

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

February 6, 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 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), (7) and (8) 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 Kyndall McCleary as a part-time Document Imager II and Erin Passwaters as an Accounting Clerk III for the Treasurer's Office; promoting Shannon Donoway from Accounting Clerk I within the Treasurer's Office to Office Assistant IV for the Maintenance Division of Public Works; promoting Kortney Kellogg from part-time Library Assistant I within the County Library to Accounting Clerk II within the Treasurer's Office; hiring Austin Jones as a Roads Worker I for the Roads Division and Nikki Powell as a Scale Operator I within the Solid Waste Division of Public Works; hiring Matthew Cloud and Crystal Merritt as Communication Clerk Trainees for Emergency Services; agreeing to hire an intern for Emergency Services and for Volunteer Services; posting to fill a vacant Plant Operator II position within the Water and Wastewater Division of Public Works; discussing potential and pending litigation; 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 afternoon closed session on January 16, 2018 and the morning closed session today.

The Commissioners reviewed and approved the open and closed session minutes of their January 16, 2018 meeting as presented.

With regard to the work session discussion regarding the proposal from Human Resources Director Stacey Norton to reclassify certain positions as Phase I of the Comprehensive Compensation Analysis and Action Plan presented at the January 16, 2018 meeting, Commissioner Elder stated that he was present for much of the discussion during the work session but that due to a prior commitment he was absent during the vote, which was tied 3-3. Therefore, he made a motion to approve the proposed plan as presented on January 16, 2018, which passed 5-2, with Commissioners Church, Elder, Lockfaw, Mitrecic, and Purnell voting in

favor of the motion and Commissioners Bertino and Bunting voting in opposition.

Commissioner Bertino stated that the plan is a good one, but that these sorts of changes should be considered as part of the FY19 budget. Commissioner Mitrecic pointed out that the increase in FY18 is cost neutral due to savings from employee retirements and vacant positions. Commissioner Bunting agreed with Commissioner Bertino and stated that the \$290,000 impact to the FY19 budget may be needed for other expenses and, therefore, this action was not responsible to County taxpayers.

Commissioner Lockfaw stated that he supports the salary revisions, but that he is concerned that the increase is still not enough to make these positions competitive with other local employers. Commissioner Elder concurred, but stated that the County must adequately compensate employees for the work they do, and the proposal staff brought to them is a good first step towards providing that compensation. Commissioner Church agreed and stated that the County is losing good employees to higher paying positions elsewhere at an alarming rate. Commissioner Mitrecic concurred and agreed that the proposed changes were just a first step towards addressing this problem.

The Commissioners presented a proclamation recognizing February as Black History Month in Worcester County and recognizing contemporary civil rights leaders Gabriel Purnell, who attended the meeting, and James L. Purnell, Jr., who was not able to attend the meeting, for their role in the federal lawsuit that resulted in the abolishment of the at-large system of electing individuals to public offices in Worcester County and the development of district voting, which hinged on maintaining a majority minority district. Mr. Purnell stated that the fight for civil rights has not always been easy, but it's been worth the sacrifice, and he noted that Worcester County has gone on to be a leader in human rights in Maryland.

Pursuant to the request of Library Director Jennifer Ranck and upon a motion by Commissioner Elder, the Commissioners unanimously approved Change Notifications 18, 27, 28, and 30, with Whiting-Turner, for the Berlin Branch Library construction project for the following four items: deleting security equipment based on the final arrangement for a cost reduction of \$282; revised floor plan and details at the circulation desk to improve workflow for an additional cost of \$283; revision of second-floor restroom ceilings from a drop removable tile system to a solid drywall surface to mitigate tampering and improve building security for an additional cost of \$3,312; and the installation of a video-eye people counter in the lobby to help staff better allocate resources and provide adequate staffing for an additional cost of \$742. Ms. Ranck advised that even with the increased cost of \$4,055, the project is still \$4,826 below the original bid award cost for a new total cost of \$6,245,174.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved bid specifications for the rehabilitation of a single-family home in the Pocomoke City area, which is to be funded with the County's current Community Development Block Grant (CDBG) and a grant from the Maryland Lead Hazard Reduction Grant and Loan Program.

Pursuant to the request of Tourism Director Lisa Challenger and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President

Purnell to sign the FY18 County Tourism Cooperative Marketing Grant Agreement between the Maryland Department of Commerce, acting through the Maryland Tourism Development Board (MTDB) and the County Commissioners of Worcester County, Maryland for a grant of \$102,931, which will be used to fund print, online, television, and cable advertisements both in and out of the target market.

Pursuant to the recommendation of Ms. Challenger and the request of Phil Houck of the Offshore Powerboat Association, and upon a motion by Commissioner Church, the Commissioners unanimously approved the use of 2/3 of the West Ocean City Commercial Harbor parking lot from June 22-25, 2018 for the National Championship Offshore Powerboat Association Race at Ocean City, with Mr. Houck to provide insurance, security and traffic control as needed. Parks Superintendent Bill Rodriguez advised that the parking lot will be partitioned, with 2/3 of the space to be dedicated for event use and 1/3 of the space to be reserved for recreational boaters.

Pursuant to the request of Colonel Doug Dods and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Purnell to sign the Public Safety Mutual Aid Agreement between the County Commissioners, the Sheriff's Office, and the Mayor and Council of Pocomoke City and authorized the new Sheriff who takes office in December 2018 to execute these agreements without returning to the Commissioners to reauthorize the agreements.

Pursuant to the request of Colonel Dods and upon a motion by Commissioner Elder, the Commissioners unanimously authorized Commission President Purnell to sign the Public Safety Mutual Aid Agreement between the County Commissioners, the Sheriff's Office, and the Mayor and Council of Snow Hill and authorized the new Sheriff who takes office in December 2018 to execute these agreements without returning to the Commissioners to reauthorize the agreements.

Pursuant to the request of Colonel Dods and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Purnell to sign the Public Safety Mutual Aid Agreement between the County Commissioners, the Sheriff's Office, and the Ocean Pines Administration (OPA) and authored the new Sheriff who takes office in December 2018 to execute these agreements without returning to the Commissioners to reauthorize the agreements.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Bunting, the Commissioners unanimously accepted the proposal from Parker Forestry Services, Inc. of Salisbury, Maryland at a cost ranging between \$1,500 and \$4,000 based on the accrued rate of \$85 per hour to develop the Grey's Creek Nature Park Forest Management Plan. The preparation of this plan was first authorized by the Commissioners on August 18, 2015.

Pursuant to the recommendation of Mr. Mitchell and upon a motion by Commissioner Church, the Commissioners unanimously authorized staff to apply for and support Maryland Community Resilience Grant Program funds to help fund two projects as follows: the marsh

restoration, road, and residential property protection project on Selsey Road in West Ocean City (WOC) by the County; and the erosion control project on Tizzard Island in the southern Chincoteague Bay by the Maryland Coastal Bays Program (MCBP). In response to a question by Commissioner Church, Mr. Mitchell stated that he has discussed the project with the residents of Selsey Road, and they are in favor of the proposed project. Commissioner Church thanked Mr. Mitchell for seeking grant funding for this needed project, which is anticipated to improve conditions for the property owners in the area.

The Commissioners met with Mr. Mitchell and Katherine Munson, Planner V within Environmental Programs, to review two Rural Legacy Area (RLA) Expansion Grant Applications for the Dividing Creek RLA and the Coastal Bays RLA. Mr. Mitchell explained that, because the County has two RLAs, they are required to indicate which area is preferred for the funding applications. He further advised that in past years they have always alternated preference between the two areas, and this year's application process follows that same pattern, with the Coastal Bays RLA receiving priority. He stated that easements protect rich farmland, forests, wetlands, historic sites, and wildlife habitats, noting that conservation with the RLAs provides water quality benefits to the Coastal and Chesapeake Bays and the local watersheds. Furthermore, the proposed applications will expand the eligible area from which easements may be purchased in both RLAs.

In response to a question by Commissioner Bertino, Mr. Mitchell advised that participation in the program is voluntary, with 88,749 acres or 29% of County lands currently eligible for protection, and the proposed expansion would increase eligible lands to 32% to help reach the target established by the County Commissioners in the 2006 Comprehensive Plan. Mr. Mitchell noted that the County runs shy of its protection goals by about 150 acres a year. Ms. Munson confirmed that the Dividing Creek RLA was expanded in 2013, but that the Coastal Bays RLA has not been expanded since its inception in 1999, and to date approximately 40 of the 50 to 60 eligible property owners have taken advantage of the RLA protections.

In response to a question by Commissioner Bunting, Ms. Munson advised that the expansion is needed to continue to attract interested landowners in the Worcester County side of the Dividing Creek RLA. Otherwise, the RLA awards for that area would be limited to Somerset County. Mr. Mitchell confirmed that the Coastal Bays RLA is almost entirely located in the Critical Area; however, without RLA easement protections, poultry houses are permitted on Agricultural lands located in the Critical Areas. Commissioner Bunting stated that he supports this program, but he questioned the merits of expanding RLAs on lands that are already protected by Critical Area restrictions. Ms. Munson confirmed that they strive to protect properties that would otherwise have significant development potential and have turned down others that do not.

Following much discussion and upon a motion by Commissioner Church, the Commissioners voted 4-3, with Commissioners Church, Lockfaw, Mitrecic, and Purnell voting in favor of the motion and Commissioners Bertino, Bunting, and Elder voting in opposition, to authorize Commission President Purnell to sign both the Dividing Creek RLA and the Coastal Bays RLA grant applications, with the proposed expansions, which includes a combined total of \$2,076,000 in grant requests, and stating a preference for the Coastal Bays RLA in FY19.

Pursuant to the request of Emergency Services Director Fred Webster and upon a motion by Commissioner Bertino, the Commissioners unanimously approved an authorized

overexpenditure of \$33,096.84 to provide monthly funding of \$16,548.42 for January and February 2018 to Harris Corporation along with a 30-day notice of the County's intent to cancel the existing Enhanced Digital Access Communications System (EDACS) support contract upon conditional acceptance of the new 800 MHz P25 Radio System from Harris Corporation at today's meeting.

Pursuant to the recommendation of Mr. Webster and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the Fourth Amendment to the System Purchase Agreement between the County Commissioners (Buyer) and Harris Corporation (Seller) to provide an 800 MHz P25 Radio System Migration, which includes conditional acceptance of five sites and acknowledges that a sixth site will be developed at the Mystic Harbour Water Department and, perhaps, other improvements to satisfy the coverage guarantees as set forth in the agreement. Mr. Webster advised that the contract includes six sites, five of which are currently ready for operation, including the Pocomoke water tower, Klej Grange tower, Central Site Lane tower, Nassawango tower, and the Maryland State Police (MSP) tower in Berlin, and the sixth site at Mystic Harbour, which is to be constructed in the near future. In response to questions by Commissioner Bertino, Mr. Webster advised that the new system will be activated February 14, 2018, and the voice coverage in the Ocean Pines area under this new system is as good or better than it is under the County's existing system. Furthermore, final system acceptance will be subject to fully satisfying coverage guarantees in the agreement once the sixth site is installed, which may include additional equipment on other towers as well.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Bunting, the Commissioners unanimously agreed to reappoint Chris Klebe to the Recreation Advisory Board for a four-year term expiring December 31, 2021.

Upon a nomination by Commissioner Elder, the Commissioners unanimously agreed to appoint Harry Wimbrow to the Agricultural Reconciliation Board for a four-year term expiring December 31, 2021.<sup>1</sup>

Upon a motion by Commissioner Mitrecic, the Commissioners voted unanimously to send a letter to local, State, and federal officials supporting Ocean City's stance to support wind energy off shore in the Atlantic Ocean provided the turbines are located out of site of the shoreline, a distance of at least 26 miles.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously directed staff to identify \$300,000 to cover the local cost-share of a feasibility study to deepen the Ocean City Inlet and to ask the Town of Ocean City to share the cost equally with the County as a local partner. Commissioner Church thanked his fellow Commissioners for their support on this vital matter, stating that time is of the essence to correct this issue.

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<sup>1</sup> It was later determined that Mr. Wimbrow, a local farmer, was not eligible to serve on the Agricultural Reconciliation Board at this time, since the board already consists of the maximum three members engaged in the agriculture or forestry industries.

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

Following a motion by Commissioner Bunting, seconded by Commissioner Elder, the Commissioners unanimously voted to meet in closed session at 11:05 a.m. in the Commissioners' Conference Room to discuss legal matters permitted under the provisions of Section 3-305(b)(7) and (8) 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: discussing potential and pending litigation; receiving legal advice from counsel; and performing administrative functions.

The Commissioners temporarily adjourned their closed session meeting for lunch.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Lockfaw, the Commissioners unanimously voted to meet in closed session at 1:00 p.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. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; and Stacey Norton, Human Resources Director. Topics discussed and actions taken included conducting interviews for Director of Recreation and Parks.

The Commissioners adjourned their closed session to meet again on February 20, 2018.