

Minutes of the County Commissioners of Worcester County, Maryland

April 5, 2016

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

Following a motion by Commissioner Mitrecic, seconded by Commissioner Bertino, with Commissioner Lockfaw absent and Commissioner Elder temporarily 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), (7) and (10) of the General Provisions Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Maureen Howarth, County Attorney; Kim Moses, Public Information Officer; Stacey Norton, Human Resources Director; and Sheriff Reggie Mason. Topics discussed and actions taken included: agreeing to advertise to hire two Roads Workers in the Roads Division and a Chief Custodian in the Maintenance Division of Public Works; hiring Jeff Lyter as a Plumbing Inspector II for Environmental Programs; acknowledging the hiring of Paul T. Bissman as a Deputy within the Sheriff's Office; discussing public security with Sheriff Mason; receiving legal advice from counsel; and performing administrative functions.

Commissioner Lockfaw was absent from the closed session meeting, and Commissioner Elder was temporarily absent at the opening of the closed session meeting.

After the closed session, the Commissioners reconvened in open session. Commissioner Bunting called the meeting to order and announced the topics discussed during the March 22, 2016 closed budget work session and the April 5, 2016 morning closed session.

The Commissioners reviewed and approved the minutes of their March 15, 2016 open and closed session meetings as presented.

The Commissioners presented a proclamation to Snow Hill Ecumenical Food Pantry President Stephanie Clayville and other members recognizing April 10-16, 2016 as National Volunteer Week, and honoring the Snow Hill Ecumenical Food Pantry volunteers for the investment this group has been making to improve the quality of life here in Worcester County by providing nourishing meals and other necessities to those in need in Snow Hill and the surrounding area for more than 30 years. During the presentation, Volunteer Services Manager Kelly Brinkley presented food pantry members with the prestigious President's Gold Service

Award for investing over 3,000 volunteer hours into feeding the hungry in 2015. Commissioner Bunting declared that, while State officials consider Worcester County to be a wealthy County because of its property values, the real value is in residents like the food pantry members who volunteer their time to help others and make Worcester County a better place to live, work and raise a family.

The Commissioners presented a proclamation recognizing April as Fair Housing Month to Housing Program Administrator Jo Ellen Bynum and encouraged residents and property owners to support and endorse the practice and policy of fair housing.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Mitrecic, the Commissioners unanimously awarded the low bid for the rehabilitation of a single-family home in the Berlin area to Shoreman Construction Company of Delmar, Maryland at a total cost of \$20,480, which was revised from the original bid price of \$20,500 to correct a miscalculation on the part of the contractor and with the contractor agreeing to the corrected total. Commissioner Mitrecic suggested providing a new roof rather than an overlaid roof for future bid specifications.

Pursuant to the request of Ms. Bynum and upon a motion by Commissioner Purnell, the Commissioners unanimously awarded the only bid for the rehabilitation and lead risk reduction of a single-family home in the Stockton area to Allstate Renovation & New Homes, Inc. of Trappe, Maryland at a total cost of \$40,725, which is within the budget estimate for this project.

Pursuant to the request of Ms. Bynum and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved bid specifications for the general rehabilitation of an owner-occupied home in the Berlin area, which is to be funded through the County's current Housing Rehabilitation Grant. Commissioner Mitrecic appreciated the fact that a new roof was specified rather than an overlaid roof.

Pursuant to the request of Attorney Mark Cropper and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Bunting to sign the Revised and Final Agreements for Riddle Farm Sewer and Water Expansion to expand services provided by the Riddle Farm Sanitary Service Area (SSA) to extend public water and sewer service to serve properties on Samuel Bowen Boulevard (U.S. Rt. 50 Service Road). Specific agreements approved include the Revised and Final Worcester County Small Project Wastewater and/or Water Agreement; Revised and Final Glen Riddle Spray Irrigation Agreement; and sample Glen Riddle Wastewater Purchase Agreement. Mr. Cropper thanked the Commissioners and staff for their support of this public-private partnership, which has been in the works since 2011, noting that this partnership epitomizes the County's missive "Citizens and Government Working Together."

Pursuant to the recommendation of Lieutenant Neil Adams upon requests from Chris Cropper, President of the Showell Volunteer Fire Department, and John Moses, Director of the Criminal Justice Department at Wor-Wic Community College (WWCC), and upon a motion by

Commissioner Mitrecic, the Commissioners unanimously declared one 2006 Ford Expedition with 202,666 miles and one 2007 Ford Crown Victoria with over 209,500 miles, respectively, to be surplus property and agreed to notify the public of their intent to dispose of these items as for other public purposes by donating these vehicles to the Showell Volunteer Fire Department to use as a command vehicle and WWCC to teach pursuit driving to police recruits. In response to a question by Commissioner Elder, Lt. Adams advised that the value for each vehicle if sold in the surplus property auction ranges between \$800 to \$1,000. Upon a question by Commissioner Bertino, Assistant Chief Administrative Officer Kelly Shannahan stated that the estimated cost of advertising to dispose of this surplus property should be around \$200 to \$300.

Pursuant to the recommendation of County Engineer Bill Bradshaw in response to a request from Chief Administrative Officer Harold Higgins and upon a motion by Commissioner Church, the Commissioners unanimously accepted the proposal from Gipe Associates, Inc. of Easton, Maryland for design and contract administration for installation of revised ventilation and climate control for the Evidence Storage Room in the Sheriff's Office at a lump sum cost of \$9,000, plus out-of-pocket expenses.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized staff to apply for a one-time grant from the Maryland Department of the Environment (MDE) of up to \$15,000 to help cover costs associated with collecting and recycling electronics and computers through the Statewide Computer Recycling Program.

Pursuant to the recommendation of Development Review and Permitting Director Ed Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously adopted the Findings of Fact and Zoning Reclassification Resolution No. 16-03, regarding Rezoning Case No. 398, filed by Attorney Hugh Cropper, IV on behalf of Salt Grass Bali Hi, LLC, property owner, which was heard by the Commissioners on March 15, 2016 and which formally rezones approximately 24.031 acres of land located on the south side of St. Martins Neck Road and east side of Salt Grass Point Road, identified on Tax Map 10 as part of Parcel 314 (Outparcel 1) from E-1 Estate District to A-2 Agricultural District.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to schedule a public hearing on Rezoning Case No. 397 for May 3, 2016. This application was submitted by Attorney Hugh Cropper, IV, on behalf of GRC Development, LLC, and seeks to rezone approximately 3.45 acres of land located on the westerly side of Golf Course Road to the north of Sunset Avenue, and more specifically identified on Tax Map 27 as Parcel 702 - Lot 2, Block G in the Tenth Tax District of Worcester County, Maryland from R-3 Multi-Family Residential District to C-2 General Commercial District. Mr. Tudor advised that the application received a favorable recommendation from the Planning Commission. In response to a question by Commissioner Elder, Mr. Tudor advised that the applicants' claim as the basis for their rezoning request is that there is a mistake in the existing zoning of the petitioned area.

The Commissioners met with Mr. Tudor to discuss a request by Attorney Joseph E. Moore, on behalf of Coastal Hospice, Inc., for an amendment to the Isle of Wight-Turville Creek Planned Unit Development (PUD) - PUD 87-3, which was originally approved in 1989, to convert the abandoned clubhouse on the property that was formerly known as Phase 4 of the Points Reach Condominium in Section 17, within the Ocean Pines subdivision, and more specifically identified on Tax Map 21 as Parcel 317, into a hospice facility. Mr. Tudor stated that the proposed use of the abandoned clubhouse by Coastal Hospice was not contemplated almost 30 years ago, but it is not dissimilar to other uses permitted in the PUD at the time nor dissimilar to the many forms of residential uses that were specifically enumerated in the Commissioners' original approval. Consequently he does not believe the current proposal is a substantial deviation from the original Step 1 approval; thus if the Commissioners concur with staff's conclusion, it will not be necessary for the Commissioners to conduct a public hearing to amend the Step 1 PUD approval. However, since the proposed use is not expressly permitted by either today's regulations nor the 1978 Zoning Code under which the PUD was developed, it will be necessary for Coastal Hospice to apply for and be granted a special exception by the Board of Zoning Appeals as a use similar in nature to a permitted use, but not specifically mentioned in another zoning district. He concluded that if permitted the proposal would enable the long-vacant building to be used to the benefit of the County at large.

Commissioner Bunting invited Attorney Joe Moore to further explain his client's proposal and his request of the Commissioners. Mr. Moore stated that the Commissioners' task is to determine whether the proposed use of the clubhouse building as a palliative and hospice care facility would be a major change to the original Step I PUD, and he proffered that it is not. He advised that he has submitted a revised Step II Isle of Wight-Turville Creek PUD site plan prepared by Frank G. Lynch, Jr. & Associates, Inc., which demonstrates that open space is provided that is equal to 40.073 acres or 44.3% of the 90.5-acre site, which substantially exceeds the Code required 30% or 27.15. He stated that the proposed residential facility will include eight beds with room to expand to 12 beds to meet the needs of people who are unable to be cared for by hospice in their own homes. He stated that there is a need for this type of facility in Worcester County, and he advised that 55% of Coastal Hospice patients in 2014 were from the 21811 zipcode, which includes the Berlin and Ocean Pines areas, and he asked the Commissioners to help make this needed community amenity a reality.

Commissioner Mitrecic stated that there is no better place for Coastal Hospice to be located locally than in this spot, and he agrees that the proposed use is consistent with those that would have been allowed in the PUD.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously found that the proposed addition of a Coastal Hospice facility in this location is not a substantial deviation from the original Step 1 approval of the PUD; therefore, the proposal does not need to be presented at a public hearing before the County Commissioners.

The Commissioners met with Department of Liquor Control (DLC) Interim Director Laura Burns-Reinhart to discuss the proposed liquidation of non-moving liquor products for sale in Shore Spirits Retail Liquor Stores by discounting the products. Chief Administrative Officer Harold Higgins further recommended authorizing the Liquor Committee to modify inventory

pricing on an as-needed basis, rather than waiting to bring such requests to the Commissioners at their twice-monthly meetings, to take advantage of opportunities to liquidate DLC inventory throughout the 2016 summer season to minimize County losses as staff wraps up DLC operations.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved the proposed liquidation pricing of non-moving retail inventory as presented and also approved Mr. Higgins' request to allow the Liquor Committee to revise retail liquor pricing as appropriate in the future, with discounts up to 10% below cost as needed to liquidate inventory.

Pursuant to the request of Budget Officer Kathy Whited and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved the required advertisement entitled "Notice of Public Hearing FY17 Requested Operating Budget," which will run in area newspapers the weeks of April 20 and April 27, 2016 advising the public that the budget hearing will take place on Tuesday, May 3, 2016 at 7:00 p.m. at Snow Hill High School.

The Commissioners met with Ms. Whited to review the proposed FY17 Constant Yield Advertisement, which has already been approved by the Maryland Department of Assessments and Taxation, to be advertised in area newspapers during the week of April 20, 2016. Ms. Whited explained that, in accordance with State law, the notice states that, for the tax year beginning July 1, 2016, the estimated real property assessable base will increase by 1.3%, from \$14,363,311,380 to \$14,545,486,183, and if the County maintains the current tax rate of \$0.835 per \$100 of assessment, real property tax revenues will increase by \$1,521,160 or 1.3%. The notice states that, to fully offset the effect of increasing assessments, the real property tax rate should be reduced to \$0.8245 per \$100 of assessment, the Constant Yield Tax Rate (CYTR). The County is considering not reducing its real property tax rate enough to fully offset increasing assessments and instead proposes to adopt a real property tax rate of \$0.87 per \$100 of assessment. This tax rate is 5.5% higher than the CYTR and will generate an additional \$6,618,196 in real property tax revenues. Upon a motion by Commissioner Bertino, the Commissioners unanimously approved the FY17 Constant Yield advertisement as required by State law.

Mr. Higgins advised that the County is mandated by the State to run the advertisement as written and reflects the tax rate if the Commissioners were to fully fund the requested operating budget. However, he stated that the budget will be balanced by increased revenues, decreased expenses or a combination of the two. He advised that the public hearing on the CYTR will take place during the FY17 Budget Hearing at 7:00 p.m. on May 3, 2016 at Snow Hill High School.

The Commissioners answered questions from the press, after which they adjourned to meet again on April 19, 2016.