

Minutes of the County Commissioners of Worcester County, Maryland

October 3, 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 Bertino, seconded by Commissioner Mitrecic, 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 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 Jessica Casey as a Customer Service Representative for Development Review & Permitting and Brianna Goddard as a Recreation Program Manger II (Marketing) within Recreation and Parks; considering hiring a Recreation Program Manager II for the Pocomoke Middle School Evening Beta Program for Recreation and Parks; posting a Roads Worker II for the Roads Division of Public Works and a Communications Clerk Trainee for Emergency Services; 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 September 19, 2017 meeting as presented.

The Commissioners presented a proclamation to Tourism Director Lisa Challenger, ShoreCraftBeer.com creator Ann Hillyer, and Bryan Brushmiller, cofounder of Burley Oak Brewing Company in Berlin, designating October as Shore Craft Beer Month in Worcester County, and promoting the capstone event, Shore Craft Beer Fest on October 28, along with other activities in October and November that promote the County and the surrounding region as a craft beer destination. Mr. Brushmiller stated that his company employs 25 area residents and attracted visitors from as far south as Florida and as far north as New York this past summer. He stated that these visitors come to sample local craft beer and stay to enjoy the beach and surrounding areas. Ms. Challenger agreed and stated that craft breweries, which have a proven economic impact, play key roles in revitalizing communities, and she thanked the Commissioners for standing with them to recognize this month as Shore Craft Beer Month.

The Commissioners presented a proclamation to Worcester County Fire Marshal Jeff McMahon recognizing October 8-14, 2017, as Worcester County Fire Prevention Week and October as National Fire Prevention Month, with the theme *Every Second Counts: Plan 2 Ways Out!*

The Commissioners presented commendations to Worcester Technical High School (WTHS) teachers and students who performed with excellence during the 53rd annual SkillsUSA National Leadership and Skills Conference in June 2017 as follows: Worcester County Technical High School (WTHS) instructors and students whose state and national representation lead WTHS to receive three Maryland and National Skills USA awards; one group commendation to WTHS students Dylan Arnold, Judah Morningstar, and Noah Selt for taking 1st place in the Team Engineering Challenge category; Instructor Richard Stephens who was named the 2017-2018 SkillsUSA Maryland, Region 1, and National Advisor of the Year; and Laila Mirza, who could not attend the ceremony, for being chosen to serve as the 2018 SkillsUSA National Officer Parliamentarian. The Commissioners also presented an overall group commendation recognizing the following students for placing within the top 10 during the national competition: Noah Selt, Judah Morningstar, and Dylan Arnold took 1st Place in the Team Engineering Challenge; Laila Mirza took 4th Place in Prepared Speech; Daniel Tyndall, Devin Mewborn, and Julia Morris took 6th Place for Crime Scene Investigation; Shawn Mitchell took 6th Place in Major Appliance Repair; Makayla Zajdel, Samantha Stephan, and Ivy Stearn took 6th Place in Career Pathways Showcase in Biomedics; Andrew Miller and Kaleb Schmucki took 7th Place in Mobile Robotics; Trevor Moats took 7th Place in Building Maintenance; and Sierra Payne took 10th Place in Medical Math. Commissioner Elder stated that these students' accomplishments rank them among the top performing career and educational students in the nation.

Tourism Director Lisa Challenger and Social Media Coordinator Mark Huey provided a social media presentation outlining the Tourism Department's use of social media to support and grow tourism initiatives across the following social media markets: Facebook, Instagram, Twitter, and Pinterest.

Pursuant to the request of Budget Accountant Kim Reynolds and upon a motion by Commissioner Purnell, the Commissioners unanimously authorized Commission President Bunting to sign the Emergency Solutions Grant Program (ESGP) Agreement with the Maryland Department of Housing and Community Development (DHCD) to provide total funding of \$119,900 divided between the Samaritan Ministries in the amount of \$29,700 for their emergency shelter and Diakonia, Inc. in the amount of \$90,200 for their emergency shelter, homelessness prevention, and paid-rehousing programs, which include general maintenance and operating costs, transition to permanent housing funds, wages and benefits for case management staff, and administrative costs for the period from October 1, 2017 through December 31, 2018. In response to a question by Commissioner Bertino, Ms. Reynolds confirmed that funding for FY18 reflects an increase from FY17 funding of \$95,760.

Pursuant to the request of Budget Officer Kathy Whited and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved the proposed Year End

Reserve for Assigned Encumbrances in the amount of \$1,772,303. Ms. Whited explained that these funds have been set aside in three separate categories: Currently Approved Projects not Completed by June 30, 2017 (\$414,045), Grant Funds Appropriated but Unobligated (\$726,545), and Other Projects and Programs (\$631,713). Ms. Whited explained that all encumbrances are for contracts and purchase orders that will be fulfilled in a subsequent fiscal year.

Pursuant to the recommendation of Finance Officer Phil Thompson at the request of James L. Purnell, Jr., President of the Berlin Community Improvement Association (BCIA), and upon a motion by Commissioner Church, the Commissioners unanimously adopted Resolution No. 17-22, authorizing a 100% Tax Credit for Real and Tangible Personal Property owned by the BCIA for such property which was exclusively for non-profit activities of that association for the July 1, 2017 tax year. Mr. Thompson advised that the tax credit totaled \$3,382.58 for FY17.

Pursuant to the request of Warden Donna Bounds of the Worcester County Jail and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Bunting to sign a Memorandum of Understanding (MOU) between Life Crisis Center, Inc. (Provider) and the County Commissioners of Worcester County, Maryland (Client) from October 1, 2017 through September 30, 2018 at a cost of \$1,200 annually, with authorization for annual renewals thereafter at that same cost to be signed by the Chief Administrative Officer, for the provision of 24-hour, confidential crisis intervention for the inmate/detainee population, which is in accordance with Prison Rape Elimination Act mandates requiring third-party provider notification for the reporting of alleged assault, abuse, or neglect without delay.

Pursuant to the request of Warden Bounds and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to waive the standard bid process and accept the proposal from Chesapeake Equipment Company of Cambridge, Maryland to purchase a commercial fryer at a total cost of \$15,038.45 to replace the current fryer, including delivery and set-up. Warden Bounds advised that no other local company sells commercial fryers and companies outside the area were selling the same or similar products at increased costs, including the next lowest quoted cost of \$16,772.40 from Appliance Connection, which does not set-up.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Church, the Commissioners unanimously approved bid specifications for the removal and replacement of approximately 5,974 feet of existing concrete curbing, valley gutters, and curb heads on County roads within several subdivisions in Worcester County, including Ocean Reef, Oyster Harbor, Deer Point, Whispering Woods, and Mystic Harbour, with \$239,621 available in an undesignated FY18 Transportation Grant from the State Highway Administration (SHA) for these projects. In response to a question by Commissioner Lockfaw, Mr. Tustin advised that the County is responsible for repairing any curbing within the County right-of-way (ROW), including at commercial entrances.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to schedule a public hearing on November 21, 2017 to receive public comment on dissolving the South Point Village Townhomes Sanitary Service

Area (SSA), which now receives water service from the Mystic Harbour SSA. Mr. Tustin advised that the County created the South Point Village Townhomes SSA in 1999. In 2003 the County used bond funding to allow the South Point Village community to connect to the Mystic Harbour water system, and from that point forward the South Point Village water treatment facilities have no longer been used. Furthermore, the debt incurred to connect the South Point Village Townhomes to the Mystic Harbour water system was paid in full on August 1, 2017, and staff now recommends dissolving the former SSA, with the treatment facility equipment to be removed by the County and the building to be turned over to the South Point Village Townhomes Community Homeowners Association (HOA) for their use.

Pursuant to the recommendation of Development Review and Permitting Director Ed Tudor and upon a motion by Commissioner Mitrecic, the Commissioners voted 4-3, with Commissioners Bertino, Bunting, and Elder voting in opposition, to schedule a public hearing on November 7, 2017, subject to allocation of sewer capacity, to obtain public comment on a request from Six Eleven Properties, LLC to establish a Residential Planned Community (RPC) floating zone on the property known as Sea Oaks, located on the westerly side of MD Rt. 611 (Stephen Decatur Highway), north of Sinepuxent Road in West Ocean City, and more specifically identified on Tax Map 26 as Parcel 274, Lot 3A and proposed for the development of a 135- townhouse-unit development and two commercial buildings consisting of 24,000 square feet of mixed use. Mr. Tudor advised that the proposal received a favorable recommendation by the Planning Commission. In response to a question by Commissioner Bunting, Assistant Chief Administrative Officer Kelly Shannahan advised that this property had originally been allotted 40 equivalent dwelling units (EDUs) of sewer capacity, but that those EDUs had been transferred off the property and sold by the former property owner, leaving this site with no water or sewer EDUs for development. He further advised that the County Sewer Committee will review an application for 139 EDUs of sewer capacity to be allocated to this property and will provide their comments to the Commissioners prior to the hearing, as the applicant's interest in establishing an RPC is contingent upon the availability of water and sewer capacity to serve the project. Therefore, if the Commissioners decline the application for 139 EDUs, staff will cancel the public hearing. Commissioner Bertino stated that he preferred not to schedule the public hearing unless and until the EDUs have been allocated. Commissioners Bunting and Elder agreed.

Pursuant to the request of County Engineer Bill Bradshaw and upon a motion by Commissioner Lockfaw, the Commissioners unanimously accepted the proposal from J. Stacey Hart and Associates of Snow Hill, Maryland at a total cost of \$12,750 plus expenses to provide engineering design services for the proposed parking area expansion adjacent to the existing Washington Street parking lot. Mr. Bradshaw advised that the new parking area will include approximately 22 additional parking spaces, and design will include options to over-manage stormwater management to address stormwater runoff, which runs in sheets from the existing parking lot and floods areas of Washington Street. In response to a question by Commissioner Bunting regarding why staff did not recommend bidding the design services, Mr. Bradshaw explained that J. Stacey Hart has local knowledge of the Snow Hill infrastructure and also provides geotechnical engineering services, which are required for this design effort.

Pursuant to the request of Mr. Shannahan and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to amend the dollar amount for a project referenced in the minutes of their April 25, 2017 open session meeting, thus revising the cost referenced for Phase 1AR of the Worcester County Shared Communications Network project from \$208,900.44 to \$289,900.44. Mr. Shannahan recognized and thanked Budget Officer Kathy Whited who identified the error.

Pursuant to the request 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 amendment to Agreement of Sale between Shirley W. Pilchard and Gary Pilchard (Sellers) and the County Commissioners of Worcester County, Maryland (Buyers) for the purchase of a Rural Legacy easement at a cost of \$1,707 per acre on approximately 281.94 acres located on the easterly side of Betheden Church Road in Pocomoke. Mr. Mitchell stated that the original Agreement of Sale was approved and signed by the Commissioners on November 15, 2016, and a revised agreement was approved and signed on August 1, 2017. He stated that, at the State's request, the County revised and the buyer approved, the most recently revised agreement, which reflects the removal of the area around the cell tower totaling 5,625 square feet from the payment. In response to a question by Commissioner Elder, Mr. Mitchell stated that this change reduced the purchase cost by approximately \$600.

Pursuant to the request of Mr. 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 Alan Glenmore Figgs (Seller) and the County Commissioners of Worcester County, Maryland (Buyer) for the purchase of a Rural Legacy easement at a cost of \$2,649.64 per acre for a total purchase cost of \$166,000 on approximately 62.65 acres located on both sides of Figgs Landing Road, east of Bayside Road, east of Snow Hill, and identified on Tax Map 73 as Parcel 9. Mr. Mitchell stated that the easement purchase is fully funded by the State, including administrative costs to the County. He further stated that this waterview property could have been subdivided to create three more lots if not for the easement, which eliminates those subdivision rights.

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

Following a motion by Commissioner Lockfaw, seconded by Commissioner Mitrecic, the Commissioners unanimously voted to meet in closed session at 11:33 a.m. in the Commissioners' Conference Room to discuss personnel matters permitted under the provisions of Section 3-305(b)(1) 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 a personnel disciplinary matter.

Following the closed session, the Commissioners adjourned to meet again in Special Session on October 10, 2017.