

Minutes of the County Commissioners of Worcester County, Maryland

April 5, 2022

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 Elder, seconded by Commissioner Bertino, 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 Weston Young, Deputy Chief Administrative Officer Joe Parker, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included the following: promoting Tara Armstrong from office assistant V to benefits specialist in Human Resources; hiring a communications supervisor and promoting a communications manager in Emergency Services, and certain personnel matters; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments.

Following a motion by Commissioner Elder, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 9:06 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 Dale Brown of the Community Church of Ocean Pines 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 March 15, 2022 meeting as presented.

The commissioners presented a proclamation to Health Officer Becky Jones and several members of her staff recognizing April 4-10, 2022 as Public Health Week in Worcester County. Ms. Jones advised that the Health Department will host the Debbie Goeller in Excellence in Health Award and host the annual Tortoise and Hare Dare 5k walk/run at Shad Landing in the Pocomoke State Park on April 9.

The commissioners presented a proclamation to Housing Rehabilitation Program Coordinator Davida Washington recognizing April as Fair Housing Month and promoting the Worcester County Housing Rehabilitation Program, which plays a key role locally in furthering

the principles of safe, stable housing by assisting 10 to 12 low to moderate income individuals and families obtain grants and loan funding for general rehabilitation, pesticide inspection and treatment, and lead abatement services.

The commissioners presented a proclamation to CRICKET Center Executive Director Lauren Cooper, Life Crisis Center (LCC) Director Jamie Manning, and Department of Social Services (DSS) Assistant Director Tammy Jones and others recognizing April as National Child Abuse Prevention Month in Worcester County and recognizing the local partnerships that help to prevent abuse from occurring and that support child victims of maltreatment.

The commissioners presented a proclamation to Ms. Manning recognizing April as Sexual Assault Awareness Month, noting that in 2021 the LCC provided sexual assault services – including counseling, medical and legal advocacy, victims’ rights assistance, and crisis hotline services – to 448 child and adult survivors of sexual violence and urging all in the community to partner with the LCC to prevent sexual abuse from occurring.

The commissioners presented a commendation recognizing the lifesaving efforts of Lisa Wilkens, a zoning inspector in Development Review and Permitting. While completing inspections in the Whaleyville area on January 31, 2021, Ms. Wilkens intervened to save the life of a woman in medical distress who had collapsed.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved by consent agenda item numbers 2-11 and 13 as follows: a tipping fee waiver request from the Maryland Coastal Bays Program (MCBP) for community shoreline and bay trash cleanup days on May 15 and October 2, 2022; three sets of bid specifications for propane and petroleum delivery services and custodial services at various County facilities; eliminating the six-month waiting period before new employees are eligible to participate in vacation accrual, deferred compensation, flexible savings account, and dependent care account; a request to reschedule the previously approve use of the West Ocean City (WOC) commercial parking lot and boat ramp for the Ocean City Powerboat Grand Prix from May 13-15 to August 19-21; a special use permit for the Maryland Department of Natural Resources and MCBP to utilize the South Point Landing to launch wooden nesting platforms in the coastal bays at a location on the western shore of Assateague Island; a Small Project Agreement for the Pier 23 Restaurant water service extension project to provide fire protection via the Mystic Harbour Sanitary Service Area; the public hearing notice for the FY23 County Operating Budget; out-of-state-travel for one County staff member from County Administration to attend the Association of Government Accountants annual Professional Development Training Conference; and letter of support for Germantown School to be included in the Beach to Bay Heritage Area boundary.

The commissioners met with Chief Administrative Officer Weston Young to review and discuss projects included on the FY22 congressional spending requests, also known as earmarks, which if approved would allow Senators Ben Cardin and Chris Van Hollen to direct federal funding to support these local projects to enhance community projects, transportation, health care, education, job opportunities, and other important economic development projects. Mr. Young advised that the proposed projects are either included in the County’s Capital

Improvement Plan or have been requested by the department heads. He further advised that federal funding is not guaranteed for any of the projects, and County matching funds could be required on approved projects. However, any federal funding that is granted for these projects will reduce the fiscal burden on the County.

Commissioner Bertino expressed concern that County staff did not advise the commissioners or justify the need to add a separate wing onto the Worcester County Recreation Center (WCRC) in Snow Hill prior to the inclusion of this project on the list being considered today. Parks Superintendent Jacob Stephens advised that a designated space is needed for the After School Zone, summer camps, and youth programming due to program growth and to eliminate the shared use of the bathrooms and shower rooms with adults in an unsupervised setting.

Following some discussion and upon a motion by Commissioner Elder, the commissioners voted 6-1, with Commissioner Bertino voting in opposition, to approve the amended list of proposed FY22 congressional spending requests to exclude the response and rescue vehicle.

James Bergey, CPA, of Bergey & Co., and Dan Bullock, president of Holtz Companies of Sevierville, Tennessee, presented a proposal to develop safe, affordable, seasonal workforce housing in West Ocean City (WOC). Mr. Bergey advised that they have identified two separate parcels in WOC that are in close proximity to public transportation, grocery stores, restaurants, shopping, and recreation areas. Each property consists of approximately 10 acres that could accommodate up to 10 buildings, with dormitory-style occupancy units to accommodate 2,500 to 3,000 beds. Each unit is to be shared between four residents and be equipped with air conditioning, a private bathroom with a shower, two sinks, counter space, and a microwave and refrigerator. Additionally, residents will have access to a common kitchen, gathering space, and laundry facilities within each building. Mr. Bullock advised that, from an operational standpoint, the focus will be on the overall experience and safety of the residents, with 24/7 staffing, live video monitoring in all common areas and grounds, and RFID technology for controlled access. Following the presentation, Mr. Bergey advised that the success of this project would require local, state, and federal partnerships to help reduce project expenses. These would include acquiring 350 equivalent dwelling units (EDU) of water and sewer service and public transportation from the Town of Ocean City, a property tax credit from the County, and a long-term, low-interest loan from the State.

In response to questions by Commissioner Bertino, Mr. Bergey stated that if state and local partnerships are secured and low-interest loan funding granted, construction could move forward and be completed in phases, with one to two buildings being completed in roughly 12-18 months. Commissioner Bertino questioned the impact of the project on infrastructure and public safety. While he concurred that there is a need for such a project, there are a number of unanswered questions regarding project impacts on the local community and the current proposal fails to correctly compensate County taxpayers who would not benefit from the gain on the improved property. Therefore, he could not support the project as presented at this time.

Commissioner Elder recognized the need for affordable housing, but noted that prices are based on supply and demand. He also questioned what assurances Holtz would provide that the company will keep rental costs low. Mr. Bergey confirmed that weekly rental costs of \$150 per week would be contingent upon securing local and state support for the project. He also

confirmed that rental contracts would not be issued to individuals, but to area businesses to assure that those residing in the units are, in fact, seasonal workers who are employed by their businesses.

Commissioner Bunting expressed concern that the properties surrounding the two sites being considered consist of a mix of residential and commercial zoning, and the surrounding residents should be given the opportunity to weigh in on such a project in their back yards. He also confirmed with Mr. Bullock that the proposed project will generate revenues for Holtz. Commissioner Bunting stated that this project is going to cost County taxpayers and should not be a way for Holtz to get out of paying taxes.

Commissioner Mitrecic noted that the proposed project would generate revenue for the County, such as increased income tax. He also noted that the request today is for conceptual support only, as Holtz will have to overcome hurdles at multiple levels, including being granted a change in zoning from the County, to make this project a reality.

Commissioner Church stated that affordable seasonal workforce housing is needed, that the properties currently designated for such use are very expensive and most are unsafe. Therefore, he supports this project.

Following much discussion and upon a motion by Commissioner Nordstrom, the commissioners voted 5-2, with Commissioners Bertino and Bunting voting in opposition, to send a letter to Kenneth C. Holt, secretary of the Department of Housing and Community Development, supporting the request from the Holtz Companies for a long-term, low-interest loan from the State of Maryland for the proposed seasonal workforce housing project.

The commissioners conducted public hearings on bills providing bond authorization to finance public projects and agreed to vote on these bills at their next meeting on April 19, 2022. Also in attendance was Finance Officer Phil Thompson.

The Commissioners conducted a public hearing on Bill 22-1 to authorize and empower the County Commissioners of Worcester County, Maryland to borrow on its full faith and credit, and to issue and sell its general obligation bonds therefor, at one time or from time to time, to refund in whole or in part in an amount not exceeding \$4,870,000 to provide financing for a portion of the cost of the Maryland Correctional Officers Retirement System Pension Contribution Refunding Bonds, 2013 Series (taxable).

Commissioner Mitrecic opened the floor to receive public comment.

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

The commissioners conducted a public hearing to receive public comment regarding the estimated \$4.6 million cost of construction for the Ocean Pines Wastewater Treatment Plant (WWTP) belt filter press project in the Ocean Pines Sanitary Service Area (SSA). Mr. Thompson reviewed the project, which is to be funded by a Worcester County bond, with the loan to be repaid by a quarterly assessment of approximately \$7.51 per EDU for all customers in the Ocean Pines SSA.

Commissioner Mitrecic opened the floor to receive public comment.

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

The commissioners conducted a public hearing on Bill 22-4 to authorize and empower the County Commissioners of Worcester County, Maryland to borrow on its full faith and credit,

and to issue and sell its general obligation bonds and its bond anticipation notes therefor, at one time or from time to time, in an amount not exceeding \$2,004,000 to replace the roofs at Snow Hill Middle School and Cedar Chapel Special School and related costs.

Commissioner Mitrecic opened the floor to receive public comment.

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

The commissioners conducted a public hearing on Bill 22-5 to authorize and empower the County Commissioners of Worcester County, Maryland to borrow on its full faith and credit, and to issue and sell its general obligation bonds and its bond anticipation notes therefor, at one time or from time to time, in an amount not exceeding \$10,024,184 for the Stephen Decatur Middle School addition project.

Commissioner Mitrecic opened the floor to receive public comment.

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

The commissioners conducted a public hearing on Bill 22-6 to authorize and empower the County Commissioners of Worcester County, Maryland to borrow on its full faith and credit, and to issue and sell its general obligation bonds and its bond anticipation notes therefor, at one time or from time to time, in an amount not exceeding \$10,955,670 for phase 2 of County Jail improvements.

Commissioner Mitrecic opened the floor to receive public comment.

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

The commissioners conducted a public hearing on Bill 22-7 to authorize and empower the County Commissioners of Worcester County, Maryland to borrow on its full faith and credit, and to issue and sell its general obligation bonds and its bond anticipation notes therefor, at one time or from time to time, in an amount not exceeding \$3,050,000 for the construction of a public safety logistical storage facility.

Commissioner Mitrecic opened the floor to receive public comment.

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

The commissioners conducted a public hearing to receive public comment on a request to transfer County property identified on Tax Map 301 as Parcel 0854 to the Town of Berlin. Chief Administrative Officer Weston Young reviewed the request to transfer the property to the town to serve as the site of a new community center. Commissioner Purnell supported the proposed use, noting the serious need for the new community center.

Commissioner Mitrecic opened the floor to receive public comment.

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

Upon a motion by Commissioner Elder, the commissioners unanimously agreed to transfer the property to the Town of Berlin.

The commissioners agreed to reschedule the broadband update for a future meeting when Talkie, Comcast, and Bayshore are available to attend to provide updates on the status of their efforts to extend broadband to the unserved and underserved areas of the County.

Pursuant to the request of Public Works Director Dallas Baker and upon a motion by

Commissioner Nordstrom, the commissioners unanimously agreed to submit a letter of intent to Hertrich Fleet for the purchase of 10 police pursuit vehicle (PPV) Tahoes for use within the Sheriff's Office, as proposed in the FY23 budget. Mr. Baker advised that there is a very limited window to procure these vehicles; however, the letter of intent serves only to keep the County on the reservation list but does not commit the County to purchase the vehicles. In response to a question by Commissioner Nordstrom, Mr. Baker confirmed that the County vehicles that were ordered in FY22 have not yet been delivered.

Upon a motion by Commissioner Nordstrom, the commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to submit the requested letter of intent to purchase 10 PPV Tahoes for use within the Sheriff's Office.

Pursuant to the request of Mr. Baker and upon a motion by Commissioner Bunting, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to use Mystic Harbour SSA reserve funds of \$18,942.12 to cover the cost of two unbudgeted needs related to the Eagles Landing Golf Course irrigation system to control unwanted vegetation. Specifically, these include the purchase a pond aerator and pond maintenance contract. Mr. Baker explained that the 2014 Memorandum of Understanding between the County and Ocean City requires the County to maintain the irrigation system, which is used to spray treated effluent from the Mystic Harbour Wastewater Treatment Plant (WWTP).

In response to a question by Commissioner Elder, Mr. Baker advised that this project will include the use of beneficial bacteria to control the growth of algae and phragmites, a form of invasive plant. Environmental Programs Director Bob Mitchell confirmed that the algae is caused by birds and not treated effluent from the WWTP. In response to a question by Commissioner Mitrecic, Mr. Baker confirmed that there isn't enough capacity in the injection wells to operate the Mystic Harbour WWTP in the event that the County were to lose the ability to spray treated effluent on the golf course. He further advised that the aerator, coupled with beneficial bacteria, will help to control the algae.

Upon a motion by Commissioner Bunting, the commissioners voted 6-1, with Commissioner Elder voting in opposition, to approve the use of the Mystic Harbour SSA reserve funds as requested to cover project costs.

Pursuant to the recommendation of Development Review and Permitting (DRP) Director Jennifer Keener and upon a motion by Commissioner Bunting, the commissioners unanimously adopted the Findings of Fact and Zoning Reclassification Resolution 22-01 for Rezoning Case No. 433 to rezone approximately 105.34 acres of land located on the southeasterly side of Dividing Creek Road and Cellar House Road, northeast of Whitesburg Road, and more specifically identified on Tax Map 69 as Parcel 76, from Resource Protection District to A-1 Agricultural District, as conceptually approved following the public hearing at their meeting of March 15, 2022.

In follow up to a public hearing on January 18, 2022 and upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 22-3 modifying the land classification designation for a single property in the Atlantic Coastal Bays to correct a mapping error. MB motion to adopt.

Pursuant to a request by Mr. Mitchell and upon a motion by Commissioner Nordstrom,

the commissioners unanimously approved the Memorandum of Understanding (MOU) between the Maryland Department of the Environment and the County for restoration funding for Greys Creek, as part of the Assawoman Bay Watershed Restoration Plan.

Pursuant to the request of Budget Officer Candace Savage and upon a motion by Commissioner Elder, the commissioners unanimously approved the FY23 Budget Property Tax Constant Yield advertisement, which has already been approved by the Maryland Department of Assessments and Taxation, to run in area newspapers during the week of April 21, 2022, prior to the public hearing on the FY23 County Operating Budget on May 3.

Ms. Savage advised that, in accordance with State law, the notice states that, for the tax year beginning July 1, 2023, the estimated real property assessable base will increase by 1.9%, from \$16,485,090,727 to \$16,796,158,998, and if the County maintains the current tax rate of \$0.845 per \$100 of assessment, real property tax revenues will increase by \$2,628,527. The notice states that, to fully offset the effect of increasing assessments, the real property tax rate should be reduced to \$0.8294 per \$100 of assessment, the Constant Yield Tax Rate (CYTR).

Pursuant to the recommendation of Mr. Thompson and upon a motion by Commissioner Purnell, the commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, and Elder voting in opposition, to adopt Resolution No. 22-3, making a declaration of official intent to use proceeds from General Obligation Bonds and/or interim financing, each issued in an aggregate principal amount not exceeding \$40,782,684, to reimburse all or a portion of project expenses previously paid in connection with the following projects: County Jail, public safety logistical storage facility, sports complex, roof replacements at Snow Hill High School and Cedar Chapel Special School, and the Ocean Pines belt filter press.

In response to questions by Commissioner Bunting, Mr. Young provided an update on the status of the Black Eyed Susan riverboat purchased by the Town of Snow Hill utilizing a loan from the County. Mr. Young stated that the boat, which was purchased in year four of a five-year inspection period, was recently dry docked by the U.S. Coast Guard after failing inspection. He stated that costs range from \$300,000 to repair the riverboat for use as a docked restaurant to \$600,000 for use as a fully-functioning riverboat that can tour the river. He advised that, if the town defaults on the annual \$27,000 loan repayment schedule, the commissioners could reduce the annual grant to the town by that amount.

The commissioners answered questions from the press, after which they adjourned to meet again on 2022.