

Minutes of the County Commissioners of Worcester County, Maryland

December 4, 2018

Diana Purnell, President
Theodore J. Elder, outgoing Vice President
Joseph M. Mitrecic, incoming Vice President
Anthony W. Bertino, Jr.
Madison J. Bunting, Jr.
James C. Church
Joshua N. Nordstrom

Commissioner Purnell called the meeting to order.

Susan R. Braniecki, Clerk of Court for Worcester County, swore in the seven newly-elected County Commissioners.

Commissioner Mitrecic thanked the voters for their support and reaffirmed his ongoing commitment to represent the Town of Ocean City and all of Worcester County.

Commissioner Church thanked his supporters for electing him for a fifth term, as a County Commissioner, and stated that he is just as excited today as he was at the beginning of his first term. He recognized the great staff at Worcester County and the great Commissioners who he looked forward to working with over the next four years.

Commissioner Elder thanked his constituents and County staff for their support over last four years, his family without whose support he would not be here, including his great grandson, Lincoln, and he pledged to continue to work even harder for the residents of Worcester County over the next four years.

Commissioner Bunting stated that in 2010 the voters gave him the privilege of representing them as a County Commissioner, and though he ran unopposed in 2018, it was humbling to see the high level of voters who turned out to continue to support him. He thanked the voters for their continued trust in him, County staff for their support, and most importantly for the support of his wife and love of his life, Beth.

Commissioner Bertino stated that he is humbled by the trust the Ocean Pines community has placed in him to represent them, and he reaffirmed his commitment to them to do just that. He also recognized and thanked his family and campaign supporters for all their efforts and support. He also congratulated newly-elected Sheriff Matt Crisafulli and stated that he looked forward to forging a new partnership with him.

Commissioner Nordstrom thanked his constituents for answering the door when he knocked and for offering their candid remarks about how the County can better meet community needs and then for exhibiting their confidence in him by electing him to office. He thanked former Commissioner Lockfaw for his service over the past eight years. He also thanked all who aided him in his bid for election, including his family and his wife, Donna, noting that campaigns do not run on smiles, but on hard work and endurance. He stated that he was grateful to the Commissioners for their support and for answering his questions. He committed to continue working hard for the residents of District 1 and the entire County, and he looked forward to

working with the people and the staff.

Commissioner Purnell thanked former Commissioner Jim Purnell who trained her to step into his shoes in 2014 and the voters who came out on election day to support her even though she ran unopposed. She thanked her husband, Gabe, and road partners, Mary and Tosha, the Board of Education (BOE), County staff, and Berlin Mayor Gee Williams for partnering with the Commissioners and operating as a family to serve the needs of students and the community, and she upheld her commitment to continue working hard for the County. She reiterated her regular prayer for “all hearts and minds clear,” so the Commissioners can focus on the tasks before them and work together for the citizens of Worcester County, and she asked the citizens to pray for the Commissioners, for wisdom and guidance. She recognized each County Commissioner and key staff members and thanked them for doing their jobs, noting that each are part of the Worcester County family.

The Commissioners recessed to the third floor training room for a dessert reception to greet their constituents.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Elder, the Commissioners unanimously voted to meet in closed session at 11:00 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 (GP) Article of the Annotated Code of Maryland and to perform administrative functions permitted under the provisions of Section GP 3-104. 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: temporarily promoting George Schoepf from Corporal to Sergeant within the County Jail; receiving legal advice from counsel regarding Commissioners’ procedures; and performing administrative functions, including: an update on hiring a Landfill Operator I, drawing for an outstanding County employee; acknowledging a lien release; discussing potential board appointments; scheduling County Commissioners’ portraits; and scheduling the 2019 strategic planning retreat.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Nordstrom, the Commissioners unanimously voted to adjourn their closed session.

After the closed session, the Commissioners reconvened in open session. Commissioner Purnell called the meeting to order, and following a morning prayer by Arlene Page and pledge of allegiance, announced the topics discussed during the morning closed session, the members present, and the motion to adjourn the closed session meeting.

The Commissioners reviewed and approved the open and closed session minutes of their November 20, 2018 meeting as presented.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously re-elected Commissioner Purnell to complete a second year as President until December 3, 2019.

Upon a motion by Commissioner Church, the Commissioners unanimously elected

Commissioner Mitrecic to serve as Vice President until December 3, 2019.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Church, the Commissioners unanimously awarded the low bid for a housing rehabilitation project in the West Ocean City area to Shoreman Construction, Co., Inc. of Delmar, Maryland at a cost of \$19,826.

Pursuant to the recommendation of Senior Budget Accountant Kim Reynolds and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Purnell to sign the Community Development Block Grant (CDBG) Homeless Initiative Grant Agreement and Sub-Recipient Agreement, awarding Diakonia funds of \$276,128 for a shelter renovation project, with Diakonia to pay the invoices directly and to be reimbursed by Worcester County from CDBG funds.

Pursuant to the recommendation of Ms. Reynolds and upon a motion by Commissioner Church, the Commissioners unanimously approved the Notice to Public of Intent to Request Release of Funds on December 21, 2018 from the Maryland Department of Housing and Community Development to release CDBG funds for the Diakonia Shelter Renovations project at 12747 Old Bridge Road in West Ocean City. Ms. Reynolds stated that Diakonia and the County have prepared an Environmental Review Record on the project, as described in the notice and has determined this project to be Categorically Excluded under the provisions of the National Environmental Policy Act of 1969 (NEPA), which makes the County eligible to apply to the State for the release of the reserved CDBG funding.

The Commissioners met with Public Works Director John Tustin and County Attorney Maureen Howarth to consider the revised Land Lease Agreement between the County Commissioners (Lessor) and Calvert Crossland, LLC (Lessee) to construct a tower on County-owned property at the Ocean Pines Wastewater Treatment Plant (WWTP). Mr. Tustin explained that the proposed lease was amended to reflect changes requested by the Commissioners on October 23, 2018 and now includes increasing the tower height from 127 feet to 160 feet to allow for co-location, reserving space at the top of the tower for County communications equipment at no cost, and amending the lessor from Verizon to Calvert, a Maryland company that Verizon has contracted to build, own, and maintain their antenna towers.

Commissioner Bunting stated that he will not vote for the lease, since he has received at least two dozen calls from area residents who are opposed to this proposal and that he could not support the new lease based on the amendments to transfer the lessor from Verizon to a third party, and the proposed 33-foot increase in tower height, which would require a special exception from the Board of Zoning Appeals (BZA) for height and distance from a residential area. He noted that, with 250 square feet of wind sail, space at the top of the tower would be useless to the County. He also stressed the need to identify how much other jurisdictions charge for tower leases. He concluded that Verizon should look for a tower site outside Ocean Pines. Commissioner Bertino concurred with Commissioner Bunting, stating that Ocean Pines does not want the tower, and he would not vote for it.

In response to a question by Commissioner Church, Mr. Tustin stated that additional cell coverage is needed along MD Rt. 90; however, he is not aware of any other sites within a

quarter-mile that would be conducive for a tower. He further advised that the tree canopy in Ocean Pines reaches a maximum height of 150 feet, making approximately 10 feet of tower space available above the tree line. In response to a question by Commissioner Elder, Mr. Tustin stated that he could not speak to whether the proposed tower location is critical to Verizon; however, he noted that Verizon officials had approached the County to request this lease space. Commissioner Mitrecic stated that, based on constituents' concerns, the Isle of Wight might be a better location for the tower. In response to concerns by Commissioner Mitrecic, Ms. Howarth advised that staff established the height of the Ocean Pines canopy, while completing an analysis of the area as part of the P25 Radio System project, with Emergency Services officials having communicated to her that the average height of the trees in Ocean Pines is 130 feet, with a maximum height of 150 feet. She further advised that Calvert based the tower dimensions on specifications provided by the County, with regard to the height and weight for the heaviest pieces of communications equipment, which the County would install on said tower, so this tower would be satisfactory for County equipment.

Calvert Partner Barb Pivec advised that she worked as a tower consultant for Verizon from 2002 until five years ago when she formed Calvert and began contracting to build antenna towers for Verizon. She noted that it is extremely difficult to identify sites that are adequately buffered by tree lines and meet separation distances, and stated that this specific site has been in the works for over five years. She stated that the proposed tower height is based on co-location to limit the proliferation of towers, and the proposed site would be able to handle the needs of the private carrier and future broadband needs in the area. In response to concerns raised by Commissioner Church, Ms. Pivec stated that she would be happy to assess the possibility of erecting a tower in South Point to address lacking cell and broadband coverage in that area.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners voted 4-0-3, with Commissioners Bertino, Bunting, Mitrecic, and Purnell voting in favor of the motion, no Commissioners voting in opposition, and Commissioners Church, Elder, and Nordstrom abstaining from the vote, not to sign the Land Lease Agreement between the County Commissioners (Lessor) and Calvert Crossland, LLC (Lessee) for a tower at the Ocean Pines WWTP and not to look at this site for the location of a tower.

Pursuant to the recommendation of Development Review and Permitting Director Ed Tudor and upon a motion by Commissioner Mitrecic, the Commissioners unanimously adopted the Findings of Fact and Resolution No. 18-26, establishing a Residential Planned Community (RPC) Floating Zone on an approximately 40-acre property located on the west side of MD Rt. 611 (Stephen Decatur Highway), north of Sinepuxent Road near West Ocean City, and more specifically identified on Worcester County Tax Map 26 as Parcel 274, Lot 3A, as conceptually approved on November 20, 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 Reclassification Resolution No. 18-04, changing the zoning classification of 2.22 acres of a 2.6-acre site located on the south side of St. Martins Neck Road, directly opposite the entrance to the Todd Industrial Park, and more specifically identified on Worcester County Tax Map 10 as Parcel 27, Lot 1, from E-1 Estate District to A-2 Agricultural District, as conceptually approved on November 20, 2018.

Pursuant to the request of Mr. Tudor and upon a motion by Commissioner Church, the Commissioners unanimously approved out-of-state travel for Zoning Administrator Jennifer Keener, AICP, to attend the American Planning Association (APA) National Conference in San Francisco, California from April 13-16, 2019 at a total cost for travel, hotel, and meals of \$3,000 for continuing education to maintain her Certified Planner status and further her professional knowledge.

The Commissioners reviewed their membership on County boards and commissions.

Upon a motion by Commissioner Bertino, the Commissioners unanimously nominated Commissioner Mitrecic as 1st Vice-Chair and Commissioner Elder as Secretary, and Commissioners Church, Nordstrom, and Purnell as voting members of the Board of Directors of the Tri-County Council (TCC) for the Lower Eastern Shore of Maryland.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously nominated Commissioner Bertino to serve as the primary Worcester County representative on the Maryland Association of Counties (MACo) Legislative Committee for the calendar year 2019, with Commissioner Bunting to serve as the alternate representative.

Upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to reappoint County Commissioner representatives to the following boards and commissions: Commissioner Bunting to serve on the Commission on Aging; Commissioner Purnell to serve on the Drug and Alcohol Abuse Council and the Social Services Board; Commissioner Mitrecic to serve on the Local Emergency Planning Committee; Commissioner Elder to serve on the Local Health Improvement Coalition upon the request of the Health Officer; Commissioner Church to serve on the Salisbury-Wicomico-Ocean City Regional Airport Commission; and Commissioner Bertino to serve on the Wor-Wic Community College (WWCC) Board of Trustees.

The Commissioners reviewed and discussed various board appointments.

Upon nominations by Commissioner Elder, the Commissioners unanimously agreed to reappoint Mark Bargar to the Building Code Appeals Board for an additional four-year term expiring December 31, 2022, and Thomas Babcock to the Board of Zoning Appeals for an additional three-year term expiring December 31, 2021.

Upon nominations by Commissioner Mitrecic, the Commissioners unanimously agreed to reappoint Lauren Mathias Williams to the Commission for Women and Jake Mitrecic to the Housing Review Board for additional three-year terms each expiring December 31, 2021, and John Gehrig to the Recreation Advisory Board for an additional four-year term expiring December 31, 2022.

Upon nominations by Commissioner Purnell, the Commissioners unanimously agreed to reappoint Eloise Henry Gordy to the Initiative to Preserve Families Board (Local Management Board), whose term expired on December 31, 2017, for an additional three-year term expiring on December 31, 2020; Teola Brittingham to the Commission for Women and Sharon Teagle to the Housing Review Board for additional three-year terms each expiring December 31, 2021; and Faith Mumford to the Ethics Board, Gregory Purnell to the Tourism Advisory Committee, and Alvin Handy to the Recreation Advisory Board for additional four-year terms each expiring December 31, 2022.

Upon nominations by Commissioner Bunting, the Commissioners unanimously agreed to

reappoint Bess Cropper to the Commission for Women, Steve Kolarik to the Board of Electrical Examiners, and Robert M. Purcell to the Board of Zoning Appeals for additional three-year terms each expiring December 31, 2021.

Upon nominations by Commissioner Bertino, the Commissioners unanimously agreed to reappoint Marlene E. Ott to the Planning Commission for an additional five-year term expiring December 31, 2023; and James Spicknall to the Water and Sewer Advisory Council for the Ocean Pines Sanitary Service Area (SSA) for an additional four-year term expiring December 31, 2022.

Pursuant to the request of Assistant Chief Administrative Officer Kelly Shannahan and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to revise an incorrect reference to the rental cost of the temporary kitchen at the County Jail from \$215,528 to the actual cost of \$21,528 in the open session minutes of October 23, 2018.

The Commissioners answered questions from the press, after which they adjourned to the atrium of the Worcester County Government Center where they assisted Worcester County Developmental Center clients in decorating the County Christmas Tree.

The Commissioners adjourned to meet again on December 18, 2018.