

Minutes of the County Commissioners of Worcester County, Maryland

May 2, 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 Lockfaw, seconded by Commissioner Bertino, with Commissioners Church and Mitrecic 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 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; Ed Baker, Interim County Attorney; Kim Moses, Public Information Officer; and Stacey Norton, Human Resources Director. Topics discussed and actions taken included: agreeing to post to fill a vacancy for a Recreation Program Manager II for Recreation & Parks; receiving legal advice from counsel; and performing administrative functions.

Commissioners Church and Mitrecic were absent from the morning meeting.

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 presented a proclamation to Worcester County Social Services Foster Care Supervisor Jamie Manning and other staff members recognizing May as National Foster Care Month and thanking them and area foster parents for their efforts to bring stability and a sense of self-worth back into the lives of youth in foster care. Ms. Manning expressed her thanks to the 21 licensed Foster Care households in Worcester County that provide shelter and support to the 35 children in the program, including 17 children who had previously been housed in neighboring jurisdictions.

The Commissioners presented a commendation to Christine Queen for being named the 2017 Worcester County Foster Parent of the Year by Social Services for her willingness to serve foster children living in crisis in the community. The Commissioners commended Ms. Queen for her willingness to open her heart and home to nine total foster children with three currently in her home whose lives were in crisis.

The Commissioners, joined by Superintendent of Schools Lou Taylor, Snow Hill Middle School (SHMS) Principal Chris Welch and Coastal Association of Realtors (CAR) Public Affairs Director Sarah Rayne, presented a commendation recognizing SHMS student Lindsay Birkhead-Morton for her poster "I Love Fair Housing," depicting community members coming together to celebrate fair housing, which was selected by CAR and the Maryland Association of Realtors to be featured in the 2018 Fair Housing Calendar.

The Commissioners conducted a public hearing on Rezoning Case No. 405, for an application submitted by Attorney Joseph E. Moore, on behalf of Joseph J. Balsamo, which seeks to rezone approximately 2.6235 acres of land located on the westerly side of MD Rt. 611 (Stephen Decatur Highway) and easterly side of Sinepuxent Road, and more specifically identified on Tax Map 26, Parcel 211 in the Tenth Tax District of Worcester County, Maryland from A-2 Agricultural District to C-1 Neighborhood Commercial District. Staff members present at the hearing were Development Review and Permitting Director Ed Tudor and Deputy Director Phyllis Wimbrow. Interim County Attorney Ed Baker informed the public of the procedures in rezoning cases. He then swore in those individuals who planned to give testimony during the hearing. Mr. Tudor reviewed the application. Ms. Wimbrow entered the Planning Commission's Findings of Fact into the record and stated that, according to the application for rezoning, the applicants' claim as the basis for their rezoning request was that there is a mistake in the existing zoning classification of the petitioned area, which was rezoned from B-1 Neighborhood Business District to A-2 during the comprehensive rezoning in 2009 because staff had determined that there was sufficient commercial zoning elsewhere in the vicinity. However, the applicant testified that this small, narrow strip of land is unable to be farmed and cannot provide commercial support of agricultural-related activities permitted in the A-2 District, and it sits within a navigation easement directly in the path of the north/south approach to the Ocean City Airport, limiting the height of any structure on the property. She further stated that the Planning Commission agreed with Mr. Moore's assertion that the existing A-2 Agricultural District Zoning on the petitioned area is a mistake, and that the area across from the petitioned area is residential in nature and that neighborhood commercial use of the petitioned area would relieve those properties of the need to utilize commercial areas to the north of Sunset Avenue to meet their daily commercial service needs. Therefore, the Planning Commission had concluded that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan and gave a favorable recommendation to rezone the petitioned area from A-2 to C-1.

Commission President Bunting opened the public hearing.

Mr. Moore concurred with staff's assessment and advised that the A-2 Zoning is inappropriate for this property for the reasons outlined by staff and the Planning Commission. He advised that the shape, size, and location of the property to the north/south approach to the airport reduced the number of permitted agricultural uses on that property by 62% and prohibits 28 of the uses permitted by special exception. He asked the Commissioners to accept the Planning Commission's findings of fact with regard to the proposed rezoning.

George Carwell, a land use planner from Milton, Delaware, stated that 11 out of 18 principal uses and 28 out of 44 special exception uses in the A-2 District are inappropriate for this site due to its small size, narrowness, location between two roadways, and proximity to the airport; therefore, the A-2 zoning is not appropriate for this property. He stated that by rezoning

the property to C-1, his client could erect two, 2,500-square-foot restaurants to be served by public water and sewer from the Mystic Harbour Sanitary Service Area (SSA). He agreed with the Planning Commission's Findings of Fact for this application.

Betty Tustin, an Engineer for the Traffic Group, advised that she had performed a traffic study and analysis to assess the present and future traffic patterns of the area, finding that there had only been six accidents at this intersection in the past three years, three of which were caused by impaired driving and had been discounted from the study, leaving only three accidents in three years, which demonstrates that the intersection is not dangerous. She further advised that restaurants in the C-1 Zone are considered pass-by trips and thus only 14 more trips would be generated during the p.m. peak hour, creating only a minimal impact on the current road system. She concluded that MD Rt. 611 is capable of handling any commercial traffic that may be generated by this site if rezoned C-1, and the proposed rezoning would not adversely impact present or future traffic patterns.

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

Upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to adopt the Planning Commission's Findings of Fact and approve the rezoning based on a mistake in the existing zoning of this property, and agreed to rezone the property from A-2 Agricultural District to C-1 Neighborhood Commercial District.

Pursuant to the request of Budget Accountant Kim Reynolds and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Bunting to sign the Emergency Solutions Grant Program (ESGP) Application with the Maryland Department of Housing and Community Development (DHCD) to provide funding for the Samaritan Shelter in the amount of \$40,000 to provide a shelter for the homeless and Diakonia in the amount of \$105,000 to prevent homelessness and provide shelters for homeless with funds for general maintenance and operating costs, transition to permanent housing, wages, and benefits for case management staff, homeless prevention, rapid rehousing, and administrative costs for Federal FY17 and State FY18.

Pursuant to the request of Enterprise Fund Controller Jessica Wilson and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule a public hearing on the requested FY18 Solid Waste Enterprise Fund Budget (Central Landfill, with Homeowner Convenience Centers and Recycling to be subsidized by the General Fund in FY18) on Tuesday, June 6, 2017, at 10:40 a.m.

Pursuant to the request of Ms. Wilson and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule a public hearing on the requested FY18 Water and Wastewater Enterprise Fund Budget (Sanitary Service Area Budgets and Assessments) on Tuesday, June 6, 2017, at 10:40 a.m.

The Commissioners, joined by Superintendent of Schools Lou Taylor and Pocomoke High School (PHS) Principal Dr. Annette Wallace, presented a commendation to PHS senior LeAnn McDowall for her service as Worcester County's Page to the 2017 Maryland General Assembly, for her dedication to academic excellence, and for demonstrating a great potential for

leadership. Superintendent Taylor advised that Miss McDowall has been accepted and will attend Cornell University, a private Ivy League university in Ithaca, New York, this fall. Dr. Wallace stated that it is quite an honor for a student to be selected to represent the County as a Page, and Miss McDowall did an outstanding job managing all of her academic and personal commitments while also representing the County in the Maryland General Assembly.

The Commissioners considered the recommendation of Public Works Director John Tustin, in response to complaints lodged by northern Worcester County residents, to reduce the speed limit on the portion of Delaware Road in Worcester County between Rollie Road West and the Delaware State Line and post speed limit signs on this currently unposted State highway. Mr. Tustin reviewed the details of the proposal, stating that the request stems from increased truck traffic generated by the construction work at the Americana Bayside project in Delaware and traveling at excessive rates of speed along this roadway. He stated that, as an un-posted highway, the speed limit by default is 50 miles per hour (mph), and he suggested that this section of road be posted with a 30 mph speed limit for vehicle traffic and a 25 mph speed limit for truck traffic.

Upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to post Delaware Road with a 30 mph speed limit for vehicles and a 25 mph speed limit for truck traffic.

The Commissioners answered questions from the press, after which they recessed until 7:00 p.m. for the FY18 Requested County Operating Budget Public Hearing at the Snow Hill High School Auditorium.

The Commissioners conducted a public hearing at 7:00 p.m. at the Snow Hill High School Auditorium on the FY18 Requested County Operating Budgets. Commission President Bunting called the meeting to order and welcomed those in attendance. Chief Administrative Officer Harold Higgins presented a PowerPoint presentation outlining the FY18 Requested Operating Budget. The presentation included the following graphs and information: FY18 Budget Issues; General Fund Estimated Revenues and Expenditures for FY18; Worcester County Assessable Tax Base from FY15-FY18; General Fund Major Revenues - Property Tax, Income Tax and Recordation and Transfer Taxes from FY15-FY18; General Fund Revenue and Expenditure Comparisons from FY15-FY18; FY17 Real Property Tax Rates of counties on the Eastern Shore of Maryland of which Worcester County is 2nd lowest at \$0.835 per \$100 of assessed value; 2017 Income Tax Rates of Eastern Shore counties of which Worcester County is the lowest at 1.75%; the Worcester County Constant Yield Tax Rate of \$0.8220 per \$100 of assessed value to yield the current rate of revenue; and the Schedule of Upcoming Budget Work Sessions on May 9, 16 and 23, 2017 (if all are necessary); and the Budget & Tax Rate Adoption on June 6, 2017.

Mr. Higgins explained that the requested expenditures of \$204,013,601 exceed the County's estimated revenues of \$197,368,330 by \$6,645,271. He stated that this difference must be reconciled by the Commissioners either through reductions in expenditures, additional revenues or a combination of both. Mr. Higgins further explained that the Constant Yield Tax Rate (CYTR) represents the property tax rate that would generate the same amount of revenues the County received in the current fiscal year. He noted that in February the State informed Worcester County that, to fully offset the effect of increasing assessments, the real property tax

rate would need to be decreased from the current tax rate of \$0.835 per \$100 of assessed value to the CYTR of \$0.8220 to remain constant with the current year, FY17. He stated that the CYTR would create no additional revenue above the current year's total, but explained that the County Commissioners are considering not reducing its real property tax rate enough to fully offset increasing assessments and instead will consider adopting a real property tax rate of \$0.867 per \$100 of assessed value to fully fund budget requests. This tax rate is 5.5% higher than the CYTR and would generate an additional \$6,699,460 in real property tax revenues.

Commissioner Bunting opened the floor to receive public comment on the department budget requests, proposed property tax increase, and the Board of Education budget request, in that order.

Ellie Diegelmann of Ocean City asked the Commissioners to closely evaluate and identify ways to reduce or eliminate proposed increases in the following budgets: Environmental Programs, Other General Government, Sheriff's Department; Jail; Public Works; Mosquito Control; Wor-Wic Community College (WWCC); Recreation; Recreation and Culture; Taxes Shared with Towns; Interfund; and Other Social Services. She also requested the Commissioners dramatically reduce the Real Property Tax Rate for affordability. She further requested the Commissioners and Board of Education (BOE) record their meetings for public viewing. In response to a question by Ms. Diegelmann, Mr. Higgins advised that the County will conduct a public hearing on the Solid Waste Budget on June 6, 2017. He further advised that Taxes shared with towns are pass-through funds.

Alison Bernard, president of Diakonia, thanked the Commissioners for their ongoing support, which helps Diakonia provide emergency shelter and many other needed services that help area residents in crisis become stable and self sufficient. She stated that last year Diakonia provided 10,754 bed nights, helped 70% of clients secure permanent housing, obtained medical insurance for 95% of clients, fed 9,500 individuals from over 3,000 households; and helped 59 military veterans find or remain in permanent housing. She stated that Diakonia recognizes the value of every County dollar and noted that Diakonia worked with community partners to host six major fund raisers last year to help cover program costs. She asked the Commissioners to continue their support of Diakonia and other vital social service programs in the County.

Worcester County Developmental Center (WCDC) Executive Director Jack Ferry thanked the Commissioners for their ongoing support, which enables adults with disabilities to achieve their highest level of independence. He stated that the WCDC will soon be faced with an as yet undetermined amount in federal funding cuts, and he thanked the Commissioners for their continued stable support of the WCDC.

Stacey Weisner, Executive Director of the Delmarva Discovery Center (DDC) in Pocomoke, thanked the Commissioners for their ongoing investment in the DDC. She stated that the addition of the river otter exhibit to this living history museum has made the DDC a major tourism destination, which partners with the Costen House, Sturgis One-Room Schoolhouse, and the Marva Theater to boost tourism and economic growth in the town.

Jackie Gordon of the DDC advised that the DDC uses County funding to leverage funds from public and private donors to boost tourism in the southern end of the County, and she asked the Commissioners to support their FY18 grant request.

Anita Wilder of Deal Island asked the Commissioners to support this first-ever grant request from Town Cats, to help buffer the organization against funding reductions resulting

from a loss of Snyder Foundation funding. She advised that County grant funds would be used to help Town Cats continue to spay, neuter, and find forever homes for adoptable cats and provides permanent sheltering in one of three sanctuaries for those that are not adoptable.

Furnace Town Executive Director Patrick Rofe thanked the Commissioners for their years of support to Furnace Town Living Heritage Village and ask them to continue that support, which helps them to preserve the historic Nassawango Iron Furnace and the hands-on history museum. He stated that this historic site is becoming a powerful economic engine, attracting thousands of area residents and school children and drawing visitors from all over the country, and it will continue to attract even more with the addition of classes that allow participants to experience historic traditions and culture.

John F. Adkins of Ocean City recognized that the Commissioners have a tough road ahead as they work to wisely budget limited tax dollars, but he advised that he and many others live on fixed incomes and cannot afford a tax increase, particularly since he is already paying town and County taxes. He requested the Commissioners offer tax relief for retirees, like himself.

Superintendent of Schools Lou Taylor thanked the Commissioners for supporting the Board of Education (BOE), stating that he had grown up in Worcester County and understands that creating a sound budget is a demanding and thankless job, but he is extremely grateful for their diligence. In honor of National Teacher Appreciation Day, he asked all the educators in attendance to rise and be recognized. He stated that good things are happening in Worcester County, noting that this year principals from Snow Hill Elementary School and Pocomoke High School were selected as the Maryland Elementary and Secondary School Principals of the Year, and two graduating seniors were accepted into Harvard and Cornell Universities. He advised that the BOE's top priorities are to maintain an exceptional school system to educate the 6,640 students, maintain small class sizes, utilize data to differentiate instruction, and attract and retain highly qualified staff. He stated that Worcester County continues to be the top rated school district in the State in career and college readiness and maintains the highest graduation rate and lowest drop out rate in Maryland because kids are at the heart of every decision they make. He asked the Commissioners to fully fund the requested BOE budget, to allow them to offer competitive salaries and benefits, cover rising insurance and transportation costs, and fund needed capital projects.

Rob Baker of Bishopville credited the exceptional teachers and support staff at Cedar Chapel Special School (CCSS) with helping his son transition from a withdrawn, autistic boy into a well-rounded young man who plays basketball for the school team, the Wildcats, and who now has many friends and few anxieties. He requested the County support these outstanding educators by adopting the requested BOE budget, to attract and retain great staff and compensate them for their experience, and to allow CCSS to complete the final phase of a capital project to develop a courtyard with interactive therapy equipment for students.

Sarah Guy of Pocomoke, a mother of two Pocomoke Elementary School (PES) students, stated that she appreciates everything the County does for the BOE. She stated that her family moved from Salisbury to Pocomoke for one reason: Worcester County's outstanding public school system, with its small class sizes that allow teachers to address the needs of all students. She thanked the Commissioners for their past support and asked them to fully fund the requested FY18 BOE budget.

Nancy Holland of Berlin thanked the Commissioners for their gracious support of the

BOE in the past and requested they continue that support to replace the HVAC system at Buckingham Elementary School (BES), fund competitive salaries and benefits for all staff, and to continue funding school safety by keeping the School Resources Officers in the schools.

Doug Andrews of Berlin thanked the Commissioners for the new Snow Hill High School (SHHS), where his two children attend school, and he asked them to fully fund the requested BOE budget to provide competitive wages and benefits, materials of instruction, school safety, and construction of the new Showell Elementary School (SES).

Paul Gasior of Ocean City stated that his daughter is in tenth grade at Stephen Decatur High School (SDHS), where she benefits from the partnership of quality teachers, administrators, and staff who push her to work hard. He stated that it is critical to keep quality educators in Worcester County and requested the Commissioners fully fund the BOE budget to adequately compensate teachers and staff for their work, maintain school security, build a new SES, and complete other capital projects that will help Worcester County remain the number one rated school system in the State.

Jahniqua Johnson of Snow Hill thanked the Commissioners for their support of education, which has allowed her son to receive a top-notch education at Snow Hill High School (SHHS) that will prepare him for the future. She stated that creating outstanding schools means providing competitive salaries, assuring school safety, and constructing state of the art facilities, like a new SES, and for these reasons she asked the Commissioners to fully fund the BOE budget.

Melinda Taylor of Berlin and a 1988 graduate of SDHS stated that her six children, ages 11 to 28, are continuing to benefit from their public school education in Worcester County, which includes rigorous programs and top educators. For example, her daughter, a senior in the biomedical program at Worcester Technical High School (WTHS) was awarded a full scholarship to study medicine in college next year. She concluded by asking the Commissioners to fully fund the requested BOE budget to provide competitive compensation and stave off cost of living increases, maintain school safety, and build a new SES.

Michelle Dascoli of Berlin stated that her two children attend SDHS and Stephen Decatur Middle School (SDMS), where the Commissioners financial support provides teachers with adequate compensation and provides students with the materials and technology they need to become college and career ready. She stated that when she first moved to Worcester County she had wondered what sort of education schools at the beach could provide and found out that the opportunities these schools offer are unparalleled. Therefore, she asked the Commissioners to continue to fund the BOE budget to keep Worcester County public schools great.

Megan Muller of Bishopville stated that she has one son at SES, and another child will soon be attending there as well. She thanked the Commissioners for partnering with the BOE to make the new SES a reality. She pointed out that Worcester County students' test scores consistently show that they are outperforming other school systems in Maryland and that is because of the teachers and staff. She asked the Commissioners to fully fund the BOE budget to provide salary increases and benefits that will attract and retain staff at all levels.

Kandy Davis of Berlin thanked the Commissioners for supporting the BOE. She stated that her children are thriving at Ocean City Elementary School (OCES), BIS, and SDMS, thanks to a host of outstanding staff that include teachers, custodians, bus drivers, administrative staff, nurses, guidance counselors and cafeteria workers, all of whom play rolls in preparing children

for the future. She asked the Commissioners to fairly compensate them by adopting the requested BOE budget, which includes salary increases and funding for school safety and capital improvement projects, including a new SES.

Beth Shockley-Lynch, mother of three and President of the Worcester County Teachers Association (WCTA) and a Snow Hill Elementary School Teacher, requested the Commissioners fully fund the FY18 BOE Budget, which provides proper compensation for teachers, as well as adequate funds to purchase materials of instruction and other classroom essentials to help Worcester County public schools remain the best in the State. Speaking on behalf of the more than 600 members of the WCTA, she stated that the County is the school system's primary funding source and thanked the Commissioners for sharing in the progress the schools are making to educate a global workforce. She thanked the Commissioners for continuing to provide an excellent health plan with a reasonable premium and asked them to fund the Board of Education budget request which is modest and affordable. She stated that all school systems face great challenges, like increasing class sizes, and stated that the BOE budget addresses these challenges by focusing on three key areas; providing a step for all eligible employees and a 1% increase for those not eligible; keeping insurance increases to a minimum; and increasing starting salaries for new teachers.

Joy Connor of West Ocean City stated her two children attend BIS and Buckingham Elementary School (BES), and she requested the Commissioners adopt the requested BOE budget to allow the BOE to continue to recruit, hire, and retain the best teachers and staff, keep salaries and benefits competitive, provide for school safety, materials of instruction, and one-to-one technology innovation, and complete capital improvement projects, including construction of a new SES school and then a new BIS.

Ellie Diegelmann of Ocean City stated that the County spends roughly \$17,000 per pupil, per year to educate students, which she felt was dramatically high and should be reduced.

Christina Hulslander, of St. Luke's Road outside Snow Hill and a parent of two Snow Hill Middle School (SHMS) students, expressed her appreciation to the Commissioners for supporting the democratic process and engaging residents in developing a budget that will help shape the quality of life in the community. She also expressed her appreciation to the teaching staff and support team at SHMS and asked the Commissioners to help support their momentum to teach children by supporting the BOE requested budget, fully fund salary increases and benefits, as well as School Resource Officers, and replacement of the HVAC system at SHMS. She also asked the Commissioners to make funding for the County Libraries a top priority to help buffer this vital community resource from anticipated federal funding cuts.

Phyllisse Nelson of Pocomoke stated that she is the proud mother of two, one attending Pocomoke Middle School (PMS) and the other attending Pocomoke High School (PHS). She recognized the hard work that goes into educating students, and she asked the Commissioners to support teachers by fully funding the requested BOE budget, which includes funding for competitive salaries and benefits, school safety, and capital improvement projects, including construction of a new SES.

PHS senior LeAnn McDowell thanked the Commissioners for their continued support of public schools. Miss McDowell, who will begin attending Cornell University in fall 2017, stated that she had received a world-class education from outstanding educators in Worcester County, and she asked the Commissioners to fully-fund the BOE budget and salary increase, noting that

the investment in education is well worth the cost.

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

Commissioner Bunting thanked everyone for attending the public hearing on the FY18 Requested Budget. He stated that the Commissioners would consider all the suggestions presented this evening. He also invited the public to attend the budget work sessions scheduled for May 9, 16, and 23, 2017 if needed. Commissioner Bunting advised that the Commissioners will adopt a balanced FY18 County Operating Budget on June 6, 2017.

The Commissioners adjourned to meet again on May 16, 2017.