

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

June 20, 2023

Anthony W. Bertino, Jr., president  
Madison J. Bunting, Jr., vice president  
Caryn G. Abbott  
Theodore J. Elder  
Eric J. Fiori  
Joseph M. Mitrecic  
Diana Purnell

Following a motion by Commissioner Elder, 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 Weston Young, Deputy Chief Administrative Officer Candace Savage, County Attorney Roscoe Leslie, Budget Officer Kim Reynolds, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton and Deputy Director Pat Walls. Topics discussed and actions taken included the following: a personnel update, hiring Jeff Bradley as a part-time roads worker for the Roads Division and Tylesia Lewis as a transfer station attendant for the Solid Waste Division, promoting Office Assistant V Taylor Burkhead to human resources specialist within Human Resources, and certain personnel matters; receiving legal advice from counsel; and performing administrative functions, including receiving an FY23 monthly financial update and discussing potential board appointments.

Following a motion by Commissioner Bunting, seconded by Commissioner Abbott, the commissioners unanimously voted to adjourn their closed session at 9:21 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Bertino called the meeting to order, and following a morning prayer by Reverend George Tasker of Abundant Life Apostolic Church of Pocomoke 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 June 6, 2023 meeting as presented.

The commissioners presented years-of-service commendations to the following retiring staff members: Transfer Station Attendant Wade Warren (10 years), Human Resources Specialist Ann Hankins (15 years), Vehicle & Equipment Mechanic III Johnnie Lewis (18 years), Recycle Worker III Sylvester Byrd (20 years), and Benefits Manager Hope Carmean (47 years).

Upon a motion by Commissioner Elder, the commissioners unanimously approved by consent agenda item numbers 2-6 as follows: renewing the Maryland Community Criminal

Justice Treatment Program memorandum of understanding for \$22,000 to help offset the cost of mental health services for Jail inmates; bid specifications to construct a new concrete pad at the unmanned recycling center in Bishopville; a \$700,000 in-kind County match for the annual grant to the Maryland Coastal Bays Program from the Environmental Protection Agency's National Estuary Program; renewing the Independent Contractor's Agreement between Shockley Environmental Services (Bobby Shockley) and the County for the review and recommendation of approval, denial, or revision of Stormwater Management (SWM) Plans and applications; and the County Appropriation Transmittal Schedule for FY24 for the Board of Education totaling \$100,006,640.

Pursuant to the written request of Superintendent Lou Taylor and upon a motion by Commissioner Purnell, the commissioners unanimously approved the revised FY24 BOE budget request.

The commissioners reviewed and discussed a recommendation by County and BOE staff to accept a one-year pre-k expansion grant for the 2023-2024 school year to add one additional pre-k classroom at each of the three Title I schools: Buckingham, Pocomoke, and Snow Hill Elementary Schools. In response to a question by Commissioner Bertino, Chief Administrative Officer Weston Young stated that the BOE submitted a list of recurring items based on the ESSER grant; however, that report was part of a larger body of documents that staff are still reviewing.

Following some discussion, the commissioners took no action on this request.

Upon a motion by Commissioner Bunting, the commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to adopt Resolution No. 23-11 adopting the FY24 Solid Waste Enterprise Budget for FY24.

Upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 23-12 adopting the FY24 Sanitary Service Area Budgets, Assessments, and Charges.

Pursuant to the request of Recreation and Parks Director Kelly Rados and upon a motion by Commissioner Purnell, the commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to approve the County's FY24 Program Open Space annual program.

Pursuant to the recommendation of Procurement Officer Nicholas Rice and upon a motion by Commissioner Purnell, the commissioners unanimously approved the use of American Rescue Plan Act (ARPA) funds of \$70,000 towards the purchase of a replacement ambulance for Pocomoke City EMS, \$136,000 toward the purchase of a replacement ambulance for the Newark Volunteer Fire Company, and \$150,000 toward the purchase of a new pumper engine for the Stockton Volunteer Fire Company (SVFC).

In response to concerns raised by Commissioner Bertino that the request from the SVFC did not meet the criteria of fixing the fragile system, SVFC Chief Tim Jerscheid, President Brock Payne, Treasurer Bob Bell, and Executive Officer Jerred Johnson advised that utilizing ARPA to purchase the pumper engine will result in interest savings that can be used to help cover the cost

to purchase an ambulance. They further agreed to provide this information in writing to the County within the next 14 days to justify this use of ARPA funds.

Pursuant to the request of Mr. Rice and Warden Fulton Holland and upon a motion by Commissioner Purnell, the commissioners unanimously accepted the proposal of \$413,126.94 from Absolute Security for the purchase and installation of a new camera system at the County Jail. In response to questions by Commissioner Abbott, Warden Holland advised that the new equipment will provide coverage of all the cell blocks and existing dead zones.

Environmental Programs Director Bob Mitchell presented a request to modify the fee schedule for applications processed by Development Review and Permitting (DRP) and Environmental Programs. Mr. Mitchell reviewed the requested fee changes, which would amend certain fees within Environmental Programs to more accurately reflect departmental costs for these services. No changes were proposed within DRP. Following some discussion and upon a motion by Commissioner Fiori, the commissioners unanimously adopted Resolution No. 23-13 Establishing Fees for DRP and Environmental Programs.

The commissioners conducted a public hearing on Rezoning Case No. 441 for an application submitted by Hugh Cropper, IV on behalf of Ocean 8 Group, LLC, property owner, which seeks to rezone approximately 3.29 acres of land located on the easterly side of Stephen Decatur Highway, approximately 450 feet south of Sunset Avenue, and identified on Tax Map 26 as Parcel 445, Lot 1B, from C-2 General Commercial District to R-4 General Residential District. County Attorney Roscoe Leslie swore in those individuals who planned to give testimony during the hearing. DRP Director Jennifer Keener reviewed the application, which received a favorable recommendation from the County Planning Commission. She then stated that, according to the application for rezoning, the applicants' claim as the basis for their rezoning request was that there has been a change in the character of the neighborhood since 2009.

Commissioner Bertino opened the floor to receive public comment.

Mr. Cropper reviewed the request to downzone the property, which would make it consistent with the adjacent Mystic Harbour subdivision and the Comprehensive Plan. He concurred with the Planning Commission's findings and asked the commissioners to accept the findings as his testimony as well.

Land Surveyor Greg Wilkins agreed that the proposed rezoning is consistent with the Existing Developed Area (EDA) land use designation, and this property is located squarely within the EDA adjacent to the Mystic Harbour subdivision.

Landscape Architect Steve Engel stated that the residential site plan is consistent with the R-4 District, that there are no environmental conditions or constraints, and that the rezoning would be more suitable for residential than commercial development.

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

Upon a motion by Commissioner Fiori, the commissioners conceptually adopted the Planning Commission's Findings of Fact as their own and approved the rezoning from C-2 General Commercial District to R-4 General Residential District based on the change in character of the neighborhood.

The commissioners conducted a public hearing on Bill 23-05 (Zoning – Multi-family dwelling units in the C-3 Highway Commercial District), which was introduced on May 16, 2023 by Commissioners Mitrecic and Purnell. Ms. Keener reviewed the bill, which would allow multi-family dwelling units as an accessory use to a commercial development as a principal permitted use to the C-3 Highway Commercial District, provided that at least 65 percent or more of the net lot area for a given parcel be developed with a commercial use or structure. Ms. Keener advised that the Planning Commission provided a favorable recommendation to the request, subject to the inclusion of a minimum of 15 percent open space based upon the net lot area of the multi-family use. In response to a question by Commissioner Bertino, Ms. Keener stated that this change would impact approximately six properties zoned C-3 from Holly Grove Road to the MD Rt. 589 intersection. In response to a question by Commissioner Elder, Ms. Keener explained that the 15 percent open space requirement would come out of the 35 percent residential portion.

Commissioner Bertino opened the floor to receive public comment.

Attorney Mark Cropper reviewed the history of the C-3 District along with the significant need for high-density, multi-family housing that does not presently exist. He noted that residential housing is already permitted in the C-3 District, and explained that Bill 23-5 would simply permit residential uses to be developed as a separate community but part of the overall commercial parcel. He cited Seaside Village on Golf Course Road in West Ocean City, which is surrounded by high intensity commercial development on three sides as an example of such a permitted use. He concluded that the proposed amendment is consistent with the Comprehensive Plan and would be an improvement over the existing Code.

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

Upon a motion by Commissioner Mitrecic, the commissioners unanimously adopted Bill 23-05 (Zoning – Multifamily dwelling units in the C-3 Highway Commercial District) as presented.

The commissioners conducted a public hearing on a Comprehensive Water and Sewerage Plan amendment submitted by County staff to change the designation of the water system for the St. Martins by the Bay community from a private to public system, with service from the Ocean Pines water system and addition of the community to the Ocean Pines Sanitary Service Area (SSA). Mr. Mitchell reviewed the amendment, which would transfer the existing W-1 (immediate to two years) designation to the Ocean Pines water planning area. He advised that the Planning Commission found the amendment to be consistent with the Comprehensive Plan.

Commissioner Bertino opened the floor to receive public comments.

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

Upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 23-14 amending the Sewerage Plan for the Ocean Pines SSA – St. Martins by the Bay.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Abbott, the commissioners unanimously agreed to appoint Nola Tullar to the Tourism Advisory Board.

The commissioners answered questions from the press, after which they adjourned to meet again on July 5, 2023.