

Minutes of the County Commissioners of Worcester County, Maryland

May 15, 2018

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

Following a motion by Commissioner Bertino, 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), (7), and (8) of the General Provisions Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Maureen Howarth, County Attorney; Stacey Norton, Human Resources Director; John Tustin, Public Works Director, and John Ross, Public Works Deputy Director. Topics discussed and actions taken included: hiring Christine Vandercook as an Accounting Clerk II for the Treasurer's Office; posting to fill upcoming vacancies for an Office Assistant IV for County Administration and a Communications Manager for Emergency Services; acknowledging the hiring of Kimberly Brown as a Library Services Assistant II within the Berlin Branch Library and Lindsey West as Attorney for the Board of Elections; considering disciplinary action for a County employee; discussing pending litigation; receiving legal advice from counsel; and performing administrative functions.

After the closed session, the Commissioners reconvened in open session. Commissioner Purnell called the meeting to order and announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the open and closed session minutes of their May 1, 2018 meeting as presented.

Pursuant to the request of Finance Officer Phil Thompson and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the recommended FY19 Tax Ditch Rates, certifications, and recommended Managers for all 18 Tax Ditches in the County. Mr. Thompson noted that the tax ditch rates were identical to the prior year.

Library Director Jennifer Ranck advised the Commissioners that the Library Board wishes to apply for FY20 County Public Library Capital Grant funds of \$250,000 from the State to complete the architectural and engineering phase for the Pocomoke Library renovation and expansion project, which requires a local match of \$125,000 and for which a letter of intent to fund the entire project is required from the Commissioners. Ms. Ranck advised that the Library originally submitted a request for Pocomoke Library building improvements totaling \$500,000 in the Capital improvement Plan FY 19 - 23. However, based on a 2013 study which identified the need for an additional 4,000 square feet of Library space to meet the needs of the community for additional meeting space, and to relocate and expand the young adult section with new technology and creative arts. She stated that this project is now estimated to cost approximately \$2.5 million, which includes construction and furniture, fixtures, and equipment. She stated that the project schedule includes a design phase in FY20, with construction to begin in FY21, noting that grant funds will be used to to complete pre-design work in FY19 to launch into the architectural and engineering phase if a County Public Library Capital Grant is awarded in FY20.

In response to a question by Commissioner Bertino, Chief Administrative Officer Harold Higgins advised that the Commissioners can fund the local cost share for this project through the General Fund or bond funds, depending upon the cost estimate following the design phase of this project.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to sign the letter of intent and allocation of \$125,000 to cover the cost of the local match for the design phase of the Pocomoke Library renovation and expansion project, which is estimated to cost \$2.5 million.

Pursuant to the request of Ms. Ranck and upon a motion by Commissioner Mitrecic, the Commissioners voted 4-3, with Commissioners Bertino, Bunting, and Elder voting in opposition, to waive the standard bid process and accept the proposal for the purchase and installation of Avaya phone systems and software from Alliance Technology Group, LLC of Hanover, Maryland to upgrade and install phone systems at all five Library Branches and the offices located on Bank Street in Snow Hill at a total cost of \$31,856, to replace 51 handsets and 18 phone lines. Ms. Ranck advised that this vendor supplied the same phone systems and software in other County departments, and \$42,000 is available within the library's capital budget for this purchase. In response to a question by Commissioner Bertino, Ms. Ranck stated that waiving the bidding and accepting the proposal from Alliance Technology Group would help to assure consistency in the phone systems throughout County departments and agencies.

Pursuant to the request of Emergency Services Director Fred Webster and upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Resolution No. 18-10 Adopting of Hurricane Evacuation Maps under the Federal Emergency Management Agency's (FEMA) Know Your Zone Program in Worcester County, Maryland. Mr. Webster originally met with the Commissioners on March 20, 2018 to discuss the FEMA Know Your Zone program, an education campaign designed to help those residing in coastal areas prone to tropical storms to know when to evacuate a specific area ahead of weather events and other emergencies, at which time the Commissioners conceptually approved the draft maps. Mr. Webster advised that, since their first meeting, staff distributed the maps to Ocean City officials who had no objections or change requests and to Berlin officials who requested the areas west of U.S. Rt. 113 be added to the Zone C evacuation area. Mr. Webster advised that the maps have been revised to include these areas, and he outlined the planned public outreach campaign.

Pursuant to the request of John and Lauren Bruning and additional family members who reside on and operate a family business on an approved private lane, the recommendation of Mr. Webster and upon a motion by Commissioner Elder, the Commissioners unanimously authorized the properties on said lane, located at the easterly terminus of Cedartown Road, to retain their existing Cedartown Road addresses, provided such addresses are posted both on each house and on the mailboxes, which are located on Cedartown Road. They further agreed to exempt the road from the naming requirement. Mr. Webster stated that on September 19, 2017 the Commissioners adopted Resolution No. 17-21, approving a proposal for an approved private road for Bruning Properties, LLC, which would create a 200-foot extension at the easterly terminus of Cedartown Road at the intersection of Kelly Point Lane. He stated that no action was taken to name the lane at that time, since it only had two inhabitable structures at the time and thus failed to meet the criteria for the naming of a private lane. However, since that time a permit application was submitted by another Bruning family member to construct a single-family home on the parcel and thus making the lane eligible to be named as a County lane, though the property owners would still be required to maintain the private lane.

Upon the request of Land Planner Bob Hand, on behalf of client Kathleen Clark of Monogram Building and Design, Inc., the recommendation of Development Review and Permitting Director Ed Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously approved a minor modification to the Step I Design for Shady Side Village Residential Planned Community (RPC), which was originally approved by the Commissioners in January 2018. Mr. Tudor advised that the request is to

reduce the density by two units, from 37 units to 35 units, and to revisit the unit-type, from primarily duplex units to primarily three-unit townhouse structures, to mirror the West Harbor Village development currently under construction, and he concluded that these changes are minor and do not require the applicant to process a new application.

Pursuant to the request of Warden Donna Bounds and upon a motion by Commissioner Church, the Commissioners unanimously authorized the Fifth Amendment to Master Services Agreement originally signed August 5, 2010 between Securus Technologies, Inc. (Provider) and Worcester County Jail (Customer) for the provision of electronic ankle monitors for work release inmates at the County Jail. Warden Bounds stated that the work release program began 30 years ago, and the addition of ankle monitors would provide another needed level of monitoring for inmates on court ordered work release to continue employment in the community and to return to the County Jail at a designated time. Inmates would be charged \$5 per day to cover a portion of the cost of the ankle monitors.

Pursuant to the request of Warden Bounds and upon a motion by Commissioner Mitrecic, the Commissioners unanimously accepted the low proposal from Priority Install, LLC of Gaithersburg, Maryland for the purchase and installation of a prisoner transport insert (security cage) for a total cost of \$15,363.40. Warden Bounds advised that the security cage will be fitted within the new 2018 Chevrolet van.

The Commissioners met with Public Works Director John Tustin to review the results of a speed study conducted by the Roads Division of Public Works on the Worcester County section of St. Lukes Road outside of Snow Hill from May 2-7, 2018. This study was conducted to address a resident's request to post speed limit signs and bus stop signs to address safety concerns due to speeding vehicles. Mr. Tustin advised that 3,112 vehicles traveling in both the east and west bound lanes were recorded during the speed study. He stated that the average speed of these vehicles was 46 miles per hour (mph), with 2,777 vehicles or 89.3% traveling 36 mph and greater, 335 vehicles or 10.7% traveling between 1 and 35 mph. In response to questions by Commissioner Elder, Mr. Tustin stated that Public Works staff shared the speed study results with the Sheriff's Office, after which Deputies stepped up enforcement efforts on that road and ticketed two vehicles traveling at 62 mph and one traveling at over 70 mph. He stated that, as an un-posted highway, the speed limit by default is 50 mph, and he recommended posting speed limit signs of 50 mph, which will allow the Sheriff's Office to police this area and provide additional enforcement, and also to post school bus stop signs near house number 1854 to warn motorists of potential safety issues.

Commissioner Elder expressed extreme concern that 79 vehicles were traveling in excess of 50 mph during school bus pickup times, and 125 vehicles were traveling in excess of 50 mph during school bus drop off times on May 3, and a few of these vehicles were traveling at speeds in excess of 76 mph.

Following some discussion and upon a motion by Commissioner Elder, the Commissioners unanimously agreed to post a speed limit of 50 mph on the portion of St. Lukes Road in Worcester County, to post Bus Stop Ahead signs in the vicinity of 1854 St. Lukes Road, and to request that the Sheriff's Office enforce the posted speed limit.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Bunting, the Commissioners unanimously awarded the low bid for the purchase of one Massey Ferguson Model 6712 landfill cab tractor farm-type, off-road vehicle to Binkley & Hurst, LP of Seaford, Delaware at a total delivered price of \$52,170.

In response to a follow up request from Hugh Cropper, IV, attorney for Sun TRS frontier LLC, the Commissioners revisited their May 1, 2018 discussion regarding Mr. Cropper's request for allocation of an additional 34 equivalent dwelling units (EDUs) of sewer capacity from the Mystic Harbour Sanitary Service Area (SSA) for a proposed expansion of the Frontier Town Campground. This request is in

addition to the 166 EDUs that Sun Frontier, LLC purchased on March 30, 2017 to serve the existing campground with sewer service in order to eliminate the existing septic system. That prior discussion resulted in a failed motion to deny the request for the allocation of 34 EDUs of sewer service to Frontier Town. Assistant Chief Administrative Officer and Sewer Committee representative Kelly Shannahan advised the Commissioners that, since no further action was taken at their prior meeting, this matter is still pending, and he reviewed the three potential options before the Commissioners to address this issue.

Upon a motion by Commissioner Church, the Commissioners unanimously agreed to initiate an amendment to the Water and Sewerage Plan to revisit the EDU Allocation Table for the Mystic Harbour Service Area to allocate 34 EDUs from the “Infill and Intensification” category in Area 1 (north of the airport) to the “Frontier Town Campground” category in Area 2 (south of the airport) to accommodate a 101-campsite expansion on the existing campground.

The Commissioners met with Mr. Shannahan to review a request from Hugh Cropper, IV, attorney for Eugene R. Parker (applicant) for allocation of 12 EDUs of sanitary service from the Mystic Harbour Sanitary Service Area (SSA) for a proposed 12-lot Residential Planned Community (RPC) on a 4.84-acre parcel located on the northeast corner of the MD Rt. 611 and Snug Harbor Road intersection. Mr. Shannahan advised that the subject property is an undeveloped, vacant parcel, currently zoned R-2 Suburban Residential District and designated S-1 (designated for sewer service within 2 years) in the County Water and Sewerage Plan, though this designation does not guarantee any service or obligate the provision of services in that time frame. He advised that the Technical Review Committee reviewed the proposed RPC plan on April 11, 2018, at which time staff comments noted that the site plan must identify the source and approved allocation of EDUs before the project can proceed to the Planning Commission for further consideration. He advised that there are currently 52 EDUs allocated in Area 2 (south of the airport), in which this new proposed RPC is located, which have not yet been purchased. Remaining EDUs in all categories in Area 2 are as follows: Commercial Infill South of Airport (20 of 20 EDUs), Vacant or Multi-Lot properties (2 of 4 EDUs), Assateague Greens Executive Golf Course/Range (6 of 6 EDUs), Ocean City Airport, Clubhouse and Humane Society (0 of 32 EDUs), Church (5 of 5 EDUs), Single Family Dwellings to replace septic systems (19 of 20 EDUs), Castaways Campground (0 of 88 EDUs), Frontier Town Campground/Commercial Portion of Frontier Town Campground (0 of 166 EDUs). Of the remaining capacity in Area 2, only the 20 EDUs for Commercial Infill south of the Airport were allocated for new development. The other remaining 32 EDUs are intended to serve properties to replace septic systems for existing homes and other existing developments. Mr. Shannahan advised that there are currently 294 EDUs allocated in Area 1 (north of the airport) that have not yet been purchased; however, reallocating these EDUs to Area 1 to serve new development would not be in accordance with the established priorities of the original sewer capacity allocation and would require an amendment to the County Water and Sewerage Plan and approval by the Maryland Department of the Environment (MDE), since the EDU Allocation Table was officially adopted as part of the plan, as required by MDE. Furthermore, once sold, these EDUs will no longer be available for their intended purposes.

Upon a motion by Commissioner Bunting, the Commissioners unanimously denied the request for allocation, as there are no remaining EDUs available for new residential development in Area 2, south of the airport, in accordance with the allocation table included in the Worcester County Water and Sewerage Master Plan for the Mystic Harbour SSA, and directed staff to return the deposit of \$12,000.

Chief Administrative Officer Harold Higgins advised the Commissioners that following the budget work session on May 8, 2018 for the FY19 County Operating Budget revenues of \$190,030,719 exceeded expenditures of \$189,198,387 by \$832,332. He then reviewed suggested adjustments within the FY19 budget to balance the surplus as follows: \$40,471 for Royal Plus lease improvements for the Elections Office; two dump trucks with snow plows at a cost of \$155,430 each and \$385,000 for one grader for the Roads Division of Public Works; \$25,000 for a replacement trailer for the Mosquito

Control Office; and \$71,000 for Other Post-Employment Benefits (OPEB). Mr. Higgins advised that additional savings will occur when the salary increase is allocated, upon which staff proposes to allocate the amount to the benefit and insurance contingency account.

In response to a question by Commissioner Bertino, Mr. Higgins advised that the remaining fund balance would be assigned to the Budget Stabilization category. Commissioner Mitrecic stated that, while the proposed use of funds are worthwhile, he cannot support the proposed budget, since the Commissioners denied requests from the Town of Ocean City for an additional advertising grant of \$100,000, money that is used to advertise hotels, restaurants, and shopping in the Ocean City and West Ocean City areas, and \$300,000 in FY19 (with an additional \$300,000 grant for FY20) to help cover the two-year project to install bollards to improve boardwalk security. He stated that the County brought in \$325,000 in additional room tax revenues thanks in large part to the Town of Ocean City's advertising campaigns, and the boardwalk is arguably the most used and populated 27 blocks in the State of Maryland on any given summer night. He stated that to deny the funding, while requesting town officials fund a portion of the inlet dredging project is unfair, and he urged the Commissioners to reconsider awarding the requested grant funds.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to approve the suggested adjustments within the proposed FY19 budget as presented.

The Commissioners answered questions from the press, after which they adjourned to meet again on June 5, 2018.