

Minutes of the County Commissioners of Worcester County, Maryland

September 5, 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, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, Human Resources Deputy Director Pat Walls, and Public Works Director Dallas Baker. Topics discussed and actions taken included the following: receiving a personnel update; hiring Christina Clark as an Office Assistant IV within Human Resources, Edward Sargent as the recycling crew leader within the Solid Waste Division, Matthew Shockley as a roads worker III within the Roads Division, James Guy as a plant operator trainee within the Water and Wastewater Division, and Brian Stephens, Brittany Vickers, and Melinda Bingham as emergency communications specialist trainees within Emergency Services; promoting Ronald White, Jr. from landfill operator I within the Solid Waste Division to vehicle and equipment mechanic I within the Roads Division, and certain personnel matters with Human Resources; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments.

Following a motion by Commissioner Elder, seconded by Commissioner Bunting, the commissioners unanimously voted to adjourn their closed session at 10:14 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 Reverent George Tasker of Abundant Life Apostolic Church of Pocomoke and pledge of allegiance, announced the topics discussed during the afternoon closed session on August 15, 2023 and the morning closed session.

The commissioners reviewed and approved the open and closed session minutes of their August 15, 2023 meeting as presented.

Pursuant to the request of Superintendent Louis H. Taylor of the Board of Education (BOE) and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved

categorical budget transfers and budget amendment for FY23, with categorical increases to be offset by reductions in the categories of Instructional Salaries and Fixed Charges and by additional revenues.

Pursuant to the request of Sheriff Matthew Crisafulli and upon a motion by Commissioner Abbott, the commissioners voted 4-3, with Commissioners Elder, Mitrecic, and Purnell voting in opposition, to accept the donation of an enclosed trailer for use within the Sheriff's Office.

Pursuant to the request of Sheriff Crisafulli and upon a motion by Commissioner Fiori, the commissioners unanimously approved the Memorandum of Understanding between the Board of Education, Worcester County Sheriff's Office, and the Worcester County Commissioners for the School Resource Deputy (SRD) Program.

In a related matter and in response to questions by Commissioner Abbott, Sheriff Crisafulli stated that SRD information will be included in the monthly report to the commissioners, though that information will be minimal as those involved will be juveniles.

The commissioners presented a proclamation to Pat Arata of the General Levin Winder Chapter of the National Society of the Daughters of the American Revolution recognizing September 17-23, 2023 as Constitution Week.

The commissioners presented a proclamation to representatives from the Jesse Klump Memorial Fund (JKMF), Life Crisis, and Worcester County Health Department (WCHD) recognizing September as Suicide Prevention Month in Worcester County.

The commissioners conducted a public hearing on Rezoning Case No. 440 for an application submitted by Hugh Cropper, IV on behalf of Nicholas and Virginia Borodulia, property owners, which seeks to rezone approximately 8.905 acres of land located on the northwest side of Jarvis Road and identified on Tax Map 9 as Parcel 359, Lot 1, from A-1 Agricultural District to A-2 Agricultural District. County Attorney Roscoe Leslie swore in those individuals who planned to give testimony during the hearing. Development Review and Permitting (DRP) Deputy Director Matthew Laick reviewed the application, which received a favorable recommendation from the Planning Commission. He advised that the applicant's basis for a mistake in the current zoning classification was based on the unsuitability of the petitioned area to support the main primary uses allowed in the A-1 District: agricultural production and single-family dwellings.

Commissioner Bertino opened the floor for public comment.

Attorney Hugh Cropper, representing the Borodulias, reviewed the surrounding zoning classifications, noted that it had been a good faith mistake to zone the property A-1, and reviewed the issues with the current zoning. These include poor soil quality, which makes farming difficult, and a continually collapsing culvert pipe and hedge, which makes it difficult for farm equipment to access the property. He concluded that A-2 zoning would be more desirable in terms of the Comprehensive Plan and urged the commissioners to rezone the property to A-2.

Surveyor Frank Lynch concurred that the soils are poor and not suitable for crops or

timber.

Mr. Borodulia advised that he had purchased the property to build a church, but those plans had fallen through, and summarized the difficulties he has faced using the property for agricultural purposes due to the poor soil quality. He urged the commissioners to rezone the property to A-2.

Matthew Lose of Jarvis Road questioned the uses permitted in the A-2 District and whether that same zoning classification could benefit his property.

Kathy Phillips, a concerned County citizen, opposed the proposed rezoning, noting that the County must diligently protect lands zoned A-1. She pointed out that wet soils are conducive to many types of farming and concluded that the only mistake would be to approve this spot zoning request.

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

Commissioner Bunting stated that the exhibits illustrate that most of the soil is moderately well drained, with minor areas of hydric soil. Environmental Programs Director Bob Mitchell concurred and stated that the petitioned area was congruently tilled with the adjoining lots despite the shape of the petitioned area, and that prior converted wetlands have been farmed in wetter areas of the county. Commissioner Fiori stated that the property on at least three sides of the petitioned area are in agricultural production, and the zoning on this property does not appear to be inconsistent with the existing zoning designation.

Following some discussion and upon a motion by Commissioner Bunting, the commissioners voted 5-2, with Commissioners Mitrecic and Purnell voting in opposition, to deny the request to rezone the property from A-1 to A-2.

Upon a motion by Commissioner Elder, the commissioners unanimously approved by consent agenda item numbers 2-11 as follows: Buas Mini Storage turnover documents; out of state travel for three Recreation and Parks staff to attend the National Recreation and Parks Association (NRPA) Event Management School January 14-19, 2023 in Wheeling, West Virginia and for two additional Recreation and Parks staff to attend that same training during the next session January 28-February 2; out of state travel for one Emergency Services employee to attend the 2023 International Association of Emergency Managers 71st Annual Conference in Long Beach, California from November 2-10, 2023; authorizing 100% County tax credits totaling \$12,272.79 for the three Ocean City Chamber of Commerce properties; issuing bid specifications for corrugated metal and plastic pipe; awarding legal services for the Board of Zoning Appeals to David C. Gaskill, Esquire at \$125 per hour; scheduling a public hearing for Rezoning Case No. 444 seeking to rezone approximately 0.78 acre of land on the east side of Market Street approximately 0.25 mile north of Moat Road from A-1 Agricultural District to C-2 General Commercial District; authorizing the Maryland Coastal Bays Program to use the South Point boat ramp from September 11-15, 2023 to dismantle a nesting platform; and a letter supporting the efforts of the Ocean Pines Association to seek assistance from cellular companies to improve service in their region.

Pursuant to the request of Procurement Officer Nicholas Rice and Public Works Director Dallas Baker and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the sole-source bulk purchase of water meter repair parts from Core and Main at a total cost of \$205,090 for use within the Water and Wastewater Division of Public Works.

Pursuant to the request of Mr. Rice and Mr. Baker and upon a motion by Commissioner Mitrecic, the commissioners unanimously authorized staff to order three, ¾ ton series trucks or above and to begin searching for off-the-lot purchases for two small to mid-size trucks. The acquisition of these vehicles was approved within the FY24 budget.

In follow up to a request from the commissioners on August 15, 2023, the commissioners met with Mr. Rice and Library Director Jennifer Ranck to review a revised scope of work to construct a new, 12,533 square-foot, one-story branch library in Pocomoke at an approximate cost of \$7,426,254 or \$592 per square foot, to more closely match the target cost of \$600 per square foot. Following some discussion and upon a motion by Commissioner Abbott, the commissioners unanimously accepted the proposal from JSD, Inc. of The Design Group to develop detailed design plans to construct the new library, with the commissioners to revisit these plans at 50% completion.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Abbott, the commissioners unanimously authorized Commission President Bertino to sign a letter of support to the U.S. Army Corps of Engineers to update the 1998 Ocean City, Maryland and Vicinity, Water Resources Study, Feasibility Report, and Integrated Environmental Impact Statement. Mr. Mitchell stated that this is needed, as the navigation and physical environment conditions in the Ocean City Inlet have changed notably since the recommendations included in the original study, and shoaling impacts are increasing at an alarming rate since Hurricane Sandy in 2013.

Pursuant to the request of Development Review and Permitting Director Jennifer Keener and upon a motion by Commissioner Elder, the commissioners unanimously agreed to schedule a public hearing and comment period to obtain public input on the draft redistricting maps. The maps will be available for viewing on the County website at co.worcester.md.us.

The commissioners met with Ms. Keener to review draft cannabis regulations relative to the recent adoption of State legislation on the adult use of cannabis. Upon a motion by Commissioner Purnell, the commissioners unanimously approved Item 1 – Zoning Approach to Cannabis to continue to apply the same zoning approach the County has implemented since 2017 for medical cannabis establishments.

Upon a motion by Commissioner Elder, the commissioners conceptually approved Item 2 – Separation Distances for New Dispensaries as amended to increase the separation distance to 2,000 feet from pre-existing primary or secondary schools, licensed childcare centers or registered family childcare home, or a playground, recreation center, library, public ark, or other licensed dispensary.

With regard to Item 3 – Onsite Consumption Establishments, upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to prohibit onsite consumption establishments.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Fiori, the commissioners unanimously agreed to appoint Tom Shuster to the Tourism Advisory Committee.

Commissioner Purnell commended area fire departments for their efficient handling of a fire at the Exxon on U.S. Rt. 50 to divert a potential catastrophe.

Commissioner Bertino recognized the following individuals for representing the County well during the 2023 Maryland Association of Counties summer conference in Ocean City: County Attorney Roscoe Leslie, who oversaw a panel discussion on the new cannabis regulations, Environmental Programs Director Bob Mitchell, who represented the County's concerns regarding shoaling in the Ocean City Inlet, Amanda Laick of the Library, who oversaw the bookmobile, and the many County staff members who worked the front desk at the conference. He also thanked Office Assistant Karen Hammer for organizing the recent County employees' picnic and Fire Marshal Matthew Owens for providing special hazards support to the Ocean Pines Yacht Club recently.

The commissioners answered questions from the press, after which they adjourned to meet again on September 19, 2023.