

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

September 5, 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 Bertino, 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 Michael Redden as a Maintenance Worker II for Parks and Recreation, and Arnold "AJ" Papa and Douglas Fenninger as Roads Worker II's for the Roads Division of Public Works; promoting Monroe Green from Maintenance Worker II to Plant Operator Trainee and agreeing to advertise to fill one vacant Maintenance Worker I position for the Water and Wastewater Division of Public Works; hiring Chasity Johnson as a part-time Document Imager II for the Treasurer's Office; agreeing to advertise for an IT Database Administrator Trainee for Emergency Services, and a Plumbing Inspector II for Environmental Programs; receiving legal advice from counsel; and performing administrative functions.

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

The Commissioners reviewed and approved the open and closed session minutes of their August 15, 2017 meeting as presented.

The Commissioners conducted a hearing on Nuisance Abatement Order No. 17-1, pursuant to Section 1-102 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland for a commercial property owned by Kevin J. Evans T/A Planted Pleasures and located at 10307 Racetrack Road (MD Rte. 589) south of Ocean Pines, which is identified on Tax Map 21 as Parcel 110, and which is now abandoned. The specific nature of the nuisance includes the uncontrolled growth of grass, weeds, and other rank vegetation, the unscreened accumulation of personal property in excess of 100 square feet in area and several unattended, dilapidated, ramshackled structures, all of which violates Section PH 1-101(a) of the Public Health Article of the County Code.

Mr. Evans stated that he lost his business during the economic downturn, much of his equipment was stolen, and funding his daughter's college education is his first priority; however, he has been working on weekends to abate the nuisance with the limited resources available to him, and he asked the Commissioners to give him more time to clean up the property. Mr. Evans stated that he could not sell his property since it was rezoned to R-1 Residential after the last Comprehensive Rezoning and he argued that residential zoning is not suitable for this area which is near several commercial operations and the Ocean Downs Casino. He further stated that he believed that commercial zoning would be more appropriate for his property. President Bunting reminded Mr. Evans that the purpose of the hearing is to discuss the nuisance conditions of his property rather than the zoning of his property. Mr. Evans stated that he recently spent 50 to 60 hours cleaning up the property and would continue to clean up as the weather becomes cooler. He asked the Commissioners to grant him an additional 2 months to clean up the property.

Following much discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to grant Mr. Evans a 60-day extension to November 5, 2017 to abate the nuisance conditions on his property, noting that failure to do so would result in County resources being used to abate the nuisance at the property owner's expense, as referenced in Section PH 1-102(d) and (e) of the County Code.

The Commissioners presented a proclamation recognizing September as Suicide Prevention Month to Health Department Planning, Quality and Core Services Director Jennifer LaMade and staff members, along with Local Management Board Director Jessica Sexauer, and Jesse Klump Memorial Fund Founder Kim Klump. Ms. LaMade invited the Commissioners and those in attendance at the meeting to participate in the annual Out of the Darkness Walk to Prevent Suicide on Saturday, September 23, at Caroline Street and the Boardwalk in Ocean City. Ms. Klump invited family members who have lost loved ones to suicide to participate in International Survivors of Suicide Day in Berlin on November 18 to learn how to work through grief. Learn the warning signs and risk factors for suicide at <http://worcesterhealth.org> and <http://choosetolivemaryland.org>. Commissioner Bunting stated that even one life lost to suicide in Worcester County is too many, and he thanked those in attendance for all they do to prevent future deaths.

Pursuant to the recommendation of Finance Officer Phil Thompson at the written request of Melanie A. Pursel, Executive Director of The Greater Ocean City, Maryland Chamber of Commerce, Inc. and upon a motion by Commissioner Mitrecic, the Commissioners unanimously adopted Resolution No. 17-17 authorizing a 100% tax credit in the amount of \$12,909.39 for real property owned by The Greater Ocean City, Maryland Chamber of Commerce, Inc. for the July 1, 2017 tax year.

Pursuant to the request of Lieutenant Edward C. Schreier of the Sheriff's Office and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Bunting to sign the FY18 Maryland Highway Safety Office Project Agreement for a grant of \$2,000.22 that will be used to reimburse the Worcester County Sheriff's Office for overtime hours related to traffic safety initiatives aimed at reducing the instances of aggressive driving.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Church, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to authorize Commission President Bunting to sign the Agreement of Sale between Robert A. and Kathleen R. Clarke (Seller) and the County Commissioners of Worcester County, Maryland (Buyer) for the purchase of a Rural Legacy easement at a cost of \$849.78 per acre for a total purchase cost of \$109,500 on approximately 128.86 acres located at 7116 Ayres Lane Road in Snow Hill and identified on Tax Map 72 as Parcels 17 and 122. Mr. Mitchell stated that the easement purchase is fully funded by the State, including administrative costs to the County. He further stated that the Clarkes have agreed to permanently eliminate two sets of minor subdivision rights (up to 10 lots), so the only residences would be the existing farm house and a tenant house, and to limit impervious surfaces on the property, which would preclude any new poultry houses.

Pursuant to the recommendation of Recreation and Parks Director Paige Hurley, in response to the written request of Pocomoke Little League President Michael Hooks, and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized the Pocomoke Little League to purchase and install a commercial-grade grease hood in the concession stand at Newtown Park, subject to application approval by the County and the Town of Pocomoke, including confirmation by a structural engineer that the building can accommodate the grease hood, and with full funding to be provided by the Pocomoke Little League.

The Commissioners met with Mr. Hurley to review a second written request from Mr. Hooks for permission for the Pocomoke Little League to erect field lights on field No. 2 at Newtown Park, with the league covering 100% of the installation and permitting costs, and with the caveat that the league will request the following from the County in the FY19 budget: \$10,000 grant to defray the leagues cost for an automated system with 25-year warranty; the County pay all electric costs associated with the proposed system; and provide an undefined contribution for the league to pursue the project. Mr. Hurley supported the request to install field lights and agreed that his department could fund the cost of electricity, but he opposed the request for a \$10,000 grant to defray costs or any future reimbursement for installation, because field No. 2 is used exclusively by the league, and granting an undefined contribution would set a precedent upon which other organizations would likely seek similar assistance. He pointed out that the Berlin Little League paid 100% of their field lighting costs.

In response to a question by Commissioner Elder, Mr. Hurley stated that Recreation and Parks covers the electric costs at other fields but only maintains the field lighting at county-owned and operated fields at Showell Park and the senior league field in Berlin. In response to a question by Commissioner Lockfaw, Mr. Hurley stated that it is difficult for Recreation and Parks staff to change the field lighting because the department lacks the proper equipment to do so and must utilize Public Works Maintenance Division equipment for such purposes. Commissioner Lockfaw stated that Little Leagues lack the ability to raise funds to rent such equipment, and upon further questioning Mr. Hurley agreed that his staff could perform routine maintenance like changing light bulbs, provided the league covers any repairs or mechanical issues.

Following some discussion and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved the request for the Pocomoke Little League to erect field

lights on field No. 2, with all costs to be covered by the league, and with the County to pay the future electric costs for the lights, and with Recreation and Parks staff to replace burned-out bulbs and perform other similar routine maintenance on the lights; however, they denied the request for future funding to defray project costs or the warranty.

Pursuant to the request of Library Director Jennifer Ranck and upon a motion by Commissioner Church, the Commissioners unanimously approved Change Notification No. 17 with Whiting-Turner, which includes an increase of \$2,530 for pearlescent mica finish roof color to be offset by a cost reduction in the interior staircase allowance. Ms. Ranck advised that aluminum sheet metal roofing was selected during the bid process, which reduced the overall roofing cost by \$58,000.

The Commissioners considered the revised policy on medical insurance cost-share benefits for dependents of new County employees upon retirement, along with written comments from the Board of Education (BOE), Worcester County Teachers Association (WCTA), and Worcester County Educational Support Personnel Association (WCESPA) regarding the proposed changes. This issue was originally discussed at their June 20, 2017 meeting, at which time Commissioner Mitrecic made a motion to eliminate the cost-share for medical insurance benefits for dependents of new County employees hired after July 1, 2017 upon their retirement, which would require the retiree to pay 100% of the difference in the premium for their dependents to continue to be covered by the County plan after the employee's retirement. That motion was tabled until September 5 to allow time for the BOE to provide written comment on the proposed insurance benefits change. Commissioner Mitrecic stated that, while he appreciated the input provided by the BOE, the WCTA, and the WCESPA, they had provided no compelling reason to retain the existing cost-share health benefits or possible solutions to address the growing difficulty to fund the Other Post Employments Benefits (OPEB) annual contribution.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously adopted Resolution No. 17-18, eliminating cost-share for medical insurance benefits for dependents of new Worcester County employees hired on or after October 1, 2017 upon their retirement.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications for the purchase of one skid steer loader for use within the Solid Waste Division of Public Works.

In response to a question by Commissioner Mitrecic, Mr. Tustin advised that leasing is not a cost-effective option for this small equipment.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved bid specifications for the following vehicles, which were approved for purchase in the FY18 budget: three 3/4-ton 4x2 double/extended cab pickup trucks with utility body for the Maintenance Division, two 3/4-ton full-size pickup trucks for the Roads Division, and one 1/2-ton 4x4 extended cab pickup truck for the Water and Wastewater Division of Public Works; one 1500 special service 4x4 vehicle for the Fire Marshal's Office; one mid-size 4x4 Sport Utility Vehicle (SUV) for Human Resources; one mid-size 4x4 SUV, and one 1-ton 4x2 full-size cargo van for the Jail; three compact extended cab 4x2 pickups for Mosquito Control; and four full-size, four-door sedans, three full-

size 4x2 SUVs with police package; and two ½-ton 4x4 double cab pickup trucks for the Sheriff's Office.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Elder, the Commissioners unanimously accepted the second low bid from Western Star Trucks of Delmarva LLC, of Mardela Springs, Maryland for the purchase of two 2018 Western Star Model 4700SB dump trucks at a cost of \$123,300 per vehicle for a total delivered price of \$246,600 for use within the Roads Division of Public Works. Mr. Tustin advised that the low bid from Barr International of Salisbury, Maryland, at a cost of \$122,581 per vehicle, included deviations from the required specifications, and the Western Star model was superior due to corrosion resistant primer coating among other features.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Elder, the Commissioners unanimously agreed to waive the standard bid process and accepted the proposal from Kershner Environmental Technologies, LLC, the County's local wastewater equipment supplier, for the purchase of three new submersible mixers with hoists at a total cost of \$42,430 for use at the Ocean Pines Wastewater Treatment Plant (WWTP). Mr. Tustin advised that \$30,000 was allotted within the FY18 budget to replace in-tank mixers, and the shortfall of \$12,430 could be made up by postponing construction of the drying bed entrance ramp (\$10,000) until next year, reducing the size of the proposed outside drying bed (\$20,000), and completing that project over a two-year period. He concluded that the operational benefits of purchasing these mixers warrant delaying the other projects.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Church, the Commissioners unanimously accepted the proposal at a not-to-exceed cost of \$12,000 from George, Miles, and Buhr (GMB) of Salisbury, Maryland to evaluate the current biosolid process at the Mystic Harbour WWTP and provide recommendations to improve the overall management of biosolids at that facility. Mr. Tustin stated that GMB's recommendations would be considered, as part of a long-term approach for solids management at the Mystic Harbour WWTP.

The Commissioners reviewed the Maryland Department of Transportation (MDOT) State Highway Administration (SHA) public meeting announcement for the bicycle and pedestrian safety meeting to take place Thursday, September 14, 2017, from 6:00-8:00 p.m. at Ocean City Elementary School. The informal meeting, to be hosted by SHA to address issues of concern to West Ocean City (WOC) residents, will not include a formal presentation, but will include exhibits displaying previous and proposed work being done to address bicycle and pedestrian safety in the WOC area, specifically in the areas of Golf Course and Keyser Point Roads and U.S. Rt. 50.

Pursuant to the request of Superintendent of Schools Louis H. Taylor and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved inter-category budget transfers from Instructional Salaries (\$529,000) and Operation of Plant (\$90,775) to offset overages in Textbooks and Classroom Supplies (\$200,000), Special Education (\$160,000), Student Transportation (\$169,000), and Maintenance of Plant (\$90,775) for the year ending June

30, 2017 to address increased instructional software, special education, transportation and maintenance costs experienced in FY17.

Patti Miller, Worcester County Educational Foundation Executive Committee member, invited the Commissioners to attend The Launch: Faces of the Moon, Performing Arts Benefit for Education at the Ocean City Performing Arts Center at the Roland E. Powell Convention Center on November 4, 2017, at 7:00 p.m. She thanked the Commissioners for their continued support of education and expressed her hope that they would all be able to attend this inaugural fundraising event.

Upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to nominate Brian Jones, Information Technology Manager within the IT Division of Emergency Services, as Worcester County's delegate on the Maryland Broadband Cooperative (Mdbc) and for a seat on the Board of Directors for a two-year term beginning October 19, 2017, to replace former County Commissioner Virgil Shockley whose term will expire.

The Commissioners recessed until 11:30 a.m.

The Commissioners conducted a hearing on Nuisance Abatement Order No. 17-2, pursuant to Section 1-102 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland on the condition of the property owned by Willie R. and Helen Y. Church and located at 1529 Unionville Road in Pocomoke City, which is identified on Tax Map 83 as Parcel 214. The specific nature of the nuisance is the unscreened accumulation of personal property that exceeds 100 square feet in area, which violates Section PH 1-101 of the Public Health Article of the County Code. In response to a question by Commissioner Church, Mr. Tudor advised that the property owner has made substantial progress toward abating the nuisance and could likely complete the cleanup project if granted an additional 60 days to do so.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to grant Willie and Helen Church a 60-day extension to November 5, 2017 to abate the nuisance conditions on their property, noting that failure to do so would result in County resources being used to abate the nuisance at the property owner's expense, as referenced in Section PH 1-102(d) and (e) of the County Code. Mr. Church arrived after the hearing concluded and was advised of this extension to complete the cleanup, for which he thanked the Commissioners.

The Commissioners met to conduct a work session to receive follow up information from County staff regarding the proposed new outdoor sports field complex in Worcester County that was the subject of an Economic Analysis by the Maryland Stadium Authority (MSA) and Crossroads Consultants at the Commissioners' August 1, 2017 meeting. The purpose of the work session was to help the Commissioners better understand the project and its potential impacts on the County and to determine if the Commissioners would like to move forward with developing a more detailed project proposal. Staff members in attendance included Recreation and Parks Director Paige Hurley, Development Review and Permitting Director Ed Tudor, Finance Officer Phil Thompson, and Economic Development Director Merry Mears. Staff reviewed a PowerPoint that presented more realistic cost estimates for the facility and annual tournament

activity including: staff review of the MSA's Economic Analysis, concluding that a first-class facility can be developed with natural surfacing (Bermuda grass) available locally at a fraction of the cost for artificial turf, the potential for State funding to assist with development costs, and with direct local tax revenues and indirect economic impact for the local business community that will generate revenue for the County that will more than offset the estimated annual operational loss of the proposed stand-alone facility. The presentation also covered the following topics: Recommended Approach by Staff; Vision for the Complex of eight rectangular fields with surfaces of Bermuda grass (\$250,000 per field/\$2 million overall) rather than artificial turf (\$1 million per field/\$8 million overall); Presentation of Similar Facilities in Delaware and Draft Field Layout; Demand for Tournaments in a \$15 billion industry; Estimate of Annual Tournament Activity, with 12 to 14 total events, 25 to 35 event days, 7,200 to 10,500 participants, 18,000 to 26,250 total spectators, 2.5-day average stays, and 14,400 to 21,000 new hotel room nights; Estimated Initial Construction Costs of \$9.2 million; Possible Funding Sources, including the MSA, Department of Natural Resources (DNR) Program Open Space (POS), Department of Housing and Community Development, local bond funds, local designated funds, and other possible State funding; Projected Annual Operating Costs, including total revenues of \$210,000 and total expenses of \$393,000, for a net loss of \$183,000 to be offset by new local tax revenues; and Projected Economic Impact on additional room rentals (\$2.9 million), food and beverage sales (\$1.8 million), and miscellaneous sales (\$1.2 million), with total economic impact on businesses (\$5.9 million), additional wages (\$2.5 million), which will generate additional estimated local tax revenues for room tax (\$129,600), food tax (\$4,500), income taxes (\$43,750), and admissions and amusement tax (\$18,000) for total additional local taxes of \$195,850. In conclusion, staff supported the proposed complex with natural surfacing to reduce the overall project cost, noting that the project could have a substantial positive impact on the local economy, subject to State cost-share opportunities and reasonable construction and operation costs to local taxpayers.

Commissioner Bertino stated that from the outset the Commissioners made it clear that this project would need to be privately-owned and operated and he opposed the County entering into such a business venture. In response, Assistant Chief Administrative Officer Kelly Shannahan advised that the concept has evolved, since the Commissioners first reviewed the feasibility study for a public-private indoor arena and sports fields, which was not feasible, to a private outdoor sports field complex, which also would not benefit private business, to a publicly-owned outdoor sports field complex that would generate direct tax revenues and provide tremendous economic benefits to the County that would more than offset the estimated annual operating deficit.

Commissioner Church stated that he has visited many such venues around the Country and recognizes the economic advantages of having such a facility; therefore, it would be shortsighted not to consider the advantages of having such a facility here. He further stated that Ocean City's extension of sewer service and extending the boardwalk years ago are examples of public investments that have reaped benefits for the local economy. Commissioner Purnell concurred that the facility should be considered. Commissioner Mitrecic stated that such a venture could be extremely successful, particularly if the County takes advantage of the private sponsorship opportunities available from sports organizations located in Maryland, such as Ravens football and Under Armour, which have ties to the Eastern Shore.

A motion by Commissioner Bertino to discontinue any additional efforts to move forward

on this project as a public entity at this time died for lack of a second.

In response to a question by Commissioner Elder, Mr. Thompson stated that staff estimates were considering the early years of the project development. Mr. Thompson explained that staff did not agree with the MSA study that estimated such a facility could host 18 to 20 events and build to 30 events annually; however, based on the County's location, and with word-of-mouth momentum and marketing, building to 20 events annually is a realistic goal. He confirmed that if the County can book 15 tournaments annually and attract sponsors, it might be possible to operate at a break-even point or even generate a small profit. Ms. Mears concurred, noting that the numbers staff provided are very conservative and likely underestimate the opportunities which actually exist to make the venture profitable. She further stated that locating such a facility in the northern end of the County is likely to spur development along the Route 50 Service Road corridor, the Commissioners' target area for commercial development.

Commissioner Lockfaw stated that the County should not focus only on the north end of the County for such a facility. He noted that several south-end properties already have the infrastructure necessary to be ideal locations for such a project. In response to a question by Commissioner Lockfaw, Mr. Shannahan advised that staff envisions the proposed complex to be operated as a division of Recreation and Parks, similar to the Henry S. Parker Athletic Complex in Wicomico County which is operated as a division of Wicomico County Recreation, Parks, and Tourism. Commissioner Mitrecic stated that he was open to considering other areas of the County, noting that he doesn't agree with the assertion that hotels, eateries, and attractions must be located within a 10-mile radius of such a sports complex. In response to a question by Commissioner Mitrecic, Ms. Mears advised that several land owners have contacted her office to express interest in the project, but that staff could identify other potential sites as well for the Commissioners' consideration at a future closed session. Such an analysis would be at no cost to the County other than staff time.

After much discussion and upon a motion by Commissioner Mitrecic, the Commissioners voted 5-2, with Commissioners Bertino and Bunting voting in opposition, to have staff identify suitable sites County-wide for the proposed outdoor sports field complex for their consideration at a future closed session meeting. Commissioner Bertino reiterated his position that tax dollars should be used for essential services rather than speculative business ventures.

The Commissioners answered questions from the press, after which they adjourned to meet again on September 19, 2017.