecic, with Commissioner Bertino temporarily absent, the Commissioners unanimously authorized Commission President Bunting to sign the Community Partnership Agreement between the County, the Local Management Board (LMB), and the Governor's Office for Children for FY18 with grant funds of \$537,947, which provides level funding for programs beginning July 1, 2017. Ms. LaMade advised that the funds will be used to assist The Cricket Center, Youth as One, Comprehensive Parenting Program Initiative, Community Service Centers, and System/Family Navigation. Additionally, she advised that the LMB has requested competitive funding to develop new programming for two of the Governor's current priorities, both of which are tentative and may not receive funding: Disconnected or Opportunity Youth (those ages 16-24 who are not in school or working), and for Children of Incarcerated Parents.

Commissioner Bertino returned to the meeting.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Bunting to sign the Delegation Agreement between the Maryland Department of the Environment (MDE) and Worcester County, Maryland, renewing the agreement designating Worcester County Environmental Programs to oversee the Transient Non-Community (TNC) Water Systems and enforce the Safe Drinking Water Act (SDWA) and awarding funds of up to \$65,000 (which includes an increase of \$5 per system or an increase of \$1,000 for meeting the sanitary survey goal and reporting requirements for Legionella outbreaks) for three years from October 1, 2016 through September 30, 2019.

Pursuant to the recommendation of Public Works Deputy Director John Ross in response to a request by Dan Collins of the United States Coast Guard Auxiliary, and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized the U.S. Coast Guard Auxiliary to use the West Ocean City Boat Ramp area on Saturday, May 20, 2017, between 8:00 a.m. and noon to conduct ceremonies and safety exhibitions to mark National Safe Boating Week. Mr. Ross stated that this annual event is being expanded this year to provide additional educational opportunities.

Pursuant to the request of Assistant Chief Administrative Officer Kelly Shannahan and

upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Bunting to sign the Agreement of Sale and Asset Purchase Agreement between the County Commissioners of Worcester County, Maryland (Seller) and Jalaram, LLC (Kalpesh Patel - Managing Member), with Jalaram to purchase the Shore Spirits Retail Liquor Store in Pocomoke for \$95,000 and for KRISH, LLC (Kalpesh Patel, individually) to purchase \$194,812 worth of inventory at the Pocomoke Liquor Store, with a 15% inventory markup for a total purchase price of \$224,033.80, subject to approval by the License Commissioners for a Class "A" beer/wine/liquor license for the Purchaser, with the application to be supported by the County Commissioners, as outlined at their April 4, 2017 meeting.

Mark Cropper, Attorney for Mr. Patel, thanked the Commissioners for their action on this matter today, and he expressed his grief regarding the untimely passing of Warden Garry Mumford, someone he considered a close friend and who had been a reader at his wedding.

Pursuant to the request of Mr. Ross and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Bunting to sign the Amendment to Independent Contractor's Agreement between the County Commissioners of Worcester County, Maryland and CMF Bayside, LLC (Contractor) to extend the project to complete the culvert replacement and paving project on Delaware Road between Rollie Road West and the Delaware State Line at no cost to the County. These amendments reflect the revised schedule of improvements, which extends the completion date from April 3, 2017 to no later than May 12, 2017, with final overlay of the road to be completed no later than May 31, 2020, following the contractor's completion of the Bayside Americana Project in Delaware.

Pursuant to the recommendation of Mr. Ross and upon a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the low bid for the purchase of one landfill crawler tractor with bulldozer for the Solid Waste Division of Public Works to Alban Tractor, Co., Inc. of Baltimore, Maryland at a cost of \$409,000 less a guaranteed buyback at the end of five years at \$145,000 for a net adjusted price of \$264,000, and a quoted monthly lease of \$7,483.04 at 3.7% interest.

Pursuant to the recommendation of Mr. Ross and upon a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the low bid for supplying propane gas for County government buildings and generators located throughout Worcester County for a period of five years from June 1, 2017 through May 31, 2022 at a mark-up price per gallon of \$0.18 in the first two years, \$0.195 in year three, \$0.20 in year four, and \$0.22 in year five to Peninsula Oil & Propane of Seaford, Delaware

Pursuant to the recommendation of Mr. Ross and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to implement option two in the feasibility study from Gipe Associates, Inc. of Easton, Maryland for engineering and construction services at a cost of \$25,000 and system commissioning services at a cost of \$9,000 to replace the HVAC (heating, ventilation, and air conditioning) multizone air handling unit at the Court House, with funds available in the Assigned Fund Balance for this project.

The Commissioners met with Emergency Services Director Fred Webster to discuss the proposed Worcester County Shared Communications Network. Mr. Webster advised that Emergency Services currently has two major projects underway to enhance public safety: the Next Generation 9-1-1 telephone system, and a modern public safety two-way radio system, both of which require access to high speed, ultra-reliable connectivity. However, the County's existing fiber optic resources are limited and insufficient for these and other evolving safety projects. He stated that Skyline Technology Solutions designed a network on behalf of the County that is able to meet all of the County's current and planned public safety projects and leverage existing investments that were previously made by the State on behalf of the County. This network will leverage fiber optic backbone resources that are owned by multiple parties, including the State, Maryland Broadband Cooperative, and Worcester County, and following the lead of other Maryland counties, this network allows the County to be its own carrier and maximize limited resources. Mr. Webster stated that this project is being submitted in three distinct sub-projects: Phase 1A9 supports the operation of the Next Generation 9-1-1 telephone system to support Berlin, Ocean City, Ocean Pines, and Pocomoke City at a maximum cost of \$218,278.90, with project funding to be requested from the State of Maryland Emergency Numbers Systems Board; Phase 1AR supports the operation of the recently constructed public safety radio system, which is required for the completion of that system, and will cost a total of \$289,900.44; and Phase 1B supports bringing remaining services together, including those that must be temporarily moved to different circuits for Phase 1A, onto the consolidated carrier network, with this phase to also provide broadband fiber optic services to the Library system and other County entities for the first time, at a total maximum cost of \$391,587.69 to be funded within the FY18 and FY19 budgets. Mr. Webster stated that time is of the essence in executing Phases 1A and 1AR of this project due to multiple contractual interdependencies. He advised that \$61,829 is available in the FY17 budget along with \$66,900 in Homeland Security grant funds, leaving a project deficit of \$161,171.44, which he requested to be funded as an authorized over-expenditure in the FY17 budget.

In response to a question by Commissioner Bunting, Assistant Chief Administrative Officer Kelly Shannahan advised that full approval of the request today would serve as the County's commitment to fund the entire project. In response to a question by Commissioner Bertino, Emergency Services Assistant Director James Hamilton stated that the State installed fiber optic lines currently run to the foot of four out of five County Branch Libraries, the Health Department facilities in Berlin, Snow Hill, and WACS Center in West Ocean City; however, additional hurdles, such as how metered service is to be purchased from the State, still need to be addressed. Chief Administrative Officer Harold Higgins confirmed that this project is a necessary foundation for operating the public safety projects, and funds are available to complete Phase 1AR, within the existing fund balance, with additional funds to be allocated in future fiscal years for Phase 1B.

Commissioner Mitrecic inquired if this project placed Ocean City 911 in a dependency of a single fiber for the purposes of 911 call receipt. Mr. Webster advised that the separate but related 911 upgrade project placed the primary 911 server core at the Snow Hill primary 911 Center and the secondary 911 server core at the back-up County 911 Center at the Fire Training Center in Newark. Unlike the legacy equipment being replaced, each secondary public safety answering point no longer has its own server equipment. Mr. Hamilton added that the 911

equipment vendor, 911 equipment manufacturer, and the County's network consultant all cautioned against placing critical core equipment within Ocean City due to the single fiber limitation. He further explained that, while the limited fiber optic path into Ocean City places a certain degree of concern for survivability on Ocean City's call taking, placing core equipment within the town would extend that survivability concern into the remainder of the county. Mr. Webster and Mr. Hamilton stated that additional connectivity into Ocean City is desirable in the event that the Commissioners instruct such an undertaking; however redundant fiber optic connectivity would come at a very high cost.

In response to a comment by Commissioner Mitrecic, Mr. Webster advised that the core server that was once located in Ocean City was relocated to the mainland at the recommendation of Skyline Technology Solutions, which is providing the fiber optic service now that the local Verizon carrier is no longer supporting 911 Center services; however, the backup center in Ocean City will continue to be served by this fiber project along with a microwave connection. He advised that the County backup 911 Center is located at the Fire Training Center in Newark, but that in the event of an emergency on the mainland the 911 Center calls could be rerouted to the backup center at the Public Safety Building in Ocean City. Commissioner Mitrecic stated that the Town of Ocean City has grave concerns about the mainframe having been moved off the island. Mr. Hamilton advised that Skyline Technology Solutions had recommended this move for survivability, noting that in the event of severe flooding in Ocean City the fate of County and municipal 911 Center services would hinge on the survivability of the backup site in Ocean City. However, staff would be more than willing to look at other survivability options if directed to do so by the Commissioners.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to move forward with the project and to approve the funding of \$218,273.90 for Phase 1A9 and the funding of \$208,900.44 for Phase 1AR as an authorized over-expenditure in the FY17 budget.

The Commissioners recessed for five minutes.

The Commissioners met in legislative session.

The Commissioners conducted a hearing to receive public comment on Bill 17-3 (Zoning - Poultry Operations), which was introduced by Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic, and Purnell on March 21, 2017. Development Review and Permitting Director Ed Tudor reviewed the history of and amendments that have been made leading up to the bill before them today, noting that the discussion began when Harold Scrimgeour submitted a text amendment application early last year that sought to dramatically alter the Zoning and Subdivision Control Article relative to poultry houses, with staff spending considerable time working with Mr. Scrimgeour to convert his general outline of ideas into a comprehensive text amendment that was reviewed and given a favorable recommendation by the Planning Commission on October 6, 2016, but was not introduced by the Commissioners upon first review on October 18, 2016 due to concerns regarding some of the provisions therein. He stated that these concerns have since been addressed. He then reviewed Bill 17-3, which would define poultry operations and establish size and number limitations, and enhance buffering and setback standards for poultry operations. Generally, the new draft expands and clarifies the language

regarding vegetative buffers, increases the side and rear yard setbacks from 50 feet to 200 feet, eliminates the sliding density scale for poultry houses, and reduces the maximum number of poultry houses allowed on a particular parcel from 12 to eight. It also establishes setbacks to property lines rather than to certain uses on adjacent properties, and contains extensive new provisions for modifications, expansions, and addition of new uses on existing poultry farms. Mr. Tudor advised that on March 2, 2017 the Planning Commission gave a favorable recommendation to this final version of the bill, noting specifically that the buffer standards reflect those recommended by the Delmarva Poultry Industry (DPI), Inc., and the variety of buffers called for are generally native species.

Commissioner Bunting opened the floor to receive public comment.

DPI Program Coordinator Jim Passwaters submitted the results of a study conducted by the University of Delaware, which found that warm season grasses are the most effective vegetation for capturing air emissions from chicken houses and absorbing nutrients in the soil and water, and he asked that warm season grasses be allowed in order to meet the buffer standards. Mr. Tudor explained that, while warm season grasses are not required, they are permitted. Mr. Passwater was satisfied with Mr. Tudor's response, since such grasses are not prohibited.

DPI Executive Director Bill Satterfield thanked the Commissioners for working with DPI to come up with a reasonable ordinance. In response to a question by Mr. Satterfield regarding lot and parcel sizes, Mr. Tudor advised that the definition of a lot or parcel size varies for residential and agricultural uses, noting that an agricultural lot must be a minimum of five acres to be used for poultry operations. He further advised that Bill 17-3 requires landscapers to install the vegetative buffer before the County will issue a Certificate of Occupancy to assure that the work is completed.

Snow Hill farmer and former County Commissioner Virgil Shockley sought clarification regarding the definition of Poultry Housing Unit and questioned whether a poultry farmer would be required to install a vegetative buffer along a property line if there is no adjoining neighbor. Mr. Tudor stated that the bill recognizes that a lot can have eight poultry houses of up to a maximum of 44,000 square feet each to account for the variety in housing sizes, with no additional houses to be permitted on the site regardless of whether a developer chooses to construct houses smaller than the maximum square footage. Commissioner Bunting stated that the vegetative buffer is required on property lines regardless of whether the adjoining property has been developed due to the possibility that adjacent properties could be developed in the future. Mr. Shockley further suggested that the Maryland Department of Natural Resources (DNR) standards for buffers should be referenced. Mr. Tudor explained that the County opted for nationwide standards, which are easily accessible online.

Sudie Gatling of Sheephouse Road in Pocomoke stated that there are already eight poultry houses between her 2 ½-acre property and U.S. Rt. 113, and Phase I of what she presumes is to be a two-phase industrial poultry farming project is under construction just fifty feet from her rear property line. She stated that she and her husband bought this property for retirement, never dreaming it would one day be entirely surrounded by poultry houses, and she asked if there was anything the County could do to require the developer to limit the number of houses or require the houses to adhere to the increased buffering and setback requirements to protect their quality of life. Mr. Tudor stated that the permits for the project in question have

already been issued, and Bill 17-3 is not retroactive. Commissioner Church stated that, while the County cannot impose the new requirements on the developer, they could make an appeal on her behalf to comply with DPI's good neighbor recommendations to further buffer the property. Mr. Tudor concurred and invited Ms. Gatling to meet with his staff after the meeting to review the project plans for the new poultry houses. In response to comments by Commissioner Lockfaw, Mr. Tudor pointed out that the County Code protects agricultural uses as the number one permitted use in Agricultural Zoning Districts, while residential uses are farther down that list at number three.

Allan Hudson of Berlin thanked the Commissioners for their sensitivity to protecting agriculture in the new regulations; however, he expressed concern that capping the number of chicken houses permitted on each lot could drive young farmers away from the County or from farming or both. In response to questions by Mr. Hudson, Mr. Tudor stated that Bill 17-3 establishes provisions to allow legally existing poultry operations to be reconstructed, moved, structurally altered, modified, or replaced subject to certain requirements and conditions.

Maria Payan of Selbyville and a Socially Responsible Agriculture Project Consultant asked the Commissioners to support density requirements to assure that someone would not be able to subdivide one lot into two and construct eight poultry houses on each lot. She also suggested the County require biofilters on the fans, which have been proven highly effective in eliminating pathogens. She submitted a health ordinance related to poultry operations for the Commissioners' consideration in the future.

Assateague Coastal Trust (ACT) Coast Keeper Kathy Phillips thanked the Commissioners for their efforts to protect existing resident growers and regulate large industrial poultry operations and asked them to reinsert substantial minimum lot requirements, include density requirements to close the loophole that would permit a grower to acquire two parcels to put the maximum number of houses permitted on each lot, to require exhaust fans to be pointed away from adjacent properties or adjacent waterways, and to adopt a public health ordinance within those regulations to address the negative health impacts from the industrial-size operations, and to limit large operations to the A-1 Agricultural District only.

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

Upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Bill 17-3 (Zoning - Poultry Operations) as submitted, with Commissioner Mitrecic abstaining from the vote.

The Commissioners met with Mr. Tudor to review a text amendment proposed by the Board of Electrical Examiners to address what they view as a deficiency in the standards by which the board can revoke or suspend the license of any licensee. Mr. Tudor reviewed the bill, which would expand the standards to include a provision whereby the board could revoke or suspend a license upon the conviction of a licensee of a felony or misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide electrical service in accordance with State laws.

Following some discussion, Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic, and Purnell introduced the aforementioned text amendment as Bill 17-4 (Electrical Standards - Revocation or Suspension of License) and scheduled a public hearing on the bill for

June 20, 2017, which is the next scheduled legislative session for which the County can meet the advertising requirements.

The Commissioners met with Mr. Tudor to review a text amendment proposed by the Board of Electrical Examiners regarding the issuance of homeowners' electrical permits. Mr. Tudor reviewed the bill, noting that the board feels that all too often the work done under these permits is not being done by the homeowner at all, but is instead being done by unlicensed contractors, with 46 of 711 permits in calendar year 2016 having been issued as homeowners' permits. He advised that the proposed bill classifies that only minor electrical work by a homeowner is exempt from permitting, while all other work must be performed by a licensed electrician.

Commissioner Bertino expressed concerns that the requirements may not be easily enforced. Commissioner Elder stated that homeowners should not be prohibited from doing their own work, since it will be inspected anyway. Commissioner Mitrecic stated that he understood the need due to complicated new rules for electrical installations.

Following some discussion, Commissioners Mitrecic and Bunting introduced the aforementioned bill as Bill 17-5 (Electrical Standards - Licensing Requirements for Homeowners) and scheduled a public hearing on the bill for June 20, 2017.

Commissioner Bunting closed the legislative session.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Bertino, with Commissioner Elder temporarily absent, the Commissioners unanimously adopted the Findings of Fact approving the Step 1 Concept Plan for the Gateway Solar Project, a utility scale solar energy system on property located on the northerly side of Ocean Gateway (U.S. Rt. 50) just west of the MD Rt. 90 off-ramp and the southerly side of Old Ocean City Road (MD Rt. 346) across from the intersection with Circle Road near Berlin, Maryland.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Bertino, with Commissioner Elder temporarily absent, the Commissioners unanimously adopted Resolution No. 17-8 approving the Step 1 Concept Plan for the Gateway Solar Project.

Commissioner Elder returned to the meeting.

The Commissioners answered questions from the press, after which they adjourned to meet again on May 2, 2017.