

Minutes of the County Commissioners of Worcester County, Maryland

August 17, 2021

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

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, with Commissioner Church absent, 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), (4), 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 outgoing Chief Administrative Officer Harold L. Higgins, incoming Chief Administrative Officer Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Information Technology Director Brian Jones, and Kenrick Gordon, PE, director of the Governor's Office of Rural Broadband. Topics discussed and actions taken included the following: hiring Cody White as a Vehicle and Equipment Mechanic III and Brian Bradford as a Landfill Operator III within the Solid Waste Division and rehiring John "Dylan" Partridge as a Plant Operator I within the Water and Wastewater Division of Public Works, and Jake Bidinger as a Parks Worker III and Tyler Keiser as a Recreation Program Manager II within Recreation and Parks receiving legal advice from counsel; and performing administrative functions, which included discussing potential board appointments and the Length of Service Award Program (LOSAP).

Following a motion by Commissioner Bertino, seconded by Commissioner Nordstrom, the Commissioners unanimously voted to adjourn their closed session at 9:53 a.m.

Commissioner Church was absent from the entire meeting.

After the closed session, the commissioners reconvened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Arlene Page and pledge of allegiance, announced the topics discussed during the August 3, 2021 afternoon closed session and the August 17 morning closed session.

The commissioners reviewed and approved the minutes of their August 3, 2021 open session as presented and closed session as amended.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved as a consent agenda item numbers 1-3 as follows: approving the Maryland Community Resilience Grant modification for the Selsey Road project, which includes a no-cost extension to the end

date of December 31, 2021; authorizing a request for proposals for the Local Behavioral Health Authority (LBHA) for a peer recovery support specialist in a licensed and accredited opioid treatment program in the County; and approving a memorandum of understanding between the LBHA and the County Jail to support costs associated with mental health treatment for eligible inmates.

AstroTurf Corporation Regional Sales Manager Timothy Jordan and Design Build Vice President Steve Coleman, and Sports Facilities Companies (SFC) Partner Eric Sullivan gave a presentation regarding available options for partnering with the County to design, construct, and operate a potential sports complex in northern Worcester County. Mr. Sullivan reviewed examples of program-driven projects and cost projections for indoor and outdoor facilities that have been custom constructed to serve the uses identified by the individual jurisdictions. These included facilities that focus on community access and operated at a net-zero cost and facilities that focus on sports marketing, entertainment, and other options to generate revenue. He then reviewed a benchmark analysis to identify how a 12-field, multi-purpose complex with flex-field capabilities could perform on a per-field basis, with profits ranging from \$728,000 to \$2 million based whether the purpose of the venue is community access or revenue generations. He concluded that, if the commissioners select to develop a sports complex in the County, their next steps should be to determine their goals for such a facility and complete a market analysis.

In response to questions by Commissioner Bunting, Mr. Sullivan advised that, with a public-private partnership, the County would fund the cost of acquisition and development of a sports complex, and SFC would manage that asset and meet the economic goals the commissioners identify. For example, he advised that the management plan for the Hoover Metropolitan Complex in Alabama includes operating at a net-zero cost that allows the area to maximize community use, though the facility is still a powerful economic engine, generating additional revenues for the jurisdiction by putting heads in beds, which create additional hotel/motel revenues.

Mr. Coleman discussed synthetic turf options for sports fields to include drainage base construction, technology, performance, safety, after care programs, and cooperative purchasing. In response to a question by Commissioner Elder regarding maintenance costs and programs, Mr. Coleman advised that AstroTurf provides a 10-year warranty, with yearly maintenance and field replacement that is based on usage. For example, a heavily-used baseball infield may be replaced after 10 years, while the outfield may not need to be replaced for another five years. In response to a question by Commissioner Mitrecic, Mr. Sullivan stated that management plans, such as staggered event start and finish times, are designed to minimize traffic congestion and maintain a consistent flow on and off the property in high-use areas, like restrooms, concession stands, parking lots, and roadways to create a better guest experience.

Commissioner Bertino thanked everyone for their presentation, but stated concern that it was premature, as the commissioners have not yet agreed to develop a sports complex in the County or identified a suitable site; however, if they do move forward with such a project, it should go through the standard bid process.

Following further discussion, Commissioner Mitrecic noted that this was an information-gathering session only, and he thanked Mr. Jordan, Mr. Coleman, and Mr. Sullivan for providing them with possible options for the development of a sports complex in Worcester County.

The commissioners met in legislative session.

The commissioners conducted a hearing to receive public comment on Bill 21-7 (Zoning – Agritourism), which was introduced by Commissioners Church, Elder, Mitrecic, Nordstrom, and Purnell on July 20, 2021. Development Review and Permitting Director Jennifer Keener reviewed the draft bill, which includes 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 per year, increasing the minimum yard setbacks to 100 feet, and establishing the use as a special exception instead of as an accessory use.

Commissioner Mitrecic opened the floor to receive public comment.

Darren Casto, owner of Castle Farm, stated that he operates an equestrian estate that hosts approximately 100 weddings annually. However, he is currently unable to utilize the spacious barn on his property in its current configuration for anything other than background decoration during ceremonies because it does not meet the building code. He pointed out that surrounding counties allow similarly-sized venues to host weddings without requiring drastic changes, and he urged the commissioners to take the necessary steps to permit those same uses in Worcester County. In response to a question by Commissioner Bunting, Ms. Keener confirmed that the passage of Bill 21-7 would not impact the uses on Mr. Casto's farm, which falls under a special exception for non-agricultural events, such as weddings, and which are not part of the bill being considered today. Rather, the changes Mr. Casto is seeking are related to the State code. Commissioner Bunting stated it would be better to work with the Fire Marshal's Office to address this specific issue rather than adopting sweeping legislation that would then apply to every piece of agricultural land in the County.

In response to concerns raised by Commissioner Bertino, Ms. Keener stated that the passage of Bill 21-7 would not affect Mr. Casto's current approved uses because this bill does not repeal the special exception that he was granted through the text amendment process for non-agricultural events, which includes weddings. She confirmed that concerns with the structure are what they hope to address at the State level, as the State building code does not allow weddings as agritourism. In response to questions by Commissioner Elder, Mr. Casto confirmed that his barn could be used for weddings if it was located in either Somerset County or Wicomico County. In response to a question by Commissioner Purnell, Mr. Casto stated that Castle Farm is a century farm that goes back six generations, and hosting weddings allows his farm to generate additional revenues. In response to a question by Commissioner Nordstrom, Ms. Keener stated that use limitations for the barn at Castle Farm pertain to the State building and fire codes, not County zoning.

Senator Mary Beth Carozza began by recognizing outgoing Chief Administrative Officer Harold Higgins for his service. She then stated that other Maryland jurisdictions have worked through issues at the local level and then received local courtesy once they reach the State level; which has given them a greater competitive edge in this market. She then urged the commissioners to develop an inclusive plan rather than addressing these types of issues on a case-by-case basis, and she committed to moving an inclusive Worcester County agricultural tourism bill forward at the State level. In response to questions by Commissioner Bertino, incoming Chief Administrative Officer Weston Young stated that the County currently permits

wineries as an agritourism use, and the bill before them today will add alcohol production as an agritourism use. He then advised that on June 1, 2021 the Commissioners requested the Eastern Shore Delegation introduce legislation in the 2022 Maryland General Assembly to change State Public Safety Article 12-508 to add Worcester County to the list of counties where an existing agricultural building used for agritourism is not considered a change of occupancy that would require a building permit under certain circumstances and to define weddings as an agritourism use.

Jeannie Mariner, of Windmill Creek Wine and Vineyard, a twelve-acre, alcohol-producing farm near Ocean Pines, urged the commissioners to adopt Bill 21-7. She explained that five years ago her family began operating a vineyard to generate revenue to save their farm. She concluded that agritourism provides the revenue-generating opportunities needed to keep agricultural lands in production from generation to generation rather than being sold and developed for housing or strip malls.

Jack Lord, of Costa Ventosa Winery and Brewery in Whaleyville, stated that this is a good bill for the most part. However, he stated that section three places too many restrictions on agritourism, including a minimum lot of ten acres, restrictive setbacks, and a cap of four on the number of events that may be hosted. Therefore, he urged the commissioners to amend the bill to reduce the minimum acreage that defines a farm from 10 acres to five acres, to reduce the setbacks, and to increase the number of permitted events to at least one per month.

Farmer and former Commissioner Virgil Shockley of Snow Hill thanked Mr. Higgins for his years of service. He then advised that he does not oppose Bill 21-7 and has no problem with adding weddings to permitted agritourism uses. However, he urged the commissioners to slow down and look at how other jurisdictions, like Frederick County, addressed agritourism. He also stressed that agritourism uses should be restricted to the A-2 Agricultural District to protect farmlands in the A-1 Agricultural District, thus preserving Right to Farm laws. He then reviewed the economic impact of lands in farm production in Worcester County and encouraged the commissioners to include ethanol production as a permitted agricultural use. In response to a question by Commissioner Bertino, former Commissioner Shockley stated that the commissioners approved a 2008 text amendment to recognize biodiesel production as an agricultural use, and he encouraged the commissioners to add ethanol as well.

Paul Carlotta, of Sinepuxent Brewing Company, urged the commissioners to adopt a revised version of the bill that increases the maximum use area from 20% to at least 50%, and reduces the 100-foot front, rear, and side-yard setbacks, which are more restrictive than the setbacks currently permitted for farmland in the A-2 District. He stated that adopting this bill as revised would not only allow him to immediately expand his 1,500-square-foot operations by constructing a new building, with a tasting room and reasonable space for seating, it would also encourage the development of similar facilities that could make the County an agritourism destination.

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

Commissioner Bunting stated that the County has been a good steward of agricultural lands, and while he supports agritourism uses, such as wineries and biodiesel, the bill under consideration today establishes an unfair advantage, as those developing an agritourism business in the Agricultural Districts would not be required to adhere to the same processes required for those establishing similar businesses in other districts. He stated that this bill is the wrong move

for the County, and he cannot support it.

Following some discussion and upon a motion by Commissioner Nordstrom, the commissioners voted 4-2, with Commissioners Bertino and Bunting voting in opposition, to amend Bill 21-7 to reduce the front and side-yard setbacks from 100 feet to 50 feet and to increase the maximum area of use from 20% to 30% and to adopt Bill 21-7 as amended.

The Commissioners met with Ms. Keener to review a text amendment application drafted by the Board of Electrical Examiners and County staff to negate the local impacts of Senate Bill 762 – Maryland Electricians Act, which prohibits local jurisdictions from licensing certain classes of electricians as of July 1, 2021. Ms. Keener stated that Worcester County is one of several counties that previously licensed general electricians, a type which does not fit within the State’s three licensure categories (master, journey person, or apprentice). Therefore, the local legislation is necessary to provide the general electricians in the County with an opportunity to qualify to test for a master electrician license, with those who pass the test to be provided with a Worcester County Master’s Electrician License retroactively dated to June 30, 2021.

Commissioners Bertino, Bunting, Elder, Mitrecic, Nordstrom, and Purnell introduced the aforementioned text amendment as Emergency Bill 21-1 (Electrical Standards – Licensing Requirements) and agreed to schedule a public hearing on the bill.

Commissioner Mitrecic closed the legislative session.

The commissioners recessed for five minutes.

Pocomoke City Manager Jeremy Mason met with the commissioners to seek their support for plans to construct a new library on the city block encompassed by Second Street, Clark Avenue, Maple Street, and Willow Street, where the failing Armory building currently stands. He advised that city officials have been working with State partners to develop plans, cost estimates, and apply for a State grant to fund a project to remediate asbestos and other hazards from the Armory and to ultimately demolish the structure. He stated that this city block is part of a depressed area near the river and town center that is being planned for redevelopment, and both city and library officials consider this to be an ideal location for the new branch library, which would be located near the river and other attractions downtown. He concluded that, as part of the State grant process, the town is requesting the commissioners enter into a written agreement that the County will accept ownership of the Armory property for public use after the demolition.

Upon the recommendation of Commissioner Bunting, the commissioners conceptually supported the request, but agreed to refrain from taking a formal vote on the matter until the written agreement is available for their review.

Pursuant to the request of Local Behavioral Health Authority Director Jessica Sexauer and upon a motion by Commissioner Bertino, the commissioners unanimously awarded the highest-scoring proposal to Children’s Choice of Maryland, Inc. (90.25 out of a possible 100) to implement respite care services to support family caregivers of children and adolescents 0-18 years old with emotional and behavioral disturbance who are eligible for Maryland’s Public Behavioral Health System in Somerset, Wicomico, and Worcester Counties beginning October 1, 2021.

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Nordstrom, the commissioners unanimously agreed to reappoint Robert “Bo” Duke and Ivy Wells to the Lower Shore Workforce Development Board for additional four-year terms each expiring September 30, 2025.

The commissioners met with Public Works Director Dallas Baker to review the results of a speed studies conducted on Dixie Drive, with a posted speed limit of 30 mph, from June 24 – July 1; St. Martins Neck Road, with a posted speed limit of 40 mph, from July 6-12; and North Piney Point Road, with a posted speed limit of 35 mph, from July 14-21. These speed studies were conducted to speeding concerns raised by area resident Francesca Zurla. Mr. Baker reviewed the results and noted that 3,993 vehicles or 67.4% of drivers traveled 31 mph or greater, and 1,931 or 32.6% of drivers traveled 30 mph or less, while the average speed was 33 mph on Dixie Drive; 12,385 vehicles or 77.8% of drivers traveled 41 mph or greater, and 3,543 or 22.2% of drivers traveled 40 mph or less, while the average speed was 45 mph on St. Martins Neck Road; and 189 vehicles or 38.5% of drivers traveled 36 mph or greater, and 302 or 61.5% of drivers traveled 35 mph or less, while the average speed was 31 mph on North Piney Point Road during the speed studies. Mr. Baker noted that vehicles are traveling at higher speeds on all County roadways, causing unsafe conditions for residents and pedestrians. As safety is a priority, he recommended increasing enforcement measures.

Upon a motion by Commissioner Bunting, the commissioners concurred with staff’s recommendation to maintain the existing speed limits posted in the Bishopville community and to request that the Sheriff’s Office increase enforcement efforts on these posted roads.

Pursuant to the recommendation of Mr. Baker and upon a motion by Commissioner Bertino, the commissioners unanimously authorized Commission President Mitrecic to sign the draft FY22 Consolidated Transportation Plan letter to the Maryland Department of Transportation (MDOT), which includes the following priority projects: dualizing MD Rt. 90, with phase I to include strengthening and widening the existing shoulders, phase II to include adding a new center lane, and phase III to include fully dualizing MD Rt. 90; replacing or repairing the drawbridge on the Harry W. Kelley Memorial Bridge entering Ocean City; dualizing MD Rt. 589; signalizing the MD Rt. 611 and MD Rt. 376 intersection in the West Ocean City area; signalizing the MD Rt. 367 and MD Rt. 368 intersection in Bishopville; eliminating flooding on MD Rt. 12 north of Snow Hill; constructing a dedicated right turn lane on south bound St. Martin’s Neck Road at MD Rt. 90; constructing an APS/CPS pedestrian crossing at U.S. Rt. 113 and MD Rt. 346 in Berlin; developing an access management strategic plan for the MD Rt. 611 corridor; and constructing a shared use path on MD Rt. 611 from US Rt. 50 to Assateague State Park.

Mr. Baker explained that, since the completion of the U.S. Rt. 113 dualization project, the dualization of MD Rt. 90 and MD Rt. 589 and rebuilding or supplementing the U.S. Rt. 50 drawbridge remain the top three requests in this year’s letter. However, the additional projects are smaller in both scope and cost for MDOT to improve County roadways while continuing to advance the larger projects.

The commissioners met with County Engineer Bill Bradshaw to review the sole bid to expand the Washington Street parking lot from Chesapeake Turf, LLC at a base bid of \$309,300,

with an additional cost of \$153,200 for option A and \$15,900 for option B. Mr. Bradshaw advised that \$325,000 is available within the FY22 budget for this project. Therefore, since this is the only competitive bid and the market is known to be inflated due to material delays and high labor utilization, he suggested that the commissioners either reject the bid or approve only the base bid.

Upon a motion by Commissioner Bunting, the commissioners unanimously rejected the sole bid from Chesapeake Turf, LLC and agreed to reassess the scope of the project to identify cost saving measures.

Environmental Programs Director Bob Mitchell reviewed the proposed schedule for the comprehensive update to the Atlantic Coastal Bays and Chesapeake Bays Critical Area Ordinance, which consolidates the two codes into one. He stated that the plan will be introduced during the commissioners' next legislative session on September 21, 2021, which will be followed by two listening sessions in the north and south ends of the County prior to the public hearing on November 16. He agreed to provide the commissioners with any public comments that are made at the listening sessions.

Pursuant to the request of Emergency Services Director Billy Birch and upon a motion by Commissioner Nordstrom, the commissioners unanimously approved out-of-state travel for Mr. Birch to attend the International Association of Emergency Managers Conference in Grand Rapids, Michigan from October 14-22, 2021 at a cost of \$3,994.80 for registration, flights, lodging and meals.

Pursuant to the recommendation of Public Information Officer Kim Moses and a request from Berlin Economic Development Director Ivy Wells and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized Commission President Mitrecic to sign a letter of support to be submitted with an application from the Town of Berlin for an FY22 Maryland State Arts Council grant. Any funds awarded will be used to hire artist Jay Coleman to paint a mural in the Arts and Entertainment District depicting Berlin native and gospel music godfather Reverend Dr. Charles Albert Tindley.

Upon a motion by Commissioner Bunting, the commissioners unanimously adopted the State fire marshal's interpretation that the Public Safety Article of the Annotated Code of Maryland that manufactured/mobile homes delivered to locations in the State are not subject to the Maryland Building Performance Standards or the Model Performance Code, but are subject to the federal Housing and Urban Development requirements and the statewide requirements in COMAR 09.12.52.15, which do not require the installation of a residential fire sprinkler system.

The Commissioners recognized that this is their last meeting with Chief Administrative Officer Harold Higgins, who will retire August 20, 2021, and, individually, they recognized his contributions to the County.

The Commissioners answered questions from the press, after which they adjourned to meet again on September 7, 2021.