

Minutes of the County Commissioners of Worcester County, Maryland

September 18, 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 Lockfaw, 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; and Kim Moses. Topics discussed and actions taken included: transferring Chris Webster from Roads Worker V to Vehicle & Equipment Mechanic II and posting to fill a Roads Worker I position within the Roads Division of Public Works, posting to fill a vacancy for a Correctional Officer Trainee at the Jail; acknowledging the rehiring of former Deputy Corporal Rod Matei as a part-time Security Monitor within the Sheriff's Office; discussing potential and pending litigation and 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 September 4, 2018 closed session minutes as revised and open session minutes as revised.

The Commissioners presented a proclamation recognizing September as Suicide Prevention Month to Local Management Board Director Jessica Sexauer, Health Department staff members, Jesse Klump Memorial Fund Founder Kim Klump and other health partners. Ms. Sexauer 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 22, at Caroline Street and the Boardwalk in Ocean City. Learn the warning signs and risk factors for suicide at <http://worchesterhealth.org>.

The Commissioners, who were joined by current and former Emergency Services Directors Fred Webster and Teresa Owens, respectively, presented a commendation to Bill Sammler, who retired with 24 years of service as a Warning Coordination Meteorologist at the National Weather Service (NWS) in Wakefield, Virginia, and they thanked him for the role he

played in public safety locally.

The Commissioners presented commendations to members of the Berlin Little League Junior Girls' Softball Team for winning the District 8 Championship and going on to win the 2018 Maryland State Championship for their age division.

The Commissioners presented commendations to members of the Berlin Little League Ages 11-12 All Stars for winning the Maryland District 8 Tournament Play and going on to win the 2018 Maryland State Championship for their age division.

Prior to viewing the Home Box Office (HBO) video clip entitled "Real Sports with Bryant Gumbel - Youth Sports Inc." on youth travel sports, a motion by Commissioner Bertino to postpone viewing the video until after the Commissioners meet in closed session later that morning to discuss the potential acquisition of real property for a public purpose failed 2-5, with Commissioners Bertino and Bunting voting in favor of the motion and Commissioners Church, Elder, Lockfaw, Mitrecic, and Purnell voting in opposition.

The Commissioners viewed the HBO video clip "Real Sports with Bryant Gumbel - Youth Sports Inc." on youth travel sports, also referred to as sports tourism, a reportedly \$9 billion industry at the time it first aired in August 2017, which has grown to a \$15 billion industry today.

Pursuant to the request of Library Director Jennifer Ranck and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized the Worcester County Historical Society (WCHS) to erect a memorial for William Julius "Judy" Johnson at the County Library campus in Snow Hill. Mr. Johnson, who was born in Snow Hill in 1899, was elected into the National Baseball Hall of Fame in 1975. Ms. Ranck advised that the WCHS will fund all project costs.

Emergency Services Director Fred Webster and Assistant Director James Hamilton provided the Commissioners with a P25 Radio System status update. Mr. Webster stated that there have been no reports of radio transmission issues since his last update to the Commissioners on September 4, 2018, and all system testing for voice clarity and bit error rate (BER) has been completed, with the findings to be released by Harris and reviewed by the County's consultant, Federal Engineering (FE), in the near future. He concluded that County staff will continue to work with Harris and FE representatives to resolve all prior issues associated with the new system.

Pursuant to the request of Mr. Webster and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the allocation of \$5,042 of the County's annual Homeland Security grant funds to the Maryland Emergency Management Agency (MEMA) to help form, staff, and fund a Maryland Incident Management Team (IMT). Mr. Webster stated that the IMT would be comprised of staff from each of the 23 counties and Baltimore City for the purpose of staffing an Emergency Operations Center and Incident Command Centers during Maryland disasters. He advised that during past disasters, including the Ellicott City flooding and Baltimore City riots, the State had to rely on IMT resources from Pennsylvania and Virginia to

assist with response and recovery. In response to a question by Commissioner Bertino, Mr. Webster advised that any members of the team from Worcester County would likely include staff from multi-disciplines, such as emergency management, public works, and finance, all of whom would need to undertake additional Incident Command System (IS) training before being eligible to serve.

Sheriff-Elect Matt Crisafulli asked the Commissioners to reconsider their prior decision to deny his requested color choices of black and red for two unmarked Chevy Tahoes for command staff within the Sheriff's Office. At their September 4, 2018 meeting, the Commissioners approved bid specifications in blue only for these two vehicles. Sheriff-Elect Crisafulli stated that command staff's vehicle colors have always differed from those of marked fleet vehicles, making them ideal as they age and have high mileage for use as surveillance vehicles by plain-clothes officers.

Commissioner Church stated that he recently consulted with a retired Drug Enforcement Agency (DEA) officer who advised that the requested colors would stand out in the neighborhoods where surveillance operations often take place. Sheriff-Elect Crisafulli conceded that could be so, but noted that the vehicles are ideal for command staff, and he thanked the Commissioners for the opportunity to meet with them to make his case. The Commissioners took no action on the request.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Bertino, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to approve the application to the Maryland Agricultural Land Preservation Foundation (MALPF) Program for re-certification for Worcester County. Mr. Mitchell advised that Worcester County's certification entitles the County to retain 75% instead of 33% of the Agricultural Land Transfer Tax (ALTT) and also makes the County eligible for 60% additional matching funds from the State when those funds may be available for the purchase of agricultural easements on properties in Worcester County.

Pursuant to the recommendation of Mr. Mitchell and upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to schedule a public hearing on October 2, 2018 to consider nine applications to sell easements to the Maryland Agricultural Land Preservation Foundation (MALPF) in FY19 on the following properties: a 224.1-acre property owned by GCR, LLC located at 934 Bishop Road in Pocomoke and more specifically identified on Tax Map 91 as Parcel 14; a 91.3-acre property owned by Stephen Shockley and located on Davis Branch Road in Snow Hill and more specifically identified on Tax Map 38 as Parcel 26; a 390.2-acre property owned by Patrick and Ralph Shockley, with David and Sandra Shockley as Trustees, located on Shockley Road in Snow Hill and more specifically identified on Tax Map 38 as Parcel 15; a 102-acre property owned by Freddie and Fay Fair and located on the west side of Steel Pond Road in Stockton and more specifically identified on Tax Map 93 as Parcel 41; a 210.13-acre property owned by Mark Gross on Harrison Road in Berlin and more specifically identified on Tax Map 32 as Parcel 217; a 281.2-acre property owned by Harry and Annette Powell and located on Timmons Road in Snow Hill and more specifically identified on Tax Map 56 as Parcel 25; a 153.9-acre property owned by Samuel (Glenn) and Brenda Shockley at 5910 Laws Road in Snow Hill and more specifically identified on Tax Map 38 as Parcel 4; a 153.9-

acre property owned by Glenn and Jean Holland at 1975 Colona Road in Pocomoke and more specifically identified on Tax Map 99 as Parcel 35; and a 176.04-acre property owned by Everett Holland and Mark Holland at 1546 Colona Road in Pocomoke and more specifically identified on Tax Map 99 as Parcel 39.

Mr. Mitchell stated that the nine easement applications were reviewed by both the Worcester County Agricultural Land Preservation Advisory Board and the Worcester County Planning Commission, and all nine applications were recommended for submission to MALPF for consideration. In response to a question by Commissioner Bertino, Mr. Mitchell advised that notifications about the proposed purchases and hearing date will be sent to all neighboring property owners and will be advertised once in the local newspapers prior to the hearing.

The Commissioners met with Assistant Chief Administrative Officer Kelly Shannahan on behalf of the Worcester County Sewer Committee to discuss a request from Hugh Cropper, IV, attorney for Sea Oaks Village, LLC, to allocate 63 equivalent dwelling units (EDUs) of sewer service (59 EDUs for townhomes and four EDUs for commercial development) from the Mystic Harbour Sanitary Service Area (SSA) to the unimproved, 40-acre proposed Sea Oaks Village Residential Planned Community (RPC), which is designated S-3 (sewer service within 6-10 years in the Water and Sewerage Plan), is located on the west side of Stephen Decatur Highway (MD Rt. 611) south of West Ocean City and more specifically identified on Tax Map 26 as Parcel 274, Lot 3A. The front of the property is zoned C-1 Neighborhood Commercial (4.2 acres), and the balance is zoned R-3 Multifamily Residential (35.8 acres). Mr. Shannahan advised that, prior to the replacement and expansion of the Mystic Harbour Wastewater Treatment Plant (WWTP), the subject property was allocated a total of 40 EDUs of sewer service. However, at the request of Mr. Cropper, who also served as the attorney for the former property owner, on March 15, 2016 the Commissioners approved the transfer of those 40 EDUs to other properties in the Mystic Harbour/West OC overlay area, leaving this property with 0 EDUs. Then on September 29, 2017 the County received a request for the allocation of 139 sewer EDUs for the Sea Oaks Village RPC, to serve 135 townhomes and 24,000 square feet of commercial development. The Commissioners denied that application on October 17, 2017. Mr. Shannahan advised that there are 224 available EDUs allocated in Area 1 (north of the airport) for the following uses: Infill and Intensification (87 EDUs); Vacant or Multi-Lot (80 EDUs); Single Family Dwellings (17 EDUs); and Commercial (40 EDUs). He concluded that the "Vacant or Multi-Lot Properties" category (59 EDUs for townhomes) and the "Commercial" category (4 EDUs) would be the appropriate categories from which to assign the EDUs if the Commissioners are inclined to approve Mr. Cropper's request.

Mr. Shannahan advised that the approved expansion of the Mystic Harbour Wastewater Treatment Plant (WWTP) in 2008 and project funding from the United States Department of Agriculture (USDA) in 2009 were predicated on the need for infill and intensification of properties along the U.S. Rt. 50 commercial corridor and vicinity, service to vacant or multi-lot properties, single family dwellings converting from septic systems to public sewer, and commercial properties. Furthermore, the Planning Commission recommended a rating system to rank priority allocations of the additional EDUs with highest priority to (1) infill lots, then (2) expansion of existing facilities, then (3) replacement of septic tanks, and last (4) new developments. He stated that the Sewer Committee recommends that any approval of this request be contingent upon the following six conditions: recommendation of approval by the Planning

Commission for an amendment to the Water and Sewer Plan to amend the property from S-3 to S-1 (designated for sewer service within 2 years) and to amend the EDU map to incorporate the subject property; approval by the Commissioners of the Plan Amendment referenced in Condition 1; approval by the Maryland Department of the Environment (MDE) of the Plan Amendment referenced in Condition 1; taking the revised RPC Step 1 application back to the Technical Review Committee (TRC) for review and comment; recommendation of approval by the Planning Commission for the revised RPC Step 1 application; and approval by the Commissioners of the revised RPC Step 1 application, with said conditions, exclusive of MDE approval, to be met on or before November 20, 2018.

Upon a motion by Commissioner Mitrecic, the Commissioners voted 5-2, with Commissioners Bertino and Elder voting in opposition, to approve Option 2, approving the request for 63 EDU's of sewer service from Area 1 (North) of the Mystic Harbour SSA to serve the Sea Oaks, LLC property, with EDU's allocated from the "Vacant or Multi-Lot Properties" category (30 EDUs), the "Infill and Intensification" category (29 EDUs), and the "Commercial" category (4 EDUs), and subject to the Conditions of Approval, as recommended by the Sewer Committee.

Commissioner Bertino stated that he is not opposed to granting the requested EDUs; however, he is opposed to the timing of the approval since the County's procedures normally require Water and Sewer Plan compliance and RPC Step 1 approval by the Planning Commission prior to allocating EDUs. Commissioner Elder concurred.

Public Works Director John Tustin reviewed the results of the recent online auction of County surplus property on GovDeals.com and stated that the County earned \$94,723.22 through the auction, with \$23,000 to be refunded to the Water and Wastewater Enterprise Funds and \$1,089 to the Solid Waste Enterprise Fund, with the balance to the County's General Fund.

Pursuant to the recommendation of Mr. Tustin in response to a request by the Sheriff's Office and upon a motion by Commissioner Bertino, the Commissioners unanimously approved an addendum to the five-year contract with Bennet Waste of Fruitland, Maryland for option 2 to exchange the two-cubic-yard refuse container at Animal Control, which is dumped weekly at a cost of \$62.12 per month, for a four-cubic-yard container, to continue to be dumped weekly at a cost of \$87.16 per month to more adequately manage the waste needs of the Animal Control facility.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications for a six-space, secured parking facility for Circuit Court Judges at the Worcester County Court House campus. Mr. Tustin advised that Circuit Court grant funds of \$120,000 are available to complete this project.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for the purchase of one trailer with hydraulic lift gate for the Roads Division of Public Works.

The Commissioners met with Mr. Tustin to review the results of a speed study on Scotts Landing Road, which was conducted from August 20-25, 2018 at the request of an area resident

to address safety concerns and speeding vehicles and to consider posting a speed limit sign. Mr. Tustin reviewed the results and noted that, while there were three incidents of excessive speed over 70 miles per hour on Scotts Landing Road during the speed study, the average speed of vehicles traveling this road was 27 miles per hour. Furthermore, roughly two thirds of the traffic traveled at speeds less than 35 miles per hour. Therefore, based on the nature of the geographical area and differences in opinion with other residents on Scotts Landing Road, he recommended making no changes at this time and leaving the road unposted, which allows a maximum speed of 50 miles per hour. Upon a motion by Commissioner Lockfaw, the Commissioners concurred with staff's recommendation and agreed to request that the Sheriff's Office enforce the existing speed limit of 50 miles per hour on this unposted road.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Bertino and subject to adding the name of Advisory Committee members and posting the brochure on the County website, the Commissioners unanimously approved the inclusion of an informational brochure to Ocean Pines Water and Wastewater customers in the September 30, 2018 billing and approved black and white reproduction costs of \$678.06 to print the brochures. Mr. Tustin advised that the brochures include information about ongoing system improvements and cost-saving activities in the Ocean Pines Sanitary Service Area (SSA).

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Purnell to sign the Worcester County Small Project Agreement between the County Commissioners and Steen and Associates (developer) to construct water and sewer lines to serve the Triple Crown Estates subdivision north of Gum Point Road in the Ocean Pines Sanitary Service Area (SSA).

Pursuant to the recommendation of Development Review and Permitting (DRP) Director Ed Tudor and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved the Request for Proposals (RFP) for the demolition and removal of the structure located at 13412 Madison Avenue in northern Worcester County. Mr. Tudor advised that staff sent letters to the property owner on September 5, 2018, following the Commissioners' declaration of this property as a nuisance; however, the letters were returned as undeliverable on September 12, 2018. Therefore, abatement actions may commence after September 29, 2018.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Mitrecic, the Commissioners unanimously adopted the Findings of Fact and Zoning Classification Resolution No. 18-3, for the rezoning of 4.7 acres of land located on the northwesterly side of Market Street (Business U.S. Rt. 113) to the west of U.S. Rt. 113 outside the Snow Hill Corporate limits, and more specifically identified on Tax Map 55 as part of Parcel 22 in the Second Tax District of Worcester County, Maryland, from A-1 Agricultural District to C-2 General Commercial District, as approved following the Commissioners' public hearing on this matter at their meeting on September 4, 2018.

The Commissioners met in legislative session.

The Commissioners met with County Attorney Maureen Howarth to review a text amendment application drafted by staff to revise the Public Safety Animal Control section of the

County Code to address animals being kept outdoors in unsafe weather conditions, the tethering and restraint of animals, and to clarify what constitutes as appropriate shelter sizes based on the size of the animals.

Following some discussion, Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic, and Purnell introduced the aforementioned text amendment as Bill 18-4 (Public Safety - Animal Control) and scheduled a public hearing on the bill for a special legislative session to be held on October 23, 2018.

The Commissioners met with Assistant Chief Administrative Officer Kelly Shannahan to review a text amendment application drafted by staff, as a housekeeping measure, to address standards for reclamation of County-owned surface mining operations. This measure is required in order for the County to qualify for an exemption to the Maryland Surface Mining Law of 1977 by the Maryland Department of the Environment (MDE) for continued use of the County's Langmaid Road Borrow Pit by the Roads Division of Public Works.

Following some discussion, Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic, and Purnell introduced the aforementioned text amendment as Bill 18-5 (Zoning - Surface Mining) and scheduled a public hearing on the bill for October 23, 2018.

The Commissioners met with Mr. Shannahan to review a text amendment application drafted by staff, as a housekeeping measure, to increase the competitive bidding threshold from \$10,000 to \$25,000, to reflect changes recently adopted by the County Commissioners in Resolution No. 18-19 Revising and Re-adopting Financial Management Rules and Procedures for County Departments.

Following some discussion, Commissioners Bunting, Church, Elder, Lockfaw, Mitrecic, and Purnell introduced the aforementioned text amendment as Bill 18-6 (County Government - Competitive Bid Threshold) and scheduled a public hearing on the bill for October 23, 2018.

The Commissioners adjourned their legislative session.

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

Following a motion by Commissioner Mitrecic, seconded by Commissioner Elder, the Commissioners unanimously voted to meet in closed session at 11:44 a.m. in the Commissioners' Conference Room to discuss matters permitted under the provisions of Section 3-305(b)(3) 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; Recreation and Parks Director Tom Perlozzo, Economic Development Deputy Director Kathryn Gordon; Development Review and Permitting Director Ed Tudor; and Finance Officer Phil Thompson. Topics discussed and actions taken included discussing potential acquisition of real property for public purposes.

After the closed session, the Commissioners adjourned to meet again on October 2, 2018.