

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

January 2, 2018

Diana Purnell, President  
Theodore J. Elder, Vice President  
Anthony W. Bertino, Jr.  
Madison J. Bunting, Jr.  
James C. Church  
Merrill W. Lockfaw, Jr.  
Joseph M. Mitrecic

Following a motion by Commissioner Bertino, seconded by Commissioner Elder, 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 Brooks Crosswell as a Roads Worker I for the Roads Division of Public Works; transferring Wade Pusey from a Scale Operator to a Landfill Operator I, and agreeing to advertise to fill the vacant Scale Operator position; and transferring Kevin Seyfert from Animal Control Officer in the Sheriff's Office to Transfer Station Attendant for the Solid Waste Division of Public Works; receiving legal advice from counsel; and performing administrative functions.

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

The Commissioners reviewed and approved the December 19, 2017 open session minutes as amended and the closed session minutes as presented.

The Commissioners presented a proclamation recognizing January as National Mentoring Month to Jonathan Spencer of Big Brothers/Big Sisters (BBBS) and challenged caring, responsible adults to start something big this year in the life of a Little, that's a young person age six or older, by becoming mentors. Mr. Spencer advised that a study undertaken by BBBS identified that mentoring results in improved academic, personal, and social behavior in at-risk youth, and of the Littles who participated in the study, 94% said they have a lot or some confidence that they will achieve their goals, 93% said that having adults who care and look out for them is very important to help them achieve their goals, and 80% said they feel their Bigs, adult mentors, help them a lot.

Pursuant to the request of Warden Donna Bounds and upon a motion by Commissioner Elder, the Commissioners unanimously authorized Warden Bounds to sign the Memorandum of

Understanding (MOU) both now and in the future between the County Jail and Peninsula Regional Medical Center (PRMC), with PRMC to provide forensic services to the County Jail in compliance with Prison Rape Elimination Act standards. In response to a question by Commissioner Mitrecic, Warden Bounds advised that Atlantic General Hospital and PRMC staff work together to provide these services, with program supervision provided by PRMC.

Pursuant to the request of Emergency Services Director Fred Webster and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Purnell to sign the MOU between the Maryland Department of Information Technology (DoIT) and the County Commissioners of Worcester County, Maryland for connectivity to a fiber backbone for all 9-1-1 communications positions, the new radio system, and initial testing connections for the County Library system and Board of Education (BOE). Mr. Webster explained that Emergency Services has been working with DoIT and Skyline Technology Solutions to develop and deploy a Countywide fiber optic network, known as the Worcester County Public Network, to support multiple public safety projects, general County government, the County Library system, and the BOE, and the signed MOU is due to the State no later than January 3, 2018.

In response to a question by Commissioner Bertino, Mr. Webster advised that, while the fiber backbone runs down MD Rt. 589, the Ocean Pines Association (OPA) is responsible for extending that connectivity to public safety agencies within its jurisdiction.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Purnell to sign the No Cost Extension of Funding Agreement with the Maryland Department of the Environment (MDE) to fund the development of a watershed plan for the Maryland Coastal Bays watershed in Worcester County. Mr. Mitchell explained that the Memorandum of Agreement the County entered into with MDE in 2015 to fund the watershed study expired December 31, 2017, and while County staff already submitted the final draft plan to MDE and the Environmental Protection Agency (EPA), the new agreement will provide them with the time all agencies involved need to revise and rework the plan.

Pursuant to the request of Public Information Officer Kim Moses and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Purnell to sign a letter supporting Diakonia Inc.'s application for continued funding through the Supportive Services for Veterans Families (SSVF) Program grant from the U.S. Department of Veterans Affairs, with funds to continue providing housing stabilization services, case management, and other supportive services to provide security, stability, and life-enhancing services to veterans in crisis.

Public Works Director John Tustin met with the Commissioners to request to waive the standard bid process and accept the bid award through the National Joint Power Alliance for the purchase and installation of a Rotary SM300 vehicle lift and the removal of the former lift at a total cost of \$33,421.75, as an emergency replacement in the Fleet Maintenance Division of Public Works, with funding to be granted as an approved over-expenditure. In response to a question by Commissioner Lockfaw, Mr. Tustin explained that funds to replace this equipment

were not included in the FY17 budget because both lifts were operating optimally until about six months ago, when staff noticed the first signs of corrosion in one of the two vehicle lifts. When the equipment was inspected December 4, 2017, it was recommended that the same lift be taken out of service immediately due to age, corrosion, and normal wear-and-tear and replaced. Commissioner Mitrecic stated that, because there was only a price variance of \$505.02 between the two proposals submitted to the County, he would prefer to award the contract to the local vendor, Salisbury Automotive, Inc. of Salisbury, Maryland, at a total cost of \$33,926.77.

Upon some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to waive the standard bid process and accept the contract from Salisbury Automotive at a total cost of \$33,926.77 for the purchase and installation of the new lift and the removal of the former lift.

Pursuant to the recommendation of Mr. Tustin in response to the request of Maryland and Delaware Railroad Company General Manager Sam Pate and upon a motion by Commissioner Lockfaw, the Commissioners unanimously agreed to remove STOP signs at all “at grade” railroad crossings where there has been no trains running, which include Basket Switch, Cedartown, and Timmons Roads, and to replace those signs with Yield signs. Mr. Tustin explained that a yield sign is sufficient, as it clearly indicates that the motorist is responsible for yielding to moving trains, when and if train traffic resumes.

The Commissioners reviewed a request from Assistant Chief Administrative Officer Kelly Shannahan for out-of-state travel to attend the American Planning Association (APA) National Conference in New Orleans from April 21-24, 2018 at a total cost for travel, hotel, and meals of \$2,595 to maintain his Certified Planner status. In response to a question by Commissioner Bertino, Mr. Shannahan advised that he is the only American Institute of Certified Planners (AICP) certified planner among County staff, and he plans to attend as many sessions and mobile workshops as possible to expand his planning knowledge and earn sufficient continuing professional development credits to meet both 2018 and 2019 requirements to retain his AICP certification. Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved the request for Mr. Shannahan to attend the conference.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Bunting, the Commissioners unanimously agreed to appoint Gregory Wilkins to the Soil Conservation District Supervisors for the remainder of a five-year term expiring December 31, 2021 to replace Eugene Magee who resigned.

Upon nominations by Commissioner Elder, the Commissioners unanimously agreed to reappoint Brooks Clayville to the Planning Commission for a five-year term expiring December 31, 2022 and Scott Tingle to the Housing Review Board for a three-year term expiring December

31, 2020.

The Commissioners conducted a public hearing on the requested five-year Capital Improvement Plan (CIP) FY19 - FY23. Chief Administrative Officer Harold Higgins informed the Commissioners and the public that the CIP is strictly a planning document the County will use in preparing future operating budgets, anticipating the future financial needs of the County and to identify possible funding resources; therefore, a project's inclusion in the CIP does not constitute a guarantee of future approval or funding from the County. Budget Accountant Kim Reynolds reviewed the CIP and advised that projects totaling \$100,293,055 are proposed over the five-year period. She stated that, of the proposed projects, \$8,859,128 or 8.83% are proposed to be funded by the General Fund and \$54,323,785 or 54.17% from general bond funds. The remaining portion would be funded by user fees, grant funds, State match funds, State loans, enterprise fund bonds or a local bank loan.

In response to a question by Commissioner Bertino, Public Works Director John Tustin advised that work to repair the Ocean Pines Branch Library roof is currently in design, and they hope to begin construction by fall 2018.

Commissioner Purnell opened the floor to receive public comment.

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

Upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Resolution No. 18-1 approving and adopting the Worcester County Five-Year Capital Improvement Plan - FY19 to FY23 as presented.

The Commissioners recessed until 10:40 a.m.

The Commissioners conducted a public hearing to receive public comment on an application submitted by Attorney Hugh Cropper, IV on behalf of Kathleen Clark to establish a Residential Planned Community (RPC) floating zone on the 4.82-acre property known as Shady Side Village, located on the southerly side of MD Rt. 707 (Old Bridge Road), west of Greenridge Lane, and more specifically identified on Tax Map 26 as Parcel 157, which is proposed for the development of 36 duplex units and one single-family unit, with one point of access from MD Rt. 707. Staff members present at the hearing were Development Review and Permitting (DRP) Director Ed Tudor and Zoning Administrator Jennifer Keener. County Attorney Maureen Howarth informed the public of the procedure in the RPC hearing. She then swore in those individuals who planned to give testimony during the hearing.

Mr. Tudor stated that the project, which is proposed for development on property located within an Existing Developed Areas land use category, is consistent with uses outlined in the Comprehensive Plan for infill residential development and R-4 General Residential District zoning to encourage a diverse range of housing types and affordability within a traditional neighborhood development while still utilizing conservative design features. Ms. Keener advised that the project is consistent with surrounding densities and development types, and includes proposed open space totaling approximately 2.2 acres, consisting of 2.02 acres of uplands and 0.18 acre of non-tidal wetlands, with 0.14 acre of active recreation, 0.5 acre of passive recreation, and 1.56 acres left in a natural state. She advised that the project would provide protection to the sensitive wetland areas and received a favorable recommendation by the Planning Commission. She further stated that the project will not have an adverse impact on

local traffic and traffic patterns, a water main is available to the property for connection, and additional sewer equivalent dwelling units (EDUs) will need to be transferred and/or purchased, with the applicant agreeing to transfer seven existing EDUs and purchase two additional EDUs. Therefore, the Planning Commission gave a favorable recommendation to the request to establish the RPC floating zone for Shady Side Village.

Mr. Cropper concurred with staff's findings and asked the Commissioners to accept these findings as his testimony as well.

Land Planner Bob Hand advised that the proposed project is to be a duplex and single-family residential development with 37 units at a proposed density of 7.92 units per acre, no commercial uses, 1.4 acres or 47% of acreage to be provided for open space, with 0.5 acre or 35.7% of open space to be set aside for passive recreation, while only 20% is required.

Property owner Kathy Clark confirmed that she has seven EDUs that can be transferred to the property, and she has arranged to purchase the additional two EDUs needed for this project, pending this RPC approval.

Commissioner Purnell opened the floor to receive public comment.

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

Upon a motion by Commissioner Church, the Commissioners unanimously adopted the Planning Commission's Findings of Fact and approved the RPC.

The Commissioners answered questions from the press, after which they adjourned to meet again on January 16, 2018.