

Minutes of the County Commissioners of Worcester County, Maryland

November 21, 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 Purnell, with Commissioner Mitrecic 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 Henry Bishop, III as a Roads Worker I for the Roads Division, Kevin Warren as a Vehicle and Equipment Mechanic III for the Fleet Management Division of Public Works, Benjamin Ellis as a Plumbing Inspector II for Environmental Programs, Michael Barkley as a Maintenance Worker II and Jacob Stephens as a Recreation Program Manager II for Recreation and Parks; nominations to the State for Supervisor of Assessments for Worcester County; posting to fill vacancies for two Correctional Officer Trainees at the Jail and Director of Recreation and Parks; receiving legal advice from counsel; and performing administrative functions.

Commissioner Mitrecic was absent from the 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 late morning closed session on November 7, 2017 and the closed session prior to this meeting.

The Commissioners reviewed and approved the open and closed session minutes of their November 7, 2017 meeting as presented.

The Commissioners met with Finance Officer Phil Thompson, Budget Officer Kathy Whited, Assistant Finance Officer Jennifer Swanton, Enterprise Fund Controller Jessica Wilson, and Budget Accountant Kim Reynolds and applauded them for being awarded the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the ninth consecutive year. Mr. Thompson stated that the GFOA award recognizes contributions to the practice of government finance that exemplify outstanding financial management, and the County was honored with this recent recognition for its Comprehensive

Annual Financial Report (CAFR) for the fiscal year ending June 30, 2016, which assures users we are complying with the latest financial reporting requirements. He recognized the dedication and talents of the other members of the County finance team, which includes Chief Administrative Officer Harold Higgins, Budget Officer Kathy Whited, Assistant Finance Officer Jennifer Swanton, Enterprise Fund Controller Jessica Wilson, and Budget Accountant Kim Reynolds, noting that they represent a combined total of more than 80 years of finance experience. The Commissioners thanked the finance team for their hard work and dedication, which is also reflected in the County's exceptional bond rating, which results in low interest bonds for County capital projects.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Bertino, the Commissioners unanimously awarded the best bid for Housing Rehabilitation Program inspection services to Lifestyle Home Inspections of Berlin, Maryland, due to the owner's extensive experience with home inspections and meeting U.S. Department of Housing and Urban Development (HUD) requirements and in accordance with the following fee schedule: \$300 for initial evaluation; \$150 for work write-up; \$150 for progress inspection; \$150 for change order; \$250 for final inspection; \$250 for warranty; and \$75 for meetings.

In a related matter, pursuant to the request of Ms. Bynum and upon a motion by Commissioner Purnell, the Commissioners unanimously awarded the best bid for Lead Risk Assessment, and Lead Clearance Inspections to Debra W. Hall Inspections, Inc. of Hebron, Maryland, based upon the excellent quality of service she provided to the program and homeowners as the County's lead inspector in the past and at a fee of \$300 each for performing lead risk assessments and a fee of \$200 each for lead clearance testing.

Pursuant to the recommendation of Budget Accountant Kim Reynolds and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized the filing of a State Aid for Police Protection Fund application for FY19 from the Governor's Office of Crime Control and Prevention, with funds to be used exclusively to provide adequate police protection throughout the County. Ms. Reynolds advised that the County received FY18 grant funding of \$165,782 through this program.

Pursuant to the recommendation of Chief Administrative Officer Harold Higgins and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Bunting to sign the Pocomoke Middle School (PMS) Evening Beta Program Restricted Grant Agreement between the County Commissioners and the Board of Education (BOE) for County funding of \$42,000. Commissioner Lockfaw, who initiated plans for the PMS Evening Beta Program, thanked his fellow Commissioners for supporting this worthwhile program, which is designed to help keep at-risk middle school students residing in the south-end of the County off the streets and in an environment that is safe and provides opportunities for mentoring, tutoring, and activities designed to guide their lifestyle choices.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Church, the Commissioners voted 5-1, with Commissioner Elder voting in opposition, to authorize Commission President Bunting to sign the Agreement of Sale

between Bradley Byron Hauck (Seller) and the County Commissioners of Worcester County, Maryland (Buyer) for the purchase of a Rural Legacy Area (RLA) easement on a 70.396-acre property located at 3102 Snow Hill Road in Girdletree, Maryland and more specifically identified on Tax Map 79 as Parcel 170. Mr. Mitchell advised that three appraisals were completed for the valuation of the property, resulting in a purchase payment of \$144,500 or \$2,052.67 per acre, which the property owners have accepted, with the easement cost to be fully funded by the State, and with no County match required or provided. He further stated that the property, which is a buffer for Spring Hill Branch Creek, could have been subdivided, but the owner is limiting development to one accessory dwelling. In response to a question by Commissioner Elder, Mr. Mitchell advised that the property, which could have been developed with a total of five homes, is now protected in perpetuity in the condition in which it exists today.

Mr. Mitchell updated the Commissioners on the implementation of Senate Bill 1040, which was adopted by the General Assembly during the 2017 Legislative Session, which will now require draft copies of Worcester County Water and Sewerage Plan Amendments to be submitted to the Maryland Department of the Environment (MDE) prior to receiving approval from the Commissioners. Mr. Mitchell expressed concern that, while the purpose of the bill was to reduce State review times, it could result in more denials of applications by MDE, since they may not have time to work with local governments to resolve complicated issues or work through land-use inconsistencies to provide a path toward approval. The Commissioners thanked Mr. Mitchell for the update.

The Commissioners met with Public Works Director John Tustin to consider adopting updated Design Guidelines and Standards for Water and Wastewater Facilities. Mr. Tustin explained that this is the first comprehensive update to modernize the design standards since the document was developed in 1994. He advised that these updated specifications include information on products and procedures that have been successfully implemented on other projects within the County. It also adds a consolidated package of construction details and a listing of specific products approved for use when constructing water and wastewater facilities within the County for turnover to the County Commissioners for future operation and maintenance. Mr. Tustin concluded that a public hearing is not required but is permitted prior to adoption.

Upon some discussion, the Commissioners agreed to table further action for a future meeting to provide them and the public with ample time to review the document. The draft is available for viewing online at www.co.worcester.md.us/sites/default/files/bids/Design_Guidelines.pdf.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Church, the Commissioners unanimously approved bid specifications for construction of the effluent disposal discharge connection for the Mystic Harbour Wastewater Treatment Plant (WWTP) to the Eagles Landing Golf Course irrigation system.

The Commissioners conducted a public hearing to receive public comment on the proposal to dissolve the South Point Village Townhomes Sanitary Service Area (SSA), which was created in 1997 and which now receives water service from the Mystic Harbour SSA. Mr.

Tustin advised that 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.

Commissioner Bunting opened the floor to receive public comment.

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

Upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Resolution No. 17-23 dissolving the South Point Village SSA.

The Commissioners reviewed and discussed various board appointments.

Upon nominations by Commissioner Purnell, the Commissioners unanimously agreed to reappoint Wendell Purnell to the Solid Waste Advisory Committee for a four-year term expiring December 31, 2021 and to appoint Nancy Howard to the Social Services Board for a three-year term expiring June 30, 2020 to replace Arlette Bright whose term expired.

Upon nominations by Commissioner Church, the Commissioners unanimously agreed to appoint Cristi Graham as the public safety representative to the Commission for Women for a three-year term expiring December 31, 2020 to replace Lisa Maurer whose term expires at the end of 2017; reappoint John Glorioso to the Housing Review Board and David Dypsky to the Board of Zoning Appeals for three-year terms each expiring December 31, 2020; and reappoint Jamey Latchum to the Solid Waste Advisory Committee to represent the Town of Berlin, Bruce Spangler to the Ethics Board, Berlin Mayor Wm. Gee Williams, III to the Local Development Council (LDC) for the Ocean Downs Casino, Norman Bunting, Jr. to the Recreation Advisory Board, Martin Kwesko to the Water and Sewer Advisory Council for the Mystic Harbour Service Area, and both Todd Ferrante and Keith Swanton to the Water and Sewer Advisory Council for the West Ocean City Service Area for four-year terms each expiring December 31, 2021.

Upon nominations by Commissioner Elder, the Commissioners unanimously agreed to reappoint Ralph Shockley to the Economic Development Advisory Board for a four-year term expiring December 31, 2021 and to appoint Frank Giampa to the Wor-Wic Community College (WWCC) Local Advisory Council for a three-year term expiring June 30, 2020 to replace Christina Welch whose term expired.

The Commissioners reviewed a draft resolution waiving the County Commissioners' scheduled salary increase for the 2018-2022 term after determining that it would be prudent to do so. Assistant Chief Administrative Officer Kelly Shannahan explained that the Commissioners' salaries were reviewed by an independent committee in 2005, which proposed a salary of \$25,000 to be automatically increased before each successive term equivalent to the cost-of-living increases awarded to County employees during the prior term. Although cost-of-living adjustments totaling 1.5% had been awarded to County staff during the 2014-2018 term, the Commissioners unanimously agreed that they are not considering any salary increase for the upcoming term.

Upon a motion by Commissioner Purnell, the Commissioners unanimously adopted Resolution No. 17-24 waiving the County Commissioners scheduled salary increase for the

2018-2022 term.

The Commissioners recessed until 11:00 a.m.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing to receive public comments on Bill 17-11 (Zoning - Self-Storage Centers in the C-2 General Commercial District), which was introduced by Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic, and Purnell on October 17, 2017. Development Review and Permitting Director Ed Tudor stated that this bill amends the Zoning and Subdivision Control Article to allow self-storage facilities up to 40,000 square feet of gross floor area as a principal permitted use in the C-2 General Commercial District, rather than the current limitation of 15,000 square feet. Mr. Tudor stated that this bill reflects changes to the original text amendment application filed by Attorney Hugh Cropper, IV on behalf of his client, Arden Center, LLC, which were recommended by staff and supported by Mr. Cropper. He noted that, since self-storage was much like warehousing that is already permitted to be up to 100,000 square feet in gross floor area in the C-2 General Commercial District by right, it was not necessary to stipulate that self-storage up to 40,000 square feet required a special exception, as had been originally proposed by Mr. Cropper, who had graciously amended his original text amendment application. He concluded that the Planning Commission gave a unanimous favorable recommendation to the version prepared by the staff and adopted by Mr. Cropper.

Commissioner Bunting opened the floor to receive public comment.

Mr. Cropper, representing Arden Center, LLC, thanked Mr. Tudor and his staff for their assistance and their support to develop this legislation and asked the Commissioners to adopt Bill 17-11 as presented.

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

Upon a motion by Commissioner Purnell, the Commissioners unanimously adopted Bill 17-11 (Zoning - Self-Storage Centers in the C-2 General Commercial District).

Commissioner Bunting closed the legislative session.

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

Following a motion by Commissioner Bertino, seconded by Commissioner Church, with Commissioner Mitrecic absent, the Commissioners unanimously voted to meet in closed session at 11:04 a.m. in the Commissioners' Conference Room to discuss legal matters permitted under the provisions of Section 3-305(b)(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; and Kim Moses, Public Information Officer. Topics discussed and actions taken included receiving legal advice from counsel and performing administrative matters.

After the closed session, the Commissioners adjourned to meet again on December 5, 2017.