

Minutes of the County Commissioners of Worcester County, Maryland

July 18, 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

Following a motion by Commissioner Mitrecic, seconded by Commissioner Purnell, with Commissioner Bertino 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 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: hiring William "Jeff" Bradford as a Maintenance Worker II and Alexander "Alec" Anderson as a Maintenance Worker III for the Maintenance Division of Public Works, Darcy Billetdeaux as a Parks Worker II for Recreation & Parks, and Kathy Shubert as an Office Assistant V for Economic Development; promoting Sheena Ewell from part-time Document Imager II to a full-time Document Imager III and Lauren Waddell from Accounting Clerk I to Accounting Clerk II for the Treasurer's Office; approving staffing changes for the Pocomoke Retail Liquor Store pending settlement, including reclassifying Debra Lambertson to Store Manager, Jayce Lee to Assistant Store Manager and Donna Lynch to remain a Store Clerk II; 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 Bertino was absent from the meeting.

The Commissioners reviewed and approved the open and closed session minutes of their July 5, 2017 meeting as presented.

Pursuant to the request of Budget Accountant Kim Reynolds and upon a motion by Commissioner Elder, the Commissioners unanimously authorized Commission President Bunting to sign the FY18 Governor's Office of Crime Control & Prevention Grant Award and Acceptance Form for funds of \$50,615 for the grant-funded position of Heroin Coordinator within the Sheriff's Office to cover salary and fringe benefits. Ms. Reynolds advised that this is the second year for the grant, which requires no County match.

The Commissioners met with Warden Donna Bounds and Health Officer Becky Jones to discuss a proposal to enter into a Memorandum of Understanding (MOU) between the Worcester County Health Department (WCHD) and the Worcester County Jail (WCJ) to provide education on Naloxone use and to dispense Naloxone kits to at-risk inmates, who participate in the WCHD addictions program, upon their release from the WCJ. Ms. Jones reviewed the request.

Commissioner Mitrecic expressed opposition to the program, which allows drug abusers to survive an overdose rather than prevent them from abusing drugs to begin with. He felt that this program sends the wrong message and could not support it. Commissioner Elder agreed and stated that the program provides a safety net, which may encourage some to use the drugs, knowing they can be revived from a potential overdose. Ms. Jones stated that the inmates must enroll in a class and are educated to provide training and encouragement to avoid drugs and to stay clean. Commissioner Purnell agreed that education is good, but since Naloxone is now readily available to family and support persons, perhaps the inmates should not be given the Naloxone upon their release from prison.

Following much discussion, a motion by Commissioner Church to introduce the program as a six-month trial program and to modify the MOU to be recognized as such failed 2-3-1, with Commissioners Church and Purnell voting in favor of the motion and Commissioners Bunting, Lockfaw, and Mitrecic voting in opposition, with Commissioner Elder abstaining from the vote.

A subsequent motion by Commissioner Mitrecic to deny the request at this point in time passed unanimously. The Commissioners agreed that they would be willing to revisit this issue at a later date if additional information that addresses their program concerns can be presented.

Pursuant to the request of Warden Bounds and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Bunting to sign the Fourth Amendment to the Master Services Agreement between Securus Technologies, Inc. and the Worcester County Jail to extend the contract for inmate telephone services with Securus Technologies for 24 months through October 4, 2019. Warden Bounds advised that the County has an excellent relationship with Securus Technologies, which provides a top-notch product.

Pursuant to the request of Human Resources Director Stacey Norton and upon a motion by Commissioner Church, the Commissioners unanimously approved the filing of a Community Foundation of the Eastern Shore (CFES) grant application for funding of up to \$4,140 to help cover supply costs for the Worcester County Emergency Services (WCES) Community Emergency Response Team (CERT) program.

Pursuant to the request of Emergency Services Assistant Director James Hamilton and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Bunting to sign the System Maintenance Agreement Amendment No. 6 between Harris Corporation and the County Commissioners of Worcester County, Maryland to extend the FY18 Radio Maintenance Contract for a one-year term through June 30, 2018 at an annual cost of \$198,581.04 and with monthly payments of \$16,548.42. Mr. Hamilton explained that this contract will allow the County to maintain the existing Legacy Radio System until the new P25 System comes online. He further stated that the County will only make monthly payments and will discontinue the services and future monthly payments with 30 days notice,

once the new system is available.

Pursuant to the request of Economic Development Director Merry Mears and upon a motion by Commissioner Church, the Commissioners unanimously authorized the use of \$8,227 in the FY18 Economic Development budget to help offset 2017 Commercial Real Estate Tour costs of \$9,727. Ms. Mears advised that the tour will take place on October 26, 2017, focusing on available infrastructure for commercial development opportunities in the West Ocean City commercial corridor, including the U.S. Rt. 50 Service Road area. Ms. Mears advised that one sponsor has already committed \$1,500 to help offset program costs, and she anticipates additional sponsors to help offset up to \$3,000 in tour costs.

Pursuant to the request of Ms. Mears and upon a motion by Commissioner Purnell, the Commissioners unanimously accepted a proposal from DB Film Production of Salisbury, Maryland at a cost of \$18,950 to produce four 3D animated aerial marketing videos that can be used during commercial real estate tours and on the Worcester County Economic Development website at <http://chooseworcester.org>. Ms. Mears advised that the videos will help the County remain competitive, as corporate site selectors will be able to receive instantaneous feedback on available properties and the infrastructure that serves them, such as highways, rail service, water, and sewer utilities. In response to a question by Commissioner Church, Ms. Mears advised that the videos will be available for viewing during the tour and could be used in television advertising as well.

Pursuant to the recommendation of Ms. Mears on behalf of Royal Plus of Snow Hill, and upon a motion by Commissioner Lockfaw, the Commissioners unanimously agreed to subordinate the County's Deed of Trust with Royal Plus in the original amount of \$785,593 to Wilmington Savings Fund Society (WSFS). Ms. Mears reviewed the request, noting that the original 2007 Deed of Trust became subject to a subordination agreement with M&T Bank in 2013 to cross-collateralize all loans, and in June 2018 Royal Plus officials notified the County that the organization's assets will be placed with WSFS. She concluded that the County's longstanding relationship with Royal Plus, an organization that has created numerous jobs in the area, remains positive.

Pursuant to the request of Board of Elections Supervisor Patti Jackson and upon a motion by Commissioner Church, the Commissioners unanimously authorized the Board of Elections to utilize the third floor training room in the Worcester County Government Center in Snow Hill as an alternate early voting site in the event of a disaster or crisis at the designated early voting site, Gull Creek Senior Living Center in Berlin, from June 14-21, 2018 for the Primary Election, with June 13 for setup, and October 25 to November 1, 2018 for the General Election, with October 24 for setup.

Pursuant to the request of Finance Officer Phil Thompson and upon a motion by Commissioner Elder, the Commissioners unanimously agreed to schedule the public hearing on the requested FY18 Liquor Control Enterprise Fund Operating Budget on Tuesday, August 15, 2017 at 10:40 a.m. Mr. Thompson explained that the budget is exclusively for the Pocomoke Retail Liquor Store, pending settlement on the sale of the store, once the license appeal process is

completed.

The Commissioners met with Assistant Chief Administrative Officer Kelly Shannahan to discuss a proposal from Swagit Productions, LLC of Dallas, Texas for a high definition (HD) audio-video broadcast system in the Commissioners' meeting room to record, catalogue, and broadcast the Commissioners' meetings on the County website at www.co.worcester.md.us at a total one-time cost of \$52,880, which includes the Swagit HD Cosmos System for \$44,890 and the EASE encoder and video indexing kit for \$7,990, and annual management costs of \$8,340 to index 25 meetings per year, with the understanding that there will be an additional cost of \$150 per meeting, which would allow additional special sessions to be recorded as well. Mr. Shannahan advised that Swagit provides a proven system, which is used by a number of government entities, including the Wicomico County Board of Education (BOE), and the proposed package includes three cameras, each capable of 10 pre-defined video shots. Information Technology Manager Brian Jones reviewed clips of the recording product that Swagit provides to a similar county in Texas.

In response to a question by Commissioner Bunting, Mr. Jones advised that the County will be able to track the number of times each meeting is viewed. Mr. Shannahan advised that the video will not stream live, but that it should be available for viewing within a day or two after each meeting. In response to a question by Commissioner Purnell, Mr. Shannahan advised that, unlike the prior unsuccessful audio-video recording system from ePlus that was used temporarily on a trial basis, this system must be purchased outright; however, given the superior and proven quality of the Swagit HD system, he felt that this product would adequately meet the requirements specified previously by the Commissioners.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously accepted the proposal from Swagit as recommended by staff.

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 two cab tractors for the Roads Division of Public Works, with funds of \$163,530 available within the FY18 budget for this expense.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Elder, the Commissioners unanimously approved bid specifications for the purchase of two offset hydraulic rotary cutters for use with the cab tractors in the Roads Division of Public Works, with funds of \$27,678 available within the FY18 budget for this expense.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the purchase of two dump trucks with attachments and accessories for the Roads Division of Public Works, with funds of \$310,860 available within the FY18 budget for this expense.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the purchase of bituminous concrete for blacktop surfacing of approximately 14.37 miles of County roadway and for resurfacing approximately 5,365 square yards of parking lot at Public Landing for the

Maintenance Division of Public Works, with funds of \$1 million available within the FY18 budget for this expense and Waterway Improvement Funds from the State for the parking lot resurfacing project.

In response to a question by Commissioner Church, Mr. Tustin stated that there are roughly 570 miles of County roads in the inventory.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications to replace the Meadow Bridge Road Bridge, with State Aid Bridge Funding to cover \$293,916 or 80% and County funding to cover \$73,480 or 20% of the total estimated project cost of \$367,396. Mr. Tustin advised that funds are available within a surplus account in the FY17 budget to cover County costs for this project, as funds that were originally set aside for this purpose were diverted to replace the Big Mill Road Bridge, which was severely damaged during an October 2016 rainstorm.

The Commissioners met in legislative session.

The Commissioners conducted a hearing to receive public comment on Bill 17-7 (Natural Resources - Erosion and Sediment Control), which was introduced by Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic, and Purnell on June 20, 2017. Environmental Programs Director Bob Mitchell reviewed the bill, which would amend the Erosion and Sediment Control Ordinance to incorporate updated regulations that were adopted by the Maryland Department of the Environment (MDE) on April 28, 2017 and became effective May 8, 2017.

Commissioner Bunting opened the floor to receive public comment.

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

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously adopted Bill 17-7 as presented.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to review a text amendment application submitted by Hugh Cropper, IV, Esquire, on behalf of Six Eleven Properties, LLC, seeking to amend the Zoning and Subdivision Control Article to allow up to 15 percent of the land area within the boundaries of a Residential Planned Community (RPC) to be zoned Commercial or Commercial Marine District rather than the current five percent. Mr. Tudor explained that, after working with Mr. Cropper to amend the original request, the proposed bill provides that no more than 5% of the gross area of a minor RPC with 20 or fewer residential units may consist of land zoned Commercial or Commercial Marine (CM) and no more than 15% C or CM zoned land in a major RPC with more than 20 residential units. Furthermore, the bill requires that at least 50% of the gross acreage of C or CM zoned land must be utilized for retail or service uses permitted in the C-2 General Commercial district somewhere on the project.

Following some discussion, Commissioners Bunting, Church, Elder, Lockfaw, Mitrecic, and Purnell introduced the aforementioned legislation as Bill 17-8 (Zoning - Residential Planned Communities) and scheduled a public hearing on August 15, 2017 to receive comments on the bill.

Commissioner Bunting closed the legislative session.

The Commissioners met with Mr. Tudor to review the Nuisance Abatement request for a property located at 1529 Unionville Road, which is identified on Worcester County Tax Map 83 as Parcel 214. Mr. Tudor stated that the specific nature of the nuisance is the unscreened accumulation of personal property that exceeds 100 square feet in area. He stated that DRP staff have spoken with the property owner who informed them that, due to his age and personal circumstances, he is unable to dispose of the material. Mr. Tudor concluded that these conditions violate Section PH 1-101 of the Public Health Article of the County Code. For that reason, Mr. Tudor asked the Commissioners to determine the property to be a nuisance in accordance with the above Code section and initiate the nuisance abatement process contained in the law to remedy the situation. He further recommended that the Order of Abatement and Notice to be Heard not exceed the minimum posting requirement, which is 15 days, given the length of time the property has been in its current state.

Upon a motion by Commissioner Lockfaw, the Commissioners unanimously declared the property a public nuisance and ordered the abatement of such nuisance pursuant to Section PH 1-102 of the County Code.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Bunting to sign the Bill of Sale and Utility Easement to accept the Castaways effluent holding tank for the Mystic Harbour Sanitary Service Area (SSA), for use in the spray irrigation system at the Eagle's Landing Golf Course, as previously agreed.

Mr. Tustin reviewed the results of the recent online auction of County surplus property on GovDeals.com and stated that the County earned \$60,236 through the auction.

The Commissioners answered questions from the press, after which they adjourned to meet again on August 1, 2017.