

Minutes of the County Commissioners of Worcester County, Maryland

February 18, 2020

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

Following a motion by Commissioner Bunting, seconded by Commissioner Elder, 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 (10) 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 Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, and Development Review & Permitting Director Ed Tudor. Topics discussed and actions taken included: rehiring David Waters and Thomas West as part-time temporary Roads Worker III's within the Roads Division of Public Works; hiring Gunnar Thompson and Tyrel Douglas as Correctional Officer Trainees and temporarily promoting Phillip Littleton from Corporal to Sergeant within the County Jail; approving personnel changes within the Treasurer's Office, including posting to fill one Accounting Clerk II position and one Recordation Tax Collection Paralegal position, changing the title of Accounting Clerk IV Sheila Merritt to Collections Specialist, and promoting Accounting Clerk II Christine Vandercook to Billing Specialist, Accounting Manager Laura Beauchamp to Tax Manager, and Accounting Manager Barbara Hitch from classified to non-classified; discussing other personnel matters; reviewing possible Security Enhancements for the Worcester County Government Center; receiving legal advice from counsel; and performing administrative functions, including: approving performance evaluation forms for classified and non-classified employees.

Following a motion by Commissioner Bertino, seconded by Commissioner Bunting, the Commissioners unanimously voted to adjourn their closed session at 9:59 a.m.

After the closed session, the Commissioners reconvened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Father Matthew D'Amario of St. Paul's By the Sea and pledge of allegiance, announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the February 4, 2020 closed session minutes as presented and open session minutes as amended.

In response to a question from Commissioner Bertino regarding the status of the

investigation regarding the Pocomoke Little League (PLL) Field Lighting project at Newtown Park, Mr. Higgins advised that it had been discovered that some of the electrical cable had been installed at a depth of 20-inches rather than 24-inches as required and the PLL would be required to reinstall any of the cable that does not currently meet the code requirements at their cost. Upon further questions from Commissioner Bertino, Mr. Higgins advised that the County was not initially aware of the problem with the cable depth since the permits for this project were issued by the Town of Pocomoke City given that the project is located within town limits. He further stated that he did not believe that the County is liable for the cable installation, but he will continue to work to see that the cable is properly installed.

The Commissioners met with Superintendent of Schools Lou Taylor to review and discuss the Board of Education's (BOE) technology plan. Mr. Taylor advised that in 2014 the school system embarked on a digital conversion with the goal to achieve a one-to-one student to digital device ratio; however, the BOE was recently notified that Chromebooks, which are currently being utilized across grade levels for State assessments, will no longer be supported. He advised that, based on recommendations from the BOE Technology Task Force and leadership, he is seeking a funding commitment from the Commissioners of \$150,000 for FY21 and \$375,000 each year for FY22, FY23, and FY24 for technology, which will allow the BOE to enter into a 0% interest, multi-year lease agreement with Apple for the purchase and deployment of iPads and Apple televisions across the school system (excluding Showell Elementary School, as technology is included in the capital project budget for this purpose). In response to a question by Commissioner Bertino, BOE Public Information Officer Carrie Sterrs advised that the lease includes a built-in purchase agreement of \$1 per device for the 8,000 units at the end of the lease to be owned by the BOE.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the technology plan and committed to fund the requested increased technology budget of \$150,000 for FY21 and \$375,000 each year thereafter for FY22, FY23, and FY24.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Purnell, the Commissioners unanimously agreed to appoint Billy Thompson to the Agricultural Preservation Advisory Board for a four-year term expiring December 31, 2023 to replace Bill Bruning whose term expired at the end of 2019.

Upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to issue another press release to solicit volunteers to fill the remaining board vacancies.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Purnell, the Commissioners unanimously awarded the low bid for the general rehabilitation of a single family home in the Snow Hill area to Ocean Tower Construction, LLC of Ocean City, Maryland at a cost of \$5,272.

Pursuant to the request of Ms. Bynum and upon a motion by Commissioner Nordstrom, the Commissioners unanimously approved bid specifications for the general rehabilitation of a single-family home in the Pocomoke City area, which is to be funded through the County's new Community Development Block Grant (CDBG).

Pursuant to the request of Health Officer Becky Jones and upon a motion by Commissioner Purnell, the Commissioners unanimously approved an agreement between the Health Department and Cambridge Medical Professionals (CMP) for recruitment services, at a cost of \$26,000 to recruit a psychiatrist and/or \$20,000 to recruit a psychiatric nurse practitioner for the Behavioral Health Program at the Health Department. Ms. Jones stated that funding is available within the FY21 Health Department budget for this purpose and is covered by the collection of fees.

Pursuant to the request of State's Attorney Kristin Heiser and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to waive the standard bid process and accept the proposal from Karpel Solutions of St. Louis, MO at a cost of \$136,600 to purchase a comprehensive case management software system and maintenance agreement. Ms. Heiser stated that her office was recently awarded grant funds of \$136,600 from the Governor's Office of Crime Control and Prevention to cover the cost of the software.

Pursuant to the request of Warden Donna Bounds and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Mitrecic to sign the Amendment of Solicitation/Modification of Contract with the Immigration and Customs Enforcement (ICE) Agency for housing immigration-related detainees. Warden Bounds advised that the reimbursement rate (\$87.11 per day, per detainee) remains the same. In response to a question by Commissioner Mitrecic, Warden Bounds stated that County staff are closely monitoring the status of House Bill 677/Senate Bill 850 - Correctional Services - Immigration Detention - Prohibition (Dignity Not Detention Act), which would prohibit the County from housing ICE detainees, noting that this federal program receives no State funding.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the proposed quitclaim deed between the County Commissioners (Grantors) and Martha's Landing Resort, LLC (Grantee), conveying a portion of a platted but unimproved road in West Ocean City (WOC) known as Smith Avenue. Mr. Tustin stated that the road is not listed within the Inventory of Public Roads of Worcester County, Maryland and there are no plans for the County to make improvements to the road.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Purnell, the Commissioners unanimously awarded the low bid to American Paving Fabrics, Inc. of Hanover, Maryland at a cost of \$1.356 per square yard at a total estimated cost of \$384,687.70 for the purchase and application of chip seal to resurface approximately 26.92 miles (283,693 square yards) of County roadways. Mr. Tustin advised that due to lower than anticipated bid costs for this project, there is \$215,312.30 available in the FY20 budget to complete additional road paving projects.

Upon a motion by Commissioner Bunting, the Commissioners unanimously approved bid specifications for the application of slurry seal to resurface approximately 76,872 square yards or 5.96 miles of County roadway.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously awarded the low bid to Alban Tractor Co., Inc. of Baltimore, Maryland for the purchase of one Caterpillar Model 725C2 off-road dump truck at a total acquisition cost of \$468,910 less a guaranteed buyback at the end of seven years at \$101,000 for a net adjusted price of \$367,910 with a monthly lease purchase price of \$6,383.90 for use within the Solid Waste Division of Public Works.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously awarded the second-lowest bid for rehabilitation of the Ocean Pines north water tower to Baldwin Industries, LLC at a total cost of \$297,200. Mr. Tustin explained that Suburban Contractors, LLC of Manassas, Virginia, which submitted the apparent low bid of \$292,675 did not submit the required three references of recently submitted work and were, therefore, deemed to be unresponsive.

The Commissioners reviewed a letter from Sunita Boyle, P.E., Division Chief for the Region II Project Management Division of the Engineering and Capital Projects Program, Office of Budget and Infrastructure Financing for the Maryland Department of the Environment (MDE), announcing that the Ocean Pines Wastewater Treatment Plant (OP WWTP) is exempt from paying into the Bay Restoration Fund (BRF) during the calendar year 2020. This exempts residents in the Ocean Pines Sanitary Service Area (SSA) from paying the monthly \$5.00 charge into the BRF. This exemption has been in place since 2005 due to the exceptional treatment of wastewater in the OP WWTP and has saved the OP ratepayers more than \$5 million over the years.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Bunting, the Commissioners unanimously approved the Small Project Wastewater Agreement between the County Commissioners and Keith Vander Kolk and Shonna M. Hackett (Developer) for the installation of a grinder pump and roughly 700 linear feet of 4-inch diameter low-pressure sewer force main on Gum Point Road to serve condominiums and a marina on their property, at no cost to the County.

Mr. Tustin presented the Commissioners with a progress report on the Gum Point Road sewer line extension project, which included the following: a draft agreement between the County Commissioners, as the governing body of the Greater Ocean Pines Sanitary Service Area (SSA) and Steven Hershey (owner) to extend public sanitary sewer to the owner's property located at 11831 Gum Point Road and more specifically identified on Tax Map 21 as Parcel 75, with the owner to deposit \$50,000 in an escrow account for allocation to the project's initial construction; a proposal from J.W. Salm Engineering in the amount of \$11,745 for design work and \$5,450 for surveying for the design of the sewer line extension project; and a preliminary cost estimate and financial feasibility analysis for the project. Mr. Tustin stated that staff will not have a firm cost estimate until the project is designed and bids have been received. He then reviewed two options for project construction as follows: Option 1 - extend public sewer services east on Gum Point Road from the current line at an estimated cost of \$252,000 to serve 34 equivalent dwelling units (EDUs) for a per EDU cost of \$5,941; or Option 2 - extend sewer service along all of Gum Point Road both east and west of the current line at an estimated cost of

\$318,000 to serve 107 EDUs at a cost of \$2,505 per EDU. Mr. Tustin stated that, in addition to the construction costs, property owners connecting to the public sewer service would also be responsible for paying the equity contribution, Future Capital Improvement (FCI) costs and sewer connection fees to the County, as well as the cost of a grinder pump. He stated that this would result in a total estimated cost of \$25,064 per EDU under Option 1 or \$21,628 per EDU under Option 2.

In response to a question by Commissioner Mitrecic, Mark Cropper, attorney for Mr. Hershey, stated that his client is still willing to commit funds to this project in the amount of \$50,000, funds that Mr. Hershey previously planned to use to install a temporary sewer connection from his property to the Ocean Pines Sanitary Service Area (SSA) via Baypoint Plantation rather than by way of the approved route down Gum Point Road, so that he may receive sewer service from the Ocean Pines Wastewater Treatment Plant (WWTP) and redevelop his property. Mr. Tustin concluded that a portion of Mr. Hershey's contribution could be used to fund the engineering services.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously conceptually approved Option 2 and agreed to scheduled the required public hearing to receive public comment on the proposed project as soon as possible.

The Commissioners met in legislative session.

The Commissioners reviewed a memo from Assistant Chief Administrative Officer Kelly Shannahan with regard to a text amendment drafted by staff at the request of the County Commissioners on February 4, 2020. The draft bill would increase the percentage of permitted off-premises parking in the CM Commercial Marine District from 50% to 90%. Mr. Shannahan stated that he understood that the Commissioners have been requested to introduce and adopt this legislation as quickly as possible for a pending project in the Commercial Marine District of the West Ocean City Harbor area. Therefore he suggested that the bill could be introduced as an emergency bill for which a hearing could be scheduled as early as their March 3, 2020 meeting at a Special Legislative Session. He explained that as an emergency bill, at least five of the Commissioners would be required to pass the bill, but it would become effective immediately upon passage. He further explained that all Zoning text amendments must be first reviewed by the Worcester County Planning Commission for comment before passage by the County Commissioners. Therefore, he asked Development Review & Permitting (DRP) Director Ed Tudor to present the draft bill to the Worcester County Planning Commission for their review at their February 6 meeting. The Planning Commission reviewed the draft bill and provided a unanimous unfavorable recommendation due to concerns regarding persistent illegal parking and traffic congestion in the West Ocean City Harbor area and the excessive nature of this request.

Commissioner Bertino asked if the bill would have any impact on parking for the Alyosha sailboat charters during construction of the new restaurant to replace Mad Fish which was recently destroyed by fire. Mr. Shannahan explained that the proposed text amendment would allow more of the required parking across the street from the restaurant property.

Following some discussion, Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom, and Purnell introduced the aforementioned text amendment as Emergency Bill 20-1 (Zoning - Off-Premises Parking) and scheduled a public hearing on the bill for a Special Legislative Session on March 3, 2020.

Commissioner Mitrecic closed the legislative session.

Pursuant to the recommendation of Information Technology Director Brian Jones and upon a motion by Commissioner Bunting, the Commissioners unanimously accepted the proposal from CTC Technology & Energy of Kensington, Maryland at a total cost of \$57,500 for broadband service testing necessary to refute Bloosurf's claim for the exclusive provision of broadband internet services throughout most of Worcester County as discussed with the Commissioners at their meeting on January 21, 2020, and development of a Request for Proposals (RFP) for the County to identify a potential partner to provide Countywide broadband internet services.

The Commissioners met with Development Review and Permitting (DRP) Deputy Director Phyllis Wimbrow to review a letter from Thomas J. Ayd, requesting that the County Commissioners declare an unused 1.49-acre parcel of County-owned property identified on Tax Map 15 as Parcel 267 in Showell, Maryland to be surplus property and place the land up for bid so that he may purchase it. Ms. Wimbrow reviewed the history and intended use for the property, noting that the County purchased the property from the State Highway Administration (SHA) in 2005 after completion of the dualization of the adjoining section of U.S. Rt. 113, using fee-in-lieu funds from the Forest Conservation Program with the intention of planting trees on the site. However, County staff later discovered that the area was so heavily compacted due to its former use as a staging site for the U.S. Route 113 dualization project that the area would not support this effort without subsoil work to loosen the ground. Therefore, they elected to allow for the natural regeneration of the area. Ms. Wimbrow stated that the deed between the SHA and the County Commissioners states that should the property cease to be used for such public purpose all right, title, and interest in the property shall immediately revert to the State. Therefore, she stated that staff believes the best course of action is to continue the County's ownership of the property and to take steps to ensure greater tree cover through natural regeneration or selective plantings.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners voted unanimously to retain the property and to advise Mr. Ayd that for the reasons outlined above the property will remain in County ownership and allowed to naturally regenerate.

Pursuant to the request of Ms. Wimbrow and upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to schedule a public hearing on Rezoning Case No. 424 for March 17, 2020. This application was submitted by Attorney Hugh Cropper, IV, on behalf of Stockyard, Inc., property owner, and seeks to rezone approximately 0.25 acre of land located to the north of U.S. Rt. 50 and east of Golf Course Road at the bayfront in West Ocean City adjacent to Hooper's Restaurant, and more specifically identified on Tax Map 27 as part of Parcel 569, from R-3 Multi-Family District to C-2 General Commercial District. Ms. Wimbrow advised that the application received a favorable recommendation from the Planning Commission.

Commissioner Bertino thanked Commissioner Mitrecic and County staff for their support in issuing a letter to the State opposing House Bill 1300/Senate Bill 1000 Blueprint for Maryland's Future - Implementation due to concerns about the funding formulas used within the

bills to achieve this goal.

In response to a question by Commissioner Bertino, Chief Administrative Officer Harold Higgins advised that Emergency Services Director Billy Birch will be requesting funding within the FY21 budget to improve 911 services to the deaf and hard of hearing, as required.

The Commissioners answered questions from the press.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Purnell, the Commissioners unanimously voted to meet in closed session at 10:56 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) 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 Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, Recreation, Parks, Tourism, and Economic Development Director Tom Perlozzo, and candidates for the Tourism Director position. Topics discussed and actions taken included reviewing a list of candidates for the Assistant Chief Administrative Officer position; hiring Melanie Pursel as Tourism Director; and performing administrative functions, including confirming their attendance at the annual dinner with the fire chiefs, presidents, and ambulance captains on February 19, 2020 and the annual dinner with the Wor-Wic Community College Board of Trustees on February 26, 2020.

The Commissioners adjourned to meet again on March 3, 2020.