

Minutes of the County Commissioners of Worcester County, Maryland

July 20, 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 Nordstrom, seconded by Commissioner Bertino, 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, and Finance Officer Phil Thompson. Topics discussed and actions taken included the following: hiring Da'Nesha Cousar as an emergency communications specialist trainee in Emergency Services and Kevin Lynch as roads superintendent within Public Works; promoting Jennifer Keener from assistant director to director within Development Review and Permitting; discussing an employee disciplinary matter; receiving legal advice from counsel; and performing administrative functions, including reclassifying the vacant housing rehabilitation coordinator position from contractual to full-time within Development Review and Permitting.

Following a motion by Commissioner Elder, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 10:00 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 Reverend Stephanie Clayville of St. Mary's Episcopal 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 July 6, 2020 meeting as presented.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved item numbers 1-3 as a consent agenda as follows: a request for proposals (RFP) for the FY22 Worcester Navigation program within the Local Management Board (LMB) to connect youth and families in poverty with resources to improve overall health and wellbeing; a RFP to assist the LMB to implement sobriety treatment and recovery teams for children and families; and scheduling a public hearing on a Water and Sewerage Plan amendment submitted by Ruach Engineering, on behalf of Riverview Mobile Home Park owner Jim Latchum, to construct a

wastewater treatment plant for stream discharge and modifications to the existing water treatment plant to serve a 58-unit expansion of the park, which is identified on Tax Map 9 as Parcel 268.

Pursuant to the request of Elections Director Patricia Jackson and upon a motion by Commissioner Nordstrom, the commissioners unanimously approved the use of \$7,024 within the Board of Elections budget for staff to attend and help host the Maryland Association of Election Officials conference in Ocean City from August 22-27, 2021.

Pursuant to the request of Fire Marshal Jeff McMahon and upon a motion by Commissioner Bertino, the commissioners unanimously authorized Eckert Fire Tactics, a private fire and emergency medical services training company, to use the Worcester County Fire Training Center from October 8-10, 2021 to host the fire training class "Taking it to the Streets," which will be open to any public safety agency in the tristate area. In lieu of charging Eckert Fire Tactics for using the training center, Mr. McMahon advised that County fire and EMS personnel will receive a \$50 discount on enrollment.

The commissioners met with Public Works Director Dallas Baker to review the results of a speed study on Woodlawn Road, which was conducted from June 10-18, 2021 at the request of Georgina Cathell to address speeding vehicles and to consider posting a speed limit sign. Mr. Baker reviewed the results and noted that 164 vehicles or 32.5% of drivers traveled 26 miles per hour (mph) or greater, and 340 or 67.5% of drivers traveled 25 mph or less, while the average speed was 22 mph on Woodlawn Road during the speed study. Mr. Baker recommended that this previously unposted be posted at 25 mph.

Upon a motion by Commissioner Elder, the commissioners concurred with staff's recommendation to establish the speed limit and to post speed limit signs and agreed to request that the Sheriff's Office enforce the new speed limit of 25 mph on this unposted road.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Elder, the commissioners unanimously awarded the low bid for a three-year generator preventative maintenance service agreement to Fidelity Power Systems of Seaford, Delaware in the amount of \$36,450. Mr. Baker advised that Fidelity Power Systems has performed this service for the County for the past three years and has proven to be reliable and provides qualified staff.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Elder, the commissioners unanimously accepted a proposal from Dude Solutions at a cost of \$93,920 for a one-time facility condition assessment of all County-owned buildings and an annual cost thereafter of \$11,924.66 for a capital predictor enterprise, which is a cloud-based platform that stores the collected asset data for users to analyze, prioritize, and forecast expenditures to maintain County buildings, with funds of \$100,000 available within the FY22 budget for these services. The commissioners further approved an over-expenditure of \$3,386.66 to cover the budget shortfall for these services. In response to questions by Commissioner Nordstrom, Mr. Baker stated that this will cover all County buildings, which to be maintained properly should be assessed every five to eight years.

In response to a question by Commissioner Bunting, Mr. Baker advised that the County

currently uses Facility Dude through Dude Solutions for generating work orders and is pleased with this service.

Pursuant to the request of Recreation and Parks Director Kelly Rados and upon a motion by Commissioner Nordstrom, the commissioners unanimously approved out-of-state travel for Ms. Rados, Recreation Superintendent Allen Swiger, and Parks Superintendent Jacob Stephens to attend the National Recreation and Parks Association annual conference from September 21-23, 2021 in Nashville, Tennessee at a cost of \$4,935 for registration, flights, lodging and meals.

Pursuant to the request of Ms. Rados and upon a motion by Commissioner Bertino, the commissioners unanimously authorized an Army National Guard Blackhawk helicopter to land at and take off from the Worcester County Recreation Center in Snow Hill, as part of the Celebrity Charity Basketball Game to be hosted at the facility on August 28, 2021, with the caveat that the use of the helicopter be coordinated with local law enforcement.

Pursuant to the request of Ms. Rados and upon a motion by Commissioner Bertino, the commissioners unanimously authorized Commission President Mitrecic to sign the Waterway Improvement Fund grant agreement for funds of \$250,000 to replace and improve bulkhead at the South Point boat ramp.

The commissioners recessed until 10:30 a.m.

The commissioners conducted a public hearing to receive comments on Bill 21-6 (Public Safety – Kari’s Law), which was introduced by Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom, and Purnell on May 18, 2021. Emergency Services Director Billy Birch reviewed the draft bill, which would implement Maryland Code, Public Safety 1-314 (Kari’s Law) to require that multiple-line telephone systems allow for direct dialing via 9-1-1.

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 Bertino, the commissioners unanimously adopted Bill 21-6 (Public Safety – Kari’s Law) as presented.

The commissioners reviewed revisions that had been made at their request to the draft agritourism bill. Development Review and Permitting Deputy Director Jennifer Keener reviewed the revisions, which include amendments to Subsections 1-201(c)(9) Agritourism facility, 1-202(c)(9) of the A-1 and A-2 Agricultural Districts to include agritourism, which also incorporates agricultural alcohol production, and which repeals Subsection 1-201(c)(10) and 1-202(c)(10), which is the wineries provision to include the use of not more than 20 percent of the gross acreage of a lot or parcel for agritourism uses and structures, limiting the number of allowable festivals to four, increasing the minimum yard setbacks to 100 feet, and establishing the use as a special exception instead of as an accessory use.

Commissioner Elder stated that many farmers are struggling to make a living under burdensome regulations, and this bill will give them options to save their properties and continue farming operations. In response to a question by Commissioner Elder, Ms. Keener stated that, while there may be some non-conformities given the increased setbacks, this would not affect the

approvals granted to the three existing agritourism businesses currently involved in alcohol production. In response to questions by Commissioner Nordstrom, Tourism and Economic Development Director Melanie Pursel stated that two of the three agritourism businesses involved in alcohol production are concerned about their ability to meet the 100-foot setback and the reduction in use from 30% to 20%.

Commissioner Bertino stated that a property owner should have the right to use his property as he sees fit within the guidelines of County regulations, but expressed concern that the impetus for this bill is to address the concerns of a handful of individual business owners. Therefore, he questioned whether there was a way to address their concerns without changing the zoning code. Ms. Keener stated that, technically, while the code addresses the use of wineries, there is currently nothing in the code for farm breweries, so staff has considered a farm brewery as a use similar in nature to a winery and taken it through the special exception process rather than requiring a text amendment. She stated that the zoning portion only sets minimum standards, such as lot area, percentage of use area, and setbacks.

Chief Administrative Officer Harold Higgins advised that these types of venues are becoming more popular, and farmers will not be able to take advantage of these types of business plans if the County sets regulations that are too restrictive. To that end, he stated that staff has been working together to find some commonalities that would facilitate these opportunities to create more revenues for the County with this growing market. Incoming Chief Administrative Officer Weston Young stated that staff have been struggling to find ways to increase economic opportunities in super rural areas, and this is value-added agriculture, which includes alcohol production and weddings in barns, which allow farmers to generate additional income. Ms. Keener concurred, noting that one of the perks of the alcohol production section is that it takes away the limit of the square footage for dining areas and tasting rooms and gives the property owners greater flexibility.

To keep agricultural production pure, Commissioner Bunting stated that agritainment facilities should only be allowed in the A-2 district as a special exception. He further questioned the reason for removing agritainment facilities and wineries as a special exception use in the A-1 and A-2 districts to allow agritourism as a special exception in the A-1 and A-2 districts. Ms. Keener stated that this was deleted because the County currently has an agritainment use, which is very similar to agritourism, which now includes alcohol production.

Commissioner Nordstrom supported the draft bill, noting that it would equip farmers with more options and more opportunities to make a living off of their land, while simultaneously providing much needed wedding venues for those residing in the southern end of the County.

Following some discussion, Commissioners Church, Elder, Mitrecic, Nordstrom, and Purnell introduced the draft legislation as Bill 21-7 and agreed to schedule a public hearing to receive comment on the proposed bill.

Commissioner Nordstrom stated that, in follow up to the animal protection bill the commissioners recently passed, he will be hosting a meeting here at 1:00 p.m. today with representatives from the Sheriff's Office, Animal Control, and the State's Attorney's Office to implement the new legislation.

In response to concerns raised by Commissioner Bertino, County Attorney Roscoe Leslie advised that the commissioners are not required to host a public hearing prior to purchasing

property to use as a sports complex. Commissioner Mitrecic stated that a public hearing could only include the project concept and not the location of the proposed property until the said location is under contract. He stated that both groups are preparing to make presentations to the commissioners about the services they can provide at an upcoming meeting.

Commissioner Mitrecic provided an update on a recent meeting between him, County staff, Astro Turf, which design and build fields, and another private company that runs sports complexes to discuss opportunities to develop a sports complex in northern Worcester County.

Following a motion by Commissioner Bertino, seconded by Commissioner Elder, the commissioners unanimously voted to meet in closed session at 11:17 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, Assistant Chief Administrative Officer Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Finance Officer Phil Thompson. Topics discussed and actions taken included consulting with staff about pending or potential litigation and receiving legal advice from counsel.

The commissioners answered questions from the press, after which they adjourned to meet again on August 3, 2020.