

Minutes of the County Commissioners of Worcester County, Maryland

July 6, 2021

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 Purnell, seconded by Commissioner Elder, the commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1), (7), and (8) 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, incoming Chief Administrative Officer Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, Worcester County Board of Education Superintendent Lou Taylor, Chief Financial Officer Vincent Tolbert, and Board Attorney Heather Stansbury. Topics discussed and actions taken included receiving legal advice from counsel; discussing potential litigation; and performing administrative functions, which included considering board appointments and reviewing the FY21 monthly financial update.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 9:45 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 Pastor 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 15, 2021 meeting as presented.

The commissioners presented a proclamation recognizing July as National Recreation and Parks Month to Worcester County Recreation and Parks (WCRP) Director Kelly Rados, Recreation Facility Superintendent Lisa Gebhardt, and Recreation Superintendent Allen Swiger. Residents and visitors alike are invited to learn more about the diverse range of programs and services developed by WCRP professionals to help build healthy communities and support active lifestyles by visiting <https://worcesterrecandparks.org>.

At the request of Commissioner Elder, Ms. Rados advised that inspections have been completed for the new concession stand and restrooms at Showell Park, and these facilities will open to the public soon.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved as a consent agenda item numbers 2-7 as follows: approving Emergency Number Systems Board (ENSB) project #21-184 for \$1,095 for new hire training for Tyler Baylous, #21-191 for \$2,595 for critical pre-employment testing software, and #21-309 for \$1,815 for NAED certifications for new hires Jasmine Mentzer and Ellen Whittemore; requesting ENSB reimbursement of \$389 for NENA training; entering into a Participation Agreement with Queen Anne's County and AT&T Corp. for Next Generation 911 core services and ESInet infrastructure; and approving bid specifications for the Washington Street parking lot expansion project.

Pursuant to the request of Superintendent Lou Taylor and upon a motion by Commissioner Bertino, the commissioners unanimously awarded the low bid of \$718,642 to Crystal Steel Fabricators, Inc. of Delmar, Delaware for the purchase of steel for the Stephen Decatur Middle School (SDMS) addition project. Mr. Taylor advised that there is currently an eight-month lead time for the delivery of steel, so it was necessary to release the bid for this project early to maintain the SDMS addition project construction schedule.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by the Library Board of Trustees and a motion by Commissioner Purnell, the commissioners unanimously agreed to appoint Jocelyn Briddell to the Board of Library Trustees for a five-year term expiring December 31, 2026.

In follow up to the May 11, 2021 request of the commissioners, Budget Officer Kathy Whited reviewed the cost impact of increasing compensation for board members from \$50 to \$100 per meeting. Upon a motion by Commissioner Elder, the commissioners unanimously adopted Resolution No. 20-15 Board Member Expense Compensation as presented.

Pursuant to the request of Emergency Services Director Billy Birch and upon a motion by Commissioner Bertino, the commissioners unanimously agreed to waive the standard bid process and accepted the \$110,375 proposal from Central Square to proceed with a computer-aided dispatch (CAD) system patch between the Worcester County Public Safety Answering Point/911 Center and the Ocean City 911 Center. Mr. Birch explained that this project will increase the ability of both centers to work together and to provide backup in emergency situations. Encumbered FY21 funds are available for this project.

The commissioners met with Environmental Programs Director and Sewer Committee representative Bob Mitchell to review a request from Hugh Cropper, attorney for West OC Properties, LLC, for the allocation of 17 equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve Shore Point Cottage Court, a proposed 52-cabin resort hotel/motel with amenities on a 4.66-acre parcel located on the westerly side of MD Rt. 611 and more specifically identified on Tax Map 26 as Parcel 424. Mr. Mitchell advised that the property is currently zoned C-2 General Commercial District and is designated S-1 (sewer services within two years) in the County Water and Sewerage Plan, though this does not guarantee any service or obligate the provision of services in that time frame. He stated that this property is currently allocated eight water and no sewer EDUs. He then reviewed the available EDU capacity.

Following some discussion and upon a motion by Commissioner Bunting, the commissioners unanimously approved Option 1 – approving the allocation of 17 EDUs to the property by utilizing 17 sewer EDUs from the Commercial category from Area 1, and requiring the owner to connect to public water in the Mystic Harbour SSA and purchase the remaining nine water EDUs to compliment the sewer allocation.

The commissioners met with Mr. Mitchell to review a request from Hugh Cropper, attorney for Sea Oaks Village, LLC, for allocation of 29 equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve the Sea Oaks Village phase two development project for an additional 29 housing units on a 35.71 acres zoned R-2 Multi-Family Residential and 4.219 acres designated C-1 Neighborhood Commercial. The property is located on the westerly side of MD Rt. 611, approximately 2,000 feet south of the Sunset Avenue Intersection and more specifically identified on Tax Map26 as Parcel 274. Mr. Mitchell advised that the property is designated S-1 (sewer services within two years) in the County Water and Sewerage Plan, though this does not guarantee any service or obligate the provision of services in that time frame. He then reviewed the available EDU capacity.

Upon a motion by Commissioner Church, the commissioners unanimously approved Option 1 – approving the requested allocation by utilizing 29 EDUs from the Vacant or Multi-Lot category from Area 1, and requiring the owner to connect to public water in the Mystic Harbour SSA and purchase 29 water EDUs to compliment the sewer allocation.

Pursuant to the request of Public Works Director Dallas Baker and upon a motion by Commissioner Bunting, the commissioners unanimously approved funding of approximately \$23,000 to replace piping and valves for River Run pump station one. Mr. Baker explained that replacement of these aged components will take place concurrent to upgrades being completed by the developer of the River Run subdivision to pump station one.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Church, the commissioners unanimously approved Change Order No. 1 for improvements to West Ocean City pump stations 2, 3, 4, and 5 in the amount of \$29,500 to add two antennas on 40-foot monopoles in residential areas to minimize their visual prominence and two antennas on wooden poles in non-residential areas, and to extend the contract time to August 8, 2021. In response to a question by Commissioner Mitrecic, Mr. Baker stated that County staff will contact Ocean City Municipal Airport officials to confirm that the 40-foot antennas will not conflict with any height restrictions in the vicinity of the airport.

The commissioners met with Mr. Baker to review the results of two speed studies conducted at the request of area resident Susan Bunting-Rencher to address safety concerns related to speeding vehicles on Carey Road in Bishopville. These studies were conducted on two separate sections of the roadway. The first study, which included the section from St. Martins Road to the railroad tracks, took place from May 13-20, 2021, during which time 1,265 vehicles or 49.8% of drivers traveled 51 miles per hour (mph) or greater, and 1,276 or 50.2% of drivers traveled 50 mph or less, while the average speed was 50 mph. The second study, which included the section from U.S. Rt. 113 to the railroad tracks, took place from May 25-June 1 during which time 11 vehicles or 0.4% of drivers traveled 51 miles per hour (mph) or greater, and 2,734

vehicles or 99.5% of drivers traveled 50 mph or less, while the average speed was 36 mph. Due to the geographical location, road width, positive sight distance, and number of houses, Mr. Baker recommended that Carey Road retain the currently-posted speed limit of 50 mph from approximately 0.10 mile west of the railroad tracks to St. Martin's Road and to reduce the speed limit to 35 mph on the section of Carey Road from U.S. Rt. 113 to 0.10 mile west of the railroad tracks and to post the new speed limit.

Upon a motion by Commissioner Elder, the commissioners concurred with staff's recommendation and agreed to request that the Sheriff's Office enforce the new speed limit of 35 mph as previously stated.

In follow up to concerns raised by Commissioner Nordstrom on June 1, 2021, Mr. Baker met with the commissioners to discuss repealing the provisions within Resolution No. 20-32 to remove the prohibition of thru traffic on certain roads in Pocomoke and, specifically, reinstating the prohibition of thru truck traffic on Cypress Road, New Bridge Road, Hillman Road, Dun Swamp Road, Tulls Corner Road, and Old Virginia Road to address safety concerns. Mr. Baker advised that narrow pavement widths and drainage ditches that are close to the roads due to narrow right-of-ways can make travel conditions dangerous for thru traffic when encountering larger vehicles, which consist primarily of live haul trucks, traveling in the opposite direction. Commissioner Nordstrom concurred, noting that he has received multiple calls from residents who drove on roadway shoulders or into ditches to avoid truck traffic.

Commissioner Elder disagreed, noting that a large trucking company, which employs up to 25 people in an economically-depressed area, is located on Dun Swamp Road, and the changes being proposed would make it illegal for the company to pull its trucks out of the lot. Likewise, there are several chicken farms on these roads that utilize live-haul and feed trucks to run their operations. Rather than funneling these and other trucks onto the beltway and past Pocomoke Elementary and High Schools. He stated that it would be more constructive to conduct a study to determine the cost to widen Old Virginia Road.

Commissioner Nordstrom stated that he could support excluding Dun Swamp Road, but Old Virginia Road is too narrow to remain open to truck traffic.

Following some discussion, a motion by Commissioner Elder to reinstate Resolution Numbers 10-35 and 15-2, to re-establish the prohibition of thru truck traffic on the proposed roads in Pocomoke, with the exception of Dun Swamp and Old Virginia Roads, failed 2-5, with Commissioners Elder and Church voting in favor and Commissioners Bertino, Bunting, Mitrecic, Nordstrom, and Purnell voting in opposition.

Upon a subsequent motion by Commissioner Nordstrom, the commissioners voted 6-1, with Commissioner Elder voting in opposition, to adopt Resolution No. 21-16 to reinstate Resolution Numbers 10-35 and 15-2 to re-establish the prohibition of thru truck traffic on the proposed roads in Pocomoke, with the omission of Dun Swamp Road.

The commissioners conducted a public hearing to consider petitions to sell agricultural easements to the Maryland Agricultural Land Preservation Foundation (MALPF) in FY22 on eight properties in Worcester County at no cost to the County. Also present at the meeting were Environmental Programs Director Bob Mitchell and Environmental Programs Planner V Katherine Munson. These properties are listed in their entirety in agenda item 22 in the commissioners' July 6, 2021 meeting packet. Mr. Mitchell stated that the applications have been

reviewed by both the Worcester County Agricultural Land Preservation Advisory Board, which recommended submitting all eight applications to MALPF for appraisal, and the Worcester County Planning Commission, which found all eight applications to be consistent with the County Comprehensive Plan. Mr. Mitchell stated that the County typically receives enough funding to purchase three to four MALPF easements per year.

Commissioner Mitrecic opened the floor to receive public comment.

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

Following some discussion and upon a motion by Commissioner Bunting, the commissioners voted 6-1, with Commissioner Elder voting in opposition, to submit all eight applications to MALPF for appraisal and further consideration for the purchase of agricultural easements.

Pursuant to the request of Recreation and Parks Director Kelly Rados and a motion by Commissioner Bertino, the commissioners unanimously agreed to piggyback on a national bid through Sourcewell and approved the purchase of a Toro Workman HD utility vehicle at a cost of \$26,095.65, with Rahn Field Groomer at a cost of \$3,760 from The Equipment and Supply Company at 22% off of the manufacturer's suggested retail price. Funds of \$30,000 are available within the FY22 budget for this purchase.

Pursuant to the recommendation of Development Review and Permitting Deputy Director Jennifer Keener and upon a motion by Commissioner Nordstrom, the commissioners voted 6-1, with Commissioner Bunting voting in opposition, to award the bid to demolish the structure identified in Nuisance Abatement Order No. 20-2 and located at 5641 George Island Landing Road to Reynolds Excavating, Inc. of Princess Anne, Maryland at a cost of \$9,650.

The commissioners met with incoming Chief Administrative Officer Weston Young to discuss the permitted uses of 2021 American Rescue Plan Act (ARPA) grant funds of \$5,077,000, which have already been awarded to the County, and the second round of ARPA grant funds of approximately \$5 million, which will be awarded later this year and which must be spent by December 31, 2024. Mr. Young advised that funds may be allocated to respond to the COVID-19 public health emergency and/or its negative economic impacts, to provide premium pay to eligible County workers, for the provision of government services to the extent of the reduction in revenue, and to make necessary investments in water, sewer, and broadband infrastructure (which costs roughly \$100,000 per mile to install or at a significantly lower cost if there are no obstructions).

Specific requests from County departments and agencies include water and sewer projects, upgrades to Maryland Broadband Cooperative network in Worcester County, Worcester County Health Department, specific fire department requests, and County Jail and online permitting projects. These requests are outlined on page two of item number 20 in the July 6, 2021 commissioners' meeting packet.

Mr. Young stated that on June 15, 2021 the commissioners allocated \$512,500 to assist with the Lewis Road sewer extension project, leaving \$4,564,500 in the first half of ARPA funding to the County. He suggested that any additional approvals granted today be made contingent upon approval from federal and State partners, as the County will be required to repay any funds that are not allocated for legitimate expenses. Commissioner Bunting disagreed with

many of these requests and stated that the commissioners need to allocate ARPA grant funding for broadband and specific requests from the volunteer fire companies.

Commissioner Nordstrom suggested that instead of awarding a bulk sum of money to any one entity to install broadband, the commissioners should provide incentives to contractors to expedite these projects by paying them a certain cost per mile for each mile they complete, as Caroline County did with Comcast, Choptank, and Talkie.

Following some discussion and upon a motion by Commissioner Bertino, the commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to utilize the remainder of ARPA funds for the installation of broadband (with an incentive program to be determined at a later date) and for individual requests from the volunteer fire companies, with the specific allocations to be decided at a future meeting.

The commissioners conducted a public hearing to provide information on the progress of Housing Rehabilitation Grant MD-20-CD-22, which was funded under the Maryland Community Development Block Grant (CDBG) Program in the amount of \$300,000 to rehabilitate 18 owner-occupied homes and received a report on the progress of the County's current CDBG Housing Rehabilitation grant, MD-18-CD-21 in the amount of \$300,000 in FY19. Ms. Keener advised that to date \$187,055 of the combined CDBG grant and program income funding has been committed, with six projects completed, five in the process of developing a scope of work or bidding on a contractor, with the County having been granted an extension to expend the funds from July 31, 2021 to July 31, 2022.

Commissioner Mitrecic opened the floor to receive public comment.

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

Upon a motion by Commissioner Bunting, the commissioners unanimously concurred with the scheduled expenditure of Housing Rehabilitation Grant MD-20-CD-22 as presented.

Following changes requested during the commissioners' May 4, 2021 work session, Ms. Keener met with the commissioners to conduct a second work session to review revisions made by staff to further refine a proposed text amendment that would facilitate agritourism. Ms. Keener reviewed the changes as follows: creating a new definition for agricultural alcohol production; eliminating the special exception requirement for agritainment facilities and wineries and replacing it with agritourism facilities being permitted as an accessory use in the A-1 and A-2 Agricultural Districts; and establishing an agritourism facility percentage threshold of not more than 30% of the gross acreage actively used for an agricultural purpose on a lot or parcel.

Commissioner Bunting stated that it is wrong to remove the special exception requirement, and passing the text amendment as presented would weaken the County's agricultural districts. In response to questions by Commissioner Bunting, Ms. Keener stated that the current cap on the number of festivals an agritourism venue could host per year would be eliminated if the commissioners approve the text amendment as presented.

Commissioner Mitrecic stated that the 30% rule should be eliminated, as basing approvals on any percentage of actually farmed land would leave the proposed project open to interpretation.

Following much discussion and upon a motion by Commissioner Bertino, the commissioners directed staff to further amend the text amendment to address their concerns.

In response to concerns raised by Commissioner Bertino, the commissioners directed County staff to work with Ocean Pines Association General Manager John Viola to post No Trailer Parking signs on Yacht Club Drive to address the proliferation of boat trailers parked on this road for extended periods of time.

In a related matter, Commissioner Bunting thanked County staff for posting No Trailer Parking signs on Shell Mill Road and at the boat ramp. Incoming Chief Administrative Officer Weston Young advised that staff is working to formalize parking and post appropriate signage at all County boat ramps in the near future.

Commissioner Bunting requested that staff provide an update on sprinkler requirements in Maryland in manufactured homes at the next commissioners' meeting.

Commissioner Nordstrom thanked Mr. Baker for working with him to address residents' safety concerns regarding speeding in Public Landing. In response to concerns raised by Commissioner Nordstrom, the commissioners agreed to consider amending the fee structure for hotels versus bed and breakfast venues, specifically the six-room Mansion House Bed and Breakfast at Public Landing, which is currently being charged an annual fee of \$400. By comparison, Commissioner Nordstrom noted that hotels are only assessed an annual fee of \$5 per room or \$250 annually, whichever is less.

In response to comments by Commissioner Mitrecic and upon a motion by Commissioner Nordstrom, the commissioners voted 5-2, with Commissioners Bertino and Bunting voting in opposition, to approve a second appraisal of a property being proposed as the site for a future sports complex. Commissioner Mitrecic explained that the County must complete two appraisals on the site to be eligible for Program Open Space funding.

The commissioners answered questions from the press, after which they adjourned to meet again on July 21, 2021.