

Minutes of the County Commissioners of Worcester County, Maryland

April 19, 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 Nordstrom, seconded by Commissioner Bunting, 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, Human Resources Director Stacey Norton, and Recreation and Parks Director Kelly Rados. Topics discussed and actions taken included the following: promoting Joshua Pruitt from communications specialist II to Communications Supervisor and Deanna Dashiell from communications specialist I to communications supervisor within Emergency Services; rehiring Michael Adams as a corporal in the County Jail; transferring Aaron Johnson from sergeant in the County Jail to deputy sheriff trainee in the Sheriff's Office, and other personnel matters; receiving legal advice from counsel; and performing administrative functions, including receiving the FY22 monthly financial update.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the commissioners unanimously voted to adjourn their closed session at 9:24 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 Mark Piedmont of Buckingham Presbyterian Church and pledge of allegiance, announced the topics discussed during the morning closed session.

The commissioners reviewed and approved the minutes of their March 22 and April 5, 2022 open and closed sessions and their March 29 open session as presented.

The commissioners presented a commendation to Pat Schrawder, district representative for Senator Mary Beth Carozza, for her extraordinary efforts to assist over 2,100 residents of Somerset, Wicomico, and Worcester Counties by providing a listening ear, guidance to navigate state and federal assistance programs, and help to secure critically-needed unemployment benefits during the COVID-19 pandemic.

Upon a motion by Commissioner Bertino, the commissioners unanimously approved by

consent agenda item numbers 2-6 as follows: a Deed of Release for a forest conservation easement for property identified on Tax Map 26, Parcel 450, Lots A and B and owned by the Town of Ocean City; scheduling a public hearing for St. Martin's by the Bay community water project; scheduling a public hearing for the Community Development Block Grant Program to receive comments from the community on local housing needs; scheduling a public hearing for Rezoning Case #435, seeking to rezone approximately 0.5-acre of land identified on Tax Map 40 as Parcel 38 from V-1 Village District to A-1 Agricultural district; and scheduling a public hearing for an amendment to the Step I plan for the Sea Oaks Village Residential Planned Community.

Queen Anne's County Commissioner Jim Moran, County Administrator Todd Mohn, and Lobbyist Bruce Bereanoe met with the commissioners to urge them to reconsider their prior denial of support for the construction of a new, replacement Chesapeake Bay Bridge at its present location along the U.S. Rt. 50/U.S. Rt. 301 corridor. Commissioner Moran reviewed the history of the existing bridge, public safety issues created by the aged spans and traffic congestion, and the immediate priority, which is to appropriate funding in the FY23 budget to continue with the National Environmental Policy Act (NEPA) Tier 2 Environmental Impact Statement to ensure that the project may continue to advance towards construction.

Mr. Bereanoe discussed support from other Maryland counties and the State for the project, and he asked the commissioners to join with their colleagues from across the State to support this project.

Commissioner Bertino stated that he wants to support the replacement of the Chesapeake Bay Bridge; however doing so apart from improvements to MD Rt. 589 and MD Rt. 90 would only increase existing traffic congestion and public safety issues in Worcester County, and the Maryland State Highway Administration has made it very clear that no funding will be available in the foreseeable future to widen these roads. In response to concerns raised by Commissioners Bertino and Nordstrom, Mr. Bereanoe advised that he will share the commissioners' concerns and seek answers to those concerns when he meets with State legislators next week.

Following some discussion, a motion by Commissioner Bertino to table further discussions regarding support for this project until their May 3, 2022 meeting failed 2-5, with Commissioners Bertino and Bunting voting in favor of the motion and Commissioners Church, Elder, Mitrecic, Nordstrom, and Purnell voting in opposition.

Upon a motion by Commissioner Elder, the commissioners voted 5-2, with Commissioners Church, Elder, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino and Bunting voting in opposition, to send a letter supporting requests from Anne Arundel County and Queen Anne's County to construct a new, replacement Chesapeake Bay Bridge at its present location along the US. Rt. 50/301 corridor.

Pursuant to the request of Public Works Director Dallas Baker and upon a motion by Commissioner Nordstrom, the commissioners unanimously approved an over-expenditure of \$53,425.88 in FY23 to cover a rate increase for custodial services provided by Mr. Meticulous. Mr. Baker advised that Mr. Meticulous has held rates since 2014, but can no longer continue to service County facilities at these rates. In response to questions by Commissioners Mitrecic and Purnell, Mr. Baker advised that the County is operating on a month-to-month contract with Mr. Meticulous at the current time, and the County has solicited bids for future cleaning services in

County facilities.

The commissioners met in legislative session.

The Commissioners met with Development Review and Permitting (DRP) Director Jennifer Keener to review an amended text amendment application submitted by Arcola Towers, LLC and its attorney Sean P. Hughes, on behalf of its client, Joshua Kurtz, to reduce the 1,000-foot separation between a tower and an existing or permitted residential structure on an adjacent lot in the A-1 and A-2 zoning districts by special exception from the Board of Zoning Appeals. Ms. Keener advised that the original application based the reduction on both properties being under family ownership, but the application was amended to instead base the reduction on the protection of natural features of a site, such as prime agricultural soils and existing wooded areas. She further stated that the amended text amendment received a favorable recommendation from the Planning Commission. In response to questions by Commissioner Nordstrom, Ms. Keener advised that this would only apply to telecommunications towers, and this is an aesthetic condition. In response to questions by Commissioner Bunting, Ms. Keener advised that the County approved a text amendment in 2017 for telecommunications towers to have that reduced setback in high transportation corridors, and one tower was built under that special exception, and another was just granted an exception from the BZA. She stated that if it is a monopole under 199 feet and they conceal it, that separation distance is not applicable.

Following some discussion, Commissioners Church, Elder, Nordstrom, and Purnell introduced the aforementioned text amendment and agreed to schedule a public hearing on the draft bill.

Pursuant to the recommendation of Finance Officer Phil Thompson and upon a motion by Commissioner Bertino, the commissioners unanimously approved the \$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), as proposed during their April 5, 2022 public hearing.

Pursuant to the recommendation of Mr. Thompson and upon a motion by Commissioner Bertino, the commissioners unanimously adopted 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), as proposed during their April 5, 2022 public hearing.

Pursuant to the recommendation of Mr. Thompson and upon a motion by Commissioner Bertino, the commissioners unanimously adopted Bill 22-2 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 \$33,590,000 to provide financing for a portion of the then outstanding County Commissioners of Worcester County, Maryland Consolidated Public Improvement Bonds, 2014 Series, as proposed during their April 5, 2022 public hearing.

Pursuant to the recommendation of Mr. Thompson and upon a motion by Commissioner Bertino, the commissioners unanimously adopted Bill 22-3 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 \$11,115,000 to provide financing for a portion of the then outstanding County Commissioners of Worcester County, Maryland Consolidated Public Improvement Bonds, 2015 Series, as proposed during their April 5, 2022 public hearing.

Pursuant to the recommendation of Mr. Thompson and upon a motion by Commissioner Bertino, the commissioners unanimously adopted 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, as proposed during their April 5, 2022 public hearing.

Pursuant to the recommendation of Mr. Thompson and upon a motion by Commissioner Bertino, the commissioners unanimously adopted 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, as proposed during their April 5, 2022 public hearing.

Pursuant to the recommendation of Mr. Thompson and upon a motion by Commissioner Bertino, the commissioners unanimously adopted 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, as proposed during their April 5, 2022 public hearing.

Pursuant to the recommendation of Mr. Thompson and upon a motion by Commissioner Bertino, the commissioners unanimously adopted 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, as proposed during their April 5, 2022 public hearing.

Commissioner Mitrecic announced that the legislative session will remain open until the close of the public hearing in the Stephen Decatur High School auditorium in Berlin at 6:00 p.m. tonight on the proposal to purchase property to develop a sports complex, using a portion of the proceeds from general obligation bond funds.

In a related matter, Commissioner Bertino announced that a signed contract is already in place to purchase a property adjacent to SDHS to develop a sports complex. In response to questions by Commissioner Bertino, County Attorney Roscoe Leslie reiterated that the commissioners can terminate the contract at any time and for any reason with the 180-day study

period. He also agreed to advise Commissioner Bertino if there could be a County-wide referendum to allow County residents to vote on whether to approve the proposed purchase land to develop a sports complex utilizing bond funds.

Commissioner Mitrecic advised that a signed contract to purchase the property prior to discussing the purchase price in advance of the public hearing.

Senator Carozza reviewed legislation passed during the 2022 Maryland General Assembly of significance to Worcester County.

The commissioners answered questions from the press, after which they adjourned to meet again at SDHS at 6:00 p.m.

The commissioners resumed their legislative session.

The commissioners conducted a public hearing at 6:00 p.m. at the Stephen Decatur High School (SDHS) auditorium to receive public comment on the proposal to purchase a property in the Berlin area to develop a sports complex and to use bond funds of \$11.2 million to finance a portion of the project. Commissioner Mitrecic opened the meeting and thanked everyone for attending the public hearing, which he advised is a continuation of the commissioners' legislative session from earlier that afternoon. Chief Administrative Officer Weston Young summarized the proposed sports complex project, noting that the commissioners signed a contract to purchase a 95.521-acre property for \$7.15 million, which is the lower of two appraised values. This property is adjacent to SDHS and identified on Tax Map 25 as Parcel 89. He advised that the contract includes a 180-day study period that allows the commissioners to terminate the contract any time before that period ends for any reason. He then advised that entering into a contract to purchase property is the first in a multi-step process before an outdoor sports complex may become a reality. If the commissioners choose to move forward with the project, he advised that the next steps will include but are not limited to performing an environmental study on the site to evaluate any potential environmental concerns; conducting a traffic study to identify and limit the project's impact and potentially address current traffic conditions; and annexation into the Town of Berlin is highly likely. He reviewed potential uses of the complex and advised that Berlin officials will be included in the planning process early on.

Commissioner Mitrecic opened the floor to receive public comment.

Berlin Mayor Zack Tyndall advised town has not taken a position on the projects and looks forward to being involved in discussions regarding water and sewer service, annexation, transportation impacts on Seahawk and Flower Streets, public safety, and public parking.

Carol Frasier of Ocean Pines stated her hope that the proposed sports complex project would be defeated; however, if it does go forward, she believed the complex should be operated by a private enterprise, as government does not belong in business.

Bill Hardy, Jr. of New Jersey opposed the project, noting traffic control concerns and the wisdom of such a project, as he was not aware of any interest from a private organization to run such an operation in the County.

Terry McGean, a Bishopville resident and city manager for the Town of Ocean City, strongly supported the purchase of land for a new athletic complex, which he felt was long overdue in the County. He stated that there is a need for fields and an indoor sports complex in the County, and this project would create additional revenues.

Trey Stokely of Berlin supported the project, noting that the current fields at the Berlin Little League are embarrassing and have not kept pace with the growing needs of youth sports in the County.

Lachelle Scarlatto, executive director of the Greater Ocean City Chamber of Commerce, expressed the chamber's support of the project, which would provide County residents and guests with increased recreation and tourism opportunities, improve the quality of life, and leverage increased opportunities for the business community. Therefore, she urged the commissioners to move forward with the project.

Mary Knight of Ocean City supported the proposed sports complex, noted that the 2018 Maryland Stadium Authority study identified a need for additional sports fields, and urged the commissioners to embark on this project to improve the quality of life in the County. She concluded that the provision of parks and recreation is a basic function of government and thus a responsibility of the commissioners to fund.

Tim Jones of Ocean City advised that he is a parent, proud business owner, and coach who has to fight for practice time due to the limited number of available fields and facilities in the County. Therefore, he supports the development of a sports complex in the County.

Ron Cascio of Berlin advised that he wholeheartedly supports the project in concept, but strongly opposes such a project being taxpayer funded, and believes this is the worst location to host such an endeavor due to the outrageous cost of the land.

Benjamin Smith of Berlin opposed the project, noting that the lack of information provided to the citizens is appalling.

Grant Helvey of Ocean Pines stated that he would support such a project being privately operated if there is a proven need for additional fields and the citizens support the project. However, he expressed concerns regarding anticipated traffic issues, the disruption of school bus operations, and a perceived lack of planning for an \$11.2 million project.

Garvey Heiderman of Ocean Pines supported the project, noting that youth sports generates revenues, which would benefit the County and area businesses. He concluded that the decision to move forward with the project a no-brainer.

Spencer Roue of Ocean City stated that his grandchildren play sports in Berlin, and he is not against sports complexes, but he expressed concerned about the location and objected to using public funds for this project, as it was not a wise use of funds and would incur too much debt.

Nancy Bradford of Berlin stated that she is not opposed to the proposed sports complex project, but she is concerned about the location, the price, and the lack of a business plan prior to acquisition.

Mark Thomas of Ocean Pines stated that sports made a positive impact on his life growing up, and urged the commissioners to move forward with this project.

Richard Addis of Bishopville stated that the prospect of this project is alluring to bring people into businesses; however, he opposed the use of taxpayer dollars, even grant funds to purchase the land, and worried that such a project would compete with private businesses.

Caryn Abbott of Pocomoke stated that she does not oppose the sports complex project, but that it should be privately owned and operated. She also questioned the findings of the MSA study regarding the need for additional fields, felt that the cost of the proposed property was far too high, and urged the commissioners to release the list of 100 other sites Countywide that were considered for this project.

John Van Fossen of West Ocean City supported the concept of a sports complex, but noted he has reservations about the purchase cost and transportation impacts.

Catherine Freeman of Girdletree urged the commissioners to vote no to developing a sports complex on the northern end of the County.

Corey Davis of Berlin questioned the costs and benefits of this complex.

Pam Rocco of Ocean City stated that she didn't know if this was the right site and expressed concern about potential traffic issues, but stated that a sports complex is needed in this area.

Jerry Lynch of Snow Hill supported the proposed sports complex, noting that this project would be a wise venture that would pay for itself, and it is long overdue.

Susan Jones, a Bishopville resident and executive director of the Ocean City Hotel-Motel-Restaurant Association (HMRA) stated that HMRA members support this project at this location, noting the positive economic and quality of life impacts it would have, as studies show that families build their vacations around youth travel sports.

Vince Gisriel, Jr. of Ocean City stated that the Eastern Shore is oversaturated with sports complexes, and seven other Maryland counties are also considering getting into the sports marketing business. He then cited study findings that all 10 publicly-owned sports complexes in the State are in debt. He concluded that the proposed project is a losing deal.

Ocean City Mayor Rick Meehan stated that the Ocean City Council supports the proposed sports complex and is committed to partnering with the County to develop an indoor arena and make this venture successful. He discussed the positive economic and quality-of-life benefits that this facility will have Countywide, as it will attract families to the resort on a year-round basis. He stated that this is the right location for such a project as well because the infrastructure needed to support it is already here.

Tom Simon of Berlin supported the development of a sports complex at this location, though he urged the commissioners to prioritize field usage for local sports organizations and County recreation leagues.

Terry Hasseltine, executive director of the Maryland Sports Commission stated that sports tourism has proven itself to be recession-proof, that this market grows by 3.5% annually, and it places heads in beds. He then reviewed the financial aspects of sports tourism, noting that in 2019 youth sports generated \$19.8 billion nationwide.

Jack Collins of Ocean Pines advised that he is neither opposed to nor in favor of this particular project. However, he questioned the purchase price, proposed project costs, and how the commissioners arrived at the need to bond \$11.2 million. He favored granting children these types of recreational opportunities, but not if doing so would result in revenue shortfalls. He also asked the commissioners to disclose how they arrived at the decision to purchase this specific property for a sports complex.

Leroy LaRoque of Berlin supported the project, noted that game start and finish times at sports complexes are staggered to minimize traffic issues, and urged the commissioners to include recreational elements, like rock climbing and skating, along with indoor and outdoor fields.

Amy Peck of Berlin referenced the Crossroads study, noted that the facility is not needed, and cited concerns regarding the impact on taxes, traffic, and debt service.

Robert Holland of Berlin stated that he has been running sporting across Maryland for 40 years and recognizes the revenue that one, well-run complex can generate. He urged the commissioners not to miss out on this opportunity.

John Fager of Bishopville stated that the commissioners should have initiated this project 10 years ago and shouldn't let it go now, as the types of events at this facility will create great experiences for visiting families who will be drawn back to the area to vacation year after year.

Cindy Dillon of Ocean Pines did not support or opposed the project, but opposed the use of synthetic fields at such a complex due to the negative environmental impacts.

Dean Geracimos of Berlin stated that he is a big proponent of this needed asset and felt that it would be a win-win-win for local government, area businesses, and residents.

Kevin Myer of Ocean City supported the project, noting that such activities improve the local quality of life by getting youth off their cellphones and engaged in the community.

David Engelhart, a Berlin resident and planning director for the Town of Berlin, reviewed the potential negative impacts the project could have on Berlin services, and he urged the commissioners to include Berlin officials in the development of this project.

Larry Yates of Ocean City stated that the proposed sports complex would encourage youth to become and remain engaged in recreation and sports, and he urged the commissioners to approve this financially-responsible project.

Brad Hoffman of Ocean City thanked the commissioners for selecting an ideal location for such a phenomenal project and urged them to pursue public-private partnerships to make this endeavor a success. He also requested that the complex include an aquatics center and skate park.

Mary Adair of Berlin expressed concern that the commissioners are embarking on a project for which they have not done their due diligence. She urged them to slow down and get answers to the questions and concerns presented tonight before voting to move forward on this project.

Nicholas Eastman of Ocean City expressed concern that this project should be developed in Ocean City or the south end of the County, but not in Berlin where it will result in increased traffic congestion and the development of new hotels and restaurants around the sports complex.

Ron Strickler, Jr. of Berlin stated that there is a severe shortage of youth sports fields in the County and urged the commissioners to support this needed project.

Dave Tanner of Ocean Pines stated that recreation is a great investment; however, he urged the commissioners to upgrade and expand existing County parks rather than developing the proposed sports complex, which would likely result in a \$20 million tax burden to area residents.

Gina Velong of Berlin stated that she does not oppose developing a sports complex in the County; however, she opposes developing it in this location.

John Gehrig, an Ocean City resident and councilman, stated that the proposed sports complex would be a valuable community resource that would generate new revenues. He also noted that there are private businesses that are interested in contributing to this project and some of the best operators in the enterprise have expressed interest in running it. Therefore, he urged the commissioners to move forward with this project.

Reagan Smith, an Ocean City resident and coach, stated that this is the ideal location to host a sports complex because the hotels, businesses, and tourism opportunities necessary to

attract new visitors are already here. He noted that the cost of running these amenities are not born by local government but by the tournament developers and participants.

Marie Velong of Berlin stated that she is not against the proposed sports complex, but she opposes developing it in this location and using public funds for the project. She stressed that the debt such a project incurs would be passed on to their children.

Scott Chismar of Ocean City advised that the property being proposed is very expensive and questioned the lack of transparency surrounding this project. He also suggested that families would be just as apt to support a sports complex in Girdletree or Stockton as in Berlin.

Jay Phillips of West Ocean City stated that he built a sports complex 17 miles from Berlin, that it has generated \$5 million in revenues for Wicomico and Worcester Counties, and that the families who play on the fields often stay in Wicomico where the hotel rooms cost less. He stated that if the commissioners develop an affordable facility, it could have a chance.

Gerri Fentress of Berlin and the Delmarva Titans Organization asked the commissioners to postpone voting on this property acquisition until they can identify private-sector interest to fund this venture, so that taxpayers are not burdened by these costs.

Malcom Van Kirk, an Ocean City resident and business owner, stated that this project will benefit generations and urged the commissioners to support this project.

Jennifer Ketner of Newark, a mother of three youth involved in travel sports, supported this project, but strongly objected to its location and expressed concerns about the inadequacy of fields and girls locker room facilities at SDHS.

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

Commissioner Bertino advised that he is not opposed to the proposed sports complex, but does have strong concerns about such a complex being government-funded. He stated that residents have an expectation that their tax dollars will be used to fund roads, law enforcement, libraries, parks and recreation, and education; however, this use falls outside of that expectation. He reviewed his concerns with the proposed project and stated that the County does not have an operator or a partnership with anybody to develop and manage a sports complex.

Commissioner Bunting concurred, noting that he is not against the proposed sports complex, but he is against the County owning and operating such a facility. Furthermore, there is currently no business plan, the price is ridiculous, and such a facility should be located in the south end of the County to spur growth where it is most needed.

Commissioner Nordstrom stated that this project has been researched and discussed for many years, that the commissioners have done its due diligence by identifying and evaluating multiple sites County-wide, and the commissioners had to purchase the property before moving forward with the next steps because any property development would have to be site specific. He concluded that this project will be an economic driver and moving forward with it is the right thing to do.

Commissioner Purnell stated that this project would be located in her district, where there are few recreation and sports opportunities. She advised that this facility is necessary, that it would be an economic driver, and that it would be a great benefit to African American, Hispanic, and white youth alike, many of whom would never have access to such a facility if it is developed elsewhere.

Commissioner Mitrecic stated that the purpose of government is to provide services, and the only options on the table to fund needed public services are to raise taxes or generate new

revenues. He stated that the proposed sports complex would generate new revenues, that the commissioners would seek local, state, and federal grants to help cover project costs, and that this would be a privately-run company to be vetted by the County.

Following some discussion and upon a motion by Commissioner Nordstrom, the commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Church, and Elder voting in opposition, to purchase the proposed property in the Berlin area to develop a sports complex and to use bond funds of \$11.2 million to finance a portion of the project.

Following the public hearing, the commissioners adjourned to meet again on May 3, 2022.