

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

August 6, 2019

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

Following a motion by Commissioner Mitrecic, seconded by Commissioner Bunting, 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 (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 Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Kelly Shannahan, County Attorney Maureen Howarth, Public Information Officer Kim Moses, Human Resources Director Stacey Norton; and Recreation and Parks Director Tom Perlozzo. Topics discussed and actions taken included: hiring Dorney Thornton and John Hatfield as part-time Welcome Center Greeters within Tourism, John "Alex" Webb as a Database Administrator/Programming Trainee within Information Technology, Haley Parisi as an Environmental Intern within Environmental Programs, Eric Strauss as a Roads Worker II and Kevin Timmons as a Roads Worker III and transferring Tyler Hall from Grounds Worker II within the Maintenance Division to Roads Worker III within the Roads Division of Public Works; transferring Danielle Miller from Communications Clerk II within Emergency Services to Office Assistant III within Development Review and Permitting, Kortney Kellogg from Accounting Clerk II within the Treasurer's Office to License Permit Clerk I within Environmental Programs, and Kelly Brittingham from Grounds Worker II to Custodian II within the Maintenance Division of Public Works; promoting Peggy Baldwin from Corporal to Sergeant within the County Jail, and Joe Serman, Jr. from Plant Operator IV to Water System Supervisor for the Water and Wastewater Division of Public Works; acknowledging the hiring of Brian Cardamone as a Lieutenant and the promotion of Vicki Martin from part-time Deputy Sheriff to full-time Deputy First Class within the Sheriff's Office; reviewing personnel changes within the Circuit Court; posting to fill vacancies for a Landfill Operator II for Solid Waste and a Communications Clerk Trainee for Emergency Services; receiving legal advice from counsel; and performing administrative functions, including: reviewing upcoming employee events scheduled for FY20 and ranking of proposed agricultural easements.

Following a motion by Commissioner Elder, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session at 10:00 a.m.

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 Commissioners reviewed and approved the open and closed session minutes of their July 16, 2019 meeting as presented.

The Commissioners presented a proclamation to Mary Beth Quillen of Worcester County Department of Social Services (DSS) and other staff members recognizing August as National Child Support Awareness Month and urged citizens to learn more about the importance of the financial support parents provide to their children and the child and parental support services that are available locally through DSS.

Economic Development Director Kathryn Gordon updated the Commissioners on the success of the 2019 STEP UP and Reach for the Stars STEM (science, technology, engineering, and math) Summer Program, which ran July 22-25, 2019 and concluded with a recognition ceremony July 26 at the Engineering and Aviation Science Building at the University of Maryland Eastern Shore (UMES). Ms. Gordon thanked the Commissioners for their ongoing support, which included increasing the program budget from \$77,000 to \$100,000 to reorganize the summer camp and increase the number of interns with NASA Wallops Flight Facility. In response to a question by Commissioner Bertino, Program Manager Fawn Mete stated that beginning next summer she will be able to provide statistics regarding prior campers and interns who accept STEM positions in the County after completing their education. The Commissioners thanked Ms. Gordon and Ms. Mete for their efforts to make this beneficial program so successful.

The Commissioners conducted a public hearing to receive public comment on the progress of a Community Development Block Grant (CDBG) for the Diakonia shelter renovation project. Senior Budget Accountant Kim Reynolds reviewed the status of the project, noting that parking lot paving was completed by N .R. Harrison at a cost of \$17,400; laundry equipment was purchased and installed by Palmers Appliances at a cost of \$1,598; Royal Plus Electric, Inc. is completing electrical work in building one and two at a total cost of \$19,987.41; and a start-date is pending with Robert's Coastal Construction, Inc. to replace the roof and siding on building one at a total cost of \$33,006. She noted that the following work needs to be rebid: signage; decking and ramp; roofing and siding for building two; bathroom, flooring and lockers; and kitchenettes.

Commissioner Purnell opened the public hearing.

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

Upon a motion by Commissioner Bertino, the Commissioners unanimously accepted the progress report.

The Commissioners reviewed a letter from Craig Kuhn, Program Manager for the Maryland Department of Agriculture (MDA) Office of Forest Pest Management (FPM), advising that his office plans to conduct a cooperative gypsy moth population survey in fall 2019, which will include conducting approximately 105 surveys on non-State land in Worcester County to predict the level of gypsy moth caterpillar populations the following spring. This would allow the FPM to identify developing gypsy moth infestations and respond appropriately before

significant damage occurs. He further noted that, if the Commissioners agree to participate in the survey, the County's estimated portion of the 50/50 cost share would be \$1,575. This cost estimate does not include the cost of aerial spraying if determined to be necessary. Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the 50% local cost share of approximately \$1,575 for the gypsy moth population survey to be conducted in Worcester County.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Elder, the Commissioners unanimously agreed to table rehabilitation work on a house in the Snow Hill area, as only two (rather than the required State minimum of three) bids were received, and both bids exceeded the project estimate by more than 30%. Ms. Bynum advised that she will rebid this project in the November-December time-frame, when the County receives FY20 Community Development Block Grant (CDBG) funding.

Pursuant to the request of David M. Beach, II of the Health Department and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to sign the FY20 Core Public Health Services Funding Agreement between the Department of Health and Mental Hygiene (DHMH) and Worcester County from July 1, 2019 through June 30, 2020, which certifies that Worcester County will contribute \$5,616,844 or 73.2713% and the State will contribute \$866,810 or 26.7287% of the FY20 Worcester County Health Department budget of \$6,483,654, for core public health services in Worcester County.

The Commissioners conducted a public hearing to consider petitions to sell agricultural easements to the Maryland Agricultural Land Preservation Foundation (MALPF) in FY20 on properties in Worcester County at no cost to the County. Also present at the meeting were Environmental Programs Director Bob Mitchell and Katherine Munson, Environmental Programs Planner V. Mr. Mitchell reviewed the eleven properties, which are listed in their entirety in the Commissioners' meeting minutes of July 2, 2019. He stated that the applications have been reviewed by both the Worcester County Agricultural Land Preservation Advisory Board, which recommended submitting the top seven applications to MALPF for appraisal, and the Worcester County Planning Commission, which found all 11 applications to be consistent with the 2006 County Comprehensive Plan.

Commissioner Purnell opened the floor to receive public comment.

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

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 6-0-1, with Commissioner Elder abstaining, to approve the recommendation of the Worcester County Agricultural Land Preservation Advisory Board, which recommended submitting the top seven applications to MALPF for appraisal and further consideration for purchase of agricultural easements.

Pursuant to the request of Warden Donna Bounds and upon a motion by Commissioner Elder, the Commissioners unanimously authorized Commission President Purnell and Warden Bounds to sign the Worcester County Local Behavioral Health Authority Agreement for Maryland Community Criminal Justice Treatment Program Services between the Worcester County Health Department (the Local Behavioral Health Authority) and the County

Commissioners for grant funds not to exceed \$20,000 annually for behavioral health programs for the County Jail inmate population. In response to a question by Commissioner Nordstrom, Warden Bounds confirmed there will be no cost to the County to administer these programs.

Pursuant to the request of State's Attorney Kristin Heiser and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized the State's Attorney's Office to apply for a \$227,700 grant from the Governor's Office of Crime Control and Prevention to purchase, implement, maintain, and train staff to utilize case management software. Ms. Heiser advised that the current software is over 15 years old, with limited functionality.

Pursuant to the request of Board of Elections Supervisor Patti Jackson and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized the Board of Elections to utilize the training rooms in the Worcester County Government Center in Snow Hill as an alternate early voting site in the event of a disaster or crisis at the designated early voting site, Gull Creek Senior Living Center in Berlin, from April 15-23, 2020 for the Primary Election and October 21-29 for the General Election, which includes one day for setup before each election period.

Pursuant to the request of Recreation and Parks Director Tom Perlozzo and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Purnell to sign a License Agreement between the County Commissioners and Thrive Engineering, LLC (licensee), allowing the licensee to use and occupy dock space of approximately 75 feet in length and running along the bulkhead from the West Ocean City (WOC) boat ramp to the Governor's Dock from August 6 to September 25, 2019 at a total cost of \$1,239, to dock their catamaran, "Alyosha," so they may continue offering day trips along the Ocean City coastline to Delaware and back two to three times each day.

Pursuant to the request of Emergency Services Director Billy Birch and upon a motion by Commissioner Elder, the Commissioners unanimously adopted Resolution No. 19-25 eliminating a private lane off of Whiton Crossing Road, which was previously known as Lark Lane. Mr. Birch explained that at one time there were five inhabitable structures on a property on this private lane, but that all five structures have been removed, the property has been re-subdivided, and the owner has requested that the lane be officially terminated.

Pursuant to the written recommendation of Development Review and Permitting (DRP) Director Ed Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule a public hearing on September 3, 2019 to receive public comment on an application submitted by Hugh Cropper, IV on behalf of Evergreen Village, LLC to establish a Residential Planned Community (RPC) floating zone on the property known as Evergreen Village, located on the northwesterly side of Beauchamp Road, north of MD Rt. 589 (Racetrack Road), and more specifically identified on Tax Map 15 as Parcels 127 and 259, which consists of a proposed 90-lot, single-family-dwelling subdivision. In his memo, Mr. Tudor stated that the proposal received a favorable recommendation from the Planning Commission on July 3, 2019.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Elder, the Commissioners unanimously approved bid specifications for the purchase of six replacement 20-cubic-yard recycling containers for the homeowners convenience centers (HOCCs) in the Solid Waste Division of Public Works, with funds of \$45,000 available within the FY20 budget for this expense.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously accepted the proposal from EA Engineering to perform methane gas sampling at the Central Landfill at a total cost of \$7,641.94 to attempt to identify the source of methane in the soils along the southerly perimeter of Cell 5. Mr. Tustin stated that there is no reason to believe the source of the methane is caused by landfill activities. He stated that funds are available within the FY20 budget for this expense.

In response to a question by Commissioner Nordstrom, Mr. Tustin advised that the County has mitigated similar issues in the past, and the gases are at low levels, posing no danger to the public.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners agreed to schedule the next Household Hazardous Waste Day on Saturday, September 28, 2019, at Showell Elementary School (SES), with funding of \$20,000 available within the FY20 budget for this event.

The Commissioners met with Mr. Tudor to review and discuss a draft resolution establishing local amendments to the Maryland Building Performance Standards for Worcester County, Maryland. Mr. Tudor stated that, pursuant to the regulations concerning the Maryland Building Performance Standards (MBPS) as contained in COMAR 09.12.51.06, the County must begin enforcing the International Building Code (IBC), the International Residential Code (IRC), and the International Energy Conservation Code (IEC) by March 25, 2020 (within twelve months of the March 25, 2019 effective date of the adoption of the regulations at the State level). He stated that there is one small change at the State level that makes it beneficial to adopt the Codes sooner rather than later. He stated that this change is with regard to the number of air exchanges per hour as limited by the Energy Code. He stated that the standards allow local jurisdictions to make limited local amendments to the Codes, which are generally necessary to align the provisions of the Building Codes with other provisions of the County's Zoning Ordinance for things like permit expiration times and submittal requirements, and which staff has done at the beginning of each three-year Code cycle for many years. He stated that other local amendments are necessary to establish in writing from the maps contained in the Codes things such as frost depth, wind design speeds, and snow loads. One amendment deletes the flood resistant construction requirements, which are already provided for in the County's Floodplain Management Ordinance. Mr. Tudor concluded that none of the information included in the local amendments is new, and the draft resolution is proposed to take effect upon its passage and shall apply to all building permit applications accepted for submittal on or after September 30, 2019.

In response to a question by Commissioner Bertino, Mr. Tudor stated that the IBC is developed in the United States and is made available for use internationally. Commissioner Elder noted that he could not support the draft resolution, as Worcester County has a reputation of being harder to build in than any of the surrounding counties. Regarding the air exchange

provisions, Commissioner Mitrecic stated that the reduced exchanges would require other mitigating factors, so the new regulation is more of a push than a reduction.

Following some discussion, a motion by Commissioner Nordstrom to adopt the draft resolution failed 2-5, with Commissioners Nordstrom and Purnell voting in favor of the motion and Commissioners Bertino, Bunting, Church, Elder, and Mitrecic voting in opposition. The Commissioners agreed to consider the matter further prior to the March 25, 2020 deadline to adopt the revised standards.

The Commissioners met with Mr. Tudor to discuss the Town of Berlin's proposed annexation and zoning reclassification. Mr. Tudor informed the Commissioners that the Town of Berlin is proposing to annex approximately 6.10 acres of land located on the northerly side of MD Rt. 346 (Old Ocean City Road) and the southerly side of U.S. Rt. 50. and more specifically identified on Tax Map 25 as Parcel 395, and Lots 3 through 13 of Parcel 86 (the site of the I.G. Burton auto dealership). Mr. Tudor stated that the property proposed for annexation is zoned C-2 General Commercial District under County zoning, and the town is proposing to rezone the property to B-2 General Business District zoning upon annexation, which is not substantially different from the uses currently permitted on the site. He explained that pursuant to the provisions of Section 4-416 of the Land Use Article of the Annotated Code of Maryland the annexed land cannot allow uses substantially different than those in the zoning category of the County for a period of five years after the annexation, unless the County consents to the proposed rezoning upon annexation. Mr. Tudor noted that the proposed annexation is consistent with the current uses, and the annexation constitutes a logical extension of the growth area. However, there is one issue of concern. Barrett Road, a County-owned and maintained road, bisects the subject properties and provides access to Old Ocean City Road, and the Town of Berlin did not indicate whether this roadway would be taken into the town's jurisdiction. He stated that it is imperative that this matter be satisfactorily resolved before the annexation is approved.

Following some discussion and upon a motion by Commissioner Elder, the Commissioners unanimously agreed to send a letter to the Town of Berlin, concurring with the rezoning upon annexation subject to the inclusion of Barrett Road into the corporate limits of the Town of Berlin upon annexation of the subject property.

Pursuant to the request of Mr. Tudor and upon a motion by Commissioner Nordstrom, the Commissioners unanimously approved bid specifications for the demolition of nuisance structures located at 5492 and 5496 Stockton Road in Stockton. Mr. Tudor stated that the Stockton Fire Company never provided a firm response to a request from the County to assist in the abatement, nor did an offer from an individual interested in acquiring the property in return for abating the nuisance come to fruition.

In a related matter and upon a question by Commissioner Mitrecic, Mr. Tudor advised that the property owners in Bishopville had removed the dilapidated portion of the structure on their property on St. Martin's Neck Road, but still needed to do more work to satisfy Nuisance Abatement Order No. 18-4. He further advised that he will still continue to work with the owner to ensure compliance with the County Code.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Nordstrom,

the Commissioners unanimously approved bid specifications for the purchase of two dump trucks for the Roads Division of Public Works, with funds of \$145,000 available within the FY20 budget for this expense.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Church, the Commissioners unanimously approved bid specifications for the purchase of a shop service truck with a hydraulic crane and hoist for the Roads Division of Public Works, with funds of \$135,000 available within the FY20 budget for this expense.

Pursuant to the recommendation of Mr. Tustin in response to a request by Harold B. “Chip” Gordy, Jr., on behalf of SonRise Church, and upon a motion by Commissioner Elder, the Commissioners unanimously approved the proposed quitclaim deed for the southerly one-half of an abandoned, 30-foot County road bed off MD Rt. 818 that adjoins the church property. Mr. Tustin stated that this paper street is not listed within the Inventory of Public Roads of Worcester County, has never been improved, and the County has no plans to make improvements to it. In response to a question by Commissioner Bunting, Mr. Tustin stated that the remaining portion of the road bed will remain a County-owned paper street.

Pursuant to the annual request of Mr. Tustin and upon a motion by Commissioner Bunting, the Commissioners unanimously approved bid specifications for the purchase of metal and plastic pipe for the Roads Division of Public Works, with funds of \$40,000 available within the FY20 budget for this expense.

The Commissioners met with Mr. Tustin to review the three bids for the proposed Newark spray irrigation project, with the lowest bid at \$2,315,130. Mr. Tustin stated that all of the bids submitted exceeded the available project funding and the engineer’s estimate by 44%, making the project unaffordable as currently designed. He reviewed the items identified as costs exceeding the engineer’s estimate and suggested a revised design, which included the following: avoiding the railroad right-of-way; revising the pump station screening; redesigning the berm for winter storage; and considering a center pivot unit for spraying rather than fixed sprinklers. He recommended redesigning the project for rebidding in fall 2019.

In response to a question by Commissioner Elder, Mr. Tustin stated that the County has total funding of roughly \$2 million available for the project through a United States Department of Agriculture (USDA) grant and loan, and he expects to see significant savings once they redesign and rebid the project. However, the County is under a consent order with the Maryland Department of the Environment (MDE) to complete the project. He confirmed that currently 100 residents would be responsible for shouldering all project costs over a 30-year period. Enterprise Fund Controller Jessica Wilson advised if total loan costs can be reduced to \$1.3 million that will equate to a cost of roughly \$65 per equivalent dwelling unit (EDU) per quarter.

Following some discussion and upon a motion by Commissioner Elder, the Commissioners unanimously rejected all bids for the Newark spray irrigation system and authorized staff to redesign the project as suggested, authorized an income study of the Newark Service Area to determine if additional grant funds may be secured for the project, agreed to remind ratepayers of the potential project costs once better information is available, and authorized rebidding in the fall when more contractors may be available to do the work.

Pursuant to the request of Paul Carlotta and upon a motion by Commissioner Church, the Commissioners unanimously approved his request for a 60-day extension of the six-month requirement to complete condition no. 1 to complete and record the Assateague Island Farm, LLC subdivision plat as specified in the Commissioners' approval of his request dated January 22, 2019 to allocate six sewer EDUs to his property on Stephen Decatur Highway and more specifically identified on Tax Map 33 as Parcel 29.

The Commissioners met with Assistant Chief Administrative Officer and Sewer Committee representative Kelly Shannahan to review a request from Attorney Hugh Cropper, IV on behalf of Sun TRS Frontier, LLC for allocation of 38 EDUs of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve a proposed Phase II expansion of the Frontier Town Campground to serve an additional 112 campsites. Mr. Shannahan reviewed the history of campground expansions, including amending the Water and Sewer Plan to add Frontier Town Campground to the Mystic Harbour SSA in 2014 to receive public sewer service and thus remove a septic system serving the 584 existing campsites; expanding the Mystic Harbour SSA in 2016 to provide 166 additional EDUs to the campground; adopting the EDU Allocation Policy in 2017 to reflect 166 EDUs for Frontier Town upon adoption of the EDU Allocation Policy to ensure compliance with the Water and Sewerage Plan; denying a request in 2017 for additional allocation of 71 EDUs for 213 new campsites at the campground, since such an allocation would have required amending the Allocation Table and Map in the Water and Sewerage Plan, which was required by the Maryland Department of the Environment (MDE) as a condition to their approval of the Mystic Harbour SSA expansion, and as approving the request would eliminate all EDUs in the South and diminish available EDUs in the North, and since the Allocation Table only allocated 160 EDUs to Frontier Town for the existing campground, and none had been allocated for future expansion of the campground; and in 2018 the Commissioners approved a revised application for 34 EDUs to serve Phase I of the proposed Frontier Town Campground expansion to serve an additional 101 campsites; and in 2019 the County received a request for an additional allocation of 38 EDUs for the Phase II expansion of Frontier Town campground to serve an additional 112 new campsites. Mr. Shannahan reviewed the background regarding the Mystic Harbour Wastewater Treatment Plant (WWTP) expansion and EDU allocation table. He then explained that approval of this request would result in a total of 238 EDUs (or 35.7% of the new capacity) from the Mystic Harbour SSA expansion being allocated to a single user (Frontier Town Campground), which is contrary to the primary purpose of this expanded capacity to provide for infill and intensification of properties along the Route 50 commercial corridor and vicinity north of the airport, which is continuing to grow and redevelop as planned. He then advised that there are 31 remaining EDUs available in Area 2 (south of the airport) as follows: 1 EDU - Vacant or Multi-Lot Properties (to replace septic); 6 EDUs - Assateague Greens Executive Golf Course (to replace septic); 5 EDUs - Church (to replace septic); and 19 EDUs - Single Family Dwellings (to replace septic). Furthermore 109 remaining EDUs are available in Area 1 (north of the airport) as follows: 33 EDUs - Infill and Intensification; 50 EDUs - Vacant or Multi-Lot Properties; 17 EDUs - Single Family Dwellings (to replace septic); and 9 EDUS - Commercial. He advised that reallocation of EDUs from the north area to the south area to serve new development should be carefully considered in accordance with the established priorities of the original allocation of the sewer capacity, and it

would require an amendment to the Water and Sewerage Plan approved by MDE since the EDU Allocation Table was officially adopted as part of the Plan as required by MDE. He then reviewed the three available options, to approve all EDUs, approve a portion of the EDUs, or deny the request for EDUs.

In response to a question by Commissioner Nordstrom, Mr. Shannahan stated that the Sewer Committee does not take a position on any of the available options, but that he personally recognized that there is a very limited number of remaining EDUs north of the airport for new and infill development, and reallocating these to south of the airport detracts from future growth on the Rt. 50 corridor as planned.

In response to a question by Commissioner Bunting, Environmental Programs Director Bob Mitchell stated that further expansion of the Mystic Harbour WWTP is contingent upon whether the County can identify a suitable site to spray treated effluent from the Mystic Harbour SSA, noting that currently there are no usable lands west of MD Rt. 611 for this purpose. However, it might be possible for the Ocean City Golf Course to accept some additional flow.

A motion by Commissioner Elder to deny the request failed 3-4, with Commissioners Bertino, Elder, and Purnell voting in favor of the motion and Commissioners Bunting, Church, Mitrecic, and Nordstrom voting in opposition.

The Commissioners recognized Mr. Cropper who reviewed the history of park expansion and advised that Phase II is the last section to be completed. He noted that the campground owners have been good neighbors, removing 584 campsites from a septic system that drained into the Coastal Bays Critical Area and built a \$1.2 million pump station that was later deeded to the County. Furthermore, he noted that the campground provides needed jobs and revenue to the County, and he urged the Commissioners to approve his request.

Following much discussion and upon a motion by Commissioner Mitrecic, the Commissioners voted unanimously to table further discussion on this request until after the adoption of standard sewer flow calculations in Worcester County for which the public hearing is scheduled on August 20, 2019.

Pursuant to the recommendation of Mr. Shannahan and upon a motion by Commissioner Bertino, the Commissioners unanimously accepted the proposal from Maynard Essender of Frankford Cabinet Shop, Inc. in Frankford, Delaware at a total cost of \$5,825 for the construction and installation of an additional gate in the Commissioners' Meeting Room. At their meeting of June 4, 2019, following the tragic shooting at the Virginia Beach government building where 12 government employees were killed, Commissioner Bertino requested that staff investigate the feasibility of adding an emergency exit on the right side of the Commissioners' meeting room table. In response to a question by Commissioner Bertino, Public Works Director John Tustin stated that the work should be completed in six months due to Mr. Essender's current project schedule.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Nordstrom, the Commissioners unanimously agreed to appoint Wayne Ayer to the Social Services Board for the remainder of a three-year term expiring June 30, 2021 to fill the vacancy created by the resignation of Ronnie White.

Pursuant to the request of Superintendent of Public Schools Louis Taylor and upon a

motion by Commissioner Bertino, the Commissioners unanimously approved the purchase of mobile Emergency radios instead of handheld radios for 69 school buses at an estimated cost of \$207,000 with FY20 funding of \$130,000 and grant funding of \$87,000. Chief Administrative Officer Harold Higgins advised that the lower-cost handheld units were tested, but will not suffice.

Emergency Services Director Billy Birch and Deputy Director James Hamilton met with the Commissioners to request conceptual approval to re-band up to eight existing County radio frequencies for the public safety radio system, as part of recommendations made by Federal Engineering (FE) to address tropospheric ducting interference, which continues to affect the County radio system, causing communications to be severely affected and non-existent at times. Mr. Birch stated that they may not have to replace all eight. He explained the largest source of interference comes from Virginia Beach, which is only 96 miles away and shares seven of the eight radio frequencies that Worcester County Government possesses today. Commissioner Elder expressed concern regarding whether rebanding would indeed resolve the issue, and he stressed that the radio situation needs to be resolved before someone is harmed or killed. In response, Mr. Birch assured the Commissioners that the transmission issues are not due to the radio units, but rather, tropospheric ducting interference, a naturally-occurring phenomenon that plagues coastal areas across the country during the summer months when temperatures are high. Mr. Shannahan concurred, noting that the Commissioners are scheduled to meet with FE, Harris, and County staff on September 3, 2019 to discuss the overall radio system project; however, the County needs to begin the process of rebanding immediately to be prepared for a September 25 meeting with the Federal Communications Commission (FCC) to request the rebanding. He stated that this particular issue, tropospheric ducting, is an issue exclusive to the summer months when temperatures are high. He noted that the Town of Ocean City has dedicated staff to deal exclusively with this issue by moving the dials to assure available signals; however, the County lacks the staff to dedicate to this task. Mr. Birch noted that the County completed all short-term, mid-term, and long-term mitigation steps recommended by FE to mitigate interference prior to beginning this last step. He stated there are no other possibilities outside of tropospheric ducting for the interference taking place during high temperatures, and he cited one example of how rebanding will help to resolve this issue, noting that the County system experienced roughly 34,000 interference hits on the County's current channel 4, while the channel they propose to go to experienced 43 hits during that same period of time. He stated that this is not a hardware issue. Instead, all public safety organizations are fighting for a finite amount of frequency space, and they are trying to find clear channels.

In response to a question by Commissioner Nordstorm, Mr. Birch stated that the County may be able to complete the rebanding process inhouse for less than \$5,000; however, reprogramming the radios and other adjustments to the system could be costly, either requiring additional dedicated County staff or assistance from an outside consultant.

Commissioner Mitrecic confirmed that Ocean City is dealing with the same interference issues the County is working to resolve, but stated that County staff knew this would be an issue again this summer and should have already applied to reband the radio frequencies. In response to a question by Commissioner Bertino, Mr. Birch stated that he has provided the fire chiefs with his email and cell and work phone numbers and explained the urgency for them to advise Emergency Services of transmission issues in real time, so the County can determine the cause of

the interference. With regard to a recent fire in Ocean Pines, Mr. Birch explained that transmission issues at the scene were related to the high number of public safety officials using the radios at the same time. Mr. Hamilton confirmed that the County has an online reporting system for public safety agencies to report issues with the radios, and the last issue reported through that system was submitted roughly this time last year; however, the fire chiefs have been emailing and calling County staff to communicate their concerns. In response to further questions by Commissioner Bertino, Chief Deputy Mark Titanski advised that, during the recent fire in Ocean Pines, tropospheric interference limited Fire Marshal Jeff McMahon's staff, who were using the new radios, Motorola radios, and a generic radio, which confirmed that the problem is not due to the radio equipment, but rather interference during periods of high heat. He stated that the Sheriff's Office has experienced numerous transmission issues and has either attempted to relocate to obtain a better signal or had to wait out the interference. He advised that he works closely with Mr. Birch to address these issues.

Following much discussion and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized staff to begin the process to obtain the new frequencies, to include engaging FE to develop interference maps and assisting with submitting the request to the Federal Communications Commission (FCC) for licensing.

Commissioner Nordstrom thanked his fellow Commissioners and Development Review and Permitting (DRP) staff for addressing the nuisance property in Stockton that has posed health and safety risks to the community.

The Commissioners answered questions from the press, after which they adjourned to meet again on August 20, 2019.