

## **Minutes of the County Commissioners of Worcester County, Maryland**

November 5, 2019

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

Following a motion by Commissioner Mitrecic, 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' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) 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 Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Kelly Shannahan, County Attorney Maureen Howarth, Public Information Officer Kim Moses, Human Resources Director Stacey Norton; and Sheriff Matt Crisafulli, Colonel Doug Dods, and Sergeant Nate Passwaters of the Sheriff's Office. Topics discussed and actions taken included: hiring Carlos Ramirez Rivera as a Transfer Station Attendant for the Solid Waste Division and Galen Anderson as a Building Maintenance Mechanic III for the Maintenance Division of Public Works; receiving legal advice from counsel; reviewing a proposed lease; and performing administrative functions, including: reviewing Human Resources initiatives for Breast Cancer Awareness Month, FY20 United Way Campaign, annual Wreath Decorating Contest, annual Cereal Drive, and annual Souper Bowl and Food Drive; cyber-security training; discussing potential board appointments; reviewing assignment of FY19 Fund Balance; reviewing an invitation to the 35<sup>th</sup> annual Reverend Dr. Martin Luther King, Jr. banquet; discussing a request for the annual dinner meeting with the Fire Chiefs, Presidents, and Ambulance Captains; and reviewing an invitation to participate in the Maryland Commerce Collaboration Tour.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session at 9:40 a.m.

Commissioner Church was absent from the meeting.

After the closed session, the Commissioners reconvened in open session. Commissioner Purnell called the meeting to order, and following a morning prayer by Arlene Page 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 October 15, 2019 meeting as presented.

The Commissioners met with Maryland Department of Transportation (MDOT) officials,

including Deputy Secretary R. Earl Lewis, Jr., Motor Vehicle Administration Deputy Director Leslie Dews, Maryland Transit Administration Support Director Travis Johnston, State Highway Administration (SHA) Deputy Administrator Jason Ridgeway, SHA District #1 Engineer Jay Meredith, and SHA Acting Assistant Director Mike Marble and Brett Theme, Regional Aviation Assistant Director Ashish Solanki, MTA Planning and Program Development Director Melissa Williams, and Regional Director Laura Helm to discuss the draft FY20 - FY25 Maryland Consolidated Transportation Program (CTP), as part of the MDOT/SHA Annual Capital Program Tour Meeting.

Mr. Lewis thanked the Commissioners for meeting with them and provided an update on the \$15.3 billion planned investment over the next six years in transit, highways, MDOT Motor Vehicle Administration (MVA) facilities, the Helen Delich Bentley Port of Baltimore, and the Baltimore/Washington International Thurgood Marshall Airport (BWI) and the Maryland Transportation Authority's (MDTA) additional investments of \$3.1 billion in Maryland's toll roads and bridges. He also outlined transportation investments in Worcester County and across Maryland, noting that Statewide there are 718 airport, highway, transit, port, bicycle, and MDOT MVA construction projects underway, with a value of \$7.2 billion, and he advised that, due to an increase in funding through Highway User Revenues, Worcester County will receive \$2,362,559 in HURs this year, an increase of \$297,860 over last year's allocation, and \$50,953 in highway safety grants funded through MVA.

Mr. Ridgeway provided an update on SHA roads and bridges projects in Worcester County, noting that this fall the SHA will began construction on a \$1.1 million project to widen MD 346 between U.S. Rt. 113 and Healthway Drive, with a dedicated right-turn lane from Healthway Drive to U.S. Rt. 113 and sidewalks on the north side of MD 346, and extend the southbound U.S. Rt. 113 left-turn lane onto MD 346, which should be completed by June 2020; complete the \$75 million U.S. Rt. 113 dualization project from MD 365 to Five Mile Branch near Snow Hill by June 2020, which when completed all 38 miles of US Rt. 113 in Maryland will be a dualized highway; nearing the midway point on a three-year rehabilitation project for the U.S. Rt. 50 Bridge; completing construction of a 10-foot-wide shared use path along U.S. Rt. 50 in West Ocean City, which will enhance pedestrian and cyclist safety and provide a continuous pedestrian path from MD Rt. 611 across Sinepuxent Bay into downtown Ocean City; begun a \$3 million project to construct a second left-turn lane from eastbound U.S. Rt. 50 to MD Rt. 589, which will be completed by spring; and completed a project to help protect horses on Assateague Island by adding rumble strips and signage along MD Rt. 611 from Sinepuxent Bay to Assateague State Park. He concluded that overall MDOT is partnering on six bike and pedestrian projects in Worcester County totaling \$166,000 in federal grant funds and one project totaling \$30,000 in state grant funds. Mr. Ridgeway then advised that MDOT is providing \$4.2 million in operating and capital grants to Shore Transit, which includes funding for three medium-duty bus replacements, three small-bus replacements, mobility management and ongoing preventive maintenance; providing \$6.5 million to fund the Ocean City transit system for operating and capital funding, which includes \$5 million for the third phase of construction of a new transit facility, as part of an \$18 million commitment from MTA; and \$267,000 to the Commission on Aging (COA) and nonprofits that serve the transportation needs of local seniors and people with disabilities to support the Community for Life program in Ocean Pines, which helps adults age 65 and over.

Ms. Dews provided an update on federal REAL ID compliance, noting that 49 percent of

Worcester County residents are REAL ID Ready in advance of the Oct. 1, 2020 deadline. She encouraged Worcester County officials to partner on a Strategic Highway Safety Plan to target the most common causes of roadway fatalities in Maryland: impaired driving; speeding; not wearing seat belts; distracted driving; and not using crosswalks. She concluded by encouraging residents and officials in attendance to sign MDOT's Traffic Safety Pledge, which is available online at [mdot.maryland.gov/newMDOT/SafetyPledge.html](http://mdot.maryland.gov/newMDOT/SafetyPledge.html).

Mr. Solanki advised that the Maryland Aviation Administration (MAA) will provide \$2.48 million for public use airports, including \$9,643 to the Ocean City Municipal Airport.

Commissioner Mitrecic thanked MDOT officials for meeting with them, but expressed extreme concern that the projects for Worcester County do not include the dualization of MD Rt. 90, noting that both the Town of Ocean City and Worcester County officials support inclusion of this project in the CTP.

In response to a question by Commissioner Bertino, Mr. Meredith advised that there is no funding in the foreseeable future for the MD Rt. 589 dualization project; however, in the interim, SHA officials have been completing small improvement projects on MD Rt. 589 at U.S. Rt. 50 and the North Gate of Ocean Pines aimed at easing congestion in and around Ocean Pines.

Delegate Wayne Hartman echoed the Commissioners concerns regarding the need to add the dualization of MD Rt. 90 as well as provide funding to dualize MD Rt. 589 to the CPT.

Delegate Otto thanked MDOT officials for their work in Worcester County and asked them to continue striving to return HUR funds to the counties. He also explained the importance of the Salisbury - Ocean City Wicomico Airport to the region, as well as the recent return of freight rail service to Snow Hill.

The Commissioners recessed for five minutes.

The Commissioners met with Superintendent of Schools Louis Taylor to review and discuss the Board of Education's (BOE's) proposed FY21 Capital Improvement Plan (CIP) request. Mr. Taylor thanked the Commissioners for their past support and for partnering with the BOE to continue to provide Worcester County students with exceptional educational opportunities. Mr. Taylor stated that the CIP, which has been developed in accordance with Maryland Interagency Committee for Public School Construction (IAC) regulations, is a planning document, and he is not seeking funding approval for any project today. He further advised that the CIP is consistent with the Worcester County CIP and incorporates all prior recommendations of the County Commissioners regarding future school construction needs. He then reviewed the proposed CIP, which includes the following: Pocomoke Middle School (PMS) Systemic Roof Replacement at an estimated cost of \$2,794,000 in FY21 pending State funding approval, with local funds of \$1,519,500 and State funds of \$1,275,000; Stephen Decatur Middle School (SDMS) 16,300-square-foot addition at a total estimated cost of \$9,349,000, pending State planning approval in FY21, with estimated local funds of \$8,987,000 and State funds of \$362,000; Snow Hill Middle School/Cedar Chapel Special School Systemic Roof Replacement at an estimated cost of \$3,779,000 in FY23; Buckingham Elementary School (BES) Replacement at an estimated cost of \$58,354,000 for planning in FY23 and funding in FY25; and Pocomoke Elementary School Systemic Roof Replacement at an estimated cost of \$1,925,000 for funding in FY24. In response to a question by Commissioner Bertino, Mr. Taylor confirmed that the State will only provide \$362,000 or a four percent match for the SDMS addition project. BOE

Facilities Manager Joe Price confirmed that the State provided a 25% match for the new Showell Elementary School (SES) project, noting that the State provides a 50/50 match for school construction, but only if the facility is based on the State-rated capacity. According to the State-rated capacity for SDMS, only a 1,500 square-foot addition (two classrooms) is needed, so the State will pay 50% of the cost for 1,500 square feet.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved the BOE FY21 CIP as presented.

The Commissioners presented a proclamation recognizing November as National Adoption Month to raise awareness of Worcester County youth who need stable homes with loving parents who will protect, nurture, and support them as they grow, and to honor those who have dedicated their lives to serving these children. The Commissioners extended their gratitude to Jamie Manning, Assistant Director of Services for the Worcester County Department of Social Services (DSS), and her staff for their efforts to bring stability back into the lives of children who through no fault of their own have been removed from their families of origin.

In a related matter, Ms. Manning accepted a commendation from the Commissioners on behalf of Tamra Shockley (who could not attend the ceremony), who was named the 2019 Worcester County Adoptive Parent of the Year by DSS for providing Worcester youth with a forever home.

The Commissioners and Warden Donna Bounds commended Sergeants Michael Adams and George Schoepf and Corporals Donyell Thornton and Aaron Johnson (who could not attend the ceremony) for employing the emergency measures needed to save the life of an unconscious inmate at the County Jail on October 5, 2019. Warden Bounds advised that Sergeants Adams and Schoepf and Corporals Thornton and Johnson administered cardiopulmonary resuscitation (CPR) and first aid until paramedics from the Snow Hill Volunteer Fire Company arrived and transported the individual to Atlantic General Hospital (AGH).

Pursuant to the request of Warden Bounds and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized the Sixth Amendment to Master Services Agreement originally signed August 5, 2010 between Securus Technologies, Inc. (Provider) and Worcester County Jail (Customer) for the provision of telephone services for the inmate population. The Commissioners further authorized this request to be approved administratively in the future by the Chief Administrative Officer, as long as the contract does not change substantially.

The Commissioners and Fire Marshal Jeff McMahon recognized Deputy Fire Marshal Matthew Owens, who was named an Instructor of the Year by the Maryland Police and Correctional Training Commission for his outstanding work and dedication to excellence as an instructor at the Eastern Shore Criminal Justice Academy at Wor-Wic Community College (WWCC).

Pursuant to the request of Mr. McMahon and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to sign a General Release Agreement between the County Commissioners and the Maryland Police and Correctional Training Commissions (MPCTC) for Deputy Fire Marshal Christopher Vieira to

participate in a drivers emergency vehicle operation course (EVOC) at the MPCTC driver training facility in Sykesville, Maryland.

Pursuant to the recommendation of Senior Budget Accountant Kim Reynolds and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized the filing of a State Aid for Police Protection Fund application for FY21 from the Governor's Office of Crime Control and Prevention, with funds to be used exclusively to provide adequate police protection throughout the County. The amount of funding to be provided will not be known until approved.

Pursuant to the request of State's Attorney Kristin Heiser and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized the State's Attorney's Office to apply for a grant of \$227,700 from the Governor's Office of Crime Control and Prevention to purchase, implement, maintain, and train staff on a new case management software system. Ms. Heiser advised that the current software is over 15 years old with limited functionality, which frustrates staff's efforts to perform efficiently and prevents them from assisting prosecutors in case preparation.

Pursuant to the request of Economic Development Director Kathryn Gordon and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to sign the Independent Contractor's Agreement between the County Commissioners of Worcester County, Maryland and Fawn Mete of Sinepuxent Group, LLC for the 2020 Summer STEM Camp and Internship Program at a total cost not to exceed \$100,000. Ms. Gordon advised that, since 2013, 363 County students have been provided with opportunities to apply classroom studies to real life tasks and connect the local business community with the future workforce, and each year between 50 to 80 students are selected to participate in the program. She advised that with approved FY20 County funding and additional funding of \$10,000 from the Tri-County Council of the Lower Eastern Shore (TCC) Rural Maryland Development Fund, they are working to strengthen the NASA Wallops Flight Facility partnership, increase the number of students served, and focus recruitment on college interns approaching graduation.

Pursuant to the request of Local Management Board (LMB) Director Jessica Sexauer and upon a motion by Commissioner Mitrecic, the Commissioners voted 4-2, with Commissioners Bertino and Bunting voting in opposition, to approve a request for proposals (RFP) for a family home visiting program for the Growing a Healthy Community program. Ms. Sexauer advised that the program, which will be developed and implemented in FY20 with a possible extension into FY21, is a home visiting program for pregnant mothers and mothers with children under age six and will provide links to supportive services, including medical and mental health resources and age appropriate resources for the children.

In response to a question by Commissioner Bertino, Ms. Sexauer confirmed that this would be a referral-based, voluntary program to provide services in the home for residents with no transportation. She advised that the majority of referrals would likely come from obstetricians and Health Department officials. In response to a question by Commissioner Bunting, Ms. Sexauer advised that the grant would cover the cost of the two part-time positions needed to run the program, which is expected to include a caseload of 10 families for the second half of FY20

and 20-25 families for FY21. Funding is available for FY20, but additional funding would be needed to continue the program in FY21.

Pursuant to the request of Ms. Sexauer and upon a motion by Commissioner Nordstrom, the Commissioners unanimously approved the RFP from qualified organizations to implement a program entitled Mental Health Case Management - Care Coordination for Children and Youth, which will provide services for eligible youth under the age of 18, young adults up to age 22, and their families residing in Worcester County to gain access to needed medical, mental health, social, educational, and other services, with program costs to be reimbursed by the Maryland Public Behavioral Health System Administrative Services Organization (ASO).

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell in response to a request from Paul Carlotta of Assateague Island Farm, LLC of Berlin, Maryland and upon a motion by Commissioner Elder, the Commissioners unanimously approved Mr. Carlotta's request for an additional 60-day extension of the six-month requirement to complete condition no. 1 to complete and record the Assateague Island Farm, LLC subdivision plat as specified in the Commissioners' approval of his request dated January 22, 2019 to allocate six sewer equivalent dwelling units (EDUs) to his property on Stephen Decatur Highway and more specifically identified on Tax Map 33 as Parcel 29. The Commissioners further directed Mr. Carlotta to work with County staff in Development Review and Permitting (DRP), Environmental Programs, and Public Works regarding the subdivision plat and other conditions of his approval. The County previously granted Mr. Carlotta a 60-day extension on August 8.

Pursuant to the recommendation of Mr. Mitchell and upon a motion by Commissioner Mitrećic, the Commissioners voted 5-1, with Commissioner Elder voting in opposition, to authorize Commission President Purnell to sign the Agreement of Sale for the purchase of a Rural Legacy Area (RLA) easement between Shirley W. and Gary Pilchard (Sellers) and the County Commissioners of Worcester County, Maryland (Buyer), with FY17 Coastal Bays RLA funds to cover the cost of an easement on approximately 54 acres of land located at 5615 Onley Road in Girdletree and identified on Tax Map 79 as Parcel 181. This property is to be purchased at a cost of \$2,557 per acre. Mr. Mitchell advised that the land is within the Coastal Bays watershed, adjacent to protected State forest land to the north, and protecting this land will contribute to efforts to protect water quality and the scenic viewshed for the surrounding neighborhood. The Pilchards are surrendering all development rights except for one residence. He advised that farming will be allowed on this property, but the owner must abide by impervious surface limits, which include no confined animal feeding operations (CAFOs), and limits will be placed on agricultural buildings.

Pursuant to the recommendation of Mr. Mitchell and upon a motion by Commissioner Nordstrom, the Commissioners voted 5-1, with Commissioner Elder voting in opposition, to authorize Commission President Purnell to sign the Agreement of Sale for the purchase of a Rural Legacy Area (RLA) easement between Andrea S. Bryan, Natalie S. Soepnel, and George E. Stevens (Sellers) and the County Commissioners of Worcester County, Maryland (Buyer), with FY17 Coastal Bays RLA funds to cover the cost of an easement on approximately 86.4 acres of land located on the west side of Stockton Road and identified on Tax Map 86 as Parcel

127. This property is to be purchased at a cost of \$2,154 per acre. Mr. Mitchell advised that the land is within the Coastal Bays watershed, adjacent to protected State forest land to the east, and connects to an adjoining block of protected land totaling thousands of acres to the north and east of the property. He advised that there are currently no structures on the property, and the owner is surrendering all subdivision and development rights except one residence. Furthermore, farming will be allowed on this property, but the owner must abide by impervious surface limits, which include no CAFOs, and limits will be placed on agricultural buildings.

Pursuant to the recommendation of Mr. Mitchell and upon a motion by Commissioner Nordstrom, the Commissioners voted 5-1, with Commissioner Elder voting in opposition, to authorize Commission President Purnell to sign the Agreement of Sale for the purchase of a Rural Legacy Area (RLA) easement between Charlotte L. and Charles David Barnes, Jr. (Sellers) and the County Commissioners of Worcester County, Maryland (Buyer), with FY19 Dividing Creek RLA funds to cover the cost of an easement on approximately 711.20 acres located on the southeastern side of Dividing Creek Road at Fleming Mill Road, northeast of Pocomoke City and identified on Tax Map 77 as Parcel 8. This property is to be purchased at a cost of \$1,204 per acre. Mr. Mitchell advised that there is also an additional 26.58 acres, which includes Parcels 122 and 124 that will be protected from further subdivision by unpaid conservation easements. Mr. Mitchell advised that this land represents the largest remaining undeveloped property in the watershed and includes large portions of waterfront property on Dividing Creek and the Pocomoke River, and it is adjacent to three large farms protected under Maryland Agricultural Land Preservation Foundation (MALPF) agricultural easements. He advised that protecting this property will truly contribute to the preservation of water quality and scenic benefits in this particular area. Mr. Mitchell advised that there are currently no structures on the property, and the owner is surrendering all subdivision and development rights except one residence. Furthermore, farming will be allowed on this property, but the owner must abide by impervious surface limits, which include no CAFOs, and limits will be placed on agricultural buildings.

Pursuant to the request of Recreation and Parks Director Tom Perlozzo and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved bid specifications for the purchase of one utility tractor for use within Recreation and Parks. Mr. Perlozzo advised that funds are available within the FY20 budget for this expense.

Pursuant to the request of Mr. Perlozzo and upon a motion by Commissioner Elder, the Commissioners unanimously approved bid specifications to repair and replace field fencing at the Northern Worcester Athletic Complex senior league and utility fields, John Walter Smith Little League field, and Showell Park softball field. Mr. Perlozzo stated that Department of Natural Resources (DNR) Program Open Space (POS) funds will reimburse 90% of project costs, with the County match of 10% to be performed by way of in-house labor provided by Parks employees.

Pursuant to the recommendation of Public Works Director John Tustin and upon a motion by Commissioner Mitrecic, the Commissioners unanimously awarded the low bid for the purchase of one Caterpillar Model 336 GC Hydraulic Crawler Excavator for the Solid Waste Division of Public Works to Alban Tractor Company, Inc. of Baltimore, Maryland at a cost of

\$372,468.30 less a guaranteed buy back at the end of seven years at \$105,000.00 for a net adjusted price of \$267,468.30 or \$5,065.51 per month for eighty-four months with an interest rate of 3.85%.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Elder, the Commissioners unanimously approved bid specifications for construction of the spray irrigation facilities for disposal of effluent from the Newark Wastewater Treatment Plant (WWTP). Mr. Tustin advised that this is a rebidding of the project originally bid on July 8, 2019, and he reviewed the changes made to the bid documents in an effort to reduce project costs.

The Commissioners met with Mr. Tustin to review staff's findings regarding a request from Pocomoke Police Chief M. Lee Brumley and other town officials to reduce the current posted speed limit from 30 miles per hour (mph) to 25 mph in front of Pocomoke High School (PHS) and Pocomoke Elementary School (PES) and to install a crosswalk on Old Virginia Road coming from the PHS property to Hillcrest Drive to improve safety after a student was struck crossing the road in this area at the end of the school day on September 13, 2019. Mr. Tustin stated that after reviewing this request, staff recommends reducing the posted speed limit from 30 mph to 25 mph from Market Street to the railroad tracks and to install the crosswalk on Old Virginia Road only in conjunction with the Town of Pocomoke installing crosswalks on the northwest and southeast sides of Old Virginia Road on Cedar Street and on Hillcrest Drive to maximize and ensure safety for all concerned.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners unanimously approved staff's recommendations to reduce the speed limit from 30 mph to 25 mph from Market Street to the railroad tracks and to install a crosswalk on Old Virginia Road coming from the Pocomoke High School property to Hillcrest Drive and to request that the Town of Pocomoke install crosswalks on the northwest and southeast sides of Old Virginia Road on Cedar Street and on Hillcrest Drive to improve safety in this area and prevent any accidents involving pedestrians in the future.

The Commissioners met with Mr. Tustin to review staff's findings regarding a request from Bill Glock, President of The Parke in Ocean Pines Board of Directors, to install a stop sign on Manklin Creek Road at the intersection of Hatteras Street and Cape May Place and a curve sign before the curve on Manklin Creek Road at Easton Avenue, and to post an additional speed limit sign to improve traffic safety on this road. Mr. Tustin stated that currently Manklin Creek Road is posted at 25 miles per hour (mph), and he reviewed the results of a speed study conducted September 24 - October 1, 2019 of 5,123 vehicles traveling on Manklin Creek Road in Ocean Pines, which found that 99 percent of vehicles were traveling at 35 mph or less (85 percent of drivers were traveling 29 mph), with only one percent traveling at speeds of 36 mph or greater. Therefore, he recommended not installing the requested stop sign due to the guidance given in the Manual on Uniform Traffic Control Devices (MUTCD), which states that "yield or stop signs should not be used for speed control," and to instead enforce existing speed limit signs. He further recommended installing an additional speed limit sign and installing a curve sign, with a safe speed sign of 15 mph beneath the curve sign, on Manklin Creek Road near the intersection with Easton Avenue as requested.

Following some discussion and upon a motion by Commissioner Bertino, the



Commissioners unanimously approved staff's recommendations to install an additional 25 mph speed limit sign between Hatteras Street and Montclair Court and install a curve sign with a safe speed sign of 15 mph beneath the curve sign on Manklin Creek Road near the intersection with Easton Avenue. In response to a question by Commissioner Bertino, Mr. Tustin advised that the additional signs will be installed next week.

In response to a question by Commissioner Elder, Mr. Tustin explained that shoulder work is to be completed by the contractor in conjunction with the paving program by November 27. Commissioner Elder expressed concern due to the depth of the shoulders. Mr. Tustin agreed that staff may perform shoulder work in-house in future years to ensure more timely completion.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to discuss the proposed implementation plan for new rental property licensing regulations. Upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to table the matter until a future meeting when Commissioner Church is in attendance and to provide the public with adequate time to contact the Commissioners with any concerns.

Commissioner Mitrecic later clarified that the new County rental regulations only apply in the unincorporated areas of the County and do not apply in the towns of Ocean City, Berlin, Snow Hill, or Pocomoke City.

In response to an October 15, 2019 request from Commissioner Elder to provide the Commissioners with recommendations for limiting solar panels in the County and restricting them to roofs and parking lots to prohibit large solar farms, Mr. Tudor provided background on the County's current regulations as contained in ZS 1-344 (Alternate Energy Facilities) of the Zoning and Subdivision Control Article (Zoning Code). He noted that in addition to the Zoning Code requirements, certain large-scale solar projects or solar farms are regulated by the Public Service Commission (PSC). He explained that, pursuant to the Maryland Public Utilities Article of the Annotated Code of Maryland, Section 7-207.1, any solar project with a rated capacity of 2,000 kilowatts (2 megawatts) and above must file for a Certificate of Public Convenience and Necessity (CPCN) and that the CPCN process preempts local zoning regulation, effectively barring them from enforcing the County Zoning Code for these projects. Thus, the Commissioners could not prohibit such projects even by amending the County Zoning Code. He concluded that staff does not recommend limiting all other installations to only rooftops and parking lots, as DRP issues permits for ground-mounted solar arrays to power homes and poultry houses regularly, and solar panels are currently used in all types of other applications as well, powering lighting on all types of signs, from billboards to commercial advertising and traffic control devices, as well as fence chargers, security lighting, and much more. Thus, a change in the existing law could render many existing deployments of solar arrays as nonconforming structures and uses, prohibit new installations, and prevent individuals and companies from replacing or doing anything beyond routine maintenance to what could be large investments in solar panels.

Commissioner Elder expressed concern regarding the proliferation of large solar farms on land zoned for agricultural use, which could impact the rural nature of the County by converting farming into industrial uses, and regarding the possible conglomeration of solar junkyards once government subsidies end. In response to Commissioner Elder's concerns, Mr. Tudor confirmed

that the PSC requires large solar farm operators to post financial security to decommission and remove solar panels at the end of their life. In response to a question by Commissioner Bertino, Finance Officer Phil Thompson stated that the County benefits from corporate personal property taxes and real property taxes on solar farms, which are valued at \$20 to \$30 million in the County, which is significantly higher than the assessed value for farmland.

In response to concerns raised by Commissioners Bunting and Mitrecic, the Commissioners requested that County staff provide them with the status of Nuisance Abatement Order No. 18-4 on a property located on Saint Martin's Neck Road in Bishopville at a future meeting.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Nordstrom, the Commissioners unanimously agreed to reappoint Jason Cunha to the Lower Shore Workforce Development Board for a four-year term expiring September 30, 2023.

Pursuant to the recommendation of Assistant Chief Administrative Officer Kelly Shannahan and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the annual holiday turkey/ham program and agreed to present each of the roughly 659 County employees with a \$30 WalMart gift card for the purchase of a turkey or ham for the holidays at an approximate overall cost of \$19,770. Commissioner Mitrecic supported the program, but opted to decline this holiday gift for himself. Funds for the gift cards are available within the FY20 budget.

The Commissioners met with Mr. Shannahan to review the Commissioners' proposed meeting schedule and budget schedule for 2020, with Commissioners' meetings generally taking place on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month, except where such dates fall on a legal holiday or other conflicting event. Mr. Shannahan stated that in 2020 the Statewide General Election Day is Tuesday, November 3, so the first meeting in November is proposed for Wednesday, November 4. He further advised that the National Hurricane Conference will take place in Orlando from April 6-9, which conflicts with the regular meeting date on Tuesday, April 7. The Commissioners agreed that the first meeting in April should be moved to Tuesday, April 14, 2020, with the second meeting one week later on April 21.

Commissioner Elder advised that he would be unable to attend afternoon budget work sessions. Therefore, the Commissioners directed staff to reschedule Tuesday afternoon work sessions that start at 1:00 p.m. for Wednesday mornings at 9:00 a.m. and provide them with a revised schedule for their consideration at a future meeting.

Pursuant to the request of Budget Officer Kathy Whited and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the proposed assignment of FY19 Fund Balance of \$16,626,776. Ms. Whited explained that the Fund Balance is an accumulation of year-end surplus funds over the past several years, and while funds have been assigned to particular projects, they are not restricted by ordinance or resolution. She further explained that the Fund Balance designation is required by the County's auditors, TGM Group, LLC, to complete the FY19 financial statements.

Pursuant to the request of Mr. Shannahan and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Purnell to sign a five-year lease and approved payment for any necessary utilities for 5,610 square feet of office, warehouse, and related space at 619 Franklin Avenue in Berlin from January 1, 2020 to December 31, 2024 at a cost of \$5,417 per month or \$65,000 per year, with an annual increase of 2% per year and an available five-year renewal option from 2024 to 2029.

Commissioner Bertino thanked officials in the Sheriff's Office for working with him to host an active shooter training at the Ocean Pines Branch Library last month.

The Commissioners answered questions from the press, after which they adjourned at 12:13 p.m. to meet again on November 19, 2019.