

Minutes of the County Commissioners of Worcester County, Maryland

September 3, 2024

Anthony W. Bertino, Jr., president
Madison J. Bunting, Jr., vice president
Caryn G. Abbott (Absent)
Theodore J. Elder
Eric J. Fiori
Joseph M. Mitrecic
Diana Purnell

Following a motion by Commissioner Elder, seconded by Commissioner Bunting, with Commissioner Mitrecic temporarily out of the room and Commissioner Abbott 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 Weston Young, Deputy Chief Administrative Officer Candace Savage, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Development Review and Permitting Director Jennifer Keener, and Human Resources Director Stacey Norton and Deputy Director Pat Walls. Topics discussed and actions taken included the following: a personnel update, promoting Kelly Brittingham from custodial worker II to chief custodian within the Maintenance Division; Angela Russell from emergency communications specialist to emergency communications supervisor within Emergency Services; Catherine Zirkle from Development Review and Permitting (DRP) specialist III to customer service manager within DRP, and Sara Barron from part-time recreation program monitor to part-time after school zone supervisor within Recreation and Parks; hiring Roger Blades as a landfill operator I within the Solid Waste Division, Lynn Ransley as a recordation specialist within the Treasurer's Office, and Aaliyah Elsey as a correctional officer trainee within the County Jail; and other personnel matters; real property acquisition; receiving legal advice from counsel; and performing administrative functions; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Bunting, the commissioners unanimously voted to adjourn their closed session at 9:58 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Bertino called the meeting to order, and following a morning prayer by Davida Washington of Development Review and Permitting and pledge of allegiance, announced the topics discussed during the morning closed session. Commissioner Abbott was absent from the meeting.

The commissioners reviewed and approved the open and closed session minutes of their August 20, 2024 meeting as presented.

The commissioners presented a proclamation recognizing September as Suicide Prevention Month to Jesse Klump Memorial Fund President Kim Klump, Local Management Board Director Jackie Ward, and Worcester County Crisis Response Team Supervisors Meaghan Kauffman, Valaree Murphy, and Sandy Kerrigan. The commissioners highlighted the work of the Jesse Klump Memorial Fund, Life Crisis, and Worcester County Health Department to educate caring individuals to recognize the warning signs of suicide and to take action to save lives.

The commissioners presented a commendation to Recreation and Parks Director Kelly Rados and her staff for putting their knowledge, creativity, and partnerships to work to make their inaugural year leading Worcester County Fair operations an outstanding success. WCRP staff, with a crew of roughly 25 volunteers from Salisbury Christian Athletics, Future Farmers of America, 4-H, Worcester County Fair Board, and others, expanded the footprint of the fair to accommodate a record number of participants that included 1,583 exhibit entries, 48 artisan, craft, and non-profit vendors, seven food vendors, four alcohol vendors, and five bands. Livestock included pigs, sheep, goats, cows, poultry, and rabbits, and the cake auction raised \$1,400 to benefit the 4-H.

Upon a motion by Commissioner Elder, the commissioners unanimously approved by consent agenda item numbers 2-11 as follows: Broadband Expansion Grant Agreement with a 50% match up to \$500,000 to Choptank Electric Cooperative; Broadband Expansion Grant Agreement with a 50% match up to \$500,000 to Talkie Communications, Inc.; accepting a Gun Violence Reduction grant of \$24,679 and an Overdose and Drug Awareness Coordinator grant of \$71,821 for use within the Sheriff's Office; allocating \$150,000 in ARPA grant funds to the Snow Hill Fire Department to purchase self-contained breathing apparatus equipment; accepting a grant award of \$50,000 for the Board of Elections to purchase and install bulletproof glass in certain office areas; a Value Carpeting One contract for \$115,622.76 to replace the flooring at the Health Department office in Berlin; a contract with Carter CAT to purchase a 2024 excavator at a total cost of \$551,450 for use within the Solid Waste Division; the lowest responsive bid for corrugated metal and plastic pipe to Lane Enterprises, Inc. for \$108,234.84 for the Roads Division; a contract with registered dietician Hemali Mehta not to exceed \$7,500 to assure the nutritional content of Worcester County Jail inmate menus; and a contract with Granicus/Swagit for video services in the Worcester County Government Center boardroom (Room 1102) to record meetings, including the Board of License Commissioners, Board of Zoning Appeals, Planning Commission, and others.

The commissioners met with Board of Education Chief Financial Officer Vince Tolbert to discuss the written request of Superintendent Louis H. Taylor of the Board of Education to approve categorical budget transfers and budget amendment for FY24, with categorical increases to be offset by reductions in the categories of Instructional Salaries, Other Instructional Costs, and Fixed Charges. In response to a question by Commissioner Bertino, Mr. Tolbert confirmed that the implementation of new budgeting procedures should result in a reduced need for categorical transfers. Upon a motion by Commissioner Elder, the commissioners voted 5-1, with Commissioner Bunting voting in opposition, to approve the categorical budget transfers and budget amendment for FY24 as requested.

The commissioners received an update on completed, current, and upcoming Choptank Fiber projects to extend broadband to unserved and underserved areas, including the Pocomoke Forest and Libertytown. Those in attendance included Information Technology Director Brian Jones and Choptank Fiber Government Affairs and Public Relations Vice President Valerie Connelly, Technical Services Vice President Tim McGaha, Engineering Vice President Leroy Sverduk, and others. Ms. Connelly advised that Choptank Fiber, which has passed more than 13,700 locations, currently has 471 active subscribers out of 1,112 with service availability, is connecting an average of 30 households per week to internet. She advised that Choptank Fiber is completing grant funded projects years ahead of schedule and is competing for BEAD grants this fall to reach the last of the unserved. Following some discussion, the commissioners thanked Choptank Fiber officials for their update.

The commissioners conducted a public hearing on Bill 24-07 (Electrical Standards – Permits and Inspections), which was introduced by Commissioners Bertino, Bunting, Abbott, Elder, Fiori, Mitrecic, and Purnell on August 6, 2024. Development Review and Permitting Director Jennifer Keener reviewed the bill, which would amend the permit exceptions associated with electrical service to an existing structure already connected with an electric service in the County. She explained that increasing the amperage of electrical service installed from 20 to 100 amperes will reduce the number of electrical permits required for service to structures like pre-existing sheds, hot tubs, and spas.

Commissioner Bertino opened the floor to receive public comments.

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

Upon a motion by Commissioner Mitrecic, the commissioners unanimously adopted Bill 24-7 (Electrical Standards – Permits and Inspections) as presented.

The commissioners conducted a public hearing on Bill 24-08 (Zoning – Detached Accessory Buildings and Off-Street Parking in Campground Subdivisions), which was introduced by Commissioner Fiori on August 6, 2024. Ms. Keener advised that the bill, which would amend the campground subdivision regulations pertaining to detached accessory buildings and off-street parking requirements, received an unfavorable recommendation from the Planning Commission. She stated that the bill would allow a second accessory building, unenclosed, and slightly larger than existing permitted structures, eliminate all separation requirements between structures, and reduce parking requirements from two spaces to one space per campsite in a campground subdivision, which include White Horse Park (WHP) and Assateague Park.

Commissioner Bertino opened the floor to receive public comments.

Tracy Barnhardt and her husband, Joseph, of Spindrift Lane, advised that the structures, which would provide the shade needed for residents to enjoy their properties, are not wooden and would not be permanent, but they are far more durable than the umbrellas and other flimsy pop-up items that become projectiles in the wind. Ms. Barnhardt advised that they are not seeking to eliminate setback requirements for sheds. In response to Commissioner Bunting's concerns regarding reducing the required parking to one space, Ms. Barnhardt stated that plenty of offsite parking is available. She urged the commissioners to support the bill, with amendments if necessary. Commissioner Bunting noted that many of the streets in White Horse Park are only 20 feet wide, which when factoring in street parking are not wide enough to accommodate fire trucks. Furthermore, there is no fire protection in the subdivision. He concluded that for these

reasons he could not support eliminating the separation requirements, which would violate the fire code.

Phillip Wood of Soft Spray advised that lots in WHP lots are wide enough to have sheds that are six feet apart. He advised that the proposed changes would not impede emergency personnel fighting a fire or responding to any kind of emergency, and he urged the commissioners to approve Bill 24-07. In response to a question by Commissioner Bertino, Ms. Keener advised that the Code currently requires a six-foot separation, but there are a significant number of sheds in WHP that are only three feet apart based on a 1992 decision by the Board of Zoning Appeals that reduced setbacks to three feet. That change was repealed in 2009, when the six-foot separation requirement was reinstated.

Stacey Bitner of Assateague Point stated that streets in her neighborhood are much wider than WHP, and every property has a designated courtyard area for gazebos. Furthermore, there are no setback issues due to the size of the lots. She confirmed that the gazebos are not permanent structures; however, they are secured by bolts, and can easily be taken down during inclement weather. Leslie Oaks of Assateague Point concurred.

William O'Brian Junior of Assateague Point stated that he has had a gazebo on his property for 11 years, which provides the shade needed to enjoy his property. Therefore, he urged the commissioners to adopt Bill 24-08.

Attorney Spencer Ayres Cropper, speaking on behalf of the Assateague Point Homeowners Association, advised that his clients fully support Bill 24-08, except for the language limiting off-street parking.

Dennis Gentzel of Longboat Way in Assateague Point stated that, as someone who served as a volunteer fire fighter for over 50 years and retired from the Maryland State Fire Marshal's Office, he does not see the need for the six-foot separation or for not allowing two structures. In response to questions by Commissioner Bertino, Fire Marshal Matt Owens explained his reasons for opposing the proposed bill. He stated that 21 out of every 1,000 mobile home fires are fatal, versus seven for regular homes. He stated that this is due to the lightweight construction materials used in mobile homes. He advised that placing structures between units with reduced setback requirements would cause fires to spread rapidly between units. Furthermore, with roadway parking on already narrow streets, fire response times would increase because emergency vehicles would not be able to get down the roads. In response to questions by Commissioner Fiori, Fire Marshal Owens advised that the enforcement of separation distances in campgrounds are complaint driven, as the County does not have the staff to complete regular onsite compliance checks.

Louise Joel of Skipjack Drive in Assateague Point advised that his pergola in no way impedes access to home or patio, and he advised that he would be glad to pay any fees necessary to retain the right to keep it.

Liz Snowden of WHP opposed the six-foot separation requirement. She stated that the permit she submitted to install a gazebo on the property line was approved by the County, that the structure has always been on the property line, and she does not understand how the County can now try to enforce a six-foot setback. In response to questions by Commissioner Bertino, Ms. Keener advised that Ms. Snowden is talking about two separate items. There are no side or rear-yard setbacks, but there is a 10-foot front yard setback, and no changes are being proposed to those setbacks. Rather, this bill would eliminate the six-foot separation distance between structures. She confirmed that DRP has not issued any permits for gazebos, and while lot

coverage permits were issued by another department for lots in the critical area, which is not the same thing as DRP issuing a permit for a building. She stated that DRP denied permits to those property owners because the structures were over the limitations.

Charlie Macola of Ocean Oval in WHP stated that he received a permit to construct a steel gazebo, and at the time the permit was approved, he was told that no other permits would be required. In response to concerns raised by Commissioner Bertino, Environmental Programs Director Bob Mitchell stated that Environmental Programs approved three permits for lots that did not have pavers or permanent impervious area for a patio and that required very little planning mitigation. He stated that discussions took place between Environmental Programs and DRP regarding which office would handle permitting for these three properties only and agreed that no further permitting was needed. Ms. Keener disagreed, noting that zoning requires a permit. Commissioner Bertino stated that there are obvious issues that need to be resolved.

Debbie Gentzel of Longboat Way in Assateague Point stated that she has a sprinklered house and cannot understand why a 12-foot umbrella is permitted, but a pergola is not. In response to a question by Commissioner Fiori, Ms. Keener stated that the County does not issue permits for temporary structures, like an umbrella, but the structures being considered today are not temporary, but permanent, as attested to by the residents, including an individual who testified that her gazebo has been in place since 2019. She advised that there is no clear definition of the terms temporary and permanent in the Code, but there are examples of temporary structures included in the policy sheet. Commissioner Fiori stated that there need to be definitions, and these issues need to be cleared up before the commissioners consider the matter further.

Jack Walter of WHP stated that he installed a gazebo after purchasing his property 30 years ago, and throughout that time there have been no fires in WHP. He stated that he is handicapped, which makes it impossible for him to set up and take down temporary shade structures, so he urged the commissioners to adopt the proposed bill, which would allow senior citizens to enjoy their properties.

Michael Wood, son of Phil Wood, an Ocean Pines resident, and a Baltimore City fire fighter, reviewed fire safety facts for mobile homes.

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

Commissioner Elder stated concern that adopting this bill as written would reduce fire safety in campground subdivisions. Commissioner Fiori stated that the bill needs to be tightened up in some areas, but that the commissioners do not have enough information at this time to make a decision.

Following some discussion and upon a motion by Commissioner Fiori, the commissioners voted 4-2, with Commissioners Bertino and Bunting voting in opposition, to table agreed to table a decision on Bill 24-8 to provide them with additional time to consider new information brought forward by several residents during the hearing.

Pursuant to the recommendation of Mr. Mitchell and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the Agreement of Sale for the purchase of a Rural Legacy Area (RLA) easement between Dianne Disharoon (Seller) and the County Commissioners of Worcester County, Maryland (Buyer) for an easement on approximately 94 acres of land located between Disharoon Road and Shell Road in Snow Hill and west of U.S. Rt. 113 at a cost of \$3,898 per acre

Pursuant to the request of County Attorney Roscoe Leslie and upon a motion by Commissioner Bunting, the commissioners granted final approval of the assignment of a conservation easement in the Winding Creek subdivision.

Pursuant to the request of Budget Officer Kim Reynolds and upon a motion by Commissioner Mitrecic, the commissioners unanimously agreed to schedule a public hearing to amend the FY25 County Operating Budget.

Commissioner Mitrecic stated that insurance companies are refusing to continue to provide coverage to mobile homes in Ocean City that are 20 years old or more. He advised that this issue will likely impact White Horse Park and Assateague Point at some point in the future. Commissioner Bertino recommended bringing in Paul Ellington of State and Local Advisors, LLC, the County's lobbying firm, to help resolve this situation

In response to a motion by Commissioner Mitrecic, the commissioners unanimously agreed to send a letter to the Sussex County Council urging them to deny an application by Renewable Development, LLC, a subsidiary of US Wind, for a conditional approval ordinance to build an electric substation near the Indian River Power Plant and bring offshore wind power cables ashore to the proposed substation.

In response to a question by Commissioner Mitrecic regarding how to move forward with staggering the commissioners' terms, Mr. Leslie stated that they would need approval from the Maryland General Assembly to add this as a ballot question.

In response to concerns raised by Commissioner Elder, Mr. Baker agreed to conduct a speed study on Jones Road and provide the commissioners with recommendations to address road conditions and speed on that roadway.

The commissioners answered questions from the press, after which they adjourned to meet again on September 17, 2024.